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Speech before LIBE Committee

Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort

The Committee on Civil liberties, Justice and Home Affairs (LIBE)
of the European Parliament

Brussels, 10 May 2010

Dear President, Honourable members,

I am glad to be here today for the first general exchange of view since I took up function as Commissioner for Home Affairs.

In these three months we have already learned to work together and I appreciate the good relations we have built as well as the fruitful exchanges of information we have had on several occasions.

The entry into force of the Lisbon Treaty has changed the institutional balance and reinforced the role of the EP which is now fully recognised as co-legislator and I count on you to work successfully on the files of my competence.

I really believe it is time now for all of us - Commission, Parliament and Council – to concentrate on the substance and to give less importance to procedural or formal problems that may arise. If we agree on the substance of what we want to do, we will easily find a solution for the other issues at stake. I hope we can have a constructive cooperation in order to develop new EU policy in this important area.

Since the hearing in January, there have already been many developments and today I would like to present to you some of my initiatives already taken, some I intend to take and some where I foresee some difficulties and where I need your help.

Stockholm Action Plan

As you know, Vice-President Reding and I just recently presented the Action Plan on the Stockholm Programme. The Action Plan shows our ambitious agenda in the JLS Field and we plan a lot of initiatives relevant not only to the European parliament but of course to our European citizens.

You have received the Action Plan and are aware of its content.

I take this opportunity to underline, that the Commission would also appreciate to hear the EP's views on the Action Plan, even if this were only possible after the adoption of Council conclusions in June. It would be a valuable contribution to the overall discussion on the Action Plan and its future implementation.

I would now like to present to you the main initiatives I have already taken during the past months.

Initiatives in the first months of the mandate

Immigration

First of all, I am glad to be the first to present you the most recent one: on 6 May, the Commission adopted an Action Plan on Unaccompanied Minors (2010-2014), in response to the calls from civil society organisations, Member States and EU institutions to address in a coherent and efficient way this growing and worrying situation.

This Action Plan proposes a common EU approach based on the principle of the best interests of the child and in full respect of the principles included in the Charter of Fundamental Rights and in the UN Convention on the Rights of the Child.

Building on the existing EU legislative and financial instruments, the Action Plan identifies main strands for action such as prevention, regional protection programmes, reception and identification of durable solutions. These actions will be implemented by a series of concrete measures which are not limited to immigration policies only, but also address the root causes of migration. Protection is mainstreamed throughout all measures.

At the same time as the Action Plan, the Commission **also adopted the first Annual Report on Immigration and Asylum**. The report, which is facts based, takes stock of progress in implementing the commitments made in the 2008 **European Pact on Immigration and Asylum** and presents recommendations for the coming years.

It concludes that the EU and its Member States have made progress in developing migration and asylum policies in line with the Pact on Immigration and Asylum. **But we need to keep improving.**

FRONTEX

One of the first proposals I presented after I took up my mandate was on the Frontex Agency.

This revision of Frontex's mandate will strengthen its operational capabilities. Frontex should be allowed to acquire its own equipment, have its own border guards and be more independent in its coordination of operations. The proposal also aims at strengthening the fundamental rights aspects, including return operations. Frontex coordinated returns must be monitored by independent actors, for example non-governmental organisation and strictly observe fundamental rights principles.

I count on the support of this Committee for a swift adoption of the Commission's proposal and look forward to working closely with Mr Busuttill for this purpose.

SIS II and VIS

The positive outcome of the Milestone 1 test gave us a reassuring and solid basis for the future development of SIS II. The Commission welcomes the orientations adopted by the JHA Council of 23 April in this regard. We now need to concentrate our energies and full commitment towards the entry into operation of the SIS II.

The Commission intends to present a comprehensive global schedule and budgetary estimate to the JHA Council of 3-4 June 2009. Experts are working intensively to finalise the system requirements which will then have to be integrated in the contractual framework, along with the Milestone 2 test. It is only upon the completion of these steps that the schedule and the budget can be confirmed, preferably by the end of July and at the latest at the Council meeting in October.

VIS

The main test campaign of the central system ("System Solutions Test" – SST) encountered delays in the course of 2009 but was re-started on 6 April this year. Results so far are positive and the Commission is confident that the main development contractor will successfully complete the test phase by the end of May.

The Commission will continue to share information on the developments of the SIS II and VIS project with the European Parliament in an open and transparent way.

Fight against trafficking in human beings and against child sexual abuse, sexual exploitation and child pornography

Finally, I'm very proud of having been able to present you at the end of March two proposals that are very dear to me: the revision of the present legislation on fighting against trafficking in human beings and on combating child sexual abuse, sexual exploitation and child pornography.

