



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



31.07.09

Agreement on the free movement of persons

COM(2009) 392 - Proposal for a Council Decision on the Community position to be taken as regards the Joint Committee decision authenticating the Agreement between the European Community and its Member States on the one part, and the Swiss Confederation on the other, on the free movement of persons in the Bulgarian and Romanian languages.

Prior to the 2004 and 2007 enlargements of the EU, the European Community had entered into an Agreement with the Swiss Confederation on the free movement of persons. This agreement entered into force on 1 June 2002.

Upon the accession of the ten new Member States in 2004, a Protocol was entered into between the European Community and its Member States with the Swiss Confederation which provided for the free movement of persons originating from the new accession countries. This Protocol entered into force on 1 April 2006.

Similarly, a Protocol was entered into following Bulgaria and Romania's accession to the European Union. Article 9, paragraph 2 of this Protocol authorizes the Joint Committee to approve the authentic texts of the Agreement, including all Annexes and Protocols thereto and the Final Act in the Bulgarian and Romanian languages. However, Annexes II and III to the Agreement have been modified repeatedly, as a result of which an authentication in Bulgarian and Romanian would not fully reflect the current state of affairs concerning these annexes.

By means of this proposal the Commission is proposing that the Council adopt the Decision on the Community position to be taken on the decision of the said Joint Committee which is that the Bulgarian and Romanian versions of the original Agreement and the Protocol which provided for the ten accession countries of 2004 be equally authentic; whereas the Bulgarian and Romanian language versions of Annexes II and III shall be established by a separate decision of the Joint Committee.



Malta-EU Steering & Action Committee

Local border traffic regime

COM(2009) 383 – Report from the Commission to the European Parliament and the Council on the implementation and functioning of the local border traffic regime introduced by Regulation (EC) No 1931/2006 of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States

Regulation 1931/2006 (the LBT Regulation) lays down rules on local border traffic at the external land borders of the Member States. This Regulation allows the Member States to derogate, for persons living in a border area, from the general rules on border checks laid down in the Schengen Borders Code, in order to prevent the creation of barriers to trade, social and cultural interchange or regional cooperation with neighbours. In implementing the local border traffic regime, the Member States may conclude bilateral agreements with neighbouring countries aimed at addressing specific needs in relation to their respective neighbours, as these needs vary because of different local, geographical, social and economic situations. These bilateral agreements should comply fully with the parameters set for local border traffic regimes by the LBT Regulation.

Under Article 18 of the LBT Regulation, the Commission is obliged to report to the European Parliament and the Council on the implementation and functioning of the local border traffic regime two years after the entry into force of the Regulation. The present report fulfils this obligation.

Only three bilateral local border traffic agreements have entered into force since the adoption of the LBT Regulation, between Hungary/Ukraine (since 11 January 2008), Slovakia/Ukraine (since 27 September 2008) and between Poland/Ukraine (since 1 July 2009). It is therefore difficult to draw practical conclusions based on such limited evidence, in particular as regards the total number of people benefiting from the regime, or to know whether the relevant facilitation measures or conditions have proved problematic. There were however no reports from the Member States that there was a wide misuse by owners of LBT permits or that the agreements raised some security risks for the Schengen area.

In principle, the Commission considers that this report comes too early to reconsider Regulation No 1931/2006 as regards the parameters set for the bilateral agreements. More comprehensive information will gradually become available as more and more agreements are implemented in practice. The Commission is ready to submit a new report on the implementation and functioning of the local border traffic regime to the European Parliament and the Council in the second half of 2010.



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Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

COM(2009) 373 – Proposal for a Council Decision on the conclusion by the European Community of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

This proposal concerns the conclusion by the European Community of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and the Protocol on the Law Applicable to Maintenance Obligations.

The objective of the Convention is to ensure the effective international recovery of child support and other forms of family maintenance. Since the vast majority of maintenance claims involve children, the Convention is first and foremost a measure to protect children.

The objective of the Convention is pursued by a combination of means including:

- a comprehensive system of cooperation between the authorities of the Contracting States in the processing of international applications;
- a requirement that Contracting States make available applications for establishment and modification of maintenance decisions;
- provisions which ensure effective access to cross-border maintenance procedures;
- a system for recognition and enforcement of maintenance decisions made in Contracting States;
- expedited and simplified procedures for recognition and enforcement; and
- a requirement of effective measures for prompt enforcement.

The Convention covers many practical matters that can affect the way international claims are pursued such as language requirements, standardised forms and exchange of information on national laws. It also encourages the use of new information technologies to cut costs and delays.

The whole Convention applies on a mandatory basis to child support cases. All the Chapters also apply to applications for the recognition and enforcement of spousal support when made in conjunction with a claim for child support. Other claims for the recognition and enforcement of spousal support come within the compulsory scope of the Convention, but do not benefit from the provisions of Chapters II and III, which establish the system of administrative cooperation via Central Authorities and which also contain provisions for assistance in child support cases.