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Data Protection Police Cooperation
Passenger Name Records Cyber Security
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Money Laundering

Committee on Civil Liberties, Justice and Home Affairs



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Words by the Chair

After the busy weeks with the Commissioners hearings, the new Commission was confirmed in Strasbourg on 22 October. LIBE is ready to start working with the confirmed Commissioners and is expecting to host them all in Committee meetings before the December break.

However, LIBE did not only host hearings for Commissioners-designate. On 20 October in Strasbourg, LIBE heard the candidates for the post of the European Data Protection Supervisor and Assistant Data Protection Supervisor and the vote for these positions took place in an extraordinary meeting the following day, 21 October. The preferences expressed by the Members of LIBE were Mr Buttarelli for the EDPS post and Mr Wiewiorowski as Assistant EDPS (see page 2).

The LIBE Committee will meet three times during November, on 5-6, 10-11 and 20. In the agendas you will see among others the following points: situation in the Mediterranean one year after Lampedusa, the Directive on Equal Treatment, Common European Visa Policy, Terrorism and Foreign Fighters, JHA Agencies, Procedural Safeguards and the European Public Prosecutor's Office.

Claude MORAES

Chair's agenda

➔ 18 November: Victims of Crime beyond 2015

This month I will participate in the conference '**Victims of Crime beyond 2015**' which will feature LIBE colleagues and the former EU Commissioner for Justice, Fundamental Rights and Citizenship Martine Reicherts as well as representatives from the Italian and Latvian Presidencies. Strengthening EU justice policy is high on the agenda for LIBE in this new mandate and I am sure that this conference will provide a fruitful debate and a chance for policymakers to identify steps to ensure better protection of victims in the fight against international crime.

➔ 19 November: Meeting with Social Platform

I will also attend a meeting with members of Social Platform, a network of European Social NGOs. This meeting will offer the chance for NGOs to present key social priorities in the area of civil liberties, justice and home affairs. In this new mandate it is essential for our Committee to maintain a good dialogue with civil society in order to bridge the gap between policy and practice. In turn, this will contribute to stronger and effective policies in the area of civil liberties, justice and home affairs.

European Data Protection Supervisor: Hearing of the candidates for the positions of EDPS Supervisor and Assistant Supervisor

The posts of European Data Protection Supervisor (EDPS) and Assistant Supervisor were established by Regulation (EC) N° 45/2001 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies to ensure that the institutions comply with the fundamental rights and freedoms of individuals and in particular their right to privacy. The first EDPS took up office in 2004.



The main responsibility of the European Data Protection Supervisor (EDPS) and the Assistant Supervisor is to ensure that all EU institutions, bodies, agencies and offices respect people's right to privacy when processing their personal data.

The European Parliament and the Council appoint 'by common accord' the European Data Protection Supervisor and the Assistant Supervisor for a term of 5 years, on the basis of a list drawn up by the Commission following a public call for candidates.

On Monday 20 October, in Strasbourg, the Members of the LIBE Committee heard the 5 shortlisted candidates for the posts of European Data Protection Supervisor and Assistant Supervisor:

- Ms Cinzia BIONDI (UK)
- Mr Giovanni BUTTARELLI (Italy)
- Ms Nöelle LENOIR (France)
- Mr Yann PADOVA (France)
- Mr Wojciech WIEWIÓROWSKI (Poland)

The candidates were quizzed by MEPs on issues such as the reform of EU data protection rules, and in particular how data protection laws would cope with evolving new technologies, the 'right to be forgotten', the effects of the European Court of Justice ruling annulling the data retention directive, the scandal of US National Security Agency mass surveillance of EU citizens, the 'safe harbour' agreement and the overall balance between data protection and security.



Giovanni Buttarelli

The main responsibility of the European Data Protection Supervisor (EDPS) and the Assistant Supervisor is to ensure that all EU institutions, bodies, agencies and offices respect people's right to privacy when processing their personal data.

