

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

Following my election as LIBE Chair in July, this month I have begun the substantive work on the Committee with all of our MEPs in outlining our priorities for the next 5 years.

Following the announcement of the new Commissioners proposed by Jean-Claude Juncker and as it is the European Parliament's role to approve the nominations a lot of our work is currently focused on organising the LIBE Committee Hearings to assess the competence and suitability of the Commissioners.

Given the new structure of the Commission, LIBE issues are now spread amongst the competencies of numerous Commissioners which will mean holding several LIBE Hearings on issues of rule of law and fundamental rights, migration, asylum and home affairs, judicial cooperation in criminal matters, data protection and privacy in the digital single market.

Claude MORAES

Chair's agenda

- ➔ Hearings of the Commissioners-designate, from 29 September to 7 October
- ➔ High-Level Conference on a Renewed Internal Security Strategy, 29 September, Brussels
- ➔ Italian Presidency Event on Migration, 13-14 October, Rome

Hearings of the Commissioners-designate

Meet the Commissioners-designate who will be in charge of LIBE-related matters

Page 2

Highlights of the last LIBE meetings

Learn what has been discussed on 3-4 and 15 September

Page 3

Upcoming LIBE meeting

See an overview of the main items on the agenda of the LIBE meeting of 24-25 September

Page 4

Italian Presidency of the Council

Find out more on the JHA agenda and Trio conferences

Page 5

Latest Commission, Council and European Council activities in the field of JHA

An overview about the latest activities of the Commission, the Council and the European Council in the field of JHA

Page 5

Latest news from JHA Agencies

Read the latest information concerning the work in the JHA Agencies

Page 6

A chat with...

Find out more about LIBE Members in our talks

Page 8

LIBE Secretariat

Find your contact in the LIBE Secretariat

Page 9

Hearings of the Commissioners-designate

On Wednesday, 10 September the European Commission announced the 27 new Commissioners. Follow this [link](#) to find the composition of the new College.

On Thursday, 18 September the Conference of Presidents decided on the modalities of the hearings. The LIBE Committee will be involved in the hearings with the following Commissioners-designate, responsible for the areas falling under the LIBE Committee competences: Frans Timmermans, Věra Jourová, Dimitris Avramopoulos, Andrus Ansip and Günther Oettinger.



Frans Timmermans, Vice President, Commissioner-designate in charge of Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights:

Initially foreseen as a joint LIBE, JURI, AFCO hearing, the meeting taking place on Tuesday, 7 October, (exact timing still to be confirmed) will be an open Conference of Presidents with the LIBE, JURI, AFCO Chairs participating.



Dimitris Avramopoulos, Commissioner-designate responsible for Migration & Home Affairs:

Hearing on Tuesday, 30 September, 13:30 - 16:30 (LIBE hearing)



Věra Jourová, Commissioner-designate in charge of Justice, Consumers and Gender Equality:

Hearing on Wednesday, 1st October, 13:30 - 16:30 (joint hearing LIBE, IMCO, JURI, FEMM)



Andrus Ansip, Vice-President, Commissioner-designate for Digital Single Market:

LIBE will be associated to the IMCO hearing taking place on Monday, 6 October, 18:30 - 21:30



Günther Oettinger, Commissioner-designate for Digital Economy & Society:

LIBE will be associated to the joint ITRE/CULT hearing taking place on Monday, 29 September, 18:30 - 21:30

Highlights of the last LIBE Meetings

3-4 September 2014, Brussels

➤ Exchange of views with Cecilia Malmström, Commissioner for Home Affairs

Members raised questions on the necessity of practical reporting, the impact of the data retention judgment, the nature of the report, the necessity of such data, on onwards transfers, on analysis of the offences (terrorism and serious crime or other offences?), on foreign fighters, and on sensitive information.

The Commissioner stated that that Mare Nostrum is an Italian operation established after the tragic events of Lampedusa; that Frontex Plus is not Mare Nostrum but more limited as Frontex does not have such resources (could be complementary); more equal sharing of refugees would be necessary (now 6 members take 75 % of burden); no EU plans for legislation on foreign fighters as regards passports and entry; trafficking of children as focus of existing legislation; Kosovo does not have a visa liberalisation (further reforms necessary); national legislation on data retention does not fall automatically, and any new proposal will be for the new Commission, other instruments do not directly fall (no direct link) but the future instruments should be inspired by the judgment.

