Words by the Chair

The newsletter is back to echo LIBE's readiness to engage in our final year of the mandate. In the last four years, LIBE has delivered on many initiatives, the most recent example being the adoption of the provisional agreement with Council on the package on the European Travel Information and Authorisation System (ETIAS). However, we still have a lot of action to take before being fully able to present our citizens with further concrete results, such as the reform of the Common European Asylum System. With the adoption in LIBE of the position on the Asylum Procedure Regulation, we now have a strong mandate on the overall package. We are currently waiting for our co-legislator to commence the negotiations. Luckily, improving the EU Asylum System is a priority not just for our institution but for the EU as whole, so we are confident that the Council is also feeling ready to move this file forward. Other topics have taken more importance since the beginning of the legislature, such as issues of data protection and the powers of GAFA's. These are issues clearly on the LIBE agenda and we are eager to contribute to the Parliament's full use of its scrutiny, protective and forward-looking powers.
Claude MORAES

Towards an EU Asylum Procedure Regulation

On 25 April, the Committee for Civil Liberties, Justice and Home Affairs (LIBE) adopted its report on the Asylum Procedure Regulation (APR) with 36 votes in favour, 12 votes against and 8 abstentions. Based on the Commission proposal to replace the Asylum Procedure Directive with a regulation, the Rapporteur Laura Ferrara (EFDD), aimed at establishing a faster and more efficient common EU procedure for the recognition of persons in need of international protection. As stated by the Commission, the

future APR should also discourage secondary movements and ensure common effective procedural guarantees for asylum seekers.

The draft report was presented during the LIBE Committee meeting on 30 May 2017. Nearly 1,600 amendments had been consequently tabled by the Members of the Committee. The most sensitive points of discussion concerned the balance between the rights of the applicants, including the right to appeal, the right to legal assistance and the protection of unaccompanied minors, the efficiency of the procedure and measures against abuse of the system. They focused on the procedure for subsequent applications and implicit withdrawal and the application of the concepts of safe country of origin and safe third country at the EU level. The mandate still needs to be endorsed by the Plenary in Strasbourg end of May. As stated in the Commission's Contribution to the Leaders' Agenda, the Council is expected to obtain its negotiating mandate under the Bulgarian Presidency before the end of June.

Laura Ferrara's report constitutes the last mandate of the Parliament which was still missing within the framework of the reform of the Common European Asylum System (CEAS). The reform seeks to foster the harmonisation of the standards of protection by further approximating the EU Member States' asylum legislation and achieve greater solidarity as well as fairer sharing of responsibility between Member States and between the EU and non-EU countries.

For the reform of the CEAS, the recast of the Eurodac Regulation (Rapporteur: Monica Macovei, ECR), the proposal for a Regulation on the European Union Agency for Asylum replacing EASO (Péter Niedermüller, S&D), the recast of the Reception Conditions Directive (Sophia in't Veld, ALDE), the proposal for a Qualification Regulation replacing the Qualification Directive (Tanja Fajon, S&D), the proposal for the establishment of an EU resettlement framework (Malin Björk, GUE/NGL) are presently under negotiation between the EP and the Council. The Parliament is still awaiting the Council position to be able to enter into negotiations on the revision of the Dublin Regulation (Cecilia Wikström, ALDE). The EP mandate for the Dublin reform had been confirmed in Plenary in November 2017 by a two-third majority. *(Picture copyright: UNHCR/AlessandroPenso)*

Functioning of the Schengen area

On 25 April the LIBE Committee adopted the Annual Report on the Functioning of the Schengen area. Being the first of its kind, the report aimed to give a comprehensive overview on Schengen. "After the establishment of the LIBE Working Group on Schengen Scrutiny, this report hopes to be another important step in consolidating the active role of Parliament in representing citizens", as said by the Rapporteur, Carlos Coelho (EPP) in his explanatory statement.

The report stated that the issues Schengen is now facing are not primarily due to the structure and rules governing Schengen but rather to the related fields. The Committee took a strong stance on the governance of the management of the external borders of the Schengen area.

They emphasised the need to abide by the common rules and to have a fully-fledged European Integrated Border Management (IBM) Strategy as foreseen by the European Border and Coast Guard Regulation.

