

Contents

FOREWORD	3
INTRODUCTION	7
1 INTELLIGENCE SERVICES AND SURVEILLANCE LAWS	13
1.1. Intelligence services	13
1.2. Surveillance measures	15
1.3. Member States' laws on surveillance	18
FRA key findings	27
2 OVERSIGHT OF INTELLIGENCE SERVICES	29
2.1. Executive control	32
2.2. Parliamentary oversight	34
2.3. Expert oversight	41
2.4. Approval and review of surveillance measures	51
FRA key findings	57
3 REMEDIES	59
3.1. A precondition: obligation to inform and the right to access	61
3.2. Judicial remedies	66
3.3. Non-judicial remedies: independence, mandate and powers	70
FRA key findings	75
CONCLUSIONS	77
REFERENCES	79
CASE LAW INDEX	86
LEGAL INSTRUMENTS INDEX	87
ANNEX: OVERVIEW OF SECURITY AND INTELLIGENCE SERVICES IN THE EU-28	93

List of figures and tables

Figure 1: A conceptual model of signals intelligence	16
Figure 2: Intelligence services' accountability mechanisms	31
Figure 3: Forms of control exercised over the intelligence services by the executive across the EU-28	33
Figure 4: Specialised expert bodies and DPAs across the EU-28	50
Figure 5: Remedial avenues at the national level	60
Figure 6: Types of national oversight bodies with powers to hear individual complaints in the context of surveillance, by EU Member State	73
Table 1: Categories of powers exercised by the parliamentary committees as established in law	36
Table 2: Expert bodies in charge of overseeing surveillance, EU-28	42
Table 3: DPAs' powers over national intelligence services, EU-28	49
Table 4: Prior approval of targeted surveillance measures, EU-28	52
Table 5: Approval of signals intelligence in France, Germany, the Netherlands, Sweden and the United Kingdom	55