

Dialogue with the First Vice-President of the European Commission



On 20 October, Frans Timmermans, First Vice-President of the European Commission, in charge of Better Regulation, Inter-Institutional Relations, the Rule of Law and Charter of Fundamental Rights was invited to have an exchange of views with the Members of LIBE on the Commission's future priorities in the policy areas relevant to the work of the LIBE Committee.

Mr Timmermans pointed out in his opening words that in these challenging times fundamental rights are under pressure and that the very concept of Rule of Law is called into question. He stated that without full respect of the Rule of Law, the EU would sooner or later collapse. He stressed the need to have the strong support of the European Parliament in the Commission's endeavour.

After a first round of questions by the coordinators of the political groups, Mr Timmermans insisted on the importance of separation of powers and independence of the judiciary and the on-going dialogue with Poland on those issues. He anticipated a real debate in the Plenary on the [report on a Mechanism on Democracy, the Rule of Law and Fundamental Rights](#) and recalled that the 2016 Commission Colloquium on fundamental Rights would focus on "Media Pluralism and Democracy", which would allow for discussion on the media landscape in the EU Member States.

He announced that the [Commission Work Programme](#) (presented in Plenary on 25 October) would only deliver in the different policies if it is developed in a Rule of Law environment. The discussion also touched on the issue of impact assessments of Commission proposals as several Members pointed out that some recent Commission proposals have not been accompanied by the corresponding impact assessment. Mr Timmermans explained that in urgent cases exceptions to the rule could be made without prejudice to the legal soundness of the proposals.

On relocation schemes, Mr Timmermans reiterated the importance of constant dialogue with Member States which should live up to their engagements, for humanitarian reasons but also for the sake of internal security as the alternatives for those who are desperate may lead them to fall victims of organised crime or other illegal networks. He stressed the key issue of unaccompanied refugee children, which needs a strong reaction from Member States, as it is the case with the "Jungle" in Calais.

Mr Timmermans also reacted to questions on the situation of Roma population in the EU, the second Commission anti-corruption report and the situation in Turkey.



Words by the Chair

Over the last month LIBE has continued its important work on a wide range of urgent matters for Europe. Following previous meetings on this summer's attacks in France and Germany, we discussed the trends revealed by such attacks and EU counter-terrorism measures with EU Counter-Terrorism Coordinator Gilles de Kerchove. Members emphasised the importance of information exchange, prevention strategies and the need for the implementation of existing legislation such as the EU Passenger Name Record (PNR) Directive approved in April.

On refugees and fundamental rights, LIBE has met with a number of key officials to raise our concerns with issues including the EU-Turkey deal, relocation and resettlement, and unaccompanied minors, in addition to organising delegations to Lebanon and the plenary of the UN General Assembly. We have discussed with First Vice-President Timmermans (see opposite), as well as with the French Ombudsman, the French emergency terror law and the situation for migrants, in particular unaccompanied children in Calais (see p.2).

Claude MORAES

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Progress on the reform of the Common European Asylum System



On 17 October, the Slovak Presidency of the Council presented in LIBE the progress made in the different proposals related to the Common European Asylum System notably the 'three-track' approach endorsed by the 13th October JHA Council:

- under the first track, the Eurodac recast and the EU Asylum Agency files are expected to reach the stage of a general approach under the Slovak presidency;
- under the second track, the work on the Dublin recast, the Asylum Procedures, Reception conditions and Qualification files will be advanced as far as possible and continued under the Maltese presidency;
- under the third track, the Union resettlement framework will be examined.

On Eurodac, the Presidency highlighted the broad support for its objectives and for the

extension of access to law enforcement authorities to Eurodac. The EU Asylum Agency proposal was generally well received, but few points of concern exist, notably the monitoring mechanism, which was thought to require too many resources and risk undermining trust. On Dublin, after the technical examination, there was agreement in Council on the need for reform, in particular in order to speed up the procedures and prevent secondary movements, but concerns were raised, for instance, on the corrective allocation mechanism.

As to the second package of proposals, the Council has stated that it would need more time for examination. Finally, on the Union Resettlement Framework, a complex policy debate was held in Council, although resettlement was considered to be part of the envisaged solutions.

- [Procedure file - Eurodac](#)
- [Procedure file - EASO](#)
- [Procedure file - Dublin regulation](#)
- [Procedure file - Asylum procedures](#)
- [Procedure file - Reception conditions](#)
- [Procedure file - Qualification](#)
- [Procedure file - Resettlement programme](#)

Exchange with French Defender of Rights Jacques Toubon

On 17 October, the Members of the LIBE Committee exchanged with Jacques Toubon, Défenseur des Droits de la République Française (French Defender of Rights).

