



## News Online

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

<http://www.statewatch.org/news/Newsinbrief.htm>

#### **NEWS**

1. EU: Council of the European Union:

[Checks at external borders, Combatting terrorism, GAMB & Visa Code facilitation and readmission](#)

- [Draft Regulation of the European Parliament and of the Council amending Regulation No 562/2006 \(EC\) as regards the reinforcement of checks against relevant databases at external borders](#) (LIMITE doc no: 5208-15, pdf)

*"On entry and on exit, persons enjoying the right of free movement under Union law shall be subject to the following checks..."*

*Use of advanced passenger data for border control purposes A delegation, supported by certain other delegations, proposed to include provisions on the use of advance passenger data, available pursuant to Council Directive 2004/82/EC on the obligation of carriers to communicate passenger data, for the purpose of border control. The approach suggested would allow that certain checks could be carried out on the basis of such information received by the border control authorities in advance of the arrival to the border of the persons concerned, with the understanding that the result of the consultations would be verified at the border control..."*

- [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 - Compilation of replies](#) (LIMITE doc no: 5201-15, pdf) Detailed Member State positions:

*"Further to the invitation of the Presidency for written contributions concerning the proposal for a Directive on combating terrorism, which was extended at the meeting of the Working Party on Substantive Criminal Law on 7 and 8 January 2016, delegations will find in the annexes to this note a compilation of the replies provided by the Member States..."*

And: [COR 1](#) (pdf): **"Portugal also wants to express its discontent in relation to the working plan presented by the Presidency, which provide for seven (7) meetings on the negotiation of this draft proposal for the months of January and February of 2016, two of which in the Working Group DROIPEN and the remaining five (5) in the Friends of the Presidency format (Fop)."** [emphasis in original]

See: [EU to gold plate international anti-terrorism obligations with "urgent" new law](#) (Statewatch database) and Commission: [Proposal for a Directive on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism](#) (link)

- [High-Level Working Group on Asylum and Migration](#) (LIMITE doc no: 13426-15, pdf) including: GAMM UPDATE (19 October 2015 - Annex 17 pages). *"This document provides an updated overview of the main external migration dialogues and processes implemented in the framework of the EU Global Approach to Migration and Mobility (GAMM)."*

- [Connection between the facilitations set out in the Visa Code and readmission](#) (LIMITE doc no: 15507-15, pdf) Contains three options including:

*"Introduction of a recital which states that visa facilitation with third countries - beyond the rules provided for in the Visa Code - is reserved only for nationals of third countries that have concluded a readmission agreement."*

2. European Commission: [Commission Recommendation of 11.1.2016 for a voluntary humanitarian admission scheme with Turkey](#) (COM 9490-15, pdf)

*"When deciding on the number of persons to be admitted under the scheme the overall numbers of displaced persons staying in Turkey, including the impact on these numbers of the sustainable reduction of numbers of persons irregularly crossing the border from Turkey into the European Union should be taken into account, alongside the processing capacity of the UNHCR."*

3. [Policing with accountability or policing with impunity?](#) (IRR, link) by Liz Fekete:

*"Media stigmatisation of poor multicultural neighbourhoods of Europe as strongholds of Islamist terrorism and organised crime is lending legitimacy to a more coercive, more militarised style of policing...."*

*Across Europe, with its different policing traditions (Greece, Spain and Portugal, for instance, only emerged from dictatorship in the mid-1970s and elements of authoritarian policing linger on), squads that had by necessity to have specialist roles were not supposed to operate above or outside the law. But now something very different seems to be happening across Europe. There is a danger that we are sleepwalking into a more military-style of policing (in the first instance being tried on poor, multicultural communities) which affords an effective impunity for its officers far more serious and undermining of democracy, than anything we have hitherto known."*

4. EU: [The Discreet Charm of Passenger Data: Big Data Surveillance Coming Home](#) (PRIO, link):

*"Several governments see in the mass-surveillance of passenger data the key tool of counter-terrorism. These data are generally known as PNR – Passenger Name Records, and their potential for law enforcement has been discussed at least since the 1990s. Now European Union (EU) debates about the creation of a European PNR scheme seem settled once and for all. Others have already provided legal analyses of the measure to come. Here the goal is different: I aim to show how urgent it is to start researching the political dimensions of this security program right when all politics fade away."*

5. EU: **Bulgarian Passenger Name Record (PNR) law on the way**

*"Bulgaria's National Assembly approved on January 14 2016 the first reading of legislation that will empower the State Agency for National Security to be sent airline passenger data."*

*The change is in line with European efforts as part of the fight against terrorism, Bulgarian National Radio said.*

"...The bill specifies the objectives for which data can be processed – the prevention, detection, prosecution, prosecution of terrorism or other serious crimes data that is included in the passenger name record, **and for the purposes of border control.**" (emphasis added). Source: [Bulgarian MPs give first-reading approval to air passenger data being given to State Agency for National Security](#) (The Sofia Globe, link)

Border control is not covered by the EU PNR Directive. It would thus appear that Bulgaria is "gold-plating" its national implementing law. See: [final "compromise" text of the EU-PNR Directive](#) (14670/15, pdf)

Bulgaria previously received funding from the European Commission - prior to the passing of the EU Directive - to set up a national PNR system. See: [Travel surveillance: PNR by the back door](#) (Statewatch News Online, October 2014)

And: [The Discreet Charm of Passenger Data: Big Data Surveillance Coming Home](#) (PRIO, link): "I aim to show how urgent it is to start researching the political dimensions of this security program right when all politics fade away."

