

Words by the Chair

The LIBE Committee is taking privacy matters very seriously. As one of the three big regulators in the world, the EU has the duty to protect citizen's from technological abuses and to enhance privacy right and press freedom online. After having conducted in LIBE a series of hearings to examine the implications of this data breach, the Parliament adopted a strong [resolution](#) calling on Facebook, Member States and data protection authorities to take up their responsibility to restore trust in digital platforms and in our democratic systems. It sets out clear measures to protect citizen's privacy and prevent potential digital manipulation of elections and calls upon the Council to end the deadlock on the ePrivacy Regulation so as to ensure that the rights of citizens are protected, especially with regard to the protection of users against targeting. It is equally important to ensure the protection of EU citizen's data on both sides of the Atlantic via a strong data adequacy agreement. LIBE has always pushed for a robust system for EU-US data flows, and has followed in detail the review of the Privacy Shield undertaken by the Commission. A first exchange of view was held with Commissioner Jourová in October and we will assess the Commission's final report on the implementation of the agreement to be presented in November.

Claude MORAES

European Parliament adopts a Resolution on the Facebook users' data by Cambridge Analytica



On 25 October the Parliament adopted its [Resolution](#) on the Facebook users' data by Cambridge Analytica and the impact on data protection. The Parliament so confirmed the motion for a resolution adopted by the LIBE Committee on 9 October.

The resolution ends the works undertaken by the Parliament further the unveil of Facebook-Cambridge Analytica scandal in which personal data of at least 87 million Facebook users were improperly obtained and misused by Cambridge Analytica.

After regretting that Facebook was not willing to send staff members with the appropriate technical qualifications and level of corporate responsibility to the hearings and that such an approach is detrimental to the trust European citizens have in social platforms, the Resolution stresses that the data obtained by Cambridge Analytica may have been used for political purposes, by both sides in the UK referendum on membership of the EU and to target voters during the 2016 American presidential election.

Stating that Facebook breached EU law, namely data protection law, it urges Facebook to fully comply without delay with EU data protection law, namely the GDPR, and to allow the EU Agency for Network and Information Security (ENISA) and the European Data Protection Board to carry out a full and independent audit and present the findings to the Commission, the Parliament and national parliaments.

The Parliament also proposes several actions to prevent electoral meddling via social media, among which applying conventional "off-line" electoral safeguards online: rules on spending transparency and limits, respect for silence periods and equal treatment of candidates; making it easy to recognise online political paid advertisements and the organisation behind them; or banning profiling for electoral purposes, including use of online behaviour that may reveal political preferences.

Last the resolution calls on the Commission to upgrade EU competition rules to reflect the digital reality, look into the social media platforms' possible monopoly and audit the advertising industry on social media, for much greater accountability and transparency on algorithmic-processed data by any actor and calls on the Commission to suspend the EU-US Privacy Shield.

Regarding the use of social media pages by EU institutions, the Resolution ask them to verify that their social media pages and the analytical and marketing tools used "should not by any means put at risk the personal data of citizens". If needed they "consider closing their social networks accounts".

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Structured dialogue with Commissioner Avramopoulos



On 10 October, LIBE held another Structured Dialogue with Commissioner Avramopoulos. The Commissioner reminded the European elections next May and that still a lot needed to be done to meet the expectations of citizens. In this respect, he pointed to a number of unsolved challenges in the areas of migration and security, but he mentioned also the pending issue of visa reciprocity with the United States, the preservation of the Schengen area and the need of interoperability for JHA IT systems.

Members on their part asked for more courage from the Commission to finalise the pending files. They mentioned notably the proposal for a Recast of the Dublin Regulation and the implementation of legal pathways into the Union. The situation of asylum seekers on the Greek islands and the lack of solutions for migrants rescued in the Mediterranean continued to reflect the inability of the Council to take decisions in accordance with the Treaty when it comes to the reform of the Common European Asylum System. Besides, the

use of EU funds for the Greek hotspots needed to be clarified. With regard to the cooperation with third countries in the area of migration, Members were negative about the establishment of disembarkation platforms in third countries.

