

Citizenship Police/Security Borders/Visas Schengen  
Justice Fundamental Rights Immigration Asylum  
**LIBE**  
Data Protection Police Cooperation  
Passenger Name Records Cyber Security  
**Newsletter** Freedom of movement  
Money Laundering

Committee on Civil Liberties, Justice and Home Affairs



IN THIS ISSUE

## Words by the Chair

The beginning of 2015 sees the launching of the Latvian Presidency of the Council and the newly presented annual work programme of the European Commission; work in the LIBE Committee is set to progress at a good pace to face the main challenges for this year. These challenges include continuing the work on the establishment of the European Public Prosecutor's Office and the reform of Eurojust on the basis of the achievements of the Italian Presidency, making substantial progress on the proposed legislation on data protection – in this regard we warmly welcome the commitment of the incoming Latvian Presidency.

In what looks like a busy year we will hold a joint hearing with national parliaments on the *Smart Borders Package: European challenges, national experiences, the way ahead*; a hearing on the *situation of Fundamental rights in the Union*, also on *the fight against terrorism and the challenges for EU internal security* as well as on *Protecting on-line privacy by enhancing IT security and EU IT autonomy*.

Additionally, Members of LIBE will participate in several missions- Washington, Frontex, Eurojust, Europol and Cepol.

I could not possibly finish my presentation of this first LIBE Newsletter of 2015, without a mention of the tragic events which took place in Paris on 7<sup>th</sup>-9<sup>th</sup> January and the aftermath of reactions. I am convinced that a time for reflection has come and that the LIBE Committee is fully committed, within its competences to contribute to finding the right balance between a safer EU and upholding the rights of its citizens. A first step will be the discussion in the LIBE Committee on ways to tackle terrorism on 27<sup>th</sup> January and the Plenary debate on 28<sup>th</sup> January. I will also have the chance to continue these exchanges during the informal meeting of Ministers for Justice and Home Affairs that I will be attending in Riga on 29-30 January.

Claude MORAES

## Chair's agenda

➔ **29-30 January: Informal Meeting of Ministers for Justice and Home Affairs under the Latvian Presidency**

The Informal EU Council Meeting of Ministers for Justice and Home Affairs will bring together Member State Ministers for Justice and Home Affairs and representatives from the European Commission, General Secretariat of the Council, the European Parliament, the European External Action Service and EU Justice and Home Affairs Agencies.

During this two-day meeting the Ministers for Home Affairs will meet on the first day, and the Ministers for Justice on the second. The main issues on the agenda for the Justice Ministers are the fight against terrorism, personal data protection and the e-justice strategy.

### Highlights of the month

Incoming Latvian Presidency, exchange of views with Vice-President Timmermans and Commissioner Jourová, European Commission annual work programme 2015

Page 2

### Highlights of the last LIBE meetings

Learn what was discussed in December and January

Page 3

### Upcoming LIBE Meeting

See an overview of the main items on the agenda of the next LIBE meetings of January

Page 6

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### Commission and Council activities in the field of JHA

Find the latest information concerning their work

Page 7

### Latest news from JHA agencies

Find the latest information concerning their work

Page 8

### STOA report on mass surveillance

Page 9

### SIS II - reports on exercising rights

Page 9

\*\*\*

### Opinion 2/13 of the Court of Justice of the European Union

Page 10

### News from the Council of Europe

Get to know more about its current work

Page 10



## Highlights of the month

### • Latvian Presidency



The Justice Minister, Dzintars Rasnačs, assured the Justice and Home Affairs Committee on Wednesday 21 January that making progress on the data protection package, towards achieving a negotiating mandate for the Council, will be the Presidency's first priority.

Other priorities will be on protecting the EU's financial interests and the rights of suspects in criminal law. Interior Minister Rihards Kozlovskis announced that the Presidency is open to dialogue regarding making progress on the EU PNR proposal, based on respect for human rights and freedoms. The Minister also added that there will be a focus on updating the EU Internal Security Strategy and the new laws governing Europol and CEPOL. Concerning migration and asylum, he stressed the need for a common EU approach to human smuggling in the Mediterranean and said that work on a single asylum system must be taken further.

Replying to questions on the data protection package, Justice Minister Dzintars Rasnačs said that trilogues should be possible only "after the June Council", but stressed Member States' willingness to move ahead with this file.

