



News

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ANALYSES, BRIEFING & VIEWPOINT

<http://www.statewatch.org/analyses.htm>

1. Statewatch Briefing: [Eurodac: Member States want wider police access to biometric database despite most having never made use of it](#) (pdf):

A European Commission proposal to expand the Eurodac biometric database has provided the perfect opportunity for national interior ministries to demand that police forces be able to obtain asylum-seekers' and irregular migrants' data more easily, despite the fact that half of all Member States do "not yet have experience with law enforcement access" to the system, according to an official document obtained by Statewatch. Proposed amendments simplifying and broadening law enforcement access now form part of the Council's mandate for negotiations with the European Parliament on the proposed new Eurodac Regulation.

2. Statewatch Analysis: [The EU's military mission against Mediterranean migration: what "deterrent effect"?](#) (pdf):

Operation Sophia, the EU's military mission targeting migrant smuggling in the Mediterranean, has a "deterrence effect" that "by its presence alone, enhances security in the Mediterranean," according to an internal report by the Italian naval officer in charge of the deployment. Yet as people continue crossing the central Mediterranean, and increasing numbers of them die whilst trying to do so, the only reasonable question to be asked is: what deterrent effect?

3. Statewatch Viewpoint: [Migration, EU Cooperation and Authoritarianism](#) (pdf) by Theodore Baird: *"The EU is actively cooperating with authoritarian regimes to control international movement while ignoring the disastrous human rights records of these regimes...."*

Nowhere in the new Partnership Framework is there recognition that the main countries of cooperation are ruled by authoritarian or hybrid governments actively undermining human rights. The main countries of cooperation – Niger, Nigeria, Senegal, Mali, Ethiopia, Jordan, Lebanon, Egypt, and Tunisia – have either authoritarian or hybrid regimes according to The Economist Intelligence Unit's Democracy Index 2015 (with the exceptions of Senegal and Tunisia, which are flawed democracies)."

4. [The visible hand: the European Union's Security Industrial Policy](#) (August 2016) by Chris Jones: "A competitive EU security industry is the conditio sine qua non of any viable European security policy and for economic growth in general." The EU has a long-standing ambition to create an "area of freedom, security and justice", as set out in Article 67 of the Lisbon Treaty. A more recent counterpart to this ideal is the plan to create a "true internal market for security", in which companies will be able to sell security technologies, products and services to customers in any EU Member State without being hampered by differing regulatory or technical standards. The first formal announcement of this new policy came in 2012, when the European Commission published the Security Industrial Policy (SIP), with the "overarching aim" to "enhance growth and increase employment in the EU's security industry."

5. [A missed opportunity to open up secret trilogue decision-making in the EU](#) (July 2016) by Tony Bunyan: On 26 May 2015 the EU Ombudsman opened an Inquiry into "the transparency of trilogues".[1] On 12 July 2016 the Ombudsman reached a decision and made proposals to the Council of the European Union, the European Parliament and the European Commission. On the face of it the proposals look like an advance in the openness of trilogues - but are they?

NEWS

1. GERMANY: [Interior ministry "wish list": strengthen central government security, policing and deportation powers](#)

German interior minister Thomas de Maiziere has announced a series of proposals that revolve around giving the German federal government more power over security agencies, cyber attacks, policing and deportations; permitting the deployment of the military internally; expanding the scope of the proposed EU Entry/Exit System and loosening the the EU definition of "safe third countries".

2. GREECE: [Refugee solidarity activists arrested in Greece freed on bail](#)

Two activists who were last week arrested in Greece and charged with facilitating illegal immigration were released from preventive detention on Friday 30 December and will have to pay €2,000 within 12 days to obtain permission to leave Greece until their trial takes place.

3. EU [Opening up secret trilogue decision-making awaits court decision](#)

On 15 April 2015 Emilio de Capitani ([Freegroup](#), link) applied to the European Parliament for documents summarising negotiations between the Council of the European Union and the European Parliament in secret trilogue meetings... having been refused access to the requested documents Emilio de Capitani took the case to the Court of Justice of the European Union (CJEU) where the case is pending.

In response to the European Ombudsman the Council says it will not move on making trilogue four-column documents public until the CJEU rules in the Emilio de Capitani case.

See: [Decision of the European Ombudsman on Own-initiative inquiry OI/8/2015/FOR concerning transparency of trilogues](#) (LIMITE doc no: 15107-16, pdf) and Background: Statewatch Analyses:

- [Secret trilogues and the democratic deficit](#) (September 2007, pdf)
- [European Parliament: Abolish 1st \[and 2nd\] reading secret deals - bring back democracy "warts and all"](#) (pdf)
- [Proposed Commission changes to Regulation on access to documents fail to meet Lisbon Treaty commitments](#) (pdf)
- [A missed opportunity to open up secret trilogue decision-making in the EU](#) (July 2016).

