



News

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NEWS

1. EU: **Libyan Coast Guard accused of causing "at least five deaths" in the Mediterranean**

"The violent and reckless behavior of Libyan Coast Guards has caused at least five deaths on the Central Mediterranean Sea this morning, as the crew of the Sea-Watch 3 was called to their first rescue mission by the Italian Maritime Rescue Coordination Center. A helicopter of the Italian Navy had to intervene to prevent more fatalities. 58 people are now safe aboard the Sea-Watch 3, despite all efforts, our medical team was not able to revive an infant in our clinic. The Libyan Coast Guards forced a few of the passengers on their vessel and took them back in direction Libya. By interfering in the rescue operation, the Libyans clearly violated international law: The incident took place at 30 nm off the coast, in international waters far outside of Libyan territorial waters. (...)

"Probably, nobody would have had to die today if only we had the possibility to operate reasonably in a calm environment. Instead of coordinating the rescue operation with the vessels present such as a ship of the French Navy, the Libyans tried to take as many people as possible back to Libya – and accepted the loss of several lives", says head of mission Johannes Bayer. "These deaths have to be blamed on the Libyan Coast Guards who have obstructed a safe rescue with their brutal behavior. The responsibility is on the side of the European Union, however, who trains and finances these

militias. They act in the EU's will. The European governments finally have to draw conclusions from this incident and stop the collaboration with the Libyan Coast Guards. The EU has to stop to rate migration control higher than human rights!"

See: [Breaking: Dramatic first rescue operation for Sea-Watch 3](#) (Sea-Watch, link)

2. [Perpetual war: UK's armed drones to stay deployed beyond campaign against ISIS](#) (Drone Wars UK, link):

"A Ministry of Defence press conference has revealed that as the war against ISIS ends, British Reaper drones are to stay deployed in the Middle East after other UK aircraft return home. As The Times reported

'Air Commodore Johnny Stringer, who led the British air campaign against the terrorist group until last month, said that drones and other surveillance aircraft would continue to fly over Iraq and Syria to help local forces guard against the militants returning.'

RAF Typhoon and Tornado's, currently based at RAF Akrotiri in Cyprus, will begin returning home "in the next six and probably even in the next four months or so," he stated."

3. GREECE: ["Welcome to Greece" - An interview with Olga Lafazani, coordinator of City Plaza](#) (Melting Pot Europa, link):

"Since April the 22nd 2016, the "Refugee Accommodation and Solidarity Space City Plaza" is an occupied hotel, managed by a group of activists and refugees, currently home to about 400 migrants. It is located nearby Victoria Square, a meeting place for migrants in Athens, which came to the attention of the news in March 2016 when the police evicted hundreds of people camped there, leaving them without accommodation.

During our stay in City Plaza, we had the opportunity to meet the activists who gave birth to the project and who are still directly involved in the daily life of the squat. Here is an interview with Olga Lafazani, from Athens, who has been working there with the organisation she is part of, since the first day of squatting. Her experience make up the evidence that it is possible to give life to such a project, also providing the chance to understand the ideas, the values and the strengths that characterise it and allow it to survive."

4. UK-ECHR: [Prisoner Voting and Power Struggle: a Never-Ending Story?](#) (Verfassungsblog, link) by Kanstantsin Dzehtsiarou:

"On 29 October 2017, it was announced that the UK authorities are planning to revoke the blanket ban on prisoner voting and allow those who are sentenced to under a year in prison to go home for a day and vote. This was done to ensure the compliance with the judgment of the European Court of Human Rights in the case of Hirst No 2 which was delivered in 2005. It took the UK government twelve years to come up with a proposal that would put English law in line with the case law of the European Court of Human Rights.

It is very unlikely that this suggestion will have any impact on voting patterns in the UK. Only 8% of the overall prison population in 2016 were inmates incarcerated for 1 year or less. Since, the overall prison population is about 85000, only about 7000 people will potentially become enfranchised as a result of this reform. With over 47 million registered voters this number is really negligible. The UK authorities waited for twelve year to formally comply with the judgment of the Court that does not change much in real terms. Even despite this, the proposed amendment has been severely criticised by the backbench MPs. So, the crust of this problem is not in the real impact of prisoner voting legislation on elections – it is in general Euroscepticism of the British political elites. Also, some MPs can use this opportunity to show that they are tough on crime. This rhetoric is also merely symbolic since that disenfranchisement has virtually no deterrent effect."

And see: [Prisoner voting changes 'will affect up to 100 inmates'](#) (BBC News, link)

5. UK: [The undercover policing of political protest](#) (CCJS, link) by Helen Mills:

"For decades, hundreds of police officers carried out secret operations against a wide range of political and trade union activists. They assumed fake identities and built relationships with campaigners to infiltrate social justice movements, and then reporting back to senior officers. (...)

This briefing, which foregrounds the voices of those subject to secret political policing, left me with a profoundly uncomfortable feeling about the nature of the country I grew up in and the contemporary democracy we all inhabit. Four decades of secret policing took place without anyone in a position of power or authority taking the view that there was something seriously wrong. The practice continues to this day.

Are we seeing the tips of two icebergs? First, the sheer size and scope of the undercover operations that have taken place, and the time it will take for the full story to emerge. Second, of a resistance by the police bureaucracy, including proven file shredding, to the transparency required for the inquiry to fulfil its purpose.

Those who argue there is a genuine rationale for such operations may begin to wonder whether it will prove possible to hold such activities to account. For others, this will demonstrate that the secret policing of political campaigners fundamentally compromises the democracy we share and as such should not take place at all."

6. UK: [Stafford Scott talks about Undercover Policing at House of Commons](#) (The Monitoring Group, link):

"It seems somewhat ironic that I happen to be speaking in the House of Commons on the very day the Cabinet Office's 'Race Disparity Audit report' has been released. Unfortunately, I have not yet had a chance to read the report. However, my understanding is the report will be looking specifically into the experiences of Black and Brown communities with regards to health, employment, housing, education and crime & policing.

I do not have to read the report to know the statistics and data contained within it will make for somber reading. The racial disparities that exist within the UK are still evident and clear. I fear the report will only serve to highlight this once again. It would appear that the specific experience of Black & Brown people living in the UK has been lost and buried. This is due to the amalgamation of Black and Brown peoples experiences with the generalised experiences of so-called BAME communities.

Similarly, as our experiences are silenced in wider society we, the Black & Brown participants who make up Group J (the Justice Campaigns) at the Under Cover Police Inquiry are again being marginalised within this very process."

7. [CPT returns to Hungary to assess the situation of foreign nationals detained under aliens legislation](#) (Council of Europe, link):

"A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc visit to Hungary from 20 to 26 October 2017.