Pertaining to EU PNR proposal, Mr Kozlovskis mentioned that "good practices" on the use of PNR by Member States who have already introduced their own systems should be discussed at the 29 January informal Justice and Home Affairs Council meeting. He assured MEPs that "the objective is to provide for data protection and respect for fundamental rights".



With reference to migration, he informed MEPs that the Presidency would build on the work of previous presidencies and highlighted its plans to fight human smuggling.

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### • Věra Jourová and Frans Timmermans



On the 21<sup>st</sup> Věra Jourová, Commissioner for Justice, Consumers and Gender Equality addressed LIBE Members for the first time since her appointment as a Member of the Commission. LIBE Members questioned Commissioner Jourová on effective mechanisms to fight against terrorism and radicalisation, the establishment of an efficient European Public Prosecutor's Office, data protection, non-discrimination, Roma integration and Rule of Law among many other issues.

As was the case for Commissioner Jourová, 21<sup>st</sup> January was also the first time that Commissioner Frans Timmermans, Commissioner for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights and 1st Vice-President of the Commission was heard by LIBE Members following his election as a Member of the Commission. An exchange of views was held on a wide range of issues including the accession of the EU to the ECHR, the respect of Rule of Law in the EU, fight against terrorism, non-discrimination, rights of minorities and disabled persons, the PNR proposal, migration and asylum policies.



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### • European Commission Annual work programme 2015 on JHA

On 16 December 2014, the European Commission presented its annual work programme to the Members of Parliament in Strasbourg. Among the priorities of the Commission for 2015 two are of special significance for the work of the LIBE Committee.

#### • Area of Justice and Fundamental Rights Based on Mutual Trust

According to the Commission (EC), citizens look to the EU for justice, protection, fairness and the rule of law, and to maintain a firm stance in the fight against all forms of discrimination. The EC has undertaken to pursue EU accession to the European Convention on Human Rights but in the light of opinion 2/13 of the Court of Justice delivered on 18 December, the way forward is not clear yet.

In 2015 the Commission has outlined its intention to continuing to improve the fight against cross-border crime and terrorism and judicial cooperation for the benefit of citizens across the EU and to protect the EU budget against fraud including by pursuing efforts to put in place an independent European Public Prosecutor's Office.

The European Commission reiterates that it is committed to equality of opportunity for people with disabilities, in full respect of the UN Convention on the Rights of Person with Disabilities. The EC is also committed to promoting equality between men and women, and enabling more women to participate in the labour market.

The EC has engaged to table a European Agenda on Security to address threats to the EU's internal security such as cross-border crime, cybercrime, terrorism, foreign fighters and radicalisation to help the EU to protect its citizens while remaining open to the world.

#### • Towards a New Policy on Migration

The Commission is developing a European Agenda on Migration, which intends to balance a fairer and responsible approach to legal migration, in order to make the EU an attractive destination for talent and skills, with firm measures against irregular migration and people trafficking and smuggling. In the EC's view, improving the management of migration means better linking EU migration policy with external policy, fostering greater internal and external cooperation, offering protection to persons in need, based on responsibility and solidarity and preventing tragic events such as those recurrently happening in the Mediterranean.

Find out more:

[http://ec.europa.eu/priorities/work-programme/index\\_en.htm](http://ec.europa.eu/priorities/work-programme/index_en.htm)

# Highlights of the last LIBE Meetings

3 - 4 December 2014, Brussels

## ➤ Exchange of views with Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship

The Committee held its first exchange of views with the new Commissioner. In his introductory statement Mr Avramopoulos covered the full range of topical issues of his portfolio including irregular migration, legal migration, EU PNR as well as the agreement with Canada, the ruling of the European Court of Justice on data retention, foreign fighters, and smart borders. With regard to legal migration the Commissioner qualified a new policy in this field to be a top priority for which he stressed the need to focus on creating legal channels for migration. With regard to the EU PNR system he stressed its necessity in order to enhance substantially security and he mentioned possible measures to address concerns. With regard to smart borders he indicated that the Commission would present a new proposal in late 2015 or early 2016 and then also withdraw the proposals of 2013.