4. EU-EGYPT: [European External Action Service "non-paper": how can we stop migration from Egypt?](#)

A "non-paper" jointly produced by the European External Action Service (EEAS) and the European Commission sets out possible policies the EU could adopt towards Egypt to make "efforts on today's migration" and "to address also the roots of potential future migration."

See: European External Action Service and European Commission, [Options on developing cooperation with Egypt in migration matters](#), undated (pdf)

5. GERMANY-AFRICA: [German politicians want to return refugee boats to Africa](#)

"As security and refugee debates heat up in Germany ahead of federal elections in 2017, politicians in the Christian Social Union (CSU), the Bavarian sister party to Chancellor Angela Merkel's Christian Democratic Union (CDU), are looking to propose a drastic shift in how Germany, and Europe, handle migrant arrivals, according to a new position paper set to be unveiled next week.

The CSU will hold a party convention next week and are set to call for tens of thousands of migrants intercepted in the Mediterranean Sea to be sent back to North Africa, according to an internal policy paper obtained by the "Rheinische Post" newspaper."

6. GREECE: [Two arrested and charged with "facilitating illegal immigration" for refugee transport effort denouncing EU policies](#)

Two political activists from the Basque Country have been detained in Greece and charged with "facilitating illegal immigration" after attempting to transport eight refugees out of the country, in an "initiative of solidarity in denunciation of unjust European migration policies and in defence of human rights."

7. [Secretive High Level Working Group hides EU's push for the return of refugees and quasi-readmission agreements](#)

The Council of the European Union's High Level Working Group on Asylum and Migration (HLWG) is a highly secretive group. The "outcomes" (minutes of its meetings) are not only "partially accessible" (censored) they do not include document references to the matters discussed.

See for example: the publicly available Outcomes of the HLWG meeting on 6 December: [Summary of discussions](#) (15407-16, pdf) which is only four pages long because the document is: "DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (20.12.2016)." And the full version: [Summary of discussions](#) (LIMITE doc on: 15407-16, pdf) which is 27 pages. The missing 23 pages are in the deleted Annex to the outcomes.

8. EU-LIBYA: [Deadly incident on the Mediterranean sea: Rescue organisation accuses Libyan coast guard](#)

The private rescue organisation Sea Watch e.V. is pressing charges against the Libyan coast guard because of an attack during a rescue operation on the Mediterranean Sea. According to the organisation 30 refugees died after their dinghy was damaged by a patrol boat on 21 October 2016. The rescue team rates this incident as an attack on maritime transport.

The coast guard's patrol boat with the registration mark '267' interfered with the rescue operation of the 'Sea-Watch 2', which was instructed by the sea rescue control centre in Rome. Pictures of the photographer Christian Ditsch, who was on board, show the coast guard pushing between a speed boat of the 'Sea-Watch 2' and the dinghy. The crew was prevented from providing the refugees with life jackets. A person in uniform then came on board of the dinghy and started hitting the passengers. According to the Sea Watch organisation he tried to take away the outboard engine.

9. EU: **Restricted document gives overview of police efforts against "facilitated illegal immigration"**

A recent report submitted by Europol to the Council of the EU's internal security committee (COSI) offers an overview of "the implementation of the 2015 and 2016 OAPs [operational action plans] on "Illegal Immigration". This annex was discussed during the National EMPACT [European Multidisciplinary Platform Against Criminal Threats] Coordinators meeting held at Europol on 22-23 November 2016."

See: [EU Policy Cycle: Monitoring of the Operational Action Plans 2016 - Priority "Illegal Immigration"](#) (15212/16, RESTREINT UE/EU RESTRICTED, 6 December 2016, pdf)

10. [Interconnecting Europe's policing and border control databases: High-Level Expert Group interim report](#)

An interim report by the chair of the European Commission's 'High Level Expert Group on Information Systems and Interoperability' sets out the group's work so far, along with "interim findings and possible ways forward" on the interconnection (or not) of EU justice and home affairs databases and information systems - for example the Schengen Information System (SIS); the Visa Information System (VIS); Eurodac; and the proposed Entry/Exit System and European Travel Information (EES) and Authorisation System (ETIAS).

See: High-level expert group on information systems and interoperability set up by the European Commission: [Interim report by the chair of the high-level expert group](#) (pdf)

11. EU-ITALY: [The ongoing failure of the relocation scheme](#)

"Since September 2015, 1,950 asylum-seekers (5% of the 39,600 target) were relocated from Italy to 18 European countries."

