

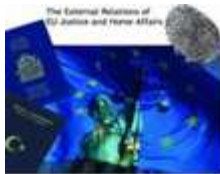


Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS

Sectoral Committee
Weekly Update
05.02.10

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Protection of Human Rights and Fundamental Freedoms

This week a seminar on the challenges and possibilities arising from the coming into force of the Treaty of Lisbon was organised in Madrid. Organised jointly with the Fundamental Rights Agency (FRA), the seminar brought together authorities, experts and academics to analyse the impact of joining the Convention and the incorporation of the European Charter of Fundamental Rights into EU primary law.

Francisco Caamaño, the Spanish Minister for Justice, said that although there are some complex practical issues, there are no legal impediments to joining: *“We are going to come across numerous technical problems and challenges, but where there is a will, there is a way”*. The Minister stressed that the subject is one of the Spanish Presidency's basic priorities, and said that Spain wishes to *“make as much progress as possible”* to ensure that the EU will soon become party to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms. Mr Caamaño said that he intends to present an initial report at the meeting of justice and interior affairs ministers of EU Member States planned for late February, which will shortly provide a mandate for negotiation.

The Secretary General of the Council of Europe, Thorbjorn Jagland, who was present at the seminar, emphasised the importance that the EU join the Convention and to give priority to primary law, adding that failure to do so may result in non EU countries, such as the Russian Federation, losing interest in being part of the Convention.

Sabine Leutheusser-Schnarrenberger, the German Minister for Justice, emphasised the importance of the existence of a European Commissioner for the defence of civil rights at a time when security measures may infringe on civil liberties and personal rights.

Protection of Personal Data – the EP's Civil Liberties Committee recommends rejecting the EU's interim agreement on banking data transfers to the USA via the SWIFT network

Having examined the proposed agreement, Ms Hennis-Plasschaert, the EP's rapporteur on this agreement argues that, in view of some of its arrangements for data transfer, the interim agreement violates the basic principles of data protection law, namely the principles of necessity and proportionality. She adds that the proposed agreement does not make data transfer requests subject to judicial authorisation nor to a time limit. The conditions for sharing data with third countries are not sufficiently well defined nor is the maximum period for which the data can be retained. Citizens' rights over their own personal data, notably rights of access, rectification, compensation and redress, are also not adequately defined.



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MEPs are demanding that the agreement should fully respect the rights of EU citizens with regard to personal data protection. They argued that the data should be gathered only for the purposes of fighting terrorism and the right balance must be struck between security measures and the protection of civil liberties.

The matter will be put to a plenary vote in Strasbourg on Thursday 11 February.

Read more:

http://www.europarl.europa.eu/news/expert/infopress_page/019-68324-032-02-06-902-20100201IPR68323-01-02-2010-2010-false/default_en.htm

Follow up on 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 maintenance¹

Jiří Maštálka, the European Parliament's rapporteur on this proposal, has prepared a report commending the proposal to the Committee. He also recommends a vote in favour of it given that "the Convention forms part of a fully-fledged and potentially worldwide legal framework dealing with family maintenance and child support". This report will be discussed in Parliament on the 11th February.

Consultation on the future EU - US international agreement on personal data protection and information sharing for law enforcement purposes

The aim of the consultation is to collect opinions with a view to the future EU-US international agreement on personal data protection and information sharing for law enforcement purposes.

To view the consultation document go to:

http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_0005_en.htm

Responses are to reach the Commission by the 12th March 2010 at:

email address: JLS-CONSULT-DP-AGRM@ec.europa.eu

or postal address:

European Commission,
Directorate-General for Justice, Freedom and Security
Unit A2 – External relations and enlargement
B - 1049 Brussels

¹ JHA Update 31st July 2009