

## Newsletter n.26 - 27 April 2017



### Words by the Chair

Last month, the LIBE Committee held its first Security Dialogue with Commissioner King on the “implementation and use of existing information-sharing instruments in the security field”. The newly implemented dialogue between the LIBE Committee and the European Commission will take place twice a year in order to increase structured exchanges to improve the security situation in Europe. The exchange was an opportunity for an in-depth discussion on the transposition, implementation and enactment of existing information-sharing instruments in the security field.

On 29 March, the UK government triggered Article 50, beginning a two-year process that will see the UK leave the EU. Ahead of the upcoming Brexit negotiations, the LIBE Committee, together with the EMPL and the PETI Committees, will hold a hearing on the rights of EU citizens both in the UK and in Europe on 11 May. The meeting will provide an opportunity for legal experts, EU citizens and civil society organisations to hold a comprehensive discussion about the rights of EU citizens both in the UK and in other EU Member States.

**Claude MORAES**

## LIBE Security Dialogue launched

The first [Security Dialogue](#) with Commissioner King on information sharing in the security field was held by the LIBE Committee on 23 March. Mr. King informed about the analyse of existing EU information systems, identified shortcomings and gaps, and set out actions that could be taken to overcome them. The Commission presented three proposals in December to improve and extend the use of the Schengen Information System (SIS). These proposals will contribute to ensure an effective exchange of information between Member States to fight cross-border crime and terrorism, and improve borders and migration management. The proposed regulations also strengthen data protection by introducing additional safeguards, in line with the reformed EU Data Protection rules.



The High-level Expert Group on Information Systems and Interoperability was set up to assess different options on interoperability. The Group continues its work and will present a final report in early May with findings and recommendations. Following that and in line with April 2016 strategy, the Commission intends to present concrete ideas to Parliament and to the Council in mid-May as the basis for a joint discussion on the way forward.

On 27 March, only days after the terrorist attack in London, the Committee [discussed](#) the EU's security situation with German federal Minister of the Interior Thomas de Maizière and his French counterpart Matthias Fekl. Both ministers spoke about the need to secure the EU's external borders, to better share information between EU countries and to address the new challenges of radicalisation and terrorism. While some recent attacks in Europe were perpetrated by home-grown terrorists, both ministers agreed that working on securing the external borders was crucial. The French Minister stated that it is "only through securing our external borders fully that we can enjoy free circulation". The Parliament has recently approved new rules for EU border checks to better identify returning foreign fighters. MEPs are also working on a new entry-exit system to step up controls on non-EU nationals travelling to the EU, which Mr. de Maizière described as “the prerequisite for maintaining a border check free Schengen area”.

Discussions also focused on encryption. Mr. Fekl stressed that there was currently no legal basis for obliging Internet operators to cooperate with judicial inquiries and invited the European Commission to consider new legislation. MEPs remembered the importance of developing preventive measures, in particular in order to tackle radicalisation. They also expressed concerns about the loopholes in implementing existing tools and pointed out that improving the use of current data bases was essential.

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## Implementation reports of EU-US TFTP and PNR agreement



On 23 March, Luigi Soreca, Director for Security, DG HOME, European Commission, presented the Commission findings in the implementation reports on Terrorist Finance Tracking Programme ([TFTP](#)) and EU-US Passenger Name Records ([PNR](#)) agreement, concluding that the US authorities comply in general with the recommendations given by the Commission at the previous round of Agreements review.

In TFTP Agreement compliance with the EU data protection law is improved. In EU-PNR Agreement compliance with the EU data protection law is ensured. No unauthorized EU data has been collected. Only authorized staff can access data. No deletion or correction has been asked by the data subjects (passengers) so far. The access to judicial redress has been improved. Next evaluation will take place after the opinion of the EUCJ on EU-Canada PNR agreement is made public.

Mr Soreca recalled that the idea of EU TFTP was discussed earlier but at that time there were budgetary constraints and difficulties relating to the Members in Eurozone or outside. Since then the situation has changed and the Commission has launched recently an assessment on the possibility to create an EU TFTP.

The negotiations with Mexico on a PNR Agreement are put on hold until the opinion of the EUCJ is made public and assessed by the Commission. No negotiations with other third countries can start before the EUCJ opinion. The US Judicial Redress Act will be subject again of the next review of the EU-US PNR Agreement. The collections of PNR data of passengers in the international rail transport is being assessed by the Commission.

## Latest migration related news

### ***Consideration of amendments on the Blue Card and the Reception Condition directives***

On 23 March, the LIBE Committee considered amendments to the proposals on the "Conditions of entry and residence of third-country nationals for the purposes of highly skilled employment" ([Blue Card Directive](#)) and on the "Standards for the reception of applicants for international protection" ([Reception Conditions Directive](#)).