12. EU-USA: **European External Action Service: EU-U.S. Cyber Dialogue statement**

"On the occasion of the third meeting of the EU-U.S. Cyber Dialogue in Brussels on December 16, 2016, the participants jointly affirmed specific areas of cooperation as follows: International Security in Cyberspace... Cyber Capacity Building... Internet Governance... Promotion and Protection of Human Rights Online... Combatting Cybercrime... Cyber Resilience... Transatlantic cyber policy research cooperation"

See: [EU-U.S. Cyber Dialogue](#) (pdf)

13. [Locking down Africa](#) (IRR News, link) by Frances Webber:

"In the second part of her examination of EU deals with third countries to stop migration, Frances Webber examines the closure of Africa's borders against migration, demanded by the EU as the price for development, trade and aid."

See also Part 1: [Europe can no longer pretend to respect human rights](#) (link)

14. EU-GREECE: NGO letter to Mr. Jean-Claude Juncker, President European Commission and Mr. Ioannis Mouzalas, Minister of Migration Policy, Greece: [Letter to Commission: Joint Action Plan on EU-Turkey Statement and resumption of Dublin transfers to Greece](#) (pdf).

Signed by ECRE, Greek Council for Refugees, AITIMA and Solidarity Now. Includes Annex on: Observations and concerns on the Joint Action Plan on the implementation of certain aspects of the EU-Turkey Statement and the Recommendation on the resumption of returns to Greece under the Dublin III Regulation:

"In its fourth report on the implementation of the EU-Turkey Statement, published on 8 December 2016, the European Commission has suggested a series of measures aiming at increasing the number of returns from Greece under this highly controversial and contested arrangement.

The undersigning organisations are particularly alarmed by the suggestions made in the Joint Action Plan elaborated by the EU Coordinator together with the Greek authorities on the implementation of certain aspects of the EU-Turkey Statement.

We believe that many of the proposed measures will result in depriving asylum seekers and migrants arriving on the islands from essential procedural safeguards to protect them from refoulement, from enjoying the right to family life and the right to asylum under Article 18 of the EU Charter of Fundamental Rights, and eventually undermine the rule of law."

15. UK-IRELAND: PITCHFORD Inquiry: [Victims of Irish Police Spy Operaton Demand Inclusion in UK Inquiry](#) (pdf):

"Three victims of a controversial police spying unit operating in Ireland have filed legal action to demand their inclusion in the ongoing British Undercover Policing Inquiry (UCPI). The spy unit has sparked controversy across Europe, while the Tánaiste has failed to support victims."

16. EU: [PNR: €70 million for swift implementation of travel surveillance and profiling infrastructure](#)

The European Commission is offering €70 million along with technical support to try to ensure the swift construction and interconnection of the infrastructure required to implement the EU Passenger Name Record (PNR) Directive, which mandates the surveillance and profiling of all air passengers in Europe by law enforcement authorities.

The Directive requires passenger data from all flights entering, leaving or travelling within the EU to be handed over from airlines to 'Passenger Information Units', run by national law enforcement authorities, so that it can be cross-checked against watchlists, databases and profiles for the purposes of "preventing, detecting, investigating and prosecuting terrorist offences or serious crime."

Comment (Chris Jones, Statewatch): An anti-democratic farce:

*"The Commission's recent staff working document highlights the questionable approach, in terms of democratic procedure, that some Member States have taken towards establishing their national PNR systems: **they "first started to build the technical infrastructure needed... and only later engaged in the legislative process."***

17. Court of Justice of the European Union (CJEU) RULES OUT BLANKET DATA RETENTION: [EU's highest court delivers blow to UK snoopers' charter - Indiscriminate collection of emails is illegal, court rules in response to challenge originally brought by David Davis](#) (Guardian, link):

"General and indiscriminate retention" of emails and electronic communications by governments is illegal, the EU's highest court has ruled, in a judgment that could trigger challenges against the UK's new Investigatory Powers Act – the so-called snoopers' charter.

Only targeted interception of traffic and location data in order to combat serious crime is justified, according to a long-awaited decision by the European court of justice (ECJ) in Luxembourg.

The finding came in response to a legal challenge initially brought by the Brexit secretary, David Davis, when he was a backbench MP, and Tom Watson, Labour's deputy leader, over the legality of GCHQ's bulk interception of call records and online messages."

18. UK: [Cardiff activist, Deborah, speaks out for the first time](#) (Police Spies out of Lives, link):

"Deborah' is bravely speaking out for the first time about the trauma she has suffered after having a relationship with Marco Jacobs, an undercover officer and the subsequent five year battle to find out the truth.