#### 6. UK: **ARMING THE POLICE: Metropolitan Police to get hundreds of extra armed officers**

*"The Metropolitan police is to increase the number of its armed officers by 600, with a third on standby to respond to a mass terrorist attack.*

*"The Met's commissioner, Sir Bernard Hogan-Howe, said the initiative was a direct response to the Paris attacks, in which 130 people were killed by gunmen and suicide bombs across the French capital."*

See: [Met police adds 600 armed officers in response to Paris attacks](#) (The Guardian, link) and: [Met police to train 600 armed officers to counter terrorism](#) (The Voice, link)

Meanwhile, an agreement has been reached between the Civil Nuclear Constabulary (CNC) and regular police forces:

*"Routinely armed police force the Civil Nuclear Constabulary (CNC) has entered into a collaboration with Home Office forces to provide firearms backup should chief constables request it.*

*The development comes after the force's second in command said an "armed surge capability" could be created to help protect the public in times of national emergency."*

[Police forces' collaboration agreement with routinely armed constabulary](#) (Police Oracle, account required)

And see an analysis of policing across Europe amidst the media stigmatisation of poor, multicultural neighbourhoods: [Policing with accountability or policing with impunity?](#) (Institute of Race Relations, link)

#### 7. EU: Council of the European Union: [Document digest: internal border controls, "common risk indicators" at the external borders, organised crime action plans, human trafficking report](#)

A selection of EU documents: Member States' replies to a questionnaire on the temporary reintroduction of border controls; Frontex's efforts with Europol to support the introduction of "common risk indicators" at the EU's external borders; an overview of Operational Action Plans (OAPs) on organised crime; and a report by Europol on human trafficking in the EU.

- NOTE from: the Presidency to: Delegations: [Summary of replies to the questionnaire regarding the temporary reintroduction of controls at internal borders](#) (LIMITE doc no: 14800/15, 1 December 2015)

- NOTE from: Frontex to: Standing Committee on Operational Cooperation on Internal Security (COSI): [Frontex support to the operationalisation and coordinated implementation of the Common Risk Indicators](#) (LIMITE doc no: 14425/15, 23 November 2015)
- NOTE from: General Secretariat of the Council to: JHA Counsellors/COSI Support Group and COSI: [Operational Action Plans 2016 related to the EU's priorities for the fight against serious and organised crime between 2014 and 2017](#) (LIMITE doc no: 14861/2/15 REV 2, 22 December 2015)
- NOTE from: Europol to: Delegations: [Situation report on trafficking in human beings in the EU](#) (15067/15, 8 December 2015)

8. EU: European Parliament study: [The context and legal elements of a Proposal for a Regulation on the Administrative Procedure of the European Union's institutions, bodies, offices and agencies](#) (pdf): *"This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the JURI Committee. It provides for an analysis of and comments on the proposal for a Regulation on EU administrative procedural law prepared by the project team supporting the Working Group on Administrative Law and endorsed by the latter Working Group. The purpose of this Regulation is fostering compliance with the general principles of EU law, reducing the fragmentation of applicable rules, improving transparency and allowing for simplification of Union legislation by establishing a concise basic set of procedural provisions common to multiple policies."*

9. [European Court rules bosses can monitor employees' private messages on WhatsApp and other messaging services](#) (Independent, link): *"Companies have the right to monitor their workers' online private messages, a court has ruled."*

*The European Court of Human Rights made the ruling on a case involving a Romanian engineer who was fired after using Yahoo Messenger not only to communicate with professional contacts, but also to send messages to his fiancée and brother."*

Recommended reading: [Is Workplace Privacy Dead? Comments on the Barbulescu judgment](#) (EU Law Analysis, link): *"When can an employer read an employee's e-mails or texts, or track her use of the Internet? It's an important question for both employers and employees. A judgment this week in Barbulescu v Romania addressed the issue, but unfortunately has been greeted by press headlines such as 'EU court allows employers to read all employee e-mails'. This is wrong on two counts: it's not a judgment of an EU court, but of the separate European Court of Human Rights; and the ruling does not allow employers to read all employee e-mails without limitation."*

ECHR: [Press release](#) (pdf) and Judgment: [CASE OF BĂRBULESCU v. ROMANIA \(Application no. 61496/08\)](#) (pdf)