On Tuesday 21 October, MEPs voted by secret ballot to decide which candidates Parliament should back in talks with Council on the final appointments.

The order of preference of the LIBE Committee for the post of European Data Protection Supervisor is:

- Mr Buttarelli - 34 votes
- Mr Padova - 21 votes
- Mr Wiewiorowski - 10 votes
- Ms Lenoir - 4 votes
- Ms Biondi - 1 vote



Wojciech Wiewiórowski

The order of preference for the post of Assistant Supervisor is:

- Mr Wiewiorowski - 53 votes
- Mr Buttarelli - 9 votes
- Ms Lenoir - 3 votes
- Ms Biondi - 2 votes

Following the voting the LIBE Chair sent a letter to the President of the European Parliament to inform him of the outcome of the vote. Pursuant to Article 42 of Regulation 45/2001, the European Parliament and the Council will appoint by common accord the European Data Protection Supervisor and the Assistant Supervisor.

For further information:

- [Recording of the hearings](#)
- [Special webpage on the EDPS hearings](#)
- [Website of the European Data Protection Supervisor](#)





Wednesday, 5 and Thursday, 6 November 2014, Brussels, PHS 3C50

➔ **Exchange of views on terrorism, foreign fighters and presentation of TE-SAT report**

The issue of foreign fighters and terrorism has lately received a lot of political attention, due to the worrying situation in the Middle East and the high numbers of Europeans that have moved to join the fighting in Iraq and Syria. It is a complex situation that has multiple causes and solutions are difficult to find, it is clear that there is a need for a complete and comprehensive approach involving a wide range of players at EU level. The aim of the exchange of views that will take place in LIBE is to provide Members with the elements for a thorough analysis of this matter.

The guest speakers are:

- Gilles De Kerchove, EU Counter-terrorism Coordinator;
- Rob Wainwright, Director of Europol;
- Michèle Coninx, President of Eurojust;
- Mara Marinaki, Managing Director for Multilateral and Global Affairs, European External Action Service (EEAS);
- Claudio Galzerano, Chairman of EU Council's Terrorism Working Party (TWP);
- Luigi Soreca, DG HOME Director for Internal Security.

➔ **Modernisation of the Council of Europe Convention 108**

In 2011, thirty years after the Convention 108 for the protection of individuals as regards the automatic processing of personal data was adopted, the Council of Europe launched a process of modernising this text in order to adapt it to the substantive technological revolutions that have occurred since its birth in 1981.

In the context of the reform of the EU data protection package, the LIBE Committee is organising a presentation of the state of play of the modernisation work and invited the Chair of the Consultative Committee of the Convention 108 (T-PD Committee) to present to the LIBE Members the main propositions of changes.

Upcoming LIBE Meetings:

- 5-6 November 2014
- 10-11 November 2014
- 20 November 2014

Find the list of available meeting documents [here](#).

➔ **Agreement between Canada and the EU on the transfer and processing of Passenger Name Record (PNR) data**

This Agreement (2013/0250(NLE)), Rapporteur Sophie In't Veld, ALDE) is one in a series of EU international PNR Agreements as regards prior specific data of flight passengers to authorities of third countries for prevention of terrorism and serious crime. In that regard the EU previously concluded agreements with the U.S. and Australia. The main topics debated as regards such agreements were related, inter alia, to the offences covered, data retention period, push and pull system as regards data extraction, and onward transfers of data. The Parliament is in accordance with Article 218 of the TFEU requested to give its consent.

➔ **Equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation**

On 2 July 2008, the Commission adopted a proposal for a Council Directive aiming to extend the protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation to areas outside employment.

Complementing existing legislation in this area, the proposed Directive would prohibit discrimination on the above-mentioned grounds in the following areas: social protection, including social security and healthcare; social advantages; education; and access to goods and services, including housing. The European Parliament adopted its position under the Consultation Procedure on 2 April 2009 but the legislative procedure has not been concluded in the Council, the negotiations on the so-called 'horizontal Directive' are still ongoing. The European Parliament has repeatedly called on the Council to step up the efforts to overcome this deadlock.