Questions and comments by LIBE Coordinators touched upon most of the topics mentioned by the Commissioner. They also included golden visas, free movement, asylum and reception conditions, unaccompanied minors, the Dublin system resettlement, and the data protection package. Many LIBE Members participated in the debate which followed raising issues that included the enlargement of the Schengen area, recent reports about the situation of fundamental rights at air and land border crossing points, agreements with third countries, trafficking of human beings, search and rescue, and the Triton operation.

## ➤ Committee of inquiry into mafia-related and other criminal organisations of the Italian Parliament

Ms Bindi, Chair of the committee, presented the work of the Italian Parliamentary Inquiry Committee into mafia-related and other criminal organisations. This inquiry committee is well established, was granted power of investigation and has become a renowned point of reference on knowledge vis-à-vis the mafia. Ms Bindi stressed the need for all European countries to strengthen the fight against organized crime and made detailed recommendations for legislative action on EU and national level (EPPO, confiscation, definition, money laundering, drug trafficking, etc). She also stressed the committee of inquiry's support to the re-establishment of the CRIM committee in the European Parliament.

During the debate, several Members praised the work of the Italian Inquiry Committee and raised numerous topics, such as Joint Investigation Teams, cybercrime, assets identification and confiscation, non-conviction based confiscation, company ownership, migrant smuggling, EPPO and national anti-mafia prosecutors, the importance of the CRIM Committee, and the slow and imperfect national implementation of EU legislation.

### **Also discussed:**

- Joint presentation of the Study on fundamental rights at airports: border checks at five international airports in the EU and the Study on fundamental rights at land borders: findings from selected European Union border crossing points
- Sixth bi-annual report on the functioning of the Schengen area (1 May - 30 October 2014)
- Vote on a draft motion for resolution on Renewing the EU Internal Security Strategy (ISS)
- In camera debate: EU-US agreement on the protection of personal data when transferred and processed for law enforcement purposes (EU-US "umbrella agreement") - US Safe Harbour
- Joint debate on the smart borders package (Rapporteurs: Agustín Díaz de Mera García Consuegra, EPP and Tanja Fajon, S&D)
- EP Study for the LIBE committee "New approaches, alternative avenues and means of access to asylum procedures for persons seeking international protection" by the Policy Department C
- National Programmes for the Home Affairs' Funds
- Austrian EU Resettlement initiative – "Save lives"
- Exchange of views with Mr Fabrice Leggeri, selected candidate for the position of Executive Director of Frontex

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11 December 2014, Brussels

## ➤ Conclusions of the Italian Presidency-in-office in the area of Justice and Home Affairs

The Members of LIBE held an exchange of views with Angelino Alfano, Minister for the Interior, and Andrea Orlando, Minister for Justice, as Presidents-in-office of the JHA Council.

Mr Orlando explained that the Presidency had achieved substantial progress on the Data Protection Regulation, particularly by reaching a compromise on the application of the Regulation to the public sector and the balance between the obligations of data controllers/processors and the administrative burden imposed on them. Moreover, Mr Orlando mentioned the progress made on EPPO and Eurojust, as well as the recent agreement in Council on the proposed directive on presumption of innocence. The Minister also mentioned the adoption of the Council's conclusions on the training of legal practitioners and the progress made on the issue of foreign fighters. Finally, he also mentioned the importance of the fight against organised crime.

Mr Alfano mentioned the work accomplished by the Italian presidency in the area of migration, in particular the adoption in October of the Council conclusions on Taking action to better manage migratory flows. He welcomed the launch of operation Triton and stressed the need to ensure better synergy between EU Internal and External Policies. With regard to asylum, Minister Alfano recalled the Presidency's effort to begin technical discussions over the mutual recognition of asylum decisions. The Minister also recalled progress made on the smart borders package and the students and researchers directive. He further highlighted the progress made in the area of organised crime and the fight against terrorism, also mentioning the discussions and progress made concerning foreign fighters and counter-radicalization.

#### **Also discussed:**

- In camera debate: EU-US agreement on the protection of personal data when transferred and processed for law enforcement purposes (EU-US "umbrella agreement")
- Vote on a draft motion for resolution on The situation in the Mediterranean and the need for a holistic EU approach to migration
- EU agency for law enforcement training (Cepol) (Rapporteur: Kinga Gál, EPP)
- Legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (Rapporteur: Dennis de Jong, GUE/NGL)

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#### **8 January 2015, Brussels**

##### **➤ Presentation of the EP Legal Service's opinion on the judgment of the Court of Justice on the Data Retention Directive 2006/24/EC**

The Legal Service of the EP presented the main points of its legal opinion requested by the Chair of the LIBE Committee on the consequences of the Judgement of the Court of Justice of the European Union of 8 April in the Digital Right Ireland (DRI) Judgement.