The main objective of the visit was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation. To this end, the CPT's delegation visited the two transit zones at Röszke and Tompa situated at the border with Serbia, as well as the Csongrád County Border Police Division in Szeged (Moscow street) and the police detention facility at the border post at Röszke. On the Serbian side of the border, the delegation also held interviews with foreign nationals who had recently been escorted by border police officers to the other side of the Hungarian border fence."

8. SAHEL: [EU-backed 'G5 Sahel' security mission starts operations as Europeans hope to stem migration flows](#)

A multinational counter-terrorism force in the Sahel region of Africa is receiving significant financial backing from the EU and recently began operations in an attempt to "counter escalating Islamist insurgencies," with a view to also deal with irregular migration and human trafficking in the region.

9. UK: [The Angiolini Review: hope for families let down by the system](#) (IRR, link):

"Finally, an official report on deaths in police custody which places the experience and perspective of the bereaved families at its heart.

In 2015, the IRR published Dying for Justice, the result of an examination of over 500 cases of BAME deaths in custody which had led to only five prosecutions and not a single conviction of an officer or official, seriously undermining families and communities' faith in the police and the criminal justice system. It is heartening to see how closely the conclusions and recommendations of Dame Elish Angiolini's review into deaths in custody, published this week, correspond with our own concerns and findings.

Dame Elish's report is in some respects narrower than ours, covering as it does only deaths in police custody and not in prison or immigration detention, and in some respects it is wider, looking at all deaths, not just those of BAME individuals. She finds that a disproportionate number of people who died following police use of force were from BAME communities, and that such deaths, in particular of young Black men, resonate with the Black community's experience of systemic racism, reflecting wider concerns about discriminatory over-policing, stop and search, and criminalisation. She notes, too, the wider social and political context, which includes the stereotyping of young Black men as 'dangerous, violent and volatile', misinformation in the media about the deceased and their family, and the lack of real accountability on the part of the police."

See: [Report of the Independent Review of Deaths and Serious Incidents in Police Custody](#) (pdf)

10. CATALONIA: [Report about the incidents between the 1st and 4th of October 2017: patients attended to during the electoral and latter days as a consequence of the actions of state police bodies](#) (pdf)

During the electoral day of 1 October 2017, as a consequence of the charges by state police bodies, 991 people were attended to and assessed by professionals from SEM (Sistema d'Emergències Mèdiques), CAP (Centres d'Atenció Primària), PAC (Punts d'Atenció Continuada), CUAP (Centres d'Urgències d'Atenció Primària) and hospital centres. Of those, 214 were attended to by the SEM and 777 in health centres across 38 hospitals, 40 CAP and PAC, and 14 CUAP.

Unofficial translation by *Statewatch*. Original report available [here](#) (pdf, Spanish).

11. UK: HILLSBOROUGH: Home Office: ['The patronising disposition of unaccountable power' A report to ensure the pain and suffering of the Hillsborough families is not repeated The Right Reverend James Jones KBE](#) (pdf):

"In this report I do not pretend to speak for the families. But I have listened to what they have said to me. I urge you to help ensure that those responsible for our national institutions listen to what the experiences of the Hillsborough families say about how they should conduct themselves when faced by families bereaved by public tragedy. I want therefore to begin by inviting you to read these opening examples of what the Hillsborough families have said, in their own words.

'I was taken to the mortuary. This was cruel. This was my brother, who I knew inside out; who I had slept with. It was just through a window... I asked if I could go in and see him. There was a kerfuffle. They said no, he was the property of the coroner. I said "he is not, he is my mother's property".'

'Police officers visited my mum shortly after the disaster... They brought my dad's belongings in a bin liner and just tipped them on the floor. They said, "What was an old man doing going to a game like that?"'

And see: [Hillsborough report urges change of attitude in authority](#) (BBC News, link)

12. [French authorities illegally extend controls at Schengen's interior borders, associations file a claim before the State Council](#)

Press release - 31 October 2017: **Joint action**

"On 26 October 2017, Anafé, La Cimade and Gisti asked the judge for emergency interim procedures [juge des référés] of the State Council [Conseil d'Etat] to urgently suspend the authorities' decision to extend the controls at the internal borders until 30 April 2018.

The reintroduction of controls at the internal borders of the Schengen area, enacted by France since 13 November 2015, and then repeatedly extended due to the state of emergency, was meant to end on 31 October. However, the French authorities informed the European Union (EU) in a note sent on the past 3 October that they were counting on extending these systematic border checks -once again- by invoking as its only reason the "risk of a terrorist attack, which remains high in French territory".

While the state of emergency is meant to end on Wednesday 1 November, this decision, which contradicts the rules of the Schengen area which limit the possibility of conducting systematic checks at its internal borders to two years, seriously undermines the rights of people in a regime of freedom of movement."

13. European Commission: [Horizon 2020: Work Programme 2018-2020 - 14. Secure societies - Protecting freedom and security of Europe and its citizens](#) (pdf): Including:

"Possible synergies with defence research

Following up the EU Global Strategy in the security and defence area, the Commission adopted the European Defence Action Plan (EDAP)³ followed by a Communication on the establishment of a European Defence Fund with two windows to support collaborative defence research (research window) and defence capability development programmes (capability window)."

See: [Horizon 2020's final brainstorming act](#) (sciencebusiness.net, link): *"The final €30 billion EU Horizon 2020 work programme includes plans to jumpstart a number of new, potentially breakthrough fields, a lighter and more focused set of objectives, with some reordering of priorities toward sensitive security and migration fields, and a broader effort to attract foreign researchers and poorer member states. "*

And see Statewatch report: [Market Forces: the development of the EU security-industrial complex](#)

14. [Europe's quiet offensive against people helping refugees](#) (euractiv, link):

"Three years ago today (31 October), EU pressure on Italy forced the end of one the EU's most successful humanitarian mission, 'Mare Nostrum', a search-and-rescue operation that in just one year brought 130,000 refugees safely to Europe's shores. Ben Hayes and Frank Barat look back on three years since the end of Operation Mare Nostrum."

15. UK: [Deaths in custody: police urged to stop holding mentally ill in cells - Delayed report recommends broad reforms to police, justice system and health service in England and Wales to cut risk of death](#) (Guardian, link):

"Far-reaching reforms to the police, justice system and health service in England and Wales are needed to reduce the risk of people dying in custody, a long-delayed report has concluded.

The report, ordered by Theresa May in 2015 while she was home secretary, contains 110 recommendations for overhauling the way in which the police and health authorities deal with

vulnerable people, and how the police complaints watchdog investigates such incidents when they occur.(...)

The report by Dame Elish Angiolini QC says police vehicles and cells should not be used to transport or hold those detained under mental health powers, unless in exceptional cases. It also says the detention in police cells of those believed to have mental health issues should be phased out completely."

