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Europol Joint Parliamentary Scrutiny Group

Thank you, Chair, dear secretaries general,

Our original intention was to have Mrs Pfundtner, the political representative of the JPSG Working Group present the state of play on this dossier to you, however she was unable to be with us today, and I have the honour to fulfill this task in her absence. In the Working Group we felt that it was important to keep all parliaments informed and appraised of the progress made and the envisaged steps, particularly as we are approaching the Speakers Conference in April. I am therefore glad that a space for this topic could be found on the agenda of the Secretaries General and I hope that in the preparation of your Speaker you will find this information useful.

As you know, the Working Group on the modalities of the Europol Parliamentary Scrutiny Group, or JPSG for short, was established in the last Conference of Speakers held in Luxembourg in May 2016. The Working Group is composed of the parliaments of the presidential Troika (meaning, Luxembourg, Slovakia, Estonia and the European Parliament). The Speakers also set out a step-by-step process of how the Working Group should conduct its work and emphasized that it needs to do so in consultation with all other parliaments.

Please allow me, therefore, to briefly describe progress of the work of the Working Group until now.

In order to map all the parliaments' preliminary opinions on the setting up of the JPSG, the Working Group first devised a questionnaire. The questionnaire comprising several basic questions (such as who should be the members of the JPSG, how many should there be, where and how often should the JPSG meet, and under whose leadership) was sent to all national parliaments and the European Parliament on 23 September 2016. Altogether 34 Parliaments or chambers representing 25 member states and the European Parliament have answered the questionnaire. The Working Group then carefully considered the replies and on their basis created a draft proposal for the modalities of the JPSG.

As far as the details of this first consultation and proposal, it has to be said, that the replies to the questionnaire showed a great deal of variance on all questions presented. It was apparent that parliaments had very diverging opinions on all matters related to the JPSG and that the Working Group had to find ways in order to bring the many different views together towards a common compromise.

Thus, on the question of who should be the members of the JPSG, there was no clear majority preference for one of the options proposed in the questionnaire. The Working Group therefore decided to propose that members of the JPSG should be selected individually by each Parliament or Chamber.

On the question of how many member should there be in the JPSG, there was also not a clear common direction apparent from the answers to the questionnaire. However, a clear majority of parliaments preferred to introduce a new format for the JPSG, as opposed to following an already established format of inter-parliamentary cooperation, such as COSAC or the CFSP and Article 13 conferences. There was a wide range of opinions as to the question of how to treat the European Parliament in relation to national parliaments. On the amount of members to be allocated to the individual national parliaments there was a clear split between those asking for limited representation of 2 or less members per parliament and those asking for a wider representation of at least 4 or more members per parliament, with no majority either way. In the absence of a clear direction and preference on this question, the Working Group considered that factors such as efficiency and workability are also important considerations that needed to be taken into proper account. Therefore the Working Group decided to propose that the JPSG should have a total membership of 62 member, meaning 2 members per national parliament and 6 members of the European Parliament.

On the question of frequency, date and presidency of meetings, there was also not a clear majority indication. The Working Group attempted to break down the different components of the question, and considering also the important question of efficiency decided to make the following proposal: the JPSG should be presided jointly by the EP and the parliament holding the rotating presidency, that it should meet once a year in the EP if necessary an extraordinary meeting can be called..

The questionnaire also included an open-ended question, where parliaments could express additional opinions or share their experiences with parliamentary scrutiny of police work. Several parliaments have submitted replies providing examples of how scrutiny of police work is conducted within their national capacity. One parliament considered that suggestions for rules of procedure should be made already at this stage. The Working Group therefore proposed that in the next step of the consultation process, the floor should be opened also to additional matters not addressed in the questionnaire to see whether any further questions could be resolved at this stage as well.

This draft proposal, as just described to you, was presented to all Parliaments as a basis for further political discussion in the LIBE Inter-parliamentary Committee Meeting on 28 November 2016.