They agreed rather with the Commissioner that cooperation with third countries on migration should aim at win-win situations and respect human rights in the framework of global solutions.

The Commissioner concluded by saying that measures were needed with an effect on the ground so that the result of the work was visible and tangible for citizens. In this respect, no ad-hoc but stable long-term solutions should be found.

State of play of the reintroduction of internal border controls

Current reintroduction as notified to the Parliament:

- **Austria:** as of 11/11/2018 for 6 months (reason: migration and terrorist threat)
- **France:** from 01/11/2018 to 30/04/2019 (art.25.1 and 27 of regulation 2016/399) (terrorist threat)
- **Germany:** as of 12/11/2018 for 6 months (art. 25 to 27 of regulation 2016/399) (migration and security policy)
- **Sweden:** as of 12/11/2018 for 6 months (art.25 of regulation 2016/399) (threat to public policy and internal security)
- **Norway:** as of 12/11/2018 for 6 months (art. 25 and 27 of regulation 2016/399) (terrorist threat)
- **Denmark:** as of 12/11/2018 for 6 months (art. 25 and 27 of regulation 2016/399) (terrorist threat)
- **Poland:** from 22/11/2018 to 16/12/2018 (art.25.1 and 27 of regulation 2016/399) (COP24 UNFCCC)

Commission proposal on Terrorist content online

On 12 September the Commission put forward a proposal on a Regulation on prevention of terrorist content online as the last step in the series of measures and initiatives dedicated to ensuring that the Internet is not used for spreading terrorist propaganda and that the terrorist content is swiftly removed. On 10 October 2018 the Commissioner Julian King presented the proposal to the LIBE Committee. He focused on the main elements of the proposal:

- The one-hour rule: The Commission is proposing a legally binding one-hour deadline for content to be removed following a removal order from national competent authorities;
- A clear definition of terrorist content as material that incites or advocates committing terrorist offences, promotes the activities of a terrorist group or provides instruction in techniques for committing terrorist offences;
- A duty of care obligation for all platforms to ensure they are not used for the dissemination of terrorist content online. Service providers will also be required to take proactive measures to better protect their platforms and their users from terrorist abuse;
- Increased cooperation: The proposal sets up a framework for strengthened co-operation between hosting service providers, Member States and Europol.
- Strong safeguards: Content providers will be able to rely on effective complaint mechanisms that all service providers will have to put in place. Where content has been removed unjustifiably, the service provider will be required to reinstate it as soon as possible. Effective judicial remedies will also be provided by national authorities and platforms and content providers will have the right to challenge a removal order;
- Increased transparency and accountability: Transparency and oversight will be guaranteed with annual transparency reports required from service providers and Member States;
- Strong and deterrent financial penalties: Member States will have to put in place penalties for not complying with orders to remove online terrorist content. In case of systematic failures to remove such content following removal orders, a service provider could face financial penalties of up to 4% of its global turnover for the last business year.



The Commissioner also briefly explained the relevant recent Commission proposals and initiatives on the prevention of cyber manipulations at the elections. The LIBE rapporteur for this file is Ms Helga Stevens, ECR. The work on the report is ongoing.

Commission's proposal to develop the European Border and Coast Guard



On 12 September the Commission came out with a proposal which is building on the existing Regulation for the European Border and Coast Guard. Despite the efforts made during the past years, more needs to be done in order to facilitate the comprehensive approach to migration management. Safeguarding the external borders is one part of this approach and even though a lot has been achieved since 6 October 2016 when the current regulation entered into force, some issues remains to be remedied in this

field. The aim of the proposal is to strengthen the effective control of EU external borders and to significantly step up the effective return of irregular migrants. The proposal foresees a creation of a standing corps of border guards and return specialists 10000 in strength.

This corps would be at the disposal of the Agency through statutory staff and short- and long-term secondments. Furthermore, the possibility for return operations in third countries has been introduced along with greater financial means, almost tripling the funding for migration and border management to €34.9 billion, to support the Member States in the creation of the corps and facilitate acquiring Agency's own equipment.