See: [Report of the Independent Review of Deaths and Serious Incidents in Police Custody](#) (pdf)

And the accompanying: [Deaths in police custody: A review of the international evidence](#) (pdf)

16. ITALY: [ECHR: Two findings of torture against Italy: Genoa G8 protest detainees and prisoners at Asti Correctional Facility](#)

Two separate judgments handed down by the European Court of Human Rights (ECHR) have found that Italian officials committed torture and that the authorities failed to investigate or punish the acts. One case concerns almost 60 people who were subject to torture, inhuman or degrading treatment at the hands of police and medical staff following the protests against the G8 summit in Genoa in 2001; the other concerns two prisoners who were placed in solitary confinement and beaten repeatedly by prison officers.

17. [How Europe exported its refugee crisis to north Africa](#) (The Guardian, link):

"Something happened to the deadly migrant trail into Europe in 2017. It dried up. Not completely, but palpably. In the high summer, peak time for traffic across the Mediterranean, numbers fell by as much as 70%.

This was no random occurrence. Even before the mass arrival of more than a million migrants and refugees into Europe in 2015, European policymakers had been desperately seeking solutions that would not just deal with those already here, but prevent more from coming.

From Berlin to Brussels it is clear: there cannot be an open-ended invitation to the miserable millions of Europe's southern and eastern periphery.

Instead, European leaders have sought to export the problem whence it came: principally north Africa."

See: [Libyan path to Europe turns into dead end for desperate migrants](#) (The Guardian, link)

18. Greece: [Committees at odds with Council of State over refugees' safety in Turkey](#) (ekathimerini.com, link):

"Hundreds of Syrian refugees face more uncertainty – albeit of a more positive nature – following two separate recent decisions by asylum appeals committees ruling that Turkey cannot be deemed a safe third country.

The decisions contradict a September ruling by the Council of State, Greece's highest administrative court, which found that refugees deported to Turkey under a deal with the European Union face no threat of torture, inhumane treatment or punishment. That ruling had been seen as paving the way for the deportation of at least 700 Syrians in Greece who had appealed the rejection of their requests for asylum in the EU."

19. [French police 'use beatings, tear gas and confiscation' against Calais refugees](#) (The Observer, link):

"Report from the [Refugee Rights Data Project](#) finds child refugees harassed and intimidated by police as well as local citizens.

Police violence towards refugees in Calais has intensified to "excessive and life-threatening" levels, according to a new report, and the overall situation for unaccompanied minors has deteriorated markedly, a year after the refugee camp there was razed.

The report by the Refugee Rights Data Project (RRDP) says French police tactics against the estimated 700 refugees at the port are alleged to have included driving unaccompanied girls to remote spots and abandoning them. Researchers used interpreters to interview 233 refugees, including 94 children as young as 12, and found repeated "disproportionate and indiscriminate" accounts of police brutality including beatings severe enough to break limbs."

20. [EU-Africa: The fight against smuggling comes of age: from deaths at sea to those in the desert](#)

Three questions: Barbara Spinelli MEP highlights the human cost of the fight against smugglers.

"Barbara Spinelli intervened during the EP's plenary session on the fight against illegal immigration and human trafficking in the Mediterranean, requested by the ENF group and submitted by Matteo Salvini, MEP for the Northern League."

21. IRELAND: [Irish Refugee and Migrant Coalition launch new policy paper](#) (NASC, link):

"The Irish Refugee and Migrant Coalition have released a new report entitled *Pathways to Protection and Inclusion, Ireland's role in global refugee protection and migration movements*.

The report sets out some of the major changes in the area of migration and asylum since 2016 from an International, European and Irish perspective. It also outlines a range of clear and pragmatic recommendations in order to ensure Ireland can respond responsibly and display solidarity with the regions and persons most affected by on-going conflicts and mass displacement.

The Irish Refugee and Migrant Coalition, of which Nasc is a member, is comprised of 23 leading Irish organisations working locally, nationally and internationally on migration and asylum issues. It seeks to advance the rights and dignity of people on the move and those in need of international protection."

See the report: [Pathways to Protection and Inclusion: Ireland's role in global refugee protection and migration movements](#) (pdf)

22. UK: [New terror laws 'would criminalise thought', watchdog warns](#) (BBC News, link):

"Ministers should not "criminalise thought" with plans to prosecute people who view extremist content online, the UK's terror watchdog has said.

Home Secretary Amber Rudd recently announced plans to increase jail terms for those found guilty to 15 years.

But Max Hill QC said "thought without action" was not terrorism and it would be "quite wrong" to create new laws which treat it as such."

See: [Chief constable warns against 'drift towards police state'](#) (The Guardian, August 2014, link) and the speech: [Tom Sargant Memorial Lecture for JUSTICE 24th October 2017 by the Independent Reviewer of Terrorism Legislation](#) (pdf)

23. USA [Taser Will Use Police Body Camera Videos "to Anticipate Criminal Activity"](#) (The Intercept, link):

"When civil liberties advocates discuss the dangers of new policing technologies, they often point to sci-fi films like "RoboCop" and "Minority Report" as cautionary tales. In "RoboCop," a massive corporation purchases Detroit's entire police department. After one of its officers gets fatally shot on duty, the company sees an opportunity to save on labor costs by reanimating the officer's body with sleek weapons, predictive analytics, facial recognition, and the ability to record and transmit live video.

Although intended as a grim allegory of the pitfalls of relying on untested, proprietary algorithms to make lethal force decisions, "RoboCop" has long been taken by corporations as a roadmap. And no company has been better poised than Taser International, the world's largest police body camera vendor, to turn the film's ironic vision into an earnest reality."

Body-worn cameras are now also widespread amongst UK police forces, although using a variety of different suppliers, Axon (formerly Taser) amongst them. See: [Smile you're on body worn camera Part II - Police](#) (Big Brother Watch, pdf)

24. [Calais: one year after 'the jungle'](#) (Exodus, link):

"The UK government let Calais children down by stopping the Dubs scheme before the children who should go to the UK were transferred. They took only 300. Many of the children who were in the 'jungle', at least 1000, are still in France, some have crossed 'illegally' and at least three have died trying. Many have disappeared and nobody knows where they are."

25. Greece **JOINT STATEMENT: [Open The Islands – no more dead from cold!](#)**

Solidarity groups and organisations call for urgent action as winter is coming for refugees in Greece

This [Joint Statement has now been signed by 114 groups](#) from across the EU, including Statewatch.

26. [Why does the UK Data Protection Bill exempt the 'risk profiling' industry?](#) (Open Democracy, link) by Ben Hayes and Ravi Naik:

"Anyone trying to open a bank account or send money overseas must undergo extensive risk assessment by private data-brokers, which amass non-credible data and falsely blacklist the wrong people on a speculative basis. (...)

the [bill](#) transposing the GDPR into UK law is complex and labyrinthine. As the GDPR must be applied by May next year, the government has set a tight legislative timetable for its passage, and the bill has already had its second reading in the Lords.(..)

