



News Online

7 December 2015 (25/15)

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e-mail: office@statewatch.org

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And see: **News Digest**: updated daily, dozens of news links every month:

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NEWS

1. EU Council of the European Union: NIS, Western Balkans C-T, Information sharing & DP Regulation

- NIS: [Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union - Preparation for the trilogue](#) (LIMITE doc no: 14606-rev-2-15, pdf) 157 pages: Multi-column document with Commission proposal, Council and European Parliament positions and "compromise" position"

- [EU Western Balkan counter-terrorism initiative: integrative plan of action](#) (Doc no: 13887-15, pdf): "EU Western Balkan Counter-Terrorism Initiative Integrative Plan of Action (WBCTi iPA) 2015-2017"

- [Information sharing on Counter-Terrorism](#) (LIMITE doc no: 14911-15, pdf):

"The Paris attacks highlighted gaps in information sharing and checks at external borders. The informal lunch discussion in restricted format is an opportunity to exchange views on how MSs can make best use of the various information sharing mechanisms. ...

The data suggest that there remains a disparity between the actual threat posed to some MS and the amount of information that is shared and... half of all MS have still not used the Europol Information System (EIS) for counter-terrorism purposes and only 1595 foreign terrorist fighters have been registered,,,

Information on the percentage of persons checked against the relevant databases on all EU external borders is available only for some MS, and it is unsatisfactory: between 1,5 and 34 % of persons enjoying the right to free movement have been checked (Switzerland checks 100 %)."

- DP Regulation: German delegation: [Regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data \(General Data Protection Regulation\) - Principle of purpose / further processing of data](#) (LIMITE doc no: 14900-15, pdf): "The matter of the principle of purpose/further processing of data (Article 5 (1) (b), Article 6 (3a) and (4), Recitals 38 and 40) must be handled so that purpose has legal certainty and the fundamental rights of data subjects are appropriately balanced with legitimate economic interests."

2. [Undercover spying unit worked with Scottish police forces](#) (Herald Scotland, link):

"Jason Kirkpatrick, an activist and filmmaker who worked closely with Kennedy without knowing he was a police officer, has written to the First Minister about the exclusion of Scotland from the Pitchford Inquiry. He has suggested two remedies: widen the existing inquiry; or, conduct a separate Scottish inquiry.

Kirkpatrick, who has Core Participant status at Pitchford, wrote that he believed Kennedy interfered with his media liaison work at the G8, adding: "I may [also] have been targeted to have an intimate relationship by a possible undercover officer, "Khris" from London, in order to interfere with my press work.

"These actions that took place in Edinburgh, of which the Scottish Government may not have previously been aware, certainly raise questions demanding answers about possible illegal police tampering with legitimate journalistic functions, and free speech as guaranteed by the ECHR."

He called on Scotland to be part of the Pitchford Inquiry, but added: "If this request is denied, it is then necessary for the Scottish Government to initiate its own inquiry, to guarantee that such abusive practices as those described above will be properly examined if they have taken place in Scotland." "

3. EU: Final text of the new **Europol Regulation: [Proposal for a REGULATION on the European Union Agency for Law Enforcement Cooperation and Training \(Europol\) and repealing replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA and 2005/681/JHA](#)** (152 pges, pdf)

4. EU: Justice and Home Affairs Council, 3 and 4 December 2015: "[B" Points agenda](#) (for discussion, pdf), "[A" Points agenda](#): legislative (adopted without discussion, pdf) and "[A" Points agenda](#): non-legislative, adopted without discussion, pdf) see: [Background briefing](#) (pdf)

[Final Press release: 3-4 December](#) (pdf)

All Member States think mass surveillance 'is still allowed'. Majority want new EU proposal. Will the Council never learn? Justice and Home Affairs Council; 3 December: "*Data retention: The Council had a general discussion on the consequences of the invalidation of the Data Retention Directive by the European Court of Justice in April 2014. All member states considered that retaining bulk electronic communication data in a generalized manner is still allowed. A majority of delegations also considered that an EU-wide approach has to be considered in order to put an end to the fragmentation of the legal framework on data retention across the EU, and invited the Commission to present a new legislative initiative whenever possible.*"

The Council also "took note" of a progress report: [Migration crisis : aspects of judicial cooperation and fight against xenophobia - progress report](#) (pdf).