The presentation first recalled the Judgement of the Court of Justice and then analysed the consequences of the judgment on two levels: as regards Union law (in force or under consideration) as well as regards Member States' law.

The Legal Service explained that the Court has set up a "*method*" for reviewing whether or not an EU act may be considered to be compatible with the Charter of Fundamental Rights. A similar "*method*" would have to be conducted for other EU legislation in the specific field of general programmes of surveillance. In the case at stake, the main issue analysed by the Court was based on Article 52 of the Charter (on the

proportionality of the interference under Article 52(1) of the Charter), presented as the crux of the whole judgment as it is the Court's examination of this issue which finally leads to the conclusion that the Data Retention Directive is invalid. The Court considered that there was not a sufficient justification of the interference in the Data Retention Directive. The Legal Service stressed the reference made by the Court to the case-law of the European Court of Human Rights.

As to the Member States' laws, the Charter also applies when Member States implement EU laws. Following the Court judgment, the Legal Service stressed that Member States have a choice. They may repeal their existing implementing legislation of the Data Retention Directive. If they decide to keep their existing legislation, it has to be examined whether the legislation has to be amended in the light of the Court judgment as to ensure the proportionality, necessity and minimum safeguards tests (Article 52 of the Charter). Member States must ensure that the national measures are compatible with the Charter, in particular with Article 7, 8 and 52(1) as interpreted by the Court of Justice in the DRI judgment. If certain national legislation falls within the scope of Article 15(1) of the e-Privacy Directive or of Article 13(1) of Directive 95/46, such as, for example, legislation on data retention measures in the electronic communications sector, the Charter would be applicable to it, according to Article 51(1) thereof.

##### **➤ Consideration of draft opinions for the CONT Committee on the discharge procedure for the financial year 2013**

Rapporteur Ms Guillaume presented her draft opinions in the field of Justice and Home Affairs (Europol, Eurojust, Frontex, FRA, EMCDDA, CEPOL, EASO, EU-LISA, EDPS, Commission, Horizontal report agencies).

She welcomed the generally positive assessment by the Court of Auditors and the improvements compared to 2012 discharge procedure. However, she stressed the necessity to have more detailed information in the CoA reports about JHA agencies. LIBE Members welcomed the impartial and balanced approach of the rapporteur. However, some Members raised concerns regarding the assessment of the financial management of Frontex and the legal basis on which the Commission allocates funds for PNR systems in the Member States.

Deadline for tabling amendments was set on 13 January at 12.00. Adoption of draft opinions in LIBE is foreseen on 5 February 2015.

#### **Also discussed:**

- Letter of the European Ombudsman on access to the second inspection report of Europol's Joint Supervisory Body (JSB) on TFTP

21 - 22 January 2015, Brussels, room PHS 1 A 002

- **Joint debate: New psychoactive substances (Rapporteur: Michał Boni, EPP) and minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of drug (Rapporteur: Teresa Jiménez-Becerril Barrio, EPP)**

Presentation of the state of play by the rapporteurs, the Latvian Presidency of the Council of the EU, the European Commission (DG Home), EMCDDA and Europol.

The Parliament adopted its positions at first reading on 17 April 2014 by an overwhelming majority, which shows the importance and priority given by the Parliament to these files. The Council has not yet adopted its general approaches, which would enable the negotiations between the two institutions to start. Speakers briefed LIBE Members about the progress made since the adoption of the Parliament's first reading positions.

- **Amending Regulation (EU) n° 604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State (Rapporteur: Cecilia Wikström, ALDE)**

The rapporteur, Ms. Wikström, presented her draft report on the proposed amendment to the so-called Dublin Regulation, concerning the rules applicable to determine the Member State responsible in the case of unaccompanied minors. At the adoption of the Dublin recast in 2013, the co-legislators agreed to postpone deciding on the rules applicable to unaccompanied minors (Article 8(4)) in order to adjust the text to the Court of Justice's interpretation in case C-648/11.

