



## Words by the Chair

As we are now approaching the end of the mandate and these will be my last “Words by the Chair”, I would like to take this opportunity to thank everyone who have been involved in the work of the LIBE committee for the past five years. Our committee deals with some of the defining values of the EU and some of the ground-breaking issues of the future such as privacy, data protection, artificial intelligence, security, justice, asylum and migration and I am incredibly proud of everything we have achieved in the many different areas. This had only been possible thanks to the amazing staff, who are of the highest calibre here. I would like to thank the LIBE Secretariat, each and every member as well as my own office, political advisers and Members’ assistants for the continuous hard work, support and dedication in spite of the heavy workload and sensitivity of the topics covered.

**Claude MORAES**

## Looking back at the VIII Legislature (2014 - 2019)

As the end of this parliamentary term is almost here, Committees are wrapping up their legislative files and bringing the most advanced ones to Plenary. This legislature engaged LIBE Members in both diverse and complex dossiers. Overall, the operational line of the VIII Legislature was strongly focused on the security of the Union. Police and judicial cooperation were highlights of the term outlined by the adoption of files on the use of PNR data, on counterterrorism directive, on anti-money laundering, mutual recognition in asset freezing and confiscation orders as well as cash movement control. Likewise, the cooperation with Eurojust was further consolidated and a new Europol Regulation adopted. On the same line, the Parliament agreed with the Council on the revision of SIS, on the establishment on the Entry-exit system of the European Travel Information System (ETIAS) and on the revision of the mandate of eu-LISA. The Parliament recently also adopted its first reading position on interoperability between EU information systems in the context of borders and visas, asylum and migration and judicial and police cooperation. Concerning visas, the Parliament adopted a legislative initiative on humanitarian visas and is expected to also adopt its position on the community code on visas in April. The plenary recently adopted the file on Brexit visas. Other files in area of security where agreement was reached included explosives precursors and security of ID cards.



Further to the adoption of the key data protection rules in 2016 (GDPR and Police directive), 2018 concluded the revision of the Regulation on data protection with regard to the processing of personal data by EU institutions, the legislative proposals on e-privacy and on the prevention of the dissemination of terrorist content online will not be concluded by the end of the term. However, the Parliament was effective in adopting positions via resolutions on important data protection issues, such as the case for Facebook and Cambridge Analytica, as much as the EU-US Privacy Shield and Japan adequacy. Rule of Law was also an important part of LIBE’s work, with the adoption by Parliament of the resolutions on Poland and Hungary, the latter having initiated the procedure of Article 7 TEU. The situation in Malta and Slovakia, following the assassination of investigative journalists, was also examined in the last plenary of March, with some more general recommendations for the way forward and Parliament’s role with regard the rule of law in the EU.

Despite having been high placed on the agenda of the co-legislators in the last few years, little progress has occurred in the domain of asylum and migration. The revision of the EBCG mandate has been successfully concluded and the establishment of a network of immigration liaison officers have reached an advanced state in negotiations. Conversely, it was not possible to reach an agreement between the two institutions on the other relevant files. The CEAS reform package, the recast of the return directive and the revision of the Blue Card for legal migration will be left in an unfinished state for the next Parliament, upon the application of rule 229 of the Parliament’s Rules of Procedure. In regards to the MFF fundings however, this term saw the adoption of Parliament’s first reading position on the main files touching upon the LIBE Committee remit, i.e. the revision of the Asylum and Migration Fund (AMF), the Integrated Border Management Fund (IBMF), the Internal Security Fund (ISF) and Pericles IV programme for the years 2021-2027 against counterfeiting, the Justice programme and the Rights and Values programme will follow shortly.

