

# Criminal justice: Joint statement on the launch of EU-U.S. negotiations to facilitate access to electronic evidence

European Commission and U.S. Department of Justice officials met yesterday to begin formal negotiations on an EU-U.S. agreement to facilitate access to electronic evidence in criminal investigations. After a productive first discussion, there was agreement to regular negotiating rounds with the view to concluding an agreement as quickly as possible. Progress will be reviewed at the next EU-U.S. Justice and Home Affairs Ministerial in December.

European Commissioner for Justice, Consumers and Gender Equality, Věra **Jourová** said: *"I welcome the start of formal negotiations. Criminals use fast, modern technologies to organise their crimes and cover up their evidence. We need to work together with our American partners to speed up the access of our law enforcement authorities to this evidence. This will strengthen our security, while protecting the data privacy and procedural safeguards of our citizens. The launch of negotiations marks an important step towards achieving this."*

U.S. Attorney General, William **Barr** said: *"We are pleased that the Council adopted a mandate to authorise the Commission to negotiate an agreement with the United States on facilitating access to certain e-evidence, and that we have obtained authorisation to negotiate with the European Union. This type of agreement can enhance public safety and national security by providing an improved and more rapid ability to identify and respond to criminal threats on both sides of the Atlantic, in a manner that assures respect for the rule of law, privacy, and civil liberties. The U.S. is committed to working with the E.U. on this important issue."*

## **Background**

Electronic evidence is needed in around 85% of criminal investigations, and in two-thirds of these investigations there is a need to obtain evidence from online service providers based in another jurisdiction. Currently, the largest service providers have their headquarters in the United States. The number of requests to the main online service providers continues to increase and grew by 84% in the period 2013-2018.

Cross-border access to electronic evidence has been a regular point on recent EU-U.S. Justice and Home Affairs Ministerial meetings, most recently in Washington on 9 November 2018. The United States and the European Union agree on the importance for both law enforcement and judicial authorities of swift cross-border direct access to electronic evidence, as demonstrated by recent legislation approved or under examination in the United States and the EU.

On 17 April 2018, the Commission proposed to the European Parliament and the Council a Regulation on European Production and Preservation orders for electronic evidence in criminal matters and a Directive laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings (“e-evidence proposals”). These proposals are currently being discussed by the European Parliament and the Council.

The European Commission proposed on 5 February 2019 to start international negotiations on cross-border access to electronic evidence, necessary to track down dangerous criminals and terrorists. The Justice & Home Affairs Council [on 6 June 2019 agreed the negotiating directives for the Commission as the European Union’s negotiator](#).

The United States also has a negotiating mandate through the CLOUD (Clarifying Lawful Overseas Use of Data) Act from March 2018, which provides criteria for the negotiation of international agreements to facilitate the ability of other countries partners to obtain electronic data relating to the prevention, detection, investigation or prosecution of serious crime.

**For more information**

[MEMO: Questions and Answers: Mandate for the EU-US cooperation on electronic evidence](#)

[More information on cross-border access to electronic evidence](#)

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## **Potential of platform work may depend on greater protection of workers**



The rise of platform work across the European Union can facilitate better access to the labour market for disadvantaged groups, encourage participation among those with other responsibilities and foster self-employment and entrepreneurship. However, there are growing concerns relating to platform workers’ social protection, working time and health and safety standards, with the work itself often characterised by low income, low-skilled work, and individual small-scale tasks. Eurofound’s new policy brief highlights the main opportunities and challenges of specific types of platform work and illustrates some of the first attempts at addressing them in the EU.

Platform work – the matching of supply and demand of paid labour through online platforms – emerged on the European labour market about a decade ago. While still small in scale, it is growing and evolving into a variety of forms, as a result of an increasing heterogeneity within platform work. Platform work can be a good source of (additional) income. In some forms of

platform work – such as location-based platform work – remuneration compares favourably to the traditional economy. It also has the potential to legalise undeclared work as the data collection associated with online platforms can make work more transparent.

Different types of platform work also have significantly different implications for the employment and working conditions of affiliated workers with the most discussed employment-related topic regarding platform work focused on the potential misclassification of platform workers as self-employed. This discussion should reflect the nuance of what is a broad categorisation of modern work. Some types of platform work resemble a market-based business model, with considerable autonomy of the worker who often uses it as a strategic tool to foster their self-employment. But other types of platform work apply a business model that resembles more a hierarchy, that is not only matching supply of and demand for paid work but also managing it. In that case there is a higher potential of workers being misclassified if they are considered self-employed.

The employment status of platform workers is important as it is decisive for their rights and entitlements, including social protection and representation. On the assumption that platform work will further grow, and a higher share of workers are doing it as a main job in the future, solutions need to be found to ensure fair treatment and protection of platform workers.

The low-skilled, small tasks mediated through platforms have good potential to contribute to labour market integration and legalising undeclared work. However, potential side effects like this resulting in labour market segmentation or deskilling need to be explored before platform work can be strategically used as a labour market tool.

**Additional resources:**

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**[Article – European Globalisation Adjustment Fund: helping redundant workers](#)**



On 16 January 2019, [MEPs voted in favour of plans](#) to reform the fund for the post-2020 period. The aim is to broaden the fund's scope to offer assistance in case of major restructuring events linked to digitalisation, automation and the transition to a low-carbon economy. MEPs are proposing to change the fund's name to the European Fund for Transition.