World-Check and its numerous competitors would ostensibly be exempt from the core data protection provisions that apply to other data controllers."

See also: [Exclusive: Secret Blacklist Grows Even After Journalists Placed on 'Terror' List Are Paid Off](#) (Vice News, link)

27. Greece: [Refugees protest poor conditions in hot spot Moria, Lesbos, and VIAL, Chios](#) (Keep Talking Greece, link):

"Afghan refugees and migrants continued their protest also on Saturday after many of them spent the night outside the hot spot in Moria on the island of Lesbos. They demand better living conditions but also equal treatment in their asylum requests similar to those of Syrian refugees.

Afghan families holding their children by the hand marched from the hot spot Moria to the city of Mytilene to protest conditions and violence in the camp that hosts more than 5,000 people.

Police forces deployed in the north exit of Mytilene-Mantamathos highway did not allow the group to proceed to the city and especially to the market place.(...)

A member of the Moria management told athensnewsagency that the hygiene conditions in the camp are extremely poor, the water and sewage system is not sufficient for so many people. . "Moria was reportedly designed for 800 people but it hosts more than 5,476 people."

And [Lesvos Solidarity](#) report: After spending the night outside the gates of Moria in protest, around 100 Afghans arrived in Sapphos Square, Mytilini. Many families with children. They refuse to go back to the overcrowded Moria camp where they fear for their safety as tension increases.

People taking part in the protest describe sleeping in small tents in Moria with too many people. No heating. No mattresses. People, including small children, got injured from stones launched during latest fight.

Some families arrived recently in Lesvos "We were hoping to find safety and protection in Europe, but everything is the opposite". Others have been in Lesvos 16 months and up to 2 years, without a decision. They refuse to spend a second winter in these conditions. "Why are we still here?"

28. [Public and Private Eyes - Surveillance in the Digital Age](#) (Foreign Affairs, link):

"As Jeffreys-Jones details, surveillance is the prerogative not just of governments. It is something that was developed, relied on, and institutionalized by private actors as well."

29. [Returned and Lost: What Happens After Readmission to Turkey?](#) (link):

"Turkey was regarded as a safe (third) country for asylum seekers and refugees for the purposes of the EU-Turkey Statement. This designation was an outcome of a political decision rather than a policy based on evidence from the field. Existing structural problems in Turkey where the asylum and migration systems are still in their infancy and the absence of effective safeguards against the violation of human rights, partly as a result of alarming developments in the legal framework, should remind us that political will - such as in the EU-Turkey Statement - alone does not make a country a safe place for migrants and asylum seekers."

30. [Solidarity under attack](#) (Open Democracy, link):

"These measures [against NGO search and rescue operations] can be interpreted as an attack against solidarity and as an acceleration of the measures that criminalize pro-migrant solidarity in Italy and the EU. In this regard, we argue that there is a very close relationship between: approval of the new immigration bill and the implementation of the so-called 'Code of Conduct' for NGOs doing rescue operations in the Mediterranean. At the same time, the frequent and often violent evictions of migrant squats, buildings and encampments we are witnessing taking place in major cities such as Rome, Milan, Bologna, and the rising number of trials against pro-migrant activists facing persecution for their activities, reveal a concerted attempt on the part of the authorities in Italy and Europe to undermine forms of solidarity with and for migrants in civil society."

See: [Solidarity is not a crime: the Observatory of the Milan Charter is born](#) (Statewatch News)

31. [Developments in the Central Mediterranean over the past two years](#) (Alarmphone, link):

"Most sea crossings by refugees trying to reach Europe take place on the route between Libya and Italy. Refugees are forced to board overcrowded boats that are not suitable for use at sea, making this route the deadliest. Without the NGO search and rescue boats (SAR-NGOs), the number of deaths would be far higher, because the capacities of the official coast guards are insufficient.

Until recently, the Italian coast guard deliberately stayed away from the Libyan coast and EU forces of Frontex and the military operation EUNAVFOR Med focus their efforts exclusively on reducing the

number of crossings by fighting smugglers. There is no unified Libyan coast guard, only multiple, autonomous formations, of which some even operate as smugglers."

32. SPAIN: [Catalan referendum: police operation sought to "generate panic amongst the civil population"](#)

A report by Barcelona city council has denounced the police operation undertaken by the Policia Nacional and the Guardia Civil on 1 October that attempted to halt the vote on Catalan independence, saying it involved "generalised institutional violence" that was "indiscriminate", "disproportionate" and sought to "generate panic amongst the civil population".

33. EU: [The Transnational Far Right](#) (European International Tolerance Centre, link) by Rob May, PhD. Researcher for Teesside University's Centre for Fascist, Anti-Fascist and Post-Fascist Studies (CFAPS), UK:

"The transnational far right is currently flourishing. The unexpected election of the racist, nationalist and isolationist Donald Trump as president of the United States has galvanised far right groups across the world. In Europe, the rise of Trump combined with an increase in Jihadi Islamist terrorism and an influx of refugees escaping Middle Eastern war has led to a resurgence of far right activity. Politically, the far right has become mainstream in many countries, for example France, Germany and Austria, and far right themes (racism, xenophobia, anti-liberalism, nationalism and social conservatism, amongst others) are gaining traction with the European electorates at an alarming rate. Beyond the confines of the nation-state, moreover far right movements are also scoring victories and mobilising activists, as this report will emphasise."

34. GREECE: [Open The Islands - no more dead from the cold! Solidarity groups and organisations call for urgent action as winter is coming for refugees in Greece](#)

114 solidarity groups and organisations are calling for urgent action from the Greek local and national authorities to prevent more refugees from dying in the cold as winter sets in once again. They expect more groups and organisations to join them over the next days and weeks.

35. ITALY: [Solidarity is not a crime: the Observatory of the Milan Charter is born](#)

On 30 September 2017 around thirty activists, journalists, jurists, citizens acting in solidarity, members of NGOs and associations met in Milan to set up the Observatory which the 'Milan Charter: solidarity is not a crime' proposed in its document launched on 20 May 2017 during the demonstration 'Together without any walls', to safeguard the honour, freedom and rights of civil society in all its humanitarian expressions: when it saves lives at sea; when it protects and rescues people experiencing hardships at the borders; when it monitors respect for the principles of legality and equality; when it reports the failure to respect fundamental rights in procedures for administrative detention and forced removals; when it complies with the binding duty of solidarity which is a foundation of the Italian Constitution.

36. UK: [The Lammy Review: will it change outcomes in the criminal justice system?](#) (IRR News, link):

"Lee Bridges, Emeritus Professor, School of Law, University of Warwick, continues our examination of the Lammy Review.

Having already written on an allied subject – the 2011 riots - the Conservative government chose Labour MP David Lammy to head its inquiry into the treatment of black and ethnic minority (BAME) groups within the criminal justice system. But the government made sure the terms of reference specifically excluded the police from its remit, given the already well-known high levels of ethnic disproportionality arising from police stop and searches and arrests, which in part may explain why the Lammy Review is not as hard hitting as so many had hoped.(...)

