Words by the Chair

In 2020, LIBE keeps being the busiest committee in the house. Firstly, we must ensure that the Commission responds to our demand of having the revision of the Common European Asylum System and related legislation finally unblocked, and seeing the importance of solidarity, for the common management of external borders and of asylum requests.

Secondly, we must ensure mutual trust and mutual recognition at the core of judicial cooperation in criminal matters, in order to continue the fight against cross-border crimes. Here, we must highlight the importance of LIBE’s work, pushing forward for frameworks on the rule of law, democracy, and fundamental rights. This is the only way to guarantee that mutual trust and mutual recognition are restored.

Lastly, for the security of EU citizens, it is important to consider the files in this area, such as the regulation on terrorist content online, and e-evidence. In this regard, we must be able to strike the proper balance between the security of EU citizens and our data protection standards.

Juan Fernando López Aguilar

Highlights of the Month

Priorities of the new Presidency of the Council of the European Union

On 1 January 2020, Croatia took over for the first time the presidency of the Council of the European Union. Croatia has built its presidency programme around four pillars: a Europe that develops, a Europe that connects, a Europe that protects and an influential Europe... (more on page 2)

LIBE opinion on Brexit

LIBE voted on 21st January on its opinion to the AFCO Committee, under the Parliament consent procedure concerning the UK Withdrawal Agreement... (more on page 2)

EU-US Privacy Shield: third annual joint review

The Commission and the European Data Protection Board (EDPB) presented their reports on the third annual joint review of the EU-US Privacy Shield... (more on page 3)
The Schengen Information System in the UK

The UK has been using the SIS on a provisional basis since 2015. A Council Implementing Decision is necessary to set the full application of the SIS-related Schengen acquis in the UK. For this to happen the UK should conclude successfully a Schengen evaluation process. The last evaluation for the UK, coordinated by the Commission in 2017 concluded the existence of serious deficiencies in the application of the Schengen acquis. Therefore, evaluation proceedings could not be concluded successfully. The LIBE Committee is following closely the developments of the Schengen evaluation process of the UK through its Working Group on Schengen Scrutiny. In addition, on 9 January 2020 the LIBE Committee heard the Commission presentation on a question for written answer to the Commission on the illegal use of the SIS database by UK authorities tabled by the Renew Group. This discussion will continue within the Schengen Scrutiny Working Group. The issue of the unauthorised use of the SIS is indicated in the LIBE Committee opinion on the UK Withdrawal Agreement.

LIBE opinion on Brexit

The opinion focuses on EU and UK citizens’ rights, protection of personal data, asylum, migration and border management, as well as security, law enforcement cooperation and judicial cooperation in criminal matters. It comments on the text of the draft Withdrawal Agreement, including in view of future EU-UK cooperation, stressing the need to ensure that the impact of the UK withdrawal should be as limited as possible. Vote in the AFCO Committee took place on the 23rd, while the vote in plenary is scheduled for the 29th of January. Once the Agreement is concluded and UK becomes a third country, LIBE will follow closely the situation during the transitional period as well as the steps towards a concretisation of future EU-UK cooperation in the LIBE remit. On 27th January, a joint agenda item on Brexit and asylum policy was held in Committee, to discuss repercussions of Brexit notably on the functioning of Dublin including family reunification.

Council news

Informal Justice and Home Affairs (JHA) Council

The informal JHA Council took place on 23-24 January 2020 in Zagreb, Croatia. The Chair of LIBE Mr Juan Fernando López Aguilar was invited to participate. Commissioners Johansson and Reynders participated as well. The first topic of the ministerial meeting was a working session on the future of the European area of freedom, security and justice. The aim was to continue the reflections regarding implementation of the European Council’s Strategic Agenda 2019-2024 and preparing the ground for strategic guidelines under Article 68 TFEU which should facilitate this implementation. On Thursday, Justice Ministers discussed the role and importance of the European Judicial Network in civil and commercial matters in facilitating judicial cooperation and on ways to further strengthen judicial training. On Friday, Home Affairs Ministers debated the implementation of interoperability. The lunch debate on the fight against organised migrant smuggling networks focused mainly on the Western Balkans. In the end, ministers discussed challenges and prospects for the implementation of the revised EBCG Regulation, which entered into force on 4 December 2019 and provides a legal basis for increasing the EBCG’s capacities and significantly extends its mandate.

