

Newsletter n.22 - 28 November 2016



Words by the Chair

As one of the many significant issues tackled by our Committee over the past weeks, Members took part in a hearing to critically assess the proposed revision of the EU Blue Card. Members discussed with experts and academics how the EU Blue Card scheme can be shaped to cope with the demographic challenges faced by the Union and attract the highly skilled workers that the EU needs. During the hearing, MEPs assessed the results of the current scheme and heard country specific cases from Sweden and Germany, in addition to discussing the wider context of EU labour migration policy.

Further to this, our Committee also held a hearing on resettlement as part of our work to ensure a better functioning resettlement system to coordinate and step up efforts of the EU in this field. Our Committee assessed work on the proposed Regulation establishing a Union Resettlement Framework, and emphasised the urgent need for Member States to uphold their humanitarian responsibilities while ensuring a better, more even distribution of refugees among the EU countries (*see also p.4*).

Claude MORAES

Situation of fundamental rights in the European Union in 2015



On 17 November, the LIBE Members voted on the [report](#) on the Situation of fundamental rights in the EU in 2015, for which József Nagy (EPP) is the rapporteur. The report, as adopted in LIBE with a wide majority (41 votes to 4) addresses the key fundamental rights challenges in the EU in 2015, notably in the fields of migration, protecting children and the online environment.

In relation to migration, MEPs urge Member States to guarantee that reception facilities do not deprive people of their fundamental rights to dignified living conditions and to pay special attention to the needs of vulnerable groups. They note that appointing guardians for unaccompanied children is an important safeguard to ensure their best interests and also encourage member states to keep families together.

In order to improve integration, prevent hate speech and fight radicalisation, MEPs call on Member States to develop “positive” public information campaigns to facilitate the integration of migrants and refugees and to share best practices in this field. They stress that access to education is vital for integration and they deplore the “increasing levels of hate speech from within certain institutions, political parties and media”. MEPs also call on the Commission to support Member States’ efforts to prevent radicalisation and violent extremism by promoting European values, tolerance and a sense of community, and by preventing the stigmatisation of any religious or ethnic group.

MEPs also call on Member States and EU agencies to step up their information exchanges and joint investigations to fight child trafficking, sexual abuse and other forms of exploitation.

The European Parliament has consistently advocated that the situation of fundamental rights in the Union be regularly monitored. The annual report on the situation of fundamental rights in the EU is considered a strategic report in the sense of Annex XVII of the Rules of Procedure. It aims at giving a snapshot of the situation of fundamental rights in the Member States and of the approach and actions taken by the European institutions. In March 1993, the European Parliament adopted its first annual report on respect for human rights in the European Community and the annual report has become one of the more visible outcomes of the LIBE Committee in this respect. It follows-up to the annual report on the application of the EU Charter of Fundamental Rights issued by the European Commission and to the fundamental rights report drafted every year by the European Union Agency for Fundamental Rights.

The final 2015 report will be put to the vote during the December 2016 part-session in Strasbourg.

- [Procedure file](#)

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Structured Dialogue with the Commissioner for Security Union

In his first Structured Dialogue with the LIBE Committee on 8 November the Commissioner for Security Union, Sir Julian King indicated that the terrorist threat in Europe is still very much present.

He presented the latest Commission work in the field of security, including security of external borders, security of travel documents, terrorist financing, prevention of radicalisation and measure to strengthen resilience and urged the Members to conclude rapidly negotiations on ongoing files, such as the Terrorism Directive, Firearms and the Schengen Borders Code.

Furthermore, he indicated that implementation of agreed measures is important (such as the recently agreed Passenger Name Record-PNR Directive) and reiterated his pledge for a comprehensive evaluation of all counter terrorism measures.

Finally, he announced future plans to improve the use of the Schengen Information System, to address terrorist financing and to strengthen the EU agencies in this field.

During the debate many Members took the floor and raised issues such as the link between migration and terrorism, the need for more exchange of law enforcement information, the need to boost the use of existing instruments such as the Schengen Information System, the importance of prevention and de-radicalisation, fire-arms and the link between money laundering and terrorism.



