



Malta-EU Steering & Action Committee

## JUSTICE AND HOME AFFAIRS



05.06.09

**COM(2009) 255-1 - Proposal for a COUNCIL DECISION on the signing, on behalf of the Community, of the Arrangement between the European Community, of the one part, and the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union**

**COM (2009) 255-2 - Proposal for a COUNCIL DECISION on the conclusion, on behalf of the Community, of the Arrangement between the European Community, of the one part, and the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union**

Council Regulation (EC) No 2007/2004 establishes a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Article 21(3) of this Regulation provides for countries associated with the implementation, application and development of the Schengen *acquis* to participate in the Agency.

Given that the Swiss Confederation and the Principality of Liechtenstein are both associated with the implementation, application and development of the Schengen *acquis*, they can both participate in the Agency. Negotiations for this were held by the Community with Switzerland and Liechtenstein. They were finalised on 19 January 2009 and the draft Arrangement was initialled. This Arrangement establishes clear and unambiguous legally binding rights and obligations to ensure effective participation by Switzerland and Liechtenstein in the Agency. It deals with the following issues: the limited voting rights of representatives of Switzerland and Liechtenstein on the Management Board of the Agency, the financial contribution by Switzerland and Liechtenstein to the budget of the Agency, protection and confidentiality of data, the legal status of the Agency in Switzerland and Liechtenstein, the liability of the Agency,

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recognition by Switzerland and Liechtenstein of the jurisdiction of the Court of Justice of the European Communities over the Agency, privileges and immunities of the Agency and its staff and access for nationals of Switzerland and Liechtenstein to be engaged under contract by the Executive Director of the Agency.

In these proposals the Commission is proposing that the Council adopt the Decision for the conclusion of the Agreement and the Decision for the signature of the Agreement.

### **Europol High Level Experts' Meeting on Witness Protection**

The use and misuse of the internet plus the dangers and subsequent solutions in witness protection cases were the main topics for the 10th Europol Experts Meeting on Witness Protection, which was held in Sofia on 27th and 28th May.

During the two-day conference, experts on witness protection discussed the possible threat to protected witnesses whilst using the internet in a non-secure way. Other matters discussed were the possible solutions to this as well as a realistic harmonisation amongst the European Witness Protection Units. In addition, other important topics were on the agenda such as a standardised document for the relocation of witnesses in Europe.

The conference was attended by 100 experts from almost all of the European Member States. In addition, delegations from Albania, Australia, Bosnia Herzegovina, Canada, Croatia, Iceland, Moldova, Montenegro, Norway, Russia, Serbia, Switzerland and USA also attended the conference, as well as representatives from ICC (International Criminal Court) ICTY (International Criminal Tribunal for the former Yugoslavia) and UNODC (United Nations Office on Drugs and Crime). **Read more**

### **Counteraction to fraud schemes**

The Bulgarian Criminal Police General Directorate, in cooperation with the EU Commission and Europol, held a 3-day workshop in Sofia on advanced fraud schemes. The purpose of the workshop was to discuss the nature and scope of missing trader intra-community (MTIC) fraud and to exchange experiences and good practices between law enforcement officers and prosecutors. The participants came from Moldova, Bosnia and Herzegovina, Croatia, Ukraine and from EU member states Belgium, Bulgaria, Romania and the United Kingdom.

MTIC fraud, also often commonly referred to as VAT carousel fraud, is a sophisticated, concerted and calculated attack upon the VAT regimes of all European Union member states and is generally orchestrated by organised crime groups. The fraud schemes make use of structures which spread their activities over several member states at the same time in order to exploit the different particularities and weaknesses of the national tax administrations and to disguise the real links between the participants. [Read more](#)



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### Meeting on Justice, Freedom and Security between the Troika of the European Union and Ukraine

The Ministers of Justice and Home Affairs of Ukraine and the EU Troika met for the seventh time on 3 June 2009 in Luxembourg to discuss ways of further strengthening Ukraine-EU cooperation in the field of Justice, Freedom and Security.

The Ministers took stock of what has been done so far, noted the significant progress made in Ukraine-EU cooperation since the last meeting in May 2008, and discussed priorities for future common work in line with the revised Ukraine-EU Action Plan on Freedom, Security and Justice.

[Read more](#)

### COUNCIL CONCLUSIONS

A Council meeting of the Ministers of Justice and Home Affairs is currently being held in Luxembourg (4<sup>th</sup> – 5<sup>th</sup> June). The following are the main conclusions reached by the Ministers during yesterday's meeting:

- The Council adopted conclusions on the further direction of the Schengen Information System "SIS II".
- The Council and the governments of the member states adopted conclusions on the closure of the Guantanamo Bay detention centre.
- Ministers held discussions on asylum as well as on illegal immigration in the Mediterranean.
- The EU's counter-terrorism coordinator, Gilles de Kerchove, presented reports on the implementation of the EU strategy to combat terrorism.

Further details can be found [here](#)

Today the Ministers have discussed the following matters:

- Proposal for a Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography;
- International child abduction to countries that are not members of the Hague Convention;
- Practical application of the European Arrest Warrant and the relevant extradition procedures between Member States;
- Training of judges, prosecutors and judicial staff;
- Guidelines on the setting up of a common frame of reference for European contract law

Conclusions on these items will be available in the next update.