Priorities of the new Presidency

The four priorities are united in the motto “A strong Europe in a world of challenges”. The Croatian Presidency intends to focus on further establishing the Union as an area of freedom, security and justice, founded on common values, democracy and the rule of law. The Presidency wants to work on the Union’s strategic guidelines in the area of freedom, security and justice. Other priorities in this area include inter alia combating organised crime, money laundering and the financing of terrorism, prevention of the dissemination of online content promoting discrimination, violent extremism and terrorism and strengthening of the interoperability of IT systems in the area of justice and home affairs. The goal is to return to a full and efficient functioning of the Schengen Area. Also announced is that a comprehensive and sustainable migration policy will be pursued by strengthening the control of the Union’s external borders; by a coherent and comprehensive approach to the external and internal aspects of migration, including legal migration; by reforming the Common European Asylum System and by deepening the cooperation with third countries. Finally, in order to protect freedoms and democracy, the Presidency will aim for a comprehensive approach to the rule of law and strengthening of the democratic principles and fundamental values of the Union.
**EU-US Privacy Shield: third annual joint review**

(continuation from page 1) They explained the improvements since the last review, such as a more proactive role and intervention of the Department of Commerce (DoC) and the Federal Trade Commission (FTC) against false declaration of participation to the scheme, the appointment of a permanent ombudsperson to ensure fair means of redress as regards the use of personal data for national security purposes.

The EDPB also identified several shortcomings, such as the limited oversight of the DoC and FTC on formal aspects rather than on substantive elements of the Shield, the need for better cooperation between FTC and EU data protection authorities in handling complaints, "bulk data", the need for a stronger Ombudsperson, whose decisions should be subject to judicial review. The EDPB also considers that judicial means offered to EU citizens raise questions (locus standing of EU citizens), which make judicial redress difficult or impossible. Both reports address recommendations to the US authorities to improve the functioning of the Privacy Shield and to look at issues such as onward transfers, which need a more careful monitor by the US authorities.

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**Delegations, hearings, documents**

**LIBE delegations January - June 2020**

- FRONTEX - Warsaw, Poland: 24-26.02.2020
- Slovakia - rule of law: 18-20.03.2020
- Europol - The Hague, The Netherlands: 18-20.05.2020
- Greek islands: 6-8.04.2020
- Croatian Border to Bosnia and Herzegovina: 18-20.05.2020

**Upcoming hearings**

- Implementation of the Dublin III Regulation 19.02.2020
- Artificial Intelligence in Criminal law 20.02.2020
- EU Mechanism on Democracy and Rule of Law 15.04.2020
- Implementation of the procedural rights Directives 30.04.2020
- Trafficking in human beings 25.06.2020
- Cyber violence (with FEMM) June 2020

**Documents adopted in LIBE and LIBE-related resolutions in Plenary**

- EU-Switzerland Agreement on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime
- EU-Liechtenstein Agreement on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime
- Protocol to EU-Switzerland Agreement concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding the access to Eurodac for law enforcement purposes
- Closure of the accounts for the European Asylum Support Office (EASO) for the financial year 2017
- Public discrimination and hate speech against LGBTI people, including LGBTI free zones
- The Rule of Law in Malta, after the recent revelations around the murder of Daphne Caruana Galizia
- Protocol between the EU, Iceland and Norway to the Agreement concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding the access to Eurodac for law enforcement purposes
- Implementing and monitoring the provisions on citizens’ rights in the Withdrawal Agreement
- Ongoing hearings under article 7(1) of the TEU regarding Poland and Hungary
- Opinion on the draft general budget of the European Union for the financial year 2020
- Opinion on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2018: performance, financial management and control
- Opinions on the discharge for EASO, CEPOLE, EMCDDA, eu-LISA, Eurojust, Europol, Frontex, FRA, EBCG, EDPS
3 Questions to Alice Kuhnke, Rapporteur of the Rights and Values Programme

Can you briefly describe this programme and why it is so important?

