

Newsletter n. 29 - 25 September 2017



Words by the Chair

I would like to pay tribute to the victims of the serious terrorist attacks this summer. These attacks have demonstrated yet again the need to significantly reinforce security within the EU. LIBE Members held an exchange of views with Commissioner Julian King on progress made towards an effective genuine Security Union on 7 September. During the meeting, the Commissioner presented the Comprehensive Security Assessment, which provided a much-needed review of the EU's security architecture. The LIBE Committee will continue to work to confirm that particular attention is given to those instruments that have not performed as expected, and that the assessment's findings are acted upon. The European Parliament's Brexit Steering Group has put forward its comments on EU/UK positions on citizens' rights and, during the next plenary session, the European Parliament will vote on a resolution which will assess whether sufficient progress has been made. The LIBE Committee has contributed to the Group on issues concerning citizens' rights, police and judicial cooperation, and data protection and will work to ensure that these issues are prioritised in the negotiations.

Claude MORAES

LIBE Members to have their say over the European Public Prosecutor's Office proposal

During the LIBE Committee meeting of 25 September 2017 Ms Barbara Matera will present her draft report on the European Public Prosecutor's Office (the EPPO). The request for consent arrives at the European Parliament four years after the Commission presented its proposal in July 2013.

At that time the Commission presented a proposal for a Regulation pursuant to Article 86 of the Treaty on the Functioning of the European Union to establish a Union body, tasked with investigating, prosecuting and bringing to justice the perpetrators of offences against the Union's financial interests. The level of protection and enforcement when tackling fraud to the EU budget was very uneven in the different Member States and there was a need to find the tools at EU level to ensure that the EU financial interests were well protected.

The directive on the fight against fraud to the Union's financial interest by means of criminal law ("the PIF Directive") adopted by the Parliament and the Council in July 2017, defined the "PIF crimes" that the EPPO is entitled to prosecute.

The EPPO represents a highly symbolic achievement for the EU area of criminal justice; cooperation in criminal matters is not envisaged from a horizontal perspective between competent national authorities acting in their respective sphere but as a vertical and integrated form of cooperation.

The EPPO would be a collegial structure composed of two levels. The central level would consist of a European chief prosecutor, who would be the head of the office as a whole, the head of the college of European prosecutors, the permanent chambers and the European prosecutors from all participating Member States. The decentralised level would consist of European Delegated Prosecutors located in the Member States, who would be in charge of the day-to-day conduct of criminal investigations and prosecutions in line with the regulation and the law of that Member State. The central level would monitor, direct and supervise all investigations and prosecutions undertaken by European Delegated Prosecutors, thereby ensuring a consistent investigation and prosecution policy across Europe.

The European Parliament has followed very closely the negotiations in the Council during these four years and contributed to the debate with its resolutions on the matter adopted in 2014, 2015 and 2016.

On 8 June 2017, 20 Member States, following the enhanced cooperation procedure as provided for in Article 86 of the Treaty reached an agreement on the creation of the EPPO. The vote in the LIBE Committee is currently scheduled for 28 September.



Also in this issue...

- Interoperability related topics (p.2)
- EPPO : draft report (p.2)
- Relocation: EU CoJ decision (p.3)
- JPSG meeting (p.3)
- EU readmission agreement (p.3)
- LIBE hearings and missions (p.4)
- What's new in the JHA agencies (p.5)
- Three questions to... Carlos Coelho (EPP) (p.5)
- Other news on justice and home affairs matters (p.6)

Latest interoperability related news



Progress towards the interoperability of EU information systems

Exchange of views with Dimitris Avramopoulos, European Commissioner for Migration, Home Affairs and Citizenship and Krum Garkov, Director of eu-LISA.