LIBE Chair Claude Moraes (S&D), who is also rapporteur for the Blue Card Directive, stressed that his overall approach is to ensure that the Blue Card, which is so far very little used, becomes a truly credible EU instrument for attracting third-country highly-skilled workers. He indicated that he would try and reach compromises on the definitions, the scope, the salary thresholds, the long-term mobility and family members - an approach that was welcomed by the Shadow rapporteurs. He stated again his support to an exclusive Blue Card valid throughout the entire EU, seeing this as a key issue in order to achieve an acceptable level of credibility for one of the very few EU legal migration instruments.

Sophia In't Veld (ALDE), rapporteur for the Reception Conditions Directive, mentioned that main points in tabled amendments included reinforced guarantees in case of restriction of movement notably detention, including a ban on detention of minors and persons with special reception needs, enhancing reception conditions as a way of limiting secondary movement, with less focus on sanctions, language courses and civic education, as well as immediate labour market access. Ms In't Veld also pointed to the need that the EU relies on its own standards and not externalise its asylum policy, while she stressed the need that effective channels for legal migration are also developed in parallel, notably through the Blue Card.

The vote in LIBE is scheduled to take place on 22 June for the Blue Card and on 25 April for the Reception Conditions.

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### ***Presentation of the activity of the Europol's EMSC***

Robert Crepinko, Head of the Europol's European Migrant Smuggling Centre (EMSC), made a detailed presentation in LIBE on 23 March of the activity of the recently created EMSC as regards migrant smuggling in the EU. He emphasised the role of EMSC in supporting Member States to target and dismantle organised crime networks involved in migrant smuggling and the multidisciplinary approach taken in their activity. He presented detailed data related to their activities and emphasised the very good work done inside EU and the efforts to reach out and cooperate with third countries.

Members raised several specific questions such as the cooperation with third countries and in particular with countries in Africa, measures taken to stop smugglers, use of reliable resources and complementarity with other measures than police cooperation. A specific question raised was the use of private databases and in particular of World Check in Europol's work. Simon Riondet, Head of Financial Intelligence at Europol, made a short description of the rules applied when processing information from private databases.



### Documents adopted in LIBE

- [Resolution](#) on Adequacy of the protection afforded by the EU-U.S. Privacy Shield
- [Report](#) on Application of the Schengen acquis in the area of the SIS in Croatia
- [Opinion](#) on Financial rules applicable to the general budget of the Union

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### LIBE-related resolutions in Plenary

- [Resolution](#) on Adequacy of the protection afforded by the EU-U.S. Privacy Shield
- [Report](#) on Application of the Schengen acquis in the area of the SIS in Croatia

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### Next LIBE meetings:

**27 April, 3-4, 8 and 11 May 2017**  
See [agenda](#), [documents](#) and [live broadcast](#)

## Joint debate on the operationalisation of Frontex

On 22 March, LIBE Members held a debate on the state of play of the implementation of the Regulation on the European Border and Coast Guard ([Regulation 2016/1624](#)) adopted last year following a very rapid legislative process.

In the joint debate the Commission presented first its two communications ([one](#) from the 25 January and the [second one](#) from 2 March) setting out the state of play regarding the operationalisation of the European Border and Coast Guard. These Communications indicate areas of progress and timely implementation of the new Regulation (such as the pool of 1.500 border guards and other relevant staff which might be deployed for rapid border interventions) but also shortcomings (such as gaps for certain operations and with regard to equipment).

Subsequently, the Executive Director, Mr Leggeri, presented the work of the Agency undertaken so far. He referred to the different pools as introduced through the new Regulation which were set up on time, the state of play with regarding to the vulnerability assessment, the increased activity of the Agency in the field of returns, the new multipurpose operations including coast guard as well as law enforcement aspects, and the cooperation with third countries.

Mr Pabriks who was Parliament's rapporteur on the new Regulation and the head of the recent mission of the Committee to the Agency informed about this mission and its conclusions. In the [mission report](#), the Members welcome the progress made in implementing the new Regulation, the conclusion of the negotiations on the headquarters agreement with Poland, the enhanced operational activity of the Agency and the positive commitment of the Agency to make more information available to the European Parliament and the general public.

They call on Member States to provide the agreed resources to the Agency and to ensure that identified gaps are closed. They also express their concern about the lack of staff for the Fundamental Rights Officer and their expectation that the complaints mechanism is made more visible.