10. EU: POLAND: [European Commission - Fact Sheet: College Orientation Debate on recent developments in Poland and the Rule of Law Framework: Questions & Answers](#) (link)

[EU commission puts Poland on the hook](#) (euobserver, link): *"The European Commission has triggered rule-of-law monitoring of Poland, in an unprecedented step, prompted by constitutional and media reforms. "We have decided that the commission will carry out a preliminary assessment under the rule-of-law framework," Frans Timmermans, the Dutch EU commissioner, who handles the dossier, said in Brussels on Wednesday (13 January), after internal talks. Timmermans used a softer tone than Ziobro (Photo: European Commission) It's the first time the commission has used the instrument, which is designed to prevent breaches of EU law and principles."*

11. U: Ombudsman's finding of maladministration by European Commission in failing to release documents concerning GCHQ: [Decision in case 2004/2013/PMC on the European Commission's handling of an access to documents request relating to the surveillance of the internet by UK intelligence services](#) (link):

*"The Ombudsman is not persuaded that the Commission has adequately justified its decision to refuse public access to the remaining undisclosed documents. As it has neither disclosed these*



documents nor provided adequate reasons for refusing public access to them, it is clear that the Commission has rejected the Ombudsman's recommendation in relation to these documents. Furthermore, the Ombudsman notes that the Commission appears not to have taken any action as regards its investigation since 2013. The Ombudsman finds, therefore, that the Commission's actions in this case amount to maladministration and, in fact, to serious maladministration given the importance of the particular issue for EU citizens."

12. EU-POLAND: [Leaked: Timmermans letter to Warsaw](#) (FT Brussels Blog, link): "For days, EU officials had been signaling they would only issue a strongly-worded *démarche* to Warsaw for its new laws that critics argue undermine democratic norms. But on Wednesday, the European Commission took the unexpected step of moving forward with a formal "rule-of-law procedure" to determine whether the two new laws – one dismissing the management of state TV and radio broadcasters, the other limiting the powers of the constitutional court – pose a "systemic threat" to European norms."

See: [Letter to Poland](#) (pdf)

13, PRESS RELEASE: [Special Branch Files Project website launches](#) on WEDNESDAY 13th JANUARY 2016

The [Special Branch Files Project](#) is a web archive of declassified files focusing on the surveillance of political activists and campaigners in the UK, going live on Wednesday 13th January 2016.

In the early years of the Freedom of Information Act, journalists obtained various Special Branch documents from the Metropolitan Police and the Home Office. Unfortunately this openness was short-lived. The authorities now routinely refuse to disclose Special Branch files, including information which they previously released....

Journalists and researchers who received these files in the past generously shared them with the Special Branch Files Project for publication so that they can be accessible to the public.

The documents reveal the intricate details recorded by Britain's secret police about a range of protest movements in this country; from those protesting against the [Vietnam War in 1968](#), to the [Anti-Apartheid Movement](#), [Campaign for Nuclear Disarmament](#) and the [Wapping industrial dispute of 1986-87](#). Other files relate to the [psychological support](#) available for undercover police officers infiltrating activist groups.

UK: [Files detailing police spying operations against protesters published online](#) (Guardian, link): "Files from Special Branch show intricate police surveillance of trade unionists and campaigners against nuclear weapons, war, and racism."

14, HUNGARY-ECHR: Press Release: [Hungarian legislation on secret anti-terrorist surveillance does not have sufficient safeguards against abuse](#) (pdf)

*"The case concerned Hungarian legislation on secret anti-terrorist surveillance introduced in 2011.*

*The Court accepted that it was a natural consequence of the forms taken by present-day terrorism that governments resort to cutting-edge technologies, including massive monitoring of communications, in pre-empting impending incidents.*

*However, the Court was not convinced that the legislation in question provided sufficient safeguards to avoid abuse. Notably, the scope of the measures could include virtually anyone in Hungary, with new technologies enabling the Government to intercept masses of data easily concerning even persons outside the original range of operation. Furthermore, the ordering of such measures was taking place entirely within the realm of the executive and without an assessment of whether interception of communications was strictly necessary and without any effective remedial measures, let alone judicial ones, being in place."*

and [Judgment](#) (pdf) See paras 68-89

Background: [Szabo and Vissy v. Hungary - No Secret Surveillance Without Judicial Warrant](#) (link)

15. FRANCE: [More than 11.000 Roma migrants forcefully evicted in France in 2015](#) (ERRC, link):

*"In total 11.128 people have been subjected to forced evictions in France in 111 living areas. More than the half of those living in slums have been forcibly evicted by the authorities during 2015 and in five of the cases people left their living place because of fire. The Ligue des droits de l'Homme and European Roma Rights Centre denounce an undignified, inhuman, and degrading situation regarding Roma migrants in France."*