The Committee also affirmed its position on the practise of the internal border controls. In its view, the negative impact of the internal border controls far outweigh the benefits resulting in economic loss and ultimately the loss of free movement of people without border controls. The report is to be adopted by the Plenary during the May II part-session.

Commissions proposal to amend the Schengen Borders Code
On 27 September 2017 the Commission came out with a proposal to amend the Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders. The aim of the proposal is to update the provisions of the Schengen Borders Code currently in force by introducing more flexibility as to the time limits for of the reintroduction and prolongation of internal border controls and by adding some procedural safeguards.

The draft report (Rapporteur: Tanja Fajon, S&D) was presented in LIBE on 25 April and the deadline for tabling amendments is 14 May.

Full application of the Schengen Information System in Bulgaria and Romania
The Parliament is requested to provide its opinion on the draft Council Decision on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

The draft report (Rapporteur: Monica Macovei, ECR) was presented to the Committee on 26 April. The final consent of the Parliament is aimed to be given in June's Plenary.

Situation in Hungary

As part of the preparatory work for the specific report under Rule 83 of the Rules of Procedure on the situation in Hungary (pursuant to the European Parliament resolution of 17 May), a public hearing on the situation in Hungary was organised on 7 December 2017.

In this hearing the following speakers participated: Péter Szijjàrtó, Minister of Foreign Affairs and Trade, Hungary; Marta Pardavi, Co-Chair, Hungarian Helsinki Committee; Gábor Polyák, University Pécs & Mertek Media Monitor; Miklós Szánthó, Director, Center for Fundamental Rights. After interventions by the Rapporteur, Judith Sargentini (Greens/EFA) and the guest speakers, outlining their views on the situation in Hungary, an exchange of views with Members of LIBE Committee took place.

After a first exchange of views on the main lines of the draft report on 12 April, the consideration of the draft report took place in the Committee meeting of 26 April where the Rapporteur underlined that an extensive consultative process with stakeholders and several Shadows Rapporteurs meetings were organised in view of this report.

The Rapporteur pointed out that the facts mentioned in the report represent a systemic threat to democracy, the rule of law and fundamental rights in Hungary and constitute a clear risk of a serious breach of the values of Article 2 TEU. Therefore the draft report contains a reasoned proposal for a Council decision, in accordance with Article 7(1) TEU.

An exchange of views with the Shadows Rapporteurs and Members followed the presentation of the draft report. Péter Szijjártó, Hungarian Minister of Foreign Affairs and Trade presented the reaction of the Hungarian Government to the draft report.

JPSG: Scrutiny on Europol

On 18 and 19 March, the Joint Parliamentary Scrutiny Group on Europol (JPSG) met for the second time in Sofia, Bulgaria.

It constitutes a new form of interparliamentary cooperation and brings together members of national parliaments and the European Parliament to scrutinise Europol and its managing bodies.

The JPSG was able to adopt its Rules of Procedure, by consensus, on 19 March thanks to the commitment and determination shown by the Presidencies of the Bulgarian and Estonian Parliaments as well as the support given by the EP Directorate in charge of relations with National Parliaments and the LIBE Secretariat.

It also discussed the external relations of Europol, data protection, past and future cooperation between Europol and the Western Balkans, the fight against cybercrime and counter-terrorism as well as organised crime.

The next meeting will be held on 24 and 25 September at the European Parliament in Brussels.

Also discussed in LIBE

- ECJ judgment of 22 March in Case T-540/15 De Capitani v Parliament: full text - press release

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Documents adopted in LIBE

- Report on ETIAS

- Report on ETIAS amending Europol Regulation

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LIBE-related resolutions adopted in Plenary

- Report on Media pluralism and media freedom in the EU

- Reports on Subjecting the new psychoactive substance ADB-CHMINACA and CUMYL-4CN-BINACA to control measures

- Resolution on UN Global Compact

Next LIBE meetings:

14-16 and 24 May - 4 and 7 June 2018
See draft agendas, meeting documents and live broadcast

Data protection issues

-> Following a debate of the European Parliament of 18 April, President Tajani has reiterated his invitation of 20 March requesting Facebook CEO Mark Zuckerberg to personally appear before the Parliament to answer MEPs' questions on the misuse of European citizens' personal data.

