

Cecilia Malmström's speech before LIBE Committee 13 September 2010

## General introduction

- Dear President, Honourable members, ladies and gentlemen.
- It is a pleasure to be back in the LIBE Committee today. Since our first exchange of view on 10 May, there have been some significant developments and achievements! I also very much appreciate the good relations and the constructive cooperation we have built.
- In order to give the Committee a full overview of the state of play on my portfolio, I will divide my presentation into two sections. First, initiatives and achievements in recent months. Second, priorities for the autumn.
- I cannot cover every single element of my portfolio in the time available to me, but I will do my best to answer your questions during our exchange of views.

## 1. Initiatives and achievements in recent months

- Let me start with recent developments on migration policy...

### Immigration

- Two **legislative proposals on legal migration** were adopted by the Commission in July, one on intra-corporate transferees and the other on seasonal workers.
- The proposed Directive on intra-corporate transfers aims to introduce a new fast-track entry procedure for specialised staff from non-EU countries who are temporarily seconded to branches of a company located in the Member States.

- As for seasonal workers, the proposal will introduce a special procedure for entry and residence for up to six months, with a multi-seasonal permit or a facilitated re-entry procedure for subsequent seasons. The proposal further includes a basic set of rights to guard against the risk of abusive practices.
- A swift adoption of these three proposals will help advance the objective of a common migration policy, as well as complement other measures necessary to achieve the goals of the 2020 Strategy.

### Asylum

- Following the adoption, in May, of the Regulation establishing the **European Asylum Support Office**, we are now working hard to have the Office up and running as early as possible in 2011, including the selection of its Executive Director hopefully before the end of this year.
- Another important development we have seen in recent months is the Commission's engagement in a very constructive dialogue with the **Greek** authorities. This should lead to clear and tangible improvements in the Greek asylum procedure and reception system. My services are currently assessing the action plan presented by the Greek authorities and I will visit Greece at the end of this month to discuss its implementation.

### SIS II

- In spite of the past difficulties on SIS II, the key Milestone 1 test was passed in March, thereby demonstrating that the system under development should be the basis for completing the SIS II project.
- Based on this shared technical assessment with the Council, the Commission services are engaged in detailed negotiations with the contractor and will present a global schedule and firm budgetary estimate to the October JHA Council. I will continue to keep you regularly informed of progress.

### Visas

- Much progress has been made in our common visa policy.
- The **Visa Code**, applicable as of 5 April this year, modernises the entire legislation in relation to the processing of visa applications. The Commission will closely monitor its application.
- At the end of May the Commission adopted a legislative proposal **granting visa liberalisation to the citizens of Albania and Bosnia and Herzegovina**.
- The proposal on the transfer of **Taiwan** to the positive visa list was adopted by the College on 5 July 2010. Taiwan has already expressed its political will to grant a full visa free regime for all EU citizens.
- Further to the completion of the **negotiations between Brazil and the European Union**, visa waiver agreements – to be signed at the end of the year – will ensure full mutual visa-free travel between all of our Member States and Brazil once ratified.
- On 17 June the EU Visa Facilitation Agreement with Georgia was signed. The signature of the readmission agreement is scheduled for October. However, the two agreements remain linked and will enter into force on the same day.

### TFTP

- I would also like to thank you once again for the support to the conclusion of the second TFTP agreement. This has been a major achievement for the EU and has shown that we can collectively deliver rapid outcomes on big issues when necessary. I believe that with this agreement we both strengthened our collective security and respected fundamental rights.

Overview of EU systems managing personal data and Stocktaking of the fight against terrorism

- At the time of my hearing in January, I announced that I would present two Communications on information sharing and the main achievements in the fight against terrorism. Both were adopted in July, thus fulfilling the commitments I made to you.
- The **Communication providing an overview of all information-sharing instruments existing at EU level in the security and migration management fields** means that citizens are aware of what information is collected, stored or exchanged about them, for what purpose and by whom.
- This Communication delivered a framework that will help us to have a clearer picture of where these EU instruments are needed and justified. It also identifies a series of principles on how these instruments should be used.
- Secondly, the **Communication taking stock of the main legislative and policy achievements at the EU level in the fight against terrorism** and outlining some key challenges in this field was a long-standing request from the European Parliament. I delivered on that too.
- Taken together, these documents form a solid basis for future policy development.

Chemical precursors to explosives

- Finally, the College will shortly adopt a proposal for a Regulation on the availability of certain **chemicals which can be misused to produce home made explosives**. This will make access to certain materials even more difficult and therefore strengthen the security measures already in place.

## 2. Policy priorities for the autumn

- I would now like to turn to my political priorities for the autumn.