The Italian Presidency will present to the LIBE Members the progress made in the last months and the perspectives for the future.

The Rapporteur in the 8th legislative term is Ulrike Lunacek, Greens/EFA.

➤ The transitional provisions in the field of judicial cooperation in criminal matters and police cooperation (Protocol 36) UK Opt in Opt out

Protocol 36 to the Treaty of Lisbon includes a 5-year transition period during which the powers of the institutions, notably the Commission and the Court of Justice of the European Union do not apply on EU measures adopted before that date in the field of police and judicial cooperation in criminal matters.

At the same time, after the end of this transitional period, by 1 December 2014, Article 10(4) of Protocol 36 to the EU Treaties enabled UK to decide whether to opt out, in bulk, of all the police and criminal justice measures adopted prior to 1 December 2009.

The Council Presidency and the Commission will update the LIBE Members on the state of play of the negotiations with the UK in this complex issue.

➤ Joint debate on visa issues

The Committee will hold an exchange of views with Matthias Ruete, Director General DG Home Affairs, European Commission on the common visa policy.

The debate will touch upon the implementation of the [revised Regulation 539/01](#) listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement for which some important developments took place in recent weeks. These include the [Commission's report assessing the situation of non-reciprocity](#) with certain third countries in the area of visa policy, the start of the negotiations with 16 ACP countries and the United Arab Emirates in view of visa waiver agreements as well as the assessment of the Commission on [Peru's](#) and [Colombia's](#) fulfilment of the criteria for visa waiver.

In addition to that, the last weeks have seen other important developments related to visa liberalisation, visa facilitation and readmission agreements. These include the entry into force of the [readmission agreement with Turkey](#), the publication of the [Commission's report on progress by Turkey](#) in fulfilling the requirements of its visa liberalisation roadmap and on the [implementation by Georgia of the Visa Liberalisation Action Plan](#). Also a [Mobility Partnership between the EU and Jordan](#) was officially established on 9 October.

The Committee will continue to follow these issues and the negotiations towards the conclusion of international agreements in accordance with Article 218(10) of the TFEU which requires that the Parliament "be immediately and fully informed at all stages of the procedure".

Also on the agenda of 5-6 November:

- *EU agency for law enforcement training (CEPOL)*
- *Arrangement with the Swiss Confederation on the modalities of its participation in the EASO*
- *Draft oral question on the situation in the Mediterranean*
- *Written question to the Commission on the definition of 'national security'*

Monday, 10 and Tuesday, 11 November 2014, Brussels, JAN 2Q2

➤ Use of Passenger Name Record data

In addition to international PNR agreements the Commission also proposed a directive on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (2011/0023(COD), Rapporteur Mr. Kirkhope, ECR). The proposal was rejected in the LIBE Committee meeting of 24 April 2013 followed by a decision of the Plenary to refer the matter back to the LIBE Committee. The latter will take up deliberations on the file in November 2014.



Also on the agenda of 10-11 November:

- *European programmes for Funding Instruments (DG JUST, DG HOME and OLAF)*
- *Policy Department briefing notes in the area of criminal justice*
- *Activities of the Standing Committee on Operational Cooperation on Internal Security (COSI) in the field of law enforcement cooperation and internal security*
- *Exchange of views on cybercrime and presentation of Threat Assessment on Internet Facilitated Organised Crime (iOCTA)*
- *Hearing on Procedural Rights*

Thursday, 20 November 2014, Brussels, ASP5G3

In the agenda, among others:

- *European Public Prosecutor's Office (EPPO) - Presentation of the state of the negotiations in the Council by the Italian presidency, followed by an intervention of the Commission and an exchange of views among Members*
- *Presentation of the draft opinion on the 2013 annual report on the protection of the financial interests of the Union*

18 October: EU Anti-Trafficking Day

Trafficking in human beings (THB) is a severe violation of fundamental rights, explicitly prohibited by Article 5 of the European Union's Charter of Fundamental Rights. It is also a serious form of organised crime, driven by very high profits and high demand for the services of its victims.



activities listed in the report.