The programme helps to create awareness and strengthen the rights and the values of the EU. By supporting local and regional NGOs and civil society, we can contribute actively to a more just, inclusive and fair society. All part of a modern democracy and important to our citizens.

Why did you want to be rapporteur for this topic and how do you see your role going forward?

I am committed to struggle for equality, non-discrimination and justice to all. While rights and values are already goals enshrined in the TEU, they are not at all achieved at equal level in all Member states. I hope that as rapporteur on the programme, I can make sure it is adopted and gets the proper funding.

What are the major challenges which need to be addressed before adopting this piece of legislation?

No doubt that the negotiations on the overall budget will be tough. Without wanting to sound dramatic, it is crucial that the EU invests in the support from civil society and citizens to the rights and values of the EU. Without this engagement and support we will fail. I will defend together with my co-rapporteurs from the CULT and FEMM committees, the significant points achieved already.

The LIBE Monitoring Group on Democracy, Rule of Law and Fundamental Rights

Since its constitutive meeting on 16 September 2019, the Working Group held another four meetings. The second one was dedicated to discussing working methods as well as suggestions for the working programme. Also on the agenda was an exchange of views on the latest reports published by MONEYVAL and GRECO with representatives of the Action against Crime Department of the Council of Europe.

In its third meeting on 28 November 2019, the Members of the Working Group held an exchange with Europol representatives (in camera). This point was followed by exchange of views on the shrinking civil society space in light of democracy, rule of law and fundamental rights backsliding in Europe with Michael O’FLAHERTY, Director of the European Union Agency for Fundamental Rights (FRA). In that meeting, Members also decided to propose to LIBE coordinators the organisation of missions to Malta and Slovakia in 2020 to take stock of the situation following the resolution adopted at the end of the last legislature.

The fourth meeting took place on 19 December 2019 and had on the agenda an exchange of views with Commission representatives on residence and citizenship by investment schemes. The Commission provided Members with an overview of work carried out on the topic since 2014. Members raised questions regarding numbers of such visas or citizenship delivered and available data on the amounts that result from these investment schemes; the link between visas, residency and citizenship; conditionality in the case of candidate countries; competition between national schemes and the practice of “shopping around” for such schemes. Members further discussed the follow-up to be given to the mission to Malta and future steps for the monitoring group.

The fifth meeting of the Working Group was held on 16 January 2020. The focus was this time on Slovakia, with briefings from the European Commission and a Slovak journalist. The LIBE Committee is indeed preparing a new mission to Slovakia, possibly on 18-20 March. The objective would be to assess progress on the investigation into the double murder of journalist Ján Kuciak and his fiancée, Martina Kušnírová, and on recommendations issued following its latest visits to the country with regard to rule of law and the fight against corruption. The next meeting of the Group is to be held on 13 February, during the next Plenary session in Strasbourg.
News from JHA Agencies

Europol
On 10 December 2019, the Europol Management Board held its 113th Meeting. The Libe Chair, Mr Juan Fernando Lopez Aguilar, participated in his capacity as Co-Chair of the Joint Parliamentary Scrutiny Group on Europol (JPSG). Article 14 of the Europol Regulation states that a representative of the JPSG may be invited to attend the Europol Management Board meeting as a non-voting observer. Purpose of the Management Board is the strategic direction and monitoring of the implementation of the work carried out by Europol. It decides on the activities of Europol and future developments and actions, adopts the final budget of Europol, the work programme and the general report on the activities of the previous year. Mr Lopez Aguilar will report back on this meeting to the sixth meeting of the JPSG in Zagreb, Croatia, on 22-23 March 2020.