The Commissioner considered that a more effective and timely exchange of information is necessary and that more needs to be done as regards the better use of the existing systems as well as the closing of the identified gaps. He outlined the work undertaken to start the implementation of the recommendations of the High Level Expert Group (HLEG) on the interoperability of Justice and Home Affairs Information Systems (JHA). As part of the proof of concept phase, results of studies launched will be available by the end of the year.

The Commissioner recalled that the main objective of the announced proposal on interoperability proposal is to improve the way existing data is used as opposed to collecting new additional data. He confirmed the Commission's commitment to deliver an in-depth impact assessment study focussing especially on privacy impacts of the four different concepts under discussion: Shared Biometric Matching Service, European Search Portal, Common repository of Identity Data and Data Warehouse (to be used solely for statistical purposes).

Commissioner Avramopoulos referred to the ongoing legislative work on the different IT systems (SIS, Eurodac, EES, ETIAS, ECRIS) indicating that this work has to be finalised before the proposal on interoperability may be presented. In the debate with Members, the Commissioner suggested to reflect about the possible added value of a "European Intelligence System".

Commission's Presentation to the LIBE Members the proposal on the review of the eu-LISA's mandate (7th September)

The [proposal](#) is based on several legal and political sources, such as recommendations from the 2015 evaluation of the Agency, the fact that the agency will have to manage new databases (Ecris, EES, Etias), transfer of competences to the agency regarding the implementation of budget, as well as recommendations from the High level Group on interoperability. The Agency will have greater responsibility for quality of data and the Management Board will have more extensive powers (i.e. through a wider mandate on research regarding framework programme on large scale IT systems). There will also be a change in the management of the various sites, as the Austria back up site which until now was only working in case of failure of the Strasbourg one, will now run continuously.

The proposal also foresees that the agency will be evaluated every 5 years (instead of 4 at the moment) and there is a proposal for the mandate of the Management Board members which can be extended without limitation. Finally, the proposal contains provisions by which the agency will give advice to Member States on the connections to the Union IT system and give support and advice to the Commission on new systems. In order to face these new changes, the Budget of the Agency will be enhanced to face its increased responsibility (i.e. additional posts will open for the period 2018-2020).

Joint debate on Security Union

On 27 July 2017, the European Commission adopted the 9th Security Union progress report which addressed the steps taken to prevent terrorist financing through trafficking in cultural goods and improve the interoperability of EU information systems. It also included the Comprehensive Assessment of EU Security Policy since 2001.

This Comprehensive Security Assessment reviews the EU's policies and instruments in the area of internal security over the last 15 years and analyses whether the activities are appropriate and effective and identifies any gaps requiring further action. Commissioner King committed to delivering such an assessment at his confirmation hearing in 2016.

On 7 September, Commissioner King presented the main findings in LIBE highlighting the accumulative effect of EU actions in the area of security. Overall, the review shows that Member States recognise that the EU plays and should play an active role on security. Some of the main challenges are, however, the lack of implementation by Member States, the lack of resources on the Member State level, the complexity of Joint Investigation Teams and so forth.



The continuous evolution of terrorist threats and the need to update solutions and instruments to this reality also remain a challenge. Mr King also announced the start of a High Level Expert Group on Radicalisation; it is expected to deliver its preliminary report by the JHA Council in December 2017. Members highlighted the need for a better use of information already available with better intelligence sharing between Member States.

Documents adopted in LIBE

- [Exchange](#) of views on Poland
- Fight against [Afrophobia](#)
- CJEU [opinion](#) on EU-Canada PNR ([video](#))
- Draft [Report](#) on Roma
- Whistle-blowers [Opinion](#)

No LIBE-related resolutions in Plenary

- [Subjecting acryloylfentanyl to control measures](#)
- [Uniform format for residence permits for third country nationals](#)

Next LIBE meetings:

25 and 28 September 2017

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

Judgement of the European Court of Justice on Relocation Decisions

In September 2015, the Council adopted two Decisions aiming at, in total, the relocation of 160.000 asylum seekers from Italy and Greece to the other Member States. The Decisions included mandatory quotas per Member State. Slovakia and Hungary (cases [C-643/15](#) and [C-647/15](#)) attacked the [Council Decision 2015/1601](#) as going further than necessary given the objective of the Decision.