Nor will changing the complexion of those working in the system necessarily alter its class base or bring about the radical changes in its structures, policies, processes and priorities that are required to tackle the ethnic disadvantages that it continues to perpetuate."

37. CoE: [Commissioner seeks clarifications over Italy's maritime operations in Libyan territorial waters](#) (link):

"addressed to Mr Marco Minniti, Minister of Interior of Italy, published today, the Commissioner requests information with regard to Italy's maritime operations in Libyan territorial waters aimed at managing migration flows.

Expressing appreciation for Italy's efforts in saving lives at sea and in receiving migrants arriving at its shores in the last years, the Commissioner underscores that, even when a state faces difficulties in coping with the influx of migrants, it still has the duty to protect and safeguard their human rights.

"The case law of the European Court of Human Rights is clear about this duty and I think it bears relevance for Italy's operations in Libyan territorial waters", writes the Commissioner."

See: [Letter to Italy](#) (pdf)

38. EU: [Reforming the 'Common European Asylum System': progress report](#)

The Presidency of the Council of the EU has published a useful note outlining the state of play with seven legislative proposals that were published by the Commission in 2016. These proposals are aimed at reforming the 'Common European Asylum System' (CEAS) and the EU's system for resettling refugees from non-EU countries.

The proposals in question are: "the recast of the Dublin Regulation and of the Eurodac Regulation, a proposal for a Regulation on the establishment of the European Union Agency for Asylum (EUAA), a proposal for a Regulation establishing a common [asylum] procedure in the EU, a proposal for a Qualification Regulation, the recast of the Reception Conditions Directive and a proposal for a Regulation establishing a Union Resettlement Framework."

39. UK: [Stop the Spy Cop Cover Up](#) (one small window, link):

"In recent years, laws curtailing civil liberties and sanctioning greater surveillance of British citizens and residents have been passed in the Houses of Parliament, making it an unusual venue for a meeting on the Undercover Police Inquiry, even though the inquiry core participants include a number of politicians.

A public meeting was hosted there by Naz Shah MP on Tuesday 10 October to discuss recent critical events in the trajectory of the inquiry, called for over three years ago. The inquiry should have completed its work and produced a report by now. Instead, not a single piece of evidence has been heard and allegations have come to light that a secret police unit concerned shred evidence weeks after the inquiry was ordered in 2014.

The focus of the meeting lay on the actions of the new inquiry chair: Sir John Mitting is a controversial figure with a long history of work in secret courts and protecting government interests. One of his first actions as chair was to publish a "minded to" note granting restriction orders on the disclosure of the cover and real names of a number of officers involved, on the grounds of protecting the privacy and rights of spies.

Attendees at the meeting passed a unanimous motion demanding Mitting's resignation. How and when Mitting's resignation will be formally demanded will be set out in the coming weeks. Neville Lawrence, father of teenager Stephen Lawrence whose racially-motivated murder led to the inquiry, stated "no one trusts him [Mitting]". A group of women coerced into relationships with undercover officers have already written to the Home Secretary to raise their concerns about his appointment."

40. [Council of the European Union adopts policy on "open data" - but will continue to keep a lot secret](#)

- Reuse is subject to: "*the obligation not to distort the original meaning or message of the documents.*" and the current rules to keep LIMITE documents secret will continue.

41. GREECE: [No Border Kitchen Lesvos: 28 REASONS FOR ARBITRARY DETENTION](#)

"The Greek government have recently introduced a way to arbitrarily detain even more people in Moria. They will expand their practice of detaining people with citizenships of countries with low asylum acceptance rates, undermining the already barely existent right to a fair asylum procedure even more than before."

42. SPAIN-MELLILA: [The immediate return to Morocco of sub-Saharan migrants who were attempting to enter Spanish territory in Melilla amounted to a collective expulsion of foreign nationals, in breach of the Convention](#) (Press release, pdf):

"the European Court of Human Rights held, unanimously, that there had been:

- a violation of Article 4 of Protocol No. 4 (prohibition of collective expulsions of aliens) to the European Convention on Human Rights, and

- a violation of Article 13 (right to an effective remedy) taken together with Article 4 of Protocol No. 4.

The case concerned the immediate return to Morocco of sub-Saharan migrants who had attempted on 13 August 2014 to enter Spanish territory illegally by scaling the barriers which surround the Melilla enclave on the North-African coast."

Judgment: [Affaire N.D. et N.T. c. Espagne](#) (French, pdf)

DOCUMENTATION

1. EU: [Migrant smuggling and trafficking as crimes against humanity: growing calls for crimes to be heard before International Criminal Court](#)

A recent editorial in *Der Spiegel* by two legal academics supports the call recently made by a UN Special Rapporteur for the International Criminal Court (ICC) to "consider investigation into atrocity crimes against refugees and migrants where there are reasonable grounds that such crimes have taken place and the jurisdictional requirements of the court have been met." This approach is also being pursued by the EU's military mission in the Mediterranean, Operation Sophia, which has sought contacts with the ICC and has produced a "non-paper" on the topic that was recently obtained by *Statewatch*.

See: [Non-Paper about Migrant Smuggling/Human Trafficking as a Crime against humanity](#) (pdf)

2. UK-EU: [Home Office: information on Justice and Home Affairs opt-in and Schengen opt-out protocols](#)

The UK Home Office has published three papers explaining the UK's opt-in to EU Justice and Home Affairs (JHA) measures and its opt-out on Schengen issues. These opt-ins and opt-outs were one of the ways in which the UK already had a 'special relationship' with the EU prior to the attempted renegotiations that took place before the Brexit referendum.

3. EU: European Data Protection Supervisor (EDPS): [Opinion: Regulation on eu-Lisa](#) (pdf)

4. [EU agencies and bodies act "out of area" under civilian crisis management role](#)

The role of Europol, European Border Coast Guard Agency and Eurogendfor is spelt out in the European External Action Service (EEAS): [Priorities for civilian crisis management](#) (LIMITE doc no: 13258-17, pdf): The Strategic framework includes:

*In May 2017, the Council underlined the need to enhance the contribution of civilian crisis management to the wider EU response to **current and future security challenges, including 'irregular migration, hybrid threats, cyber security, terrorism, radicalisation, organised crime, border management and maritime security.'** These key challenges for the EU are tackled by a mix of EU instruments, which could include CSDP." [emphasis added]*

Our readers may not be familiar with "Eurogendfor" which also acts "out of area": [Cooperation with the European Gendarmerie Force \(EUROGENDFOR\) under the Common Security and Defence Policy - Explanatory brief](#) (pdf) and see: [EU seeks more prominent international role for European para-military police force](#) (Statewatch database)

5. EU: Article 29 Working Party on data protection: [Opinion 03/2017 on Processing personal data in the context of Cooperative Intelligent Transport Systems \(C-ITS\)](#) (pdf):

"The document "Processing personal data in the context of C-ITS" drafted by the Data Protection and Privacy Working Group of the Cooperative Intelligent Transport Systems (CITS) platform was formally submitted to the Article 29 Working Party on 10 July 2017.