And discussing putting Schengen on hold for two years:: [Integrity of the Schengen area](#), LIMITE doc: 14300-15, (pdf)

plus: [Regulation: establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person - State of play](#) (pdf):

"During these discussions, a number of delegations raised general scrutiny reservations and reiterated their positions according to which they consider that **it would be preferable to evaluate the functioning of the temporary emergency relocation schemes**, adopted by the Council on 14 and 22 September3, before the discussion on the proposal on the crisis relocation mechanism continues.

They are of the view that shortcomings in the implementation of the relocation decisions, including the functioning of the hotspots and the prevention of secondary movements, should be addressed as a matter of urgency." [emphasis added]

and: [Conclusions of the Council and the Representatives of the governments of the Member States on Statelessness](#) (pdf): were adopted:

While: "Recalling: that the right to a nationality is a fundamental right recognised by Article 15 of the Universal Declaration of Human Rights and that this is one of the basic principles of the 1997 European Convention of Nationality...."

These non-binding Conclusions simply: "Invite: the Commission to launch exchanges of good practices among Member States..."

5. EU: Law enforcement agencies exchanging personal data: Article 29 Working Party on data protection: [Opinion 03/2015 on the draft directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data](#) (pdf):

Transfers to third-party states: "the WP29 favors the introduction of **a strict prohibition on the massive, repeated and structured transfers of personal data to third countries authorities** and reiterates that exceptions to the prohibition of transfers to inadequate countries should be interpreted restrictively. It supports article 36(2)(b) as introduced by the European Parliament, which states that: "All transfers of personal data decided on the basis of derogations shall be duly justified and shall be limited to what is strictly necessary, and frequent massive transfers of data shall not be allowed". [emphasis added]

6. UK-EU: [British homes to get smart meters under EUR 315 billion Investment Plan for Europe](#) (link): "More than 7 million smart meters will be installed in homes across Great Britain under a new GBP 1 billion mass roll-out programme backed by the European Investment Bank alongside six commercial banks (Barclays, Crédit Agricole CIB, HSBC, Santander, Sumitomo Mitsui Banking Corporation and The Bank of Tokyo-Mitsubishi UFJ Ltd) and Infracapital. The European Investment Bank (EIB) will provide GBP 360 million to this initiative that will significantly increase the roll-out of smart meters to reduce energy use and help households save money."

7. EU: Council: [Heads of JHA Agencies meeting, 3 - 4 November 2015](#) (pdf)

Agencies agreed to focus in particular on:

- ensuring fundamental rights, data protection and privacy of the people in Europe in the area of freedom, security and justice;
- developing further support to Member States for the **management of irregular migration**;
- streamlining **inter-agency cooperation in the Hotspots and tackling irregular migration** at the Western Balkan route;
- enhancing joint operational activities aimed at **addressing the threats to Europe and the Schengen free movement area.....**

8. Report [Tear Gassing by remote control - The development and promotion of remotely operated means of delivering or dispersing riot control agents](#) (pdf):

"The Remote Control project is a project of the Network for Social Change hosted by Oxford Research Group. The project examines and challenges changes in military engagement, in particular the use of drones, special operations forces (SOF), private military and security companies (PMSCs) and cyber and intelligence activities".

9. EU-PNR: Council of the European Union: [Proposal for a Directive of the Council and the European Parliament on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime - approval of final compromise text](#) (LIMITE doc no: 14670-15, 46, pages, dated 2 December 2015, pdf):

"At the informal trilogue of 2 December 2015, a compromise package has been reached with the rapporteur, the text of which is set out in the Annex to this note. Text underlined reflects changes to the Commission proposal stemming from the Council general approach, and text in **bold without underlining** reflects Parliament amendments already discussed by either the Working Party (GENVAL) or JHA Counsellors. Changes to the text after trilogue of 2 December 2015 are indicated in underlined bold italics....

