

Newsletter n. 28 - 10 July 2017



Words by the Chair

By invitation of the incoming Estonian Presidency, I attended the informal meeting of Justice and Home Affairs Ministers held on 6 and 7 July in Tallinn. The agenda included joint sessions with both Ministers of Justice and Ministers of Home Affairs to assess ways to increase security through interoperability and modern IT-solutions. During the informal Council, I emphasised the importance of finding agreement on asylum and migration files, the need to address the situation regarding data retention, and the future of e-Justice. In my capacity as Chair of the LIBE Committee I looked forward to presenting our Committee's work and establishing constructive cooperation with the Estonian Presidency on key LIBE files.

This month, an agreement was reached on the strengthening of the current EU Asylum Support Office (EASO) turning it into a new EU Agency for Asylum equipped with the means and resources to assist Member States in crisis situations and to monitor compliance with EU legislation. This is a welcome step to strengthen the Common European Asylum System and we look forward to advancing the Blue Card and other key LIBE files after the summer.

Claude MORAES

High-level Conference on migration management

More than 700 people including members of the European Parliament, national parliaments, representatives from local communities, cities, international organisations, partner countries, academia and civil society organisations, gathered on 21 June at the European Parliament in Brussels to discuss ways to manage migration and to ensure a stable and prosperous environment at the borders of the EU. The high-level conference took place one day before the EU summit and sent a strong signal to heads of governments and states for fast and tangible results to asylum and migration challenges in Europe and globally. The conference addressed a wide range of issues from the need to do more to tackle the root causes of migration through cooperation with third countries to integration and legal migration. Participants highlighted the need for fast agreements between the Parliament and the Council on the various legislative files on the table with a view to the EP elections in 2019, notably to find solutions and deliver on the expectations of citizens with regard to solidarity among Member States and a fair sharing of responsibility.



Claude Moraes chaired the round table on asylum and migration where nearly 50 participants took the floor. The rapporteurs of the different files reforming the Common European Asylum System highlighted the progress made in the Parliament and called for more efforts on the side of the Council. The conference was initiated by President Antonio Tajani and was co-organised by the relevant parliamentary committees, among which LIBE.

Follow up to the NY Declaration - Global compact for migrants on 22 June

Further to this High-Level Conference, Ms Louise Arbour, UN Special Representative of the Secretary-General for International Migration presented the current situation and developments on the Global Compact for migrants. Ms Arbour focused her presentation on the Human Rights of all migrants, countering xenophobia, addressing the drivers of migration and the issue of international cooperation and governance of migration. She acknowledged the role of the LIBE Committee in ensuring that EU law-making is underpinned by relevant legal obligations, standards and political commitments made by Member States in international and regional Human Rights law. Representatives of the EEAS and the IOM were also present and participated in the exchange of views. Mr Moraes, LIBE Chairman, concluded the debate reiterating the engagement of the LIBE committee to this process and asking the LIBE Committee to be closely involved.

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Latest migration related news



Situation of migrants in Italy

On 8 June LIBE held a Joint debate on refugees/migrants in Italy concerning the presentation of the draft report of the recent (18-21 April 2017) LIBE delegation to Italy, in the presence of Italian Undersecretary of State to the Ministry for the Interior, Domenico Manzione.

Mr Manzione first recalled that hotspots are neither clearly defined in EU nor in national law. Italy views them as reception centres with the specificity that identification should happen upon reception, hence their location close to ports - an approach valued by the Government. Mr Manzione denied accusations of wrongdoings around alleged police practices of forced fingerprinting. He stressed that relocation does not work, inter alia due to the lack of solidarity among Member States and the too strict criteria of eligibility which, for Italy, limit the programme to Eritreans and Syrians. As for NGOs, they fill in gaps left open by public authorities; however they should respect rules and instructions regarding ports of disembarkation, and NGO intervention cannot be a structural solution. Finally, he stated that

the reform of the Dublin regulation should introduce simpler procedures, look at the country of first entry criterion and achieve more solidarity among Member States.

Juan Fernando Lopez Aguilar and Barbara Kudrycka, co-Heads of delegation, praised the work done by the Italian authorities, together with international organisations, civil society and the population, to ensure that the fundamental rights of all migrants and refugees are respected and that best processing practices, including registering arriving migrants and ensuring the protection of external borders, are observed. The issue is definitely European and shows the insufficiencies of the EU collective response. Observations and findings comforted the delegation in the view that the current Dublin Regulation, which determines the Member State responsible for dealing with each asylum claim, needs an urgent reform. MEPs participating in the delegation also insisted that relocation needs to be implemented as agreed and that Europe must create safe and lawful routes for migration, particularly by reinforcing resettlement. The ensuing discussion touched upon the role of NGOs, the situation in Libya, the evolving composition of migratory fluxes, the situation of vulnerable persons, the Minniti-Orlando law-decree and the fight against smuggling.

