



HELLENIC
REPUBLIC
UNIVERSITY
OF MACEDONIA

JEAN MONNET
CENTRE OF EXCELLENCE
CONSTITUTIONAL VALUES OBSERVATORY

JM



Funded by the
Erasmus+ Programme
of the European Union

News Report 4

HIGHLIGHTS ABOUT THE UNION WE LIVE

October 2016 – December 2016

Human Rights Day

10 December marks Human Rights Day and this year it is devoted to the launch of a year-long campaign by the United Nations for the 50th anniversary of the two International Covenants on Human Rights: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which were adopted by the United Nations General Assembly on 16 December 1966.

In a declaration on behalf of the European Union the High Representative Federica Mogherini stated that "Against the background of the current increasing challenges to human rights and the rule of law, and in the context of a global economic crisis, poverty and ever increasing inequalities, these treaties remain the bedrock of the EU's work on promoting and defending all human rights and fundamental freedoms, and are the vital international legal basis for their universality, indivisibility and interrelatedness." Mogherini referred to the new Action Plan on Human Rights and Democracy, which the EU adopted last July, and stated that "this places equal importance on all those rights and engages, through concrete actions, to promote them and ensure their fulfilment for all."



Moreover, the EU is as dedicated as ever to assisting civil society organisations and all other actors, in advocating for the protection and respect of human rights, whether civil and political or social, economic and cultural. The EU has a strong record of support for human rights defenders around the world; and the EU itself is a compelling example of the benefits which flow from a vibrant civil society." This strong stance was confirmed during the recently concluded EU NGO Forum, held under the theme Protecting and Promoting Civil Society Space. The High Representative concluded that on this day "our network of EU delegations and EU Member State Embassies throughout the world, the EU Special Representative for Human Rights Stavros Lambrinidis, and our teams in EU Capitals, join forces to celebrate Human Rights Day, and will continue to advocate, defend and promote human rights in any place in the world where they are under threat."

EU says Turkey loses way on road to membership since failed coup

In the face of increasing criticism and worsening relations, the European Union and Turkey challenged each other on Wednesday to come out and say whether they want Ankara's bid to join the EU to continue.

In a high-stakes game of political chicken, Turkish President Recep Tayyip Erdogan said the EU wouldn't be able to reach the "final point" and end its ties with Turkey for fear of jeopardising a deal to curb the flow of migrants from Africa and the Middle East to Europe.

Hours later, in Brussels, EU enlargement commissioner Johannes Hahn bluntly said that "it is time Ankara tells us what they really want," in the wake of a report assessing Turkey's status as a candidate for membership in the bloc. The report highlighted what the EU saw as backsliding on essential human rights and rule of law standards. The Turkish leader added: "You know those three million refugees in Turkey? They say there is a problem. What if the negotiations end and they open the gates, where would we put those three million refugees? That is their worry. That is why they cannot come to the end point."

EU Action Plan on Human Rights and Democracy 2015-2019

The EU actively supports human rights and democracy around the world, using various tools and methods at its disposal, including financial assistance.

The European Union is founded on a strong engagement to promote and protect human rights, democracy and the rule of law worldwide. Sustainable peace, development and prosperity cannot exist without respect for human rights. This commitment underpins all internal and external policies of the European Union. The European Union actively promotes and defends universal human rights within its borders and when engaging in relations with non-EU countries. Over the years, the EU has adopted important reference documents on the promotion and protection of human rights and developed a range of diplomatic and cooperation tools to support the worldwide advancement of human rights.

Hungary votes on EU refugee quotas referendum

A referendum related to the European Union's migrant relocation plans was held in Hungary on 2 October 2016. The referendum was initiated by the government, and it was commonly referred to as the kvótanépszavazás or kvótareferendum (quota referendum) in the Hungarian media. While an overwhelming majority of voters rejected the EU's migrant quotas, turnout was too low to make the poll valid. PM Viktor Orbán fails to convince 50% of electorate to turn out, but those who did so voted to exclude new refugees.