Mr Toubon briefed LIBE Members about the role and powers of the institution he represents and described it as a kind of ombudsman with effective powers such as the power to make observations including before French courts and to give recommendations.

Mr Toubon in his intervention presented his recommendations as regards the state of emergency in France, introduced following the terrorist attacks in 2015, on the situation of asylum seekers in the refugee camps in Calais, such as the "Jungle" and on the [EU-Turkey Statement of 18 March 2016](#).

In their questions to the Defender of rights, the Members referred in particular to the situation of unaccompanied children living in refugee camps, in Calais in particular. In July 2016 a delegation of LIBE Members, chaired by Ana Gomes visited two of those camps in a fact-finding mission. The [mission report](#) was presented during the LIBE meeting of 20 October.

Mr Toubon was appointed in 2014 as head of Défenseur des Droits, an independent institution which brings together the competences of the former Mediator of the Republic, the Defender of Children's rights, the High Commission against Discrimination and for Equality and the National Commission on Security and Ethics.



Visa reciprocity: progress report by Commissioner Avramopoulos



On 12 October, Commissioner Avramopoulos reported progress regarding the current situations of non-reciprocity persisting for citizens of Romania and Bulgaria which require a visa to visit Canada and the US as well as for Croatian, Cypriot and Polish citizens which require a visa to visit the US. With Canada he expects a positive outcome of the dialogue soon. With regard to the US he could not report such progress. He argued that the Commission has chosen not to present a

delegated act suspending the visa waiver for Canadian and US citizens as the Commission considers political dialogue to be the better strategy. The rapporteur, Mr Díaz de Mera, and almost all Members of the Committee who took the floor considered that the Commission is under the legal obligation to present a delegated act. An oral question with resolution will be prepared for the plenary.

Visa reciprocity, which foresees that EU citizens should be subject to the same conditions when travelling to a third country than the nationals of that third country are when travelling to the EU that, is one of the criteria guiding EU visa policy. In order to achieve reciprocity, Regulation 539/01 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement contains the reciprocity mechanism. This mechanism sets out a procedure starting with a situation of non-reciprocity. It lays down precise timeframes and actions to be taken with a view to ending the situation of non-reciprocity. The philosophy of the mechanism is to move, step by step, to more "severe measures" in order to increase the pressure on the third country.

These situations of non-reciprocity with Canada and the US would have required according to the mechanism foreseen in that the Commission adopts a delegated act temporarily suspending the exemption from the visa requirement for the nationals of the third countries concerned.

On 12 April this year, instead of adopting such a delegated act as, the Commission has, however, presented a [Communication](#) which was discussed in LIBE on 20 April. On 13 July the Commission presented a further [Communication](#) which was presented in LIBE on 31 August.

Documents adopted in LIBE

- [Europol-China Agreement](#)
- [Visa liberalisation - Ukraine](#)
- [EU-China short-stay visa waiver for diplomats](#)
- [EU mechanism on democracy, rule of law and fundamental rights](#)
- [Fight against corruption and follow-up of the CRIM resolution](#)
- Automated exchange about [DNA](#) and [dactyloscopic](#) data in Denmark

LIBE-related resolutions in Plenary

- [EPPO and Eurojust](#)
- [Legal aid for suspects/accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings](#)
- [2017 EU General budget](#)
- [Europol-China Agreement](#)
- [EU-China short-stay visa waiver for diplomats](#)
- [EU mechanism on democracy, rule of law and fundamental rights](#)
- [Fight against corruption and follow-up of the CRIM resolution](#)
- Automated exchange about [DNA](#) and [dactyloscopic](#) data in Denmark

Next LIBE meetings:

7-8, 17 and 24 November
See [agenda](#), [documents](#) and [live broadcast](#)

Fight against terrorism

As a follow-up to the debate that took place in LIBE on 31 August following the terrorist attacks that took place over the summer period, a debate was held with the EU Counter-Terrorism Coordinator on 26 September. Mr De Kerchove stressed the very complex and diverse nature of the current terrorist threat that the EU is facing, with a very wide variety in perpetrators and modus operandi, a central role for internet, and a growing link between terrorism and organized crime. While the readiness and response of EU Institutions is much more robust now, important challenges still remain in the field of information connection, sharing and analysis, as well as in the prevention of radicalization.

