



Council of the
European Union

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LIMITE

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INST 336
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PE 105

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft reply to the letter of the chairman of the Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA) - Approval of a letter

Delegations will find in the annex the above-mentioned draft letter.

DRAFT

Brussels,

Dear Mr Lenaers,

I refer to the letters you, as chair of the PEGA Committee, sent in July 2022 to all Member States, by which the PEGA Committee addresses to Member States a list of questions in the framework of the Committee's investigation of alleged infringement or maladministration in the application of EU law in relation to the use of Pegasus and equivalent spyware surveillance software. The Member States have asked me to reply to you with the following remarks.

Let me assure you that we are firmly attached to the values enshrined in Article 2 TEU, such as democracy, the rule of law and respect for human rights, and to the respect of the fundamental rights laid down in the Charter of Fundamental Rights of the European Union, including as regards acts of Member States when they are implementing Union law (Article 52(5) of the Charter).

At the same time, we would like to draw your attention to the fact that under the Treaties it is the responsibility of the Commission to oversee and assess the implementation of EU law by the Member States, as stipulated in Article 17 TEU.

Nonetheless, I would like to take this opportunity to confirm our full commitment to a fruitful inter-institutional cooperation, in the spirit of mutual sincere cooperation and in light of the relevant provisions of the Inter-Institutional Agreement on Better Law-Making of 13 April 2016, as well as in full respect of the powers conferred on the Commission in the Treaties.

Yours sincerely

[Signature]