They also took the view that Art 78(3) was not the correct legal basis, that the

Decision should have been adopted by consensus and not by qualified majority, and that Parliament was not properly involved. In its [ruling of 6 September 2017](#), the Court of Justice rejected all these arguments and also pointed out that the lack of efficiency due to the refusal of some Member States to take their fair share could not have been foreseen at the moment of adoption of the decision. The Court also rejected the view of Poland, who had joined the applicants, that ethnic homogeneity of a Member State should play a role when asylum seekers are relocated. This would be against Union law and Art 21 of the Charter of Fundamental Rights.

The Slovak Republic and Hungary requested the annulment of Council Decision 2015 /1601 of 22 September 2017 on provisional measures in the area of international protection in favour of Italy and Greece. The Court refused the argument of these two Member States that Art 78(3) would not be the correct legal basis by saying that the Decisions did not constitute a legislative act. But Article 78(3) allowed the European institutions to take any measure that would be suitable to respond effectively to the sudden influx of a high number of displaced persons. In particular the application during 2 years responded to the need of a restriction in scope and time. Furthermore, the system of relocation was not meant to replace the Dublin system but is in line with the Geneva Convention. The Court also rejected the argument of the Slovak Republic that the Court should have adopted the Decision by consensus following the Council conclusions of June 2015 but confirmed that the right of initiative of the Commission was not dependent on a previous orientation by the Council on the basis of Article 68 and that in fact not the Council but the Commission modified the text so that Article 293(1) was not applicable.



Constitutive meeting of the Joint Parliamentary Scrutiny Group on Europol

On 9 and 10 October 2017, members of the national parliaments and European Parliament will gather and hold the constitutive meeting of the Joint Parliamentary Scrutiny Group on Europol (JPSG). The European Parliament delegation consists of 16 Members while each national Parliament can delegate up to 4 members.

The meeting will be co-chaired by the Chair of the LIBE Committee and Mr Raivo Aeg, Head of the Estonian delegation to the JPSG. Pursuant to Article 88 TFEU, the new Europol Regulation, which entered into force on 1 May 2017, created this joint scrutiny system enabling a democratic control on Europol. During this very first meeting, JPSG Members will hear the Chairman of the Europol management board, the EDPS, the Europol executive director and the COSI Chair.

The members will exchange views on the Europol multiannual programming document while the EU Policy Cycle and the Rules of Procedure for the JPSG are also on the agenda. The JPSG will meet at least 2 times a year. The next meeting will take place in Bulgaria, the country holding the rotating presidency of the European Union in the first semester 2018.

Implementation of the EU readmission agreements (and ongoing work of the Joint Readmission Committees)

Last September 7th, Mr Simon Mordue, Deputy Director-General for Migration, DG HOME, reported on the implementation of the EU readmission agreements (EURAs), with particular reference to the ongoing work of the Joint Readmission Committees.

He gave an overall positive assessment of return situation, which in his opinion was a direct result of the EU's efforts to improve both internal practices and cooperation with third countries. However, he pointed out that the number of the irregulars ordered to leave remained low in comparison to the irregular entries and the accumulating number of rejected asylum applications. The Commission representative gave detailed information on each EURAs, including what he called "EU arrangements" where the Commission includes agreements of varying nature with countries such as Afghanistan, Mali, etc.

A debate followed with interventions by a large number of Members. Mr Moraes concluded the debate indicating that the LIBE Committee will ask the Commission to report on the EU arrangements in November's LIBE meeting.

