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1. Strengthening social dialogue in the EU: ongoing work towards all EU institutions

Background:

In January 2022, the European Commission published a *Communication on Strengthening social dialogue in the European Union: harnessing its full potential for managing fair transitions*.

A main point of the reform of the Sectoral Social Dialogue (SSD) will be that the Commission will organise less meetings 'in house'. In 2025 they will organise 2 meetings 'in house' and from 2026 onwards they will only organise 1 meeting 'in house' per year. Social Partners will be invited, through tendering process, to bid to get funding in order to organise the other meetings that they would like to organise.

Since the adoption of the Communication, Social Partners across all sectors have expressed their discontent with regards to the way that SSD Committees will be organised in the future. The main motive for the European Commission to go forward with such a reform is to cut costs.

The main criticisms of such a new method of organising the SSD Committee meetings is that **1) Social Partners do not have enough resources to participate to the tender process and organise the meetings, 2) it is a denial of the mission of the European Commission as a neutral entity to organise such meetings and 3) it does not respect the mission provided by the Treaties on social matters.**

EuroCOP actions and their resonance :

In the course of April 2023, Euro COP approached MEPs from the Employment Committee (EMPL) in order to put pressure on the European Commission to provide adequate financial and logistical support for sectoral social dialogue committees. A letter signed by EuroCOP President was sent ahead of the vote on draft resolution by the EMPL Committee.

On 26th April, MEPs of the **EMPL Committee adopted an [Oral Question to the European Commission](#) and an [Oral Question to the Council](#) on strengthening social dialogue.** The European Parliament is asking both institutions how they are planning to monitor and implement Council recommendation on strengthening social dialogue and how they will make sure, that more sectors and more employees will be covered by social dialogue in Member States.

Along the same line, on 8th May, the EMPL Committee adopted a [draft resolution on strengthening social dialogue](#). As a result of the vote, Paragraph 1 of the resolution reads as follows:

*"highlights, however, that **further efforts are needed to provide sustainable solutions for organising and financing sectoral social dialogue committees; calls on the Commission to maintain its logistical support for sectoral social dialogue committees and to increase its financial, legal and technical support; calls on the Commission to continue supporting and closely monitoring sectoral social dialogue in order to ensure alignment between committees and that social dialogue can make a significant contribution to EU policies; strongly urges the***

Commission **to ensure that new proposals fully respect social partners' autonomy and avoid negatively impacting on European sectoral social dialogue**".

Next steps:

- A letter featuring EuroCOP's signature (see extract below) is being sent to the President of the European Commission and again (jointly this time) to MEPs to express Social Partners' discontent on the direction of the reform.
- Both oral questions will be discussed during an upcoming Plenary Session of the European Parliament, followed by a vote on the resolution on strengthening social dialogue (31 May- 1 June).



2. Publication of the Working Time Package

On 15th March 2023, the European Commission adopted a **Working Time Package**, including three documents:

1. a [Report on the implementation by Member States of the Working Time Directive 2003/88/EC \(COM\(2023\) 72 final\)](#), which analyses the state of play as regards the transposition of the Directive. Article 24 of the Directive obliges the Commission to present such a report every five years;
2. a detailed [Staff Working Document accompanying the Report \(SWD\(2023\) 40 final\)](#);

- an [Interpretative Communication \(C\(2023\) 969 final\)](#), which summarises the extensive case-law of the Court of Justice on the Directive and aims to increase legal certainty and clarity concerning the interpretation of the Directive. It has been updated to reflect the more than 30 new judgments of the Court since the first Interpretative Communication from 2017.

A preliminary analysis of these documents has been prepared by Eurotran and circulated to Euro COP members. **Several references to police forces have been identified.** Members are kindly invited to contact EuroCOP secretariat in case they have comments or see the need for interventions towards the European Commission.

It is worth noting, that EU Court rulings have left it to Member States to decide, whether “*the activities of a police force carrying out surveillance of external Schengen borders*” may be a justified reason to exempt police forces from working time provisions. (Judgment in case C-211/19, Készenléti Rendőrség, paras. 44 and 47.)

EuroCOP had an informal contact with **DG Employment**, Social Affairs & Inclusion. Unit C1 in charge of labour law confirmed that **there is no plan to revise the Working Time Directive itself.**

See below an extract from DG EMPL organisation chart featuring Unit C1



3. Institutions agree on Joint Investigation Teams Collaboration Platform

On 10th May, the Final Act on the Joint Investigation Teams collaboration platform was validated by Members of the European Parliament and the Swedish Presidency of the EU.