More than 98% of participants in Sunday's referendum sided with Orbán by voting against the admission of refugees to Hungary, allowing him to claim an "outstanding" victory. But more than half of the electorate stayed at home, rendering the process constitutionally null and void.

Orbán himself put a positive spin on the low turnout. He argued that while "a valid [referendum] is always better than an invalid [referendum]" the extremely high proportion of no-voters still gave him a mandate to go to Brussels next week "to ensure that we should not be forced to accept in Hungary people we don't want to live with".

<https://www.theguardian.com/world/2016/oct/02/hungarian-vote-on-refugees-will-not-take-place-suggest-first-poll-results>

Security Union: Proposal for a Directive on countering money laundering by criminal law – Questions & Answers

Terrorist organisations and organised crime need financing – to maintain their criminal networks, to recruit and supply, and to commit terrorist acts themselves. Money laundering allows criminal organisations to benefit from their illegal activities and maintain their operations. In essence, money laundering uses the earnings generated through a multitude of illegal cross-border activities – such as drug trafficking, trafficking in human beings, illicit arms trafficking and corruption – to acquire, convert or transfer property, while hiding the true nature of its origin, in order to use the revenues of these crimes in the legitimate economy. A strengthened criminal response to money laundering contributes to cutting off sources of finance and countering the financial incentives which drive crime, making a powerful contribution to the fight against terrorism and organised crime. The current criminal law framework against money laundering in the EU is neither comprehensive nor sufficiently coherent to be fully effective. All Member States criminalise money laundering; however, existing differences in the definition, scope and sanctions of money laundering offences affect cross-border police and judicial cooperation between national authorities as well as the exchange of information. These differences in legal frameworks can also be exploited by criminals and terrorists, who could carry out financial transactions where they perceive anti-money laundering measures to be weakest.

Joined Cases C-203/15 and C-698/15

Article 15(1) of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009, read in the light of Articles 7, 8 and 11 and Article 52(1) of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding national legislation which, for the purpose of fighting crime, provides for general and indiscriminate retention of all traffic and location data of all subscribers and registered users relating to all means of electronic communication.

Article 15(1) of Directive 2002/58, as amended by Directive 2009/136, read in the light of Articles 7, 8 and 11 and Article 52(1) of the Charter of Fundamental Rights, must be interpreted as precluding national legislation governing the protection and security of traffic and location data and, in particular, access of the competent national authorities to the retained data, where the objective pursued by that access, in the context of fighting crime, is not restricted solely to fighting serious crime, where access is not subject to prior review by a court or an independent administrative authority, and where there is no requirement that the data concerned should be retained within the European Union.

Agreement on Commission proposal to increase citizens' security

The Commission proposed a revision of the current EU rules on firearms on 18 November 2015 to make it harder to legally acquire high capacity weapons in the European Union, allow better tracking of legally held firearms thus reducing the risk of diversion into illegal markets, and strengthen cooperation between Member States.

Judgment of the Court in Case C-592/14 E

Article 18(1)(b) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products must be interpreted as meaning that it may prohibit the placing on the European Union market of cosmetic products containing some ingredients that have been tested on animals outside the European Union, in order to market cosmetic products in third countries, if the resulting data is used to prove the safety of those products for the purposes of placing them on the EU market.

Managing migration effectively: Commission reports on progress in the implementation of the Partnership Framework with third countries

The Commission presents its first progress Report on implementing the Partnership Frameworks with third countries: the EU's new approach to more effectively managing migration jointly with countries of origin and transit is starting to yield results.

President Juncker said: "Europe needs to do more to tackle the tragedy of thousands of migrants and refugees that every year cross the Mediterranean, fleeing from poverty, war and persecution. That is the spirit of the New Partnership Framework approach we have launched in June – and today's First Progress Report shows that this new approach works, in the interest of both the EU and partner countries. Now the task is to step up our efforts and deliver a lasting change in the way we manage mobility and migration with our partners in Africa and the neighbourhood".