



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



23.02.09

Progress in Romania

COM (2009) 70 – Interim Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism

This is an interim report providing a technical update on significant developments having occurred during the last 6 months in Romania under the *Co-operation and Verification Mechanism* which was set up to help Romania remedy certain shortcomings in the areas of judicial reform and the fight against corruption and to monitor progress in these areas through periodical reports.

Progress in Bulgaria

COM (2009) 69 - Interim Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism

This is an interim report providing a technical update on significant developments having occurred during the last 6 months in Bulgaria under the *Co-operation and Verification Mechanism* which was set up to help Bulgaria remedy certain shortcomings in the areas of judicial reform, the fight against corruption and organised crime and to monitor progress in these areas through periodical reports.



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Short-stay visa waivers

[COM \(2009\) 55-1](#) - Proposal for a Council Decision on the signature and provisional application of the Agreement between the European Community and the Commonwealth of The Bahamas on the short-stay visa waiver

[COM \(2009\) 55-2](#) - Proposal for a Council Decision on the conclusion of the Agreement between the European Community and the Commonwealth of The Bahamas on the short-stay visa waiver

[COM \(2009\) 53-1](#) - Proposal for a Council Decision on the signature and provisional application of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver

[COM \(2009\) 53-2](#) - Proposal for a Council Decision on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver

[COM \(2009\) 52-1](#) - Proposal for a Council Decision on the signature and provisional application of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver

[COM \(2009\) 52-2](#) - Proposal for a Council Decision on the conclusion of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver

[COM \(2009\) 50-1](#) - Proposal for a Council Decision on the signature and provisional application of the Agreement between the European Community and Barbados on the short-stay visa waiver

[COM \(2009\) 50-2](#) - Proposal for a Council Decision on the conclusion of the Agreement between the European Community and Barbados on the short-stay visa waiver

[COM \(2009\) 49-1](#) - Council Decision on the signature and provisional application of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver

[COM \(2009\) 49-2](#) - Proposal for a Council Decision on the conclusion of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver



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[COM \(2009\) 48-1](#) - Proposal for a Council Decision on the signature and provisional application of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver

[COM \(2009\) 48-2](#) - Proposal for a Council Decision on the conclusion of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver

By virtue of Council Regulation (EC) No 1932/2006 the list of third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) has been amended - six third countries, namely Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis and the Seychelles have been moved from the negative to the positive list. The exemptions from the visa requirement for nationals of these countries should not come into force before a bilateral visa waiver agreement between the European Community and the countries in question has been concluded and entered into force.

The above documents are proposals for a Council Decision wherein the Council would designate the person(s) empowered to sign, on behalf of the European Community, the six bilateral agreements between the European Community and the six third countries, as well as proposals for a Council Decision that the agreement be concluded.

[Strategy for simplifying the regulatory environment](#)

[COM \(2009\) 17](#) – Commission Working Document Third progress report on the strategy for simplifying the regulatory environment

Over the years, the EU has developed a large body of legislation (the *acquis*). The Commission set out a firm commitment to review the *acquis*, ensuring the relevance, effectiveness and proportionality of the legislation in place. This third progress report on the strategy for simplifying the regulatory environment reviews the considerable ground covered since the launch of the strategy, highlights success stories and maps areas for future simplification action.

Since the launch of the strategy in 2005, some 1,300 acts, representing around 10 % of the *acquis*, have been proposed for removal from the EU statute book in an effort to make legislation more clear and understandable. The Commission points out however that simplification is a continuous process. A programme



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which started with a limited number of dispersed initiatives now covers all policy areas and is taking an increasingly sectoral approach. This means examining the entire body of legislation that affects a given policy area to identify overlaps, gaps, inconsistencies and excessive regulatory burdens. The aim is to assess the overall effectiveness of the regulatory framework sector by sector.