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## Exchange of views with Commissioner Avramopoulos



Commissioner Avramopoulos came to LIBE for a common retrospective and prospects for the new Parliament and Commission. He thanked the MEPs, and in particular the Chair, for the good cooperation. Pointing to the challenge of the refugee crisis, he reminded of the fact that more than 700 000 migrants have been saved from the Mediterranean, of the support provided to Greece and Italy, of the 30 000 relocated and 50 000 resettled refugees, of the dismantled smugglers' networks, and the setting up of the EBCG Agency. He also reminded of the improved data bases and their interoperability for enhanced control of the Union's external borders. With 150 000 irregular arrivals in 2018, the Union is back at pre-2014 levels. The EU-Turkey statement had considerably contributed to bringing numbers down by 90%. He deplored the deadlock in the Council for the Blue Card and the asylum package. For the future, the Commissioner called in particular for the need to preserve European values as a basis for policy making in this area. The

Legal Migration Fitness Check will be a point of departure for future work also with regards to third countries. Combatting terrorism online and offline will remain a challenge. The reform of the CEAS needs to be completed, including a reformed Dublin Regulation with a crisis relocation mechanism. Increased funding will be available for migration and security under the next MFF. The assessment by Members of the achievements of this legislature was mixed. Some would have liked the Commission to be more active and to force Member States to abide by the rules. They regretted that no balanced and fair Union asylum and migration policy could have been established and that the cooperation with Libya was undermining European values.

## LIBE Updates on Migration and Asylum

### Legal Migration - the way ahead?

On 2 April the Commission presented to LIBE its long awaited report on its "[Fitness check](#)" carried out in the field of EU legal migration. Beyond gaps and minor inconsistencies between the various texts, the Commission evaluates the acquis as fit to face the challenge. The European Parliament research Service made its own assessment in its [Cost of Non-Europe](#) report based on a [CEPS study](#). Both reports provide elements of reflection for the next Parliament and Commission.

### Criminalisation of humanitarian assistance to migrants

LIBE held an exchange of views on 2 April on the follow-up given to the European Parliament Resolution of July 2018 on [Guidelines for Member States to prevent humanitarian assistance from being criminalised](#). After the Commission and Frontex, Members heard the President of the NGO "Are you Syrious?" (AYS), who provided examples that not only NGOs carrying out search and rescue at sea are criminalised. The 2018 update of the [Policy Department study on the Facilitation Directive](#) was also mentioned as providing evidence of the need for guidelines to Member States. The Commission reiterated its position that the Facilitation Directive actually provides means to avoid such criminalisation and evidence is lacking to justify action beyond maintaining the dialogue with civil society organisations.

### Eurodac

The Rapporteur Mr Corrao presented his draft recommendations on consent procedures related to the conclusion of three Protocols to relevant EU Agreements with Norway and Iceland, Switzerland and Liechtenstein and Denmark concerning law enforcement access to Eurodac. He stressed the importance of law enforcement access to Eurodac for a more effective fight against serious crime. Only the protocol with Denmark will be dealt with under this Parliament.

## European Border and Coast Guard



On 2 April 2019, LIBE voted on the agreement reached with the Council regarding the new [Regulation on European Border and Coast Guard](#) (Metsola report) after intense negotiations and a marathon trilogue on 26 March in Strasbourg. The vote in plenary is scheduled for the last session during this parliamentary term in mid-April. The new Regulation introduces a further set of new tools and powers for the Agency to support Member States in border and migration management. More importantly, it aims to strengthen the policy formulation on the level of the institutions by introducing a multiannual policy cycle. The new mandate includes a bolstered standing corps of 10 000 European border guards and return specialists. In addition, it provides the possibility for the Agency to set up antenna offices in Member States and third countries. Fundamental rights safeguards were strengthened at the demand of the Parliament, by enlarging resources for the Agency's fundamental rights officer and putting in place a fundamental rights monitoring mechanism for all the Agency's activities.

## Rules of Law in Hungary: State of play in Commission and Council



On 21 March, the 1st Vice President of the Commission, Mr. Frans Timmermans provided LIBE with an overview of the developments in Hungary since the last time he addressed the Parliament, underlining, among others, the shrinking space for civil society, the worrying developments as regards the situation of migrants on the Hungarian territory, the systematic pressure on the media and the lack of progress as regards country specific recommendations on the fight against corruption.

