



Words by the Chair

As LIBE Chair I represented the EP at the meeting of Justice and Home Affairs Ministers in Bucharest to uphold the Parliament's priorities on migration and asylum, anti-terrorism, police and judicial cooperation, and e-evidence. The Joint Parliamentary Scrutiny Group of Europol also took place this month, which I co-chaired, alongside the Romanian Presidency. This was important for the democratic scrutiny of the agency, and was an opportunity for the EP to further discussions on enhancing EU cooperation on security and intelligence, tackling cybercrime and upholding fundamental rights. A key EU justice development started to come to light. We heard the three designated candidates for the position of European Chief Prosecutor and adopted a ranking order of candidates. Negotiations with the Council will follow to designate the first-ever European Prosecutor. The LIBE Committee worked very effectively to conclude the activities of the rule of law monitoring working group. We need to be extremely vigilant to protect the rule of law across Europe and this resolution sets out clear recommendations for the EU, Member States, and the next EP.

Claude MORAES

Fifth LIBE Security Dialogue with Commissioner Julian King, Commissioner for the Security Union on 19 February 2019

Commissioner Julian King took stock of progress made towards an effective and genuine Security Union. He also gave an overview about future challenges that should be addressed.

He highlighted the successful legislative initiatives that were closed in recent months, such as the Interoperability proposals, ECRIS-TCN and the proposal to restrict access to explosive precursors. He also pointed the reached agreement on the proposal to facilitate cross-border access to financial information by law enforcement authorities, hitting terrorists where it hurts and making it harder for them to carry out attacks.

The Directive on Combatting Terrorism, the strengthened legal framework on the control of the acquisition and possession of weapons, the reached agreement on the 5th Anti-Money Laundering Directive and the work to implement the Passenger Name Records Directive are other highly efficient tools and measures taken to enhance EU security.

The Commissioner underlined the importance of the reached agreement on the Cybersecurity Act and building a genuine EU Cybersecurity Agency. This Agency will help to develop a new EU-wide certification system to boost the cybersecurity of online services and consumer devices, and to coordinate the response to large-scale incidents, transforming the existing EU Network and Information Security Agency (ENISA).

Commissioner King encouraged legislators to finalize the proposal for a regulation on terrorist content online, being another priority. Furthermore, he pointed to existing or arising threats linked to the protection of our critical digital infrastructure, ensuring the security of government information, industrial research, intellectual property, business plans, elections and democratic institutions, as well as personal data. This would involve the essential pillars of our modern, connected lives: as well as 5G, this includes aspects of the Cloud and Artificial Intelligence. A discussion on how to approach cybersecurity and other security issues is necessary.



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Working Group monitoring the situation of the rule of law and fight against corruption within the EU



In June 2018, the LIBE Committee decided to set up a working group with a general mandate to monitor the situation as regards rule of law and fight against corruption within the EU and address specific situations, in particular Malta and Slovakia. The Group was initially set to work until 31 December 2018, however its mandate was extended to April 2019, so that the opinion on Malta published by the Venice Commission in December could be taken into account while preparing the draft LIBE "Resolution on the situation of the rule of law and the fight against corruption in the EU, specifically in Malta and Slovakia".

A direct follow-up of the Working Group's activity, the draft resolution was presented to LIBE on 11 February 2019, by the Chair of the Working Group and rapporteur for this resolution, Sophie in't Veld. The ensuing exchange was an opportunity for Members of the

Working Group to underline the main concerns and recommendations for the specific countries mentioned in the resolution, but also to point out to cross-cutting issues such as the necessity of having a general mechanism of monitoring the situation concerning the democracy and rule of law within EU. In the debate, it was reminded of the context which led to the setting up of the Working Group, in the aftermath of the horrific murders of the two journalists. It was noted that this way of working represented an effective formula involving various activities - such as missions, hearings, meetings with various stakeholders - for monitoring the situation as regards rule of law within the EU and more specifically in the two countries. Also noted was the recommendation from the draft resolution to continue the work by creating a permanent structure within the LIBE Committee to monitor such breaches in the Member States.

The resolution was adopted by LIBE on 19 February with a large majority. The vote on the resolution, based also on two oral questions addressed to the European Commission and to the Council, is planned to be set on the March II Plenary agenda.