In the debate Members raised topical issues with regard to the activities of the Agency and commented about the state of play regarding the implementation of the new Regulation.

## Rule of law: Romania and Poland

During the meeting of 22 March 2017, the Members of the LIBE committee held two exchanges views on issues related to the respect of rule of Law in the Member States. In the morning and as a follow-up to the plenary decision a debate on democracy and justice in Romania took place. The guest speakers included: Tudorel Toader, Minister of Justice of Romania, Liviu Avram, Deputy Editor in chief "Adevarul", Victor Alistar, Executive Director, Transparency Romania, Gabriel Liiceanu, Professor, University of Bucharest and Attila Biro, Investigative Journalist. The video recording of the debate is available [here](#).

In the afternoon, the First Vice-President of the European Commission, Frans Timmermans, briefed the Members of the LIBE Committee on the state of play of the Rule of Law dialogue that the Commission has undertaken with the Polish government. He referred to the difficult situation in the Polish Constitutional Tribunal due to the non-appointment of three judges and the lack of publication of several judgements. The First Vice-President argued that the independence of the judiciary is a key element in the Rule of Law and questioning it may undermine the trust of citizens in the judicial system. The video recording of the debate is available [here](#).

## Modernisation of CoE Convention 108

The modernisation of the Convention 108 started in 2011, the Commission representing the EU at the negotiating table in the Council of Europe.

The intergovernmental committee CAHDATA (ad hoc committee on data protection) which examined the initial proposals of amendment in 2013 and 2014 finalised its work at a last meeting on 15-16 June 2016.

The text of the Protocol of amendment is now on the table of the Committee of Ministers. The consolidated version of the Modernised Convention 108 can be found on the [website](#) of the Council of Europe.

Some key issues are still being discussed among the States parties to the Convention: exceptions to the application of the Convention (national security), rights of vote of the EU, entry into force of the Protocol.

If the Protocol is not ratified soon, the Member States of the EU might face some discrepancies with the new EU legal framework, which shall apply from 25 May 2018.

## LIBE events

### Hearing on EU accession to Istanbul Convention

On 27 March, the LIBE and FEMM Committees held a second [hearing](#) on the EU Accession to the Istanbul convention. The key speakers were Sahiba Gafarova, General rapporteur on violence of the PACE; Elisabeth Moiron-Braud, Interministerial Mission on the protection of Women from violence; Gun Heimer, Swedish Expert from the NCK; Maria Miguel Sierra, Director of La Voix des femmes and expert for Belgium of the Observatory on violence against women on the European Women's Lobby. The experts stated the unprecedented nature of the Istanbul Convention as a legally binding instrument in the fight against violence against women and girls and the important added value of the accession of the European Union to the convention.



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### Hearing on the e-Privacy rules reform

On 11 April, the LIBE Committee held a [hearing](#) about the proposed rules for the respect for private life and the protection of personal data in the electronic communications in the EU (e-Privacy reform). The proposal was presented by the Commission on 10 January, in order to complete the reform of Union data protection legal framework and contributing to the achievement of the Digital Single Market.



The purpose of the hearing was to gather insight on different elements of the proposal from stakeholders involved: telecommunications sector, new communication services providers (OSP, OTT), consumers, NGOs, professors, data protection authorities so as to obtain a broad and representative picture in view of the preparation of the LIBE Committee legislative report (Rapporteur: Marju LAURISTIN, S&D).

### Hearing on Child sexual abuse and exploitation

On 25 April, the LIBE Committee organised a [hearing](#) on child sexual abuse and exploitation online and offline. The objective was to listen to experts in the field from different backgrounds on the measures taken to implement Directive 2011/93 /EU by the Member States, to identify gaps in the application of existing rules and mechanisms and to compare best practices in the Member States and in the USA.



The evidence gathered by the LIBE Committee will be further used for its work on its report on the implementation of Directive 2011/93/EU (Rapporteur: A. M. Corazza Bildt, EPP).

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### Workshop on judicial training

On 12 April the Policy Department for Citizens Rights and Constitutional Affairs organised a [workshop](#) on "The training of judges and legal practitioners – ensuring the full application of EU law" for the JURI and LIBE Committees. European judicial training is essential for judicial cooperation and for the consistent application of EU law, as well as for the promotion of mutual trust between legal practitioners across the EU.

In its 2011 Communication "Building trust in EU-wide justice: a new dimension for European judicial training", the European Commission set the objective of enabling half of all legal practitioners in the EU to participate in European judicial training activities by 2020. The panel of experts invited to the workshop was composed by representatives of the Council of Europe, representatives of the European judicial Network, experts in the training of lawyers and court staff.