Negotiation and conclusion of bilateral agreements

COM (2008) 894 - Proposal for a Council Regulation establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, parental responsibility and maintenance obligations, and applicable law in matters relating to maintenance obligations

Apart from the Community law *acquis*, the field of civil justice is characterised by a number of bilateral agreements which Member States have concluded with third countries prior to the entry into force of the relevant provisions of the Amsterdam Treaty or prior to their accession to the European Community. Apart from pre-existing bilateral agreements, there may also be a need for the conclusion of new agreements with third countries governing areas of civil justice.

It is to be noted that the Community has acquired exclusive external competence to negotiate and conclude such international agreements with third countries. Nevertheless, this proposal represents an exception to this, in that Member States are still allowed to negotiate and conclude agreements covering jurisdiction, recognition and enforcement of judgments and decisions *in matrimonial matters, parental responsibility and maintenance obligations, and applicable law in matters relating to maintenance obligations* - **subject to prior notification**. The proposed Regulation lays down the specific procedure to be followed by a Member State wishing to negotiate such an agreement with third countries.

Negotiation and conclusion of bilateral agreements

COM (2008) 893 - Proposal for a Regulation of the European Parliament and of the Council establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering applicable law in contractual and non-contractual obligations



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This is identical to the above except that in this case the agreements to be concluded with third countries are those covering the applicable law in *contractual and non-contractual obligations*.

Critical Infrastructure Warning Information Network (CIWIN)

COM (2008) 676 - Proposal for a Council Decision on a Critical Infrastructure Warning Information Network (CIWIN)

The security and economy of the European Union as well as the well-being of its citizens depend on certain infrastructure and the services they provide. Any destruction or disruption of infrastructure providing key services, on one hand, and an inappropriate response to this kind of event, on the other, could entail loss of life, loss of property and a collapse of public confidence in the EU. Critical infrastructure in the European Union is currently subjected to a varying puzzle of protective measures and obligations, with no minimum standards being applied horizontally.

This Decision sets up a secure information, communication and alert system – Critical Infrastructure Warning Information Network (CIWIN) - with the aim of assisting Member States to exchange information on shared threats, vulnerabilities and appropriate measures and strategies to mitigate risks related to CIP (Critical Infrastructure Protection).

Convention on Choice-of-Court Agreements

COM (2008) 538 - Proposal for a Council Decision on the signing by the European Community of the Convention on Choice-of-Court Agreements

This document is a proposal by the Commission that the Council adopts the Decision to sign the Convention on Choice-of-Court Agreements. The Convention is designed to offer greater certainty and predictability for parties involved in business-to-business agreements and international litigation by creating an optional worldwide judicial alternative to the existing arbitration system. Conclusion of the Convention by the Community would reduce legal uncertainty for EU companies trading outside the EU by ensuring that choice-of-court agreements included in their international trading contracts were respected, and by ensuring that the judgements issued by the courts



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designated in such agreements would be eligible for recognition in the other Contracting Parties to the Convention.

European eJustice Strategy

COM (2008) 329 - Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee Towards a European eJustice Strategy

Since the Amsterdam Treaty entered into force, the European area of justice has become a reality. Demands for justice are increasing throughout Europe, adding to the workload of judicial systems and making it necessary to continuously adapt working methods in what are often difficult budgetary contexts. Placing information and communication technologies (ICT) at the service of judicial systems creates possible solutions by improving their functioning and contributing to a streamlining of procedures and reduction in costs.

"e-Justice" represents an initial response to the threefold need to improve access to justice, cooperation between legal authorities and the effectiveness of the justice system itself. In response to a request from the European Council and the European Parliament, this Communication proposes an e-Justice Strategy that aims to increase citizens' confidence in the European area of justice, a major source of legitimacy in a Union where the rule of law is one of the defining values.

