

Didier Reynders

European Commissioner for Justice

Valdis Dombrovskis

Executive Vice-President

Brussels, 13 February 2024

Dear Commissioner Reynders,

Dear Executive Vice-President Dombrovskis,

I would like to thank you for your reply of 19 December 2023, addressing my letter of 21 July 2023 on actions taken by the European Commission regarding the use of Pegasus and equivalent surveillance spyware, the blacklisting of spyware companies by the US and further actions taken by the Commission.

In your answer, you argued that the decision of the US Department of Commerce Bureau of Industry and Security (BIS) to amend the Export Administration Regulations (EAR) by adding spyware firms to the Entity List is based on foreign policy interests and US national security considerations. Additionally, you pointed out that the EU export control system does not provide for an “Entity List”.

1. Given the absence of an 'Entity List' in the EU export control system, is it not crucial to propose legislation for its creation, utilizing the available legislative tools?
2. I would like to inquire about the European Commission's stance on taking the initiative to establish a joint list with the United States. Analogy for such collaboration was set with the removal of Russia from the list of countries subject to a general export license. Considering the apparent absence of specific legal obstacles, could the Commission justify its choice not to act?

Secondly, regarding my question why the Commission has not taken action against the activities of entities such as the NSO Group, as highlighted in the PEGA Report, you replied that the assessment of these activities falls exclusively within the responsibility of the competent national authorities of the Member States.

3. While it is evident that the Commission must respect the competence of national security, it is crucial to underscore that Article 17.1 TEU calls on the European Commission to “ensure the application of the Treaties and of measures adopted by the institutions pursuant

to them”.¹ Why is the Commission not taking decisive action to enforce EU law in cases where the national authorities evidently fail to act?

Finally, in light of the Commission’s commitment to taking action under the updated Dual-Use Regulation, the Regulation stipulates the establishment of a Dual Use Consultation group.

4. Could the Commission provide information on whether this group has already discussed the issue of illegal exports of spyware, with a specific focus on exports originating from Greece and Cyprus? Additionally, I would like to request all documents related to these discussions for a more comprehensive understanding of the Commission's efforts in this regard.

I would kindly request you to answer all my questions in detail.

Sincerely,

Sophie in ‘t Veld

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A12008M017>