What will the key functionalities of the platform be?

- It will remove obstacles to information-sharing across borders
- It will allow for secure and **speedy exchanges of information and evidence between the police, judges and prosecutors instead of prosecutors and police officers sending each other USB-sticks or e-mails**
- **Allow the exchange of operational information and evidence**, including large files, through an upload/download system designed to store the data centrally only for a limited period of time necessary for a technical transfer of the data. As soon as all addresses downloaded the data, the data will be automatically deleted from the platform.
- An advanced logging mechanism is embedded to keep a trace of who did what and when regarding all evidence exchanged through the platform, and, consequently, supporting the need to ensure **admissibility of evidence in front of a court**.

What will the cost of the platform be?

The Regulation establishing the platform is envisaged to incur the following costs:

- **Development of the platform** – the one-off cost incurred for [eu-LISA](#) – around €10 million.
- **Technical maintenance and operation of the platform** – the recurring cost incurred for [eu-LISA](#) – around €3 million per year.

For Member States, no technical costs are considered because the centralised component of the platform is web-based. It will not require any adaptations of the national technical infrastructure. The same pertains to the communication software, which will simply need to be downloaded on each device of the JIT platform's users. Access to the platform for the competent Union bodies, offices and agencies, such as Eurojust, Europol, the EPPO and OLAF, will be driven by the same principles and will not incur any costs.

The platform will bring many advantages to investigation officers in their daily work. Note that Joint Investigation Teams are already investigating war crimes and other atrocities in Ukraine.

Next steps:

- Coming days: Publication in the EU Official Journal
- **By end 2025, the JIT Collaboration Platform should be operational**
- Within 18 months after the date of the start of operations of the JITs collaboration platform (= by mid 2027), the Commission should submit a report assessing the necessity, feasibility, suitability and cost-effectiveness of a potential **connection between the JITs collaboration platform and SIENA**, the Secure Information Exchange Network Application (SIENA) managed by the European Union Agency for Law Enforcement Cooperation (Europol).

4. State of the art on the Legislative proposal on Combating child sexual abuse

Background

- On 11 May 2022, the European Commission presented a [proposal for a regulation laying down rules to prevent and combat child sexual abuse](#). The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested a complementary impact assessment of the proposal.
- In December 2022, Ministers in charge of Justice and home affairs agreed on a [Progress Report](#) on the subject matter?
- On 19th April 2023, the rapporteur of the LIBE Committee, Spanish Christian-Democrat Javier Zarzalejos published his [draft report](#) on the legislative proposal containing 276 amendments.
 - The rapporteur shares the need to migrate from a voluntary system to detect, report and take down child sexual abuse material to a mandatory one.
 - A key guiding principle of the rapporteur's report, aligned with the Proposal, is the compliance with the prohibition of a general monitoring obligation enshrined in European legislation and case-law of the European Court of Justice.
 - He considers that nothing should prohibit or weaken end-to-end encryption. However, to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, **providers should be authorised by the competent judicial authority or another independent administrative authority to process metadata** that can detect suspicious patterns of behaviour without having access to the content of the encrypted communication.
 - Concerning **detection orders** and its consequent detection obligations, the rapporteur is of the view that they should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (known material), but also material not previously detected that is likely to constitute child sexual abuse material but has not yet been confirmed as such (new material), as well as activities constituting the solicitation of children (grooming).
 - Following a specific request of the provider, the **competent Coordinating Authority shall have the power to request the competent judicial authority** of the Member State that designated it (or another specific independent administrative authority) to issue an **order that authorizes the provider to maintain or implement mitigation measures that consist of using specific technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services**.
 - It would seem that a majority of Member States could support this change as it would allow them to maintain existing systems and structures to combat Child Sexual Abuse.
 - The rapporteur welcomes and expresses his strong support for the creation of a European Union Agency to prevent and combat child sexual abuse, the EU Centre on Child Sexual Abuse. He considers that a greater role has to be given to victims/survivors. Accordingly, the report proposes **setting up a Victims'**



Consultative Forum. The rapporteur highlights the importance of the cooperation between authorities and civil society organizations acting in the public interest, including hotlines, whose contribution to the fight against child sexual abuse has to be acknowledged.

- Additionally, the rapporteur has introduced some changes in the proposal to rebalance the tasks assigned to the Executive Director and the Management Board of the EU Centre.