State of play of the reintroductions of internal border controls

Current reintroductions as notified to the Parliament:

- **Austria:** as of 11/11/2018 for 6 months (reason: migration and terrorist threat)
- **France:** from 01/11/2018 to 30/04/2019 (art.25.1 and 27 of regulation 2016/399) (terrorist threat)
- **Germany:** as of 12/11/2018 for 6 months (art. 25 to 27 of regulation 2016/399) (migration and security policy)
- **Sweden:** as of 12/11/2018 for 6 months (art.25 of regulation 2016/399) (threat to public policy and internal security)
- **Norway:** as of 12/11/2018 for 6 months (art. 25 and 27 of regulation 2016/399) (terrorist threat)
- **Denmark:** as of 12/11/2018 for 6 months (art. 25 and 27 of regulation 2016/399) (terrorist threat)

Implementation of DG HOME funds

On 18 February, Director Beate Gminder, DG HOME, Commission presented the work programmes for 2019 and the state of play of the implementation of three DG-HOME funds (2014-2020): the Asylum, Migration and Integration Fund (AMIF), and the ISF Border/VISA and ISF Police Funds. The Commission reminded that implementation under this funding period started very late but that it had now reached cruising speed. Member States have to report on the implementation once a year to the Commission. Under the AMIF, so far 2195 projects were financed with a contribution of over 1.2 billion Euros, among which the integration of more than 3.3 million persons and the support of 160.000 vulnerable persons and unaccompanied minors. Furthermore, the AMIF contributed to 77.000 voluntary returns and the resettlement of 24.000 persons. Following the modification of AMIF, relocation and legal admission from Turkey can continue to be financed. Under the ISF Border/Visa Fund, 474 projects were supported with a contribution of 605 million Euros, including the development and upgrade of 364 consulates and the training of nearly 9.000 persons in border management related issues. The ISF Police Fund supported 534 projects with 720.000 Euros. Through transnational Union Actions and Specific Actions, the Commission carried out 145 projects under AMIF and 152 projects under ISF Police in direct management. Emergency assistance of AMIF was distributed mainly to Greece (50%) and amounts to 1.4 billion. Work programmes for the next year will profit from a top-up agreed by the Budgetary Authority and from contributions of the Schengen Associated countries to address funding challenges, such as reception and border management. 2019 is the last year where Member States could start new actions that could ultimately run until 2022. According to the Commission, the Funds provided for added value but also proved not to be flexible enough to react to changing circumstances.

JHA-related MFF files

Since the beginning of the year, LIBE has adopted the final reports on the proposals for the sectoral programmes in its remit of the next Multi-annual Financial Framework (MFF): The Justice Programme (EUR 316 000 000 in 2018 prices), the Rights and Values Programme (EUR 1 627 000 000 in 2018 prices), the Pericles IV Programme (EUR 7 700 000 in current prices), the Internal Security Fund (ISF, EUR 2 209 725 000 in 2018 prices), the Border Management and Visa Fund (BMVI, 2 834 927 000 in 2018 prices) and the Asylum and Migration Fund (AMF, EUR 9 204 957 000 in 2018 prices). The Conference of Presidents has asked rapporteurs to aim at a first reading before the end of this term, which includes either the result of negotiations with the Council or the EP position. For the Justice Programme and the Rights and Values Programme, negotiations have started with the Council and provisional agreements were reached. For ISF, BMVI and AMF, the first reading position of Parliament is to be adopted in Plenary during the March I session. With regard to negotiations with the Council, it needs to be noted that in any case only partial provisional agreements can be endorsed because the Council will only be able to decide on figures by the end of 2019.

Fundamental rights in the 'hotspots' - updated FRA opinion



Upon request of the LIBE Committee, the Fundamental Rights Agency (FRA) issued on 4 March an update of its 2016 Opinion on fundamental rights in the 'hotspots' set up in Greece and Italy. The [opinion](#) provides useful insights from the ground, regarding the application of the 'hotspot' concept still key in the discussions for the reform of EU's asylum, border management and migration legislation. The opinion notes that "the processing of asylum claims in facilities at the land or sea borders, although not per se unlawful,

raises many fundamental rights challenges, which in practice appear difficult to resolve." The opinion notes only little progress as to the different fundamental rights issues identified in November 2016. Access to international protection has improved but asylum applicants stay on average over five months on the Greek islands, where conditions are sub-standard, till the end of the asylum procedure or the lifting of the territorial restriction.

