Question for oral answer O-000013/2023

to the Commission

Rule 136

Jeroen Lenaers
on behalf of the Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware

Subject: Lack of action taken by the Commission in the context of the duty of sincere and loyal cooperation

As part of its fact-finding mission, the PEGA Committee sent a questionnaire to the Member States on 14 July 2022. It contained questions about the use of spyware, the legislation governing such use and the establishment of ex ante authorisation and ex post supervision. A similar questionnaire was also sent to the Commission.

On 12 October 2022, the Czech Presidency sent a joint answer, which did not contain any of the information requested but assurances that the Member States would fulfil their obligations of sincere and loyal cooperation.

The PEGA Committee also received answers from some individual Member States and through parliamentary bodies. There was no response at all from the Netherlands, Czechia, Denmark, Italy or Malta. Parliament’s scrutiny of the implementation of Union law under Article 226 of the Treaty on the Functioning of the European Union is mutually supportive to that of the Commission under Article 17 of the Treaty on European Union. It is for the Commission to bring action for Treaty violations. Therefore, Parliament – which considers the duty of sincere and loyal cooperation to be unfulfilled – would like to inquire:

1. What action has the Commission taken, or will it take in response to this breach of the duty of sincere and loyal cooperation by the Member States?

2. Has it initiated procedures to address this violation and, if not, when will it do so?

3. Can it explain what steps it has taken to fulfil its own duty of sincere and loyal cooperation with the PEGA Committee?

Submitted: 6.3.2023

Lapses: 7.6.2023