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**HIGHLIGHTS ABOUT THE UNION WE LIVE**

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## Commission proposes high level of privacy rules for all electronic communications and updates data protection rules for EU institutions

The Commission is proposing new legislation to ensure stronger privacy in electronic communications, while opening up new business opportunities.

The measures presented today aim to update current rules, extending their scope to all electronic communication providers. They also aim to create new possibilities to process communication data and reinforce trust and security in the Digital Single Market – a key objective of the Digital Single Market strategy. At the same time, the proposal aligns the rules for electronic communications with the new world-class standards of the EU's General Data Protection Regulation. The Commission is also proposing new rules to ensure that when personal data are handled by EU institutions and bodies privacy is protected in the same way as it is in Member States under the General Data Protection Regulation, as well as setting out a strategic approach to the issues concerning international transfers of personal data.ote them and ensure their fulfilment for all.

The proposed Regulation on Privacy and Electronic Communications will increase the protection of people's private life and open up new opportunities for business



The proposed Regulation on the protection of personal data by European institutions and bodies aims to align the existing rules, which date back to 2001, with the newer and more stringent rules set out by the General Data Protection Regulation of 2016. Anyone whose personal data are handled by the European institutions or agencies will benefit from higher standards of protection.

With the presentation of the proposals today, the Commission is calling on the European Parliament and the Council to work swiftly and to ensure their smooth adoption by 25 May 2018, when the General Data Protection Regulation will enter into application. The intention is to provide citizens and businesses with a fully-fledged and complete legal framework for privacy and data protection in Europe by this date.

## Action against drug use and trafficking

Building on the findings of the evaluation of the EU Drugs Strategy for 2013-2020 and the Action Plan for 2013-2016, the new Action Plan on Drugs provides a strengthened response to the newly-emerging health and security challenges in the area of illicit drug use and trafficking. While maintaining and updating the core policy areas and cross-cutting themes of the overall EU Drugs Strategy, the new Action Plan identifies new priority areas for action, including the monitoring of new psychoactive substances as well as the use of new communication technologies for prevention of drug abuse and evidence gathering on the potential connection between drug trafficking and financing of terrorist groups, organised crime, migrant smuggling or trafficking in human beings.

Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos said: "The use of illicit drugs continues to be a considerable challenge in many of our societies, affecting, directly and indirectly, the lives of millions of people in Europe and all over the world. The human, social but also economic costs of drugs addiction are very high. In a constantly evolving drugs market, reducing drugs use and demand requires an adequate and effective response through coordinated actions at both EU and Member States level. This is precisely what today's Action Plan does, building on our achievements so far and clearly outlining the actions and objectives in order to tackle the new health and security challenges for the future."

## New guidelines help citizens gain better and fairer access to their national courts on environmental cases

The European Commission adopted a guidance document on access to justice in environmental matters which clarifies how **individuals and associations** can challenge decisions, acts and omissions by public authorities related to EU environmental law before national courts.

The Juncker Commission has taken a step forward with the publication of these guidelines, providing the necessary guidance to citizens for better access to national justice systems. The guidance is intended to help individuals and non-governmental organisations to decide whether to bring a case before national courts. National courts can use it to help identify all the EU Court of Justice cases that they should take into account when they are faced with questions related to access to justice in environmental cases. With this guidance, national administrations are made aware of possible shortcomings in their justice systems and businesses are provided with greater clarity on what EU rights and obligations are at stake in the decisions, acts and omissions that concern them.

## 2017 EU Citizenship Report: Commission promotes rights, values and democracy

The European Commission publishes its third EU Citizenship Report taking stock of progress since 2014 and further presenting actions to ensure citizens can fully enjoy their rights when working, travelling, studying or participating in elections.

Europeans are more than ever aware of their status as citizens of the Union and the proportion of Europeans wanting to know more about their rights continues to increase. Four out of five Europeans cherish, in particular, the right to free movement that allows them to live, work, study and do business anywhere in the EU. However, a lack of awareness means EU citizens do not fully exercise their right to vote in European and local elections and many are unaware of their right to consular protection from other Member States' embassies. The 2017 EU Citizenship Report sets out the Commission's priorities in further raising awareness of these rights and making them easier to use in practice.

The European Commission guarantees that rights associated with EU citizenship are a reality for citizens. Since 2010, it reports every three years on the main initiatives taken to promote and strengthen European citizenship. The reports are based on feedback from citizens, from petitions submitted, and from direct dialogues that Commissioners have with citizens. In 2015, the Commission carried out a public consultation and two surveys, which focused on EU citizenship and on electoral rights, to feed into the 2017 EU Citizenship Report.

