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XL COSAC

Scrutiny of Europol and Evaluation of Eurojust

(November 4th, 2008)

Mr Haenel's introductory words

Ladies and Gentlemen,

Through the referendum on the Constitutional Treaty or on the Lisbon Treaty, the peoples have sent us messages that we have to take into account. They think Europe's weight is too heavy in some fields. To this respect, the subsidiarity check is essential. But, at the same time, they also want Europe to be more present in other fields. This is particularly true for what concerns their security. The development of police and judicial cooperation therefore constitutes a major stake to meet our fellow citizens' expectations.

Two organizations play an important part in this field: **Europol** for the police cooperation, **Eurojust** for the judicial cooperation.

These cooperations are necessary. But they must be submitted to a democratic control. And national parliaments must be associated to this control.

Indeed, national parliaments traditionally have an eminent mission as regards the scrutiny of the police activities and the evaluation of the judicial activities. Associating national parliaments to the procedures of control of these cooperations led by the European Parliament thus complies with both a democratic requirement and a purpose of efficiency.

The Lisbon Treaty precisely recognizes that the interparliamentary cooperation “*between national parliaments and with the European Parliament*” contributes to “*the good functioning of the Union*”.

I remind you that the idea of organizing a parliamentary scrutiny of Europol is not new. Indeed, it was brought up during a parliamentary conference held in The Hague in 2001. At that time, some speakers had made some suggestions about the forms of this scrutiny.

For instance, Antonio Vitorino, who was then the European Commissioner in charge of justice and internal security, had spoken in favour of “*a form of association between the members of national parliaments and the members of the European Parliament*” for the exercise of this scrutiny. He had suggested conducting it at first in an informal framework, before considering subsequently its institutionalization.

The European Commission also proposed in 2002 the participation of national parliaments in the democratic scrutiny of Europol. The idea was discussed within the Council.

The European Commission's proposal considered the possibility for the European Parliament to create a parliamentary joint committee of representatives from the European Parliament and from national parliaments. This joint committee would have examined the questions related to Europol and would have conducted the "*hearing*" of Europol's director. However, this measure was modified during the negotiations at the Council, and national parliaments were removed.

And yet, the need for cooperation between the European Parliament and national parliaments has emerged during the Convention's works as well as during the preparation of the Lisbon Treaty. The latter states that the rules which shall determine "*Europol's structure, operation, field of action and tasks*" shall also lay down "*the procedures for scrutiny of Europol's activities by the European Parliament, together with national parliaments*".

Let us be quite clear about this. We do not intend to anticipate today the coming into force of the Lisbon Treaty. But it is useful to have here and now an exploratory debate about the possible forms of cooperation between national parliaments and the European Parliament on these matters.

To that end, it seems relevant to think about the following questions:

- Should the effective implementation of the association of national parliaments to the scrutiny of Europol take the form of a joint committee between the European Parliament and national parliaments, according to the idea voiced eight years ago?
- What should be-if the need arises- the prerogatives of such a committee (scrutiny of Europol's yearly report, scrutiny of its budget, and hearing of its director...)?

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Likewise, national parliaments must also be associated to the evaluation of Eurojust's activities. This is stated in the Lisbon Treaty.

The current decision establishing Eurojust has only imposed information of the Council and of the European Parliament about Eurojust's activities and management.

Here again, the prospect of associating national parliaments to this mechanism must lead us to focus on some questions:

- Would it be sufficient to extend to national parliaments the information currently passed on to the Council and to the European Parliament?
- Do we need to go farther and to create a direct relation between Eurojust and all the parliaments (the European Parliament and national parliaments)?
- In this framework, shouldn't these parliaments be entitled to meet Eurojust's officials?
- Finally, would it be useful to institute a common body as a joint committee?

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These are a few thoughts and questioning that I wanted to share with you to open our debates.

I repeat that in our mind, the debate which is going to take place only intends to explore the question, to record the suggestions of everyone, and to underline the difficulties and possibilities.

From this debate, it could be up to the Czech Presidency to precise the conceivable solutions and to provoke a debate about some proposals during the Prague COSAC.

Thus, if – as we hope it- the Lisbon Treaty happens to come into force in a reasonable delay, we won't be caught off the guard and we –both the European Parliament and national parliaments- will be able to express our views to the European Commission and to the Council as regards the exercise of the democratic control on these tricky matters.