In spite of positive developments such as new guardianship laws in both countries, child protection issues are found persistent: adequate shelters for unaccompanied children remain insufficient and dedicated areas inside the hotspots are inadequate. The system for identifying vulnerability improved in both countries, although in Greece shortages of relevant experts and interpreters meant that vulnerable persons stay for a long time in inadequate conditions while in Italy no structured approach exists for adequate referral to facilities. The opinion finally refers to several violent incidents in both countries, to the high risk of sexual and gender based violence as well as to continued practices of deprivation of liberty without assessing necessity and proportionality in the individual case. To be noted as points of improvement: the fact that Frontex escorts in return and readmission operations are better trained, that national human rights monitoring bodies regularly visit the hotspots, pre-removal facilities and monitor return and readmission operations, and the absence of new reports about excessive use of force when taking fingerprints.

Documents adopted in LIBE

- [Report](#) on European Border and Coast Guard
- [Report](#) on Justice programme
- [Resolution](#) of RoLMG
- [Report](#) on European network of immigration liaison officers (recast)
- [Recommendations](#) on Automating processing of Personal Data

LIBE-related resolutions in Plenary

- [Report](#) on Asylum and Migration Fund
- [Report](#) on Data exchange DNA data in UK
- [Report](#) on Establishing the Internal Security Funds
- [Report](#) on combating fraud and counterfeiting of non-cash means of payment

Next LIBE meetings:

11, 18, 21 March and 1-2, 8, 11 April

See [draft agendas](#), [meeting documents](#) and [live broadcast](#)

Migration and Asylum

Minister Vitsas, Greek Minister for Migration Policy presented figures on refugees and migrants present in Greece in 2018 (over 70,000, of whom 14,615 on the islands), irregular border crossings (which have risen in 2018, with sharp increase in land crossings), accommodation places, search and rescue activities and returns, as well as asylum applications (61,000 in 2018) and duration of asylum process. On the CEAS reform, he stressed the divergence of views among Member States and the lack of common position, notably on Dublin. He insisted on the package approach till new Dublin is in place and supported the adoption of a temporary solidarity mechanism by May 2019 fulfilling certain criteria (internal dimension, based on needs of Member States receiving solidarity, not interchangeable with border management support or external action, obligatory nature, covering all migratory flows, based on voluntary participation but with subsequent obligations, national capacity to be defined according to GDP and population, encompassing all asylum procedure aspects, reception and protection/returns, support from EU funding and sanctions for non-participation). He also insisted on building a common understanding of international protection criteria and long-term solutions (support to countries of origin and building legal pathways). Members posed questions on the CEAS negotiations, the possibility of enhanced cooperation notably for Dublin, the return numbers, the role of Frontex, the recent CPT report on the situation of refugees and migrants in Greece and the situation of children. The Minister stated that Greece would be in favour of any mechanism that saves lives in the Mediterranean, and mentioned that for the future MFF, Greece would submit proposals for sanctions on Member States which do not contribute to the solidarity mechanism. On Frontex, he criticised the legal soundness of the recent Commission proposal and insisted that Frontex's search and rescue mandate should be activated.

Temporary arrangements



In the meeting of 18/19 February, an exchange of views with Michael Schotter, Director for Migration and Protection, DG HOME and Raducu Catalin Burlacu, representative of the Romanian Presidency took place on the issue of "temporary arrangements". In the exchange it was recalled that in the last informal Justice and Home Affairs Council in Bucharest, the Presidency put on the agenda the issue of "temporary arrangements" as a preparatory step in view of dealing with challenging situations linked to migration. It was underlined that the "temporary arrangements" are seen as a "bridge" until a solution is found for the Dublin reform. The Commission encourages all Member States to participate in these voluntary arrangements, which would represent an organised form of coordination built on experiences during the summer where ad hoc solutions were found as a follow up of search and rescue operations. The discussion on this issue will continue with the Member States under the Romanian Presidency.

