



European Scrutiny Committee

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From: Sir William Cash MP

26 November 2014

Dimitris Avramopoulos
Commissioner for Migration, Home Affairs and Citizenship

Dear Commissioner,

Parliamentary scrutiny of Europol

I wrote to your predecessor, Commissioner Cecilia Malmström, on 17 January 2014, about the arrangements for implementing the provisions on Parliamentary scrutiny of Europol's activities set out in Articles 12(c) TEU and 88(2) TFEU. You will recall that these Articles provide for the involvement of national Parliaments in the political monitoring of Europol and for the adoption of a draft Regulation determining Europol's structure, operation, field of action and tasks, as well as "procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments".

The UK has not opted into the draft Regulation but is taking an active part in negotiations with a view to opting in post-adoption. The House of Commons has taken a keen interest in the provisions on Parliamentary scrutiny. In January, the European Scrutiny Committee published an Opinion of the Home Affairs Committee on this aspect of the draft Regulation as well as our own Legal Opinion stating that the EU Treaties do not confer powers on the EU to impose legally binding obligations on national Parliaments. I enclose copies of our Report containing both Opinions.

Since then, the European Parliament has adopted a set of First Reading amendments which include far-reaching and, in our view, excessively prescriptive changes to the provisions on Parliamentary scrutiny of Europol contained in the Commission's original proposal and in the Council's general approach (agreed in June). We consider that these changes are contrary to the spirit of mutual cooperation enshrined in Protocol (No. 1) on the Role of National Parliaments in the European Union. Article 9 of the Protocol provides:

“The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”.

The amendments proposed by the European Parliament go much further, unilaterally establishing a form of scrutiny and oversight by a Joint Parliamentary Scrutiny Group and imposing obligations on national Parliaments which would be inconsistent with our Legal Opinion and with Article 4(2) TEU which requires the EU to respect Member States’ “national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local government”.

We ask you to bear our concerns in mind as trilogue negotiations continue on the draft Europol Regulation.

Yours ever,

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CHAIRMAN