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## CONFERENCES / EVENTS

**REGIONS:**

**AFRICA**

**AMERICAS**

**ASIA**

**Afghanistan**

- ▶ **EU Presidency Statement on the suicide attack in the province of Baghlan, Afghanistan** (07/11/2007)

The Presidency strongly condemns the recent suicide attack perpetrated in the province of Baghlan, northern Afghanistan. This horrific attack clearly demonstrates that terrorism is a threat to all States and to all peoples. It poses a serious threat to our security, to the values of our democratic societies and to the rights and freedoms of people, especially through the indiscriminate targeting of innocent people, including members of the democratically elected Afghan Government and Parliament.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071107PESCAFEGA.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071107PESCAFEGA.htm)

**Burma / Myanmar**

- ▶ **EU High Representative Javier Solana appoints Piero Fassino as EU Special Envoy for Burma/Myanmar** (06/11/2007)

Javier Solana, EU High Representative for the CFSP, appoints Piero Fassino as EU Special Envoy for Burma/Myanmar. Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP), has announced today the appointment of Piero Fassino as EU Special Envoy for Burma/Myanmar. Piero Fassino, an MP and former Italian Minister of Justice, will coordinate the European Union's efforts to bring about positive change in Burma/Myanmar. This appointment underlines the importance that the EU attaches to democratic change, reconciliation, the improvement of the human rights situation and development in Burma/Myanmar. Mr Fassino will provide support to the UN efforts led by Ibrahim Gambari, Special Adviser to the UN Secretary-General on Myanmar.

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/EN/declarations/96973.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/96973.pdf)

**Pakistan**

- ▶ **EU HR Javier Solana voices concern at state of emergency in Pakistan** (04/11/2007)

Javier SOLANA, EU High Representative for the Common Foreign and Security Policy (CFSP), voiced his concern following the declaration of a state of emergency in Pakistan: "I am concerned by the declaration of a state of emergency in Pakistan. I recognize the difficulties Pakistan is currently facing in its domestic political and security situation. However, I believe that any deviation from the general democratic process cannot be a solution. Therefore, I call upon the Pakistani authorities to abide by the rule of law, notably to respect the boundaries of the constitution. Specifically, I urge the authorities in Pakistan to continue the

preparations for the holding of general elections as scheduled. At the same time, I call upon all the parties involved to exercise the utmost restraint to facilitate a quick return to normalcy. Let me take this opportunity to underline my support for Pakistan and the Pakistani people in their fight against terrorism. I know the sacrifices they have made and continue to make in this global struggle that concerns us all. But, as I told President Musharraf by telephone on 2 November, abandoning the path to democracy is not the answer and the democratic process in Pakistan should not be interrupted."

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/EN/declarations/96917.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/96917.pdf)

## **Pakistan**

- ▶ **Declaration by the Presidency on behalf of the European Union on imposition of emergency rule in Pakistan** (06/11/2007)

The EU is deeply concerned with the declaration of the state of emergency and suspension of Pakistan's constitution and fundamental liberties announced by President Musharraf on 3 November.

**It strongly reiterates the importance of holding free and fair elections on schedule, of restoring civilian rule and the full respect for human rights, including the independence of the judiciary and freedom of the media. The EU is particularly concerned by reports of numerous arrests of leaders of political parties, lawyers, journalists, human rights defenders and representatives of civil society.**

The EU takes note with interest of the statement by PM Aziz that the elections will take place, as scheduled, in January, and will look forward to the implementation of the necessary conditions to guarantee free and fair elections.

While recognising that Pakistan faces threats to its peace and security, the EU believes that stability and development can only be achieved through democracy, respect for human rights and the rule of law.

The EU therefore now calls on the Government of Pakistan to take urgent action to: i) restore the Constitution; ii) implement the necessary conditions to guarantee free and fair elections on schedule in January; iii) release all political prisoners, including members of the judiciary, as well as Ms. Asma Jahangir, UN Special Rapporteur on freedom of religion or belief; iv) honour the President's commitment to step down as Chief of Army Staff by 15 November; v) pursue energetically reconciliation with the political opposition; and, vi) relax restrictions on the media

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071106PESCPAK.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071106PESCPAK.htm)

## **Pakistan & Bangladesh**

- ▶ **MEPs react to state of emergency in Pakistan** (05/11/2007)

MEPs and NGOs on Monday criticised the imposition of a state of emergency in Pakistan last Saturday by President Pervez Musharraf. They voiced their views at an already scheduled hearing on Bangladesh and Pakistan by the EP Human Rights Subcommittee, which gave MEPs and the invited NGOs their first opportunity to respond to the weekend's events.

