

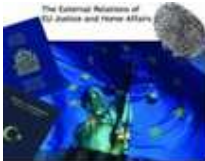


Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS

Sectoral Committee
Weekly Update
30.07.10

Contents



Right to information in criminal proceedings
COM (2010) 392 **Pg 2**



Information management
COM (2010) 385 **Pg 2**



EU Counter-Terrorism Policy
COM (2010) 386 **Pg 3**



Visa requirements for third-country nationals
COM (2010) 358 **Pg 4**





Malta-EU Steering & Action Committee

COM (2010) 392 - Proposal for a Directive .../.../EU of the European Parliament and of the Council: on the right to information in criminal proceedings

This proposal aims to set common minimum standards as regards the right to information in criminal proceedings throughout the EU. It seeks to improve the rights of suspects. Anyone arrested, or the subject of a European Arrest Warrant, will have to be informed in writing with a *Letter of Rights* listing their basic rights during criminal proceedings. The *Letter of Rights*, which should be drafted in simple, everyday language will be provided to the suspect upon arrest in all cases, whether he asks for it or not, and translated if necessary.

While EU countries are free to choose the exact wording of the Letter, the Commission proposal provides a model in Annex I. This will provide consistency for people crossing borders and limit translation costs.

The proposal is the second step in a series of measures in the Procedural Rights Roadmap, adopted in Council on 30 November 2009. Thus this proposal should be considered as part of a comprehensive package of legislation to be presented over the next few years which will provide a minimum set of procedural rights in criminal proceedings in the EU. The first measure, which involved giving suspects the right to translation and interpretation, has already been politically agreed between Parliament and Council. The next measures, planned by the Commission for 2011, will be a Directive on the right to have access to a lawyer; and on the right to communicate with relatives, employers and consular authorities.

Having common minimum standards in relation to these rights should facilitate the application of the principle of mutual recognition, thereby improving the functioning of judicial cooperation between Member States of the EU.

<http://register.consilium.europa.eu/pdf/en/10/st12/st12564.en10.pdf>

COM (2010) 385 – Communication from the Commission to the European Parliament and the Council: Overview of information management in the area of freedom, security and justice

This Communication presents, for the first time, a full overview of the EU-level measures in place, under implementation or consideration that regulate the collection, storage or cross border exchange of personal information for the purpose of law enforcement or migration management. Citizens have a right to know what personal data are processed and exchanged about them, by whom and for what purpose. This document provides a transparent answer to these questions. It clarifies the main purpose of these instruments, their structure, the types of personal data they cover, the list of authorities with access to such data and the provisions governing data protection and retention. In addition, it contains a limited number of examples illustrating how these instruments operate in practice. Finally, it sets out the core principles that should underpin the design and evaluation of information management instruments in the area of freedom, security and justice.

<http://register.consilium.europa.eu/pdf/en/10/st12/st12579.en10.pdf>



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COM (2010) 386 – Communication from the Commission to the European Parliament and the Council: The EU Counter-Terrorism Policy: main achievements and future challenges

This Communication takes stock of the main tools in place under the EU Counter-Terrorism Strategy. It outlines achievements and foreseen upcoming challenges in areas such as radicalisation, crisis management and response, as well as planned initiatives, and lays down the foundation for a broader Internal Security Strategy, which is planned for this autumn.

The Communication lists the existing measures to prevent, protect, pursue and respond to terrorist threats, underlining efforts to fight terrorist propaganda and recruitment, measures to avoid attacks with explosives, and prevention of chemical, biological and nuclear threats.

Some examples of the achievements and the challenges identified in the Communication include:

- An EU Action Plan of 50 concrete actions to minimise the risk of terrorist attacks with explosives. This was approved by the Council in April 2008. However, more work needs to be done in order to better protect people and infrastructure. Proposals are in the pipeline for improving EU-wide control of access to dangerous substances and for enhancing public transport security.
- An EU Civil Protection Mechanism which ensures a coordinated response to any crisis, including terrorist attacks, by using the capabilities of Member States. The Commission is now looking into ways of reinforcing rapid crisis coordination and cooperation.
- Cooperation with external partners, especially with the United States, will be further developed. EU agencies, in particular Europol and Eurojust, should continue to be closely involved in the cooperation with external partners in order to strengthen EU security.

http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=199551



Malta-EU Steering & Action Committee

COM (2010) 358 - Proposal for a Regulation of the European Parliament and the Council: amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement

Council Regulation No 539/2001 lists the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that.

The determination of those third countries or territories whose citizens are subject to the visa requirement, and those exempt from it, is governed by a considered, case-by-case assessment of a variety of criteria relating inter alia to illegal immigration, public policy and security, and to the European Union's external relations with third countries.

The Commission undertook a periodical review of the Regulation. The lists annexed to the Regulation were reassessed in the light of the relevant, above mentioned criteria defined in the Regulation. The review was aimed at ensuring that:

- the composition of the lists of third countries and territories complies with the criteria set out in recital 5 of the Regulation, in particular as regards the illegal immigration and public policy criteria and the external relations criterion, and transferring countries from one annex to another as appropriate;
- in accordance with Article 77 (2) (a) of the Treaty on the Functioning of the EU, the Regulation determines exhaustively whether a third-country or territory citizen is to be subject to or exempt from the visa requirement.

Following this review the Commission is proposing that this Regulation be adopted to amend Regulation 539/2001 so that Taiwan be moved to the positive list of the Regulation and the reference to the Northern Mariana Islands be deleted from Annex I. This will entail that the citizens of the Northern Mariana Islands, as US nationals, and those of Taiwan enjoy visa-free travel.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0358:FIN:EN:PDF>