This week she gave a interview to [Channel Four News](#), about her experiences, and to the [Guardian](#) talking about the effects of the delays in her [legal action](#) against the police. She has also written her story down in the form of a statement for *Police Spies Out of Lives*, which we share below.

Deborah is one of three of the people involved in her case, she has requested anonymity; this has been upheld by the courts. 'Deborah' is a pseudonym."

And: [Helen Steel issues statement as former partner confirmed as undercover officer](#) (Police Spies out of Lives, link):

"Undercover Policing Inquiry has named John Dines as an undercover police officer and Helen Steel has issued a statement in response. It is contained here

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The Undercover Policing Inquiry has named John Dines as an undercover police officer the third officer confirmed in recent weeks. John Dines was the long term partner of Helen Steel, who until recently was suing the police, with seven other women who had been deceived into relationships with undercover officers.

It was Helen's search for John Barker, after he had disappeared from her life, which revealed he was John Dines, an undercover officer. This is only being confirmed by the Inquiry now. Despite settling her legal action with a comprehensive apology, the police have until now refused to admit that John Dines was an undercover officer, relying on their 'policy' of 'neither confirm nor deny'.

Helen Steels Statement: "While I welcome the official admission that my former partner John Dines was an undercover policeman in the Special Demonstration Squad, it is a travesty that the police have been allowed to take this long to confirm what I and others exposed years ago. Even after they issued a public apology for serious human rights abuses to myself and six other women who had been deceived into relationships with undercover policemen, the police still argued they could not confirm the identity of my abuser...."

19. **Landmark Judgment:** *Khlaifia and Others v. Italy*: European Court of Human Rights (ECHR): [Holding of irregular migrants on Lampedusa and on ships in Palermo harbour](#) (Press release, pdf):

"In today's Grand Chamber judgment¹ in the case of *Khlaifia and Others v. Italy* (application no. 16483/12) the European Court of Human Rights held, unanimously, that there had been:

- a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights;
- a violation of Article 5 § 2 (right to be informed promptly of the reasons for deprivation of liberty) of the Convention;
- a violation of Article 5 § 4 (right to a speedy decision on the lawfulness of detention);
- no violation of Article 3 (prohibition of inhuman or degrading treatment) as regards the conditions in the Lampedusa reception centre;
- no violation of Article 3 as regards the conditions on the ships in Palermo harbour; and
- by sixteen votes to one, that there had been no violation of Article 4 of Protocol No. 4 to the Convention (prohibition of collective expulsion of aliens);
- unanimously, that there had been a violation of Article 13 (right to an effective remedy) taken together with Article 3;
- by sixteen votes to one, that there had been no violation of Article 13 taken together with Article 4 of Protocol No. 4.

The case concerns the holding, in a reception centre on the island of Lampedusa then on ships in

Palermo harbour (Sicily), of irregular migrants who arrived in Italy in 2011 following the "Arab Spring" events in their country, and their subsequent removal to Tunisia."

See: [Full-text of judgment](#) (pdf)

And see: Statewatch Analysis: [ECtHR/Italy: Khlaifa judgment reveals illegal detention and collective expulsion practices in Italy's treatment of Tunisians in 2011](#) (pdf) by Yasha Maccanico.

20. EU: [Counter-terrorism: alerts for temporary detention to be added to the SIS?](#)

EU institutions, Member States and "various platforms and forums at the European level" are considering adding a new type of alert to the Schengen Information System (SIS) that would allow "preliminary and temporary holding or detention in the context of the fight against terrorism," in order to "provide a solution going beyond information collection in situations where there is a threat of terrorism."

See: NOTE from: Presidency to: Working Party for Schengen Matters (SIS/SIRENE): [Fight against terrorism: Article 36 alerts](#) (14651/16, LIMITE, 22 November 2016, pdf)

21. BREXIT: What will happen to police and security cooperation when the UK leaves the EU?

"Losing access to European police and justice databases after Brexit could undermine public safety and harm the government's ability to protect national security, a cross-party parliamentary committee has said.

Close cooperation with EU institutions such as Europol, Eurojust and the European Criminal Records Information System is "mission-critical for the UK's law enforcement agencies" in fighting terrorism and serious crime, according to the House of Lords EU home affairs sub-committee."