Political representatives of 31 Parliaments or Chambers representing 23 member states and the European Parliament participated in the LIBE inter-parliamentary meeting and discussed the draft proposal. On the basis of the opinions expressed in the meeting, the Working Group has re-evaluated its draft proposal where necessary and prepared a new draft text.

On the question of membership in the JPSG, noone disagreed with the proposition of the Working Group. For the purposes of the new text only an additional reference to ensure continuity in membership was added, upon suggestion of the German Bundestag.

On the question of the numerical composition of the JPSG three delegations, namely the German Bundestag, the Spanish Senate and the Polish Sejm emphasized that national Parliaments should be able to nominate more than 2 members of the JPSG, in order to make better provisions for bicameral parliaments and to reflect political diversity. Furthermore, the EP petitioned for a larger numerical representation. As only a very small number of national

Parliaments disagreed with the original proposal, the Working Group considered that the proposal of a small group of 60-something members should be largely maintained, meaning 2 members for national parliaments and a slight increase from 6 to 10 members for the European Parliament.

On the remaining questions, a number of Parliaments argued that the Scrutiny Group should meet more than once and that extraordinary meetings should be better defined. The Working Group therefore amended its original proposal and suggested in the new text, that the JPSG should meet twice a year, in the presidency country in the first semester and in the EP in the second semester, and defined conditions for an extraordinary meeting.

On additional matters and questions outside the scope of the basic modalities of the functioning of the JPSG, some supplementary suggestions were made in the political meeting, though none received immediate broad support. These included for examples questions of creation of sub-groups, establishment of a permanent secretariat and proposals for voting mechanisms. Since none of the suggestions made invited a semblance of consensus, the Working Group reiterated its original proposal to deal with questions of basic functioning only at this point, and leave the rest for the rules of procedure.

The draft text according to these considerations was sent out to Parliaments on 16 December 2016. Parliaments had until 3 February 2017 to submit amendments to this draft text if they so wished.

Within the proposed deadline, 4 Parliaments or Chambers submitted amendments to the draft text. These include the German Bundestag, the German Bundesrat, the Polish Sejm and the Cypriot parliament.

Allow me to take a moment to present these positions to you for the benefit of sharing all available information also outside of the Working Group:

In addition to the actual amendments, several other parliaments have submitted some comments for the consideration of the Working Group. The Parliaments of Denmark and Norway have asked to consider also special status countries in the work of the JPSG. The French Assembly has submitted a position in support of the majority of the amendments of the Bundestag with the exception of the numerical membership of the JPSG. The Parliaments of Sweden, Portugal, Lithuania, Croatia, the Czech Chamber, the UK House of Lords and both Chambers of the Dutch Parliament have informed the Working Group that they support the entirety of the draft text of the Working Group.

Copies of all the amendments and the additional positions expressed by Parliaments have been made available to all Parliaments and also to you ahead of this meeting. We hope you will find this information useful in preparing your Speaker for the Speaker Conference to be held in Bratislava in April, where the final decision on these questions will be adopted.

Now, please allow me to conclude this presentation with a view to the future and the next steps. Considering that only 4 of the 42 Chambers that are engaged in inter-parliamentary cooperation, submitted amendments it can be assumed that a large majority is in favour of the current proposal. The Working Group has nonetheless carefully considered the amendments submitted and will now initiate individual bilateral consultations with the Parliaments or Chambers who submitted them, with a view to better understand their concerns and to reconcile these with the

majority opinion to the fullest extent possible. The Working Group will also continue to keep all the Parliaments informed on the progress made in this regard, through the network of the parliamentary representatives in Brussels, so as to facilitate equal, complete and transparent preparation of all of our Speakers on this question ahead of the April Speakers Conference.

Should your Parliaments have any additional information to share, that might be useful for all Parliaments, we invite you to use this opportunity today, or to write to the Working Group ahead of the Speakers Conference. Should you have any questions in relation to the work, processes and progress of the Working Group, or on the next steps to be taken, I will be happy to answer those to the best of my knowledge.