LIBE Committee recommends the conclusion of the EU-US umbrella agreement



On 24 November 2016, the LIBE Committee [approved](#) the draft recommendation of the rapporteur, Jan Albrecht (Greens), to the Parliament to give its consent to the conclusion of the agreement.

The agreement, negotiated over the last five years, provides safeguards for the protection of personal data transferred to the US law enforcement authorities.

It does not constitute the legal basis for such transfers, which take place pursuant to EU-US agreements, bilateral agreements between the Member States and the US or national laws providing for personal data exchanges (e.g. PNR, TFTP or MLA Treaties).

According to the rapporteur, the "umbrella agreement" represents a "big step forward for transatlantic data

protection" as "in future there will be high, binding standards and strong individual rights will apply when it comes to the exchange of data between police and law enforcement authorities".

He also added that it was crucial for Parliament's approval to have written clarifications from the Commission that the agreement is not a legal basis for new data transfers; that it does not constitute an adequacy decision, enabling EU data protection authorities to fully exercise their supervisory powers granted by EU law; and that personal data transferred to US databases such as PNR or TFTP cannot be exempted from the benefit of the judicial redress rights granted by the Judicial Redress Act to EU citizens.

The Commission considers that only this will ensure the full implementation of the agreement. They shall be published in the Official Journal.

The recommendation is scheduled for a plenary vote on 30 November. The formal conclusion is now expected to take place during the forthcoming EU-US Justice and Home Affairs Ministerial of 5 December 2016.

- [Procedure file](#)

Documents adopted in LIBE

- [Report](#) on the EU situation of fundamental rights in 2015
- [Opinion](#) on Flexibility Instrument to address the migration, refugee and security crisis
- [Recommendation](#) on the US-EU Umbrella Agreement
- [Opinion](#) on Contracts for the supply of digital content
- Short-stay visa waiver agreements: [Kiribati](#), [Tuvalu](#), [Micronesia](#), [Solomon Islands](#), and [Marshall Islands](#)
- Reports on [Georgia-Europol](#) and [Ukraine-Europol](#) agreements
- [Civil Law Rules on Robotics](#)
- [Report](#) on Information exchange, early warning system and risk assessment procedure on new psychoactive substances

LIBE-related resolutions in Plenary

- [Ukraine-Europol Agreement](#)
- [VAT system & fighting VAT fraud](#)

Next LIBE meetings:

28-29 November and 1st, 5 and 8 December

See [agenda](#), [documents](#) and [live broadcast](#)

Budgetary procedures: outcome of the conciliation

On 17 November the Parliament and the Council reached a political agreement on the Draft Budget 2017 (DB 2017) and its first amending letter (AL 1/2017) and Draft Amending Budget 4/2016 (DAB 4/2016). Negotiations about the Mid-term revision of the MFF are still ongoing based on the respective positions of the two institutions.

The agreed level of commitments appropriations for Heading III of the Budget (Security and citizenship) is set at EUR 4 284 million euros with no margin left under the expenditure ceiling. The flexibility instrument and the contingency margin are mobilised for Heading III in 2017 for amounts of EUR 530 million and EUR 1 176 as initially proposed by the Commission (and supported by LIBE) in its

initial proposal for the DB 2017.

Adjustments to the establishment plans proposed by the EC for EUROPOL, EASO and FRONTEX in DAB 4/2016, DB 2017 and AL 1/2017 are all agreed, and in addition EUROPOL and EUROJUST each get 10 additional posts and EASO gets an additional 3 million euros to further increase its presence in the hotspots and have more national experts and interpreters deployed.

The request of the LIBE Committee to put in reserve 40 million euros PA and the 28 million euros CA corresponding to the set up the new Entry Exit System is agreed; the funds will be freed after the legal basis is adopted by the EP. Three new PPPAs proposed by LIBE are agreed: "Monitoring and coaching through sports of youngsters at risk of radicalisation"; "Private Sponsorships: Enhancing refugee resettlement opportunities and ensuring the availability of safe and regular routes for refugees to reach the EU"; and "Encrypted electronic communications of EU institutions".