LIBE events

Search and rescue activities in the Central Mediterranean

The Committee on Civil Liberties, Justice and Home Affairs organised an exchange of views on "[Search and rescue activities in the Central Mediterranean](#)" during its meeting of 12 July 2017. The aim of this exchange of views with guest speakers was to discuss the state of play as regards the interaction between different actors participating in search and rescue (SAR) operations in the Mediterranean in the context of the recent [Commission Communication](#) on an Action Plan on "measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity".

The experts invited included Captain Sandro Gallinelli, Italian Coast Guard who pointed out the need for closer cooperation and coordination at EU level and underlined the need for EU legal migration channels and for EU action to tackle the push factors. Mr Fabrice Leggeri, Executive Director of Frontex, presented statistical data on intervention in the Mediterranean and Frontex specific tasks on SAR, including fighting cross border crime. Mr Marco Bertotto, from Médecins Sans Frontières, mentioned the campaign of criticism against NGOs and brought clarifications as regards some of the accusations against NGOs active in SAR. Ms Sunderland from Human Rights Watch raised several concerns as regards the capacity of the Libyan coast guards to perform SAR operations. Mr Simon Mordue, Deputy, Director General in DG HOME in the European Commission took the floor and underlined that since 2015 the EU resources for SAR have tripled. Furthermore, he used the opportunity to commend the work of NGOs. He emphasised the need to combat smugglers, to reinforce legal migration pathways and expressed the Commission commitment to mobilise their efforts to support Italy.



LIBE hearing on Media Pluralism



A mini-hearing on "[Media pluralism and freedom in the EU](#)" took place during the LIBE meeting of 11 July in the context of the preparatory work on an own-initiative report on the same subject. The rapporteur, Ms Barbara Spinelli co-chaired the event with Claude Moraes. The Members of the LIBE Committee had the opportunity to listen to the presentations of a panel of experts: Mr Pier Luigi Parcu, Director of the Centre for Media Pluralism and Media Freedom in Florence (CMPF), Mr Thijs Berman, Principal Adviser in the Office of the Representative on freedom of the Media from the OSCE, Ms Renate Schroeder, Director of the European Federation of Journalists, followed by Professor Marilyn Clark, Associate Professor with the Department of Psychology in the University of Malta and co-author of a study commissioned by the Council of Europe entitled: "[Journalists under pressure: Unwarranted interference, fear and self-censorship in Europe](#)". Professors Petra Bárd and Judit Bayer presented the Study commissioned by the Policy Department Citizens' Rights and Constitutional Affairs the European Parliament on in Media Freedom and Pluralism in European Union Member States.

Upcoming hearings:

- Evaluating drug policies and state of play in the EU legislation (25/09)
- European Protection Order (12/10)

LIBE mission to Washington (17-21 July)

Data protection, e-evidence, counterterrorism, cybercrime and immigration

An eight MEP strong delegation from the LIBE Committee led by its Chair, Claude Moraes (S&D, UK) visited Washington between 17-21 July to take stock of developments in the US on major topics such as the protection of personal data ((EU-US Privacy Shield, digital privacy and electronic communications, law enforcement), cybercrime, counterterrorism, radicalisation, immigration (ESTA Programme) and protection of victims. During their visit, MEPs met with US authorities (e.g. Departments of State, Justice, Treasury, Homeland Security, Commerce, Federal Trade Commission) Congress representatives, stakeholders, academics and representatives of civil society. One of the main issues of the delegation was the US Privacy Shield. The LIBE Committee stressed its concerns on current deficiencies, regarding both commercial and security and law enforcement issues, which need to be resolved urgently to ensure its compliance with the EU Charter and EU data protection rules. On immigration issues, visa waiver policies and visa reciprocity, the Committee strongly reminded the US counterparts of its unified stance on ensuring equal treatment for all Member State nationals under the Visa Waiver Programme. The Committee visited, for the first time, the National Counterterrorism Centre and had constructive discussions on its unique role in counter-terrorism analysis.