Opening the hearing, the chair of the subcommittee, H el ene Flautre (Greens/EFA, FR), described the situation in both countries as "worrying". She recalled that on 25 October, the European Parliament had adopted a resolution on Pakistan warning amongst other things against "the imposition of emergency rule".

## **Pakistan**

The first NGO speaker, Brad Adams of Human Rights Watch, argued that Musharraf had "traded on the notion that he was the single person" able to hold the Taliban at bay. In fact he was now "destabilising Pakistan". A statement read out on behalf of Mohammed Tahseen of the Pakistan Coalition for Free and Fair Elections, who was unable to attend the hearing, criticised Musharraf's actions, notably "pre-election rigging" and attacks on the judiciary and media.

By contrast, Pakistan's ambassador to the EU, Saeed Khalid, argued that human rights in his country had not deteriorated but in many ways improved over the last 7-8 years, since Musharraf took office. Moreover, he assured the hearing, the emergency was intended as "a short term measure". In addition, the president has now "decided to take off his uniform".

## **Bangladesh**

With regard to Bangladesh - also currently under a state of emergency - Brad Adams made some positive remarks about the caretaker government's achievement but believed it had little restraining influence over the military, which was the real power in the land.

In her summary of her country's situation, Rosaline Costa of Hotline Human Rights Bangladesh referred to violations of minority rights and the extra-judicial "crossfire" killings by the Rapid Action Battalion, an elite anti-crime squad. The EU, she argued, could help by pressing for the lifting of the state of emergency and the holding of free and fair elections.

The ambassador of Bangladesh, A. H. M. Moniruzzaman, said the caretaker government was "non-party" and that its purpose was to create stability with a view to holding free and fair elections. He argued that the government should not be on trial and that the EU in fact supported it. He also stressed that the press was "completely free".

## **What should the EU do?**

Of the MEPs who spoke, H  l  ne Flautre praised Mrs Costa for her courage in speaking out, given the fate of other human rights defenders in her country. Jo Leinen (PES, DE) described the weekend's events in Pakistan as "unacceptable" and asked "how can free and fair elections take place in an emergency situation?", a point underscored by Laima Andrikiene (EPP-ED, LT)

A key issue, raised by several speakers, was whether the EU should cut off aid to Pakistan, the difficulty being - as the Commission representative pointed out - that much EU aid is directed towards education and alleviating poverty. Mr Adams believed "the EU should assess all programmes with Pakistan from top to bottom" so as to send a political signal. Mr Leinen also wanted all avenues to be explored. The Commission representative indicated that her institution would be reflecting on the new situation.

[http://www.europarl.europa.eu/news/expert/infopress\\_page/015-12647-309-11-45-902-20071105IPR12640-05-11-2007-2007-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/015-12647-309-11-45-902-20071105IPR12640-05-11-2007-2007-false/default_en.htm)

## Azerbaijan

- ▶ **Declaration by the Presidency on behalf of the EU on the conviction of Eynulla Fatullayev in Azerbaijan** (07/11/2007)

The European Union is greatly concerned to learn of the conviction of Eynulla Fatullayev, founder and editor of the "Realny Azerbaydzhan" and "Gündelik Azerbaycan" newspapers, and his sentencing on 30 October to eight and a half years imprisonment by the Court of Grave Crimes of Azerbaijan. The charges against him relate principally to an article which he wrote under the pseudonym of Rovshan Bagirov on 30 March 2007.

The European Union is convinced that the use made of the criminal code in the case of this article, which is the expression of a personal opinion, is inappropriate and that the sentence handed down is out of all proportion.