Member States of the European Union (Frontex) and the European Asylum Support Office (EASO) have issued a report (annexed to the European Commission's report from p.21) on their joint actions in the field of THB. The European Institute for Gender Equality (EIGE) has also contributed to a number of the

It affects women and men, girls and boys, from within the EU and from non-EU countries, causing profound and often life-long harm. To address this exploitation, the European Commission adopted the [EU Strategy towards the eradication of trafficking in human beings 2012-16](#). Since 2007, 18 October has been marked as EU Anti-Trafficking Day, as a way to raise awareness about this serious issue.

On the occasion of the 8th EU Anti-trafficking day, the European Commission released a [mid-term report of the 2012-2016 EU strategy](#), accompanied by the [statistical report on victims and traffickers for the years 2010-2012](#). The Commission has also presented a report on the use of the [Directive on residence permits to non EU victims of human trafficking](#).

Furthermore the European Police College (CEPOL), Europol, Eurojust, the European Union Agency for Fundamental Rights (FRA), the European Agency for the Management of Operational Cooperation at the External Borders of the

The Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) also took the opportunity of the Anti-Trafficking Day to draw attention to a major difficulty encountered in most of the 35 European states it has monitored so far: the lack of proper procedures to identify victims of trafficking.

According to Nicolas le Coz, President of GRETA, not only does the lack of identification prevent from putting an end to situations of trafficking and stopping the traffickers, it also jeopardises the enjoyment by the victims of their rights to assistance, protection and compensation, which must be secured by states.

Read more about this topic:

[The EU anti-trafficking website](#) (source: European Commission)
[Action against trafficking in human beings: country evaluations, 1st round](#)
 (source: Council of Europe)

Latest news from JHA Agencies



The **Fundamental Rights Conference**, taking place on 10-11 November in Rome and co-hosted together with the Italian Presidency of the Council of the European Union, will highlight key fundamental rights challenges.

It will discuss means of alleviating the effects of the current migration pressures at the EU's external sea and land borders, while fully respecting fundamental rights. The [conference](#) will also debate the best ways of promoting social inclusion and

migrant integration, in order to create an environment in which migrants can take full advantage of their own potential, to the benefit not only of themselves but also of EU society as a whole.

FRA helps to shape the **new EU internal security strategy**. Reinforcing fundamental rights in the design of security measures would help secure legitimacy and public trust, and also make the measures more sustainable, says FRA in its contribution to the European Commission's Communication on a renewed EU Internal Security Strategy.

Upon request of the Directorate-General Home Affairs, FRA has submitted to the European Commission its contribution to the preparation of a Communication on a renewed Internal Security Strategy for the period 2015 – 2020. The Commission plans to present the Communication in early 2015.

At the start of the new EU legislature, the [high-level conference 'Tackling sexual orientation and gender identity discrimination: next steps in EU and Member State policy making'](#), organised on 28 October 2014 by the FRA, Italian Presidency of the Council of the EU and the General Secretariat of the Council, aimed to take stock of the achievements and challenges ahead regarding the fundamental rights situation for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in the EU.

The debates focused on the data collected by FRA regarding EU and national level policies in the area of equality. Regarding the proposed Horizontal Anti-Discrimination Directive, it was discussed whether an 'enhanced cooperation' with a group of EUMS would be a way forward. Participants at the conference expressed diverging views on this suggestion with some emphasising positive elements and others hesitating to embrace this idea.

Secondly, the European Commission announced that it will develop a comprehensive EU Action plan to promote equality of LGBTI persons. To achieve this goal, Commissioner Reicherts stressed the need to work closely with the EU Member States in drafting such an Action Plan, so that EU efforts are rooted in Member States ownership of the process, including by initiatives at national, regional and local levels.