Finally, the Parliament and the Council also agreed that the establishment of Trust Funds and of the Facility for Refugees in Turkey should be transparent and clear, consistent with the principle of unity of the Union budget, with the prerogatives of the budgetary authority, and with the objectives of existing legal bases. They undertake to address those issues as part of the revision of the Financial Regulation.

Smart Borders package

The revised [Smart Borders package](#) consists of a Regulation for the establishment of an [Entry/Exit System](#) and [proposed amendments](#) to the Schengen Borders Code to integrate the technical changes needed for the Entry/Exit System. The Entry-Exit System is designed to speed-up, facilitate and reinforce border check procedures for non-EU nationals travelling to the EU. The Rapporteur, Agustín Díaz de Mera (EPP), held different shadow meetings to hear the views of experts on the file (including, among others, the Commission, eu-LISA, the EDPS, the FRA and national experts). He will present his draft report on both proposals on 8 December in view of a completion of the file in LIBE early 2017.

Schengen Working Group

LIBE established, by decision of its Coordinators of 4 July, a Working Group on Schengen Scrutiny, whose aim is to increase democratic scrutiny on Schengen matters. It started doing so by looking to the Schengen Evaluation Mechanism, into how it operates, the available documents and most importantly whether it works properly and what effects it yields. The Working Group is chaired by Carlos Coelho (EPP) and held two meetings since September. It called on the cooperation of both the Commission and the Council in this field of increased European approach.

Visa reciprocity

On its meeting of 17 November, the LIBE Committee tabled an Oral question to the Commission regarding its obligations in the field of visa reciprocity. The oral question will be followed with a debate in plenary. The question recalls the Commission's obligation under the so-called reciprocity mechanism of Regulation 539/2001 whose objective is to ensure 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.

The reciprocity mechanism sets out a procedure with precise timeframes and actions to be taken with a view to ending a situation of non-reciprocity providing that if the third country has not lifted the visa requirement within 24 months of the date of publication of the notifications, the Commission has to adopt a delegated act temporarily suspending for 12 months the visa waiver for nationals of that third country. On 12 April the Commission had, however, instead of presenting the delegated act as required, decided to present the [communication](#) just cited explaining the state of play. This was followed by a further [communication](#) on 13 July.

In this context, the LIBE Committee asks the Commission to confirm whether it shares the legal assessment according to which it is obliged to adopt a delegated act and in this case to provide with a concrete date to when the Commission will present this act.

Upcoming events

Interparliamentary meeting on Europol and its parliamentary scrutiny (28 November)

On Monday 28 November, the LIBE Committee will hold an [Interparliamentary Committee meeting](#) (with representatives of the national parliaments) on "Europol and its parliamentary scrutiny in the framework of EU Internal Security policies". The meeting will discuss the EU internal security policies and Europol's role therein.



Furthermore, the new Europol Regulation, applicable as of 1 May 2017, will put Europol for the first time under proper democratic scrutiny by the European Parliament and the national Parliaments jointly. A Joint Parliamentary Scrutiny Group will be established to "politically monitor Europol's activities in fulfilling its mission". The Interparliamentary meeting will further discuss the modalities of this new body.

European Youth Hearing (29 November)

Thousands of young people took part in the second edition of the European Youth Event ([EYE2016](#)) at the European Parliament in Strasbourg last May with the aim of producing ideas for Europe's future. Former EYE2016 participants will have the opportunity to present some of the most impactful ideas collected during the EYE and exchange views with MEPs, with the aim of having an impact on the future agenda of the EU and make positive change. This is done in 10 Youth Hearings in parliamentary Committees, which serve as a direct follow-up of the EYE2016.



The topics of the Youth Hearing in the LIBE committee meeting, taking place on 29 November from 09:45-10:30h, will include anti-radicalisation, future European asylum regulation, and common European system for legal migration. The meeting will be web streamed live on <http://eye2016.eu>.

Hearing on the EU accession to the Istanbul Convention (29 November)

Some days after the international day on the elimination of violence against women, the LIBE and FEMM committees will hold a joint hearing on the EU accession to the Istanbul Convention on combating violence against women. Key speakers will include Ms Dubravka Šimonović, UN Special Rapporteur; Ms Tiina Astola, European Commission; Mr Marian Filcik, Council Presidency; Ms Corazza Bildt and Ms Revault d'Allonnes Bonnefoy, European Parliament's co-rapporteurs. The hearing intends to contribute to the interim report to be drafted jointly by the two Committees.