The text agreed contains the voluntary inclusion of intra-EU flights"

and see: [Directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime Presentation of compromise text](#) (LIMITE doc no: 14740-15, dated 30 November 2015, 85 pages, pdf) Multi-column document with Commission proposal, Council and European Parliament positions and "compromise"

10. FRANCE-EU: Valls to Pittella: if Parliament doesn't agree on PNR, Member States will do it themselves

French prime minister Manuel Valls has written to Gianni Pittella, chair of the Progressive Alliance of Socialists and Democrats in the European Parliament, demanding the adoption of the EU Passenger Name Record Directive on air travel surveillance by the end of the year: *"And in truth, if we cannot [agree the PNR Directive], there can be no justification in the view of our public opinions. I therefore fear that certain Member States will have no alternative but to use intergovernmental channels. This is not what I want because I have faith in the Community method, but you will agree that protecting citizens must take precedence over these concerns."*

Earlier in the letter, he sets out what he (and the Council as a whole) are demanding the Parliament agree to:

"...it is of the utmost importance that the EU PNR system is fully operational and effective. To this end, we must ensure, in particular, the following main points: the obligatory inclusion of inter-European flights, which will help further foil the terrorists' strategies to avoid detection; a period of one year before data is masked, and four years before it is destroyed; and the inclusion in the record of serious national offences (not just transnational offences). These measures are supported by all Member States, who all face the same issues, as it was clearly outlined in the conclusions adopted by the Justice and Home Affairs Council of 20 November 20 15. If we do not include these points in the text, this tool will be devoid of its effective scope, which will weaken our collective ability to prevent further terrorist attacks."

See the: [Letter from Manuel Valls to Gianni Pittella](#) (pdf) and recent news on the PNR Directive negotiations: [Mass surveillance legislation creeps closer: leaked compromise text](#)

11. [EU to gold plate international anti-terrorism obligations with "urgent" new law](#)

The EU will update its terrorism law to meet international obligations at the same time as introducing new powers "to tackle the evolving terrorist threat in a more effective way, thereby enhancing the security of the EU and the safety of its citizens." The Commission has not carried out an impact assessment of the proposals due to the "urgent need" for new anti-terrorism measures.

The proposal: European Commission, [Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism](#), COM(2015) 625 final, 2 December 2015 (pdf)

12. EU: [Internal security: "common risk indicators", internet monitoring, a European police register, entry bans and more](#)

On 23 November the Luxembourg Presidency of the Council sent produced a detailed note outlining who is doing what within the Council to implement the EU's Renewed European Union Internal Security Strategy, which was adopted in June 2015.

The strategy covers everything from terrorism to environmental crime and the note provides information on dozens of projects trying to put it into practice. This includes work on "common risk indicators" for border guards, cooperating with technology corporations to launch a counter-terrorism "IT platform", proposals to interconnect national police databases through a "register", and cooperation to better implement "certain categories of entry ban".

13. [Commission registers call for EU sanctions on Hungary](#) (EUobserver, link): "*The European Commission registered Monday (30 November) a European Citizens' Initiative (ECI) calling for a procedure against Hungary over alleged breaches of EU fundamental values.*

The decision, mainly based on legal grounds, was taken while the Hungarian commissioner Tibor Navracsics was not present. Navracsics, who is from the Fidesz, the party of Hungarian prime minister Viktor Orban, protested in a letter to his fellow commissioners."

See: [Wake up Europe ! Agir pour préserver le projet démocratique européen](#) (The European Citizens' Initiative, link)

14. EU: [The European Counter-Terrorism Centre: proposed powers and information systems](#)

In October the Justice and Home Affairs Council sought to boost Europol's counter-terrorism work. This note contains an overview by Europol on "progress concerning counter terrorism related information exchange, and in particular Focal Point (FP) Travellers (relating to foreign fighters), as well as the development of the European Counter Terrorism Centre (ECTC) at Europol." The ECTC is supposed to start working on 1 January 2016.