The Court adopted its judgment in June 2013, and stressed the need to give primary consideration to the best interest of the child. Where an unaccompanied minor with no member of his family legally present in the territory of a Member State has lodged asylum applications in more than one Member State, the Member State in which that minor is present after having lodged an asylum application there, is to be designated the 'Member State responsible'.

The Commission presented its amending proposal in June 2014, with a view to giving full effect to the Court's judgment. The draft report which will be presented by the Rapporteur during the LIBE-meeting of 21-22 January 2015 fully endorses the Commission's proposal and the Court's Judgment.

**Also on 21 January 2015, 9.00-11.30, ASP3G2**

**Joint INTA/DROI hearing (LIBE associated) on Human Rights and Technologies: the impact of digital surveillance and intrusion systems.**

- **Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) (Rapporteur: Jan Philipp Albrecht, Greens/EFA)**

Consideration of a draft opinion and decision on deadline for tabling amendments. LIBE opinion will contribute to the report to be adopted by the INTA Committee on 6-7 May 2015.

- **EYE Speed Hearing - Follow-up to the European Youth Event of May 2014**

In May 2014, 6000 Europeans aged 16 to 30 met in the European Parliament to discuss issues such as the digital revolution and the future of the EU. Three of them presented the ideas that emerged during the [EYE event](#) to the LIBE Committee. The presentation was followed by a debate with MEPs.



#### **Also discussed on 21-22 January 2015:**

- Exchange of views with Krum Garkov, Executive Director of eu-LISA: findings- reliability of the systems under its mandate (SIS - SIS II, VIS, EURODAC) and presentation of the eu-LISA Work Programme 2015
- Exchange of views with Dr. Robert K. Visser, Executive Director EASO and Krum Garkov, Executive Director eu-LISA: presentation of EASO's Chairing of the Justice and Home Affairs Agencies in 2014 and presentation of the eu-LISA Work Programme for Chairing of the Justice and Home Affairs Agencies in 2015
- Presentation of the EMCDDA work programme 2015 by Wolfgang Götz, Director
- Missing persons in Cyprus: presentation by Skevi Koukouma Koutra, Chairwoman of the Standing Committee on Refugees Enclaved Missing and Adversely Affected Persons of the House of Representatives of the Republic of Cyprus
- EASO Consultative Forum: presentation and reporting back by the EASO Executive Director, Dr. Robert K. Visser
- Presentation of the EASO work programme 2015
- Frontex Consultative Forum: exchange of views with Marta Ballesterro, Chair and UNHCR Liaison Officer and Stefan Kessler, Co-Chair and Jesuit Refugee Service
- 2nd Annual Relocation and Resettlement Forum "Solidarity in Practice", 25 November 2014
- European Public Prosecutor's Office, Rapporteur Monica Macovei (EPP): consideration of a draft interim report (Rule 99 paragraph 3)

## ➤ Hearing on the situation of fundamental rights in Hungary further to the request of the Conference of Presidents on 11 September 2014

On 22 January LIBE hosted a public hearing on the situation of fundamental rights in Hungary. More information as well as the recording of the meeting can be found following this [link](#).



*Hearing on Hungary*

## Upcoming LIBE meeting:

### -27 January 2015

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

27 January 2015, Brussels, room JAN 4Q1

#### ➤ Joint debate on Counter-Terrorism, De-Radicalisation and Foreign Fighters (as a follow-up to the attacks in Paris on 7 - 9 January 2015 and in the run-up to the informal JHA Council on 29/30 January in Riga)

- Exchange of views with Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship
- Exchange of views with Gilles de Kerchove, EU Counter-Terrorism Coordinator (CTC)
- Presentation of the Radicalisation Awareness Network (RAN) by Omar Ramadan, Head of the RAN Secretariat
- Presentations by Morten Kjaerum, Director of the EU Fundamental Rights Agency (FRA), and by Giovanni Buttarelli, European Data Protection Supervisor (EDPS).

