

RULES OF PROCEDURE OF THE JOINT PARLIAMENTARY SCRUTINY GROUP ON EUROPOL

PREAMBLE

The Joint Parliamentary Scrutiny Group on Europol, having regard to:

- Article 88 of the Treaty on the Functioning of the European Union,
- Protocol No 1 to the Treaties on the Role of National Parliaments in the European Union,
- Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol), hereinafter referred to as the “Europol Regulation”, applicable as of 1 May 2017,

and in accordance with the Conclusions of the Conference of Speakers of the European Union Parliaments at its meetings of 22-24 May 2016 in Luxembourg and of 23-24 April 2017 in Bratislava,

adopted these Rules of Procedure on 19 March 2018 in Sofia, Bulgaria, revised them on 23 September 2019 and on 26 October 2021 in Brussels, Belgium.

ARTICLE 1: TASKS AND COMPETENCE

The tasks and competence of the Joint Parliamentary Scrutiny Group are enshrined in the Europol Regulation, in particular in Article 51.

ARTICLE 2: COMPOSITION

2.1 Members

(a) Each national Parliament shall be represented by a maximum of four members in the JPSG.¹ In the case of bicameral parliaments each Chamber shall have the right to nominate up to two

¹ Please take note of the Protocol on the participation by the Danish Parliament in the JPSG (Addendum)

members to the JPSG. The European Parliament shall be represented by a maximum of 16 members in the JPSG.²

The number of members nominated by each Parliament/Chamber shall not affect the equality of Parliaments/Chambers. Each Parliament/Chamber may nominate substitute members to replace full members in case of absence.

(b) Members of the JPSG shall be selected individually by each Parliament/Chamber, bearing in mind the necessity to ensure substance matter expertise as well as long-term continuity. Where possible, members of the JPSG shall be nominated for the duration of their parliamentary mandate.

2.2 Observers

The JPSG may decide to invite, on an ad hoc basis and for specific points on the agenda, observers from the list of international organisations or third countries with which Europol has concluded agreements.

Observers shall not have the right to take part in the decision-making.

2.3 Representatives of Europol, guests and experts

Pursuant to the Europol Regulation, and in particular Article 51, the Chairperson of the Management Board, the Executive Director or their Deputies, and the European Data Protection Supervisor (EDPS) shall appear before the JPSG at its request. The JPSG may decide, where appropriate, to invite to its meetings guests and experts with experience relevant to its competence and tasks.

ARTICLE 3: PRESIDENCY AND MEETINGS

3.1 Presidency

The JPSG shall be presided jointly by the Parliament of the Member State holding the rotating presidency of the Council of the European Union and the European Parliament, the latter represented by the Chair of the competent committee (Co-Chairs).

When the Parliament of the Member State holding the rotating presidency of the Council of the European Union is not taking part in the Europol Regulation, the JPSG shall be presided jointly by the Parliament of the Member State previously holding the rotating presidency of the Council of the European Union and the European Parliament.

3.2 Presidential Troika

The Presidential Troika of the JPSG shall consist of the heads of delegations of the current, preceding and following Presidency Parliaments and of the European Parliament.

3.3 Secretariat

² This shall be without prejudice to the transferability of seats between chambers of a parliament, when agreed.

The JPSG Secretariat shall be provided by the Presidential Troika. The Secretariat shall assist the Co-Chairs and Presidential Troika in their respective tasks and competences. It shall also fulfil administrative tasks i.a. prepare and communicate the documents for each meeting to JPSG members.

3.4 Frequency and place of meetings

The JPSG shall meet twice a year. In the first half of the year, the JPSG shall meet in the Parliament of the Member State holding the rotating presidency of the Council of the European Union. In the second half of the year, the JPSG shall meet in the European Parliament in Brussels.

3.5 Extraordinary meetings

If necessary, extraordinary meetings can be convened upon agreement of the Parliament of the Member State holding the rotating presidency of the Council of the European Union and the European Parliament, or upon agreement by at least one third of the Parliaments/Chambers, to address matters of urgency or matters that cannot be reasonably included in the agenda of the ordinary meetings. The date and venue of extraordinary meetings shall be decided jointly by the JPSG Co-Chairs.

3.6 Subgroups

The JPSG may establish subgroups where necessary to fulfil its tasks. The mandate, role, scope, objectives and working methods of the subgroup shall be set on an ad hoc basis. All JPSG members shall have the right to join such subgroups.

ARTICLE 4: PROCEEDINGS AND LANGUAGES

4.1 Conduct of meetings

(a) At the beginning of each meeting, the Co-Chairs shall present the draft agenda and submit it for adoption by the JPSG. They shall also determine the order and the length of interventions.

(b) As a general rule, the meetings of the JPSG are public and shall be conducted in full transparency.

(c) Notwithstanding point b), the JPSG may hold in camera meetings when the nature of the information to be discussed so requires.

(d) A presence register of the Members and participants shall be established during each meeting.