Mr Timmermans also expressed his concerns as regards the continuous weakening of the independence of the judiciary. He also mentioned that the Council is expected to come back on this issue in a General Affairs Council meeting in April.

The representative of the Romanian Presidency, Mr. Calin Stoica, Political and Security Permanent Representative, briefly mentioned that the Council is continuing its work on the follow up to the EP reasoned proposal, mentioned the next meeting of 9 April dedicated to this subject and expressed availability of keeping the Parliament informed of the developments.

In the exchange that followed, several Members participating in the debate underlined their concerns regarding the developments in Hungary, their impression that the situation is not improving, expressed criticism on the perceived lack of action and voiced their expectation to see more clearly the steps that the Council is planning on this issue. In the debate, it was also noted that the European Parliament was not yet given the opportunity to present its reasoned proposal formally in a Council meeting.

### Documents adopted in LIBE

- [Report](#) on terrorist content online DALTON
- [Report](#) on Rights and Values programme VALERO
- [Report](#) on European Border and Coast Guard METSOLA
- [Report](#) on Justice programme WEIDENHOLZER

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### LIBE-related documents in Plenary

- [Resolution](#) of RoLMG IN 'T VELD
- [Report](#) on Temporary reintroduction of border control at internal borders FAJON
- [Report](#) on European network of immigration liaison officers KYENGE
- Reports on Interoperability [LENAERS](#) and [MELO](#)
- [Report](#) on Brexit visa STANISHEV
- [Report](#) on EBCG METSOLA

### Last LIBE meeting

11 April 2019

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

## Rule of Law: EP resolution and EC Communication

The [resolution](#) following from the activities of the Working Group with a general mandate to monitor the situation as regards rule of law and fight against corruption within the EU and address specific situations, in particular Malta and Slovakia, was adopted by LIBE on 19 February and in plenary on 28 March 2019 with a large majority. This resolution points to the main concerns and recommendations for the specific countries mentioned therein, but also identifies cross cutting issues such as the necessity of having a general mechanism of monitoring the situation concerning democracy, fundamental rights and the rule of law within the EU. On 3 April, the EC published a Communication on "[Further strengthening the Rule of Law within the Union – State of play and possible next steps](#)" which takes stock of the available tools to monitor, assess, and protect the rule of law in the Union. The document is aimed at launching a reflection process on the rule of law in the European Union with other institutions and stakeholders, on which basis the EC will draw up its own conclusions and proposals in June 2019. The Communication will be presented to LIBE on 11 April.

### Study on disinformation and propaganda

Subtitled "[Impact on the functioning of the rule of law in the EU and its Member States](#)" and commissioned by the Policy Department for Citizens' Rights and Constitutional Affairs on request of the LIBE, the study was presented to LIBE on 21 March by its scientific coordinator. It includes an EU state of play with regard to disinformation and propaganda, their impact on the triangle democracy-fundamental rights-rule of law, an overview of existing legal regulation, measures developed and recommendations to strengthen democratic resilience.

## BREXIT



The uncertainty about UK's position on the withdrawal agreement and the risk of a no-deal Brexit has meant that EU institutions have these last week's been engaging in contingency planning, notably the adoption of contingency measures on certain key areas, including justice and home affairs. In this context, LIBE has been dealing with the future Regulation regarding [the possibility of visa-free travel to the EU for UK citizens](#).

In the past months, LIBE has also discussed Brexit-related issues both at technical and political level. In preparation to the Parliament consent to the UK Withdrawal Agreement, LIBE has also been preparing its opinion for submission to AFCO, the leading Committee on the matter. Nevertheless, whether this consent procedure will be finally launched (upon Council's request) depends of course on the developments in the UK.