FRA hosted the [6th meeting](#) of the [Ad-Hoc Working Party on Roma integration indicators](#) on 15-16 October. It brought together Member States' national Roma Contact Points, the European Commission and representatives from national statistical offices as well as other stakeholders involved in Roma inclusion. The participants discussed the rights based indicators framework focusing on process and outcome indicators reflecting the standards set by the Council Recommendation for effective Roma integration measures in the Member States.

The indicator framework will be populated with data in 2015 by some Member States as a pilot exercise assessing Roma integration efforts. In order to begin populating outcome indicators with data some Member States are also considering collecting ethnically-disaggregated data. This is a challenging task and a number of participants in the Working Party agreed to test this approach and exchange experiences.



In line with the Commission's 2013 communication on the Task Force Mediterranean, EASO, together with Frontex, Europol and Eurojust, engaged in a joint pilot project to learn more about the [phenomenon of facilitation of persons seeking international protection](#) during the asylum determination process.

EASO will analyse this information to obtain a better view and will consider proposing a possible broader use of the methodology and lessons learned during this pilot.

EASO carried out three more activities under the [ENPI project involving Jordan, Morocco and Tunisia](#). A field visit to Jordan took place in June 2014 with a team composed of a Swedish expert and two EASO experts. The field assessment visit to Jordan collected and analysed available information of the situation in Jordan for the purposes of preparing future workshops and training activities. Among the sectors most in need of support are the management of reception facilities, crisis management and current knowledge of European and international standards in the field of protection.

In July, a workshop was held in Morocco on accelerated asylum procedure at the airport (border) and targeted the Moroccan inter-ministerial sub-commission responsible for drafting the new Moroccan law on asylum. In August, Tunisian judges of the Ministry of Justice participated in a study visit to the Swedish Migration Board (SMB) and the Migration Court, including a custody centre as well as a housing centre for unaccompanied minors.

During the last quarter of 2014, a workshop on appeals procedure will be held in Morocco and two field assessment visits shall take place in Morocco and Tunisia. Lebanese, Tunisian and Moroccan officials will have the opportunity to participate in EASO core training sessions in Brussels, while Jordanian authorities will participate in face-to-face EASO trainings in Malta. In December, a study visit to a Member State shall be carried out with Jordanian officials.

The EMCDDA organised, together with the College of Europe, a professional training course on ['The European Union, the EU drugs policy and relations with the European Neighbourhood Policy \(ENP\) region'](#), on 28-29 October in Brussels. This course took place as part of the EMCDDA's activities with ENP countries, within a technical cooperation project funded by the European Commission.

It intended to increase participants' knowledge of the European Union; explained the processes and roles of different EU institutions in the development, monitoring and evaluation of EU strategies and action plans in the illicit drugs field; and increased knowledge on the EU funding instruments available for this region. 16 participants came from Armenia, Azerbaijan, Georgia, Israel, Morocco, Moldova and Ukraine to participate in the course.

On 29 October the group visited the European Parliament. On this occasion, Ms Agnieszka Wawryk, Assistant to MEP Michal Boni, met with the participants and provided information on the role of the LIBE Committee and its relation with EU agencies such as the EMCDDA, as well as information on the role of the European Parliament in the legislative process concerning the Regulation of the European Parliament and of the Council on new psychoactive substances.

The Joint Final Event

“DEMOSEC: Democracy and Security”

On 29-30 October 2014 the [joint final event](#) of the three EU research projects IRISS, RESPECT and SURVEILLE took place in Brussels.

The discussion panels focused on technological aspects of surveillance (Surveillance technologies in society, use of technologies), the legal aspects of surveillance (Reconciling

human rights protection and security, Data retention and fundamental rights, targeted use of surveillance technologies to control individuals considered as dangerous, the role of Law Enforcement Agencies in Surveillance), and the social implications of surveillance (Surveillance, Resilience and Democracy, Intersection of Surveillance with Citizen's Rights and Citizens attitudes towards surveillance).