Cases of this kind run counter to Azerbaijan's commitment to the freedoms of expression and opinion, despite the fact that such matters are essential for implementation of the European Neighbourhood Policy Action Plan concluded in November 2006 and for the development of the partnership between Azerbaijan and the European Union

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071107pescazerb.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071107pescazerb.htm)

## Belarus

- ▶ **EU Presidency Statement on the Belarus Social March** (02/11/2007)

The Presidency of the European Union takes note that the Social March scheduled for 4 November 2007 was permitted by the Belarusian authorities.

However, the Presidency remains concerned that the Belarusian authorities have detained one of the organizers of the Social March, along with some youth activists.

The Presidency hopes that this March will be allowed to take place in a climate free of harassment and intimidation, as well as in accordance with Belarusian international obligations, and calls upon the Belarusian authorities to refrain from the use of force in the course of the demonstration.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071102PESC1.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071102PESC1.htm)

## Georgia

- ▶ **EU HR Javier Solana expresses concern at the situation in Georgia** (07/11/2007)

Javier SOLANA, EU High Representative for the CFSP, expresses concern at the situation in Georgia Javier SOLANA, EU High Representative for the Common Foreign and Security Policy (CFSP), voiced concern today at the latest developments in Georgia: "I am concerned about the latest developments in Georgia. Political differences should be resolved within the democratic institutions. All sides should therefore resume the dialogue and refrain from actions that contribute to tensions. This is the best way out of the crisis. I have transmitted this message to President Saakashvili and to the Georgian opposition. I have asked my Special Representative for the South Caucasus, Peter Semneby, to go to Tbilisi on my behalf and to meet with all sides."

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/EN/declarations/96996.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/96996.pdf)



## Georgia

- ▶ **Declaration by the Presidency on behalf of the European Union on the current situation in Georgia (08/11/2007)**

The European Union expresses its deep concern at recent developments that have taken place in Georgia, with the declaration of a state of emergency as the latest escalation.

The European Union urges all parties involved to immediately engage in a constructive dialogue in order to pacify the current situation and find appropriate and prompt solutions to the core issues. The existing political tensions must be solved without infringing democratic principles or fundamental rights, including the freedom of the media.

Furthermore, the European Union urges the parties concerned to exercise the necessary restraint and refrain from using language and actions that could further deepen the political crisis.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071108pescgeorgia.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071108pescgeorgia.htm)

## Kyrgyzstan

- ▶ **Declaration by the Presidency on behalf of the EU on the death of Alisher Saipov, a Kyrgyz journalist and Human Rights Defender of Uzbek origin, in Kyrgyzstan (30/10/2007)**

The EU strongly condemns the murder of Alisher Saipov, the Kyrgyz journalist and Human Rights Defender of Uzbek origin, in Kyrgyzstan, on October 24.

The EU firmly believes in the importance of freedom of expression, of the media and the respect of Human Rights in the development of a democratic and pluralistic society.

The EU deplores Mr Saipov's death and praises his work, which provided an important contribution to the promotion of human rights. The EU urges the Kyrgyz authorities to hold an immediate and thorough investigation into the death of Mr Saipov, arrest the perpetrators of this act and bring them to justice, as publicly assured by President Bakiyev on 25 October.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071031PESC1.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071031PESC1.htm)

## Serbia

- ▶ **EU Presidency Statement on the initialling of the Stabilisation and Association Agreement with Serbia (07/11/2007)**

The EU Presidency warmly welcomes the initialling by the European Commission and the Serbian representatives of the Stabilisation and Association Agreement with Serbia, which took place today, 7 November, in Brussels. This is an important step towards the establishment of contractual relations between the EU and Serbia, which demonstrates the EU's firm commitment to Serbia's European perspective.

The EU is willing to sign the agreement as soon as possible, provided that the necessary conditions are met. In this regard, the EU Presidency calls on the Serbian authorities to strengthen their efforts in order to rapidly achieve full cooperation with the ICTY.

The EU Presidency encourages the Serbian authorities to intensify the necessary reforms and to fulfil the Copenhagen criteria, as well as the requirements of the Stabilisation and Association Process, to achieve strong progress towards Serbia's integration into the EU.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071107PescServia.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071107PescServia.htm)

## MAGHREB AND MIDDLE EAST

### Gaza strip

- ▶ **Declaration by the Presidency on behalf of the EU on fuel shipment cuts to Gaza Strip (30/10/2007)**

The EU notes with concern Israel's decision to reduce the supply of fuel to Gaza, an essential service to the civilian population.