## LIBE events and missions

### Joint hearing with AFET on The Rule of Law in the Accession Process



The [joint hearing](#) held on 18 March aimed at examining the progress and challenges faced by candidate countries in fulfilling the rule of law requirements of

the so-called Copenhagen criteria. In the first panel, the European Commission presented its “fundamentals first” approach in operationalizing the rule of law chapters in the accession process. Gianni Buquicchio, President of the Venice Commission of the Council of Europe provided a general overview of the rule of law challenges related to the independence and impartiality of the judiciary. In the second panel, Theo Jacobs from the International Monitoring Operation in Albania presented the vetting process of the judiciary in Albania. In the third panel, Marko Kmezić, from the Centre for Southeast European Studies, and Naim Rashiti, Executive Director of the Balkans Policy Research Group, talked about the irreversibility of the rule of law, beyond accession. They stressed the need to achieve societal transformation in the Western Balkans by supporting changes from bottom up and empowering civil society actors.

### NGOs saving lives in the Mediterranean, Sakharov Prize finalist 2018



LIBE and DROI chaired the event on 18 March to honour the NGOs carrying out search and rescue operations in the Mediterranean following their nomination for the Sakharov Prize 2018.

Filimon Mebrhatom, from Eritrea, described his rescue by the Italian navy in 2014. Kathrin Schmidt, Juventa ship crew Member, Riccardo Gatti, Open Arms, and Regina Carambone, Moas, called for EU action. They insisted that the accusations against NGOs were false and that it were in fact the Member States not abiding by international law. Eric David, Professor for International Law, agreed that there was an obligation to rescue those in need and that obstructing such help could be considered a crime in itself. He said that Article 80 TFEU could be used to bring Member States to court who refuse to act in solidarity and against a fair sharing of responsibility. Inma Vazquez, Médecins sans Frontières, described the horrible conditions waiting for migrants brought back to Libya following rescue operations in the Mediterranean and deplored that it were the most vulnerable having the most difficulties to escape the detention centres. Claude Moraes pointed to the wide spread racism that led to migrants being mistreated.

### Presentation of the 6th report of COSI in LIBE

The Chair of the Standing Committee on Operational Cooperation on Internal Security (COSI) under the Romanian Council Presidency, Mr. Apreutesei, presented the latest COSI report in LIBE on 1 April. It covered the period between mid 2017 and end 2018. Six main dimensions were included: EU Policy Cycle for organised and serious international crime; fight against migrant smuggling; the reinforced cooperation between law enforcement and customs authorities; counter terrorism and radicalisation; the fight against crime online, in particular the “dark web”, and the developing of internal external nexus, both as regards general JHA-CSDP cooperation and in regions such as the Western Balkans. The debate focused on COSI’s approach to the determination of strategic priorities in the fight against serious and organised crime and on the implications of working streams such as facial recognition.

### Time for the truth campaign



LIBE exchanged with Ciaran McAirt, spokesperson for the “[Time for Truth](#)” campaign, representing since 2018 families from all sides impacted by the past in Northern Ireland. The campaign aims to contribute to the implementation of the 2014

Stormont House Agreement and ensure that its mechanisms are granted sufficient resources to deal with the legacy of the past, which has not been the case so far. Mr McAirt called on LIBE Committee to initiate a European Parliament resolution on these issues.

### Presentation of draft mission report to FRA



LIBE organised a mission on 25-26 September 2018 to the EU Agency for Fundamental Rights (FRA), during the Fundamental Rights Forum organised by the Agency. The leader of the delegation, Cecile Kyenge, presented the main elements of the mission report in the LIBE Committee on 21 March 2019 and underlined that participating Members were able to actively engage in the proceedings of the Forum, to meet FRA’s stakeholders and have meaningful discussions on fundamental rights critical issues in Europe, thus contributing to the FRA priorities for the next years. She also thanked FRA for their cooperation and work in supporting the activities of the committee. The FRA Director, Michael O’Flaherty, underlined several areas where FRA provided support for the work of the LIBE committee during this legislature and praised the cooperation with the committee. Members participating in the debate also expressed their appreciation for the way the Forum was organised. They mentioned the very good cooperation with FRA along the years, in particular for their support in the legislative work, due to the quality of the data and research provided as well as to the opinions that they provide on request.

