

3rd EUROPEAN INTELLIGENCE OVERSIGHT CONFERENCE

Rome (Italy), 7th and 8th October 2021

Organized by the General Prosecution Office at the Court of Appeal of Rome

Conference venue: Piazzale della Farnesina, 1
Italian Ministry of Foreign Affairs and International Cooperation

Thursday, 7th October 2021 (14:00-18:15)

13:00-14:00 Registration of delegates (coffee, cakes and refreshments will be available)

National Security and Role of Oversight Bodies in the European Jurisprudence

Scope of the discussion is the concrete definition of the legitimate sphere of action of Oversight Bodies.

- ECHR, GC, 25/5/2021: *Big Brother Watch v. UK* (applications No. 58170/13 et a.); ECHR, GC, 25/5/2021: *Centrum för rättvisa v. Sweden* (application No. 35252/08)
- CJEU, GC, 16/12/2016: *Tele2 Sverige AB et al.* (C-203/15 et al.); CJEU, GC, 6/10/2020: *Privacy International et al.* (C-623/17, req. Investigatory Powers Tribunal, UK); CJEU, GC, 6/10/2020: *La Quadrature du Net, French Data Network et al.* (C-511/18 et al., req. Conseil d'Etat, France, and Cour constitutionnelle, Belgium); CJEU, GC, 2/3/2021: *H.K. v. Prokuratuur* (C-746/18)
- German Federal Constitutional Court, 19/5/2020: 1 BvR 2835/17
- French Conseil d'Etat, 21/4/2021: *French Data Network et al.*

14:00 I SESSION: a) Opening of the Conference and General Presentations

Chair: Antonio Mura, IT

Welcome addresses:

- 14:20 Franco Gabrielli, Delegated Authority for the Security of the Italian Republic
- 14:35 Adolfo Urso, President of the Italian Parliamentary Committee for the Security of the Republic
- 14:50 Giovanni Salvi, Prosecutor General at the Italian Supreme Court of Cassation
- Speakers:
- 15:05 Robert Spano, President of the European Court of Human Rights
- 15:30 Guido Raimondi, President of Section of the Italian Supreme Court of Cassation, Former President of the European Court of Human Rights
- 15:55 Elisabetta Belloni, Director General of the Italian Intelligence Department for the Security (DIS)

16:20 Coffee break

16:40 I SESSION: b) The Developments in the light of European Case Law

Chair: Nico van Eijk, NL

Speakers:

17:00 Brian Leveson, UK Commissioner (*Overview of principles with practical impacts, ex ante and ex post control in the light of European case law*)

17:25 Serge Lasvignes, FR (*Consequences of the judgment of the EU Court of Justice “Tele2 Sverige AB” of 21 December 2016*)

17:50 Bertold Huber, DE (*German Federal Constitutional Court judgement 1 BvR 2835/17*)

18:15 *End of the I Session*

20:30 Dinner

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Friday, 8th October 2021 (9:00-17:00)

The time will be dedicated to open debate, even in the light of the presentations made during the day of the Conference opening.

9:00 II SESSION: a) Bulk Data Collection and Targeted Interceptions

Scopes of the discussion:

- *focus on different and common rules in these two fields of action*
- *ex ante, in progress, ex post controls*
- *actual consequences of recent jurisprudence*

Chair: Antonio Rodrigues, PT

9:15 Discussion

11:00 Coffee break

11:30 II SESSION: b) International Cooperation and Other Oversight Developments in light of the Revised Convention 108+

Scope: need for and limits of ex ante and ex post control by Oversight Bodies over information exchange between Intelligence Agencies with respect to interceptions and data collection activities.

- Sharing of information with/between Foreign Intelligence Agencies: control, limits and procedures of Oversight Bodies
- Effective remedies
- International cooperation between Oversight Bodies

Chair: Dominique Sebastian Volken, CH

Speaker:

11:45 Jan Kleijssen, Director of Information Society and Action against Crime,
Directorate General Human Rights and Rule of Law, Council of Europe

12:10 Discussion

13:00-14:20 Light lunch

14:20 III SESSION: National Overviews and Future of the O.B. Network

Scope: the effects of European case law on the organization and role of Oversight Bodies. Consequences due to the pandemic crisis on National Security. Possible developments of the O.B. Network and of the annual Conference.

- National developments

Chair: Antonio Mura, IT

Speakers:

14:25 Adriana Stehouwer, NL (*Best practices carried out in Europe concerning complaints handling*)

14:50 Serge Lipszyc, BE (*European case law on the notification of secret measures and the Belgian response with particular attention to the future role of the Standing Committee R*)

15:15 Presentations of papers of individual countries (max 10' each) and discussion

Final remarks:

16:45 Antonio Mura, IT

17:00 *End of the Conference*