15. ['Foreign Terrorist Fighters': Criminalising stay in a terrorist territory? An evaluation in light of criminal law, human rights and public international law parameters](#) (pdf): Executive summary of a study published by the Dutch Ministry of Justice and Security: "*The central question in this research is to what extent can appropriate criminalization of voluntary stay in a territory controlled by a terrorist organization be determined taking into account: fundamental principles of criminal law, i.e. the principle of legality and the requirements that only human conduct is criminally punishable and only if it is wrongful (the criminal law parameters); relevant international human rights, in particular those guaranteed by the European Convention on Human Rights (ECHR) (human rights parameters); and public international law principles of sovereignty, territorial integrity and the authority to assert criminal jurisdiction (public international law parameters).*"

The summary concludes that: "*the proposed criminalisation of voluntary stay in a territory controlled by a terrorist organization' cannot be meaningfully realised within the existing legal parameters.*"

16. FRANCE: [Climate summit and protests during a state of emergency](#)

"As Le Monde observed and as the Human Right League denounced, the state of emergency is being used to harass ecological activists and to block demonstrations denouncing the irresponsibility of governments facing climate change and expressing the demands of civil societies during the COP21 meeting. Even an organic farm was raided by the gendarmes, perhaps looking for bombs in the cabbages, and placards denouncing environment policies were seized as "terrorist" materials."

17. EU: **STATELESSNESS: New Toolkit: "Protecting Stateless Persons from Arbitrary Detention"**

"Evidence shows that detention of stateless people is a worrying trend across Europe. This is happening despite the fact that protection against arbitrary detention is well entrenched under international and regional law, as is the protection of stateless persons.

"There is a huge gulf between state obligations to respect international human rights standards and the actual realisation of those rights in practice. The lack of protection and the growth of the immigration detention industry has left many vulnerable to grave human rights abuse.

"Against this backdrop, the European Network on Statelessness has embarked on a three year project to map the extent of the issue, to create advocacy tools and to train lawyers and NGOs to protect stateless persons from arbitrary detention.

"ENS has published a series of country reports highlighting the gaps and raising awareness about the extent of the issue and impact on stateless people and a toolkit for practitioners from across Europe"

See: [Protecting Stateless Persons from Arbitrary Detention](#) (European Network on Statelessness, link) including the toolkit, personal stories, and country reports from Malta, the Netherlands and Poland.

18. EU: DATA PROTECTION REGULATION: Council of the European Union: [\(General Data Protection Regulation\) \[First reading\]: Presidency briefing on the outcome of the trilogue - Preparation for trilogue - Chapters I, VI, VII, VIII, IX, X and XI](#) (LIMITE doc no:14319-15, pdf) 372 pages: Multi-column document:

"Annex a comparative table which compares in 4 columns the Commission proposal, the position of the European Parliament in 1st reading, the Council's General Approach and compromises tentatively agreed at previous trilogues as well as compromise suggestions by the Presidency. Text marked in brackets will be discussed by the Permanent Representatives Committee at a later stage in relation to other provisions of the text." and

[Presidency briefing on the outcome of the trilogue - Preparation for trilogue - Chapters I, VI, VII, VIII, IX, X and XI](#) (LIMITE doc no:14318-15, 12 pages,pdf): Examines key differences between the Council and the European Parliament:

"the Presidency submits for examination with a view to confirmation to the Permanent Representatives Committee compromise suggestions on the main outstanding issues relating to Chapters I, VI, VII, VIII, IX, X and XI of the draft General Data Protection Regulation. On the basis of the outcome of this examination, the Presidency will engage in trilogue with the European Parliament with the aim to find an early second reading agreement...."

and includes this extraordinary proposal by the Council:

"In Article 21(2), the European Parliament insists that a legislative measure restricting certain obligations and rights should contain the right for data subjects to be informed about such a restriction. Since the wording proposed by the European Parliament is not acceptable for Council, the Presidency suggests to reformulate as follows:

"the right for data subjects to have a general indication about the restriction, unless this may be prejudicial to the purpose of the restriction." [emphasis added]

19. UK: [Warning of backlash over car number plate camera network](#) (Guardian, link):

"Police chiefs face public backlash over the way system is operating, says government's CCTV commissioner... Britain's network of number plate recognition cameras amounts to "one of the largest data gatherers in the world" and threatens to spark a public outcry against police mass surveillance, the CCTV commissioner has warned.... Porter expressed frustration at the refusal of police to publish details about the number and location of automatic number plate recognition (ANPR) cameras, and evidence of their effectiveness. "Given the large-scale data acquisition of such a system, I find this surprising," he told the Guardian."