Many Members took the floor, raising issues such as the need to implement adopted legislation, the necessity to exchange data better, the collection of information on everybody versus a more risk-based focus, the relationship with fundamental rights and data protection, concrete measures to prevent radicalization, how to deal with radicalization online, and the link between terrorism and migration flows. Mr De Kerchove promised to provide written answers to some of the more concrete questions on the state of implementation of the European Investigation Order and the EU PNR.

Vote on the USA-UE Umbrella Agreement

On 18 July, the Council decided to request the European Parliament to give its consent to the conclusion of the Agreement between the USA and the EU on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offenses, pursuant to Article 218(6)(a)(v) TFEU, and submitted the request to the Parliament on 12 September.

The purpose of the Agreement is to ensure a high level of protection of the fundamental rights and freedoms of individuals, in particular the right to privacy with the respect to the processing of personal data when personal data are transferred to competent authorities of the European Union and its Member States and the US for these purposes.

On 8 November the Rapporteur, Jan Philipp Albrecht (Greens/EFA), will present his draft motion for resolution on the Agreement, which could be voted by the LIBE Committee on 24 November.

After the adoption of the resolution by the LIBE Committee, the Parliament will proceed to a final vote on the granting of its consent to the conclusion of the Agreement.

Upcoming hearing on "Reforming the EU Blue Card"

The European Commission presented in June 2016 its legislative proposal for a new "EU Blue Card", to replace the 2009 Directive. The instrument aims at attracting highly qualified workers from around the world, thereby contributing to addressing labour and skills shortages within the EU, strengthening the EU's competitiveness and providing a response to the demographic aging of the continent. As the European Commission itself acknowledged in its 2014 evaluation report, the 2009 EU Blue Card Directive has not proved successful - its restrictive admission conditions and very limited facilitation for intra-EU mobility are invoked, as well as the continuation of parallel national schemes. "Modernisation and overhaul of the Blue Card scheme" was the main legislative action listed in 2015 European Migration Agenda under the "new policy on legal migration", forming one of the four pillars to "manage migration better".



The [hearing](#) will provide an opportunity to assess whether the proposal is likely to overcome the weaknesses of the 2009 scheme, and to reflect more broadly on the EU labour migration policy.

Hearing on "The Schengen cooperation: present and future"

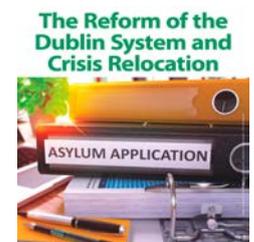


On 12 October the LIBE committee held a [hearing](#) about the present and future of the Schengen cooperation and the Committee got an overview of the present state of the Schengen cooperation and the ongoing developments. The "Schengen crisis" was assessed with Commissioner Avramopoulos and Slovak Minister Robert Kaliňák for Home Affairs, speaking for the Presidency. Both confirmed their commitment to the Schengen cooperation. Two studies on the effects of the temporary introduction of border controls were also presented. Lina Vosyliūtė gave an overview of the study "[Internal border controls in the Schengen area: Is Schengen crisis-proof?](#)". Pierre Goudin (DG EPRS) introduced a second study on "[The cost of non-Schengen: Civil liberties, justice and home affairs aspects](#)," then commented on by prof. Steve Peers (University of Essex).

The second session looked at the results of the new evaluation mechanism and at the new border agency. Mr. Seiffarth (European Commission, DG Home) elaborated on the differences and similarities of the VA and the Schengen evaluation mechanism (SEM).

Hearing on "The reform of the Dublin System and Crisis Relocation"

On 10 October the [reform of the Dublin System and Crisis Relocation](#) were debated with experts. Dr. Francesco Maiani (University of Lausanne), author of "[The reform of the Dublin III Regulation](#)" showed that under the Dublin system already before the still on-going refugee crisis, only a few front line and receiving Member States had to process most of the applications. Nejra Kalkan (Meijer's Committee) indicated that some parts of the proposal might not be in line with European law. Sophie Magennis (UNHCR) set out the complex concept of the safe third country that is to be verified by the MS of first entry in the admissibility procedure according to the Dublin Recast proposal. Dr. Violeta Moreno Lax (University of London) evaluated different approaches to crisis relocation: "Automated system" versus "Decision by the Commission" versus "Quota systems" based on her study "[Enhancing the Common European Asylum System and Alternatives to Dublin](#)".



