

Report of Various Size

Monthly data collection on the current reform of  
intelligence legislation in **Belgium, Finland,**  
**France, Germany, the Netherlands, Sweden**  
**and the United Kingdom**

FRANET GUIDELINES

## Background information

In 2015, FRA requested FRANET to produce updated data on legal frameworks regulating surveillance in the Member States of the European Union. The final FRANET deliverables were submitted in June and July 2016. Following this request, the Agency received additional information in the context of the preparation of the Fundamental Rights Report. Final FRANET deliverables were submitted in December 2016.

The FRANET deliverables reported on national reforms of intelligence laws in a number of EU Member States, in particular in **Belgium, Finland, Germany, the Netherlands and the United Kingdom**, as well as important developments in **France** and **Sweden**.

In such a complex and sensitive area, discussion around reform processes can greatly impact legal frameworks and proposed draft bills. The Agency deems important, as it updates its report on [\*Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU\*](#), to be kept informed and updated regularly about the most recent developments linked to the reform of the intelligence legal framework.

## Objective

The objective of this deliverable is to provide FRA with three **monthly updates** on the legal reforms taking place in **Belgium, Finland, France, Germany, the Netherlands, Sweden and the United Kingdom**, in order to include the most recent information regarding fundamental rights compliance in the area of surveillance as well as available remedies in these countries during the final months of FRA's research. Based on the information provided through this and previous FRA and FRANET research, FRA will publish a final report in 2018.

## Delivery deadline

The monthly updates are to be delivered in compliance with the detailed timeline, as below, to the following email address [franet@fra.europa.eu](mailto:franet@fra.europa.eu)

The deadlines for these deliverables are:

<b>Submission date - 1<sup>st</sup> update</b>	<b>6 February 2017</b>
FRA comments (if needed)	9 February 2017
Submission of the revised report	13 February 2017
<b>Submission date - 2<sup>nd</sup> update</b>	<b>6 March 2017</b>
FRA comments (if needed)	9 March 2017
Submission of the revised report	13 March 2017
<b>Submission date – 3<sup>rd</sup> update</b>	<b>5 April 2017</b>
FRA comments (if needed)	10 April 2017
Submission of the revised report	13 April 2017

## Reference period

Analysis and information provided should reflect the most recent situation and include developments:

- **for the first update:** since the date of delivery of your deliverable for the Fundamental Rights Report until 31 January 2017;
- **for the second update:** 1 to 28 February 2017
- **for the third update:** 1 to 31 March 2017.

## General description of the service

The FRANET contractors are requested to:

Provide FRA with an update of the ongoing legal reforms in the field covered by this research (for background please see FRANET guidelines for service request 16 from November 2015 - highlighting relevant legal developments on each of the five points:

- the **legislative reform(s)** that took place or are taking place and highlight the key aspect(s) of the reform, summarise any key report published in the context of the reform procedure;

- the **important (most relevant) court decisions** in the area of surveillance (please use the table in the annex for that purpose);
- the published or ‘leaked’ **reports and inquiries by oversight bodies** (parliamentary committees, specialised expert bodies and data protection authorities);
- the **work of specific ad hoc parliamentary or non-parliamentary Commissions** should be referred to; or example the NSA inquiry of the German Parliament<sup>1</sup> or the Inquiry Commission of the Belgium parliament on the terrorist attacks of 22 March 2016<sup>2</sup>);
- the work of **non-governmental organisations and academia** in the area of surveillance by intelligence services.

Please refer to section 1.2 of the [FRA surveillance report](#) (pp. 15-17) for an overview of the surveillance measures covered under this project.

#### Description of Tasks and Responsibilities of expert involved in the research:

- **Project manager:** ensures the coordination of the research and the timely execution of the service.
- **Senior expert:** ensures the scientific quality of the deliverable.
- **Legal expert:** collects the research material and drafts the monthly updates. When deemed necessary, the legal expert is invited to contact relevant experts and institutions in the field in order to identify any developments. Considering the scope of the research, it is highly recommended to involve a legal expert with knowledge and experience in working with surveillance related issues.
- **Language editor:** ensures the editing of the final deliverable submitted to FRA

If data or information is not available from either the public domain or from government officials, please indicate so with a brief explanation included in the evaluation sheet in the self-assessment section of how the following steps were implemented to collect the data: such as desk research; ad hoc requests for information (letters, phone calls, emails, etc.); and other relevant sources. Please include dates when such emails, letters etc. were sent in your evaluation sheet, etc.

## Style, language and size

The material provided must be properly referenced following the FRA Style Guide.

Important: Each substantive statement has to be referenced to a source of scientific quality (official document, academic writing, etc.). All sources of data/information included as text or

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<sup>1</sup> NSA Inquiry Committee of the German Bundestag (1. Untersuchungsausschuss des 18. Deutschen Bundestages – “NSA-Untersuchungsausschuss”), [www.bundestag.de/bundestag/ausschuesse18/ua/1untersuchungsausschuss](http://www.bundestag.de/bundestag/ausschuesse18/ua/1untersuchungsausschuss)

<sup>2</sup> Belgium, Proposition to establish a Parliamentary Investigative Commission responsible for examining the circumstances leading to the terrorist attacks of 22 March 2016 in Brussels National Airport and Maelbeek metro station, 11 April 2016, <http://www.lachambre.be/FLWB/PDF/54/1752/54K1752001.pdf>

tables/diagrams should be fully referenced. Whenever possible, reference should be made to the original source and preferably to official sources. Reference to media sources must be kept to the absolute minimum. If data/information is available online, the relevant Internet addresses must be provided; where data is available in both English and a national language, the Internet address of the English version should be provided.

Please note that the complete bibliographical references must be given in a footnote in accordance with the FRA Style Guide.

With regard to questions relating to procedures that stem from a piece of legislation, please be sure to provide a full reference to that piece of legislation rather than any academic interpretation of that legislation.

Size: approximately **3-5 A4 pages**.

**ANNEX – Court decisions**

<b>Thematic area</b>	Please provide the most relevant high court decision relating to the use of surveillance measure.
<b>Decision date</b>	
<b>Reference details</b>	
<b>Key facts of the case</b> (max. 500 chars)	
<b>Main reasoning/argumentation</b> (max. 500 chars)	
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	