Hearing on preventing and countering radicalisation and violent extremism (29 November)



On Tuesday 29 November, the LIBE Committee will hold a [hearing](#) on "Preventing and countering radicalisation and violent extremism".

Commissioner King will present the latest initiatives taken by the Commission to counter radicalisation. Furthermore, experts and practitioners from social media companies, law enforcement, NGOs and prisons and probation facilities will be heard on the topics of "Preventing and countering radicalisation online" and "Countering radicalisation in prisons / judicial system and deradicalisation".

Other upcoming hearing:

- [Fundamental Rights Implications on Big Data](#) (08/12)

Upcoming mission:

- Internet Governance Forum, Mexico (6-8 December)

Hearing on EU Resettlement Framework



The [hearing](#) held last 14 November was an opportunity to appraise the legislative proposal of the Commission for an EU Resettlement framework from different viewpoints and to reflect more broadly on the issue of resettlement. The proposal aims to establish a permanent EU framework as regards selection and dismissal criteria, procedures, definitions, among others. Resettlement is also a substantial of the EU asylum policy as it allows a regulated influx of asylum seekers from third countries. The main question was to assess whether the proposal is adequate and in line with current resettlement

practices and international standards.

Representatives of the UNHCR, NGOs active in the field (like IRC), and the Swedish migration Office led the audience through a critical assessment of the proposal, looking into the potential impact of the proposed measures. National practices were highlighted like the Swedish one, making clear that it is an intensive procedure as regards time involvement as regards integration. It was stated that resettlement admission criteria should not be used as a political tools as regards agreements with third countries. In addition, an EU wide study on resettlement was presented by the EMN (European Migration Network).

In his conclusions, the rapporteur Malin Björk (GUE) pointed out several issues as regards the current proposal, such as the relationship between national schemes and the EU scheme, integration, dismissal and the denial of reapplication in all EU Member States for a certain period of time.

News from Justice and Home Affairs agencies

Heads of Justice and Home Affairs Agencies Meeting in Vienna

On 14 November 2016 the annual meeting of the Heads of Justice and Home Affairs Agencies took place in Vienna, organised under FRA's Chairmanship of the Network of the EU JHA Agencies. The Heads of the nine agencies: CEPOL, EASO, EIGE, EMCDDA, eu-LISA, Eurojust, Europol, FRA and Frontex, together with their partners in the EU institutions held a strategic discussion with the Commissioner for the Security Union, Sir Julian King on how each agency could best provide support to EU Member states and institutions in enhancing security within their respective areas of competence and how the Agencies could better cooperate in the areas of security and migration. There was also room for a discussion with the European Commission Coordinator for the Rights of the Child, Ms Margaret Tuite on how the agencies could better cooperate in their joint activities to strengthen child protection.



FRONTEX. - Collecting personal data in Greece on suspected criminals

As of 22 November, Frontex collects personal data of persons suspected of people smuggling, terrorism and other cross-border crimes collected as part of its operation in Greece. The data collection takes place as part of the operational project PeDRA (Processing Personal Data for Risk Analysis), which contributes to the fight against cross-border crime by ensuring that information containing personal data is effectively managed and reported from the operational area to the national and EU levels. At Frontex, the data are used for risk analysis in accordance with data protection principles, and are also transmitted on a daily basis to Europol to support investigations in Member States.

EASO. - Consultative Forum Plenary on 28-29 November

The plenary meeting of the 6th EASO Consultative Forum Plenary will take place in Athens on 28-29 November, focusing on the most significant developments which have been affecting the European asylum context in the past year. It will gather almost 200 participants from 26 EU+ countries and 8 third countries, representing national authorities, academia and civil society, as well as EU institutions and the UNHCR. The LIBE Rapporteur on the EU Asylum Agency file, Mr Niedermüller, will give a keynote speech in the closing panel debate of the Forum.