The C-ITS platform is an initiative of Directorate for Transport and Mobility of the European Commission, which started at the end of 2014 with the creation of specialized working groups, each addressing various aspects of C-ITS deployment, ranging from security, to technical standardization, to data protection."

6. European Ombudsman: [Reply from the European Commission to the Ombudsman's inquiry into complaint 811/2017/EA on whether the 'Group of Personalities' should be considered to be an expert group](#) (link):

See: [Commission reply](#) (pdf):

"On substance, the Commission remains of the opinion that neither the GoP (because of its clearly political orientation), nor the sherpa group (because it reported directly to the GoP) can qualify as a Commission expert group (or sub-group) and hence should not be included in the Register of expert groups. The documentation related to the GoP can thus not be made available via the Register of expert groups, but access to it can be requested through the usual procedures for requesting access to documents held by the Commission."

And: [Letter to the European Commission opening the Ombudsman's inquiry into complaint 811/2017/EA on whether the 'Group of Personalities' should be considered to be an expert group](#) (link)

7. European Parliament Briefing: [European Council Conclusions: A Rolling Check-List of Commitments to Date](#) (pdf) Useful summary/source. The European Council (Heads of State) is not be confused with the Council of the European Union (EU Member States).

8. EU: Council of the European Union: [JHA Roadmap on interoperability: Agencies get moving](#)

"Where necessary, change national practice to ensure that both law enforcement authorities and security services can insert alerts in the SIS directly without interference of judicial authorities."

The Council Presidency has produced an updated version of: [Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and](#)

[Home Affairs area: Update following Council Conclusions on interoperability](#) (LIMITE doc no: 1223-ADD-1-17, pdf).

It builds on the [report of the High Level Working Group on interoperability](#) together with the response of the Council and Commission to its recommendations: [EU wastes no time welcoming prospect of Big Brother databases](#) (Statewatch News)

9. RABAT PROCESS: Common Position of the African Civil Society Organizations as presented at the Senior Officials Meeting of the Rabat Process in Accra on 24 October 2017. [Rabat Process: Senior Officials' Meeting – African CSOs Common Position](#) (English) and in [French](#) (pdf)

"This statement follows the consultation launched by the West African Observatory on Migrations, prior to the Senior Officials Meeting of the Rabat Process, with associations, networks, unions and religious organizations working on migration in Central, West and North Africa. Its content responds to the positions and recommendations expressed by these organizations."

10. EU: European Commission: [Security Union: Commission welcomes adoption of Entry/Exit System for stronger and smarter EU borders](#) (pdf): The measure was adopted by the European Parliament yesterday. The final text will now have to be adopted by the Council:

*"The Entry/Exit System will modernise external border management by improving the quality and efficiency of controls as well as the detection of document and identity fraud. The system will apply to all non-EU nationals who are admitted for a short stay into the Schengen area (maximum 90 days in any 180-day period). **The system will register the name, type of travel document and biometrics and the date and place of entry and exit.** This will facilitate the border crossing of good faith travellers, detect overstayers (individuals remaining in the Schengen area after the end of their authorised stay) and support the identification of undocumented persons in the Schengen area. The Entry/Exit System will also record refusals of entry.(...)"*

The Entry/Exit System will also close an important information gap and will contribute to achieving full interoperability of EU information systems by 2020, in full respect of fundamental rights and data protection rules. [emphasis added]

See also: [Factsheet on interoperability](#) (pdf) And: [EU to implement border fingerprint checks similar to United States](#) (DW, link): "The EU will soon establish a database of fingerprints and other biometric data for visitors from the US and other countries outside the bloc. The move aims to

The authors claimed that "the high number of oral and written witness statements, although hard to prove with material evidence, point in the direction of likely faults in the police's use of force."

See: [Evaluation de l'action des forces de l'ordre à Calais et dans le Dunkerquois](#) (General Inspectorates of the *Police Nationale*, of *l'Administration* and of the *Gendarmerie Nationale*)

11. EU: [MEPs pose tricky questions to the Commission on the EU-Canada PNR deal and others](#)

On 9 October 2017 Claude Moraes MEP, Chair of the LIBE Committee in the European Parliament and Sophie In 'T Veld MEP, Rapporteur of the proposed PNR Agreement between the EU and Canada [wrote to Frans Timmermans, the First Vice-President of the European Commission](#) (pdf) with a detailed set of questions following the Court of Justice of the European Union's Opinion: [Proposed EU-Canada PNR deal: OPINION 1/15 OF THE COURT \(Grand Chamber\)](#) (pdf).

On 18 October 2017 Timmermans replied to Claude Moraes: [Letter](#) (pdf) and attached [Detailed Annex responding to the MEPs' questions](#) (pdf).

See: [Court of Justice says no to EU-Canada travel surveillance deal as implementation of European system continues](#) (Statewatch News)

12. EU: Council of the European Union: [SIS: Overstayers, Border checks & Police and judicial cooperation](#)

- Overstayers: [Regulation on the use of the Schengen Information System for the return of illegally staying third country nationals - draft compromise text](#) (LIMITE doc no: 13164-17, pdf):
The Council working on its negotiating position: *"Changes to the original Commission proposal are marked as follows: new or modified text is in bold underlined. Deletions are in strikethrough."*

Object: *"The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States."*

Comment: This Regulation would apply to all overstayers including those having a visa or long-stay - visa.

- Border checks: [Regulation on the establishment, operation and use of the Schengen Information System \(SIS\) in the field of border checks... draft compromise text](#) (LIMITE doc no: 13163-17, 86 pages, pdf): With 110 Footnotes including Member State positions:

"This Regulation establishes the conditions and procedures for the entry and processing in SIS of alerts in respect of third-country nationals, the exchange of supplementary information and additional data for the purpose of refusing entry into and stay on the territory of the Member States."

- SIS: Police and judicial cooperation: [Regulation on the establishment, operation and use of the Schengen Information System \(SIS\) in the field of police cooperation and judicial cooperation in criminal matters, amending... - draft compromise text](#) (LIMITE doc no: 13162-17, 114 pages pdf): With 169 Footnotes including Member State positions:

Scope

"This Regulation establishes the conditions and procedures for the entry and processing in SIS of alerts on persons and objects, the exchange of supplementary information and additional data for the purpose of police and judicial cooperation in criminal matters."

This Regulation also lays down provisions on the technical architecture of SIS, the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, general data processing, the rights of the persons concerned and liability."

