



EUROPEAN PARLIAMENT

Co-organised with
Belgian Chamber - Special
Committee for Comité R
Possibly:
Italian Parliament – Copasir
German Bundestag –
Parlamentarisches
Kontrollgremium
Dutch Chamber – Permanent
Committee of Interior

Committee on Civil Liberties, Justice and Home Affairs

DRAFT AGENDA

INTERPARLIAMENTARY COMMITTEE MEETING

European Parliament - National Parliaments

Conference on the Democratic oversight of Intelligence services in the European Union

Thursday, 28 May, 09.00 - 12.30

Thursday, 28 May, 14.30 - 18.00

Friday, 29 May, 9.00 - 12.00

European Parliament, Brussels

Room: JAN 2Q2

Organised with the support of the Directorate for Relations with National Parliaments

Background and purpose of the meeting

Whereas the operations of intelligence authorities fall within the competence of Member States, and Article 4(2) TEU clearly states that national security is the sole responsibility of each Member State, recent events have pointed to the need to increase cooperation between national intelligence services and their respective supervisory bodies across the Union. The development of an EU Internal Security Strategy is also a clear sign of the necessity of improving cooperation and exchange of national information. Moreover, while the prevention of security threats, such as terrorist attacks, remains strictly a national competence, their prosecution requires legal and judicial cooperation, as expressly recognized in Article 83 TFEU. Finally, increased mobility within Europe and the further development of the online environment necessitate a closer cooperation between Member States to ensure that fundamental rights are fully respected.

In this context, this conference aims at bringing together relevant national and European actors in the field of intelligence services and their oversight to discuss recent developments and their repercussions in their respective fields.

Order of business

Thursday, 28 May 2015

[All speakers are to be confirmed]

09.00 - 09.10 Introductory remarks by Claude Moraes, Chair LIBE Committee (EP) and former EP rapporteur on the "Electronic Mass Surveillance" Inquiry

09.10 - 09.20 Introductory remarks by Ms. Solvita Aboltina, Chair of the National security defence committee of the Latvian Parliament

09.20 - 12.30	OPENING SESSION: The repercussions on intelligence oversight of a rapidly changing world
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Rapid global recent developments have led intelligence services to undergo considerable change in terms of the nature and focus of their work and to exponentially increase the scope and scale of international cooperation. This represents a growing challenge to existing national oversight and accountability mechanisms.

- ✓ *How have intelligence services adapted to the changed circumstances? What are the current and future trends in international intelligence cooperation (and what kind of cooperation)?*
- ✓ *What are the repercussions of the above on national oversight and accountability mechanisms? How should those be adapted in order to ensure effective scrutiny of intelligence activities?*

Chair: Claude Moraes + Member from National Parliament (TBC) (possibly Dutch Parliament)

09.20 - 09.35 Presentation by David Omans (former UK security and intelligence coordinator) / alternatively by David Bickford (former legal director of the security and intelligence agencies MI5 and MI6) or by Hansjörg Geiger (former head of Germany's Federal Intelligence, BND)

09.35 - 09.50 Pieter Omtzigt, PACE reports on "Massive Eavesdropping" and "Additional Protocol to the ECHR on Protection of whistleblowers"

09.50 - 10.05 Presentation of the 2015 Update to the Venice Commission report on Democratic oversight of the security services by Iain Cameron

10.05 - 10.20 Presentation of FRA comparative study on democratic surveillance

10.20 - 12.30 Questions & Answers / debate

Lunch break

14.30 - 16.15	WORKSHOP I¹: Upcoming challenges for oversight bodies - changing nature of security threats and rapid technologic developments
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Implementation of national oversight mechanism and bodies across Europe has been uneven in terms of the mandates and powers in each Member State. This situation has been highlighted by many current and upcoming challenges such as the changing international nature of security threats including radicalisation, "foreign fighters", and the development of the Dark net. This combined with the revolutionary development in data storage and analysis capacities, the increase of internet bandwidth and the development of mobile computing devices may enable intelligence services to collect and process vast quantities of personal data to counter security challenges.

- ✓ *How do these phenomena affect intelligence activities and what are the repercussions of these trends for the oversight of intelligence?*
- ✓ *Are oversight bodies sufficiently equipped in order to carry out their tasks appropriately, in view of the above? What form of additional (technical) expertise or powers would be required for that purpose?*
- ✓ *How can we better achieve accountability of intelligence gathering and cooperation?*
- ✓ *What are the challenges of the increase threat of international, cross-border threats including in relation to radicalisation and so called "foreign fighters" for intelligence oversight?*
- ✓ *How does the rapid advancements in technological developments and the mobility of data impact on the role of national oversight bodies?*

Chair: Claude Moraes + Member from National Parliament (TBC) (possibly German Parliament)

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| 14:30 – 14:45 | Cyberchallenges in the internal security field - representative from the European Cybercrime Center / Jean-Marie Delarue, President of the French Commission nationale de contrôle des interceptions de sécurité (CNCIS) |
| 14:45 – 15:00 | The role of the EU Intelligence Analysis Centre and accountability mechanisms - Presentation by Illka Salmi (Director of IntCen) |
| 15:00 – 15:15 | How to deal with collection of digital data - Presentation by Michael Clarke (Royal United Services Institute, chair Independent Surveillance Review) / alternatively by Ayse Alyzée Ceyhan (Sciences Po) or Thorsten Wetzling (Brandenburg Institute) |
| 15.15 – 15.30 | Presentation by Andreas Schmidt, President / Bertold Huber, deputy President of the German oversight Committee (G-10) |
| 15:30 - 16:15 | Questions & Answers |

¹ Workshops will be held in camera according to the Chatham House Rule

Recognising the need for increased cooperation between national oversight bodies of intelligence agencies in Europe, a platform has been established allowing oversight bodies to share common problems and best practices (ENNIR). However, such cross-border cooperation is still haphazard, limited and ad-hoc.