A chat with...

Jan Philipp Albrecht, 3rd Vice-Chair

Mr. Jan Philipp Albrecht (Greens/EFA, DE) has been a Member of Parliament since 2009. In the last parliamentary term he was a full member of the LIBE Committee. For the 2014-2019 term not only he continues to be a full member of LIBE but on 7 July 2014, he was elected by acclamation as LIBE Third Vice-Chair.

Q: Why did you choose to become a member of the LIBE Committee?



A: As a civil rights activist and as a lawyer, I want to protect citizens' and fundamental rights. As a consequence, the best way for me as a MEP to do so is being a member of the Committee on Civil Liberties, Justice and Home Affairs. Being rapporteur for the data protection regulation and shadow rapporteur for several files on procedural rights shows me I chose the accurate Committee for working on protecting citizens' and fundamental rights.

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

A: The most urgent challenge the EU is facing in this area is finding a way to fight mass surveillance by official authorities from secret services to government authorities. We have to defend our rights to privacy and data protection against public authorities and large companies profiling citizens. If everyone becomes a suspect, we sacrifice one of our fundamental achievements which is the principle of the presumption of innocence. And if everyone is monitored, we sacrifice a society which is built on non-discrimination and self-determination. To create EU wide rules for these principles including procedural rights and safeguards is the main challenge for the EU in the field of Home affairs, Justice and Civil Liberties today.

Q: Half of the Members of the newly elected LIBE Committee are new. Do you have any advice for new LIBE Members?

A: My advice to newly elected LIBE Members is: try to focus on those most relevant files for the EU citizens which you feel competent for. We have plenty of important legislation going on where we need experts to work on, not just regular politicians.

Q: What is the part of your work as LIBE Vice-Chair that you enjoy the most? Is there something that you like less about being a Vice-Chair?

A: I like very much to structure the work of the Committee together with my colleagues. For me priority setting is paramount in a time

where there are many urgent challenges for Europe, especially in the field of Home affairs, Justice and Civil Liberties.

Q: LIBE News has discovered that you have your own Newsletter ('Jans Newsletter' available only in German). Do you think that thanks to the Internet citizens are coming closer to the Union institutions and are better informed about the activities of the European Parliament?

A: People are interested in what the EU does, how they might benefit from what the EU does and how they can get involved themselves. Amongst other things, I try to get in touch with people by providing information via my newsletter and using social networks (where I also communicate in English and even French). My experience is people want to be involved, they want to understand and yes, the internet helps by making communication easier.

On a more personal note...

Q: Do your obligations as MEP and LIBE Vice-Chair leave you some free time for reading? What book would we find on your bedside table these days?

A: Sure. I am into reading and writing quite a lot besides my work as parliamentarian. On my bedside you will find around 30 books which most of them still have to be read. Right now I finished 'The Circle' by Dave Eggers and started reading the latest book by Evgeny Morozov ('To Save Everything, Click Here'), both of them touching the important question which effect massive collection of personal data has on our lives today and tomorrow.

Q: Have you got the time to enjoy the city of Brussels from time to time, would you share with us your favourite corner of the town or something you like to do when you are here?

A: I have been living in Brussels even before becoming an MEP as I've been spending an ERASMUS at the ULB during my law studies. In that time I had far more time to endeavour the secret spots of Brussels. Quite a lot of them stay cool if they are not recommended publicly. These days I most likely can be found in Matonge where I walk through on my way to the Parliament and back, at Place de Londres where we meet up after work to have a beer in 'London Calling' or at 'L'amour fou' near Place Fernand Cocq where I enjoy one of the best (also veggie) burgers in town.

LIBE MEMBERS

(as of 15.10.2014 - updates available [here](#))

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