While condemning the unacceptable and continued attacks on Israel's territory and recognizing Israel's legitimate right to self defence, the EU underlines the need for carefully weighing the negative impact of such measures on a civilian population already living under very difficult conditions.

Mindful of the humanitarian and economic plight of the Palestinian people, the EU remains committed to continue its assistance and will do its utmost to ensure the provision of emergency and humanitarian assistance to the population of Gaza, whom it will not abandon.

[http://www.ue2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071030PESC1.htm](http://www.ue2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071030PESC1.htm)

### Iran

- ▶ **EU Presidency Statement on the imprisonment of the Iranian Human Rights Defender Mr Emmaddedin Baghi (06/11/2007)**

The EU Presidency would like to underline its concerns about the situation of Mr Emmaddedin Baghi, a **prominent human rights defender, recognized for his stand in favour of abolition of the death penalty and the compatibility of this abolition with the Sharia**

Mr Baghi has been sentenced once again for allegedly «acting against national security» and «publicity in favour of opponents of the regime» and is currently detained after an unjustified decision by the court to waive the suspension of the sentence of 2003

The EU Presidency urges the Islamic Republic of Iran to comply with article 14, on the right to a fair trial and article 19, on the right to freedom of expression, of the International Covenant on Civil and Political Rights which the Islamic Republic of Iran has ratified as a legal instrument.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/Declaracoes\\_PESC/20071106Irao.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20071106Irao.htm)

**THEMATIC :**

## FINANCIAL PERSPECTIVES

## JUSTICE AND HOME AFFAIRS

### Data Protection

- ▶ Data protection, directive on mediation and Europol: the results of the Portuguese Presidency at the Council of Ministers for Justice on 8 and 9 November (09/11/2007)

Besides these issues, the Ministers for Justice also approved clear political guidelines on cybercrime and human trafficking proposed by Portugal

1. The Council of Ministers, chaired by Minister Alberto Costa, reached an agreement regarding the Framework Decision text on data protection in judicial and police cooperation, in its last version proposed by the Portuguese Presidency

This result will have a direct effect on the improvement of cooperation and exchange of information between police forces and European courts. With this legal status, which establishes identical norms for all Member States concerning the handling of received and sent data, it becomes possible to raise the level of confidence among authorities and promote the exchange of information, a fundamental element to fight terrorism and serious cross-border crime.

On the other hand, a high level protection of fundamental rights is established with this dimension of personal data protection. Up to now there was no European protection, in the area of police and judicial intervention, relating to citizens' privacy. This protection is now ensured.

The Presidency's approved proposal was able to balance the need for a quick interchange of information in order to prevent and investigate crimes, while at the same time preserving citizens' privacy, a fundamental right in a democratic space.

2. The Presidency also presented the Council with the directive on mediation in civil and commercial matters, over which the Council reached an agreement, thus closing this file. This issue was worked on jointly with the European Parliament, and both arrived at a co-decision in a constructive spirit, always searching for the best solutions. This means that the Union will now have a safer legal framework, enabling mediation to work in cross-border litigation. Mediation is a valuable instrument to solve conflicts; however, it has been agreed that the traditional legal system does not offer the best solution to solve them. In the future, friendlier, simpler, speedier and less costly resolutions are expected, in cross-border conflicts throughout Europe.

3. The Council also made decisions aimed at improving Europol's operations. A substantial part of the Council's proposal for decision in this matter was approved by consensus, which means that next week the rhythm of the works may be swift. Also within the Framework Decision proposal on alternative penalties and measures to prison, the Presidency secured from the Council clearer positions on how to guide subsequent works.

4. The Council approved, under a proposal of the Presidency, conclusions on the fight against human trafficking and conclusions on the fight against cybercrime, two of the Presidency's priorities, of which there are texts available. The Council's conclusions are political orientations for the European Union's future action.