13. EU: Fundamental Rights Agency (FRA): [Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU Volume II: field perspectives and legal update](#) (pdf):
Useful review:

"Intelligence services perform vital work, and the growing threats of terrorism, cyber-attacks and sophisticated criminal networks have rendered more urgent their efforts to protect our security. Technological advancements have also made their work more complex, and the transnational nature of today's threats has made it ever more challenging."

But intelligence work to counter these threats, particularly large-scale surveillance, can also interfere with fundamental rights, especially privacy and data protection. As this report underscores, effective oversight and remedies can help minimise the risk of such interference."

14. [Council Working Party on Humanitarian Aid and Food Aid \(COHAFA\) casts doubt on EU policy of "safe" return of refugees to Afghanistan](#)

- Afghanistan: "We are concerned at the deteriorating humanitarian situation"
- "Pakistan have hosted millions of Afghan refugees over the last forty years and we commend them"

- **"Iran have hosted millions of Afghan refugees over the last forty years and we commend them"**

Key document: [COHAFA common messages on the humanitarian situation in Afghanistan](#) (LIMITE doc no: 12697-17, pdf)

15. European Parliament Study: [ECON Thesaurus on Brexit](#) (pdf):

"This thesaurus is a collection of ECON related articles, papers and studies on the possible withdrawal of the UK from the EU. Recent literature from various sources is categorised, chronologically listed – while keeping the content of previous editions - and briefly summarised. To facilitate the use of this tool and to allow an easy access, certain documents may appear in more than one category."

16. European Commission: [EU-U.S. Privacy Shield: First review shows it works but implementation can be improved](#) (Press release, pdf) and:

• [Report on the first annual review of the functioning of the EU–U.S. Privacy Shield](#) (COM 611-17, pdf) and [Staff Working Document](#) (SWD 344-17, pdf)

See: [EU: Privacy Shield works, but US can do more to protect non-Americans](#) (ZDNET, link):

"A little more than year after the EU-US Privacy Shield went into effect, the European Commission (EC) says the multi-national pact is doing an "adequate" job protecting Europeans' personal data after it's transferred to companies in the US.

At the same time, the US could do more to protect non-Americans, the EC says, such as adding certain rules to the Foreign Intelligence Surveillance Act (FISA).

The recommendations came from the EC's first annual report assessing whether the Privacy Shield -- a pact between the EU and the US that sets the terms for trans-Atlantic transfers of personal data -- is functioning as intended."

18. [Commission proposes new security measures](#)

- **Public spaces, Canada and EU PNR, Europol personal data exchanges with third states and European Intelligence Unit**

Press release: [Security Union: Commission presents new measures to better protect EU citizens](#) (pdf) which includes:

"protecting public spaces and help deprive terrorists of the means to act. The Commission is also proposing to further strengthen the EU's **external action** on counter-terrorism - including through **Europol** - and is recommending the EU open negotiations on a revised **Passenger Name Record agreement with Canada.**"

*"Enhancing Europol's cooperation with third countries by presenting, before the end of the year, recommendations to the Council to authorise the opening of negotiations for agreements between the EU and **Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey on the transfer of personal data between Europol and these countries** to prevent and combat terrorism and serious crimes." [emphasis in original]*

19. EU: [European Council: "roadmap" implementation paper highlights migration, internal security, military efforts](#)

"The Bratislava Roadmap emerged from the Leaders' debate in September 2016. In March 2017, the Rome Declaration broadened the scope and set additional priorities for the longer term.

One year on, the EU has made significant progress and can demonstrate tangible results. The Bratislava method is working. The attached table shows that many tasks have been completed, and many others are on track. Some tasks however have progressed slower than expected, and a few require a fresh push, including at the highest level."

See: [The Bratislava Roadmap - One Year On](#) (pdf)

20. UK-EU: European Parliament: [Brexit Literature Update 10/2017](#) (pdf):

"identifies some of the more useful articles, taking into account, in particular, the following elements:

- Scholarly rather than a journalistic character of the publication
- Originality and interest
- Recent publication
- Be of interest for the EU
- Constitutional or institutional relevance."

21. EU: [Justice and Home Affairs Council, 12-13 October: all the documentation including background documents](#)

On the agenda: European Public Prosecutors' Office, freezing and confiscation orders, the European Criminal Records Information System for third-country nationals, implementing data protection legislation, criminal justice in cyberspace, Schengen Borders Code, counter-terrorism resettlement and the reform of the Common European Asylum System.

22. Council of the European Union: [Reception Directive and European Electronic Communications Code](#)

• RECEPTION: [Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection \(recast\)](#) (LIMITE doc no: 12185-17, 121 pages, pdf): The Council developing its negotiating position. With 211 Footnotes including Member State positions.

"the Asylum Working Party examined the proposal for a Directive laying down standards for the reception of applicants for international protection (...) New text for discussion at the JHA Counsellors meeting on 16 October 2017 is indicated with addition in bold and underlined, and the newly deleted text is indicated in strikethrough (bold)."

• [Proposal for a Directive establishing the European Electronic Communications Code \(Recast\) - Preparation for the first informal trilogue](#) (LIMITE doc no: 12797-REV-1-17, 418 pages, pdf): The Council developing its negotiating position.

"The aim of the first political trilogue with the EP will be to discuss the CODE overall, and to identify those areas where there is broad agreement, those where technical work may be able to identify compromises, and above all those areas which require political solutions at further trilogues."

23. Council of the European Union: [European Public Prosecutor's Office](#)

• ENHANCED COOPERATION of 20 Member States: [Draft Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office - Adoption](#) (LIMITE doc no: 12791, pdf):

"The draft Regulation aims to set up a European Public Prosecutor's Office (EPPO) which will be responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union.(...)"

Following **the lack of unanimity** registered in the Council of 7 February 2017 on the draft Regulation, the referral of that draft Regulation to the European Council by a group of 17 Member States on 14 February 2017 and the **discussion leading to a disagreement** in the European Council of 9 March 2017, the European Parliament, the Council and the Commission were notified on 3 April 2017 of **the wish of 16 Member States (Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Greece, Lithuania, Luxemburg, Portugal, Romania, Slovakia, Slovenia and Spain) to establish enhanced cooperation on the establishment of the EPPO.** (...)

Later on, four additional Member States (Austria, Estonia, Italy and Latvia) have informed the three institutions that they wish to participate in the enhanced cooperation." [emphasis added]

The EPPO will be in charge of tackling fraud against European funds and VAT in its cross-border dimensions and is expected to be operational by 2020. It is also expected that the Commission will seek to extend its competencies to other serious offences such as terrorist crimes later.

• FINAL TEXT: [COUNCIL REGULATION implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office \("the EPPO"\)](#) (Doc no: 9941-17, 210 pages, pdf)

See also: [European Public Prosecutors Office \(EPPO\)](#) (Statewatch News, 5 June 2017) and the [European Parliament's position](#) (29 September 2017, pdf).

