

EN
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Answer given by Mr McGrath
on behalf of the European Commission
(25.11.2025)

The Commission is not competent to comment or investigate on allegations related to police operations in individual cases in the Member States.

As regards the use of spyware, the Commission's position has been clear: any attempt to illegally access data of citizens, including journalists and political opponents, is unacceptable. Even where the use of spyware is linked to national security, and in instances where it falls outside the scope of EU law, national checks and balances need to ensure that safeguards are in place.

The Commission has followed up on developments concerning the alleged illegal use of intrusive surveillance software in its annual Rule of Law Report, in particular as regards the functioning of national checks and balances in response to such allegations¹.

The EU data protection and privacy *acquis* offers comprehensive protection to the confidentiality of communications and users' personal data and terminal equipment. The ePrivacy Directive² prohibits the interception of communications and access to information in the terminal equipment without the prior consent of the user. Any exemptions are subject to strict conditions and safeguards. The Law Enforcement Directive³ is also applicable when competent authorities process personal data for law enforcement purposes. Processing of personal data under these instruments is subject to control by supervisory authorities, which have effective powers to examine any allegations of misuse, as well as subject to judicial review.

¹ https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en.

² <https://eur-lex.europa.eu/eli/dir/2002/58/oj/eng>.

³ <https://eur-lex.europa.eu/eli/dir/2016/680/oj/eng>.