

Letter on French exports of cyber surveillance tools to the Egyptian regime

Brussels, 20 December 2021

To the President of the European Commission, Ursula Von der Leyen, the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the Commission Josep Borrell and the Commissioner for External Trade, Valdis Dombrovskis

Dear President, High Representative and Commissioner,

As part of revelations about dimensions of Franco-Egyptian cooperation that violate human rights in Egypt, the independent media outlet *Disclose* revealed recently that 3 French companies have sold cyber surveillance tools to the Egyptian regime. These exports are necessarily authorized by the *Service de contrôle des biens à double-usage* (SBDU), placed under the responsibility of the French Ministry of the Economy.

Disclose has documented that the SBDU has authorized since 2014 the deployment by Nexa Technologies of the *Cerebro* surveillance software and the sale by Ercom-Suneris of the *Cortex Vortex* telephone spying and geolocation tool to Egypt. It appears that it also authorized Dassault Systèmes to sell the *Exalead* search engine to the Egyptian intelligence services.

In addition, the International Federation for Human Rights (FIDH) also denounced as early as 2018 the export of the *Morpho* database to the Egyptian regime by the company Idémia.

We hereby ask the Commission to examine initiating an infringement procedure against France for its infringements and failures to fulfil its obligations under successive regulations on the export of dual-use items.

The recast Regulation on the export of dual-use items (2021/821), which entered into force on 9 September 2021, clarifies that Member States should give due consideration to the risks of human rights violations, evident in this case, when authorizing the export of cyber surveillance items and subsequently the necessary technical assistance. We are therefore particularly concerned to clarify whether France has violated explicit European rules since September 2021 by intently failing to revoke these authorizations. According to our information, the *Cortex Vortex* telephone spying system at least is still in operation.

The Commission is responsible for ensuring that all EU Member States correctly apply EU legislation. We therefore ask that the Commission requires France to disclose any technical assistance provided by these companies to the Egyptian regime, and to clarify whether the SBDU had duly informed these companies that these systems were likely to be used for repression (especially as provided for in Regulation 2021/821).

We also note that European legislation was already restrictive at the time of the signing of these companies' contracts with Egypt. The Regulation on the Export of Dual-Use Items (428/2009) had since October 2014 been updated in light of a new category of dual-use items

of the Wassenaar Arrangement¹. This category seems to correspond to some of the items that these companies have sold to Egypt. We therefore also consider it necessary for the Commission to examine the compliance of the SBDU's authorisations and these companies' exports under this previous version of the Regulation on the export of dual-use items.

We consider that France may have violated Regulations 428/2009 and 2021/821 and that the companies as well. Today, Egypt has 65,000 political prisoners. In our resolution of December 2020, we condemned the intensity of this crackdown and called on Member States to stop all exports to Egypt of surveillance technology and other security equipment that could facilitate attacks on human rights defenders and civil society activists, including on social media, as well as any other form of internal repression.

Dear President, High Representative and Commissioner, we thank you in advance for the attention you will pay to these facts of the utmost importance for the respect of human rights and compliance with European law.

Mounir Satouri, Standing Rapporteur on Egypt of the European Parliament

Markéta Gregorová, Rapporteur on Regulation 2021/821

Philippe Lamberts, GreensEFA

Rosa D'Amato, GreensEFA

Brando Benifei, S&D

Özlem Demirel, GUE

Yannick Jadot, GreensEFA

Karen Melchior, Renew

Bettina Vollath, S&D

Ignazio Corrao, GreensEFA

Patrick Breyer, GreensEFA

Saskia Bricmont, GreensEFA

Giuliano Pisapia, S&D

Eleonora Evi, GreensEFA

Clare Daly, GUE

Marcel Kolaja, GreensEFA

Henrike Hahn, GreensEFA

Tineke Strik, GreensEFA

Idoia Villanueva Ruiz, GUE

Tilly Metz, GreensEFA

Miguel Urban Crespo, GUE

Mikulas Peksa, GreensEFA

Katrin Langensiepen, GreensEFA

François Alfonsi, GreensEFA

Benoît Biteau, GreensEFA

Damien Carême, GreensEFA

Hannah Neumann, GreensEFA

David Cormand, GreensEFA

Gwendoline Delbos-Corfield, GreensEFA

¹ Category 5. A. 1. f.1. relating to "mobile telecommunications interception or jamming equipment, and monitoring equipment therefor, as follows, and specially designed components therefor; Interception equipment designed for the extraction of voice or data, transmitted over the air interface"

Karima Delli, GreensEFA
Claude Gruffat, GreensEFA
Michèle Rivasi, GreensEFA
Caroline Roose, GreensEFA
Marie Toussaint, GreensEFA
Salima Yenbou, GreensEFA