Situation of migrants in Greece

On 26 June LIBE held a Joint debate on refugees/migrants in Greece around the presentation of the report of the recent (22-26 May 2017) LIBE delegation to Greece, the Commission latest reports on relocation and resettlement, and on the Progress made in the implementation of the EU-Turkey Statement.

Mr Niedermüller, Head of the LIBE mission to Greece, presented the delegation's main findings: the improvement of reception conditions; the efforts to reinforce the capacity of the Greek asylum service by the Greek authorities and to process applications in a timely manner, the issue of return for people not eligible for international protection, the availability of clear information and advice, notably, since legal aid is limited, the identification of vulnerabilities and the importance of continuous and sustainable funding, notably from the EU. The delegation recommended that detention, in view of assisted voluntary returns, should only be used on a case by case basis, essentially, as a last resort measure; access to formal education should be provided to all children present on the islands, the European funds for integration should be fully used and identification of family links, family reunification under Dublin Procedures, should be accelerated and all EU Member States should cooperate to this effect. Lastly, relocation should be accelerated and Member States urged to fulfil their obligations.

Mr Nielsen (DG HOME) presented the 13th Commission report on relocation and resettlement. Thus far, 15.000 people have been relocated from Greece and 7.000 from Italy, showing improved trends. The Commission recently launched infringement proceedings against Poland, Hungary and the Czech Republic for not pledging nor relocating any applicants. As there are no extension of the relocation decisions being planned beyond September, the Commission sees the Dublin reform all the more vital. Mr Verwey (SRSS) found that the LIBE delegation report was in line with the Commission's impressions confirming the general improvement of reception conditions, he saw some remaining concerns, existing bottlenecks at second instance decisions despite the reinforcement of capacity of the Appeals Authority and the related difficult progress on returns. On the identification of vulnerabilities, he stressed the relatively high number of people declared vulnerable. He assured MEPs of the Commission's commitment to keep up funding and not let services collapse, however through a transition from emergency funds to the regular national envelope of Greece, requiring capacity building and help to the Greek Managing Authority. As for detention, he agreed, in principle, with the recommendation of the draft LIBE report, Greek authorities being advised not to take candidates to assisted voluntary return in detention.



Documents adopted in LIBE

- [Report](#) on the Qualification regulation
- [Report](#) on the Blue Card
- [Report](#) on Prisons' systems and conditions
- [Recommendation](#) for second reading on Fight against fraud to the Union's financial interests by means of criminal law
- [Opinion](#) on Body of European Regulators for Electronic Communications
- [Opinion](#) on European Electronic Communications Code (Recast)

LIBE-related resolutions in Plenary

- [MoU](#) between the eu-LISA and Eurojust

Next LIBE meetings:

10, 11 and 12 July 2017

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

Schengen: Council decision on the reintroduction of internal border controls

On 21 June the LIBE discussed with the Maltese Presidency and the Commission the latest Council Implementing Decision of 11 May, based on Article 29 of the [Schengen Borders Code](#), setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk. In this Decision the Council recommends to Austria, Germany, Denmark, Sweden and Norway "to prolong proportionate, temporary border controls for a maximum period of six months, starting from the day of adoption of this Implementing Decision" at specific internal borders.



The Member States are asked to ensure that "internal border controls are carried out only where it is considered necessary and proportionate. Furthermore, the Member States concerned should ensure that internal border controls are only carried out as a last resort measure when other alternative measures cannot achieve the same effect, and only at those parts of the internal border where it is considered necessary and proportionate, in accordance with the Schengen Borders Code. When it provides the same security results, the use of police powers should be preferred as a measure with a lesser impact on the free movement of persons and goods."

Following the presentation by the Presidency, the Commission highlighted that the recent prolongation is the last one possible under the legal framework of the Schengen Borders Code and that the Commission through a [recommendation](#) has indicated to what degree police checks instead of border checks might be undertaken by Member States. The Chair recalled that he had written in May to the Commissioner to request that Parliament receives the reports regularly sent by the Member States to the Commission about the implementation of the internal border control. The Commission representatives replied that the Commission awaits the consent of the Member States concerned for the transmission of the reports to Parliament.

In the debate, most Members raised concerns about the internal border controls. Members also repeated their calls for the Schengen area to be enlarged to Bulgaria and Romania.

Draft reports on data protection presented

On 21 June, Ms Marju Lauristin (S&D), the rapporteur of the [draft report](#) suggested several amendments aimed at protecting the confidentiality of communications and at ensuring a high level of protection without lowering the level of the General Data Protection Regulation (GDPR). The deadline for tabling amendments was set to 10 July. The vote on the final report and the mandate for entering into negotiations with the Council is expected to take place in October 2017.