24. [European Council draft Conclusions on migration](#)

The [European Council \(19 October 2017\) - Draft conclusions](#) (LIMITE doc no: 11572-17, pdf) say on migration:

"To consolidate and deepen this approach on all migration routes, the European Council further calls for:

*- continued full commitment to our **cooperation with Turkey** on migration as well as - support to the Western Balkans;*

*- reducing the attractiveness of illegal migration through **enhanced returns, effective readmission agreements** and arrangements and by making full use of the European Border and Coast Guard Agency, which should be further strengthened....."*

25. European Parliament study: [EU Justice and Home Affairs Agencies: Securing Good Governance](#) (pdf):

"This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, examines the governance structures of EU Justice and Home Affairs agencies. Specifically, it maps and analyses across-the-board agencies' relationships to the main institutional actors in terms of core reporting and scrutiny mechanisms. Drawing on agency founding acts and interviews, it looks closely in particular at management boards' composition and operation, ranging from voting allocation to institutional and Member State representation to issues of board expertise. The study further considers some of the implications of the current governance set up with respect to ensuring co-operation from corresponding national structures, identifying existing structural shortcomings inherent to current mandates and proposing suggestions for improvement."

26. EU: [Migrant smuggling tops EU crime priorities - restricted document shows extent of police operations](#)

"Preventing the arrival of immigrants with no legal rights to the EU is more important, in terms of EU policy priorities among member states, than fighting terrorism and online child pornography."

Erkki Koort, who chairs an internal security group at the European Council, representing member states, told MEPs on Tuesday (10 October) that fighting "the facilitation of illegal migration" involves more EU states than any other crime."

See: [EU Policy Cycle - Implementation monitoring: Progress Report OAP 2016 - Facilitation of illegal immigration](#) (6709/17, RESTRICTED, 26 April 2017, pdf)

27. EU: [Council of the European Union: eu-LISA](#)

- [Proposal for a Regulation on the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, and amending Regulation \(EC\) 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation \(EU\) 1077/2011 - Revised draft](#) (LIMITE doc no: 11884-17, pdf): 140 Footnotes with Member State positions:

"Changes to the Commission proposal are marked in bold italics and strikethrough."

- And see: [ADD 1: Member States general observations in relation to the proposal for the Regulation on eu-LISA](#) (LIMITE doc no: 11884-ADD-1-17, pdf):

"as regards interoperability (Article 9), a few Member States welcomed the future role of eu-LISA, but one delegation underlined that interoperability also raises questions in relation to data protection which must be answered."

28. European Parliament: Study: [Research of the Policy Department for Citizens' Rights and Constitutional Affairs and the EPRS in the Fields of Responsibilities of the Special Committee on Terrorism](#) (pdf):

"This paper provides a detailed analysis of the responsibilities of the Special Committee on Terrorism and the corresponding available and upcoming research of the Policy Department for Citizens' Rights and Constitutional Affairs and the EPRS."

See: [Decision setting up the Committee](#) (link)

29. EU-Council: Interoperability and the EES (Entry-Exit System) and SIS (Schengen Information System): [Possibilities for interoperability between EES and SIS](#) (LIMITE doc no: 1253517, pdf): Concludes in the light of: The relatively low number of the volume of return decisions, "about 500 000" in 2016 which is "significantly lower than the volume of transactions between EES and VIS" (Visa Information System)

30. EU: Council of the European Union: [Asylum Procedures & ECRIS-TCN](#)

- ASYLUM Proposal: [Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU](#) (LIMITE doc no: 12128-17, pdf): 106 Detailed Footnotes with Member State positions:

"Suggested modifications are indicated as follows: - new text compared to the Commission proposal is in bold; - deleted text is in strikethrough."

- ECRIS-TCN: PProposal for a: [Regulation... to supplement and support the European criminal records information system \(ECRIS-TCN system\) and amending Regulation \(EU\) No. 1077/2011 - Questions on prior convictions and on access by certain agencies](#) (LIMITE doc no: 12033-27, pdf):

"Inclusion of prior convictions is essential for the ECRIS-TCN system to be effective as early as possible following the entry into force of the Regulation. Unless prior convictions are included in the ECRIS-TCN system, the system will only become useful several years after establishment of the system (...)"

It must be noted, however, that ECRIS-TCN system will not achieve its full potential if only alphanumeric data of prior convictions would be included in the new system. As discussions have shown, central ECRIS-TCN system can only be efficient if fingerprint data complements the alphanumeric data of convicted TCN.

However, during the negotiations at the Working Party level, several Member States mentioned that the inclusion of the fingerprint data could create a substantial administrative burden for them. In most Member States, the fingerprint data is not part of the criminal records database and is stored separately in other databases."

31. EU: Council of the European Union: [Freezing and confiscation orders and European Electronic Communications Code](#)

- Freezing and confiscation orders: [Proposal for a Regulation on the mutual recognition of freezing and confiscation orders - Revised text](#) (LIMITE doc 11971-17, no: pdf): 94 Footnotes with Member State positions:

"The Presidency redrafted the text, see the Annex. In the footnotes, comments by Member States are set out, as well as observations submitted by the Commission. Where appropriate, the Presidency formulated new drafting suggestions (indicated by bold and underlined characters)."

And see: [Previous text: Questions on a ground for non-recognition and on the management and disposal of frozen and confiscated property/costs](#) (LIMITE doc no: 1970-17, pdf): CATS is invited:

B1) to indicate whether the executing State should have the right to deduct the costs, demonstrated by invoices, in each individual case, or whether the executing State should only be allowed to claim reimbursement of large or exceptional costs, as was foreseen in the Commission proposal (Art. 32);

B2) to state, as regards the disposal of money obtained as a result of the execution of a confiscation order, whether a more progressive division by fixed but decreasing proportions as proposed by PRES, or the rule as proposed by the Commission (up to EUR 10 000 for executing State, afterwards 50%-50% for executing and issuing State), would be preferable."

- European Electronic Communications Code: [Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code \(Recast\) - Examination of the Presidency text](#) (Doc no: 12290-17. 477 pages, pdf)

See: [Statewatch Observatory: The refugee crisis in the Med and inside the EU: a humanitarian emergency](#)

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Statewatch Bulletin/Journal: Archive: Since 1991: <http://www.statewatch.org/subscriber/>

Database, over 31,000 items: <http://database.statewatch.org/search.asp>

Statewatch European Monitoring & Documentation Centre on Justice and Home Affairs in the EU: <http://www.statewatch.org/semdoc/>

JHA Archive - EU Justice and Home Affairs documents from 1976 onwards:

<http://www.statewatch.org/semdoc/index.php?id=1143>

[Statewatch services - with links to 11 free resources](#)

About Statewatch: <http://www.statewatch.org/about.htm>