



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



06.07.09

The operational management of large-scale IT systems in the area of freedom, security and justice

COM (2009) 292 – Communication from the Commission Legislative package establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

COM (2009) 293 - Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

COM(2009) 294 - Proposal for a Council Decision conferring upon the Agency established by Regulation XX tasks regarding the operational management of SIS II and VIS in application of Title VI of the EU Treaty

The Commission is entrusted with the operational management of SIS II¹ and VIS² during a transitional period, and it is responsible for operating the Central Unit and ensuring the security of data transmission with regards to EURODAC³. However, it is not the Commission's core task to operate such large-scale IT systems. Hence, the need to establish a Management Authority in

¹ SIS II will replace the existing Schengen Information System (SIS 1+) in order to benefit from the developments in the field of information technology and to allow for the introduction of new functionalities. SIS II will ensure a high level of security within the European Union's area of freedom, security and justice, including maintenance of public security and public policy as well as safeguarding security in the territories of the Member States.

² The Visa Information System (VIS) will be the essential IT-based instrument for supporting implementation of the common visa policy and facilitating, inter alia, effective border control by enabling authorised national authorities to enter and update visa data, including biometric data, as well as to consult such data electronically.

³ EURODAC is an IT system for comparing the fingerprints of asylum seekers and illegal immigrants in order to facilitate the application of the Dublin II Regulation, which makes it possible to determine the Member State responsible for examining an asylum application.



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the long term; mainly to ensure continuity and operational management of the respective systems and the permanent flow of data.

Thus, the Commission is proposing that a new Regulatory Agency be established as it is the best option for carrying out the tasks of the 'Management Authority' for SIS II, VIS and EURODAC in the long term. In COM (2009) 292 the Commission is proposing a legislative package on this. The legislative package is made up of the following proposals:

(1) Regulation of the European Parliament and of the Council establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice **(COM (2009) 293)**; and

(2) Council Decision conferring upon the Agency established by Regulation XX tasks regarding the operational management of SIS II and VIS in application of Title VI of the EU Treaty **(COM (2009) 294)**.

Euro counterfeiting ring successfully dismantled

A major criminal organisation of 17 people, active since 2005 and responsible for the counterfeiting of Euros with a face value of more than €16 million distributed throughout the European Union, was disrupted by the Bulgarian and Spanish prosecution and police authorities, with the help of a Joint Investigation Team that included Eurojust and Europol.

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Obtaining residence permits

Last year the EU reviewed compliance with the 2004 directive on free movement and found that many national laws transposing the law were deeply flawed. Not one country had managed to transpose the EU law fully, effectively and accurately.

To curb sham marriages and other abuses of EU residence rights, some countries have set conditions on permits that have been found to violate EU law.

The Commission has published guidelines for better transposition and application of Directive 2004/38/EC on the right of EU citizens and their families to move and reside freely. The guidelines clarify the rights of EU citizens and their family members and offer assistance to Member States on the measures they can take to tackle criminality, abuse and marriages of convenience. The new guidelines assert that EU countries can require non-EU spouses to have a visa. But they also say national authorities must provide spouses with a visa. Union countries can investigate suspected sham marriages, but based on a well-defined set of criteria. And they should make sure they consider all the circumstances in each case.

People can be deported if they present a threat to the country's "fundamental interests." Free movement can also be restricted on the grounds of public security.

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Nigerian Organised Criminal Groups dismantled

The Italian Carabinieri supported by Europol have executed an arrest warrant issued by the judiciary authority of Ancona (Italy), upon the request of the local Anti-mafia District Attorney Office, against 30 suspects. The “Operation Black Leaves” focused mainly on Nigerian nationals, indicted for conspiracy to commit Trafficking in Human Beings (THB), induction to slavery, favouring and exploitation of prostitution and other crimes. Another arrest warrant was issued by the judicial authority of Rome against four other individuals indicted for conspiracy to commit illicit abortion.

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THE SWEDISH PRESIDENCY – its programme for a more secure and open Europe

The following are the Swedish Presidency’s goals in the area of Justice & Home Affairs:

1. *Citizens’ rights*

- It is important to begin negotiations on a **regulation concerning succession and wills**. The regulation will include rules on a European certificate of inheritance and on the national law that is applicable.
- A review of the **Brussels I Regulation** concerning jurisdiction and the recognition and enforcement of judgements in the area of civil law is also due to be undertaken.
- One important legal project concerns **e-Justice**, with the ambition of opening a European Internet portal by the end of the year. It will be possible to use the portal to search for information on legislation and judicial processes in the Member States.
- Cooperation within the EU in the **area of criminal law** - negotiations will take place in the second half of the year on **minimum rules on the right of a person suspected of a crime to interpretation and translation**. The Presidency will also work on issues concerning support and information for victims of crime, regardless of the EU Member State in which the crime was committed, and negotiate Council conclusions on a **coordinated strategy for support for victims of crime**.

2. *The fight against crime*

- The Presidency will present a proposal on a **strategy for the exchange of information**. A proposal will also be presented on making **accreditation of forensic laboratories** for DNA and fingerprint processing obligatory throughout the EU. The Presidency intends to work to ensure that the increased exchange of information is matched by mechanisms that handle information in a legally certain matter while safeguarding the privacy of the individual.



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- Sweden, in cooperation with other Member States, will take the initiative for a proposal on the **transfer of proceedings**, which means that a person suspected of a crime in one country can be brought to trial in another country.
- The Presidency will also work to develop the exchange of knowledge concerning crime and methods to prevent it, particularly the kind of crime that affects the daily lives of citizens. Initiatives will be taken to strengthen the **European Crime Prevention Network (EUCPN)**.
- Other important issues for the second half of this year include tightening EU regulation of **sexual exploitation of children and child pornography** (including 'grooming') and **combating human trafficking**. Furthermore, the EU is expected to adopt an action plan on cooperation with countries of origin and transit concerning trafficking in human beings. A ministerial conference on trafficking in human beings will be held in Brussels with representatives from all EU Member States, Russia, Ukraine, the Western Balkans and the USA.

The Presidency will continue the work of **EU cooperation against terrorism** on the basis of the action plans adopted in the EU.

3. Enhanced capacity to prevent and manage crises and disasters

The Presidency will pursue a safer EU by reducing the risk of crises and disasters and adapting its capacity to manage them. Efforts to increase the EU's capability and strengthen cooperation to prevent and manage major CBRN (chemical, biological, radiological and nuclear) incidents are part of the ambitions in the area of civil protection. The Presidency will discuss the Commission communication on **measures to prevent terrorism** in the area of CBRN. The objective is to agree on the way forward in this field.

4. A common asylum and migration policy

The EU has decided to introduce a common **asylum system** that is transparent and legally certain. The Presidency's ambition is to contribute to further harmonisation of the asylum legislation. In the second half of this year the draft directive aiming to create a more **uniform reception of asylum-seekers** in the EU will be renegotiated.

The positive effects of migration on development in the countries of both destination and origin and on the migrants themselves will be promoted in cooperation with third countries. This will take place within the framework of the **EU Global Approach to Migration**, under which partnership with third countries is an important tool in the implementation of these efforts.

The Presidency wants to help ensure the smooth introduction of the **Visa Information System (VIS)** in December 2009. The VIS will facilitate the examination of visa applications by introducing a fingerprint and photo requirement. A decision will be taken in 2009 on a common code on visas.



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5. *Integration strengthened through exchange of knowledge and experience*

Effective integration policy is needed to ensure the rights of the individual and realise the potential of migration. The Presidency intends to work to identify comparable indicators at European level to monitor the results of the integration policies.