LIBE missions

Global Compacts on Migration and Refugees - EP delegation to Marrakech report and further steps



A joint LIBE, DEVE and DROI meeting took place on 26 February on the Global Compacts for Migration and Refugees, focussing first on the mission of the [EP delegation](#) to Marrakesh

carried out on 10-11 December 2018. Ms McAvan, Chair of the EP delegation, stressed active participation in the intergovernmental conference - attending the high-level Opening Session as part of the EU delegation, taking the floor on behalf of the EU at the second high-level Dialogue session, and delivering a statement at the high-level special event on the 70th anniversary of Universal Declaration of Human Rights (UDHR). Several high level bilateral meetings were also held, notably with the High Commissioner for Human Rights, Michelle Bachelet, and the Mexican and Moroccan Ambassadors to the UN. The Delegation expressed clear support for the Global Compact on Migration, on the basis of the Plenary resolution of April 2018.

Chaired by Mr Moraes, the meeting turned then to the follow-up to be given to the adoption of the Global Migration and Refugee Compacts, involving Lotte Knudsen (EEAS), Ola Henrikson (IOM) and Sophie Magennis (UNHCR). Discussions concluded on the need for the European Parliament to continue its work towards the implementation of the Migration and Refugee Compacts during the next legislative term, particularly in view of the World Refugee Forum in Geneva in December 2019 and the International Migration Review Fora of 2022.

LIBE Committee ad-hoc delegation to Seoul (29 October - 2 November 2018)



The presentation of the [draft report](#) covering the LIBE Committee ad-hoc delegation to Seoul (29 October - 2 November 2018) was made by the Chair of the LIBE Committee during the Committee meeting of 28 February. The report highlights information received in the meetings that took place within the scope of the delegation, i.e. the negotiations between the Commission and South Korea aiming at reaching a partial "adequacy decision" on the transfer of personal data from the Union to South Korea.

The Chair enumerated the meetings with public authorities, namely with the Korea Communications Commission, the Privacy Information Protection Commission, the Ministry of Interior and the Ministry of Science and ICT. Furthermore, there were meetings with Members of the National Assembly, with private stakeholders (Samsung, Naver), a roundtable with representatives of businesses and a roundtable with representatives of civil societies and NGOs. Finally, the delegation met Law Professors and academics, specialised in data protection and cybersecurity.

Other Members who accompanied the Chair were M. Weidenholzer (S&D), M. Boni (EPP), Ms Griesbeck (ALDE) and M. Nagy (EPP).

LIBE events



Hearing for the appointment of the European Chief Prosecutor

On 26 February, the LIBE Committee organised the hearings of the three shortlisted candidates, with the participation of the CONT Committee. The name of the first candidate to be heard was drawn by lot by the Chair,

and then the alphabetical order of candidates' names was followed. The first candidate to be heard was Mr Andrès RITTER, followed by Mr Jean-François BOHNERT, and finally Ms Laura KÖVESI. Each candidate was invited to make an opening oral statement. Then a questions and answers session followed: the LIBE political groups could raise up to 14 questions, while the CONT political groups could raise up to 7 questions. Most questions related to the personal experience of the candidate in the prosecution of important financial crimes, to his/her conception of the independence of the European public prosecutor's office (EPPO), and to the organisation of the EPPO, especially as regards the relations with OLAF, Eurojust and non participating Member States.

The evaluation of the candidates took place as follows:

- a vote by secret ballot was organised immediately after the hearings by CONT Committee. The results were 12 votes in favour of Ms KÖVESI, 11 votes for M. BOHNERT and one vote for M. RITTER,
- a vote by secret ballot was held in the LIBE Committee the day after, at 11:00 am. The results were 26 votes for Ms KÖVESI, 22 for Mr BOHNERT and 1 vote for M. RITTER.

In accordance with the letter he received from M. Tajani on 21 February, M. Moraes wrote to the President of the European Parliament informing him about the outcome of the vote in the LIBE Committee. The letter also included the CONT position. On 7 of March the Conference of the Presidents mandated Mr Moraes (LIBE Chair), Ms Gräßle (CONT Chair) and Ms Sargentini (LIBE Vice-Chair) to open negotiations with Council on the basis of the order of preference as established.