Also on this day, Ms Cornelia ERNST (GUE) presented her [draft report](#) on the proposal on data processing by EU Institutions. Her amendments seek to ensure greater consistency with the GDPR. An impact assessment carried out by the EP will be published after summer. The deadline for tabling amendments was set to 11 July and the vote on the final report and the mandate for entering into negotiations is expected to take place in October 2017. Both rapporteurs stressed the need to adopt the proposals in time so that they may be applied together with the GDPR.

Report on Interoperability

During the Hearing of 29 May on the [final report](#) of the High Level Expert Group ("HLEG") on Interoperability Commissioner Julian King explained that the primary objective of the proposal is to fight against aliases and fake identity with the objective to improve quality and usability of data currently collected. Further analysis is required by the Commission and eu-LISA to work out the details of the implementation. A joint discussion will be organised amongst the three main institutions.

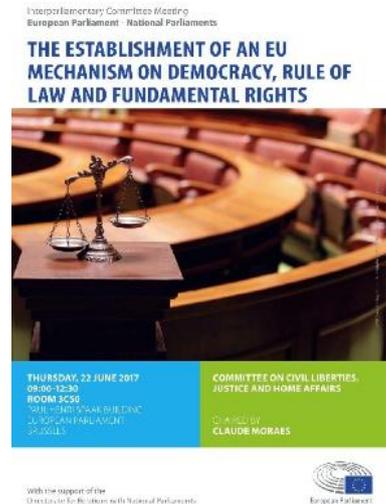
The works of HLEG will be subject to a public consultation and an impact assessment. Implementation will respect purpose limitations and access rights defined in existing legal bases, and if changes are needed, relevant legislative proposals will be introduced. However, no new legislative proposals will be introduced until the current ones, aimed at improving existing JHA systems, are adopted (not before the 1st quarter of 2018). Recommendations of the HLEG do not exclude adoption of other complementary ones such as the increase of human resources, the procurement of modern equipment and the organisation of training.

LIBE events

Interparliamentary Committee Meeting on Rule of Law

On 22 June 2017, the LIBE Committee organised with the support of the Directorate for Relations with National Parliament an [Interparliamentary Committee Meeting](#) (ICM) on the establishment of an EU mechanism on Democracy, Rule of Law and Fundamental Rights. This conference intended to follow-up on the resolution adopted by the European Parliament on 25 October 2016 calling on the European Commission to submit a proposal for the establishment of an EU mechanism on democracy, the rule of law and fundamental rights. This new mechanism should ensure that all EU Member States respect the values enshrined in the EU treaties and set clear, evidence-based and non-political criteria for assessing their records on these areas.

The speakers included Mr Francisco Fonseca Morillo, Deputy Director-General for Justice and Consumers in the European Commission and Mr Vaclav Hampl, Chairman of the EU Affairs Committee in the Czech Senate in a first panel about the interinstitutional perspective and role of national parliaments in the work towards a Democracy, Rule of Law and Fundamental Rights Pact at EU level. The second panel focused on the role of national parliaments and the independence of the judiciary. It was opened by Mr Frank Engel, rapporteur for the report on the Situation of Fundamental Rights in the EU in 2016, followed by the intervention of Ms Nuria Díaz Abad, President of the European Network of Councils for the Judiciary, Mr Emmanuel Crabit, from the Directorate-General for Justice and Consumers in the European Commission and Mr Alex Bodry, Chairman of the Committee on Institutions and Constitutional Review of the Chamber of Deputies in Luxembourg. The exchange of views allowed the participants to obtain some insight on the details of the EU proposals and to put forward different points of view from the national perspective.



LIBE-PETI hearing on Statelessness



On 29 June, a [joint hearing](#) with the PETI committee was held on the issue of statelessness. It was recalled that statelessness is mainly a matter of national competence, as it deals with nationality. However, it clearly impacts on citizenship, which extends at EU level and it raises issues of fundamental rights, which are also of EU competence, just like migration and asylum.

The first part of the hearing allowed participants to take a general look at practices and approaches in the Member States to prevent and end statelessness. The second part focused on measures to prevent childhood statelessness. The last panel session discussed the protection of stateless persons, notably from arbitrary detention, and the necessity to improve identification.

The Members participating in the discussion raised issues related to the status of 'non-citizens' in Latvia and 'persons of undefined citizenship' in Estonia, as well as the situation of Roma children, mainly in Italy, the need for better statistical data and the possibilities for action for the EU in general and the European Parliament in particular.