16, EU: ["TOTAL TERRORISM SOLUTION" STUNS EUROPEAN PARLIAMENT - Hoax highlights failures of military, security approaches to terrorism](#) (Yes Lab, link): "Today in the European Parliament in Brussels, a "defense and security consultant" (actually Andy Bichlbaum of the Yes Men, working together with Greek MEP Stelios Kouloglou) presented an industrial solution to terrorism" which—unlike all other military and security solutions—is guaranteed to actually work"

See: [Total terrorism solution talk](#) (Yes Lab, link) and video: [Kouloglou & Yes Men - Anti-terrorism Hoax - EU Parliament](#) (YouTube, link)

17, EU: [TAXE: GUE/NGL member sues European Commission over document access](#) (link): "A [legal study](#) commissioned by GUE/NGL finds that the European Commission violated EU law when not disclosing documents, such as its minutes of the European Council's Code of Conduct Group on business taxation, and by imposing restrictions on MEPs' access to documents."

18. UK: Centre for Crime and Justice Studies: [Joint Enterprise report launch: Manchester & London 25, 26 Jan](#) (link):

*"The Centre will be launching a new research report, 'Dangerous associations: Joint enterprise, gangs and racism', written by experts from Manchester Metropolitan University, that raises serious concerns about the impact of Joint Enterprise prosecutions on Black, Asian and Minority ethnic communities. Focusing on Manchester, Nottingham and London, the report will reveal new findings that give strong grounds for concluding that black people are systematically discriminated against in joint enterprise prosecutions."*

19. ITALY-GREECE: [Thessaloniki court rejects Italian extradition request for Greek students](#) (ekathimerini.com, link):

*"A Thessaloniki appeals court has upheld an appeal by two Greek students against their extradition to Italy where they are alleged to have wreaked damage during the Expo 2015 protests."*

See: [European Arrest Warrant: Greek students face extradition to Italy on Fascist-era "destruction and looting" charges](#)

In early January a Greek court will decide whether or not to extradite to Italy five students who face charges including "destruction and looting" in relation to demonstrations against the Milan Expo in May 2015. It is believed to be the first time that European Arrest Warrants (EAWs) have been used to try to extradite protesters.

20. EU: European Data Protection Supervisor (EDPS): [Priorities 2016: Completing the Data Protection Framework](#) (pdf) and detailed: [Annex](#) (pdf)

*"The EU-US transatlantic dialogue, and in particular the need for a legal framework ensuring transborder flows of data in the "post-Safe Harbour" context, will be one of the main focus of the EDPS. Following the CJEU judgment in Schrems and the ensuing Commission Communication, the EDPS intends to provide comments on a Commission Implementing Decision for a new arrangement for transatlantic data transfers. We will also take position on proposals to be tabled by the*

Commission regarding a Commission Implementing Decision to replace Article 3 (on the limitation of powers of the DPA) of all existing adequacy decisions."

and see: [EDPS issues Guidelines on the use of eCommunications and Mobile Devices](#) (pdf)

21. UK: [Officer claims Met police improperly destroyed files on Green party peer](#) (Guardian, link):

"Whistleblower David Williams alleges his unit got rid of records to prevent Jenny Jones from discovering extent of its monitoring of her political activities. A police officer working for a secretive Scotland Yard intelligence unit that monitors thousands of political campaigners has alleged that police improperly destroyed files they had compiled on a Green party peer in a "highly irregular" cover-up.

Whistleblower Sgt David Williams said the unit got rid of the records to prevent Jenny Jones from discovering the extent of the police's monitoring of her political activities. Lady Jones is also deputy chair of the committee that supervises the Metropolitan police.

In a personal letter to Jones, which Williams said he had written as a last resort, the officer said: "I didn't become a police officer to monitor politicians or political parties, nor to pay casual disregard to policy and procedure."

22. UK: [G4S suspends workers at UK youth centre over allegations of unnecessary force](#) (Reuters, link):

"Global security company G4S said on Friday it had suspended seven members of staff over allegations of unnecessary force and improper language at a British training centre for young offenders.

The company, which runs the Medway Secure Training Centre in Rochester, Kent, on behalf of the government, said it had referred the allegations to British police, local authorities and the Ministry of Justice."

23. [Preventing the return of Europe's authoritarian right](#) (euobserver, link):

"The rule of law framework should be applied to Poland and it should have already been used in Hungary.

At heart, these new right-wing parties are not the robust pro-people forces they claim to be. They are afraid of the people and skew the system to make sure their positions become immune to democratic challenge. In short, they look much like the old authoritarian right.... Europe cannot look the other way when authoritarian rule is raising its head in a member state."

24. [Dutch government backs strong encryption, condemns backdoors](#) (DailyDot, link)

"The Netherlands government issued a strong statement on Monday against weakening encryption for the purposes of law enforcement and intelligence agencies.

The move comes as governments in the United Kingdom and China act to legally require companies to give them access to wide swaths of encrypted Internet traffic. U.S. lawmakers are also considering introducing similar legislation.