See: [Surveillance Camera Commissioner Annual Report 2014/15](#) (pdf)

20. EU: European Commission: Firearms: [Report from the Commission: Evaluation on the control of the acquisition and possession of weapons](#) (pdf)

"the evaluators flagged the lack of key data relating to both market and security aspects. Regarding the market aspect, available statistics at national and EU level usually did not distinguish civilian from military firearms (therefore making it difficult to isolate data on civilian firearms). Even when this was possible, data were not always available at Member States level for all countries (due to confidentiality), thus not allowing tracing trends of production over time. , Finally the main company operating in the sector did not provide large access to information...."

Due to the lack of comprehensive data, it has been difficult for the evaluator to assess the effectiveness of the Directive in connection to the security objectives. In particular, the analysis was hampered by the lack of an information base including specific and detailed data on criminal offences committed with legally owned firearms, converted alarm weapons and reactivated firearms in EU MS.."

21. EU: [Visa Information System: private companies gathering data, insufficient funding for data protection](#)

The first data protection report on the EU's Visa Information System, which holds the personal information (including biometrics) of all EU visa applicants and holders, was adopted last month by the system's 'Supervision Coordination Group', made up of national data protection authorities and coordinated by the European Data Protection Supervisor's office. Issues noted in the report, which covers the period from 2012 to 2014, include the use of private contractors to process personal information collected for visa applications, a lack of financial resources for data protection authorities, and various infringements of data protection law and principles by the authorities.

The report: [Visa Information System Coordinated Supervision Group, Activity Report 2012-2014](#) (pdf)

22. Centre for Crime and Justice Studies: [Challenging state and corporate impunity: is accountability possible?](#) (pdf):

David Whyte introduced the event and reflected on the lessons of the previous two conferences. Secondly, **Suresh Grover** considered how the police can be made accountable in the context of institutional racism. **Tony Bunyan** considered how researchers can lend their efforts in supporting movements towards more comprehensive state accountability. **Sarah Lambie** discussed how accountability is restricted by being presented in an individualist context, and suggests how it can be used more effectively when broadened to the community. **Deborah Hargreaves** reflected on how the current neoliberal agenda prevents effective corporate accountability; and how this can be challenged in order to improve social responsibility. Finally, **Ewa Jasiewicz** reflected on the difficulties associated with the use of journalism to aid movements for international accountability.

23. EU: COUNTER-TERRORISM: Council of the European Union: EU Counter-Terrorism Coordinator: [Report: State of play on implementation of the statement of the Members of the European Council of 12 February 2015 on counter-terrorism](#) (LIMITE doc no: 14438-15, pdf). Update on a swathe of measures.

European Area of Freedom, security and Justice ([freegroup](#), link) comments:

"Statewatch leaked document on the state of play of EU Antiterrorism policy (and its perspectives..) On the Statewatch site is now accessible a very interesting document of the EU Counter terrorism Coordinator in preparation of the Justice and Home affairs Council meeting of December 4, 2015. Without prejudice of the political and legal judgment that anyone can have on the initiatives listed below the text gives a very comprehensive (and relatively objective) view of the current state of play of the EU initiatives. It remains a mystery why this kind of purely descriptive documents are not directly accessible to the public, to the European and national parliaments."