Human trafficking is one of the most serious challenges in Europe, in a world where circulation of persons is ever more global. In particular, child protection, in face of this calamity, draws special attention.

Cybercrime represents an autonomous form of crime and a new way to commit old crimes. The preparation of terrorist attacks and the encouragement of terrorism, economic and financial crimes or sexual exploitation and child pornography are clear examples of how technology can be used for more dramatic ends.

### **EU's Council Meeting on JHA**

- ▶ **EU's Council meeting on JHA formation (8-9 November, Brussels): communiqué on home affairs (09/11/2007)**

In relation to home affairs, European Union's Council of Ministers for Justice and Home Affairs, presided by Rui Pereira, discussed issues such as the enlargement of the Schengen area, the enforcement of the Prüm agreement, cooperation among special units of the police in the ambit of the Atlas Network and two proposals for directives on legal immigration.

1 – Concerning the enlargement of the Schengen area, the Council gave, unanimously, its political agreement to the abolition of borders with new Member States until the end of this year. The European Parliament's approval of a report on this matter is now expected. However, the Council has already concluded that all Member States are ready, on a technical and political level, for the abolition of borders. This abolition will only be possible due to the development of the Portuguese project Sisone4all, created by the Portuguese Borders and Foreigners Services and by Critical Software, a software business.

The abolition of borders is scheduled for 21 December 2007. On 21 and 22 December, a delegation that will include the President of the Council and Portuguese Prime Minister, José Sócrates, the President of the Commission, Durão Barroso, the Minister for Home Affairs, Rui Pereira and Commissioner Franco Frattini will celebrate the opening of borders in four symbolic areas, situated respectively in the Baltic States, at the border between Germany, the Czech Republic and Poland, at the border between Austria, Slovakia and Hungary and at the border between Italy and Slovenia.

2 – After the inclusion of the Prüm agreement in the European Union's acquis, in June 2007, still during the German presidency, a political decision of enforcement was now taken, which implicates the approval of technical norms to guarantee the exchange of information on DNA data, fingerprints and vehicle registration. This exchange of information, while respecting citizens' rights, is essential in order to enable a good cooperation in the fight against organised crime and terrorism.

3 – An agreement on cooperation among police special units from Member States, to face crisis situations, such as terrorist attacks and great catastrophes, was also approved. These special teams will act within the ambit of the Atlas Network, when situations of great danger to people, infra-structures or institutions arise. The intervention works on a voluntary basis and it is always necessary to have a request from interested States.

4 – Two proposals for directives on legal immigration were presented. The first, concerning the so-called European blue card, regulates entry and residency conditions for nationals from third countries seeking high-qualified employment. The directive aims at bringing benefits to the European Union with the arrival of highly-qualified workers, but also aims at helping the countries of origin, by contemplating circular immigration and the return of those workers. The second directive anticipates a sole application for work and residency, as well as a common set of rights for third countries workers.

Both directives represent the realization of the global approach to migrations, which confirms the regulation of legal immigration and the fight against illegal immigration. The proposals will be discussed again at the joint Council of Ministers for Home Affairs and for Work on 6 and 7 December. Their approval by the European Council of Heads of State and Government is expected, on 13 and 14 December.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/20071109jai.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20071109jai.htm)

## EXTERNAL RELATIONS & DEVELOPMENT-RELATED ISSUES

### EU / UN REFORM

### MISCELLANEOUS

#### Speech "Future European cooperation in the field of criminal justice"

- ▶ **Speech by the Portuguese Minister of Justice, Alberto Costa, at the reception hosted by the Minister of Justice of the Netherlands - «Future European cooperation in the field of criminal justice» (09/11/2007)**

Mr. Minister of Justice of the Netherlands, Your Excellencies, Ladies and Gentlemen, It was my great pleasure, as president of the Council of Ministers of Justice of the European Union, to accept the invitation of our host today, the minister of Justice of the Netherlands, to present an introductory address on «future European cooperation in the field of criminal justice». We are, in fact, in a privileged moment to do it, following the political agreement reached during the IGC, in Lisbon, on 19th October, on the Reform Treaty, the future «Treaty of Lisbon». The commitment of all Member States, and also of the Commission and the European Parliament, in overcoming the deadlock created by the negative referenda on the Constitutional Treaty in France and the Netherlands, allowed Portugal to preside the shortest IGC ever - from its convening to the approval of the new Treaty less than four months have elapsed. The European Union is stronger now. The European project, initiated in the 50s with six Member States, evolves step by step in 2007 with twenty seven Member States. As Schuman said, «Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements, which first create a de facto solidarity». The future Lisbon Treaty renews and enhances European cooperation in the area of criminal justice. Many of the solutions achieved in this area during the convention are now reflected in the Lisbon Treaty. The European Union replaces itself and succeeds the European Community.