The Members further expressed concerns about the effects of social media, fake news and election manipulation on democratic processes. The LIBE Committee has also been tasked to conduct a hearing in association with AFCO, JURI and ITRE Committees on this matter.

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-> On 17 April, the European Commission presented new rules to facilitate access to electronic evidence. The proposal, which consists of a regulation and a directive, will aim at creating a European production Order and a European preservation Order, will include safeguards and remedies, and will oblige service providers to designate a legal representative in the European Union.
The new rules should allow law enforcement authorities in EU Member States to better track down leads online and across borders.

Post 2020 Multi Annual Financial Framework

On 17 May, the European Commission released its proposal for the post 2020 Multi Annual Financial Framework (MFF).

Gross domestic product (GDP) contribution of Member States is increased to 1.11% which is less to the target of 1.3% recommended by the European Parliament.

The European Commission is therefore proposing to cut Cohesion and Cap Policies by 6% following the leave of the United Kingdom and with the goal to increase funding in several priority domains.

The financing of policies in the field of migration and border management is increased by 260% compared to the current MFF.

A new Border Management Fund is created and the new Asylum, Migration and Integration Fund (AMIF) is reinforced.

The new Internal Security Fund (ISF) fund does no longer cover border and visa but is reinforced to cover common systems for efficient cooperation with national authorities as well as actions to strengthen Cybersecurity.

LIBE missions

Delegation to Niger (2-5 April)

The visit to Niamey and Agadez focused on connections of migration and asylum, security, and border management between the Sahel region, the Mediterranean and the Union.

Lead by the LIBE Chair, Claude Moraes (S&D), Members had discussions with Members of Parliament, the Prime Minister and the Ministers of the Interior, Finances and Humanitarian Action. Apart from meetings with Nigerien justice and human rights authorities, they visited a UNHCR centre for refugees evacuated from Libya and the IOM transit centre for migrants willing to return to their home countries. Information was received from EUCAP Sahel, Frontex and EU Member States on their assistance in matters of security and the prevention of irregular migration, trafficking in human beings, and illicit drugs and arms trade. NGOs and journalists reported about the social, economic and human rights situation.

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Mission to Cyprus (3-5 April)

Members of the LIBE Committee visited Cyprus from 3 to 5 April to gain an insight into the issue of missing persons in Cyprus. The objective of this mission was to gather updated information concerning the latest developments in the work of the Committee on Missing Persons in Cyprus (CMP). The LIBE delegation was chaired by Juan Fernando López Aguilar (S&D), Standing Rapporteur on the issue of missing persons in Cyprus.

The delegation had the opportunity to meet with different representatives and stakeholders, such as Mr Christodoulides, Minister of Foreign Affairs, Mr Syllouris, President of the House of Representatives and Ms Spehar, UNSG's Special Representative and Head of the UN Peacekeeping Force. The Delegation also met with Members of the CMP and visited their Anthropological laboratory. Finally, the delegation also met with relatives of missing persons both from the Greek Cypriot and the Turkish Cypriot communities which allowed them to gain an insight into the anguish and grief of the families of those missing.

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Mission to CEPOL (5-6 April)

A LIBE delegation visited the EU Agency for Law Enforcement Training (CEPOL) at its headquarters in Budapest (Hungary) from 5 to 6 April. The purpose of the delegation, composed by Kinga Gál (EPP) and Andrejs Mamikins (S&D), was to gain an overview of the latest developments in CEPOL's work following the entry into application of the Agency's new legal framework in July 2016. Issues of special interest to the LIBE Committee were CEPOL's role in the implementation of the European Agendas on Security and Migration, including their external dimension, the assessment of training needs for the EU law enforcement community and the promotion of fundamental rights in law enforcement training.

Upcoming missions:
- migration and border management - Ceuta/Melilla (16-18 July)
- terrorism, visa reciprocity, data protection - Washington (16-20 July)

LIBE events

ICM on Implementation of the Data Protection package (15 May)

On 15 May, the LIBE Committee will organise an Inter-parliamentary Committee Meeting with national parliaments on the Implementation of the Data Protection package. The General Data Protection Regulation (GDPR) 2016/679 and the law enforcement Directive 2016/680 apply as of May 2018. They aim to establish a modern, strong and consistent legislative framework which strengthens the protection of the individuals' right to fundamental right to personal data protection. The Inter-parliamentary Committee Meeting intends to take stock of views of national parliaments and stakeholders on different issues posed by the new data protection framework on the eve of its application. The four sessions scheduled address the institutional aspects, the impact on the private sector, including SMEs; technological innovation and the impact of the GDPR and the implementation of the "law enforcement Directive".