Upcoming missions:

- Bulgaria (30 October - 1 November)
- Japan (30 October - 3 November)

News from Justice and Home Affairs agencies



EASO - Info Day in the Parliament

EASO held its Info Day 2017 on 12 July in the European Parliament. The core theme of EASO Info Day 2017 was the [EASO Training Curriculum](#) and the [EASO Practical Tools](#). Please also follow EASO's YouTube Channel with the three relevant videos presenting: [EASO Operational Training](#), [EASO Training Curriculum](#) & [EASO Tool for the Identification of Persons with Special Needs](#).

eu-LISA - The Director participates in LIBE meeting on interoperability

Krum Garkov, Executive Director of eu-LISA, participated together with Commissioner Avramopoulos in the [LIBE Committee meeting of 4 September](#) (see page 2 of this newsletter). Mr Garkov argued that interoperability provides for better results than the current "silo" approach towards the different IT systems. In his views interoperability does not constitute a threat to fundamental rights, to the contrary it should be seen as providing additional safeguards.

Preparatory work of the agency on interoperability is ongoing. The Executive Director mentioned a number of studies, including on a shared biometric matching system, on a data warehouse and a European Search Portal.

EUROJUST - eu-LISA and Eurojust are taking cooperation further

The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) and the European Union's Judicial Cooperation Unit (Eurojust) signed a [Memorandum of Understanding](#) (MoU) to strengthen their cooperation ([press release](#)).

FRONTEX - 2016 Annual Reports

Annual Activity Report for 2016: The Annual Activity [Report](#) includes an overview of developments, including at the external borders and at policy level, strategic action areas, including information on operations and other activities undertaken by Frontex, as well as information on its budgetary and financial management.

2016 Annual Report on the implementation on the EU Regulation 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders: The [report](#) refers to all those joint operations (JO) launched in 2016 that included surveillance of the EU external sea borders.

FRA - Publication of a report on the situation of Muslims in the EU

The European Union Agency for Fundamental Rights (FRA) published on 21 September a [report](#) on the situation of Muslims in the EU. It shows that the vast majority of Muslims in the EU have a high sense of trust in democratic institutions despite experiencing widespread discrimination and harassment. The report draws on findings from 15 EU countries that captures the experiences of Muslim immigrants and their EU-born children.

Three questions to... Carlos Coelho

In this new version of "A chat with...", we will continue to ask LIBE MEPs about their job in the LIBE Committee. This time we are with Carlos Coelho (EPP, Portugal) who is currently the rapporteur for SIS II "Establishment, operation and use of the Schengen Information System (SIS) in the field of border checks and in the field of police cooperation and judicial cooperation in criminal matters" and the Chair of the LIBE Working Group on Schengen scrutiny.



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

The Schengen Information System (SIS) is the biggest, most used, best-implemented database in the area of freedom, Security and Justice. However, it still can be improved.

The European Parliament wants to adapt SIS to new - ever changing - crime realities, in particular terrorism. We also want to ensure that the central system remains resilient and highly performant. After

hundreds of millions of investment we cannot simply shift responsibilities to Member-States without putting into jeopardy its security and architecture. Finally, we believe SIS can deliver security now. Not in 5 or 10 years, like with new systems. The system is already in place with millions of alerts, being used by thousands of police officers on the ground. We need and we can improve it in the short-term. So, the main challenges are to prepare SIS to the new crime realities, to keep the central system resilient and to deliver this file as soon as the end of this year.

What is the part of your work as LIBE Rapporteur and as Chair of the WG on Schengen scrutiny that you enjoy the most? Is there something that you like less about being a Rapporteur?

The European Parliament is - and should remain - the champion of free movement. That is why, already in the previous term, we fought for Parliament to have access to all information pertaining to Schengen. The Working group aim is precisely to allow democratic scrutiny over Schengen. Therefore, the best part of being Chair is that I am with a group of colleagues fighting for Schengen to remain the most appreciated success by European Citizens. The part I like less is that it takes so long and it is so difficult to bring Schengen back to European citizens. But we will keep on fighting for this.

