



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



27.02.09

Law Applicable to Maintenance Obligations

COM (2009) 81 - Proposal for a COUNCIL DECISION on the conclusion by the European Community of the Protocol on the Law Applicable to Maintenance Obligations

The proposal concerns the conclusion by the Community of the Protocol on the Law Applicable to Maintenance Obligations concluded on 23 November 2007 under the Hague Conference on Private International Law. The Protocol is designed to offer greater legal certainty and predictability to maintenance creditors and debtors. Since the vast majority of maintenance claims involve children, the Protocol is first and foremost a measure to protect children.

The objective of the Protocol is to improve legal certainty and predictability by creating common provisions on the law applicable to maintenance obligations. The main aim of harmonisation of applicable law rules is to enable creditors to act in full knowledge of the situation, without being subject to diverse national systems. The Protocol seeks to strike a balance between the rights of the maintenance creditor and of the debtor.

Fight against terrorism

SEC (2009) 225 – Commission Staff Working Document - Synthesis of the replies from the Member States to the Questionnaire on criminal law, administrative law/procedural law and fundamental rights in the fight against terrorism

In December 2007 the Commission sent a questionnaire to the authorities of the Member States. The questionnaire covered a series of issues which are central in the field of counterterrorism and fundamental rights such as the penalisation of conspiracy to commit terrorist acts in different European Union Member states;



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the way terrorist investigations are conducted and the use of court evidence from sensitive sources. All 27 Member States replied to the questionnaire. On this basis, the Commission prepared its synthesis which provides an overview on the way the investigations into terrorist crimes are conducted and how terrorist suspects are treated by national authorities. The document is available at http://ec.europa.eu/justice_home/doc_centre/terrorism/docs/sec_2009_225_en.pdf

The following are the Commission's observations:

Judging from the replies received, it appears that generally, legislative proposals in the field of terrorism do not receive any special treatment: standard scrutiny mechanisms prior to the adoption of new legislative measures apply.

Many Member States systematically carry out an assessment of the legislative proposals' compliance with fundamental rights, although most often as part of a wider constitutional or adequacy check. Some Member States undertake such explicit assessment if the proposal is considered to be significant in this respect.

Some Member States referred to the role of data protection supervisory authorities in the scrutiny of legislative proposals.

Certain Member States stressed the role of State bodies responsible for the protection or promotion of fundamental rights which are not specifically responsible for the scrutiny of legislative proposals. Some Member States do not carry out an assessment of legislative proposals in relation to human rights, or at least not explicitly.

JUDGEMENT OF THE EUROPEAN COURT OF JUSTICE

CASE 185/07 - Allianz SpA (formerly Riunione Adriatica di Sicurtà SpA) and Generali Assicurazioni Generali SpA v West Tankers Inc.

In this judgement the Court held that it is incompatible with Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters for a court of a Member State to make an order to restrain a person from commencing or continuing proceedings before the courts of another Member State on the ground that such proceedings would be contrary to an arbitration agreement.

[More info](#)



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COUNCIL CONCLUSIONS

A Council meeting on matters of Justice and Home Affairs is currently being held in Brussels (between the 26th and 27th February 2009). The main conclusions reached yesterday are the following:

The Council adopted conclusions on the second generation of the Schengen Information System "SIS II".

Ministers of interior discussed a new proposal for creating a European Asylum Support Office and the particular situation of illegal immigration in the Mediterranean region. They also exchanged information on the situation of Iraqi refugees.

Over lunch, ministers held an informal exchange of views on the situation in Guantanamo.