As regards questions posed by other Members; she answered that the access to EU has to be managed (relating to other policies - foreign affairs and development) with a coherent approach and Frontex Plus is only an addition (it does not replace Mare Nostrum); that PNR and data retention are different (PNR is more limited) but analysis still going on; that EU PNR has not been rejected in the EP but referred back to the Committee; and that foreign fighters are in the MS domain.

Other questions referred to foreign fighters and radicalisation, data retention, legal entry to the EU, on irregular immigration, on the EAW, on corruption fight, on lack of financial resources as regards immigration, on PNR, on Mare Nostrum, and on the UK opt out.

➤ General budget of the European Union for the financial year 2015 - all sections (Vote)

27 Amendments to the budget were adopted. Among them, an amendment to add 20 Mio. € (in commitments and payments but in reserve) to the budget of Frontex. According to the budgetary comment voted with it, the reserve is intended to cover crisis situations requiring additional expenditure.

11 amendments to the opinion were adopted.

The opinion was adopted with 44 voting in favour, 9 against and 3 abstentions.

➤ Frontex Activities in the Mediterranean

Mr **Arias-Fernández**, Frontex executive director a.i., explained the working of Frontex, indicating that Frontex has no equipment or border guards and works under the command and control of the country of operation. In his presentation he gave an overview of recent evolutions and statistics on arrival, immigration flows and countries of origin. He also introduced the new operation Triton.

There were interventions by several Members, who pointed to the present confusion in relation to the future of the Mare Nostrum operation, the competence of Frontex in relation to maritime rescue,

the contribution of Member States, the effects of the Mare Nostrum operation on the behaviour of the smugglers, the budget needed for further action, the means for legal access to the EU for refugees, the further handling of refugees depending on whether they asked for asylum or not, the effect of the stream of refugees on the countries in the Mediterranean and on the countries where the refugees went to and the need for respect for fundamental rights.

Mr **Arias-Fernández** explained that in the Triton operation the emphasis would be on border control, with an additional attention to rescue operations. The operation would take place close to the EU borders and use other - lighter - types of vessels. He pointed to the presence of a fundamental rights officer at Frontex as requested by the EP. Refugees would be separated from migrants at arrival, but further handling would depend on the national authorities. Financial contributions from Member States came through the European budget. The situation in Libya has recently gone worse and the EEAS mission has left the country.

➤ Debate on the situation of Fundamental Rights

On Thursday 4th September, the Members of LIBE had the chance to debate the situation of fundamental rights in the Union with the occasion of the presentation of the reports by the European Commission, the European Union Agency for Fundamental Rights and the Council of Europe on the issue.

Ms **Françoise Le Bail**, Director-General for Justice, European Commission, presented the 2013 Commission report on the application of the Charter. She mentioned the focus of the report on the applicability of the Charter and the role of the Court of Justice and on the legislative proposals in the field of protection of fundamental rights of persons. Mr **Morten Kjaerum**, Director of the EU Agency for Fundamental Rights (FRA), stressed the good cooperation between the different institutions and bodies working in the field of Fundamental Rights and explained that the FRA 2013 report shows that across Member States there is concern about the respect of fundamental rights. He referred to three specific areas - protection of personal data, hate crime and the situation of migrants. Mr **Philippe Boillat**, Director General "Human Rights and Rule of Law" in the Council of Europe presented the report by the Secretary General of the Council of Europe which lists a large number of concrete challenges to human rights, democracy and the rule of Law in Europe such as discrimination, conditions of detention, corruption or social exclusion.

During the question time that followed, a significant number of LIBE Members asked questions on a wide range of issues such as the recurrence of hate crime and hate speech in some Member States, the effects of the economic and financial crisis in the less favoured groups of citizens, the respect of the rights of persons with disabilities or the situation of minorities. The Members also stressed the need to articulate efficient mechanisms to guarantee the respect of fundamental rights in the Union.

Upcoming LIBE Meeting: 24-25 September 2014

15 September 2014, Strasbourg

➔ Ukraine Association Agreement

The LIBE committee held a vote on the Association Agreement with Ukraine. The LIBE committee is in charge of one of the two parts of the Association Agreement with Ukraine, namely the aspect regarding "the provisions relating to the treatment of the 3rd country nationals legally employed as workers in the territory of the other party" (2013/0151B (NLE)).

A separate resolution relating to the other provisions of the Agreement had been adopted in parallel by the Committee on Foreign Affairs.

The EU-Ukraine Association Agreement (AA) is the first of a new generation of Association Agreements with Eastern Partnership countries.

The Association Agreement aims to accelerate the deepening of political and economic relations between Ukraine and the EU.

The draft recommendation was adopted with 46 votes in favour, 10 against and no abstentions. A debate and a vote took place in Plenary on 16 September.