What would be your tip to newly appointed rapporteurs?

I have been in this house for almost 20 years and each file has its specificities. My first tip would be to look always for the broadest compromise possible. We - as a chamber - represent all Europeans and, therefore, should always strive to reach as much as we can. In the past 20 years, the role of Parliament has also changed. We are now co-legislators. We are not here to rubber stamp the Commissions' proposals, nor to copy Council. Our voice needs to be that of the citizens and a strong one. This is my second tip.

Justice and Home Affairs Council - 14 September 2017



On 14 September 2017, the Justice and Home Affairs Ministers of the EU met in Brussels chaired by Andres Anvelt Estonian Minister of the Interior. The ministers discussed priority areas for action in the coming months in the fight against terrorism, including prevention of radicalisation via the internet, in particular cooperating with internet companies to detect and remove harmful content and enhancing positive narratives online, exchange of information and interoperability of EU information systems, cooperation between law enforcement and the military, cross-border police cooperation and protection of public spaces.

During the session dedicated to migration policy, home affairs ministers took stock of events over the summer, including the decrease in arrivals in the Central Mediterranean, and focused on a number of issues where further action is needed at EU level, namely the comprehensive response to the migratory flows. This includes, in particular, providing training for the Libyan Coast Guard, supporting border controls in southern Libya, improving the socio-economic situation of local communities, supporting the UNHCR and IOM in improving reception conditions for migrants in Libya and coordinating assisted voluntary returns, as well as stepping up voluntary resettlement efforts. Home affairs ministers also discussed work in other areas, including improving the return of irregular migrants, the continued implementation of the EU-Turkey statement, relocation and resettlement, the contribution of experts to EU agencies, the concept of "safe third country" and strengthening cooperation with key third countries.

The Commission also informed ministers about the state of play on the draft EU-Canada PNR agreement following the opinion issued by the European Court of Justice on 26 July 2017. In its opinion, the Court declared that the agreement cannot be concluded in its current form because several of its provisions are incompatible with EU fundamental rights.

See full text of the outcome of the Council meeting [here](#).

CoE : Anti-Torture Committee examines conditions in police stations, prisons and psychiatric establishments in Italy

On 8 September, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a [report](#) on its periodic visit to Italy together with the Italian Government's [response](#). In its report, the CPT noted the broad reform measures recently implemented by the Italian authorities in the areas of prison overcrowding and forensic psychiatry and examined the living conditions of persons deprived of their liberty by law enforcement and penitentiary authorities, as well as those placed in psychiatric establishments under criminal legislation. The Committee raised its concerns over allegations of physical ill-treatment of persons deprived of their liberty by law enforcement agencies. Material conditions are also found to be deficient at a number of State Police and Carabinieri establishments.

European Commission: Midterm review of the EU framework for national Roma integration strategies

On 30 August 2017, the European Commission published the Midterm review of the EU framework for national Roma integration strategies. This midterm review takes stock of the progress since the launch of the EU framework for national Roma integration strategies (NRISs) in 2011. It is based on data on how the situation of Roma has changed and input from national authorities, civil society and other partners. According to the Commission, the review confirms the added value of the framework, the relevance of EU Roma integration goals and the continued need for a combination of targeted and mainstream approaches.

As regards real change in the situation of Roma between 2011 and 2016, the Commission acknowledges that five years is too short a period to undo centuries of discrimination and deprivation. Progress is visible mainly in the area of education; in particular, the growing participation of Roma children in early childhood education and care points. On the other hand, early school-leaving and poverty risk among Roma, though declining, are still far too high. The growing proportion of young Romas who are not in education, employment or training is an alarming sign that transforming results from education into employment and other areas requires a more effective fight against discrimination. The [review](#) also identifies key priorities for Member States to address and ways to strengthen the EU Framework for NRIS.

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