



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 December 2013**

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**NOTE**

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| from:    | General Secretariat of the Council  |
| to:      | Delegations   |
| Subject: | Summary of the LIBE Committee Inquiry on Electronic Mass Surveillance of EU Citizens, held in Brussels on 2 December 2013 |

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The meeting was chaired by Ms In 't Veld (ALDE, NL).

**SESSION I**

**The role of Parliamentary oversight of intelligence services at national level in an  
era of mass surveillance (Part IV)**

LIBE was informed that Mr Opperman, Chair of the Parlamentarisches Kontrollgremium of the German Bundestag, could not attend the meeting and would be invited again to later a meeting.

Mr Tetzschner, member of The Standing Committee on Scrutiny and Constitutional Affairs, Norway (Stortinget), presented the structure of democratic oversight mechanisms put in place in Norway. The EOS committee which carry out these supervisory functions had been created in 1996 and was a permanent committee appointed by the Parliament but it's members were not parliamentarians. The main task of the committee is to protect citizens against illegal intrusions and to monitor the adherence of these services to the law. He stressed that oversight mechanisms were essential in order to preserve a democratic society.

## **SESSION II**

### **Presentation of the Working Document on "US Surveillance activities with respect to EU data and it's possible legal implications on the existing transatlantic agreements and cooperation" co-authored by the Rapporteur, Mr Moraes and by Mr. Voss, Shadow Rapporteur**

Mr Voss (EPP Shadow rapporteur) presented the first working document on the "US Surveillance activities with respect to EU data and their possible legal implications on the existing transatlantic agreements and cooperation". The document was co-authored with the Rapporteur, Mr Moraes, who was not present at the meeting. The paper version should be made available before the next meeting on 5 December.

Mr Voss explained that the aim of the paper was to analyse the existing transatlantic framework for personal data transfers and possible suspension consequences. It was clear from his presentation that the purpose of the document was to look at various options at the EP's disposal and not to draw any political conclusions on the way forward, as these were reserved for the actual report.

Mr Voss, referring to the Commission recommendations adopted last week, stressed in relation to the Safe Harbour Agreement, that these were not satisfactory, noting that this agreement did not actually feel safe anymore. Pointing out the negative economic consequences if the Safe Harbour Agreement were suspended in the short term, he said that in the long term a new agreement, based on a different approach from the existing one, would be necessary in order to offer better protection for EU citizens. In relation to the TFTP he noted EP's resolution of 23 October calling for the TFTP's suspension, as well as the Commission's position to bring consultations to a close as there was no evidence of a breach from the US side, and said suspension would not be in the interest of EU citizens and their security. Regarding the EU-US PNR Agreement he said the joint report from last week pleaded for its use and that this was preferable to 28 bilateral agreements with the US. The EU should also conclude negotiations on the 'umbrella' agreement with the US.

During the debate the following issues were raised : whether a new Safe Harbour agreement would still be necessary after the adoption of the new EU Data Protection package; the need for additional investigation in relation to possible breach of TFTP (S&D, ALDE); debate on EU extraction system necessary (S&D); Commission has ignored EP's request to suspend TFTP - this would have implications for the EP's role in concluding international agreements (ALDE); exceptions in the Transparency regulation (currently being revised) allow for all documents having any impact on US relations to be automatically classified and out of public reach, limited added value produced by the inquiry so far; suspension of TFTP and EU-US PNR should not create problems as these agreements were not very useful in the first place (Greens).

**Date of next meeting**

- 5 December 2013, 15.30 – 18.30 (Brussels)
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