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

24 - 25 September 2014, Brussels, PHS 3C50

- ➔ 5th Annual Report on Immigration and Asylum (2013): presentation by the Commission
- ➔ EASO Annual report on the situation of Asylum in the European Union (2013), Annual Activity Report 2013 and EASO multi-annual work programme 2014-2016 "Towards a coherent implementation of the Common European Asylum System": presentation Dr. Robert K. Visser, Executive Director European Asylum Office
- ➔ European Court of Auditors special report "Lessons from the European Commission's development of the second generation Schengen Information System (SIS II)": presentation by Pietro Russo, European Court of Auditors
- ➔ Request for a preliminary ruling by the High Court of Ireland in case of Schrems v. Data Protection Commission (C362/14) - Safe Harbour decision [in camera]
- ➔ Exchange of views on the Council of Europe Cyber-Crime Convention (ETS 185, "Budapest Convention"): Mini-hearing
- ➔ EU-US agreement on data protection for exchanges of personal data for Law enforcement purposes ("umbrella agreement") [possibly] [in camera]
- ➔ EMCDDA (European Monitoring Centre for Drugs and Drug Addiction) - The European Drug Report 2014; General Report of Activities 2013: presentation by Mr Wolfgang Götz, Director
- ➔ Amending Regulation (EU) No 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: presentation by the Commission

Italian Presidency of the Council



Highlight from the JHA agenda:

Next JHA Council:
9-10 October 2014.

Trio Conferences

A series of Conferences on "The role of the CJEU in building an Area of Freedom Security and Justice post-Lisbon" is being organised by the Italian, Latvian and Luxembourgish presidencies of the Council of the EU, together with the EU Commission and in partnership with the LUISS University of Rome, The Riga Graduate School of Law, and the University of Luxembourg.

First Conference (Rome, 13-14 November 2014): The competence of the Court of Justice of the EU in the Area of Freedom, Security and Justice.

Starting 1 December 2014, the role of the Court in this field will be enhanced through the introduction of the possibility for the European Commission to bring infringement proceedings against Member States for the lack of transposition, or erroneous transposition, of the ex "Third Pillar" instruments, in particular in the field of judicial cooperation in criminal matters.

This first conference – which will take place immediately before that deadline – aims at focusing on this new possibility.

Further information can be found by following this [link](#).

Latest Commission, Council and European Council activities in the field of JHA



EUROPEAN COUNCIL - From the Conclusions of the European Council of 30 August 2014, paragraph 18

(to read the whole document, follow the [link](#)):

18. The European Council strongly believes that determined action is required to stem the flow of foreign fighters. It calls for the accelerated implementation of the package of EU measures in support of Member States efforts, as agreed by the Council since June 2013, in particular to prevent radicalisation and extremism, share information more effectively - including with relevant third countries, dissuade, detect and disrupt suspicious travel and investigate and prosecute foreign fighters. In this context, the European Council calls on the Council and the European Parliament to finalise work on the EU Passenger Name Record proposal before the end of the year.

The European Council also underlines the need for close cooperation with third countries to develop a coherent approach, including to strengthen border and aviation security and counter-terrorism capacity in the region.

The European Council requests the Council to review the effectiveness of the measures and to propose additional action, as required. The European Council will review this matter at its meeting in December.

Latest news from JHA Agencies



European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) - On 23

September, the newly re-elected President of the European Parliament, Martin Schulz, will visit the EMCDDA and the European Maritime Safety Agency (EMSA) to learn more about the activities of the two Lisbon-based EU agencies.

EMCDDA Director, Wolfgang Götz, will present to the members of the LIBE Committee on 25 September, the main findings of the 2014 European Drug Report: Trends and developments (released on 27 May) and the resulting media coverage. On this occasion, Mr Götz will also provide a brief overview of the agency's key achievements over the last year, as presented in its General Report of Activities 2013 and A year in review 2013. LIBE Committee members have received notification of these reports, which are available via the agency's publications database (www.emcdda.europa.eu/publications).

An extended EMCDDA Scientific Committee will meet in Lisbon on 16 September and undertake the risk assessment of two new psychoactive substances (NPS). The two substances, which are currently raising health concerns in Europe, are the stimulant drug 4,4'-DMAR and the synthetic opioid MT-45*. This brings the number of EMCDDA risk assessments conducted in 2014 up to six. Discussions on a new Regulation on new psychoactive substances and a Directive on the definition on drug are currently ongoing. The EP rapporteurs are Michal Boni for the Regulation on new psychoactive substances and Teresa Jiménez-Becerril Barrio for the Directive on the definition on drug.