## Commission calls for renewed efforts in implementing solidarity measures under the European Agenda on Migration

Despite February setting a new monthly record with around 1,940 relocations, the current pace of relocation is still well below expectations and below the European Council endorsed target of at least 3,000 monthly relocations from Greece and the target set by the Commission of at least 1,500 monthly relocations from Italy. Overall, 13,546 relocations have been carried out so far, 3,936 from Italy and 9,610 from Greece. Most importantly, the current pace will not allow for the relocation of all eligible applicants currently present in Greece and Italy by September 2017 – despite this being perfectly feasible. So far, only two Member States (Malta and Finland) are on track to meet their obligations for both Italy and Greece, whereas some (Hungary, Austria and Poland) are still refusing to participate in the scheme at all and others are doing so on a very limited basis (Czech Republic, Bulgaria, Croatia and Slovakia). Italy, Greece, the EU agencies and international organisations have increased their capacities and are ready and on stand-by to facilitate meeting the monthly targets. It is now for the other Member States to equally deliver on their obligations. The Commission urges the Maltese Presidency and Member States to follow up on the Commission's call at the March Justice and Home Affairs Council. If Member States do not increase their relocations soon, the Commission will not hesitate to make use of its powers under the Treaties for those who have not complied with the obligations stemming from the Council decisions, noting that the legal obligation to relocate those eligible will not cease after September.

Conversely, progress on **resettlement** continues to be promising. Member States have provided safe and legal pathways to 14,422 persons so far, over half of the agreed 22,504 under the EU resettlement scheme. This includes the resettlement of 3,565 Syrians under the EU-Turkey Statement. Member States are advancing well on preparing further resettlement operations and have indicated they plan to admit a further 34,000 Syrians from Turkey, including via "One for One" resettlement and national schemes. As a consequence, the Commission has revised the funding programmes for the relevant Member States to include €213 million in financial support of resettlement. Moreover, an assessment should be made as to whether the conditions for triggering the Voluntary Humanitarian Admission Scheme for Syrian refugees from Turkey are fulfilled, which would help boost resettlement.

## Protecting all children in migration: Commission outlines priority actions

While EU and Member States' legislation provide a solid framework for protection, the recent surge in arrivals has put national systems under pressure and exposed gaps and shortcomings. This is why the Commission is today setting out actions to reinforce the protection of all migrant children at all stages of the process. It is necessary to ensure that migrant children are swiftly identified when they arrive in the EU and that they receive child-adequate treatment. Trained personnel need to be available to assist children during their status determination and children should be provided with sustainable long-term perspectives through better access to education and health care. Child protection is a central priority in the European Agenda on Migration and the Commission will continue to support Member States' efforts through training, guidance, operational support and funding.

First Vice-President Frans **Timmermans** said: *"The number of children arriving in the EU with or without their families has increased dramatically. We need to make sure that children who need protection actually receive it. And we need to do it now. This is our moral duty as well as our legal responsibility. Children should be our top priority as they are the most vulnerable, especially when they have nobody to guide them. That is why today we are setting out a number of concrete actions to better protect, support and take care of the best interests of all children who are arriving in the European Union."*

As children in migration are exposed to high risks of violence, trafficking or exploitation along migration routes or may go missing, or become separated from their families, they require a specific protection. Children have the right to be protected, in line with relevant provisions of EU law, including the EU Charter of Fundamental Rights, and with international law on the rights of the child. The **child's best interests** must be the primary consideration in all actions or decisions concerning children.

## Case C-573/14

On 31 January 2017, the Court of Justice of the European Union (CJEU) delivered its judgment in the case *Commissaire général aux réfugiés et aux apatrides v. Mostafa Lounani*. The case concerns a Moroccan national whose application for international protection was rejected by the Belgian Commissioner General for Refugees and Stateless Persons as he was convicted of participating in a terrorist group – the Moroccan Islamist Combatant Group. The acts committed included *inter alia* 'providing logistical support to a terrorist group by the provision of, inter alia, material resources or information' and 'active participation in the organisation of a network for sending volunteers to Iraq'.

The Council of State referred a request for preliminary ruling to the CJEU on the basis of the scope of the exclusion clauses in the Qualification Directive and the Refugee Convention to include these terrorist-related acts other than acts of terrorism. The CJEU held that 'acts contrary to the purposes and principles of the United Nations', as provided for in Article 1F(c) of the Geneva Convention and in Article 12(2)(c) of Qualification Directive cannot be limited to the acts set out in Security Council Resolutions. Article 1 of the Council Framework Decision 2002/475 contains four subsets of terrorist offenses, only subset 1 of which relates to acts of terrorism. The Court held that Article 12(2)(c) and Article 1F(c) could not be limited to Article 1(1) of the Framework Directive. Furthermore the Court held that the provisions were in existence at the time the Qualification Directive was drafted and if the legislators had wanted to restrict the scope of Article 12(2)(c) to Article 1(1) of the Framework Directive, then they could have done so.

The scope of the exclusion clauses cannot be confined to acts of terrorism but must also extend to the 'recruitment, organisation, transportation or equipment of individuals who travel to a State other than their States of residence or nationality for the purpose of, *inter alia*, the perpetration, planning or preparation of terrorist acts.' The Court reiterated the test for an individual assessment as laid down in B & D. The decision is as to whether conduct falls within the scope of Article 12 of the Qualification Directive is that of the national authorities and courts. However, of importance to the individual assessment of whether there are serious reasons for considering that a person has committed acts contrary to the purpose and principles of the UN by the national authority is whether such a person 'has instigated such acts or has otherwise participated in such acts, the fact that the person was convicted by the courts of a Member State on a charge of participation in the activities of a terrorist group is of particular importance, as is a finding that that person was a member of the leadership of that group, and there is no need to establish that that person himself or herself instigated a terrorist act or otherwise participated in it.'