### PNR Package

- First of all, I would like to thank you for the very constructive approach on the PNR package. We have been working very intensely to complete internal Commission procedures these last months.
- Following your resolution from May of this year, we aim to have the Communication on an external PNR strategy adopted by the Commission before the end of September. At the same time, the Commission should adopt as part of a package, proposals for mandates to negotiate new PNR agreements with the United States, Australia and Canada.
- The **Communication on an EU external PNR strategy** will include a set of general requirements and principles for our PNR agreements. It is important to adopt such general principles in order to safeguard data protection, harmonise requirements on air carriers and ensure overall coherence. Obviously, those principles must leave some margin for real negotiations and for solutions that are adapted to each third country. The principles referred to in your resolution from May are very similar to what we plan to include in our communication.
- The **negotiating directives (mandates)** that we will propose will reflect the principles set out in the Communication. Even though it is the Council that will ultimately decide on the negotiating directives, we will do our utmost to ensure that coherence is preserved.

- I welcome the fact that you have accepted that the US and Australian agreements should continue to be applied provisionally during the negotiations so as not to interrupt data transfers. This is essential in order to avoid any security gaps, but also to avoid legal uncertainty for the air carriers and a loss of data protection. I am committed to shorten the period of provisional application as much as possible.
- I will keep you informed of all developments and note that a briefing is planned for interested LIBE members on 21 September in Strasbourg.
- As regards **EU PNR**, a new proposal could not be adopted at the same time as the PNR package. As this proposal will be a legislative one, it needs to be accompanied by a new impact assessment, as called for by Parliament in its own resolution and as foreseen in the Stockholm Programme.

#### Internal security Strategy

- As you are aware, the Commission is also working hard to prepare a communication on the internal security strategy for adoption in November. It will build on the strategy adopted by the JHA Council in February, and be consistent with the Stockholm Programme and its action plan.
- Our communication will set out how the main threats: natural and man made disasters; terrorism; organised crime; and cybercrime are evolving.
- We will specify strategic objectives over this Commission mandate, and propose specific actions in line with our principles, including respect for fundamental rights and protection of personal data. Our aim is to identify where EU action can be most valuable and effective in harnessing the resources available to tackle these common threats.

- Crucially, this needs to be a shared agenda. I want to make sure that Parliament's ideas and insights are fully represented. I would welcome your initial thoughts today and will keep up a dialogue on the ISS.

#### *The asylum package and relocation/resettlement*

- Making progress in the asylum area is and will remain one of my main priorities. The establishment of a Common European Asylum System not later than 2012 remains our shared objective.
- The negotiations on the pending proposals are not easy, but the political target given by the European Council is clear. **Member States need to** translate their political commitments into tangible results and work to achieve the objectives set out in the Stockholm programme and in the Pact on Immigration and Asylum.
- Finally, the importance of establishing a serious resettlement scheme is evident and I therefore want progress on a **joint EU resettlement scheme**. However, the procedure to establish annual priorities has become the main stumbling block and so I call on the Council and on this Parliament to show flexibility so that an agreement can be reached quickly.

#### *Child pornography and trafficking in Human Beings*

- A few words now on combating child pornography and on fighting against trafficking in human beings.
- I am grateful for the very supportive attitude shown by Parliament, including this Committee, towards both of those proposals, notably in the recent orientation vote on the Trafficking in Human Beings directive.
- The Commission will engage very actively in the upcoming negotiations between Parliament and Council. We will defend our proposal strongly and I

continue to count on your support for a balanced and coherent outcome focused on solutions to practical problems.

- Because this is a serious issue: it is quite simply unacceptable that such "modern slavery" still exists in Europe, or – indeed - anywhere on the planet. The fight against human trafficking is a key priority for me and I am confident that the institutions will be able to find agreement rather rapidly.

#### Cyber crime and cyber security

- A draft **Directive against attacks on information systems** should be adopted this month. I count on the support of this Parliament for a speedy adoption of this important piece of legislation in order to strengthen our collective defenses against cyber-attacks to computer networks.

#### Border management

- I also trust that we can make progress on the negotiations on the Frontex proposal and I am ready to work in close cooperation with the Committee to that end.
- As to future initiatives, I will soon propose a **new Schengen evaluation mechanism**. I think that both Member States and the Parliament should be involved subject to their respective inter-institutional roles.

#### Visa facilitation agreements

- Following up what was already done in recent months, we will adopt recommendations to revise the existing visa facilitation agreements with **Moldova, Ukraine and Russia** and we plan to make progress on the visa liberalisation dialogues with these third countries where it is possible.
- The Commission intends also to prepare draft mandates for visa facilitation with the remaining Eastern Partnership countries (Belarus, Armenia and

Azerbaijan) and to reflect on deepening the EU's relations on short stay visas with the South-Mediterranean countries.

### **Concluding Remarks – key points for future cooperation**

- As you can appreciate, there is a lot of work to be done. I count on you as co-legislator to work successfully on these challenging and extremely important issues.
- I look forward to reinforcing our working relationship, also by enhancing communication at all levels. My services and I are and will remain at your disposal to provide you with the information you need to take decisions in a fully informed manner.
- Thank you for your attention.