EASO
The European Asylum Support Office expects its operations to double in size this year. This increase is the result of the signing of Operating Plans with the following national asylum authorities:

* Cyprus: 120 case workers and personnel assisting with registration and processing of asylum applications, as well as at second instance authorities;
* Greece: 550 case workers and personnel providing reception support in the hotspots and in centres on the mainland, as well as targeted support to the asylum authorities;
* Italy: 150 personnel, shifting the focus of support from first to second instance procedures; and
* Malta: 60 personnel supporting reception, in particular of vulnerable applicants, and the processing of asylum applications.

For Malta and Italy, EASO will continue to be heavily involved in ad hoc disembarkations and voluntary relocations based on the Standard Operating Procedures which were agreed in Malta in the autumn of 2019.

In addition, interpreters and security personnel will be deployed in the four Member States bringing the total deployment up to as many as 2,000 personnel.

EDPS
On 6 January 2020 the EDPS has adopted his preliminary opinion on data protection and scientific research. This opinion seeks to give advice on the application of personal data legislation to scientific research activities.

Eurojust
On 12 December 2019, Eurojust officially became the European Agency for Criminal Justice Cooperation with the application of the new Eurojust Regulation, which strengthens Eurojust's role in fighting cross-border crime. A new governance structure, overseen by Eurojust's new Executive Board, grants the Eurojust College increased scope to focus on the continuously rising number of criminal cases. The Regulation aims to ensure a strengthened role of the European and national Parliaments in the democratic oversight of Eurojust's activities and puts in place the new working relationship between Eurojust and the European Public Prosecutor Office. On 21 January 2020, Eurojust President Ladislav Hamran participated in the Libe Committee meeting, in which the recent Libe mission from 31 October 2019 to Eurojust was presented. He insisted on the development of judicial cooperation between Member States, and the role played by Eurojust in this context. According to Mr Hamran, there were three challenges ahead of Eurojust - globalisation, digitalisation and resources.

Frontex
During the last year, irregular migration into the EU has fallen to its lowest annual level since 2013. Frontex reported. The number of migrants crossing the Central and Western Mediterranean dropped by 41% and 58% respectively compared to 2018. Despite the general downward trend, a 46% increase in the number of arrivals to Greece was registered and irregular arrivals via this route were at the highest since the implementation of the EU-Turkey Statement. Overall, according to Frontex Afghan nationals represented almost a quarter of all irregular arrivals in 2019, nearly three times as many as in the previous year. A higher percentage of women and children among the newly arrived migrants was also registered.

FRA
The European Union Agency for Fundamental Rights recently launched two new tools for monitoring fundamental rights issues - the general European Fundamental Rights Information System (EFRIS) and the focused online criminal detention database. EFRIS is not a database per se but rather a gateway bringing together data and information from existing human rights databases (e.g. UN and Council of Europe’s), enabling users to access data and relevant assessments of fundamental rights in the EU. As for the FRA’s new online criminal detention database, it contains national standards, laws and monitoring reports on detention conditions from across the EU. It complements the recently released report on ‘Criminal detention conditions in the European Union: rules and reality’. Both report and database are aimed at assisting judicial authorities especially when deciding on cross-border cases, such as when Member States issue a European Arrest Warrant.

EMCDDA
Europol and the EMCDDA (European Monitoring Centre for Drugs and Drug Addiction) are going to present their mutual EU Drug Markets Report 2019 on 28 January in Libe. The joint presentation will be given by EMCDDA Director Alexis Goosdeel Director and Wil van Gemert, Deputy Executive Director of Europol, Operations Directorate. It is the third EU Drug Market Report. The presentation will focus on the drug supply chain and its actors, associated criminal activities and include policy, strategic, and operational responses.