Upcoming hearings:

- Media pluralism and freedom in the EU (11/07)
- Search and rescue in the Central Mediterranean (12/07)

LIBE mission to Washington (17-21 July)

A delegation of the LIBE Committee will travel to Washington D.C. from 17 – 21st July 2017. The delegation is a continuation of previous missions carried out by the LIBE Committee since 2012, and more particularly, the last mission of 2016 to obtain up-to-date information on the state of play and progress in the US on major topics of the competence of the LIBE Committee. Several meetings with US authorities (e.g. Departments of State, Justice, Treasury, Homeland Security, Commerce, Federal Trade Commission) Congress representatives, stakeholders, academics and civil society are scheduled.

The scope of the mission focuses on matters which directly affect EU-US relations in the field of justice and home affairs, more specifically, topics related to the protection of personal data (EU-US Privacy Shield and its implementation by the US, digital privacy and electronic communications, law enforcement), cybercrime, counterterrorism, radicalisation, immigration (ESTA Programme) and protection of victims.

Upcoming mission:

- Tunisia (18-22 September)

Council of the EU: Estonian Presidency's Priorities - European Council of 22/23 June 2017



Priorities of Estonian Presidency: On 11 July 2017, the Estonian Minister of Justice, Mr Urmas Reinsalu and the Minister of the Interior, Mr Andres Anvelt will present the priorities of the Estonian Presidency in the field of Justice and Home Affairs to the Members of the LIBE Committee. The four priorities of the Estonian Presidency are an open and innovative European economy, a safe and secure Europe, a digital Europe and the free flow of data and an inclusive and sustainable Europe. On 6 and 7 July 2017, the Estonian Presidency welcomed the Ministers of Justice and Home Affairs from the EU Member States in Tallinn for the informal [JHA Council meeting](#). The discussions focused on migration issues, interoperability of EU databases in the areas of security, border and migration management, criminal justice and on data retention. On the justice side, they discussed the possibilities for improvement of existing EU legislation in the area of mutual recognition of freezing and confiscation with the objective of making the procedures faster and more effective and the future of e-justice.

European Council (22/23 June): The [European Council](#) focused on security and defense, foreign affairs, climate change, economy, trade and migration. With regards to migration, EU leaders called for further action to stem the flow of migrants from Libya to Italy, along the Central Mediterranean route. In particular, they focused on the provision of further training and equipment to Libyan coast guards, closer cooperation with countries of origin and transit and further efforts to increase returns. They said that readmission agreements with non-EU countries should be put in place urgently and reiterated the need to reform the common asylum system. On security and defense, the EU leaders reaffirmed their commitment to cooperate at the EU level to fight online radicalisation, prevent and counter violent extremism, tackle terrorism financing and improve information sharing and the interoperability of databases.

CoE: PACE & media freedom

In a Resolution adopted on 29 June 2017, the [Parliamentary Assembly of the Council of Europe](#) (PACE) has denounced a series of methods used to exert political influence over journalists – ranging from physical threats and detention through to intimidation and harassment of editors and journalists, more “insidious” psychological pressure aimed at inducing self-censorship, or putting critical media outlets out of business.

In a resolution based on a report by Stefan Schennach (Austria, SOC), the Parliamentary Assembly of the Council of Europe said the new digital environment was driving deep change in the media industry, which had the effect of making media outlets more vulnerable to political influence.

European Commission: Hearing of Mariya Gabriel - Upgrading the 'ECRIS' System - Stronger mandate for eu-LISA

Hearing of Mariya Gabriel: On Tuesday 20 June 2017, LIBE Members took part in the hearing of Ms Mariya Gabriel, as designated commissioner for the Digital Economy and Society portfolio. The LIBE committee was associated to the hearing procedure lead jointly by ITRE and CULT Committees. The Parliament confirmed the appointment of Ms Gabriel, a former Member of the LIBE committee, during the July Plenary session.

ECRIS: On 29 June 2017, the [Commission](#) presented a supplementary proposal on ECRIS, the European Criminal Records Information system. The aim of the proposal is to create a centralised ECRIS-Third Country National system which will make it possible to verify if any Member State holds conviction information on a non-EU citizen. It will help establish the identity of convicted non-EU citizens as it will contain information on names, addresses, fingerprints and facial images where available. It will also improve the exchange of information between Member States on convicted non-EU citizens.

EU Agency for the operational management of large scale IT systems (eu-LISA): On the same day, the [Commission](#) presented a proposal to strengthen eu-LISA's mandate by developing technical solutions to achieve interoperability. The Agency will also be responsible for developing and managing future large-scale EU information systems. eu-LISA, currently responsible for the operational management of the Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac, will also be responsible for the preparation, development and operational management of the new information systems: Entry/Exit System, ETIAS and the upgraded ECRIS.

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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Newsletter editors: Kelly Mathioudaki & Nicolas David
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