See: [Loss of EU security cooperation could make UK less safe, say peers](#) (The Guardian, link):

Full report: **House of Lords EU Home Affairs sub-committee: [Brexit: future EU-UK security and police co-operation](#)** (pdf):

"In other cases, and especially with regard to what are likely to emerge as the UK's top objectives in this area, there is either no precedent for the EU permitting access to its tools by non-EU or non-Schengen members, for example in relation to ECRIS or SIS II, or the precedents that do exist would not be sufficient to meet the UK's operational needs, for example in the case of third-country agreements with Europol."

And see: [May Needs Bespoke Brexit Deal to Keep Britain Safe, Lords Say](#) (Bloomberg, link)

DOCUMENTATION

1. EU: Council of the European Union: Proposal for: [Directive on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment](#) (LIMITE doc no: 15275016, 72 pages, pdf) The Council developing its position on the infamous "Legal Migration" proposal. With 152 Footnotes with Member States' positions.

*"Presidency compromise suggestions to be discussed at the meeting on 14 December are indicated in **bold** and the deleted text is marked with [...] ..."*

Based on the Commission's: [A strategy for smart, sustainable and inclusive growth](#) (COM 2020-10, pdf)

"Demographic ageing is accelerating. As the baby-boom generation retires, the EU's active population will start to shrink as from 2013/2014. The number of people aged over 60 is now increasing twice as fast as it did before 2007 – by about two million every year compared to one million previously. The combination of a smaller working population and a higher share of retired people will place additional strains on our welfare systems."

Put forward just after the "Returns Directive" which aims to remove resident "illegal" migrants and refugee from the EU. This proposal seeks in the face of an ageing population and smaller workforce to recruit skilled labour from the global south to maintain the EU's standards of living through:

*"A strategy for smart, sustainable and inclusive growth' sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and **better matching labour supply with demand. Measures to facilitate the admission of third-country national highly skilled workers have to be seen in that broader context...***

*in order to remain an attractive destination for talents and skills, **Europe must compete in the global race for talent. Strategies to maximise the opportunities of legal migration should therefore be developed, including the streamlining of existing rules.**"* [emphasis added]

2. EU: Council of the European Union: [EUNAVFOR, CJEU Turkey challenges and W Africa "matrix"](#)

• EUNAVFOR and the collection of personal data on the "high seas": [Council Decision amending Decision \(CFSP\) 2015/778 on a European Union military operation in the Southern Central Mediterranean \(EUNAVFOR MED operation SOPHIA\)](#) (LIMITE doc no: 14290-16, pdf): Covers:

*"the context of the fight against **trafficking in human beings** or the arms embargo.... **training of the Libyan Coast Guard and Navy**, and contributing to information sharing and the implementation of the United Nations (UN) arms embargo on the high seas off the coast of Libya.... to exchange information **with relevant third States and international organisations as necessary** to meet the operational needs of EUNAVFOR MED operation SOPHIA...."*

"EUNAVFOR MED operation SOPHIA may collect and store, in accordance with applicable law, personal data concerning persons taken on board ships participating in EUNAVFOR MED operation SOPHIA related to characteristics likely to assist in their identification, including fingerprints, as well as the following particulars, with the exclusion of other personal data: surname, maiden name, given names and any alias or assumed name; date and place of birth, nationality, sex, place of residence, profession and whereabouts; driving licenses, identification documents and passport data. It may transmit such data and data related to the vessels and equipment used by such persons to the relevant law enforcement authorities of Member States and/or to competent Union bodies..."

• EU-Turkey "deal": [Cases for annulment before the Court of European Justice](#) (CJEU: LIMITE doc no: 14355-16, pdf) The Council has been asked by the General Court of the CJEU to provide answers to the following questions:

*""The European Council, the Council of the European Union and the European Commission are requested to state whether the 'additional action points' referred to in the 'EU-Turkey Statement, 18 March 2016' can be regarded as reflecting **the existence of an oral/unwritten agreement or of a written agreement.***

*(a) if **there is a written agreement**, and without prejudice to Articles 103 and 105 of the Rules of Procedure of the General Court, the European Council, the Council of the European Union and/or the Commission are requested to send that agreement to the General Court;*

(b) in the absence of such an agreement, the European Council, the Council of the European Union and/or the Commission are requested to send to the General Court (and possibly to be sent for that

purpose) any document making it possible to determine the parties which agreed the 'additional action points' referred to in the 'EU-Turkey Statement, 18 March 2016'."

See: [EU-Turkey statement, 18 March 2016](#) (pdf)

- The "Fontanot Group": West African "matrix": [Management and maintenance of the matrix of technical assistance initiatives in West Africa](#) (LIMITE doc no: 15532-16, pdf):

"The informal Fontanot Group is a French-led initiative that focuses on the coordination and deconfliction of Member States capacity building efforts in West Africa and is also a forum for discussing future project activity¹. The group, consisting of representatives of the national departments for international relations from a number of Member States and third parties has been meeting informally twice a year or once a year since July 2008...