The Dutch executive cabinet endorsed "the importance of strong encryption for Internet security to support the protection of privacy for citizens, companies, the government, and the entire Dutch economy," "



25. Council of the European Union: [Outcome of proceedings of the EU - US Justice and Home Affairs Ministerial Meeting \(Washington, 13 November 2015\)](#) (LIMITE doc no: 14735, pdf):

*"the US expressed disappointment with the recent decision of the European Court of Justice ("Schrems ruling") as protection of privacy interests was a common goal for both parties and a strong priority of the Obama administration.... It expressed concern that the collateral consequences would be a limitation of US law enforcement on US soil..*

**The EU side also informed of its legal obligation to impose restrictions by April 2016, if the US did not lift its visa requirement for five EU Member States.**

*Europol made comments on increasing criminal activities in connection to the migration crisis, in particular migrant smuggling, but had not seen evidence on a systematic link to terrorism." [emphasis added]*

26. EU: Council of the European Union: **Counter-terrorism, Mutual evaluation and C-T information sharing**

- Amending the Framework Decision on terrorism: [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 - Comparison table](#) (LIMITE doc no: 15279-15, pdf):

*"delegations will find attached in the Annex a table outlining the new elements introduced by the Commission proposal compared to the existing EU rules in this area." (Column 2)*

- [Presidency's initiative for the improvement of the follow-up to the evaluation mechanism foreseen in Joint Action 97/827/JHA](#) (LIMITE doc no: 15538-15, pdf):

Member States agree to continue using an old legal instrument - a Joint Action adopted in June 1997 (under the Maastricht Treaty) which allows EU Member States to "mutually" evaluate each other without any reference to parliaments:

*"to mutually evaluate the application and implementation at national level of the European Union and other international instruments and undertakings in criminal matters as well as ensuing national law, policies and practices".*

and see: Member State responses: [Compilation of replies to the questionnaire](#) (LIMITE doc no: 13082-15, 72 pages, pdf)

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

27. [France quarrels over revoking citizenship of terrorists](#) (AP, link): *"The push by France's Socialist government to revoke the citizenship of convicted terrorists with dual nationality after the Paris attacks has turned into a harsh political dispute, with the far right applauding the move while some on the left express indignation at what they call a divisive measure.*

*French President Francois Hollande submitted the proposal three days after the Nov. 13 attacks in Paris that left 130 dead, in a shift toward a hard line on security. The idea appears to have strong support in French public opinion. Several polls over the past week suggest that 80 to 90 percent of the French are in favor of the measure.... Opponents of the measure consider it would create two classes of citizens — dual nationals who could lose their citizenship and others who cannot — in opposition to the principle of equality set out in France's constitution."*

See also: [Fury as Hollande calls to strip terrorist passports](#) (The Local.fr, link): "President Francois Hollande's call for convicted terrorists to lose their French citizenship if they have a second nationality has triggered uproar among those who see him adopting right-wing ideas that recall dark moments in France's history. Ever since the French Revolution in the late 1700s, "le droit du sol" ("the right of the soil") has been a fundamental principle, giving everyone born in the country the right to citizenship."

28. UK: [Most UK police forces have disproportionate number of white officers](#) (Guardian, link):

"Figures paint picture of police service in which people from ethnic minorities have less chance of jobs than white counterparts."

And see: [The racial gap in recruitment for every police force in the UK](#) (Guardian, link)

29. EU: LOTS OF MISSING DOCUMENTS: Schengen Information System (SIS II): Council of the European Union: [SIS II - 2014 Statistics](#) (7925-rev-2-15, pdf): A total of 981,211 blank documents are recorded as being stolen, lost or misappropriated - 615,112 from Italy, followed by Germany with 165,354 and then Greece with 109,170. See page 12.

"Alerts concerning issued documents such as passports, identity cards, driving licenses, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated are most prominent in the database, making up 77.81% of the total,"

30. UK: UNDERCOVER POLICING: **Undercovers arrested in 2005; Mark Kennedy in Northern Ireland; call for extension of Pitchford inquiry to Scotland; Bob Lambert resigns**

**Undercovers arrested in 2005: [Names of undercover police revealed, this scandal is worse than we thought](#)** (EXCLUSIVE: The Canary, link):

"Two undercover police officers were arrested in Scotland whilst posing as protesters during the G8 summit protests in 2005. The officers, who were part of the notorious Special Demonstration Squad (SDS) which infiltrated protest and social justice movements between 1968 and 2008, were among at least 5 undercover officers who went to Scotland to infiltrate the demonstrations."

**Call for extension of inquiry to Scotland: [Push to extend inquiry into police infiltration of campaigners to Scotland](#)** (The Guardian, link): "The Scottish government is pressing for a public inquiry into the undercover infiltration of political campaign groups to be broadened to examine covert operations in Scotland.