Realising the significance of the management of the external borders a comprehensive policy driven four year planning cycle has been introduced to facilitate the implementation of European Integrated Border Management. Establishing the multiannual strategic policy cycle for European Integrated Border Management would be the responsibility of the institutions. The European Integrated Border Management would define on a political level how the challenges in the area of border management and return are to be addressed in a coherent, integrated and systematic manner.

The proposal also foresees the merging of some pre-existing regulatory framework and joint actions taken in the field of border management. Along with the adoption of this proposal, the EUROSUR Regulation and a Council Joint Action regarding False and Authentic Documents Online (FADO) system are repealed and brought into the European Border and Coast Guard framework.

The proposal was announced in plenary on 22 October and the presentation by the Commission in the committee took place on 15 October. Rapporteur for the file is Roberta Metsola (EPP).

The Executive director of Frontex will appear in the LIBE Committee meeting on 20 November for an exchange of views.

Documents adopted in LIBE

- [Opinion](#) on European Labour Authority
- [Motion for a resolution](#) on Use of Facebook users' data by Cambridge Analytica
- [Report](#) on Humanitarian visas
- Reports on Interoperability: [borders and visa](#) - [police and judicial cooperation](#)
- [Report](#) on Temporary reintroduction of border control
- [Report](#) on Application of the Schengen acquis in Bulgaria and Romania
- [Opinion](#) on whistleblowers
- [Report](#) on Asylum, Migration and Integration Fund: Re-commitment of remaining amounts
- [Opinion](#) on Blockchain

LIBE-related resolutions in Plenary

- [Report](#) on Eurojust
- [Report](#) on Mutual recognition of freezing and confiscation orders
- Reports on SIS: [borders and visa](#) - [police and judicial cooperation](#) - [return](#)
- [Report](#) on Minimum standards for minorities in the EU

Next LIBE meetings:

26-27 November, 3 and 10 December 2018

See [draft agendas](#), [meeting documents](#) and [live broadcast](#)

Situation in Central Mediterranean

UNHCR's Vincent Cochetel and IOM's Eugenio Ambrosi exchanged with LIBE Members on the [UNHCR-IOM proposal for a disembarkation system in the Mediterranean](#). They stressed the success of such a system depends on the existence of appropriate intra-EU solidarity and a functioning CEAS, and that the Union cannot request from third countries efforts that it is unable to undertake itself. Southern Mediterranean countries were commended for their efforts regarding the reception of refugees and migrants. Mr Cochetel painted a grim picture of the situation in Libya, after renewed fighting and instability, with UNHCR being unable to access the big majority of detention centres, as well as disembarkation platforms, and not getting authorisation to operate its newly built transit centre (1,000 places). Mr Ambrosi deplored the very high risk of deadly crossings in the Mediterranean and the constant crisis mode despite the low numbers of arrivals, as well as the criminalisation of humanitarian assistance. A focused exchange on the situation in Libya with representatives from UNHCR, IMO, IOM, Frontex and Sarobmed will take place in the LIBE meeting of 27 November.

Discharge on EASO

During the October II plenary, the Parliament, after [postponing once](#) its decision on the implementation of EASO's budget for 2016, [refused](#) to grant such discharge. The Parliament welcomed, however, the corrective measures taken to improve EASO's governance structure, build trust and restore transparency, mentioning notably the strengthening of procurement procedures.

According to the Parliament, the recruitment and training of the significant number of new staff foreseen for 2018 and 2019 (30% staff increase already planned by the start of next year) shall ensure that EASO disposes of well-motivated and high quality personnel. EASO is currently pursuing several measures under a Governance Action Plan, aimed to reinforce internal governance and build more capacity.

The European Court of Auditors in its [report for 2017](#) issued an adverse opinion regarding the 2017 EASO accounts. The relevant OLAF investigation involving the former Executive Director and other senior-level staff is still ongoing.