The current Policy Cycle 2014-2017 does not have the West Africa priority any more. Nevertheless, the informal Fontanot group keeps on developing its activities and meeting regularly (the last meeting took place in Dakar on 26 May 2016). One of the main tools to fulfil its objective continues to be the matrix, which has been regularly updated by the Council Secretariat.

In the light of the above, COSI Support Group agreed at its meeting on 12 December 2016 on assigning the maintenance and management of the matrix to the Fontanot group as of 1 January 2017, taking over this task from the General Secretariat of the Council. [emphasis in original]

See: [Decision in 2010](#) (pdf) giving the task to the General Secretariat of the Council.

3. EU: Council of the European Union: **Qualifications Directive and Firearms Directive "deal" (compromise)**

- Qualifications Directive: [Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons](#) (Limite doc no: 15261-16, pdf): Lots of Member State positions (51):

"The text of the proposal in Annex contains modifications suggested by the Presidency relating to Articles 1 and 3 to 12. Suggestions for modification are also made to certain recitals in relation to these Articles.

*Suggested modifications are indicated in **bold** and [...]. Comments made by delegations on the Commission proposal text, orally and in writing, appear in the footnotes of the Annex."*

- Firearms Directive Proposal for a: [Directive amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons \(First reading\) - Confirmation of the final compromise text with a view to agreement](#) (LIMITE doc no: 14974, pdf)

"Four trilogues and a number of technical meetings have been held since September. At the last trilogue on 5 December 2016, the Presidency and the EP Rapporteur reached an agreement on the text set out in Annex to this note."

4. EU: Council of the European Union: **Istanbul & Council of Europe Conventions: Women and domestic violence plus women and asylum**

- State of play: [Combatting Violence against Women and Girls - Istanbul Convention: the internal and external dimensions](#) (LIMITE doc no: 14631-16, pdf):

"the Council Presidency is submitting to delegations the annexed paper drafted in collaboration with the EEAS and containing, inter alia, the state of play on the EU's proposed accession to the Istanbul Convention and questions for discussion."

- CoE Convention: [Combating violence against women and domestic violence](#) (LIMITE doc no: 14756-REV-1-16, pdf): Redrafted proposal: "Changes compared to doc ST 14756/16 are highlighted: new text in **bold**, deletions as strikethrough."

And see: [Previous version](#) (LIMITE doc no: 14756-16, pdf)

- CoE Convention: Women and asylum: [Council Decision on signing of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to Articles 60 and 61 pertaining to Genderbased asylum claims and Non-refoulement](#) (LIMITE doc no: 14757-REV-1-16, pdf)

And see: [Previous version](#) (LIMITE doc no: 14757-16, pdf)

5. EU: Council of the European Union: [EU Justice and Home Affairs Agencies' cooperation in 2016 - Final report](#) (EU doc no 15579-16, 64 pages, pdf): Includes the Joint conclusions of the Heads of Justice and Home Affairs Agencies meeting on 14 November 2016, Vienna and pages 33-64 contain a detailed Annex:

"A key challenge in the fields of both migration and security is enabling the interoperability of large-scale IT systems and aligning the capabilities of technology with policy priorities, while remaining fundamental rights compliant. JHA Agencies, together with the Commission and other EU institutions, will take this forward in 2017.

Internal and external security issues of the EU are increasingly linked, with internal security strongly depending on countering and managing external security threats. Within their mandates, relevant JHA Agencies and the European External Action Service, along with other Commission services, will work together on cooperation with third countries - especially in the areas of migration, asylum, border management, and the prevention of terrorism and organised crime."

6. EU: Council of the European Union: [Manual on Law Enforcement Information Exchange](#) (LIMITE doc no: 11800-REV-1-16, 391 pages, pdf):

"The manual aims to inform and facilitate practical day-to-day cooperation between different Member States' authorities involved in police information exchange at both national and international level, to serve training purposes and ensure that better informed decisions will be made when it comes to seeking and exchanging information across borders.

The manual contains an overview of all EU systems, legal bases and instruments of information exchange available to the law enforcement authorities of the Member States. This way, the user is fully informed of the available options when it comes to deciding how to seek or provide information across borders."

7. European Parliament: "**Winter Package**" on security and defence, Cash Controls & Asylum Agency

- Study: [The 2016 "Winter Package" on European Security and Defence: Constitutional, Legal and Institutional Implications](#) (pdf):

"This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Constitutional Affairs of the European Parliament. It examines a series of constitutional, legal and institutional implications of the proposals

endorsed by the December 2016 European Council for the further development of the Common Security and Defence Policy in the framework of the current Treaties."