LIBE opinion on JHA Agencies' budget discharge adopted
On 13 January 2020, the Libe committee adopted its opinion for the for the Committee on Budgetary Control on the report on the discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2018. Prepared under Roberta Metsola's rapporteurship, the opinion looked into the performance, financial management and control of the eight decentralised agencies falling within Libe remit (CEPOL, EASO, EMCDDA, eu-Lisa, Eurojust, Europol, FRA, Frontex), and expressed the Committee's overall satisfaction with their work, welcoming the fact that the Court of Auditors has certified the legality and regularity of their annual accounts. The opinion made however a number of recommendations, calling for instance on CEPOL, EASO, EMCDDA, eu-Lisa, Eurojust, Europol and Frontex to improve their public procurement procedures; on EASO to address its dependency on external recruitment; and on Frontex to revisit its financing scheme for equipment-related expenditure and to significantly strengthen its internal controls. This general opinion was supplemented by 10 more specific ones, each dedicated to one single agency.
Commissioners in LIBE

**Vice-President Schinas and Commissioner Johansson**

Following a first round of structured dialogues with Commissioner Johansson and Vice-President Schinas last December, they are both expected again soon in LIBE Committee for topical discussions on Security and the new Pact on Asylum and Migration. Meanwhile, on 28th January Ms Johansson exchanged with LIBE Members on “The future of the EU internal security and EU Internal Security Strategy”.

During the exchange of views, Commissioner Johansson mentioned important first steps to be taken by her office: enhancing the implementation and interoperability of the new EU information systems, stimulating compromise in the Terrorist Content Online file and finalising the e-evidence EP position. Moreover, the Commissioner also identified key areas where efforts are needed to achieve concrete results: cybersecurity, fight against terrorism, radicalisation and organized crime, and upgrade of critical infrastructures. Questions from Members focused on practical solutions for the security challenges the EU is facing, in particular with regards to information exchanges, cybersecurity, fight against all forms of extremism and human trafficking. In her reply, Commissioner JOHANSSON mentioned extending Europol's mandate, to ensure full implementation possibly by using an “implementation scoreboard”, to fight violence against women, to enhance better police cooperation and information exchanges, and to tackle the plague of human trafficking.

Ms Johansson and Mr Schinas are invited to come again to LIBE on 19 February to discuss with LIBE Members their planned next steps, following their tour of capitals, in shaping EU’s future asylum and migration policy as part of the announced Commission’s Pact.

**Structured Dialogue with Commissioner Reynders**

On 21 January 2020, LIBE held its first Structured Dialogue with Commissioner Reynders, who presented the priorities in his field of competence starting with the priority linked to upholding the rule of law as a prerequisite for democracy and fundamental rights. He underlined the importance with moving forward with a comprehensive Rule of Law mechanism and promised an annual Rule of Law report would be prepared. The e-evidence Regulation and Directive are considered a priority. Strengthening victims’ rights, by setting up an EU Strategy for 2020-2024 on victims’ rights and facilitating victims’ access to compensation will also be a priority. As regards EPPO, he expressed full support to the Chief Prosecutor and the wish that the Office becomes fully operational by the end of this year. The implementation reports issued by the Commission on procedural rights Directives, the future comprehensive implementation report of the European Arrest Warrant to be published mid-2020 were also mentioned. It was also underlined that in May a report on the evaluation of the GDPR would be issued, in particular for international transfers and the consistency and cooperation mechanism between data protection authorities. The GDPR role model for the world was also emphasised, notably the advancements in the legislation strengthening data protection in South Korea. Finally, he briefly mentioned the Commission’s work on the issue of artificial intelligence and in particular how this links to fundamental rights. He mentioned that the Commission intends to publish a white paper on 19 February 2020, with the core features of the future regulatory framework for AI, the objective being to ensure that AI is developed in line with EU values, principles and existing legislation.