*At the time of writing, the formal notification to the EMCDDA to risk assess MT-45 is still awaited.



Fundamental Rights Agency (FRA)

Fundamental Rights Conference 2014 on migration

The EU Agency for Fundamental Rights (FRA) is dedicating its annual flagship event, the Fundamental Rights Conference, to discussing the importance of a fundamental rights-based approach to EU migration policy. The conference will take place next 10- 11 November and it is co-hosted together with the Italian Presidency of the Council of the European Union. More information at <http://fra.europa.eu/en/event/2014/fundamental-rights-conference-2014>



Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union).

* Frontex published the Risk Analysis Report for the first quarter of 2014 (available online http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q1_2014.pdf).

The report shows that in the first quarter of 2014 all of the indicators of irregular migration and asylum, except the number of detected facilitators, decreased in comparison with the last quarter of 2013. This general trend was in line with the annually recurring cycle of seasonal variation, whereby the first months of each year are usually marked by reduced pressure at the external borders. However, the decrease in the number of illegal border-crossings was not as substantial as what would usually be expected from the seasonal fluctuations at this time of the year. Most irregular migrants were reported from the sea border of the EU. Compared to the first quarter of 2013, in the first quarter 2014 Italy reported a sevenfold increase in illegal border-crossings, while numbers in Greece more than doubled. Detections at Italy's sea border represented almost 50% of all detected illegal border-crossings that quarter. For the first quarter since FRAN data collection began, Malians were the most reported nationality at that maritime border, followed by Eritreans and Syrians. As for the land border, the strongest increase of irregular border-crossings, compared to both the last quarter and the situation one year ago, was around the Spanish cities of Ceuta and Melilla.

* On 28 July 2014, Frontex published the first annual report of the Frontex Consultative Forum on Fundamental Rights (available online http://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_AR2014_WEB.pdf). The report provides an overview of the activities undertaken by the Consultative Forum in 2013. These include strategic planning, joint operations, risk analysis and training. The report also contains recommendations made to Frontex and its Management Board.

In its findings, the Consultative Forum has observed notable progress in ensuring adequate respect of fundamental rights guarantees in various activities of the agency, specifically in joint return operations and training. The report also stresses the need for the agency to intensify its efforts to set up an effective system for monitoring fundamental rights compliance as well as increase focus on protection of fundamental rights in all the agency's activities. (available online http://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_AR2014_WEB.pdf)

This report will be presented in a forthcoming LIBE meeting.



European Data Protection Supervisor (EDPS) -

On 14 July 2014, the EDPS published a [position paper](https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Papers/14-07-14_transfer_third_countries_EN.pdf) on transfer of personal data to third countries and international organisations by EU institutions and bodies (available online https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Papers/14-07-14_transfer_third_countries_EN.pdf).

The paper provides guidance to EU institutions and bodies on how to interpret and apply the rules laid down in Regulation (EC) No 45/2001 in the context of international transfers of personal data EU institutions and bodies increasingly need to transfer personal data to third countries or international organisations for different reasons, including cross-border cooperation and the use of transnational services.



European Asylum Support Office (EASO) -

EASO published on 29 July an interim assessment on the implementation of the EASO Operating Plan for Greece (available online at <http://easo.europa.eu/wp-content/uploads/Interim-assessment-on-the-implementation-of-the-EASO-Operating-Plan-for-Greece.pdf>). This interim assessment report looks into the state of implementation of the EASO support measures with Greece, compares the current situation with the situation in March 2011, identifies the changes made till end of May 2014 and highlights where further efforts are needed.



On 2 July 2014 eu-LISA published **statistics on SIS II** (available online <http://www.eulisa.europa.eu/Newsroom/News/Pages/sisii-statistics.aspx>) as required by the SIS II Regulation and Decision for the reporting period from 9 April 2013 until 31 December 2013. The data presented is a collection of data received from Member States and Associated Countries together with data available from the Central SIS II. As of 31 December 2013, SIS II had 50,279,389 alerts, the biggest category being State Issued documents. The majority of alerts were issued by Italy (32.2%), followed by Germany (15.02%). A total of 86,822 hits were reported for the reporting period, more than 50% of them were triggered by alerts on persons.

On 01 October 2014 eu-LISA will hold a working-level **Conference on the Smart Borders initiative** of the European Commission and the associated introduction of an automated Entry-Exit System and Registered Traveller Program at EU level. The conference will take place in Tallinn, Estonia. The one-day conference will bring together delegates from European Union Institutions, governments of EU Member States and Associated Countries, corporate and non-governmental organisations. The aim is to discuss practical aspects of

the implementation of the proposed new systems at both national and European levels.