#### Upcoming hearing:

- [EU citizens in UK](#) (11/05)

#### Upcoming mission:

- Greece (22-25 May)

### LIBE mission to Italy - a wake-up call to Europe for a more collective response and fairer sharing of responsibility



A LIBE delegation of 11 Members headed by Barbara Kudrycka (EPP) and Juan Fernando López Aguilar (S&D) travelled to Italy on 18 April for a four-day visit on asylum and migration. In Rome, they were informed about search and rescue operations as well as fight against smuggling in the International Coordination Centre, observed the situation in a reception/relocation centre (Castelnuovo di Porto) and enquired about applicable procedures. In Sicily, they visited a major landing site for migrants in Sicily (Augusta) and one of the four official "hotspots"(Pozzallo). They also met with central and local Italian

authorities, including the judiciary, the police and the army, as well as representatives of NGOs and EU agencies (Frontex, EASO and Europol).

The delegation paid tribute to the efforts of the Italian authorities, population, and all stakeholders, specifically in Sicily, to ensure that the fundamental rights of all migrants and refugees are respected and best processing practices, including for registering arriving migrants and ensuring the protection of external borders, are observed. Good cooperation between Italian authorities, NGOs and EU agencies was noted.

Observations and findings comforted the delegation in the view that the current Dublin Regulation, which determines the Member State responsible of dealing with each asylum claim, needs an urgent reform. MEPs also insisted that relocation of asylum seekers to other Member States needs to be implemented as agreed, to demonstrate solidarity in practice and that Europe must create safe and lawful routes for migration, particularly by reinforcing resettlement.

The report on the delegation is due to be presented to LIBE on 8 June, in the presence of Italian Undersecretary of State Manziane.

## News from Justice and Home Affairs agencies



### FRONTEX. - Africa-Frontex Intelligence Community (AFIC) Joint Report 2016

The Africa-Frontex Intelligence Community (AFIC) Joint [Report](#) 2016 analyses the irregular migratory movements affecting AFIC countries and EU Member States, cross-border criminality and provides an overview of the main regional security threats affecting the countries in the community. The report also presents a picture of the smuggling networks in Africa.

### eu-LISA. - 2016 statistics on SIS II

The SIS II legal framework requires eu-LISA to publish [annual statistics](#) on the number of records per category of alert, the number of hits per category of alert, and how many times SIS II was accessed, in total and for each Member State. In 2016, SIS II was accessed nearly 4 billion times by Member States.

### FRA. - Migrant child protection still a grave concern

The treatment of asylum-seeking and migrant children continues to be worrying in many parts of Europe. This is one of the main concerns from the latest summary [report](#) of the EU Agency for Fundamental Rights (FRA) on migration-related fundamental rights in selected EU Member States which points to inadequate living conditions and support leading to ill-health.

### EUROJUST. - Second plenary meeting of the European Judicial Cybercrime Network

On 6 and 7 April, the second plenary [meeting](#) of the European Judicial Cybercrime Network (EJCN or the Network) was held at Eurojust. The meeting, chaired by the [Network's](#) informal board (comprised of members from the Member States holding the trio EU presidencies), was attended by prosecutors and cybercrime experts from 25 Member States plus Norway, Switzerland and the USA, as well as representatives from Eurojust, the Council, the Commission, the EJC and Europol. On the agenda were the adoption of the EJCN's two-year work programme, a case presentation and discussions on encryption and the European Investigation Order. The EJCN's work programme covers topics such as electronic evidence, encryption and data retention and describes the Network's activities in these areas, which will be performed in close cooperation with EU institutions and agencies.

### EUROPOL. - Cybercrime ring dismantled with Europol's support

A joint [investigation](#) by Spanish and British law enforcement authorities, coordinated by Europol and its Joint Cybercrime Action Taskforce (J-CAT), has resulted in the dismantling of an international cybercrime group involved in the design, development and selling of sophisticated software tools to render all types of malicious malware infecting thousands of computers worldwide undetectable by security products. As a result of the investigation, 5 individuals were arrested (3 in Spain and 2 in the United Kingdom), and various premises searched in Barcelona, the Canary Islands and Liverpool.