The Home Secretary, Theresa May, commissioned the judge-led inquiry but limited its remit to scrutinising operations in England and Wales." And see: [Scotland Asks to Join Inquiry](#) (Campaign Opposing Police Surveillance, link)

**Mark Kennedy in Northern Ireland: [Undercover officer Mark Kennedy 'monitored NI groups'](#)** (BBC News, link): "One of the undercover officers for whom Scotland Yard apologised for tricking women into sexual relationships carried out surveillance in Northern Ireland, say environmental campaigners."

**Bob Lambert resigns from St Andrews and London Metropolitan University: [Former undercover police officer Bob Lambert quits St Andrews University teaching post over outcry](#)** (Herald Scotland, link): "An academic at a leading Scottish university, exposed as a former undercover police officer who had sex with his female targets, has quit his post.

Bob Lambert, who also fathered a child with a woman he was spying on, has left St Andrews University and another higher education body amid an outcry about his past. "

31, Council of Europe: [Helping refugees in the Mediterranean: Greek association "Agkalia" awarded Raoul Wallenberg Prize](#) (pdf):

*"The jury of the Council of Europe Raoul Wallenberg Prize has awarded the 2016 Prize to Agkalia, a Greek association on the island of Lesbos, for outstanding achievements in providing frontline assistance to thousands of refugees irrespective of their origin and religion.*

*As Lesbos has become a European gateway for refugees, Agkalia has been providing temporary shelter, food, water and medical aid to people in need, assisting some 17,000 refugees and migrants since May 2015. Through its work to assist refugees, Agkalia also promotes tolerance and human rights"*

32. [US guards with guns to patrol British airports for the first time under controversial new plans being discussed by London and Washington](#) (Mail Online, link)

- US Department of Homeland Security wants to introduce the scheme
- It's a worldwide proposal, including including Heathrow and Manchester
- Policy makers hope it will reduce the risk of IS terrorists flying to America

See also: [UK may allow US security checks on passengers before transatlantic travel](#) (Guardian, link) and [Working Party on Frontiers/Mixed Committee \(EU-Iceland/Liechtenstein/Norway/Switzerland\) Subject: Summary of discussions](#) (LIMITE doc no:12034-14.pdf): which includes at Point 5:

*"Information provided by the NL delegation regarding the request of the US to introduce a border preclearance facility at the Schiphol airport."*

33. [Citizens Push Back Against Polish Ruling Party's Abuse of Power](#) (OSF, link)

*"When a ruling party consolidates control, it's legitimate cause for anxiety. This is what's happening right now in Poland, where the one-month-old government is taking steps to override democratic practices.*

*The elections on November 16 swept the national conservative Law and Justice Party (Prawo i Sprawiedliwosc, or PiS) into power with an absolute majority. It's the first time since 1989 that one party has held a majority in the parliament. The president—who also holds legislative powers—is a PiS affiliate as well."*

34. EU: DATA PROTECTION DIRECTIVE LEAs: Council of the European Union: **FINAL MULTI-COLUMN: [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) and [Consolidated text: DP: LEAs](#) (pdf)

35. EU: Council of the European Union: NEW DATA PROTECTION REGULATION: Full-text: [Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data \(General Data Protection Regulation\) \[first reading\] - Analysis of the final compromise text with a view to agreement](#) (LIMITE doc no: 15039-15,pdf):

*"Taking into account the overall balance of this compromise text, the Presidency invites the Permanent Representatives Committee to analyse the compromise text resulting from the final trilogue with a view to agreement."*

and DIRECTIVE on LEAs exchanging personal data - so-called "free movement": [Proposal for a Directive of the European Parliament and of the Council 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 - Analysis of the final compromise text with a view to agreement](#) (LIMITE doc no: 15174-15, pdf)

*"With a view to enabling the adoption of the political agreement on draft the Directive, the Presidency invites the Permanent Representatives Committee to analyse the compromise text resulting from the final trilogue, as it appears in the Annex, with a view to agreement."*

See: European Parliament: [Data protection package: Parliament and Council now close to a deal](#) (pdf)

36. EU: European Data Protection Supervisor (EDPS): [EDPS issues an alert on intrusive surveillance](#) (Press release, pdf) and [Opinion: full-text](#) (pdf)

*"Today, as the European Data Protection Supervisor (EDPS) published his Opinion on Intrusive surveillance technology, he said he was issuing an alert about the risks posed by the unregulated growing market for the selling, distribution and (dual) use of spyware.*

*Giovanni Buttarelli, EDPS, said: "As the unregulated market for the trading and use of covert monitoring technology continues to grow, the EU must not underestimate the appetite for such technology. By addressing weaknesses in existing legislation and policies as well as developing new legislation, the EU legislator can help protect against the very real threat posed to our privacy and data protection rights. The sale of these privacy-invasive dual-use tools and the offer of related services also needs to be more tightly regulated in the EU to prevent human rights abuses in Europe and further afield."*

And see: [The Growth Industry Helping Governments Hack Terrorists, Criminals—and Political Opponents](#) (link): *"Government agencies and oppressive regimes are snapping up software that makes it easy to hack your phone or computer. These new powers could make us all less safe."*