#### ➤ Study on the feasibility of the creation of a European System of Border Guards to control the external borders of the Union (ESBG)

Presentation by the Commission

#### ➤ Joint debate on: Amendment of Regulation (EC) No 562/2006 as regards the use of the Entry/Exit System (EES) and the Registered Traveller Programme (RTP), (Rapporteurs: Agustín Díaz de Mera García Consuegra, EPP, and Tanja Fajon, S&D); Entry/Exit System to register entry and exit data of third country nationals crossing the EU Member States' external borders (Rapporteur: Agustín Díaz de Mera García Consuegra, EPP); Registered Traveller Programme ), (Rapporteur: Tanja Fajon, S&D)

Following the presentation by the Commission of the technical study and the cost analysis in LIBE on 16 October and 4 December the rapporteurs will now be presenting working documents. There will be one working document of Tanja Fajon on the Registered Traveller Programme, one working document of Agustín Díaz de Mera García-Consuegra on the Entry/Exit System as well as a joint working document of the two rapporteurs.

Also on 27 January 2015, 15.00-15.30, JAN 4Q2

#### ➤ Joint meeting LIBE/ECON for the endorsement of the agreed texts (Rule 73 of the Rules of Procedure) for the following procedures:

- Prevention of the use of the financial system for the purpose of money laundering and terrorist financing (rapporteurs: Krišjānis Kariņš, EPP, and Judith Sargentini, Verts/ALE, 2013/0025(COD));
- Information accompanying transfers of funds (rapporteurs: Peter Simon, S&D, and Timothy Kirkhope, ECR, 2013/0024(COD)).

# Commission and Council activities in the field of JHA

## COUNCIL OF THE EUROPEAN UNION

### OUTCOME OF THE JHA COUNCIL MEETING OF 3-4 December 2014



#### Data protection

Progress was made by justice ministers on the EU data protection framework. The Council reached a partial general approach on specific aspects of the draft regulation setting out a general EU framework for data protection.

The partial general approach includes provisions which are crucial to the question of the public sector as well as provisions relating to specific data processing situations. The Council also held a debate on the "one stop shop" mechanism on the basis of a proposal presented by the Presidency. A majority of ministers endorsed the general architecture of the proposal and the Presidency concluded that further technical work will need to be done in the coming months.

The Council reached a general approach on the proposal for a directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings.

#### Managing migratory flows

Ministers welcomed the progress achieved so far in the implementation of the operational actions identified by the Task Force Mediterranean and in the Council Conclusions of 10 October 2014 on "Taking action to better manage migratory flows". They also welcomed the successful launch on 1 November of the EU-funded operation Triton aimed at reinforcing border surveillance in the waters close to Italian shores. The presidency thanked all countries participating in this Frontex led-operation for their active contribution to its success.

#### Foreign Fighters

The Council had an in-depth discussion on the issue of foreign fighters on the basis of a discussion paper prepared by the EU Counter-Terrorism Coordinator. Ministers provided political guidance on two specific areas where further progress must be achieved: the judicial response and further improvements in information exchange.

The Council also adopted the guidelines for the EU Strategy for combating radicalization and recruitment to terrorism.

#### EU PNR directive

Ministers agreed on the urgency of adopting the directive on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crimes, as mandated by the European Council.

The Council called again on the European Parliament to adopt as soon as possible its position so as to start negotiations with the Council.

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## EUROPEAN COMMISSION

The European Migration Forum, which takes place on 26- 27 January, is a platform for debate between, on one hand, civil society organisations working in the fields of migration, asylum, integration at European and national level, practitioners from local and regional authorities and members of the EESC, and, on the other hand, representatives of national governments, the European Commission and the European Parliament.



The Forum is the continuation of the European Integration Forum which started in 2009. The new Forum should discuss important topics of public interest linked to migration, asylum and integration, with a close connection to both current affairs and the priorities of the EU political agenda.

Vice-chair Iotova will attend the event on behalf of LIBE.

#### Find out more about the European Migration Forum:

[http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2014/20141015\\_01\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2014/20141015_01_en.htm)

<http://ec.europa.eu/ewsi/en/policy/legal.cfm>

## Latest news from the Agencies



The current EMCDDA Director, Mr Wolfgang Götz, is in his second term of office, which is due to expire on 30 April 2015. The [selection procedure for a new Director](#) was initiated on 15 October 2013 with the publication of a vacancy notice by the European Commission.

The College of Commissioners decided on 3 December 2014 not to establish a list of candidates for the post of the EMCDDA Director and to close the selection procedure. Upon the proposal of the European Commission, the EMCDDA Management Board decided on 4 December 2014 to publish a new vacancy notice.