News from Justice and Home Affairs agencies



FRA - The second part of FRA's major research project on "Severe Labour Exploitation" undertaken in 2013 is reaching completion. Two sub-studies were presented to LIBE on 18 February - Out of sight: [migrant women exploited in domestic work](#) (June 2018) and [Protecting migrant workers from exploitation in the EU](#): boosting workplace inspections (September 2018). Findings of a third one - "Is this the Europe we want? Severe labour exploitation in the EU – exploited migrant workers' perspectives" – expected to be published in June 2019, were also brought forward. This work is focusing on the experiences and views of foreign workers in 8 Member States, in a rather innovative approach giving the floor to victims, notably undocumented workers.

EASO - EASO's Management Board recently elected its new Chairperson, Dr. David Costello, Member of the Board from Ireland, and also selected Ms. Nina Gregori for the post of the EASO's Executive Director. Ms. Gregory has worked at the Slovenian Ministry of Interior for over 20 years and is currently serving as Director-General responsible for the area of asylum, migration, integration, naturalisation and administrative affairs ([short CV](#)). Prior to her appointment, she will be heard by the [LIBE Committee on 11 March](#) (Strasbourg). She has already answered a list of written questions posed by LIBE. The Parliament will subsequently issue an opinion upon LIBE Committee's recommendation, for the attention of EASO's Management Board.

EMCDDA - The EMCDDA Director, Mr Alexis Goosdeel, participated in the LIBE Committee meeting on 19 February 2019 to present the work performed by the Agency during last year and the plans for the near future. In 2018 EMCDDA continued to produce a wide range of thematic publications on drugs-related issues, including its annual European Drug Report. The Agency was also active in preparing for the entry into application of the recently adopted legislative package on new psychoactive substances. For [2019](#), key events will be the Lisbon Addictions conference and the publication of the third edition of the EU Drug Markets Report in cooperation with Europol.

CEPOL - In November 2018 CEPOL finalised the first [EU Strategic Training Needs Assessment](#) (EU-STNA), which was a task attributed to it by its renewed founding regulation. In cooperation with EU Member States and experts, the Agency identified 21 priority areas for EU-level law enforcement training for the period 2019-2021: illegal immigration, counter-terrorism, trafficking in human beings and cybercrime feature as the highest ranked topics in the list. On 25 February 2019 the Executive Director of CEPOL, Mr Detlef Schröder, presented the outcome of this exercise in the LIBE Committee meeting and outlined the main activities planned by CEPOL in its work programme for 2019.

EDPB - The Chair of the European Data Protection Board Ms Jelinek, and the Vice-Chair Mr Debeuckelaere, came on 26 February to LIBE to present their state of play of the implementation of the General Data Protection Regulation (GDPR), 9 months since its entry into application on 25 May 2018. The exchange of views allowed Members to obtain information on the current state of play of the consistency mechanism put in place by the GDPR as well as regards the means and powers of the [EU DPAs](#).

Three questions to Jeroen Lenaers (EPP, The Netherlands) and Nuno Melo (EPP, Portugal)



Rapporteurs for the two legislative proposals on interoperability of EU information systems, on which Parliament and Council have recently reached an agreement.

For these reports, what are the main challenges for the EP as co-legislator?

J. Lenaers: The main horizontal issue today with all the EU information systems is that they are designed as separate silos. I visited the site of eu-LISA in Strasbourg, where you have many servers all within inches of one another, but not able to communicate. This allows for blind spots in our security system. I had a similar experience in Sicily where I recently visited the hotspot in Pozzallo. Also there separate rooms with separate computers and separate systems. This is very time consuming and inefficient and no longer acceptable in a time when security is a number one priority for many of our citizens.

N. Melo: The EU should have centralized information systems that can exchange data among themselves, to prevent people, including terrorist suspects, from being

registered under different names in several databases without any link between them. Correcting current deficiencies and gaps in information management will make it possible to clarify that the information provided is correct and complete, which is essential for protecting external borders and improving internal security.

What does your work consist of as LIBE Rapporteur in the whole package of Interoperability?

