



PROPOSAL ON THE ESTABLISHMENT OF THE JPSG CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS

Statement of reasons

Pursuant to Article 6.2 of the JPSG Rules of Procedure, and in order to implement Article 52a of the revised Europol Regulation (EU 2016/794, EU 2022/991) which states:

Article 52a

Consultative Forum

1. *The JPSG shall establish a consultative forum to assist it, upon request, by providing it with independent advice in fundamental rights matters.*

The JPSG and the Executive Director may consult the consultative forum on any matter related to fundamental rights.

2. *The JPSG shall determine the composition of the consultative forum, its working methods and the way in which the information is to be transmitted to the consultative forum.*

the Co-Chairs proposed that the JPSG Presidential Troika set up a Working Group to draft a consensual proposal on the establishment of the Consultative Forum within the JPSG's rules of procedure.

The mandate of the Working Group is limited to the submission of proposed amendments to the JPSG's Rules of Procedure in order to establish the Consultative Forum, and to outline its mandate and working methods (or how they will be determined).

The Working Group held its constituent meeting on 8 June 2023. It was decided that work would be carried out at technical level to prepare a working document of draft proposal based on the written contributions received from delegations as part of the initial call for submissions. For that purpose, three technical meetings took place: on 29 June, 5 September and 27 September 2023. The Working Group held a second meeting at political level on 12 October 2023.

According to its mandate, the Working Group will agree on its proposal(s) by consensus. It shall present the outcome of its work (either its progress on analysing and compiling the contributions, or presenting a draft compromise proposal) on the establishment of the Consultative Forum to the Presidential Troika meeting held as part of the JPSG meeting at the European Parliament in September 2023.

During its meeting on 20 September 2023, and in line with the mandate, the Presidential Troika decided to postpone this presentation by the Working Group in order to allow for further

preparatory work, by extending the duration of the Working Group's mandate until the next JPSG meeting to be held under the Belgian Presidency on 18 and 19 February 2024. The Co-Chairs will inform the JPSG plenary on the matter, when reporting on the outcome of the Troika meeting.

In accordance with Article 6.2 of the JPSG Rules of Procedure and in line with the mandate of the Working Group, the JPSG Co-Chairs, Mr Juan Fernando LÓPEZ AGUILAR and Mr David SERRADA PARIENTE, submit the following proposal for a revision of the Rules of Procedure regarding the establishment of the Consultative Forum:

Joint amendment to the JPSG Rules of Procedure to include an Addendum regarding the establishment of the Consultative Forum on fundamental rights

Tabled by the JPSG Co-Chairs

General principles

1. The Consultative Forum on fundamental rights (CF) shall assist the JPSG, upon request, by providing it with independent advice in fundamental rights matters in accordance with Article 52a of the Europol Regulation.
2. The CF shall operate according to the principles of independence, transparency, integrity, mutual respect and consensus.

Composition

3. The JPSG CF shall be composed of up to 11 individuals or representatives of relevant EU and national agencies and bodies, international and intergovernmental organisations, academia and civil society organisations in the field of fundamental rights and law enforcement. In any case, the JPSG shall invite the European Union Agency for Fundamental Rights to participate in the CF.
4. The members of the CF shall have either proven qualifications, expert knowledge or professional experience in the field of fundamental rights and law enforcement.
5. The members of the CF shall serve for the duration of a term of the European Parliament. That term shall be renewable once.

Appointment

6. The JPSG shall launch a call for expression of interest from relevant EU and national agencies and bodies, international and intergovernmental organisations, academia and civil society organisations to become members of the JPSG CF. This call shall be launched no later than 6 months before the deadline in which the members of the CF finish their mandate. This call and the list of applicants shall be published on the JPSG pages on the IPEX (InterParliamentary EU information eXchange) website.
7. Acting on a proposal of the Presidential Troika, and in accordance with paragraph 3 and paragraph 8, the JPSG shall decide on which organisations or individuals that should be members of the CF. In case membership is connected to an organisation, the concerned organisation shall appoint a representative to participate on their behalf in the CF within one month after confirmation of their membership, and inform the JPSG Secretariat accordingly.
8. The JPSG shall ensure that composition of the CF reflects a broad range of disciplines, knowledge and expertise. Gender balance and, insofar as possible, geographical distribution, shall be taken into account.

Working methods

9. The members of the CF shall elect a Chair for a 5-year term, which can be renewable once. Members may also elect a Vice Chair. The Chair of the CF may be invited to JPSG meetings.
10. The CF shall adopt its own working methods no later than 3 months after its establishment.
11. The CF shall meet remotely. Meetings in physical or hybrid format may also be organised.
12. The JPSG may request for advice from the CF on any matter related to fundamental rights, within the mandate stipulated in the Europol Regulation and falling within the competence of the JPSG.
13. Members of the JPSG may ask the CF for advice in writing. Written request for advice shall be transmitted to the CF after their admissibility has been checked by the JPSG Co-Chairs and the request is deemed to be in line with the Europol regulation. The JPSG Co-Chairs shall ensure that the CF does not receive excessive requests for advice.
14. Europol's Executive Director may consult the CF on fundamental rights by sending a written request to the Chair of the CF.
15. The CF shall deliver its advice in writing and no later than 4 weeks prior to the following JPSG meeting.
16. The CF shall endeavour to adopt its advice by consensus.
17. The replies by the CF will be shared with all JPSG Members in writing by the JPSG Secretariat and will also be published on the IPEX website and shall be anonymised insofar as personal data are concerned.
18. The JPSG website on the IPEX platform shall have a dedicated section to the CF.

Resources

19. Members of the CF shall serve *pro bono*.

Access to information

20. When the CF is consulted by the JPSG or the Europol Executive Director, it shall have access to information or documents on fundamental rights matters related to Europol's mandate or activities in accordance with the Europol Regulation and the JPSG Rules of Procedure.

21. The CF may submit a written request through the JPSG Secretariat to Europol related to access to information or documents on fundamental rights matters related to Europol's mandate or activities.

Outputs / Main activities

22. JPSG meetings may follow up on the advice from the CF.
23. The CF may cooperate with Europol's Fundamental Rights Officer.