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Joint hearing on the flow of EU migration funding within the Union (16 May)

On 16 May, LIBE, together with the Committees on Budget (BUDG) and Budgetary Control (CONT), will hold a public hearing entitled 'Assessing the flow of EU migration funding within the Union'. The objective is to track and assess the flow of current expenditure on the migration-related programmes and agencies under Heading 3 of the EU budget throughout the budgetary cycle, from allocation to implementation, control and evaluation of effectiveness. The hearing will also aim to identify the various stakeholders' experiences and challenges. Speakers include Emily O'Reilly (European Ombudsman), Fabrice Leggeri (Executive Director, Frontex), Giorgos Kaminis (Mayor of Athens) and representatives of EASO, UNHCR, the European Court of Auditors, the European Commission, think tanks, academia and NGOs.

Upcoming events: Mini-hearing on the Belgacom hacking case (24 May)

News from Justice and Home Affairs agencies

EASO. - *1st Working Group for the EASO Guidance on the Asylum Procedure: Operational Standards and Indicators*
Based on the outcome of its last Management Board meeting on 17-19 April, EASO organised the kick-off meeting for the development of an EASO Guidance product on the Asylum Procedure, Operational Standards and Indicators. The guidance will cover the main aspects for the implementation of the Asylum Procedures Directive in practice. The working group for this development consists of five experts from Belgium, France, Greece, Romania and Sweden. During the kick-off meeting, the group agreed on the scope, the format and the draft content of the guidance.

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FRA. - *Challenges facing civil society organisations working on human rights in the EU*
On 9 April FRA Director Michael O'Flaherty presented in LIBE the FRA report published by the Agency on 18 January 2018. He insisted on the vital role that civil society plays in upholding democratic processes and in promoting human rights and the fact that civil society organisations (CSOs) increasingly denounce the challenges they face.

Age assessment and fingerprinting of children in asylum procedures - Minimum age requirements
The EU Fundamental Rights Agency has published a new opinion entitled "Age assessment and fingerprinting of children in asylum procedures - Minimum age requirements concerning children's rights in the EU". The publication can be found here.

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FRONTEX. - *Joint Operation Themis and Fundamental Rights issues*
Executive Director Fabrice Leggeri presented on 27 March in LIBE the most recent addition to the range of operations of the agency, namely Joint Operation Themis. The operation was launched on 1 February 2018 and expanded upon the lessons learned from previous operations in the same central Mediterranean region and the need to utilise the possibility to implement multipurpose operations within the scope of coast guard functions. The same day, the Fundamental Rights Officer, Inmaculada Arnaez Fernandez presented the implementation of the agency complaint mechanism and the fundamental rights situation regarding the agency operations.

Frontex Consultative Forum Annual Report 2017
The Frontex Consultative Forum will present its 5th Annual Report in the LIBE meeting of 14 May. The report outlines the activities of the Forum in 2017 as well as its observations and recommendations to Frontex and its Management Board on the Agency's fundamental rights responsibilities.

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eu-LISA. - *Central Repository for Reporting and Statistics focus group*
On 23 April, the first meeting of the EU Justice and Home Affairs (JHA) Agencies' group on the Central Repository for Reporting and Statistics (CRRS) was held at eu-LISA's premises in Strasbourg, France. Earlier this year, the JHA Agencies group on Interoperability expressed particular interest in the future possibilities for improved statistical analysis that could be offered through interoperability, thus creating a focus group to deal with this topic.

Three questions to... Claude Moraes (S&D)

As before, we will continue to ask LIBE MEPs about their job as Rapporteur. This time we are with Claude Moraes (S&D, United Kingdom) in his capacity of Rapporteur on the revision of the EU Blue Card. Inter-institutional negotiations started last September. The latest trilogue was held on 13 December where disagreement of the Council on a possible compromise package was recorded. Since then, the EP is waiting for new proposals from its co-legislator.