LIBE missions



Delegation to Melilla (Spain)

From 29 to 30 October, a delegation of the LIBE Committee visited the Spanish town of Melilla to assess the situation regarding migration on both borders with Morocco. The delegation evaluated the security and respect for human rights at the borders, as well as the systems of reception and integration of migrants, paying particular attention to the situation of unaccompanied minors.

The MEPs met representatives of the Spanish government, local authorities and representatives of NGOs such as Melilla Acoge, ACCEM, CEAR, Cruz Roja, Caritas, and Frontera Sur. The group also visited La Purísima Minors Centre, in Melilla, and the immigration temporary reception centre (CETI) in Melilla.

Due to unexpected problems with the airlines flights the EP delegation did not have the chance to visit Ceuta, as scheduled.

The following Members took part in the delegation: Ana Gomes (S&D), Head of the delegation, Brice Hortefeux (EPP), Maite Pagazaurtundúa Ruiz (ALDE), Marina Albiol Guzmán (GUE/NGL) and as accompanying members, Juan Fernando López Aguilar (S&D), Florent Marcellesi (Greens/ALE).

Delegation to South Korea



The LIBE Committee sent an ad-hoc delegation to Seoul, South Korea from 29 October until 2 November 2018.

The ad-hoc delegation's scope was related to the current data protection negotiations between the European Union and South Korea as the Commission launched a dialogue with South Korea aiming at reaching a partial "adequacy decision" on the transfer of personal data from the Union to South Korea on the basis of the South Korean "Network Act".

The LIBE delegation met the relevant South Korean authorities and stakeholders in relation to the essential elements to be considered by the Commission when adopting its adequacy decision. Specifically, the delegation met with the Korea Communications Commission in charge of the Network Act. The Korea Internet and Security Agency also attended this meeting.

The Privacy Information Protection Commission, supervising the implementation of the general data protection law of South Korea, the "Privacy Information Protection Act", was also met as well as the Ministry of Interior, competent for the enforcement of this Act. The Vice-Minister of the Ministry of Science and ICT also met with the delegation.

Furthermore, the draft programme included meetings with Members of the National Parliament working on data protection issues.

Finally, various meetings with private stakeholders took place during the delegation. Among others, one consisted of a roundtable with private companies and representatives of businesses. Another meeting consisted of representatives of civil societies and NGOs. Law Professors and academics, specialised in data protection and cybersecurity were also met by the delegation.

The delegation was chaired by the Chair of LIBE, M. Moraes, who was accompanied by M. Weidenholzer (S&D), M. Boni (EPP), Ms Griesbeck (ALDE) and M. Nagy (EPP).

LIBE events



Interparliamentary committee meeting on Fundamental rights aspects of Roma inclusion and fighting anti-Gypsyism

This 18 October interparliamentary committee meeting represented an opportunity, one year after the LIBE report on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism, to take stock of the developments at national and EU level on this subject, together Members from national parliaments. This meeting was opened by Livia Járóka, Vice President of the Parliament, Dr Doris Wolfslehner, Head of the Department of the Federal Chancellery in the Permanent Mission of Austria to the EU and Tiina Astola, Director General for Justice and Consumers, European Commission. In the two sessions dedicated to Roma inclusion and

fundamental rights and respectively to upscaling Roma Strategies and Fighting Anti-Gypsyism, the parliamentarians had an exchange with various stakeholders in the field such as representatives of FRA, of the UN Human Rights Office, as well as academia and representatives of the civil society such as the Central Council of German Sinti and Roma or the Roma ERGO network.

Keynote speakers from several national parliaments also made an intervention and underlined best practices and recommendation based on national experiences. The main aspects outlined in the debate were, among others, the need, at Member States level, to ensure full implementation of the National Roma Integration Strategies, in cooperation with Roma organisations at local level, to fight discrimination and hate crime, to ensure proper law enforcement and also to take positive action in view of an effective Roma inclusion, based on a reinforced civil partnership. It was also noted the need at EU level to upscale the EU Framework for National Roma Integration Strategies after 2020, in view of an improved and more comprehensive approach.