37. EU: Council of the European Union: [European Parliament's Right of inquiry: "profoundly problematic" say Council](#)

- [Proposal for a Regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry replacing the Decision of the European Parliament, the Council and the Commission of 19 April 1995 \(95/167/EC, Euratom, ECSC\) - Approval of a letter](#) (15173-15, pdf):

*"the Council set out many of the issues it **considers to be profoundly problematic** with regard to the EP proposal. **The Council is unanimous in its view that these issues are indeed of such gravity that they fall outside the scope of any negotiation.**"* [emphasis added]

The Council is referring to a Letter, dated 30 November 2015 from Ms Danuta Hubner, Chair of the AFCO (Committee on Constitutional Affairs in the European Parliament): [Proposal for a Regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry replacing the Decision of the European Parliament, the Council and the Commission of 19 April 1995 \(95/167/EC, Euratom, ECSC\)](#) (LIMITE doc no: 14802-15, pdf): Extraordinarily the Council has classified the Letter as "LIMITE", meaning that it is not publicly accessible:

*"Delegations will find attached a letter dated 30 November 2015 from Ms Danuta HÜBNER, Chair of the AFCO Committee in the European Parliament, addressed to Mr Nicolas SCHMIT, Minister of Labour Employment and the Social and Solidarity Economy, President in Office of the Council...."*

This document contains the "Second Working Document" dated 17.11.15 which in turns refers to an earlier [Working Document dated 9.1.15](#) (pdf).

The Committee's Working Documents are based on ensuring that the [Martin report](#) (dated 14.10.11, pdf) from the AFCO and its [Adoption: Proposal for a Regulation of the European Parliament on](#)

[the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission](#) (dated: 23 May 2012) The mandate to get the agreement of the Council and the Commission for a Regulation is in: [European Parliament legislative resolution of 16 April 2014](#).

This initiative to increase the scrutiny powers of the parliament run contrary to the direction on the "deal" done by the Presidents of the Council, the Commission and the European Parliament to introduce so-called "better lawmaking": [Proposal for an Interinstitutional Agreement on Better Regulation - Political agreement](#) (LIMITE doc no: 15007-15, pdf):

38. EU: Council of the European Union: [Smart Borders, C-T database access, and SOCTA methodology](#)

- [Smart Borders Package: Wrap-up of discussions](#) (LIMITE doc no: 15024-15, pdf):

*"The Presidency suggests that the Working Party on Frontiers invites the Commission to take duly into account the outcome of the pilot-project and the progress achieved on the access for law enforcement purposes to the EES, the consequences of the abolition of stamping, fall-back procedures and the organizational aspects of the RTP application process, in view of the ongoing preparations of the new legislative proposals concerning Smart Borders."*

See: [The consequences of the abolition of stamping](#) (LIMITE doc no: 12527-15, pdf): 85 pages with detailed responses by 18 Member States and: See: [EU: Smart borders: European Commission and Member States at odds over digitising passport stamps](#) (Statewatch News Online, July 2015)

Also Study: [How Smart Is "Smart Security"? Exploring Data Subjectivity and Resistance](#) (pdf):

*"Smart security does not necessarily contribute to a higher security level at airports. More fundamentally, the need for more security cannot just be stated but has to be discussed within the civil society. Risk-based passenger screenings are working through differentiation which inherently contains either positive or negative discrimination. Data-driven predictions must not be seen as objective knowledge but as results of a probabilistic process."*

- [Use of Schengen Information System \(SIS\) and INTERPOL Databases by EU MS to Counter Terrorism - Request for information](#) (LIMITE doc no: 13059-15,pdf): Questionnaire:

*"Member States are asked that full use is "made of the existing Schengen framework to reinforce and modernise external borders' control". The European Council agreed to proceed "without delay to systematic and coordinated checks on individuals enjoying the right of free movement against databases relevant to the fight against terrorism based on common risk indicators".*

- [Serious and Organised Crime Threat Assessment 2017 - Revised methodology](#) (LIMITE doc no: 14913-15,pdf) See Annex from Europol.

39. EU: Council of the European Union: [Better law-making "deal" and Programme of Trio of Council Presidencies](#)

- Law making "deal" between leaders of the Council, Commission and the European Parliament: [Proposal for an Interinstitutional Agreement on Better Regulation - Political agreement](#) (LIMITE doc no: 15007-15, pdf):

*"In the interinstitutional negotiations, the European Parliament has been represented by Mr Guy VERHOFSTADT (ALDE, BE), the Council by Minister Nicolas SCHMIT and the Commission by First Vice-President Frans TIMMERMANS... The agreement will be submitted to the Council for formal*



adoption following legal linguistic revision by the three institutions' experts. It will be signed after the completion of the internal procedures of each of the three institutions concerned."