## Three questions to... Roberta Metsola

***In this new version of "A chat with...", we will continue to ask LIBE MEPs about their job as LIBE coordinator. This time we are with Roberta Metsola (EPP, Malta) who is the LIBE Coordinator for EPP since January this year.***

***In your opinion, what are the main challenges that the Union is facing in the field of Justice and Civil Liberties?***

There is one distinct yet complex challenge that the EU as a whole is facing: facing up to the challenges of populism. This is an issue that does not affect one Member State alone or just Justice and Civil Liberties as recent events in Europe have shown. The EU is a project that is constantly evolving and as we find ourselves at the crossroads it is time to decide what sort of Union we want to see develop in the next years. We need people to stand up for Europe again. We are the first generation of politicians in Europe who do not have experience of war between Member States - And that is down to the European project. The need to keep repeating why we have and why we need Europe is as important as ever.



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

Being coordinator means that I work closely with all my colleagues in the LIBE Committee and get involved in all of the files that land on our desks. It is a role where you work closely with members of our own Group but also with all other groups in an effort to find a good compromise.

***You are also the vice-chair of the PETI Committee and a member of the PANA Committee. How do you share your time between the three, and what interactions do you see in your work?***

I am heavily involved in the work of all these committees, particularly as Vice-Chair of the Petitions Committee. Coming from Malta, means that with just 6 MEPs from different political groups we try to have as far a reach as possible. I have a great team of assistants who help with my time management and preparation and ultimately ensure that I can represent my constituents as well as I can in every Committee I form part of.

## Justice and Home Affairs Council of 27/28 March 2017

On 27 March 2017, the Home Affairs Ministers of the EU discussed migration policy and return and readmission policy. They took stock of developments in the area of migration policy, focusing on the implementation of the Malta declaration of 3 February. Ministers also discussed return and readmission policy, based on the Commission communication on a more effective return policy and a Commission recommendation on making returns more effective when implementing directive 2008/115/EC ("return directive"). The Council's discussion focused on two aspects - the external side: improving cooperation by third countries on readmission, and the internal side: making sure the right procedures and systems are in place for effective returns. The discussions enabled ministers to offer guidance for further technical level work on these issues. The Council took note of ongoing work on the reform of the common European asylum system and resettlement on the basis of a progress report from the Presidency. The Presidency undertook to continue its efforts to take forward work on as many proposals of the package as possible. The Council adopted without discussion conclusions on the action plan to strengthen the European response to travel document fraud.



The following day, Justice Ministers were updated on the work carried out at expert level on the regulation on the mutual recognition of freezing and confiscation orders as well as on the directive on countering money laundering by criminal law. Before the start of the Council meeting, Justice Ministers met informally to discuss the launch of an enhanced cooperation on the establishment of the European Public Prosecutor's Office. A number of Member States expressed their intention to sign the notification letter. During the LIBE meeting of 30 March, Ms Bonnici, representative of the Maltese Presidency of the Council presented the outcome of the JHA Council to the Members and held an exchange of views with them on the main issues. The next debriefing to LIBE Members of the JHA Council of 8/9 June is scheduled for the meeting of 21 June.

- [Outcome of the Council meeting](#)

### CoE: Anti-torture committee report

In its annual [report](#), published on 20 April, the European Committee for the Prevention of Torture (CPT) urges the 47 Council of Europe Member States to use remand detention only as a measure of last resort and to provide remand prisoners with adequate detention conditions. The CPT stresses the need to ensure the use, to the extent possible, of alternative measures to pre-trial detention such as provisional suspension of detention, bail, house arrest, electronic monitoring, removal of passports and judicial supervision. These measures should also be considered for foreign nationals, who are frequently held on remand because they are considered to constitute a higher risk of flight.

### European Commission: 2017 EU Justice Scoreboard published

On 10 April, the Commission published the 2017 EU Justice [Scoreboard](#). It aims at giving a comparative overview of the efficiency, quality and independence of justice systems in EU Member States. According to the Commission, effective justice systems are essential to build trust in the single market and create a business and investment-friendly environment. The 2017 Scoreboard presents data on the safeguards in place in the different Member States to guarantee the judicial independence of judges.

The Scoreboard mainly focuses on litigious civil and commercial cases as well as administrative cases in order to assist Member States in their efforts to pave the way for a more investment, business and citizen-friendly environment. The Scoreboard focuses on the three main elements of an effective justice system: efficiency: indicators on the length of proceedings, clearance rate and number of pending cases; quality: indicators on legal aid, court fees, training, monitoring of court activities, budget, and human resources and independence: indicators on the perceived judicial independence among companies and the general public, and on safeguards relating to judges.

The findings of the 2017 Scoreboard are taken into account for the country-specific assessments carried out within the 2017 European Semester process. The country reports for Member States were published on 22 February and include findings on the justice systems of a number Member States (Belgium, Bulgaria, Spain, Croatia, Italy, Cyprus, Latvia, Malta, Poland, Portugal, Romania, Slovenia and Slovakia).

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