



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

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 17 and 18 December 2013

The Brazilian Senate inquiry concentrated on improving international internet governance and the protection of Brazilian citizens and internet users. Mr Snowden had been contemplating the possibility of asking for asylum in Brazil and the Brazilian Senate Foreign Affairs Committee was supportive. Mr Greenwald stated that the ultimate goal of NSA, in cooperation with GCHQ as a junior partner, was the elimination of individual privacy worldwide. Mr Snowden should be given more recognition from those he helped with his revelations. Draft Report by Mr Moraes to be circulated before Christmas.

SESSION I

**Parliamentary Committee of Inquiry on Espionage of the Brazilian Senate
(Videoconference)**

LIBE heard statements by Ms GRAZZIOTIN, Chair of the Parliamentary Committee of Inquiry on Espionage and Mr DE REZENDE FERRAÇO, Rapporteur of the Parliamentary Committee of Inquiry on Espionage.

Mr DE REZENDE FERRAÇO stressed that it was essential to set limits to existing surveillance methods employed by the NSA. NSA used counter-terrorism as a pretext. He explained that his report concentrated on the international aspects, namely to stimulate change in the international internet governance, as well as domestically with better monitoring of domestic intelligence service activities. The aim was to protect Brazilians citizens and internet users. Brazil intended to invest more in R&D as well as innovation and require of foreign companies that they store data on Brazilian citizens on Brazilian soil.

Ms GRAZZIOTIN explained that Mr Snowden had been contemplating the possibility of asking for asylum in Brazil and the Brazilian Senate Foreign Affairs Committee was supportive. Granting of asylum however was a prerogative of the Brazilian President. The Senate delegation would be visiting the EP in February 2014.

During the discussion Ms Gomes (S&D, PT) explained that to the best of her knowledge Mr Snowden had not asked for asylum in any EU member state.

SESSION II

IT Means of protecting privacy

The first invited speaker, Mr PRENEEL, Professor in Computer Security and Industrial Cryptography in the University KU Leuven, Belgium, spoke about the lack of security in software products as well as the hardware. He stressed that in particular the security of mobile devices could not be guaranteed. He recommended to employ more IT experts and ensure high IT security standards by legislation.

The second invited speaker, Mr LECHNER, Director, Institute for the Protection and Security of the Citizen (IPSC), - Joint Research Centre(JRC), European Commission, spoke about the need to identify as a priority what needed to be protected and to study the vulnerabilities with regards to the protection of EU Institutions. Elimination of non-EU technology would increase security. However it was impossible to isolate Europe in today's growing global inter-connected world.

The third invited speaker, Dr SOGHOIAN, Principal Technologist, Speech, Privacy & Technology Project, American Civil Liberties Union, spoke about safety issues related to mobile phone networks. He stressed that in general governments and intelligence services were well aware that mobile phone networks were not safe since they had bought the technologies to intercept them.

The fourth invited speaker, Mr HORCHERT, IT-Security Consultant, Germany, called for better liability rules for soft- and hardware. Moreover, safe encryption technologies should become standard.

During the discussion the MEPs raised the following issues : the balance between security and transparency, rules concerning collection of metadata, commercially available packages for improving IT security.

Mr Soghoian explained that surveillance was a complex issue. Even the FISA court in the US did not have the necessary expertise in order to be able to supervise effectively the NSA activities. Therefore, expertise was essential.

SESSION III

Exchange of views

with the journalist having made public the facts (Part II)

(Videoconference)

LIBE heard Mr Glenn GREENWALD, author and columnist with a focus on national security and civil liberties, formerly of the Guardian. He considered that the ultimate goal of NSA, in cooperation with GCHQ as a junior partner, was the elimination of individual privacy worldwide. The collection of metadata was even more important as the content of communications themselves, as these were analysed and showed networks of associations and enabled understanding of private behaviour. If privacy would be abolished this would lead to conformity in behaviour, as our range of options as individuals would be restricted. Such a repressive society, built upon ubiquitous surveillance, would eliminate choice and individuality and would have serious consequences for concept of the free individual. He regretted that very few governments were actually helping Mr Snowden in view of the fact that his own government wanted to prosecute him for bringing to light abusive and illegal government practice.

During the discussion the MEPs raised the following issues : the need to consider Mr Snowden as a "whistle-blower", why the NSA was interested in the private life of individuals, whether NSA had targeted SWIFT, whether he received originals or copies of Snowden documents, and a recent US federal judge ruling on the un-constitutionality of large -scale collection of metadata.

In his reply Mr Greenwald explained that the NSA surveillance was not so much about terrorism but rather about people with radical ideas. Private information collected could be used for the purpose of discrediting and humiliation of individuals that wanted to challenge the government. In his view this was rather far from a democratic society one would wish for. He agreed that there was also legitimate surveillance, but this had to be properly controlled. Snowden's documents showed however that surveillance had been massive, uncontrolled, and a lot had to do with gaining economic and political advantages. He confirmed that NSA and GCHQ had also targeted SWIFT. He explained that Mr Snowden tried to follow internal procedures and informed his superior, however this internal system was a farce. He stressed that as a journalist he was protecting his sources. The Obama administration prosecuted more whistle-blowers that were prosecuted at any time in American history and the system had clearly been designed to suppress and not encourage "whistle -blowing". As a journalist he wanted to overcome the desire of politicians to suppress information and sought to bring to light government activities.

SESSION IV

Presentation of the Draft Report

The rapporteur Mr Moraes explained that some last moment fine-tuning of his report had been necessary in view of recent developments regarding the NSA affair in the US and that it was his intention to circulate the draft before Christmas. He explained that recommendations would be addressed to member states and EU Institutions. There would be specific references to *inter alia* TFTP negotiations and data protection issues, the review of IT technical capabilities for EU Institutions, oversight mechanisms, as well as the development of an EU cloud.

Date of next meeting

- 9 January 2013, 14.00 – 15.30 (Brussels)