- Briefing: [Controls of cash movements](#) (pdf):

"In spite of a steady growth in non-cash payment methods, cash remains an important means of payment in daily life, mainly for payments of small amounts. Cash is, however, also widely used 'in the criminal economy and it remains the raw material of most criminal activity',² including money laundering and terrorist financing. As these criminal activities often have a global impact, there are various international bodies, such as the rules of the UN Security Council, the Financial Action Task Force (FATF) or the Council of Europe, which have put rules in place targeting money laundering and terrorist financing...."

See also: Proposed [Regulation on controls on cash entering or leaving the Union and repealing Regulation \(EC\) No 1889/2005](#) (COM 825, pdf)

- Report: [Proposal for a Regulation on the European Union Agency for Asylum](#) (pdf): The parliament's amendments to the Commission proposal.

8. EU: European Commission: **"SIS" Package**

[Security Union: Commission proposes to reinforce the Schengen Information System to better fight terrorism and cross-border crime](#) (Press release, pdf):

"Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, said: "With today's proposals, we extend the scope of the Schengen Information System to close information gaps and improve information exchange on terrorism, cross-border crime and irregular migration – contributing to a stronger control of our external borders and an effective and sustainable EU Security Union. In the future, no critical information should ever be lost on potential terrorist suspects or irregular migrants crossing our external borders."

- [Report on the evaluation of the second generation Schengen Information System \(SIS II\)](#) (COM 880, pdf)
- Proposed: [Regulation on the use of the Schengen Information System for the return of illegally staying thirdcountry nationals](#) (COM 881, pdf)
- Proposed: [Regulation on the establishment, operation and use of the Schengen Information System \(SIS\) in the field of border checks](#) (COM 882, pdf)
- Proposed: [Regulation on the establishment, operation and use of the Schengen Information System \(SIS\) in the field of police cooperation and judicial cooperation in criminal matters](#) (COM 883, pdf)
- [Technical and operational updates of the Schengen Information System – Questions & Answers](#) (pdf)

9. EU: European Commission: [Security Union: Regulation on the mutual recognition of freezing and confiscation orders – Questions and Answers](#) (pdf):

"The proposed Regulation will facilitate cross-border recovery of criminal assets and lead to more efficient freezing and confiscation of funds from illicit origin in the EU without cumbersome formalities. Recovered assets will be used for the compensation of victims, where national legislation allows it. It also provides additional funds to invest back into law enforcement activities or other crime prevention initiatives or it can be used for other public interest or social purposes."

And: [Security Union: Commission adopts stronger rules to fight terrorism financing](#) (Press release, pdf):

"Today, the European Commission has adopted a package of measures to strengthen the EU's capacity to fight the financing of terrorism and organised crime, delivering on the commitments made in the Action Plan against terrorist financing from February 2016. The proposals being presented by the Commission will complete and reinforce the EU's legal framework in the areas of money laundering, illicit cash flows and the freezing and confiscation of assets."

- Proposed [Regulation on the mutual recognition of freezing and confiscation orders](#) (COM 819/2, pdf)
- Proposed [Regulation on controls on cash entering or leaving the Union and repealing Regulation \(EC\) No 1889/2005 \(SWD\(2016\) 470](#) (COM 825, pdf)
- Proposed [Directive on countering money laundering by criminal law](#) (COM 826, pdf)

And see: [Third progress report towards an effective and genuine Security Union](#) (COM 831, pdf)

9. [EU-USA Justice & Home Affairs December meeting](#)

- *"for the EU collectively more data, more variety of data and more tempo were needed."*

EU and US Justice and Home Affairs Ministers met in Washington on 4-5 December 2016. The main points on the agenda were counter-terrorism, borders and migration and visa reciprocity.

See: [Outcome of the EU – US Justice and Home Affairs Ministerial Meeting, Washington, 4 – 5 December 2016](#) (LIMITE doc no: 15062-16, pdf)

10. European Commission: report on the "Partnership Framework on migration"

In June 2016 the EU introduced new "Partnership" Frameworks - largely directed at African states - who are expected to sign up to "return" and readmission deals or suffer "the consequences" by losing trade and aid.

- [Commission reports on first deliverables under the Partnership Framework on migration with third countries](#) (Press release, pdf):

"Concrete progress has been made under the Partnership Framework with third countries on migration, as presented in the second progress report today by the European Commission. The partnerships between the European Union and its Member States' and with the five priority countries, Ethiopia, Mali, Niger, Nigeria and Senegal have been deepened and further developed."