The Management Board also decided that the term of office of the current EMCDDA Director, Mr Wolfgang Götz, shall be extended until the date when the next appointed Director of the EMCDDA will take up his/her duties. This decision is of an exceptional nature and was taken in the interest of the service, to ensure the continuity of the EMCDDA executive management during the transition from the current to the next EMCDDA Director."

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Well-resourced, well-aimed victim support is vital to ensure that victims of crime have real access to justice for the suffering they have been caused and ensure their rights are respected. In the first [comprehensive assessment of victim support services throughout the European Union](#), the EU FRA notes that despite improvements, challenges remain in many Member States. "Assistance must be made available to victims before, during and after criminal proceedings – and not only legal support, but also psychological and emotional," says FRA Director [Morten Kjaerum](#). "In 10 months EU Member States must have transposed the EU Victims' Directive into national law, and there is still a lot to be done."

In December, FRA contracted its research network, FRANET, to carry out extensive mapping of relevant administrative practices and procedures as well as the fundamental rights implications of using [biometric data in large EU IT-systems](#) in the areas of borders, visa and asylum. This work forms part of the first phase of a [new FRA research project](#) on this subject. Fieldwork will be carried out in the next phase of the research through an open tender to be launched in the second half of 2015.

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- On 11-12 December, EASO held its 4th Consultative Forum in Brussels, with a series of thematic discussions related to key countries of origin and breakout sessions on specific EASO products and services, such as producing and sharing at EU-level country of origin information and EASO's operational support.
- Furthermore, EASO published its work programme for 2015. The agency will focus its efforts on contributing to the effective, coherent and consistent practical implementation of the revised asylum acquis. Key to the further development of the Common European Asylum System (CEAS) is sufficient capacity in EU+ countries' national asylum systems. EASO will have a more central role in coordinating these capacity building measures through practical cooperation activities, including training, Country of Origin Information and quality reports. EASO will enhance its capacity to collect and exchange information and documentation on asylum systems, as well as its Early warning and Preparedness System. EASO will also endeavour to support the external dimension of the CEAS in line with its External Action strategy, in agreement with the European Commission and within the framework of the EU external relations policy.
- EASO and eu-LISA signed a working arrangement, covering areas of cooperation such as exchange of information and statistics; collaboration in ICT related matters (providing assistance and expertise); training provided to Member States, including development of training material and delivery of training, including e-learning; strategic and administrative matters.

## LIBE New Year's Drink



On the evening of 21 January 2015, Mr Moraes, Chair of the LIBE Committee, invited LIBE Members, JHA agencies and also the most representative LIBE partners from the Commission, including Commissioners Avramopoulos, Jourová and Oettinger, the Council and Member States to a drink to celebrate the new year which may prove very busy in the field of Justice and Home Affairs.

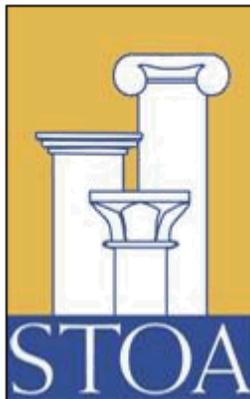


## STOA report on mass surveillance published

Following a request from the LIBE Committee STOA has commissioned a report in which has now been published.

[Part I of the report](#) deals with "Risks and opportunities raised by the current generation of network services and applications". It identifies the risks of data breaches for users of publicly available Internet services such as email, social networks and cloud computing, and the possible impacts for them and the European Information Society.

It presents the latest technology advances allowing the analysis of user data and their meta-data on a mass scale for surveillance reasons. It identifies technological and organisational measures and the key stakeholders for reducing the risks identified. Finally it proposes possible policy options, in support of the risk reduction measures identified by the study.



[Part II of the report](#) on "Technology foresight, options for longer term security and privacy improvements" has as the main objective to provide Parliament with policy options, based on technology foresight, with regard to the protection of the European Information Society against mass surveillance from a perspective of technology and organisational foresight. Four scenarios with two to four technology options each were developed in this study, leading to 23 policy options.

The reports are accompanied by technical annexes as well as the document '[How to protect privacy on the internet](#)' which proposes a range of security solutions for PCs, smartphones or tablets (for voice, email, chat and video communications).