- ✓ *What practical measures could be taken to foster intelligence oversight cooperation in Europe (e.g. secretariat, link to existing network of national parliaments, sharing certain specialized resources/expertise)?*
- ✓ *What are the main barriers and how could they be overcome (e.g. language barriers, confidentiality, 3rd party rule, different forms of oversight and national legislation, security clearance, risk of leaked documents)?*
- ✓ *Is it recommendable to develop within Europe collaborative mechanisms or minimum standards for intelligence oversight? If so, how could these be developed in practice?*

Chair: Moraes + On. Giacomo Stucchi, President of the Italian oversight committee (Copasir)

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| 16:15 – 16:30 | Best practices from the national parliamentary oversight bodies – Mr Guy Rapaille (Chair of the Belgian Comité R) |
| 16:30 – 16:45 | Best practices from the national expert oversight bodies – TBC |
| 16:45 – 17:00 | Presentation by Hans Born (DCAF - Geneva center for the democratic control of the armed forces) / alternatively by Ian Leigh (Durham Law School) or Aidan Wills |
| 17:00 – 17:15 | Presentation by the Swedish SIUN/the Norwegian oversight committee |
| 17:15 - 18:00 | Questions & Answers / debate |

Followed by a cocktail reception

¹ Workshops will be held in camera according to the Chatham House Rule

Order of business

Friday, 29 May 2015

[All speakers are to be confirmed]

09.00 - 12.00	WORKSHOP III¹: The role of national committees of inquiry and oversight committees in a globalized world
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The role of a committee of inquiry is to provide some scrutiny on government or intelligence services action. Its mission is to highlight the malfunctions in a public case under discussion. The committee formed by parliamentarians should collect pieces of information either on given facts or on the management of public services, in order to submit their findings to the assembly which created them.

- ✓ *What are the necessary conditions (duration, composition, extent of investigative powers, etc.) for the committees to perform their duties properly?*
- ✓ *What are the problems most often faced by committees of inquiries in their work (e.g. access to classified information, summoning of witnesses, publication of report etc.) and how can they be overcome?*

Chair: Moraes + TBC (national parliament) (possibly Siegfried Bracke, President, Belgian committee in charge of the parliamentary follow-up of the Comité R)

09:00 - 09:15	Sen. Giuseppe Esposito, Vice-Chair of the Italian oversight committee
09:15 – 09:30	Presentation by Prof. Dr. Patrick Sensburg, Chair of the German Committee of Inquiry on the NSA (1. Untersuchungsausschuss)
09:30 – 09:45	Presentation by Jean-Jacques Urvoas, Chair of the French oversight delegation
09:45 – 10:00	David Medine, Chairman, Privacy and Civil Liberties Oversight Board (USA)
10:00 - 11:00	Questions & Answers / debate
11:00 – 12:00	Concluding remarks and follow-up

Disclaimer: The content of this document may not be regarded as stating an official position of the European Parliament.

¹ Workshops will be held in camera according to the Chatham House Rule

ANNEX

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE MEETING

The first session of this meeting is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the secretariat (libe-secretariat@europarl.europa.eu) **before 25 May at noon**. It is essential to provide us with your **LAST NAME, First name, date of birth, nationality, type of ID (passport, identity card, driving licence, etc.), number of ID, address and company/institution/organisation**. Without this information, the Security Service will not provide entry passes.¹

All participants from national Parliaments (Members, officials and Brussels-based representatives) need to complete the online registration form for the event at the following web address: *(will follow in the coming days)*

PRACTICAL GUIDELINES FOR THE DEBATE

- *During the discussion, so as to make it possible for the highest number of parliamentarians to intervene, speaking time of speakers will be limited as indicated in the draft programme. Speaking time of other participants will depend on the number of parliamentarians wishing to intervene and the available time.*
- *Members are kindly asked to fill in the sheet requesting speaking time (indicating their name and parliament) which will be distributed in the meeting room.*
- *Speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat (email:libe-secretariat@europarl.europa.eu). These documents will be circulated during the meeting.*
- *Meeting documents will be progressively added to the Events section of the LIBE Committee pages: <http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE> and to the WebNP event webpage: <http://www.europarl.europa.eu/relnatparl/en/meetings.html>*

THE MEETING IS BROADCASTED LIVE AND RECORDED

LIBE Committee pages:

<http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE>

ADDITIONAL INFORMATION

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¹ The processing of personal data is subject to Regulation (EC) No 45/2001 of 18 December 2001 (OJ.L 8 12.1.2001, p. 1