At this stage of the negotiations, what are the main the challenges for the EP as co-legislator?

The difficulty is to balance between keeping momentum in this area of legal migration where only one legislative proposal was issued in the mandate and making sure that we move towards a real improvement of the current Directive.

What are the main blocking points?

Main disagreements revolve around the possibility for Member States to retain their own national schemes for highly qualified migrant workers in parallel to the EU Blue Card, and the inclusion of highly-skilled workers whose professional experience could be recognised next to education qualifications.

What are the main improvements proposed by the EP?

The EP seeks to increase the attractiveness of the EU scheme for highly-skilled third-country workers, making the EU as a whole stronger on the global stage, thus limiting intra-EU competition through national schemes. It also aims at making the best use of skills already present on the EU territory, including those of refugees or asylum seekers already entitled to work and facilitating intra-EU mobility.

News from the Presidency of the Council

At the time of going to press, neither the agenda of the next Justice and Home Affairs Council meeting of 4-5 June nor that of the European Council of 28-29 June were yet published. However, the Leaders' Agenda was foreseeing the inclusion of migration and asylum matters.

Indeed, if the EU is to deliver on the reform of the Common European Asylum System by the end of the current mandate, a decision has to be taken on the general approach in relation to the Dublin and the Asylum Procedure Regulations before the Summer break. Should consensus not be reached by then, qualified majority voting could apply. National councillors are meant to discuss in Brussels in mid-May to prepare for the interior ministers meeting and then on to the leader's summit at the end of June.

Meanwhile, the Bulgarian Presidency is invited to come and present its conclusions to LIBE on 20-21 June (alternatively 25 June).

News from Council of Europe

On 27 April, the CoE's Group of Experts on Action against Trafficking in Human Being (GRETA) published a new report on the situation of human trafficking among migrants and asylum seekers in Hungary. According to the report, based on a recent visit to transit zones located at the border between Hungary and Serbia, the ability of Hungary to detect potential victims of human trafficking among migrants and asylum seekers, including children, has worsened.

On 3 May, the CoE's anti-corruption body (GRECO) published its annual report, which reviews 49 countries' action against corruption in 2017, notably with regard to the measures to tackle corruption in respect of MPs, judges and prosecutors.

In the framework of the Danish Chairmanship of the Committee of Ministers, held in Copenhagen on 3-4 May, the Council of Europe also launched its Gender Equality Strategy for 2018-2023. The strategy, which was adopted on 7 March, aims at addressing current and emerging challenges which prevent a faster pace of progress to achieve sustainable and full gender equality in CoE Member States.

News from the European Commission

In the area of Home Affairs, on 17 April, the European Commission proposed on a Regulation on the marketing and use of explosives precursors (COM(2018) 209 - 2018 /0103 (COD)), which are chemical substances that can be used for legitimate purposes but also misused to manufacture explosives.

With a view to prevent their illicit manufacture, the proposed Regulation restricts, inter alia, their possession and use to the general public and sets up rules on the reporting of suspicious transactions.

In order to find quicker and more effective ways to access and exchange information on bank accounts, financial information and financial analysis, the Commission proposed a Directive laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences (COM(2018) 213 - 2018/0105 (COD)).

As part of building a genuine Security Union, the Commission also presented its proposal for a Regulation on minimum security features ID cards (COM(2018) 212 - 2018/0104 (COD)), also adopted on 17 April.

Finally, the LIBE Committee will now start its work on the two new, closely inter-related proposals on the European Production and Preservation Orders for electronic evidence in criminal matters (COM(2018) 225 - 2018/0108 (COD)) and on laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings (COM(2018) 226 - 2018/0107 (COD)).

In the coming days and weeks, the Commission is expected to publish further proposals, including the revision of the Visa Information System and a revision of the Immigration Liaison Officers Regulation (both expected on 16 May).

The LIBE Committee is also awaiting the proposal on the review of the Eurosur Regulation and possibly other border related proposals.

Finally, by mid-June, the Commission should propose amendments to its interoperability proposals, which are necessary to cover those legislative acts which are currently under negotiations (such as SIS, ECRIS, ETIAS, Eurodac and eu-LISA).

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