News from Justice and Home Affairs agencies



Frontex. - *Migratory flows into the EU*

In the first nine months of 2018, the number of irregular border crossings into the EU via the top four migratory routes [fell](#) by a third from a year ago to about 100 000, mainly because of lower migratory pressure on the Central Mediterranean route.

EASO. - *Latest news*

On 18-19 October, EASO hosted a group of 20 members of courts and tribunals from nine Member States who attended a professional development workshop on ending international protection. On 16 October, the European Asylum Support Office (EASO) published a Country of Origin Information (COI) Report entitled '[Pakistan security situation](#)'. The report provides information relevant for the protection status determination of Pakistani asylum seekers. On another note, the selection procedure for the new

Executive Director of the European Asylum Support Office is currently under way with the shortlisting of candidates by the Commission, and should be finalised soon.

FRA. - *Conference on European values, rule of law, security*

The Agency spoke during the Austrian Presidency of the Council of the EU's conference on European values, rule of law, security that took place in Vienna from 19 to 20 November. Ministers from the EU Member States, international experts as well as civil society representatives were invited to this event. There they discussed the Europe of values, and what this means for our freedom and security.

Eurojust. - *Meeting between EU and US counterterrorism experts*

On 14 and 15 November, Eurojust hosted an [international event](#) with a focus on how information seized from the battlefield can be used in prosecutions of terrorist acts and members of terrorist organisations and used as admissible evidence in civilian courts. The meeting brought together police, prosecutors, military and intelligence counterterrorism experts from both sides of the Atlantic. They discussed investigative tools, the use of databases and different case studies.

Three questions to... Judith Sargentini (Greens)

As before, we will continue to ask LIBE MEPs about their job as Rapporteur. This time we are with Judith Sargentini (Greens, The Netherlands) in his capacity of Rapporteur for the new proposal on Common standards and procedures in Member States for returning illegally staying third-country nationals.

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

The Commission proposed three new pieces of legislation in September as "a contribution" to an informal meeting between EU heads of states. As remarkable as this is on its own, the Commission also, perhaps to be fast, disregarded providing impact assessments. The Commission has been indicating for years that Member States are not implementing the current returns directive properly and has been given recommendations to resolve that and a legislative revision, until recently, was not seen as the best solution. It is curious to learn that the Commission had a change of heart.



Returning persons to countries of origin because they do not have (any longer) the right paperwork to stay in the EU is a delicate matter. It is politically sensitive but also practically challenging. Let us not forget that we are talking about the future of these persons and their privacy and personal freedom when they are in a return process. Not having a full understanding of the decisions behind the proposals by the Commission and the potential consequences thereof is a real handicap. Therefore we as Parliament have agreed to conduct a limited impact assessment – because how can we be responsible lawmakers if we do not assess what impacts such rules may have on the fundamental rights of individuals?

Now with the current political climate it will be a bigger challenge to ensure we get a result that is humane, effective and practical. We are at the beginning of the process. We will conduct shadow meetings with different stakeholders to get a better understanding on why the returns directive as it stands is not working and what is the best way forward.

What could the European Parliament suggest to improve the Return Directive proposal?

Returns are part of a responsible migration and asylum policy but let us focus on how to make it humane and effective. There are perceptions that locking returnees up for months or even years is a solution but they are not criminals. And forcibly returning them is tremendously expensive. All aside the human and social impacts these have. According to the EPRS Study "the cost of non-Europe in Asylum Policy" returning an individual forcibly is EUR 3414 in comparison to EUR 560 per individual returned voluntarily. That is why I want to elaborate more on having a real functioning voluntary departure mechanism. What the Commission proposed is basically locking people up and not granting them voluntary departure possibilities.

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

I like the hands on work that comes with being a rapporteur on a legislative file. Thinking about ways to improve legislation and to find majorities. An effective Member of European Parliament is one that manages to bring improved legislation through to the institutions. As it seems that the European Commission standards nowadays are to put proposals on the table that have not been thoroughly assessed and matured, there is a lot of improving to be done by the lawmakers.