Convention on jurisdiction and the recognition and enforcement of judgments

COM (2008) 116 - Proposal for a Council Decision concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

This document is a proposal by the Commission that the Council adopt the Decision to conclude, on behalf of the European Community, a Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to replace the Lugano Convention of 16 September 1988, which was concluded by the Member States of the European Communities and the EFTA countries¹. This is necessary in order for the Lugano Convention to

¹ These are the Republic of Iceland, the Kingdom of Norway, and the Swiss Confederation



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reflect the evolution of the "Brussels" regime.² The aim is to align the system of recognition and enforcement of judgments in order to achieve the same level of circulation of judgments with the EFTA States concerned.

Settlement of conflicts of jurisdiction in criminal proceedings
SN 5768/1/08 REV 1 - Proposal for a Council Framework Decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings

In the EU the criminal justice systems of the EU Member States are increasingly confronted with situations where several Member States have criminal jurisdiction to investigate and bring to trial the same facts relating to the commission of criminal offences. A situation where it is discovered that two Member States are conducting criminal proceedings for the same facts and against the same person might give rise to conflicts of jurisdiction.

The primary aim of this proposed Framework Decision is to establish the procedural framework under which national authorities will exchange information about ongoing criminal proceedings for specific facts in order to find out whether there are parallel ongoing proceedings for the same facts in other Member States and under which their national authorities are to enter into direct consultations in order to reach an agreement on the best placed jurisdiction.

² The Brussels regime refers to the 1968 Brussels Convention – a Convention on the same subject matter which was concluded between the EC Member States and later converted into a Regulation, which regulation modernised the rules of the Brussels Convention and the system of recognition and enforcement was made more swift and efficient.



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COUNCIL CONCLUSIONS

The following are some of the main results of the Council meeting on matters of Justice and Home Affairs which was held on the 27th and 28th November 2008¹:

On the basis of the report by the EU Counter-Terrorism Coordinator, Mr de Kerchove, the Council also set its priorities for combating terrorism. It also reviewed the work done on a proposal concerning the transfer and processing of airline passenger data (P_R - passenger name records) within the EU.

The Council also examined the implementation of the global approach to the question of migration and partnership with the countries of origin and of transit and stressed the importance of protecting the free movement of persons within the EU against misuse, generated inter alia by illegal immigration.

In addition, the Council invited the Member States to take in Iraqi refugees. This should be done on a voluntary basis and in the light of the reception capacities of the Member States and the overall efforts they have already made to accommodate refugees. The objective could be to accept up to around 10 000 refugees.

The Council also reached agreement on a framework decision on legal supervision of pre-trial procedures between the Member States of the EU, as well as reaching agreement on the modernisation of the legal cooperation network in civil and commercial matters. It adopted a report on the introduction of a common frame of reference for European contract law, an action plan on European e-Justice, and conclusions concerning child abduction alerts.

Moreover, the Council decided to abolish checks at the land borders between Switzerland and its EU neighbours on 12 December 2008. The abolition of air borders will be adopted on 29 March 2009, the date on which summer time begins.

The next Council meeting on matters of Justice and Home Affairs will be held on the 26th and 27th February 2009.



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REQUEST BY THE UNITED KINGDOM TO ACCEPT REGULATION 593/2008

On 17 June 2008, the European Parliament and the Council adopted Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I).

Pursuant to Article 1 of the Protocol on the position of the UK and Ireland, the UK did not participate in the adoption of the said Regulation. However, by virtue of Article 4 of the said Protocol, the UK *"may at any time after the adoption of a measure by the Council pursuant to Title IV of the Treaty establishing the European Community notify its intention to the Council and to the Commission that it wishes to accept that measure. In that case, the procedure provided for in Article 11(3) of the Treaty establishing the European Community shall apply mutatis mutandis"*.

By means of a letter dated 24 July 2008, received by the Commission on 30 July 2008, the UK notified the Commission that it wishes to accept Regulation 593/2008.

The procedure to be followed in such a case is that the Commission must give an opinion to the Council within three months of the date of receipt of that notification. Within four months of the date of receipt of that notification, the Commission must take a decision on it, and on such specific arrangements as it may deem necessary.

The Commission has accepted the request from the UK to accept the Regulation.

The Regulation should enter into force for the UK on the day of the notification to the