



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



24.04.09

COM (2009) 194 - Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation and Regulation (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide

The various Community financial instruments for external cooperation contain inconsistencies regarding the eligibility for Community financing of costs related to taxes, duties and other charges.

The Development Cooperation Instrument (DCI) and the European Instrument for Democracy and Human Rights (EIDHR) are the only ones not to provide for an exception to the principle of the non-eligibility of such costs for funding. The other instruments lay down that Community support may not be used to finance these costs in principle. They therefore allow for flexibility on a case-by-case basis and the authorising officer responsible may, where appropriate, decide to accept their being financed in the interests of proper implementation of programmes and projects. Such flexibility is essential for certain recurring situations where deadlock occurs because exemption mechanisms are absent or impractical (owing, for example, to the extreme complexity of procedures in the beneficiary country). In these situations, the rigid formulation of the DCI and EIDHR instruments may make the action financed by external aid extremely difficult, particularly in the context of EIDHR projects.

Therefore, the Commission is proposing an amendment to the DCI and EIDHR in order to align the relevant provisions of both these instruments on the other instruments.



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COM (2009) 187 - Proposal for a Council Regulation amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

Since 1999 the UN Security Council has applied sanctions, in particular the freezing of funds and economic resources, against the Taliban, Al Qaida and Mr Usama bin Laden. To that end, the UN established the UN Al Qaida and Taliban list of individuals and entities, which is binding under international law for all members of the UN, including all Member States of the European Union.

On 27 May 2002, the Council adopted Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban. It implements some elements of UN Security Council Resolutions 1267(1999) and 1390(2002) and in particular freezes the funds and economic resources of individuals and entities included in a list drawn up by the UN for this purpose. On 3 September 2008 the Court of Justice annulled Regulation (EC) No 881/2002, in so far as it concerned Mr Yassin Abdullah Kadi and Al Barakaat International Foundation. The Court of Justice held that the Community authority deciding to freeze the funds and economic resources of an individual or entity in accordance with Regulation (EC) No 881/2002 must communicate the grounds on which that decision is based to the individual or entity concerned, in order to observe the rights of defence, in particular the right to be heard, and the right to judicial review.

It is considered necessary to amend Regulation (EC) No 881/2002 to codify these new elements and to provide for a procedure respecting fundamental rights that will be followed as regards individuals and entities newly listed by the UN.

This proposal also comprises certain additional provisions, such as updating Article 2a of Regulation (EC) No 881/2002 to take account of paragraph 15 of UN Security Council Resolution 1735(2006) which extends the non-objection period that applies when Member States consult the UN on granting of exemptions for basic expenditure, to three working days. It also contains certain amendments of a technical nature, such as aligning the definition of freezing of funds and Article 11 on Community jurisdiction with the standard wording set out in the Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (Council document 15114/05 of 2 December 2005).



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[COM \(2009\) 181](#) – Commission Opinion on the request from the United Kingdom to accept Regulation (EC) No 4/2009 of the Council of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations

In December 2008 the Council adopted Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

Pursuant to Article 1 of the Protocol on the position of the United Kingdom and Ireland, the United Kingdom did not participate in the adoption of the said Regulation. However, by virtue of Article 4 of the said Protocol, the United Kingdom "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 above-mentioned Treaty is that the Commission must give an opinion to the Council on the matter.

In January 2009 the United Kingdom notified the Commission that it wishes to accept Regulation 4/2009. The document in question here is the Commission's opinion on the request made by the UK. The Commission is favourable to the request and is giving a positive opinion on the said participation.

[Compensation to crime victims](#)

[COM \(2009\) 170](#) – Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Directive 2004/80/EC relating to compensation to crime victims

Crime victims in the European Union are entitled to fair and appropriate compensation for the injuries they have suffered, regardless of where in the European Community the crime was committed. Council Directive 2004/80/EC relating to compensation to crime victims set up a system for cooperation to



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facilitate access to compensation to victims of crime in cross-border situations. The system operates on the basis of the Member State's schemes on compensation to victims of violent intentional crime, committed in their respective territories.

Article 19 of the Directive stipulates that the Commission is to present a report on the application of the Directive by 1 January 2009. This report complies with that obligation. It covers the period of 1 January 2006 to 31 December 2008.

The Commission's conclusions concerning the application of the Directive are the following:

- Concerning the national compensation schemes required by the Directive, it appears that Member States provide fair and appropriate compensation for victims of violent intentional crimes. In this regard, there seems to be a substantial degree of compliance across Member States.
- As far as the procedural aspects of the Directive for cross-border cases are concerned, Deciding and Assisting Authorities are broadly positive about the operation of the current system including Central Contact Points, the use of standard forms, languages and the use of communications technology. Claimants are, however, much less positive about the process than authorities. Many find the process of applying complicated and time-consuming and consider that language barriers – and communication in general – constitute a major obstacle in facilitating the victim application process.

The Commission makes a number of suggestions in its report for the improvement of the functioning of the Directive. It does not propose amendments to the Directive because of the short period and consequent limited practical experience on its application. The Commission concludes that it considers that the implementation can be improved on the basis of the current provisions. Furthermore, the Commission aims to use its powers under the Treaty to urge the Member States to complete the possible deficient measures.

Standing of victims in criminal proceedings

COM (2009) 166 - Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA)

Article 18 of Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings ("the Framework Decision") requires the



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Commission to draw up a report on the implementation measures taken by Member States. This report complies with that obligation.

The Commission's conclusion is that implementation of this Framework Decision is not satisfactory. The national legislation sent to the Commission contains numerous omissions. Moreover, it largely reflects existing practice prior to adoption of the Framework Decision. The aim of harmonising legislation in this field has not been achieved owing to the wide disparity in national laws. Many provisions have been implemented by way of non-binding guidelines, charters and recommendations. The Commission cannot assess whether these are adhered to in practice.

The Commission invites Member States to consider this Report and to take the opportunity to provide all further relevant information to the Commission and to the Council Secretariat, in order to fulfil their obligations under Article 18 of the Framework Decision. In addition, the Commission encourages those Member State that have indicated that they are preparing relevant legislation, to enact and submit these national measures as soon as possible.

Commission adopts new programme to fight terrorism and proliferation of weapons of mass destruction

The European Commission has adopted a new three year programme to fight terrorism, trafficking and proliferation of weapons of mass destruction. The 2009-2011 Indicative Programme for the Instrument for Stability includes the first global counter-terrorism measures developed by the Commission together with experts from EU Member States. Key priorities are Pakistan and Afghanistan as well as the Sahel region in Africa.

For more info [click here](#)

Over 500 planned terrorist attacks in EU in 2008

Europol (the European Union's law enforcement agency) statistics show 515 failed, foiled or successfully perpetrated terrorist attacks, which is 23 per cent less than in 2007. Thirteen member states arrested a total of 1009 individuals for terrorism.

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Two new tools in the area of integration: Completing the European framework for integration

The Commission has launched two new tools for stakeholders in the area of integration: the European Integration Forum and the European Website on Integration. These two tools are the last of the mechanisms to put in place in order to set up a Common European Framework on Integration. The other tools which together form this common framework are in particular regular meetings of the National Contact Points on Integration, the elaboration of Handbooks on Integration for Practitioners, annual reports on integration and a European Integration Fund providing financial support for integration measures in Member States.

The two new instruments will significantly improve the cooperation and exchange of information at the EU level in the field of integration. Both tools are concrete steps the Commission is taking in order to put into practice the Common Basic Principles on Integration, making integration a dynamic two-way process and helping mainstream and evaluate integration policies in Europe.

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