These are heinous crimes, often interlinked, and the response of the EU cannot be too clear or too resolute. We need a stronger legal framework and tougher penalties. It shall be clear to each and every one that whatever actions the EU can undertake to fight this; the EU must do and will do.

I know there has been a first exchange of views on these proposals during the previous LIBE meeting and I count on you and on the Council to reach an agreement on these two proposals as soon as possible.

Future priorities

I would now like to turn to my political priorities for the future and update you on the state of play of certain initiatives that are in the pipeline.

On Legal Migration

Globalisation offers better possibilities for people to move across borders.

The Stockholm programme recognises both the opportunities and the challenges posed by increased mobility of persons and underlines that well-managed migration can be beneficial to all stakeholders. It puts an emphasis on the adoption of a dynamic and comprehensive European policy on migration. In the context of an ageing Europe, the **potential contribution of immigration to EU economic performance** is significant. One of the objectives for the EU must, therefore, be to adopt such a policy.

With regard to this, I would like to assure you that my intention is to give the seasonal workers, who are a particularly vulnerable and exposed group of migrants, a secure legal status in order to prevent exploitation and protect their safety and health. This justifies a specific initiative from the Commission and I hope the Parliament will support this approach.

I also aim to present a proposal for a Directive on Intra-corporate transferees, which intends to facilitate intra-corporate transfers of skills both to the EU and within the EU in order to boost competitiveness of our economy and complement other measures we are taking in order to achieve the goals of the EU 2020 Strategy.

A swift adoption of these proposals will help advance the objective of a common migration policy.

Solidarity and Visa liberalisation

One of my objectives is to encourage and strengthen solidarity within the Union. Several measures have already been put in place. Notwithstanding this, some Member States are currently confronted with heavy pressure on their asylum systems. I believe that we need to do more to address this situation.

Finally and as announced during my hearing, the analysis of the progress in Bosnia and Albania on establishing the necessary preconditions for visa liberalisation has been one of the priorities in the past weeks. You have been briefed in detail on this in LIBE two weeks ago.

My services are now preparing the relevant legislative proposals and I hope to be able to present them shortly.

Stocktaking of the fight against terrorism

As promised during my hearing, I will in July present a communication taking stock of the main legislative and policy achievements at EU level in the fight against terrorism and outline some key challenges in this field.

Such stocktaking is indispensable before taking new actions in this sensitive area. Following the entry into force of the Lisbon Treaty and the adoption of a new multi-annual programme in the JLS area ("Stockholm Programme"), time has come to see whether the priorities, instruments and structures put in place under the four strands of the EU's 2005 Counter-terrorism Strategy are still appropriate to cope with the constantly evolving terrorist threat to the European Union.

Such assessment is a long-standing request from your (Parliament's) side and our debate on it will provide concrete directions for the EU's future approach.

On the internal security strategy

As you are aware, the Commission is preparing a communication on the internal security strategy for adoption in the autumn. It will build on the strategy adopted by the Justice and Home Affairs Council in February, and be consistent with the Stockholm Programme and its action plan.

The communication will set out our main threats and also identify coherent policy objectives goals in line with our values and principles, including respect for fundamental rights and protection of personal data. These need to be both ambitious but also realistic, focusing on where the EU can really add value.

The input of Parliament will be important in getting this right. So I welcome any views you might have on the Internal Security Strategy.

TFTP

I would also like to briefly raise the TFTP which has been at the focus of many discussions in the last months

I take note of the Resolution which Parliament adopted last week and I would like to thank the Rapporteur, Mrs Hennis-Plasschaert for the excellent cooperation on this file.

I believe that the proposed Mandate and the Parliament's Resolution find the right balance between maintaining our collective security and addressing fundamental rights and notably data protection. Many of you have been in Washington recently and I hope this has increased the understanding on this complex file. Let me insist on one important element: We should avoid any misunderstanding on the very nature of TFTP. TFTP is about transfer of bulk data. Without bulk data, there is no TFTP. It was mentioned that the Council has adopted the mandate - that is not correct. The Council has not adopted the mandate yet. However, the Commission has started informal exploratory talks with the US and I am ready to come here and inform the rapporteur and the coordinators of the outcome of these talks at any time.

Information management (including PNR)

There have already been many discussions with the Parliament on different instruments which provide for collecting individual data, including PNR, the Data Retention Directive and also access of other bodies like police or FRONTEX to data collection sources.

I have, therefore, decided to submit a communication on information management in the area of justice, freedom and security. It will provide an overview of the measures the EU has, or is in the process of implementing.