Cepol

On 23 June CEPOL published its **annual report** (available online <https://www.cepola.europa.eu/media/news/20140623/2013-annual-report-now-available>). It contains information about CEPOL's achievements in 2013. The report also highlights a selection of training activities that were implemented during the year. More than 8,000 people took part in a CEPOL training activity in 2013, up from just over 6,000 participants in 2012.

On 16 July the Commission published **the new legislative proposal establishing a European Union agency for law enforcement training (Cepol)**, repealing and replacing the Council Decision 2005/681/JHA (COM(2014) 465). This follows the interinstitutional discussions regarding the initial proposal of the Commission which foresaw the merger of Cepol and Europol. The Parliament and the Council had not agreed to the proposed merger.



Europol

On 1 July 2014 **Europol celebrated its 15th anniversary** (press release available online <https://www.europol.europa.eu/content/europol-celebrates-its-15th-anniversary-european-law-enforcement-agency>)

On 24 and 25 September 2014 the **European Police Chiefs Convention** will take place in The Hague. It is organised by Europol in cooperation with the Italian Presidency of the EU and will discuss irregular immigration, economic crimes, cybercrime, and international terrorism.



EUROJUST -

Eurojust and EMCDDA boost cooperation with the signature of a Memorandum of Understanding (MoU) (press release available on <http://eurojust.europa.eu/press/PressReleases/Pages/2014/2014-07-15.aspx>)

The MoU was signed last 15 July 2014 and focuses on drug-related matters relevant to judicial cooperation — including drug supply, drug supply reduction and legislation — and will be implemented through joint activities, decided on the basis of the partners' respective work programmes.

Meeting LIBE Members

Every issue of the LIBE Newsletter will have an informal chat with one of our Members, to allow our readers to get to know them better.

A chat with... Kinga Gál, 1st Vice-Chair



On 7 July 2014, Kinga Gál (EPP, HU) was elected by acclamation as first Vice-Chair of the LIBE Committee, but this was not the first time. Ms Gál has been Vice-Chair of the LIBE Committee since 2004.

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

A: Since university I have been following human rights issues, especially the rights of national and linguistic minorities as I

myself have a minority origin, being Hungarian from Transylvania, Romania. Therefore, becoming a member of the LIBE Committee was an absolute priority for me from the very beginning in 2004.

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

A: Unbelievably a lot has happened in this field during the last ten, but mostly during the last five years. This field has become more and more important as it is dealing with issues which touch upon our everyday life and everyday concerns of our citizens throughout Europe. But we will have to face even more challenges in the fields of asylum policy, migration and data protection. If one opens the daily papers, most of the issues on the front pages are related directly or indirectly to the field of Justice and Civil Liberties.

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

A: This committee is very active, with lots of meetings, even on Mondays in Strasbourg, but this also means lots of reports and speaking possibilities in the plenary. If someone likes the work, he will for sure not be bored in this committee. And although there are sometimes big debates on diverging views, in the end we are all very good colleagues who are devoted to their fields and reports. This collegiality is very important.

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: It is very interesting to sit in front of the room seeing all the faces and the reactions on the faces. The coordinators meetings are also very useful, I still learn a lot from these meetings. The most exhausting aspect is chairing the meeting non-stop from the morning until the late afternoon. Especially when the topics are interesting ones and each colleague wishes to intervene in a relatively short time slot foreseen for the debate. It is hard to be strict...

Q: In the last parliamentary term you were the rapporteur for the first Annual Report on the situation of Fundamental Rights in the EU after the entry into force of the Lisbon Treaty. Now five years later, do you think that the fundamental rights perspective of the EU has changed?

A: A lot has been developed due to the Lisbon Treaty and the Charter of Fundamental Rights. I think that much more focus is put on fundamental rights not only in the Parliament but also in Commission and Council. The awareness mostly exists due to the highlighting of the issues, so now it is time to raise awareness towards the avoidance of double standards which unfortunately still prevail.

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: I read a lot, which is not easy given that I have four sons at home... But I read where and when I manage: in the evenings, during travelling etc. If I am in the middle of an interesting story I can't stop, therefore, I finish my readings quite fast. Today I started a book with the title 1913, from a German writer, recommended by my assistant.

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 your favourite restaurant in Strasbourg)?

A: I have much less time to go out in Brussels than in Strasbourg, but my favourite restaurant there is the Pont St. Martin in Petite France.

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