- [Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration](#) (COM 360, pdf)

- [Annex 1: High level visits and achievements](#) (pdf)

- [Annex 2: Progress in priority countries](#) (pdf)

See also: June 2016: [Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration \(COM\(2016\) 385 final\)](#)

11. EU: European Commission: [Dublin returns to Greece to start for new arrivals from 15 March 2017](#)

- [Commission reports on progress made under the European Agenda on Migration](#) (press release, pdf):

"The Commission is today reporting on progress made in the implementation of the EU-Turkey Statement and on the EU's relocation and resettlement schemes...

"The Commission therefore recommends that **transfers to Greece** should be resumed gradually, on the basis of individual assurances from the Greek authorities for each returnee, guaranteeing they will be received in dignity. In order to avoid that an unsustainable burden is placed on Greece, the resumption of transfers will not be applied retroactively and will **only concern asylum applicants who have entered Greece irregularly from 15 March 2017 onwards or for whom Greece is responsible from 15 March 2017 under other Dublin criteria.**" [emphasis added]

- [Eighth report on relocation and resettlement](#) (COM 791,pdf)
- [Annex 1: Greece: Relocations in EU](#) (pdf)
- [Annex 2: Italy: Relocations in EU](#) (pdf)
- [Annex 3: Resettlement](#) (pdf)
- [Turkey progress report](#) (COM 792, pdf)
- [State of play: Relocation and resettlement](#) (pdf)
- [Commission Recommendation of 8.12.2016 addressed to the Member States on the resumption of transfers to Greece under Regulation \(EU\) No. 604/2013](#) (pdf)

12. EU: Agreement between Council and Parliament on mandatory database checks for all at borders

- [Regulation amending Regulation \(EU\) 2016/399 as regards the reinforcement of checks against relevant databases at external borders](#) (pdf) including:

"verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the [...] Schengen Information System and other relevant Union [...] databases. [...] This is without prejudice to the consultation of national and Interpol databases.."

- [Letter from Council to Parliament](#) (pdf) The Civil Liberties Committee in the parliament is expected to adopt today (8 December)

13. EU: Council of the European Union: Policies in the making: [Exit-Entry System, EU Agency for Asylum & EURODAC and LEA access](#)

- EES: [Proposal for a Regulation amending Regulation \(EU\) No 2016/399 as regards the use of the Entry/Exit System - Preparation of further steps](#) (LIMITE-14700-16, 157 pages, pdf): Council developing its position prior to trilogue meeting with the European Parliament:

"a number of issues remains outstanding at this stage, including in particular:

- the calculation of the duration of stay in Member States not yet fully applying the Schengen acquis in full (Art. 3a);
- the conditions to grant access to the EES to law enforcement authorities (Chapter IV);
- the interaction between the EES and bilateral agreements (Art. 54) and
- the obligation/possibility of stamping travel documents in case of technical failure of the EES (Art. 19)"

"the new addition are highlighted in **bold/underline**. The changes already included in the previous version of the documents are highlighted in underline. Deletions of parts of the Commission proposals are marked as [...]."

- EU Agency for Asylum: [Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010](#) (LIMITE doc no 14855-16, 93 pages, pdf): 136 Footnotes and a number of Member State positions:

"The objective of the Union's policy on asylum is to develop and establish a Common European Asylum System (CEAS), consistent with the values and humanitarian tradition of the European Union and governed by the principle of solidarity and fair sharing of responsibility."

"Presidency compromise suggestions to be discussed at the meeting of JHA Counsellors on 1 December 2016 are indicated with **bold** and [...] as compared to the most recent version of the relevant provisions."

- EURODAC and LEA access: [Proposal for a Regulation on the establishment of 'Eurodac' for the comparison of fingerprints... and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes](#) (LIMITE doc no 14710, 94 pages, pdf): Including Member States' positions: And includes: It's OK to use coercion on vulnerable persons and minors "if permitted under national law":

"Third-country nationals or stateless persons who are deemed to be **vulnerable persons and minors should not be coerced into giving their fingerprints or facial image, except in duly justified circumstances that are permitted under national law....** [emphasis added]

Member States **shall** [...] introduce administrative sanctions **including the possibility to use means of coercion**, in accordance with their national law, for non-compliance with **providing biometric data...**"

"The changes in the text of the draft Regulation as compared to the Commission proposal are indicated in **bold** and deleted text is marked in [...], while amendments with regard to the latest text examined by the JHA Counsellors⁴ is indicated by underlining the insertion."

[Observatory on the Refugee crisis in the Med & in the EU – with daily updates](#)

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