It will explain how those data is collected, processed and exchanged for operational purposes and set out some principles for how measures in this area should be designed.

I hope to be able to able to present this Communication in July 2010 and I am looking forward to the discussions we will have on this.

PNR

Last week, all political groups voted a resolution calling on the Commission to establish a set of general criteria which will form the basis of all PNR agreements with third countries. The resolution also called on the Commission to renegotiate the US and Australia PNR agreements on the basis of such general standards. Meanwhile the EP will postpone its vote on the Council request for consent to these agreements.

I welcome this constructive approach which ensures that the agreements with the US and Australia remain provisionally applicable pending their re-negotiation and pending the follow-up process leading to their conclusion. This will ensure that there is neither a security gap nor legal uncertainty for air carriers and passengers during that period.

I intend to propose to the Commission a set of three recommendations for negotiation directives to the Council as part of a package of PNR measures. This package will consist of:

- (i) a Communication on an EU external PNR strategy.
- (ii) two negotiating directives for the re-negotiation of the US and Australia PNR agreements,
- (iii) negotiating directives for a new agreement with Canada, and
- (iv) a new Commission EU PNR proposal.

My services are working hard on these initiatives and I aim to present them to the Commission as soon as possible.

On-going problematic dossiers

I would now like to turn to a series of dossiers that I deem very important and that are presently being examined by this Parliament. I refer to the asylum files and the single permit proposal.

Asylum package

The establishment of a **Common European Asylum System** which is at the same time more protective and more efficient is one of the Commission's priorities for the years to come. It is not acceptable that in a European common area the chances of obtaining protection are radically different according to whether the request is submitted in one Member State or in another.

That is why the proposals presented by the Commission aim at a genuine harmonisation of the mechanisms of asylum at European level around clear standards giving priority to efficiency and fairness. I warmly thank you for your support on these proposals.

The agreement on the European Asylum Support Office, to be voted next week in Strasbourg, is a first important step in this direction and I'm grateful to the rapporteur, Ms Lambert, for her great work on this file.

However, the discussions on some of the proposed provisions are very difficult. Although each element of the asylum package is an essential element for the Common European Asylum System, in light of the progress made with the Parliament and the Council and in view of respecting the 2012 deadline set by the Stockholm programme, we might need to focus on some elements of the package in order to reach a swift agreement on those specific proposals.

This will allow us to progress and achieve results rapidly on some of our initiatives and concentrate resources on the most difficult proposals which will require longer time for the negotiations.

To this end, we are closely working with the incoming **Belgian Presidency** to explore possibilities to move forward on the asylum proposals and achieve results.

Resettlement

A closely linked dossier is the resettlement one. The EU can do more to help the most vulnerable refugees and to share the **responsibility for refugees with third countries**, which receive a far greater percentage of the world's refugees than Europe.

In this context, the Commission has proposed a common **EU resettlement programme**, which we consider as an EU flagship proposal for the development of the external dimension of asylum policy.

I, therefore, regret that divergences on questions of procedure are hampering the rapid adoption of this proposal. The proposal of the Commission is a first step which focuses on financial support via the ERF: a review of the experience and the presentation of more ambitious initiatives are already foreseen in the Stockholm Programme.

For these reasons, I hope that a rapid solution will be found, which will **concentrate on the substance of the proposal** and on the need to establish simple procedures for the adoption of the resettlement priorities. This is the only way to ensure a sound and efficient financial management, which does not jeopardise the functioning of the European Refugee Fund.

In the end, if no agreement is found, the losers of this institutional battle will be the refugees themselves, which is both regrettable and unacceptable.

Single permit proposal

As I mentioned earlier, the Stockholm Programme puts the emphasis on the adoption of an overall European migration policy since that will have a role to play, amongst other things, in filling labour market shortages.

In this context, the proposed framework directive, creating a single work and residence permit and rights for third country workers is a key element of this common EU immigration policy.

My objective is to work with you towards a first reading agreement but only on a balanced text. The directive should not only improve conditions of admission of migrant workers, but also ensure fair treatment of third country nationals who come to work and reside legally in the EU.

I would like to assure you that my intention is to give the seasonal workers, who are a particularly vulnerable and exposed group of migrants, a secure legal status in order to prevent exploitation and protect their safety and health. This justifies a specific initiative from the Commission and I hope the Parliament will support that approach.

Conclusive Remarks

As you can appreciate, there is a lot of work to be done in the near future on very important and sensitive files.

I want to thank you for the support you have already given the Commission

I want to work closely with you to try to move forward on these complicated but extremely important issues. I look forward to a fruitful collaboration over the coming years.