24. EU: Can Member States still use: DATA RETENTION?: Council of the European Union: [Retention of electronic communication data - General debate](#) (pdf)

"The current state of play is as follows: the transposition law of the Data Retention Directive has been invalidated in at least 11 Member States (AT, BE, BG, DE, LT, NL, PL, RO, SI, SK, UK). Amongst these, 9 countries have had the law invalidated by the Constitutional Court (AT, BE, BG, DE, SI, NL, PL, RO, SK). In 15 Member States (CY, CZ, DK, EE, ES, FI, FR, HR, HU, IE, LU, LV, MT, PT, SE) the domestic law on data retention remains in force, while they are still processing communication data."

25. EU: [Drones at the borders: technical study outlines possibilities for EU institutions and Member States](#)

Statewatch has obtained a detailed technical study produced by the European Commission's Joint Research Centre (JRC) that provides "an analysis of the possible use of RPAS [remotely piloted aerial systems] for border surveillance/monitoring, communications and signal detection (especially mobile phone communication signals)." The report sets out "a series of [technical] criteria... that could be used for assisting the design/procurement of RPAS for border surveillance operations."

The study: European Commission Joint Research Centre: [Identification of current limitations for the use of unmanned aerial systems for border surveillance: Part A: Analysis of possible use for surveillance/monitoring, communications, signal detection](#) (pdf)

26. EU [Shared values? Ongoing disagreement amongst Member States on proposed anti-discrimination law](#)

EU Member States still can't agree on a Directive proposed in 2008 that would "extend the protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation to areas outside employment," covering "social protection, including social security and healthcare; education; and access to goods and services, including housing.

According to a progress report published by the Luxembourg Presidency of the Council on 16 November 2015: "A very large majority of delegations have welcomed the proposal in principle," and: "Most delegations have affirmed the importance of promoting equal treatment as a shared social value within the EU."

27. UK: [Mayor on track to roll-out police body cameras across the Met](#) (College of Policing, link): *"The Mayor of London and Commissioner of the Metropolitan police today confirmed that plans to introduce police body worn video to all frontline police officers are moving ahead, as a new report finds strong public support for the cameras.*

"A three year contract to provide 22,000 body worn video devices across the Met has now been awarded, with the first deliveries due early next year. The move follows the world's largest trial of the cameras, across ten London boroughs over 12 months. In a new report by the Mayor's Office for Policing And Crime and the College of Policing, the use of the cameras has been welcomed by Londoners and found to reduce some types of complaints and allegations against police officers."

Full report: [Police, Camera, Evidence: London's cluster randomised controlled trial of Body Worn Video](#) (pdf)

And see: [Bouncers and council officials with body cams 'posing privacy risk'](#) (Wired, link) and [Cameras worn by Met's armed police are 'blocked whenever they aim their guns'](#) (Evening Standard, link)

28. [The new Directive on immigration of students and researchers: a small step or a big leap forward?](#) (EU Law Analysis, link):

"the new Directive has gone some distance towards accomplishing its intended objectives, but its effect could be further augmented in the near future by a broader reform of EU law on highly-skilled immigration in general."

And see: "Researchers" Directive: [Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing \[Recast\] \[First reading\] - Confirmation of the final compromise text with a view to agreement](#) (LIMITE doc no: 13974-15, 71 pages, pdf)

29. UK: Metropolitan police apology on undercover police relationships: campaigners respond

From Police Spies Out of Lives, a support group for legal action by eight women deceived into long term intimate relationships with undercover police officers: "On 20 November 2015 the women won a very significant development: after a four-year legal battle, the Metropolitan Police apologised. The apology was part of a settlement with all but one of the women."

See: [Met Apology](#) and [Met police concede violation of women's human rights](#) (link).

Analysis: [Police Apology for Relationships: Where Next?](#) (Campaign Opposing Police Surveillance, link): "The only way we will get the truth is if those who were targeted tell their stories. The only way that can happen is if they know that their former friend and comrade was in fact a police spy. If the Inquiry is to serve its purpose, and if the Met are truly contrite, then they must publish the cover names of all undercover officers from the political policing units."

And: the [apology from the Metropolitan Police](#) (pdf): "As part of the settlement, the details of which are confidential, the MPS agreed to publish the full apology that has been given personally to those seven women."

