

Udenrigsministeriet

Medlemmerne af Folketingets Europaudvalg
og deres stedfortrædere

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SUPPLERENDE SVAR PÅ UDVALGSSPØRGSMÅL

Europol og Eurojust

Til underretning for Folketingets Europaudvalg vedlægges Justitsministeriets supplerende besvarelse af spørgsmål nr. 67 ad EUU alm. del af 30. november 2010 vedrørende Europol og Eurojust.

Lene Espersen



JUSTITSMINISTERIET

Civil- og Politiafdelingen

Udenrigsminister Lene Espersen
Udenrigsministeriet
Asiatisk Plads 2
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Dato: 16. maj 2011
Kontor: Det Internationale
Kontor
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Kære udenrigsminister

Med henblik på oversendelse til Folketingets Europaudvalg sendes vedlagt supplerende besvarelse af spørgsmål nr. 67 som Folketingets Europaudvalg har stillet til udenrigsministeren den 30. november 2010. Spørgsmålet er stillet efter ønske fra Lone Dybkjær (RV).

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Spørgsmål nr. 67 fra Folketingets Europaudvalg (Alm. del):

”Ministeren bedes – som lovet på Europaudvalgets møde den 26. november 2010 – bede Kommissionen om at fremlægge en tidsplan for, hvornår den vil fremsætte forslag til de retsakter, som skal fastlægge den parlamentariske kontrol og evaluering af Europols og Eurojusts aktiviteter. Ministeren bedes i forbindelse med henvendelsen til Kommissionen også spørge, om ikke fastlæggelsen af den parlamentariske kontrol og evaluering kan vedtages før fremsættelsen af de generelle retsakter om Europols og Eurojusts aktiviteter, som Kommissionen ikke forventer at fremsætte før i 2013 og 2014.”

Svar:

I forbindelse med den foreløbige besvarelse af spørgsmålet oplyste jeg, at Justitsministeriet til brug for besvarelsen havde anmodet Kommissionen om at oplyse, hvornår den forventer at fremsætte initiativer med henblik på inddragelse af de nationale parlamenter i evalueringen af Eurojusts aktiviteter og den parlamentariske kontrol med Europol.

Jeg kan i den forbindelse oplyse, at Kommissionen ved brev af 4. marts 2011 har oplyst følgende:

”The European Commission is carrying out a study on all aspects of article 85, which will also deal with options for arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust’s activities as provided for by Article 85(1) of the TFEU. The results of this study are expected in early 2012, and the study is likely to serve as the basis for the Commission’s Impact Assessment on Article 85(1). This will be a key factor in determining the arrangements that the Commission might foresee in the context of a future and broader proposal on Eurojust in respect of the involvement of national Parliaments and the European Parliament.

Similarly, the timely implementation by Member States of the Council Decision on Eurojust (2009/426/JHA) the stipulated deadline on 4 June 2011 is important and will allow the Commission to assess the need for additional measures on the strengthening of Eurojust.”

Kommissionen har endvidere ved brev af 31. marts 2011 oplyst følgende om fremsættelsen af initiativer med henblik på inddragelse af de nationale parlamenter i den parlamentariske kontrol med Europol:

“The purpose of the Communication on the procedures for the scrutiny of Europol activities by the European Parliament, together with national Parliaments, adopted by the Commission on 17 December 2010, is to present an overview of the issues debated by the Parliaments in respect of the scrutiny of Europol, to illustrate the existing supervision mechanisms and to offer some recommendations for the future. The purpose of the Communication is not, at this stage, to formulate a set of provisions to be incorporated in the future proposal for a Regulation for Europol. The recommendations found in the Communication (for example, the idea of setting up a permanent inter-parliamentary forum comprising both the national Parliaments’ and the European Parliaments on the agency’s multiannual strategy and annual work programme) serve to stimulate discussion with the national Parliaments and the European Parliament on improved parliamentary control over Europol, in the context of the Lisbon Treaty. The Commission is awaiting contributions from the national Parliaments in response to the Communication of 17 December 2010 and invites them to formulate proposals for the procedures of scrutiny of Europol’s activities from all national Parliaments, as part of the ongoing political dialogue with national Parliaments on this issue.

On the basis of these ongoing discussions and of input from the national Parliaments as well as other stakeholders, the Commission will draw up concrete proposals in legislative terms. Commissioner Malmström’s letter of 19 April 2010 (enclosed) sets out the roadmap for the revision of Europol’s legal basis; the Commission proposal for a European Parliament and Council Regulation on Europol should be issued before the end of 2013.”