## News from Justice and Home Affairs agencies



**JHA Agencies' Network** - The Justice and Home Affairs (JHA) agencies' network was established in 2006 and is currently composed of nine EU decentralised agencies (CEPOL, EASO, EBCG, EIGE, EMCDDA, eu-LISA, Eurojust, Europol and FRA). In 2018 the network was chaired by EIGE (European Institute for Gender Equality), followed by Europol in 2019: the Directors of both agencies were invited on 1<sup>st</sup> April to present the report on JHA agencies cooperation in 2018 and the objectives identified for 2019. In light of the European Parliament elections and the renewal of the European Commission, for 2019 the JHA agencies have agreed to engage in a joint strategic reflection on the role of their cooperation in the future development of the EU security architecture.

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**FRONTEX: Forum for Fundamental rights** - During the LIBE meeting of 21 March 2019, the representatives of the Frontex Consultative Forum for Fundamental Rights (Marta Ballester and Stefan Kessler) presented the Annual Report 2018. The presentation focused on the main aspects of the work carried out by the Forum in 2018. These include the recommendation on statelessness in Frontex activities, the discussions on accountability and follow up on the reports of fundamental rights violations at EU land borders, including in areas where Frontex is operational. In this context, it had recommended a revision of the Frontex serious incident reporting mechanism for alleged breaches of fundamental rights and encouraged the adoption of a revised set of rules, as well as a dissemination and awareness-raising strategy, which would contribute to the effectiveness of the Agency's complaints mechanism. Information was also provided regarding the evaluation of Joint Operation Themis and the ongoing work in the area of returns, including through discussions at a focus group meeting with Frontex and Management Board representatives that followed the Forum's visits to return operations. The work of the Forum was also highlighted in view of the enhancement of Frontex' engagement in third countries, the discussions carried out to better understand the role of the Frontex Liaison Officers and the support of the Forum in mainstreaming fundamental rights within Frontex' training products and courses.

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**FRA: Exchange of views in LIBE on anti-semitism and opinion on hotspots** - FRA Director, Michael O'Flaherty, presented in LIBE on 21 March on the two topics. He explained the main findings of FRA's second survey on Jewish people's experiences with hate crime, discrimination and antisemitism in the European Union, published in December last year. This survey led to worrying conclusions as regards the rise in anti-Semitism in Europe in the last 5 years. Several sets of data show that antisemitism undermines the safety and security of Jewish people and that more actions should be taken at EU and Member states level to counteract this phenomenon. The Members expressed their concerns as regards hate speech, in particular on the internet, asked clarifications as regards the definition of antisemitism and the different approaches taken by Member States and underlined the need for specific actions in view of raising awareness as regards the consequences of pervasive antisemitism in the public sphere.

Concerning the update of the 2016 FRA opinion on fundamental rights in the hotspots set up in Italy and Greece (FRA Opinion No 3/2019), FRA found that on certain issues, there has been some progress. These include the access to protection and dedicated areas for children in Greece, as well as vulnerability identification, use of force during fingerprinting, guardianship laws, training of return escorts and monitoring of returns, in both Greece and Italy. However, especially in Greece, the change of the nature of hotspots from quick processing centres to places where asylum applications are processed, and the ensuing protracted length of stay and serious overcrowding of facilities, raise several fundamental rights issues. Mr O'Flaherty further clarified that FRA follows with concern the broader fundamental rights challenges in the migration context, including the number of deaths in the Mediterranean sea and the difficulties in disembarkation encountered by search and rescue vessels.

