



European Parliament

Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware
The Chair

IPOL-COM-PEGA D(2022)29812

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Catherine De Bolle
Executive Director
Europol
P.O. Box 908 50
2509 LW The Hague
The Netherlands

Subject: *Request from PEGA Committee on Europol use of its new power under Regulation (EU) 2022/991*

Dear Ms De Bolle,

Since July 2021, there has been a string of revelations about the illegitimate use of spyware against citizens. Targets include journalists, politicians, NGOs, and public officials, in a.o. Hungary, Poland, Spain, Greece and the European Commission. The trade in commercial spyware, both within the EU and exports from the EU to third countries, involves many more member states. Unwarranted use of spyware jeopardises the values enshrined in Article 2 TEU, such as democracy, the rule of law and respect for fundamental rights, and constitutes a significant threat to cybersecurity within the EU.

Moreover, there is evidence of criminal acts. Indeed judicial inquiries are taking place in several member states, as well as a criminal investigation by the US Department of Justice. At least three possible criminal acts would fall within the mandate of Europol, namely computer crime, corruption, racketeering and extortion.

There are concerns about the capacity and willingness of national authorities to investigate swiftly and thoroughly. With every day that passes, the risk of evidence disappearing or being destroyed, increases. It is therefore of utmost importance that Europol gets involved without delay.

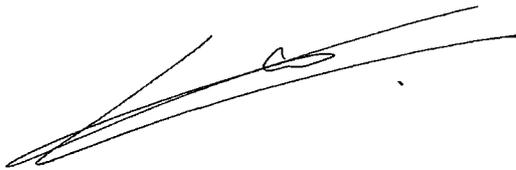
Since June, Europol has been equipped with new powers to support and strengthen action by competent authorities of the Member States in preventing and combating forms of crime which affect a common interest covered by a Union policy, in order to protect our citizens. Pursuant to Regulation (EU) 2022/991, “where the Executive Director considers that a criminal investigation should be initiated into a specific crime which concerns only one Member State but affects a common interest covered by a Union policy, he or she may propose to the

competent authorities of the Member State concerned, via its national unit, to initiate, conduct or coordinate such a criminal investigation.”

Although such a proposal is not binding and Member States may choose to reject it, Europol should make the fullest possible use of its new powers, in the interest of the citizens of Europe and public security within the EU.

The PEGA Committee of the European Parliament therefore kindly requests that Europol issues a proposal for an investigation to the Member States concerned.

Kind regards,

A handwritten signature in black ink, consisting of several overlapping, sweeping lines that form a stylized, somewhat abstract shape. The signature is positioned above the printed name.

Jeroen Lenaers