European Council: conclusions of 18 October meeting



On 18 October, the European Council (EC) adopted [Conclusions on migration, internal security and external relations](#). With regard to migration, EU leaders called for work to be continued on all elements of its comprehensive approach to migration as reaffirmed in its June Conclusions, with a clear stress on the importance of further preventing illegal migration and of strengthening cooperation with third countries. Council and Commission are invited to develop a comprehensive and operational set of measures against people smuggling by end of December, and a joint task force should be established at Europol's European Migrant Smuggling Centre. Cooperation with third countries is to be reinforced through a better implementation of readmission agreements and the EU-Turkey Statement, and the conclusion of new agreements and arrangements, with a view to facilitating effective returns. The co-legislators are also called upon to prioritise the recent proposals on the Return Directive, the European Border and Coast Guard and the Asylum Agency. The latter is the only asylum-related piece of legislation specifically mentioned in the text. The Conclusions refer more generally to the reform of the Common European Asylum System as a whole, encouraging the Council Presidency to continue efforts to reach conclusion as soon as possible.

As for internal security, the EC called for a number of measures to be taken, notably to combat "cyber and cyber-enabled illegal and malicious activities" and strengthen EU resilience against cyber-attacks. Negotiations on all cybersecurity proposals should be concluded before the end of the mandate. The EC also looks forward to the Commission's Action Plan for a coordinated EU response to disinformation and protect the Union's democratic system to be presented by December. Further, the proposals on preventing the dissemination of terrorist content online and on e-evidence should be examined as a matter of priority, and the negotiating mandates for international negotiations on e-evidence should be urgently submitted. The initiative to extend the competences of the EPPO to cross-border terrorist crimes should also move forward and Europol and Eurojust should be adequately resourced. Finally, the EC reiterated its plea to improve the interoperability of information systems and databases, giving the highest priority to the conclusion of negotiations, including on the strengthened European Criminal Records System, by the end 2018.

News from Council of Europe

In the [report](#) on her visit to Greece last June, the CoE Commissioner for Human Rights warns that reception conditions remain well below acceptable standards and calls European partners to support Greece's efforts to improve these conditions.

In an [opinion](#) published on 19 October 2018, the CoE [Venice Commission](#) recommends the Romanian authorities to conduct a re-assessment of the amendments in its Criminal Code and Criminal Procedure Code since they seriously weaken the effectiveness of the fight against corruption and serious crimes. Further, a delegation of the Venice Commission visited [Malta](#) in November in the framework of the preparation of an opinion concerning constitutional arrangements related to separation of powers, the independence of the judiciary and law enforcement bodies.

European Commission Work Programme 2019: LIBE's key files

On 23 October the Commission published its [Work Programme 2019](#), with a view to introduce new initiatives ([annex 1](#)) and define the future of pending proposals. A large amount of the files that the Commission is willing to conclude before the elections ([annex 3](#)) are of interest for LIBE, starting with proposals on the Multiannual Financial Framework. On the one hand, crucial proposals concern the reinforcement of the security of the Union. To secure the Digital Single Market, pending files to be addressed concern copyright, e-privacy and cybersecurity. The Commission also wishes to finalise the proposals on cross border access of law enforcement authorities to electronic evidence and financial data, marketing and use of explosive precursors, improving security of IDs. The need to proceed on the measures against terrorism is also underlined, with a focus on the prevention of the dissemination of terrorist content online and on extension of the mandate of the EPPO for cross-border terrorism.

On the other hand, the Commission reinstates the need to finalize the CEAS reform. It urges to adopt the five proposals on which provisional or partial agreement has been reached, with the relative changes aimed at reinforcing EASO's mandate, advance the two proposal on which no agreement has been reached, i.e. Dublin and the Asylum Procedures Regulation, and move forward the return Directive reform, with an enhanced role for the EBCGA. The Commission also wishes to achieve the reform of the Visa Information System, will issue a Communication on VISA reciprocity and a proposal on the VISA policy related to Brexit.

Collective EU action is also called upon for the strengthening of the 2014 rule of law framework, without which the claimed "Area of Justice and Fundamental Rights Based on Mutual Trust" cannot fully operate.

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