Proposal for a regulation laying down the rules to prevent and combat child sexual abuse

Complementary impact assessment

- On 24th April 2023, the European Commission published the [Complementary Impact Assessment ordered to Ecorys](#). Without disputing the need to protect children against child sexual abuse, this study detected the major weaknesses in the proposal including: (1) problem definition only discusses to a limited extent the challenges posed by **end-to-end encryption** in the fight against child sexual abuse material online; (2) despite the potential for their abuse, technologies to detect known sexual abuse material are accurate, whereas technologies to detect new child sexual abuse material and grooming are of substantially lower accuracy and detection of material in end-to-end-encrypted communication poses **risks and vulnerabilities for individuals and society**; (3) for the creation of an EU centre to prevent and counter child sexual abuse, the most cost-efficient option would be an EU centre with **some functions hosted by Europol** and others in an independent organisation under Member State law.

Impact for EuroCOP and next steps

- The revision of the rules on Combating child sexual abuse relates to some extent to the mission of police forces in the EU. The new rules focus on online material and detection but also on judicial cooperation. The EU Centre on Child Sexual Abuse should work closely with Europol.
- EuroCOP will monitor the adoption process in the Civil Liberties Committee where many more amendments will be examined by MEPs in the coming weeks. We will follow a risk-based approach and intervene only in case amendments to the Commission proposal put an undue burden on police officers.
- Dates of votes in Committees and in plenary are still to be defined.
- Ministers may also further discuss the topic at the Justice and Home Affairs Council on 8-9th June 2023 (to be confirmed)
- A proposal to fight child sexual abuse offline is also expected in September 2023. This may have even more operational impact for police officers in the European Union.

5. Combating violence against women

Background

The 2011 Council of Europe Convention on preventing and combating violence against women ('Istanbul Convention') is the first international text that legally defines violence against women and establishes a comprehensive framework of legal and policy measures for preventing such violence, supporting victims and punishing perpetrators.

The EU's accession to the convention would mean certain sections — including those on refugee protection and judicial cooperation on criminal matters — would automatically apply to all EU countries.

The EU's accession to the Convention does not exempt member states from ratifying it themselves, MEPs have repeatedly said, urging the remaining six countries - Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia - to ratify the Convention without delay, so that it can protect women to the full extent of the Convention's intended scope.

Important vote in the European Parliament on 10th May:

On 10th May, MEPs gave the convention the green light. In the **plenary debate that preceded the vote**, several MEPs played up the vote as a seminal moment for women's rights in Europe, but lawmakers from far-right groups criticized the convention as a by-product of "gender ideology" and accused the Commission of trying to force the hand of countries that have not ratified the treaty at home.

Next steps: The Council of the EU (Member States) will need to ratify it. To get over that line will require a qualified majority, rather than unanimous assent.

6. Digitalisation of travel documents – Online questionnaire

The European Commission is consulting the public on digitalisation of travel documents through an questionnaire: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13514-Travel-digitalising-travel-documents-to-make-travelling-easier_en

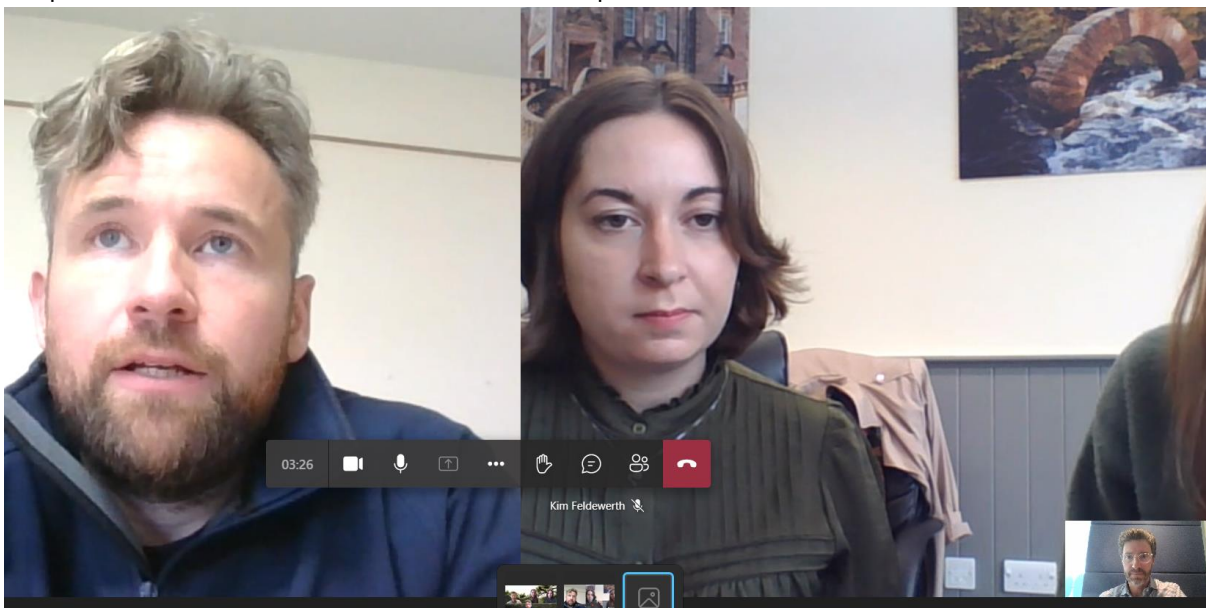
The following questions are of particular interest for EuroCOP members. A draft answer is provided that will be fine-tuned before the 28th June deadline:

1. *Question 8.5: **High security threats:** as the volume of travellers increase with no additional/decreasing border agents, border checks are at risk of reduced capacity to identify unwanted entrants, overstayers, authors and victims of cross-border criminal activities (e.g. human trafficking, migrant smuggling, serious crimes, etc.)*
 - This is a very challenging issue
2. *Question 10: What is your general view on using digital travel documents as a **digital passport and a digital identity card when crossing borders?***

- Digital representations of the traveller's identity are already in use and have proved to be performant and useful. Further progress is expected on the document and the reading machine so that border officers can focus on more sensitive controls.
3. *Question 11. How important do you consider the **additional possibility** of the usage of digital travel documents (e.g. sending your travel information up-front, no necessity anymore to present any documents at the boarding stage, automated boarding gates which match the entitled ticketholder with facial recognition)?*
 - See previous questions: digital travel documents technology should be at the service of border police and police officers in general. This additional possibility is therefore very important
 4. *Question 12. In your opinion, would the implementation of digital travel documents facilitate the **border check procedure for travellers travelling to or outside the Schengen area?***
 - Yes
 5. *Question 14.3. Safe and secure Schengen area due to **decreased risk of infringement** of the protection of personal data as well as **lower security threats** due to more efficient border checks*
 - Yes

7. Exchange of views with the Halo Trust on future cooperation related to arms circulation

At the April EuroCOP meeting in Belfast, the [HALO Trust](#) held an induction presentation on how they manage weapons and ammunitions, in particular following armed conflicts. On 17th May, Ségolène Laubert (Partnerships manager – Europe), Kim Feldewerth (Public affairs) and Lawrie Klapton (Head of weapons and ammunitions) took part in a follow-up exchange to discuss how EuroCOP could cooperate with the HALO Trust when it comes to public affairs.





The following questions were addressed:

- Can EuroCOP become a reference and bring technical support to the HALO trust and convertly?
- Synergies in EU affairs, but also with NATO. We agreed to raise the question directly with EuroCOP members as NATO focuses on military issues but could be interested in the police perspective.
 - In the European Parliament
 - EuroCOP works preferably with the Employment and Civil Liberties committees
 - The HALO Trust rather approaches MEPs from the External Affairs Committee and its Subcommittee on Security and Defence
 - At the European Commission level:
 - EuroCOP is in touch with Employment and Home affairs DGs
 - The HALO Trust speaks regularly with the DG in charge of enlargement and also with think tanks such as [CEPS](#).
 - Synergies could be built when it comes to DG GROW in charge of the defence industry.

Next steps:

EuroCOP and the HALO Trust plan to meet physically in July to discuss the above and also the influx of weapons and in particular the depth of their marking that the Commission may re-consider by the end of 2023.

8. Movers & shakers



Dutchman [Hans Leijtens](#), the new head of the European Border and Coast Guard Agency, also known as Frontex, recently declared that Europe is facing an increase in migrant arrivals — but *the EU border agency will not turn its back to human rights violations along its borders again.*



The Romanian Director of the International Police Cooperation Centre, [Andrei Linta](#), is about to be appointed as Deputy Executive Director for Europol. He will face a Hearing by MEPs on 23rd May.