The third pillar, «police and judicial cooperation in criminal matters», disappears. Its contents are «transferred» to Title IV of the Treaty on the Functioning of the European Union called «Area of freedom, security and justice» which includes JHA matters, now dispersed in the Treaties:

- Policies on border checks, asylum and immigration;
- Judicial cooperation in civil matters;
- Judicial cooperation in criminal matters;
- Police cooperation.

In the future judicial cooperation in criminal matters (articles 69e to 69i), the European Parliament and the Council shall act in accordance with the ordinary legislative procedure, the new name for the present codecision procedure.

The Council's sovereign unanimity is replaced by joint approval by European Parliament and Council. The home of European democracy is elevated to European criminal co-legislator. The typology of third pillar acts is also replaced by the terminology typical of the present first pillar regulations, directives and decisions.

The Parliament, Commission and Council are even urged to adopt acts that will revoke or amend third pillar acts presently in force (Declaration in article 10 of Protocol no.10). This request will surely be answered for the benefit of legal certainty, useful impact of European Union legislation and the protection of fundamental rights. Third pillar acts cannot easily be invoked by individuals.

I recall the difficulties in attaining a political agreement on the framework decision on racism and xenophobia, finally overcome by the German Presidency after six years of negotiations, as well as the still standing difficulties related to framework decision on «procedural legislation».

Lisbon Treaty represents the solution to the institutional numbness, to the constant blockage of legislative initiatives in criminal matters.

On the one hand, the rule of unanimity is replaced by qualified majority voting.

On the other and, if necessary, one might resort to an «emergency brake» mechanism, thus suspending the ordinary legislative procedure, whenever a Council member considers that the act concerned would affect fundamental aspects of its criminal justice system and requests its referral to the European Council.

Simplifying and speeding up this mechanism comparing to what was established in the Constitutional Treaty lead to its new name: «emergency brake». The suspension period of the legislative procedure is reduced and so is the discretionary action of the European Council.

Nevertheless, the balance between the will of States that intend to further integration and the State that invokes prejudice to its criminal justice system is guaranteed. The future judicial cooperation in criminal matters determines, in these cases, the possibility of establishing a simplified enhanced cooperation.

Differentiated integration is an existential demand of a European Union of 27 - demand recognised by the Treaty of Lisbon.

There are several examples of differentiated integration in the future area of freedom, security and justice and, in particular, in judicial cooperation in criminal matters:

1) Application of Protocol of 1999 regarding United Kingdom and Ireland's position, presently limited to the first pillar, to all matters of «justice and home affairs».

2) The possibility of the United Kingdom, after the five-year transitional period, to choose between accepting the powers of the Commission and Court of Justice regarding all acts of the third pillar or rejecting those powers. In this case, all acts are no longer applicable to that country (article 10(4) of Protocol no.10 regarding transitional provisions).

The efforts of the Commission, European Parliament and Council to replace these acts may in fact minimize the consequences of such rejection.

3) Poland and the United Kingdom did not confer a legally binding force to the Charter of Fundamental Rights of the European Union.

The Charter, though, codifies rights already safeguarded by Union's rule of law which is legally binding for all Member States when applying Community law.

In this respect, I would like to request the following to all States involved: The possibility of resorting to the «emergency brake», of opting-out, of establishing enhanced cooperation must not be used lightly. Consensus still is, when possible, the best solution.

It's important to concentrate all our efforts to signing and ratifying this treaty, as the entry into force of the Lisbon Treaty will provide us more and better Europe.

Thank you very much.

[http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/20071109AlbertoCosta.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20071109AlbertoCosta.htm)