## SIS II - reports on exercising rights

The SIS II Supervision Coordination Group adopted the "Report on the exercise of the rights of the data subject in the Schengen Information System". This report looks into the experience of the Member States of the Schengen area with responding to the requests of the data subjects when they are exercising their rights of access, correction, deletion and - formerly existing - request for checks. It concludes with a series of recommendations.

The group also adopted "The Schengen Information System: A guide for exercising the right of access".

The two documents are available on the [EDPS website](#) under the heading "SIS II Group Meeting, 28 October 2014".

## 8th international conference 'Computers, Privacy & Data Protection'

The annual (8th edition) international conference 'Computers, Privacy & Data Protection' (CPDP) took place on 21-23 January 2015 in Brussels, Belgium.

The main headline of CPDP 2015 was "Data Protection on the move", and staged panels with the following main topical themes: Data Protection Reform-European and Global Developments; Mobility (mobile technologies, wearable technologies, border surveillance); Health, privacy and data protection; Love and lust in the digital age; Internet governance and privacy; and Big Data.



In the light of recent developments such as the NSA scandal, panels on the EU-US developments concerning the regulation of government surveillance and those on cross-border data flow also took place.

Several LIBE Members took part in various panels of this Conference.

**For further information:**  
[www.cpdfconferences.org](http://www.cpdfconferences.org)

## Opinion 2/13 of the Court of Justice of the European Union

Article 6 of the Treaty of Lisbon provides that fundamental rights, as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States, constitute general principles of EU law, and that the EU is to accede to the ECHR.

As regards such accession, Protocol No 84 provides, however, that the accession agreement must fulfill certain conditions so as, in particular, to make provision for preserving the specific characteristics of the EU and EU law and to ensure that accession of the EU does not affect its competences or the powers of its institutions.

Upon the recommendation of the Commission, the Council adopted a decision on 4 June 2010 authorising the opening of negotiations for an accession agreement. The Commission was designated as negotiator. On 5 April 2013, the negotiations resulted in agreement on the draft accession instruments.

In that context, on 4 July 2013, the Commission asked the Court of Justice to give its Opinion on the compatibility of the draft agreement with EU law, pursuant to Article 218(11) TFEU.

In its opinion, delivered on 18 December 2014, the Court pointed out that since the EU cannot be considered to be a State, the accession must take into account the particular characteristics of the EU. The draft Agreement risks negatively affecting the special features and autonomy of EU law in a number of ways.

As a result of these shortcomings, the draft Agreement is, in the Court's view, incompatible with EU law.



More information on the subject can be found [here](#).

Vice-President Timmermans, in his intervention during the LIBE committee meeting on 21 January (see page 2) stated that the European Commission is carefully assessing the opinion of the Court and reminded the political commitment by President

Junker to proceed with the EU accession to the to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

AFCO and LIBE committees in the European Parliament will soon organize a joint information session on the opinion of the Court.

## News from the Council of Europe



### Council of Europe anti-torture Committee publishes its annual report.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its annual report on 21 January 2015. The General annual report includes all the CPT's activities including country visits and publications.

In its report the Committee points out that the documenting and reporting of medical evidence of ill-treatment is unsatisfactory in many European States. The procedures in place do not always guarantee that injuries borne by detained persons will be recorded appropriately and reported to the relevant authorities.

The annual report is available [here](#).

### Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Hungary

Commissioner Nils Muižnieks and his delegation visited Hungary from 1 to 4 July 2014. In the course of the visit the Commissioner held discussions with state authorities and non-

governmental, national and international organisations. The findings and conclusions of the Commissioner are included in the [report](#). The report was presented in LIBE by Ms Anne Weber, Adviser to the Commissioner for Human Rights, Council of Europe during the hearing on the situation of human rights in Hungary on 22 January 2015 (see page 6).

### The Consultative Council of European Prosecutors (CCPE) of the Council of Europe adopts the European Charter for Prosecutors

During its plenary meeting in Rome on 16 and 17 December 2014, the Consultative Council of European Prosecutors (CCPE) of the Council of Europe adopted a document on European norms and principles concerning prosecutors, also called the "Rome Charter".

This Charter is a reference document on European norms and principles concerning public prosecutors in the Council of Europe member States for ensuring independence and autonomy of prosecutors, and for verifying if Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice systems should be updated. Find more information [here](#).

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(as of 01.01.2015 - updates available [here](#))

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