J. Lenaers: My main task is to guide this legislative proposal through the EP. I had to find a strong and solid position with the broadest possible political support in the Parliament. The broader the support, the stronger our position, as our EP mandate was the starting point in our negotiations with the Council.

N. Melo: It is not normal that existing data that can help prevent tragedies or crimes are not shared or are not available to the authorities in charge of security. The political power has an obligation to do better for the security of the Union.

What would be your advice to newly appointed rapporteurs?

J. Lenaers: This file is of a very technical nature and therefore it was important for all the MEPs involved to gain the necessary knowledge in order to grasp the proposal well. In order to do that, we organised a series of meetings with European Commission experts as well as experts from the various EU Justice and Home Affairs agencies.

N. Melo: These are very technical reports and very difficult to interpret. There was an enormous technical effort, although the political issues were clear: better security with respect for privacy.

JHA Council on 7 and 8 March 2019



EU Ministers of Justice and Home Affairs were first briefed on the progress of negotiations with the Parliament on the **European Border and Coast Guard regulation**. They received an update on the state of play of the reform of the **common European asylum system and exchanged views** on EU cooperation with North African countries in the context of **migration**, considering that the EU can do more in enhancing those countries' capacity to manage migration. They further debated on the state of play and way forward on the EU response to **terrorism**. As for Justice topics, Ministers focussed on **e-evidence** and adopted the Council's position on the directive on rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings. They also debated negotiating mandates with the US and, in the context of international negotiations on the new protocol to the Budapest convention, within the Council of Europe. No conclusions were adopted.

Security of civilian firearms and military Small Arms and Light Weapons



On 18 February, LIBE, AFET, DEVE and INTA held a joint meeting on the new EU strategy against illicit firearms, small arms and light weapons. It started with the presentation of a [Joint Commission-EEAS Communication](#) adopted in June 2018. The approach relies on three major building blocks - strengthening the relevant legal framework, fostering enhanced operational cooperation at EU level and promoting international cooperation, notably with neighbouring countries. The Communication underpinned the adoption of the [revised Strategy on Small Arms and Light Weapons](#) by the Council ([Conclusions](#) of 19 November 2018) also presented at the meeting, which introduced new provisions e.g. on marking of firearms, enhanced exchange of information on transfers between MS, end user certification, reinforced judicial cooperation and Europol's role in the fight against illicit trafficking. Discussions stressed that the strategy does not aim to delegitimise the trade and use of firearms but to prevent their illegal traffic and criminal use.

European Court of Auditors - Special Reports on asylum - migration funds

European Union Emergency Trust Fund for Africa (EUTF)

The special report was presented to LIBE on 7 February. The [EU Trust fund for Africa](#) represents about 4 bn Euros of which 89% are funded by the EU and by the EDF. Its purpose is mainly to address the root cause of the migration crisis. The Court stated that the EU was quick in mobilizing the funds in 2015 but that unfortunately their objectives were too vaguely defined for auditors to be able to assess the overall efficiency of the fund in 2018. The Court also noted that the implementation of projects suffered the same difficulties (delays) than for other development and cooperation areas. It acknowledged the advantages accruing from the flexibility of the instrument, allowing to mobilise advanced payments for projects more rapidly. Nevertheless, the Court underlined the necessity for a more focused design to address specific needs. The Commission accepted all the recommendations of the Court except 2 of them in relation to the selection and implementation of projects.

Facility Refugee for Turkey (FRT)

The Court of Auditors recalled that Turkey is the country in the world that hosts the highest percentage of refugees. It highlighted that 94% of the refugees live outside camps and are very unlikely to ever return in their countries of origin. To date 6 bn Euros have been mobilized for the [FRT](#) (out of which about two third financed by the EU budget). The Court noted that the FRT is beneficial to Refugees that there still room for increasing the value for money. To date, neither the Internal Auditing Service of the Commission, the Commission implementing partners or the Court of Auditors have the primary data (though recorded by the Turkish Local Authorities) needed to allow them to verify that EU money is efficiently spent according to its purpose. Despite the attempt of the Commission to move from an emergency approach to more durable solutions, the study reveals a mismatch between the effectiveness of cash payments for daily needs and the advanced payments allocated to other projects, which are frequently delayed. The Commission accepted all the recommendations of the Court.

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