Det bemærkes, at den nævnte redegørelse af 17. december 2010 fra Kommissionen blev sendt til udvalget i forbindelse med den foreløbige besvarelse af spørgsmålet.

Det nævnte brev af 19. april 2010 fra Kommissær Malmström vedlægges til udvalgets orientering.

CECILIA MALMSTRÖM
MEMBER OF THE EUROPEAN COMMISSION

Brussels,
CAB/D/300

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19-04-2010

Querido Juan Fernando,

Revision of Europol's legal basis, in accordance with the Lisbon Treaty

The inter-institutional framework introduced by the Treaty of Lisbon is designed to confer greater democratic legitimacy to the whole area of EU police cooperation.

Article 88 of the Treaty on the Functioning of the European Union provides for a new legal basis for Europol, to be adopted through the ordinary legislative procedure. An important aspect of the future regulation relates to the modalities of scrutiny by the European Parliament, together with national Parliaments, of Europol's activities.

I regard the preparations for Europol's future framework as an exercise of the utmost importance.

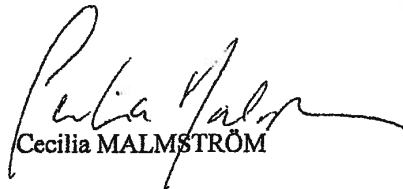
As you know, Europol's current legal basis, a Council Decision replacing the Convention, has been applied only since 1 January this year. A lengthy process preceded its adoption and its implementation is still under way. The full impact of both the organizational changes and the operational innovations has yet to be gauged.

I believe it is crucial that the Commission present to the European Parliament and to the Council a proposal which is sound and well thought-through and one which delivers to our citizens a body equipped to better protect them whilst at the same time upholding the highest standards of respect of fundamental rights.

For these reasons, I wish to associate you in the reflections on the preparatory work for the future Europol regulation. It is my intention to launch an informal discussion to exchange ideas which will contribute to enriching the debate on such an important topic. I would also very much appreciate it if the European Parliament would contact the national Parliaments with a view to involving them in this exercise.

The attached road-map outlines how I intend to move forward with your support.

I would be happy to take the opportunity to discuss this matter with you in the margins of the next Plenary Session or of the JHA Council meeting.


Cecilia MALMSTRÖM

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Roadmap for the revision of Europol's legal basis

Issues	Proposals	Timetable
<p>The pre-requisite for a revision of Europol's legal basis</p>	<p>The Europol Council Decision introduces a number of innovations, including an extended mandate of the agency and new powers of oversight for the European Parliament.</p> <p>A revision of this instrument, in accordance with the Lisbon framework, would benefit from an assessment of the impact of the initial phases of operation of the Council Decision. This would be a key input for a future gap/needs analysis.</p> <p>The Council Decision requires an external independent evaluation – to be commissioned by the Management Board - of the implementation of this Decision and of the activities carried out by Europol before 1.1.2014.</p> <p>It is recommended that the evaluation take place early in 2013, when it will be possible to properly measure the <u>impact</u> of the current Decision on Europol's activities and on EU law enforcement cooperation. This will represent an essential component of the preparation of a sound and reasoned proposal for a Regulation.</p>	
<p>The focus of the evaluation and the role of stakeholders</p>	<p>The stakeholders' input will constitute an essential contribution towards the drawing up of the assessment criteria to be used in the evaluation study.</p> <p>The agreed terms of reference should be communicated to an independent external evaluator chosen by common accord of the stakeholders following an appropriate procurement procedure.</p>	<p>It is desirable that the initial discussions among stakeholders take place already before end 2010.</p> <p>The agreed terms of reference should be drawn up in 2011.</p> <p>The selection procedure for the evaluator should take place during 2012.</p> <p>The evaluation work should start at the end of 2012.</p> <p>The results of the evaluation should be delivered during 2013.</p>
<p>Other issues to be addressed in the context of the revision of the Council Decision on Europol</p>	<p>The stakeholders will be invited to make concrete proposals as to how the powers of scrutiny by the European Parliament, together with the national Parliaments, over Europol's activities can be efficiently implemented in practice.</p>	<p>A Commission Communication on democratic scrutiny will be issued in autumn 2010. Based on this key input, the European Parliament, together with national Parliaments, will be invited to make proposals.</p> <p>The Commission proposal for a European Parliament and Council Regulation on Europol should be issued before the end of 2013.</p>