- Trio of Council Presidencies: [The future Netherlands, Slovak and Maltese Presidencies: Taking forward the Strategic Agenda - 18 month programme of the Council \(1 January 2016 - 30 June 2017\)](#) (Doc no: 15258-15.pdf) For Justice and Home Affairs see pages: 17-20: Including:

- \* Evaluation of and possible amendments to the Dublin Regulation
- \* work on an EU relocation mechanism
- \* Further efforts to enhance resettlement opportunities
- \* Proposals for strengthening the role of the European Asylum Support Office
- \* Effectiveness of the Schengen area
- \* Proposal to amend the Asylum Procedure Directive (Directive 2013/32/EU) to strengthen Safe Country of Origin provisions
- \* Work related to irregular immigration, including return and readmission
- \* Migration Action Plan with Turkey
- \* Reinforcement of Frontex, including discussions over the development of a European Border and Coast Guard System

40. EU: Council of the European Union: [Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings - Preparation of discussions in Coreper](#) (LIMITE doc.no: 14888-15, pdf): 53 pages:

*"the Presidency intends sending this text to the meeting of Coreper on 10 December. Coreper will be invited to agree to submitting this text as an overall compromise text to the European Parliament in view of the 9th trilogue on 15 December 2015 (Strasbourg)".*

41. EU: G6 Justice and Home Affairs Minister: [Joint Statement after the G6 meeting with Interior Ministers in London](#) (Statement 10 December 2015, pdf)

*"continue and enhance cooperation within Europe and with the US on important initiatives, including passenger name records - welcoming political agreement on an EU Passenger Name Records Directive and the EU/US "Umbrella" agreement on data protection and privacy - as well as terrorist finance and further agreements to ensure effective data sharing in the interests of public security and protection; and enhance the security of the external border of the EU."*

The G6 states: Formally, the group is made up of France, Germany, Italy, Spain, Poland and the UK. They are also joined by representatives of the US.

See: 2014 meeting: [G6 meeting leads to renewed calls for travel surveillance](#) (Statewatch)

42. EU High Representative: [Letter to Minister for Foreign Affairs](#) (pdf):

*"Dear Colleagues, Ahead of our discussion at the Foreign Affairs Council on 14 December, I want to report on the work already done to set in place a coherent and effective EU external action to counter-terrorism (CT), and to suggest some priorities for further common engagement."*

As usual there is the involvement of EU Justice and Home Affairs agencies acting externally in an operational capacity:

*"the internal/external nexus: strengthening operational cooperation between the EU Member States and partner countries, mobilising more the JHA agencies (CEPOL, EUROPOL, FRONTEX, EUROJUST), including by posting of liaison officers/magistrates, and JHA tools, supporting the work of INTERPOL in the region to increase connectivity and the feeding and use of INTERPOL databases."*

**EU-UK-USA: NSA-GCHQ**

1. GERMANY-NSA: [Germany restarts joint intelligence surveillance with US](#) (DW, link):  
"Germany's BND intelligence agency is once again working with its US counterpart on Middle East surveillance. Collaboration had been suspended after it was revealed the US was spying on European officials and firms."

2. EU-USA: [Time to get serious about Europe's sabotage of US terror intelligence programs](#) (Washington Post, link): "The intelligence tools that protect us from terrorism are under attack, and from an unlikely quarter. Europe, which depends on America's intelligence reach to fend off terrorists, has embarked on a path that will sabotage some of our most important intelligence capabilities. This crisis has been a long time brewing, and up to now, the US has responded with a patchwork of stopgap half-solutions."

3. GCHQ-NSA: [NSA Helped British Spies Find Security Holes In Juniper Firewalls](#) (The Intercept, link):

"A TOP-SECRET [document](#) dated February 2011 reveals that British spy agency GCHQ, with the knowledge and apparent cooperation of the NSA, acquired the capability to covertly exploit security vulnerabilities in 13 different models of firewalls made by Juniper Networks, a leading provider of networking and Internet security gear."

4. UK: [Big Brother is born. And we find out 15 years too late to stop him - Elected MPs were deliberately misled by Brit spy agencies](#) (The Register, link):

"Exclusive The "Big Brother" comprehensive national database system feared by many MPs has been built behind their backs over the last decade, and even has a name for its most intrusive component: a central London national phone and internet tapping centre called [PRESTON](#).

PRESTON, which collects about four million intercepted phone calls a year, has also recently been used to plant malware on iPhones, according to disclosures by former NSA contractor Edward Snowden. The phones were then targeted for MI5 "implants" (malware), authorised by a ministerial warrant."

5. [The Secret Surveillance Catalogue](#) (The Intercept, link):

"Concerned about the militarization of law enforcement, a source within the intelligence community has provided The Intercept with a secret, internal U.S. government catalogue of dozens of cellphone surveillance devices used by the military and by intelligence agencies. Some of the devices are already in use by federal law enforcement and local police forces domestically, and civil liberties advocates believe others will eventually find their way into use inside the U.S. This product catalogue provides rare insight into the current spy capabilities of local law enforcement and offers a preview of the future of mass surveillance of mobile communications."

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