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**EUROJUST: Annual Report** - The Eurojust President L. Hamran presented on 2<sup>nd</sup> April the Annual Eurojust Report for 2018. He highlighted operation Pollino across Europe against mafia type organised crime and the added value of cross-border cooperation showing a full picture of the organised crime chain; something not shown when looked through only a national perspective. In addition he highlighted the experience and added value of existing tools, like EAW and EIO, as well as involvement of Eurojust in the case of terrorist offences. As main challenges he pointed out the cyber space issue as well as financing of Eurojust, whereby, as stated, Eurojust operates a comparable low budget whereby the amount of work increased.

## Three questions to Claude Moraes (S&D, United Kingdom), Chair of the LIBE Committee



### *What were the main challenges you faced in your capacity as Chair?*

First of all, chairing LIBE has been a huge privilege - over the past five years it has emerged as the busiest legislative committee in the Parliament with a central role in some of the key issues which are defining the European Union at the moment. This has also been the practical challenge of LIBE. We meet and legislate probably more than any other committee and this has been an exhausting process at times. But it is the nature of the work that is most challenging. We deal with legislation which can be very controversial and emotive from the asylum package, security files such as terrorism content online, to our role in the Article 7 Rule of law process and our post-Lisbon treaty competences in privacy and data protection which has led the committee to be at the forefront of the Facebook/Cambridge Analytica and interference in the European elections issue.

### *What are the main achievements of this term?*

The main achievements of this term are similar to the points I mentioned in relation to the main challenges. The committee has achieved a solid track-record of legislative success in the area of migration and asylum, security, civil and criminal law including the completion of the European Public Prosecutor. The committee has played a leading and often difficult role in the Rule of law procedure under Article 7 - initiating this process for the very first time with regards to Hungary and setting up a dedicated working group. People will also look at the many other achievements of the Committee: new legislation on financial crime and money laundering, leading the charges on the influence of the big data companies like Facebook on our elections and democracy. All of this builds on the huge success of GDPR and will in the future see our committee make further progress on issues such as e-privacy, artificial intelligence, and robotics. This area of data protection has also seen the committee in the past five years expand its work on international agreements on visa, security (including PNR) and data protection matters (in relation to adequacy decision with Japan and South Korea).

### *What are your best memories of the term?*

My best memories of the term are simply the week-to-week privilege of being Chair of such an exciting committee with so many hardworking MEPs and what I believe to be a fantastic LIBE Secretariat headed by Antoine Cahen. It has really been a privilege to work on issues which I care about personally such as migration and asylum and to have a seat at the table when our committee has made progress for the European Parliament in ground-breaking areas such as Facebook/Cambridge Analytica. The best memory of LIBE is knowing that we have often been at the centre of the biggest political, cultural and identity debates happening in the European Union and this has been quite exhilarating.

## Council: Romanian Presidency and state-of-play of priorities



In the LIBE field of competences, the partial agreements reached in negotiations on the MFF proposals related to the Rights and Values Programme and Justice Programme can be noted. As regards Asylum files, despite the efforts deployed by the Presidency, the situation did not change in comparison with the last Presidency.

## Council: List of upcoming presidencies under the next parliamentary term (2019-2024)



\* **Finland** July-December 2019 \* **Croatia** January-June 2020

\* **Germany** July-December 2020 \* **Portugal** January-June 2021

\* **Slovenia** July-December 2021 \* **France** January-June 2022

\* **Czech Republic** July-December 2022 \* **Sweden** January-June 2023

\* **Spain** July-December 2023 \* **Belgium** January-June 2024

## Commission: Progress Report on the Security Union



On 20 March, the Commission published the [eighteenth Security Union progress report](#). Considerable progress was made with agreements reached on a number of priority legislative initiatives including interoperability, border and migration management, explosives precursors, the use of financial information or security of ID cards. The report deals also with countering disinformation and protecting elections against other cyber-enabled threats, a topic of great importance with the upcoming EP elections in May.

# Thank You

Dear Reader,

THANK YOU

for your interest in LIBE activities.

We will be happy to provide you with further information in our July issue at the opening of the new parliamentary term.

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