(e) The JPSG shall adopt its decisions, in principle, by consensus.

4.2. Right to ask questions

Members of the JPSG may address both oral and written questions to Europol. Written questions may also be asked outside the meeting framework and independently of items listed on the agenda and shall be answered within an appropriate timeframe. The questions shall

reflect the mandate of the JPSG as defined in Regulation (EU) 2016/794 (Europol Regulation). These questions shall be relayed to Europol after their admissibility has been checked by the Co-Chairs and the question is deemed to be in line with the Europol regulation. A further written reply can be requested in case the answer to an oral question is deemed insufficient.

4.3 Working languages

The working languages of the JPSG shall be English and French. Documents published by the JSPG shall be communicated to the national Parliaments and the European Parliament in English and French.

4.4 Interpretation

(a) Meetings held at the Parliament of the Member State holding the presidency of the Council of the European Union (1st semester): Simultaneous interpretation from and into English and French, as well as from and into the language(s) of the Member State of the EU Council Presidency shall be provided by the Presidency Parliament. Simultaneous interpretation into additional languages may be provided if requested. Parliaments are entitled to bring their own interpreters or request them from the Presidency Parliament at their own expense. The Presidency Parliament shall make available the appropriate technical facilities.

(b) Meetings held at the European Parliament (2nd semester): Simultaneous interpretation from and into all EU languages shall be provided.

4.5 Documents

Documents originating from Europol that are relevant to or requested by the JPSG pursuant to Article 51 (4) of the Europol Regulation, are to be addressed to each national parliament and the European Parliament. The respective parliaments will bear the responsibility to forward the received documents to the appointed JPSG Members.

4.6 Documentation of the meetings

4.6.1. Agenda of the meeting

A draft agenda shall be drawn up by the Presidential Troika and shall be communicated, by the Co-Chairs, to all participating parliaments no later than eight (8) weeks prior to each meeting. The agenda shall only include matters relating to the scrutiny of Europol, in line with the tasks and competence of the JPSG as set out in the Europol Regulation.

4.6.2. Other documents

Prior to each meeting, delegations may send any documents relating to items of the agenda to the Co-Chairs. Each delegation shall be responsible for translating any document, which it submits to the JPSG into English and/or French.

The Presidential Troika may also draw up discussion documents.

4.6.3. Requests to Europol for providing documents

In accordance with Article 51 (4) of the Europol Regulation the JPSG may request other relevant documents necessary for the fulfilment of its tasks relating to the political monitoring of Europol's activities. Any JPSG parliamentary delegation may submit such a written request to the Co-Chairs. Documents shall be provided in accordance with Article 64 of the Europol Regulation.

4.7. Conclusions

In accordance with Article 51 (5) of the Europol Regulation, the JPSG may draw up summary conclusions on the outcome of the JPSG meetings relating to the political monitoring of Europol's activities. The Presidential Troika shall draft an initial proposal. The Co-Chairs shall submit these draft conclusions to the JPSG for approval. Parliaments/Chambers shall have the right to propose amendments. Parliaments/Chambers wishing to put forward a specific point of view, may present observations which shall be annexed to the conclusions. The European Parliament shall forward the adopted conclusions, for information purposes, to the Council, the Commission and Europol.

ARTICLE 5: REPRESENTATIVE TO THE MANAGEMENT BOARD OF EUROPOL

The JPSG shall have two Members as representatives entitled to attend, in accordance with Article 14 of the Europol Regulation and for a duration determined by the JPSG, the meetings of the Management Board of Europol as a non-voting observers. One Member shall be delegated by the European Parliament and the other Member from the JPSG delegation of the Parliament of the Member State holding the rotating Presidency of the Council of the European Union. Only one of them will address the Management Board on the JPSG's behalf. Ahead of each meeting to which they are invited, the two representatives agree on which of the two is designated to address the Management Board. The representatives shall report back to the JPSG after each meeting of the Management Board on their main findings in writing.

ARTICLE 6: FINAL PROVISIONS

6.1 Entry into force of the Rules of Procedure

These Rules of Procedure are drawn up in a single original in English and French, each of these texts being equally authentic. Translations into the other official languages of the European Union shall be the responsibility of the relevant Parliaments. The Rules of Procedure shall enter into force on the date of their adoption.

6.2. Revision

The JPSG delegations may submit proposals for a revision of the Rules of Procedure. These proposals and a statement of reasons shall be submitted in writing to the JPSG Co-Chairs and to the Troika, and forwarded to all JPSG delegations, at least four months ahead of a JPSG meeting. The Troika decides whether to put the proposals for revision of the Rules of Procedure

on the agenda of the first or second JPSG meeting following the submission. Any amendments shall be subject to a decision by consensus by the JPSG.

