

Resolution on the lack of legislative follow-up by the Commission to the PEGA resolution

2023/2988(RSP) - 23/11/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 425 votes to 108, with 23 abstentions, a resolution on the lack of legislative follow-up by the Commission to the PEGA resolution.

The text adopted in plenary was tabled by the EPP, S&D, Renew, Greens/EFA and the Left groups.

As a reminder, on 15 June 2023, Parliament adopted a recommendation to the Council and the Commission following the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware, which included proposals for legislative and non-legislative actions at EU level to regulate the use of spyware, the aim of which was to protect Union law and the rights enshrined in the Charter of Fundamental Rights of the European Union.

More than five months following the adoption of the recommendation, the Commission has failed to deliver a formal response to Parliament outlining the actions taken and its plans for the future.

Since the adoption of Parliament's recommendation, new cases of abuse of spyware have been reported in the EU with no response by national authorities or by the Commission.

The Predator Files revealed that Members of the European Parliament, including President Roberta Metsola and Pierre Karleskind, as well as Commission officials and other individuals, were targeted with Predator spyware. Media reports indicate the attacks originated from third countries.

The resolution also highlighted a large number of cases which have vividly demonstrated that the existing legal framework - both in certain Member States and at European level - is not sufficient to prevent abuse and sanction the misuse of surveillance spyware. These revelations demonstrate the urgent need for the Union to act.

Parliament strongly regretted the Commission's lack of enforcement measures and legislative follow-up to Parliament's recommendation of 15 June 2023. It warned against neglecting the threats posed to people and democracy in the EU stemming from the abuse of spyware.

The resolution called on the Commission to:

- respect the principle of sincere cooperation between Union institutions, and to comply with the obligations set out in the Framework Agreement and the Interinstitutional Agreement on Better Law-Making;
- present a plan of measures to prevent the abuse of spyware in the EU without undue delay, making full use of all available legislative and non-legislative means provided by the European Treaties;
- assess, by 30 November 2023, the fulfilment of the specific conditions for Cyprus, Greece, Hungary, Poland and Spain set out in the recommendation.