



Malta-EU Steering & Action Committee

# JUSTICE AND HOME AFFAIRS



**13.03.09**

## **Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgements in civil or commercial matters**

**COM (2009) 101 - Proposal for a COUNCIL DECISION amending Decision 2006/325/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**

Pursuant to the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in Title IV of the EC Treaty, and as a consequence Community instruments adopted in the field of judicial cooperation in civil matters are not binding upon or applicable in Denmark. However, the application of certain Community instruments has been extended to Denmark by way of the international agreements between the European Community and Denmark concluded on the basis of Article 300 of the EC Treaty. The relevant international agreements are:

- (1) the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;
- (2) the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters.

These parallel agreements provide (in Article 5(2)) for the European Community's agreement to be given in cases where Denmark intends to enter into international agreements which may affect or alter the scope of Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of



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judgments in civil and commercial matters or Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents). Neither the Council Decisions on the conclusion of these parallel agreements nor the parallel agreements themselves stipulate how the Community should take a decision on such agreement. The objective of the proposal is to lay down the procedure for the implementation of Article 5(2) of both parallel agreements, by amending the Council Decisions on their conclusion.

### Schengen

#### **COM (2009) 91 - Proposal for a Regulation of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa**

In accordance with the current Schengen acquis, a third-country national holding a national long-stay visa ("D visa") for stays exceeding three months is allowed to stay only in the territory of the Member State which issued the visa and, pursuant to Article 18 of the Convention Implementing the Schengen Agreement (the Schengen Convention) as amended by Regulation 1091/2001 is allowed to transit through the territories of the other Member States only in order to reach the State which issued the visa.

Thus, according to present Community law, D visa holders are not allowed to travel to the other Member States during their stay and nor are they allowed to transit through the other States when returning to their country of origin, as this is not provided for by the Schengen Convention.

This proposal, which is linked to another proposal - **COM (2009) 90** – extends the principle of equivalence between a residence permit and short-stay visas to long-stay D visas; hence a long-stay visa would have the same effects as a residence permit as regards circulation in the Schengen area.

A third-country national holding a long-stay D visa issued by a Member State could travel to the other Member States for three months in any half year, under the same conditions as the holder of a residence permit. The rules regarding the issuance of long-stay visas remain unchanged as it was the case with the rules on the issuance of residence permits when the principle of equivalence between a residence permit and a short-stay visa was introduced.

This would restore the basic philosophy underlying the Schengen area without internal borders, i.e. that a person can travel around in the Schengen area for



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short stays for three months in any half year with the document on the basis of which he is legally present in a Member State.

### **Protecting citizens' rights on the internet**

***Governments, police, private companies and even criminals all want access to our personal data, and the internet stores endless details of our private lives that can be used - or abused. MEPs and experts debated the need to protect personal data at a Civil Liberties Committee hearing on 5 March.***

A report by Stavros Lambrinidis (PES, GR), adopted unanimously by the committee on 17 February, is the first recommendation by MEPs for reconciling the fight against cybercrime and the rights of surfers: freedom of association and expression, non-discrimination and other rights that can only be defended by EU legislation, as the internet knows no frontiers. The report, which will be put to the vote at the Strasbourg plenary session in late March, calls on the Member States and the Commission to bring forward proposals to define global standards for protecting data, security and freedom of expression.

### **COMMISSION REPORT: THE WORLD DRUGS PROBLEM – TEN YEARS ON**

***The European Commission has launched a report on the world's illicit drugs Markets since 1998. It shows that in the past decade drug policies across the world have developed, especially at national level, as efforts to help drug users have been stepped up and tougher policies adopted against drug traffickers.***

The study seeks to provide realistic estimates of the total size of the illicit drugs market in terms of annual revenues generated. The result shows that such overall estimates are very difficult to make, mostly due to a lack of reliable data on production, consumption and trade of drugs in much of the world. The report also provides insights into the economic fundamentals of the global illicit drugs market, with estimates of production costs and value added throughout the trafficking chain from initial production to final retail sale.



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