30. EU: Council of the European Union: "Researchers" Directive: [Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing \[Recast\] \[First reading\] - Confirmation of the final compromise text with a view to agreement](#) (LIMITE doc no: 13974-15, 71 pages, pdf)

See: European Parliament: [Deal on new rules to attract non-EU students, researchers and interns to the EU](#) (pdf):

31. EU: Justice and Home Affairs Council, 20 November 2015: [Conclusions of the Council and Member States on counter-terrorism](#) (pdf) and [Conclusions of the Council of the European Union and of the Member States meeting within the Council on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism](#) (pdf)

- [Draft Conclusions of the Council of the European Union and of the Member States meeting within the Council on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism](#) (14350-15, pdf)

- [Draft Conclusions of the Council of the EU and of the Member States meeting within the Council on Counter-Terrorism](#) (14375-15, pdf)

Agenda main: [B-points](#) (pdf) and [A points](#) (adopted without discussion, pdf. Both in French)

See: [EU ministers order tighter border checks in response to Paris attacks](#) (Guardian, link): "French interior minister Bernard Cazeneuve says clampdown to take instant effect on temporary basis"

32. House of Commons Research Library: Briefing Paper: [Draft Investigatory Powers Bill](#) (pdf): *"The Draft Investigatory Powers Bill was published by the Home Office on 4 November 2015. It seeks to update and consolidate existing legislation governing the use of investigatory powers, including the Regulation of Investigatory Powers Act 2000."*

33. [Data retention powers referred to European court](#) (Guardian, link): *Court of appeal declines to overturn legal victory over Driipa surveillance legislation by Tory MP David Davis and Labour's Tom Watson.... However, the court of appeal judges noted that courts in six other EU states – Austria, Slovenia, Belgium, Romania, Holland and Slovakia – have declared national data retention laws to be invalid on the basis of the previous Digital Rights Ireland case. They asked the Luxembourg court to expedite the Driipa appeal.*

34. Historic initiative: journalists take European Parliament to court: [Journalists from all over Europe have asked the European Court of Justice to rule on the hidden records of MEPs' allowances after the EP denied the journalists' request](#) (link) and see: [Statement](#) (pdf)

35. Statewatch: [Briefing: Counter-terrorism: what the EU is discussing after the Paris attacks](#)

A recent note distributed to a whole host of national officials provides more details on the security measures interior ministers will discuss at the emergency EU Justice and Home Affairs Council meeting on Friday: border control, surveillance, firearms control and countering terrorist financing.

Full briefing: [Counter-terrorism: what the EU is discussing after the Paris attacks](#) (pdf)

The note (dated 16 November) was written by the Luxembourg Presidency of the Council of the EU and Gilles de Kerchove, the EU Counter-Terrorism Coordinator, and raises a number of issues for discussion on what further counter-terrorism measures to pursue following the attacks in Paris on Friday.

The document: [Follow-up to the recent terrorist attacks in Paris](#) (LIMITE, 14122/15, 16 November 2015, pdf)

36. EU: Fundamental Rights Agency: [Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU Mapping Member States' legal frameworks](#) (pdf):

"This report – which constitutes the first part of FRA's response to this request – aims to support the adoption and meaningful implementation of oversight mechanisms in the EU and its Member States. It does so by analysing the legal frameworks on surveillance in place in EU Member States, focusing on so-called 'mass surveillance', which carries a particularly high potential for abuse."

37. European Commission; [The European Commission today adopted a package of measures to make it more difficult to acquire firearms in the European Union](#) (Press release, pdf) and [Commission Proposals to strengthen control of firearms: Questions & Answers](#) (pdf). and see: [Proposal for a directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons](#) (link)

Also: [Remarks of Commissioner Dimitris Avramopoulos at the Press Conference on the Preparation of the 20 November Justice and Home Affairs Council and the Firearms Package](#) (pdf):

"We are planning a revision of SIS to facilitate the implementation of travel bans.... We will also have a proposal for a Directive modifying the existing EU framework on Terrorism by the end of November already. This will harmonise criminalisation of offences linked to terrorist travel, passive training, financing and facilitation of such travel to address the phenomenon of foreign terrorist fighters..."