Jeroen Jans (EASO) and Olga Siebert (Jesuit Refugee Service) took the view that matching systems taking into account preferences of applicants and MSs are enhancing the dignity of asylum seekers and contribute to successful integration. Simona Spinelli and Cinthia Petralito (Italian Ministry of the Interior) set out the security checks in the hotspots and in the relocation procedure in Italy which are carried out with the support of EASO and other organisations. Adriano Silvestri (FRA) explained the areas to be evaluated regarding the effects of the Dublin recast proposal on the human rights of children. Giovanni Buttarelli (EDPS) warned against the extension of databases, like Eurodac, which were set up for a particular purpose.

Upcoming LIBE delegation to eu-LISA (3-4 November)



On 3 and 4 November, a LIBE Committee delegation will go to Tallinn, Estonia to the headquarters of the European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). The Agency, established in 2011 is currently managing EURODAC, the Visa Information System (VIS) and second generation Schengen Information System (SIS II).

The delegation is part of the regular visits of the LIBE Committee to the Justice and Home Affairs agencies under its responsibilities. It is organised this year at a time where important proposals having an impact on the Agency's activities are on the table, namely the proposal on an Entry/Exit system and the modifications to the Eurodac Regulation.

Upcoming LIBE hearings:

- [Mini-hearing with FEMM on the Istanbul Convention](#) (29/11)
- [Preventing and countering radicalisation and violent extremism](#) (29/11)
- [Fundamental Rights Implications on Big Data](#) (8/12)

News from Justice and Home Affairs agencies



FRONTEX. - European Border and Coast Guard Agency officially launched

On 6 October the European Border and Coast Guard Agency was officially [launched](#), less than a year after it was first proposed by the European Commission. The launch event took place at the Kapitan Andreevo Border Checkpoint at the Bulgarian external border with Turkey and includes a presentation of the vehicles, equipment and teams of the new Agency, as well as a press conference attended by Migration, Home Affairs and Citizenship Commissioner Dimitris Avramopoulos, Bulgarian Prime Minister Boyko Borissov, FRONTEX Executive Director Fabrice Leggeri, EU interior ministers and other senior officials. Building on the foundations of Frontex, the European Border and Coast Guard Agency will closely monitor the EU's external borders and work together with Member States to quickly identify and address any potential security threats to the EU's external borders.

FRA. - Trust in cross-border justice

The FRA and the Slovak Council Presidency organise a joint [conference](#) in Bratislava from 9 to 10 November 2016 on "Ensuring cross-border justice for all in the EU: sharing practices and experiences from the ground". Participants will examine current trends and challenges in cross-border justice. They will focus on three particular areas and the related EU laws: common EU-wide rules to ensure fairness; mutual trust and mutual recognition among national legal practitioners; and better information and targeted guidance to improve rights awareness and access to justice.

EASO. - 1 year of Relocation: Facts and Figures

EASO is supporting Italy and Greece with the implementation of the EU relocation scheme in line with the European Agenda on Migration. On 9 October 2015, the first transfer relocating 19 asylum applicants between Italy and Sweden took place. One year later, close to 6 000 applicants have been relocated from Italy and Greece. See the latest figures [here](#).

Europol. - EU-wide hit on trafficking in human beings for sexual exploitation

An impressive number of [28 countries teamed up with Europol](#) to deliver a major blow to organised crime groups involved in trafficking in human beings across the European Union and beyond. During the operational activities of the EU-wide Joint Action Day (JAD) named Ciconia Alba, one part of the intelligence-led police actions and controls focussed explicitly on sexual exploitation and child trafficking.

Eurojust. - US Congressional staff visit

On 21 October, Ms Michèle Coninsx, President of Eurojust, met with 15 Congressional staff members from the US Congress at a [meeting](#) hosted at the Eurojust headquarters in The Hague. The staff, made up of advisors on defence, foreign affairs, judicial matters and communications, came from both the House and the Senate of the US Congress. During the meeting, the role of Eurojust in supporting Member States in their fight against serious cross-border organised crime was discussed, with Eurojust casework in the field of terrorism and illegal immigrant smuggling used to illustrate Eurojust's added value and the importance of cross-border cooperation.

Three questions to... Mariya Gabriel

In this new version of "A chat with...", we will continue to ask LIBE MEPs about their job as Rapporteur. We start with Ms Mariya Gabriel (EPP, Bulgaria) who has been the Rapporteur for, among others, the visa policy regarding several countries in the world as well as the agreement between Ukraine and Europol.