Three questions to... Péter Niedermüller



In this new version of "A chat with...", we will continue to ask LIBE MEPs about their job as Rapporteur. For this new issue we are with Péter Niedermüller (S&D, Hungary) who is currently the Rapporteur for the EU Agency for Asylum (EASO).

For this report, what were the main challenges for the European Parliament as co-legislator?

The main challenge is creating the legal and financial frameworks for the Agency, and ensuring cooperation with Member States. It's crucial to guarantee fast and humane procedures in the Agency's remit, with quality interpretation, health and social services for refugees, especially for most vulnerable groups. We also have to be in harmony with other reports in the CEAS framework, most importantly on Dublin and on procedures.

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?

Finding acceptable compromises for all groups that help the functioning of CEAS is a challenge requiring serious efforts, however, if we manage to find solutions it is a great pleasure; the purpose of these reports is to solve the migration crisis, to decrease tensions in Member States and support for populism. If we manage all of this, then my

job had a meaning.

What would be your tip to newly appointed rapporteurs?

Clarify the political objectives and context of the report, looking back also on previous Parliament discussions. Talk to the Shadows individually to clarify their expectations and the points that could be red lines. Preparing a report is only successful if you approach with patience, understanding and openness and look for a dialogue instead of closing yourself in your political bubble.

2016 Colloquium on Fundamental rights: media pluralism and democracy



The second [Annual Colloquium](#) on Fundamental Rights organised by the European Commission was held in Brussels on 17 and 18 November.

It was dedicated to "Media Pluralism and Democracy" and the discussions addressed several significant topics such as how to protect and promote media freedom and independence from state intervention and from undue political or commercial pressures; how to empower journalists and protect them from threats of physical violence or hate speech; or how can a pluralistic media environment foster political debate on crucial issues for democratic societies. The role of media and ethical journalism in promoting fundamental rights was also on the agenda.

The Colloquium, hosted by First Vice-President Frans Timmermans, Commissioner Jourová and Commissioner Günther Oettinger brought together, in an interactive roundtable discussion journalists, media representatives, NGO's, companies, academics, representatives of Member States, international organisations and EU institution, among them a large delegation of MEPs.

News from US Congress

On 18 November, the Trump transition team [announced](#) that the President-elect has selected former Defence Intelligence Agency Director [Michael Flynn](#) as his National Security Advisor, House Representative [Mike Pompeo](#) (R-Kansas) as CIA Director, and [Senator Jeff Sessions](#) (R-Alabama) as [Attorney General](#). Mr Flynn served as the head of the [Defence Intelligence Agency](#) from 2012 to 2014. Mr Pompeo currently serves on the [House Energy and Commerce](#) and [Intelligence](#) Committees and on the [Benghazi Select Committee](#). Mr Sessions is a senior member of the [Senate Judiciary Committee](#) and the Chairman of the [Subcommittee on Immigration and The National Interest](#). Political analysts (see [Washington Post](#), [NY Times](#)) believe this selection confirms that the new administration will give priority to national security and counter terrorism over immigration regularisation measures and the closure of Guantanamo.

10th European Forum on the rights of the child



The 10th [European Forum](#) on the rights of the child, organised by the European Commission on 29 and 30 November in Brussels, will address the protection of children in migration.

The Forum will focus on the exchange of good practice in specific areas and contribute to work on supporting integrated protection systems, taking into account the protection needs of all children in migration.

The first day, the Forum will be dedicated to high-level speeches on opportunities and challenges in protecting children in migration. The second day, in four parallel sessions, it will be discussed identification and protection; reception; access to asylum procedures and procedural safeguards; and durable solutions including integration.

It will gather key actors from EU Member States, Ombudspersons for children, international organisations, NGOs, practitioners, academics and EU institutions to discuss and promote good practice on the rights of the child.

The European Parliament will be represented by the Co-Chairs of the Intergroup on the rights of the Child: Anna Maria Corazza Bildt (EPP) and Caterina Chinnici (S&D), and by Nathalie Griesbeck (ALDE) also a member of the Intergroup.

Contact

[LIBE Secretariat](#)

Head of Unit: Antoine Cahen
Square de Meeûs 8 - 8th floor
B-1047 Brussels
libe-secretariat@ep.europa.eu

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