38. EU: European Parliament Study: [Supporting European security and defence with existing EU measures and procedures](#) (105 pages, pdf):

"Focusing on the support of non-CSDP policies for CSDP measures, both in the field of crisis management and defence, this study submits that CSDP cannot effectively contribute to EU external action by itself, but only in coherence with other EU policies and instruments."

39. [G20 Statement on the fight against terrorism](#) (pdf)

"We reaffirm that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group.... through swift implementation of Financial Action Task Force (FATF) standards in all jurisdictions.... combatting radicalization and recruitment, hampering terrorist movements, countering terrorist propaganda and to prevent terrorists from exploiting technology, communications and resources to incite terrorist acts, including through the internet. The direct or indirect encouragement of terrorism, the incitement of terrorist acts and glorification of violence must be prevented.... tackle this phenomenon, including operational information-sharing, border management to detect travel, preventive measures..."

40. [Presumption of innocence directive agreed](#) (Fair trials, link):

"In the last two weeks, the European Parliament and Council (bringing together the EU Member States) agreed a final text for the [Directive on the Presumption of Innocence](#) (POI) and the right to be present at one's trial, which will become the fourth EU law on fair trial rights adopted since 2010. It makes some welcome improvements, some proposed by the Legal Experts Advisory Panel (LEAP), but in other respects is arguably an opportunity missed."

See also: [The new Directive on the presumption of innocence: protecting the 'golden thread'](#) (EU Law Analysis (link))

41. [UK: The Race Relations Act 1965 –blessing or curse?](#) (IRR, link):

"How should we be evaluating the impact of the race relations acts, the first of which became law fifty years ago? ... The fight for racial justice that the Claudia Joneses, Frances Ezzrecos and Vishnu Sharmas began some sixty years back, goes on – and now in a context where the dominant discourse makes it that much harder to argue for equality, justice and an acceptance of difference. Back to the future."

EU-UK-GCHQ-USA-NSA SURVEILLANCE

<http://www.statewatch.org/eu-usa-data-surveillance.htm>

1. SNOWDEN: USA: [FBI extradition letter to Denmark, Norway, Sweden and Finland](#) (pdf)

2. EU-USA: [Speech by Commissioner Jourová: The future of U.S.-EU data transfer arrangements at the Brookings Institution](#) (pdf)

"One of the essential elements of our agreement is therefore the Judicial Redress Bill that has recently been voted by the House. The Judicial Redress Bill would extend the rights US citizens and residents enjoy under the 1974 Privacy Act also to Europeans."

And see: [Marc Rotenberg President, EPIC Adjunct Professor, Georgetown Law Hearing: ""The Judicial Redress Act does not provide adequate protection to permit data transfers and it does not address the many provisions in the Privacy Act that need to be updated."](#)

3. ERMAN: ['Triple agent' admits he spied for CIA for cash](#) (The Local.de, link): "A German suspected triple agent charged with treason admitted Monday to spying for the CIA, telling a court he had done so out of dissatisfaction with his secret service job.... If convicted, he could face up to 15 years in prison."

4. [The Edward Snowden guide to practical privacy - NSA whistleblower talks turkey about personal surveillance](#) (The Register, link)

5. EU-US: [Safe Harbour 2.0 framework begins to capsize as January deadline nears](#) (Ars Technica, link): "*Safe Harbour 2.0, currently being drawn up by the EU and US authorities, "will not provide a viable framework for future transfers of personal information" across the Atlantic according to a group of human rights and privacy organisations. In a letter sent to the European Commissioner for Justice, Consumers and Gender Equality, Vera Jourová, and to the US Secretary of Commerce, Penny Pritzker, the 20 EU and 14 US NGOs instead urge the politicians "to commit to a comprehensive modernization of privacy and data protection laws on both sides of the Atlantic."*"

See: [EU-US NGO letter on Safe Harbor after Schrems](#) (pdf) and: [Europe, tech giants face off over consumer privacy](#) (USA Today, link)

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