Brussels, 26 October 2021

ADDENDUM

PROTOCOL ON THE PARTICIPATION BY THE DANISH PARLIAMENT IN THE JPSG

Having regard to the Agreement between Europol and the Kingdom of Denmark on Operational and Strategic Cooperation, the Danish Parliament will participate in the work of the JPSG as a member with limited rights. The Danish Parliament shall be represented by a maximum of four members in the JPSG.

The Danish Parliament shall participate in the JPSG with the following derogations:

1. The Danish Parliament will not preside meetings of the JPSG jointly with the European Parliament, when Denmark is holding the rotating Presidency of the Council.

Accordingly, the Danish Parliament will not be represented in the Presidential Troika nor will it contribute to the JPSG Secretariat provided by the Presidential Troika.

2. The JPSG shall meet in the European Parliament in Brussels when Denmark holds the rotating Presidency of the Council of the European Union in the first half of the year.

3. Members of the Danish Parliament will not participate in the decision-making of the JPSG. The position of the Danish Parliament on the matter at hand will be recorded.

4. Members of the Danish Parliament are not eligible for appointment as the JPSG Representative to the meetings of the Management Board of the Europol.

The other provisions of the JPSG Rules of Procedure will apply *mutatis mutandis* to members of the Danish Parliament of the JPSG.

Brussels, 23 September 2019

ADDENDUM REGARDING THE ESTABLISHMENT OF THE CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS

General principles

1. The Consultative Forum on fundamental rights (CF) shall assist the JPSG, upon request, by providing it with independent advice in fundamental rights matters in accordance with Article 52a of the Europol Regulation.
2. The CF shall operate according to the principles of independence, transparency, integrity, mutual respect and consensus.

Composition

3. The JPSG CF shall be composed of up to 11 individuals or representatives of relevant EU and national agencies and bodies, international and intergovernmental organisations, academia and civil society organisations in the field of fundamental rights and law enforcement. In any case, the JPSG shall invite the European Union Agency for Fundamental Rights to participate in the CF.
4. The members of the CF shall have either proven qualifications, expert knowledge or professional experience in the field of fundamental rights and law enforcement.
5. The members of the CF shall serve for the duration of a term of the European Parliament. That term shall be renewable once.

Appointment

6. The JPSG shall launch a call for expression of interest from relevant EU and national agencies and bodies, international and intergovernmental organisations, academia and civil society organisations to become members of the JPSG CF. This call shall be launched no later than 6 months before the deadline in which the members of the CF finish their mandate. This call and the list of applicants shall be published on the JPSG pages on the IPEX (InterParliamentary EU information eXchange) website.
7. Acting on a proposal of the Presidential Troika, and in accordance with paragraph 3 and paragraph 8, the JPSG shall decide on which organisations or individuals that should be members of the CF. In case membership is connected to an organisation, the concerned organisation shall appoint a representative to participate on their behalf in the CF within one month after confirmation of their membership, and inform the JPSG Secretariat accordingly.

8. The JPSG shall ensure that composition of the CF reflects a broad range of disciplines, knowledge and expertise. Gender balance and, insofar as possible, geographical distribution, shall be taken into account.

Working methods

9. The members of the CF shall elect a Chair for a 5-year term, which can be renewable once. Members may also elect a Vice Chair. The Chair of the CF may be invited to JPSG meetings.
10. The CF shall adopt its own working methods no later than 3 months after its establishment.
11. The CF shall meet remotely. Meetings in physical or hybrid format may also be organised.
12. The JPSG may request for advice from the CF on any matter related to fundamental rights, within the mandate stipulated in the Europol Regulation and falling within the competence of the JPSG.
13. Members of the JPSG may ask the CF for advice in writing. Written request for advice shall be transmitted to the CF after their admissibility has been checked by the JPSG Co-Chairs and the request is deemed to be in line with the Europol regulation. The JPSG Co-Chairs shall ensure that the CF does not receive excessive requests for advice.
14. Europol's Executive Director may consult the CF on fundamental rights by sending a written request to the Chair of the CF.
15. The CF shall deliver its advice in writing and no later than 4 weeks prior to the following JPSG meeting.
16. The CF shall endeavour to adopt its advice by consensus.
17. The replies by the CF will be shared with all JPSG Members in writing by the JPSG Secretariat and will also be published on the IPEX website and shall be anonymised insofar as personal data are concerned.
18. The JPSG website on the IPEX platform shall have a dedicated section to the CF.

Resources

19. Members of the CF shall serve *pro bono*.

Access to information

20. When the CF is consulted by the JPSG or the Europol Executive Director, it shall have access to information or documents on fundamental rights matters related to Europol's mandate or activities in accordance with the Europol Regulation and the JPSG Rules of Procedure.

21. The CF may submit a written request through the JPSG Secretariat to Europol related to access to information or documents on fundamental rights matters related to Europol's mandate or activities.

Outputs / Main activities

22. JPSG meetings may follow up on the advice from the CF.
23. The CF may cooperate with Europol's Fundamental Rights Officer.

Ghent, 19 February 2024