For these reports, what were the main challenges for the European Parliament as co-legislator?

The biggest challenge was to put in place a credible policy. The EU has to stick by the policy that a defined set of rules need to be satisfied in order to make sure the EU's security is not at risk but also to make sure we deliver on our promise – which is that once those rules are met the country's involved can indeed receive visa free travel to the EU. The same is true in the opposite case: if the rules are not met, there can be no visa free travel. It is also important to explain to Europeans that visa free travel will not mean a run at the borders. We have succeeded in putting forward that message but delays are happening in the Council where the politics of the day starts to play a role. And this is extremely damaging for EU's credibility.

What is the part of your work as LIBE Rapporteur that you enjoy the most? Is there something that you like less about being a Rapporteur?

I know what the EU meant to Bulgaria for a long time before we joined, a beacon of freedom. I am happy to be able to give the opportunity to young people from outside the EU to come and see what we're about first hand. The visa waivers in particular contribute to strengthen people-to-people contacts and are crucial for the citizens who greatly benefit from them.

What would be your tip to newly appointed rapporteurs?

Common understanding comes only after meeting and talking to whoever is in charge on the matter. Just work hard and listen even more.



Two-day Justice and Home Affairs Council meeting in October

The Ministers of Justice and Home Affairs met on 13 and 14 October in Luxembourg under the aegis of the Slovak Presidency of the Council of the European Union.

On the first day the Home Affairs Ministers focused their discussions on border management: the recent entry into force of the Regulation establishing the European Border and Coast Guard Agency, and a progress report on Information Technology measures related to border management. The Home Affairs Ministers paid particular attention to the implementation of the EU-Turkey Statement and the situation in Italy and Greece, as well as to the state of play on relocation, resettlement, and the calls by the agencies for experts. The reform of the Common European Asylum System was another important object for discussion.

On Friday, Justice Ministers discussed two legislative proposals closely linked to one another: the creation of a European Public Prosecutor's Office and the directive on the fight against fraud to the Union's financial interests (PIF Directive). Both texts aim at combatting more effectively, by means of criminal law, cases of fraud to Union's budget. The discussion focused on the possible inclusion of some aspects of VAT fraud within the scope of the directive which has been critical in the negotiations between Council and Parliament up to June 2015.

The Council adopted a regulation on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 and a directive on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings.



- [Outcome of the Council meeting](#)

News from the European Commission

- The European Commission presented its [2017 Work programme](#) on 25 October in the Plenary of the European Parliament in Strasbourg. President Jean-Claude Juncker said: "We are focusing on the things that matter, concrete actions that improve people's lives". This year's Work Programme proposes 21 key initiatives and 18 REFIT proposals to improve the quality of existing EU legislation and ensure that the rules are fit for purpose.

- Sir Julian King, Commissioner for the Security Union will present during the LIBE Committee meeting of 8 November 2016, the First [progress report](#) towards an effective and genuine Security Union issued by the Commission on 12 October. According to the Commission, progress reports will be issued monthly and they will track the implementation of the various Commission work-streams in the area of security and will identify where more efforts are needed. They will be based on two broad pillars: tackling terrorism and organised crime and the means that support them; and strengthening our defences and building resilience against them.

- The Commissioner for the Security Union will also be a keynote speaker in the [hearing](#) on radicalisation that will be held in LIBE on 29 November.

- The 2016 [Colloquium](#) on Fundamental Rights organised by the Commission will focus on "Media Pluralism and Democracy". The Colloquium will bring together, in an interactive roundtable discussion, EU institutions and Member States, NGOs, journalists, media representatives, companies and key academics and international organisations to reflect on the key role in democratic societies of a free and pluralist media, in particular digital media.

News from US Congress

Republican House representative [Ted Poe](#) of the Judiciary Committee introduced a ["stop massing hack Act"](#) to block entering into force on 1 December 2016 of an [amendment](#) to rule 41 of the [federal rules of criminal procedures](#). The amendment grants authority to relevant US judges to issue a search warrant to remotely access, seize, or copy data relevant to a crime when a device hides its location and/or to issue a warrant to hack, seize, or infiltrate devices that may be part of a botnet.

According to the [US department of Justice](#), the amendment would not expand judiciary powers, beyond what is already permitted by US laws but would ensure at least one court is available to examine compliance with the Forth amendment.

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