



The Hague, 26 April 2018

**EXECUTIVE DIRECTOR**

Ms Ana Gomes  
Chair of the *ad-hoc* Delegation to Malta,  
European Parliament

Copies to:

Mr Claude Moraes, Chair of the LIBE  
Committee, European Parliament

Mr Dimitris Avramopoulos, EU  
Commissioner for Migration and Home  
Affairs

Sir Julian King, EU Commissioner for the  
Security Union

Ms Paraskevi Michou, Director General,  
Migration and Home Affairs, European  
Commission

*via email*

*Dear Ana,*

Dear Ms Gomes,

Thank you for your letter dated 20 April 2018. First of all I would like to express my appreciation for the work carried by the European Parliament's *ad-hoc* delegation to Malta.

Following an initial request from the Maltese competent authorities, Europol assessed the available information and responded positively to provide support on-the-spot and on a case-by-case basis in relation to the criminal investigation in Malta. Europol has been providing continuous support to the Maltese authorities in this case since 26 October 2017.

So far, Europol's support activities have included the following actions:

- Collecting, storing, processing, analysing and exchanging information, including criminal intelligence stemming from the case.
- Notifying Malta and possible other EU Member States of information and connections between criminal offences concerning them;
- Assisting investigative and operational activities to support and strengthen the actions of Maltese law enforcement;
- Sharing specialist knowledge of investigative processes and technical and forensic methods, and providing advices to Maltese investigative authorities;
- Supporting cross-border information exchange activities;
- Promoting investigative cooperation between Malta and possible other EU Member States;

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## Europol Unclassified - Basic Protection Level

- Providing financial support to the investigative authorities of Malta and other relevant EU Member States.

Europol will continue supporting the law enforcement authorities of Malta and other EU Member States in relation to this investigation, on the basis of their needs and within Europol's available expertise and mandate.

This investigation is highly complex and now involves a number of EU Member States. New concerns have arisen which are now the subject of further, high-priority investigation by Europol. While we continue to work closely with the Maltese authorities, there is some room for improvement in this cooperation and we are actively seeking to address this.

I will pass on to my successor, Ms de Bolle, your request for a report concerning the scope and duration of Europol's involvement and assistance to the Maltese authorities as well as your request for a meeting in Brussels on this issue. On this point, I would like to underline the need for a Working Arrangement between the European Parliament and Europol concerning access to sensitive information held by Europol. Until such an arrangement is in place, Europol will be constrained in its ability to inform the European Parliament in more detail about important cases such as this one, which involves many sensitive and important elements.

As you know, we have also been providing support to the Slovakian authorities in another high-profile case. That case, while in no way connected to the murder investigation in Malta, does bear certain similarities, not least the fact that one of the victims was an investigative journalist and the existence of allegations of high-level corruption linked to the case. In both cases, Europol has been called upon by Members of the European Parliament to provide independent assurance about the investigations carried out at national level. This situation has highlighted, in my view, a limitation of the Europol Regulation, which obliges Europol to rely on the information provided by the designated national competent authorities and to report developments in the case, including any matters arising of concern, solely to those authorities. This means, in effect, that the agency has no independent means to provide such assurance.

As I am in the last week of my term of office, I would also like to take advantage of this opportunity to thank you personally for the support provided to Europol over the years of my appointment.

Yours sincerely,



Rob Wainwright

Executive Director

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