Another proposal aims to make it easier for the fund to help workers who were employed by small and medium-sized enterprises by lowering the threshold for minimum job losses from 500 to 200. MEPs also want to speed up the application procedure.

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## [Statements by Vice-President Sefcovic and participants to the 4th high level meeting of the European Battery Alliance](#)

**Maroš** Sefcovic, Vice-President for the Energy Union

We have just returned from the Competitiveness Council, where I informed all Member States about our work under the EU Battery Alliance.

In a few moments, I will host the 4<sup>th</sup> High-Level Meeting on batteries – with Ministers and with CEOs who have been most actively involved in the Alliance.

We will take stock of where we are and we will discuss the next step in order to succeed and produce at scale by 2023 – 2025.

Briefly where we are.

Several strong industrial and innovation partnerships are springing up across the value chain, for instance:

- Mining in Finland, Portugal, Spain and the Czech Republic;
- Cathode materials in Belgium, Finland, Germany and Poland;
- Other Battery materials in Belgium, France and Italy;
- Cell manufacturing in Sweden, Germany, France and Italy, with additional announcements in Slovakia and the Czech Republic;
- Battery packs in Germany and Poland;
- Recycling in Belgium, Germany and Poland.

I think that the success lies with our focus on concrete industrial projects stemming from the industry itself. There was no top-down blueprint for the battery value chain in Europe.

There was no break, even during summer. And thanks to intensive efforts of seven Member States, industry and the Commission, a first IPCEI (important projects of the common European interest) should emerge in the subsequent weeks. I want to pay tribute to the excellent co-ordination work by France. And I do hope that we will have a concrete announcement very soon.

In practice, it would mean Europe's first major pan-European battery consortium with projects in all segments of the value chain – no doubt this would be a very important signal.

Equally importantly, we are working hard – and are on track – when it comes to a second IPCEI-supported battery consortium, thanks to enormous co-ordination efforts by Germany.

Of course, Sweden is leading the way, with the Northvolt project. As you know we support it heavily – with substantial loans from the European Investment Bank (guaranteed by our instruments). And we see the Gigafactory already in construction there.

Establishing these consortia quickly is vital. Why: because we only have a small window of opportunity of two to three years to establish genuine European leadership;

I am also glad to say that yesterday we launched the European Battery Alliance Business Investment Platform, aimed at facilitating the matchmaking between projects owners and financial stakeholders. I am sure that the Platform will contribute decisively to accelerating the deployment of solutions, going from lab to market in record-time. Already yesterday, we saw a matchmaking worth of EUR 5 billion.

The Platform will also work to create financial deal flows towards key projects identified under the battery smart specialisation partnership that already gather 27 regions in our Member States – and more in the future.

These will be benefitting from European regional funds support.

Now what next for the EU Battery Alliance. We will discuss it this afternoon but I can give you my preliminary thoughts.

First, we need to establish an EU legal framework setting out the mandatory use and sustainability criteria for batteries placed on the EU market. My objective is to have this framework in place by 2022 – 2023 to be ready when we are likely to see the start of mass manufacturing.

Second, we need to improve access to raw materials – and our refining capacity, a key strategic issue for the battery value chain.

Third, we must tackle the issue of skill shortages upfront.

Fourth, we must continue to prioritise our investment in research and innovation. We had a dedicated call for proposals on batteries of EUR 114 million in 2019 – the selection procedure is finalised and results will be announced in coming weeks. A further call of EUR 132 million for 2020 has been published. We will set up a public private partnership to help.

To conclude, let me say once again that all we do under the European Battery Alliance is to secure Europe's automotive and renewable industry long-term future.

Not only do we want to capture a great part of European market but after discussing with the industry, we are convinced that we can also substantially expand our exporting and investment capacity globally.

We know the Chinese automotive market is becoming the largest in the world, while China and India are set to stand for 46 percent of the growth in renewables between 2015 – 2021.

Battery and storage are key enabling technologies for our leadership in these sectors. We also need to reflect upon whether and how to extend the EBA model to other key strategic sectors across the board.

**Bruno Le Maire**, Economy and Finance Minister, France

*"The European Battery Alliance is delivering in a record time. We will start building the first pilot factory in France before the end of the year. We will then build a first factory in France in 2022 and a second one in Germany in 2024."*

**Claudia Dörr-Voß**, Secretary of State for Economic Affairs and Energy, Germany

*"Numerous companies and consortia have submitted innovative project ideas for the development of competitive and sustainable battery production in Germany. These enterprises cover the entire value chain from mining and materials to the production of cathodes, anodes and mechanical components, actual battery cell production capabilities as well as integration into larger systems and applications. We are seeing many new business cases and firms engaging in European cooperation. The IPCEI instrument is making a significant*

*contribution to the creation of new value chains."*

**Jadwiga Emilewicz**, Minister of entrepreneurship and technology, Poland

*"The European Battery Alliance and initiatives of summer and autumn IPCEIs related thereto are of high significance for our companies and the Polish government. Electromobility is one of fundamentals of our Responsible Development Strategy and we see it as an indispensable factor for successful transition towards green and sustainable economy. The EBA lays foundations for our European companies to make use from unique conditions and comparative advantages of European economy and Single Market for developing high-tech, low-emission and edge-cutting solutions in truly European, cross-border and sovereign value chains. Therefore, it is important for us to support and develop technologies suited for whole life cycle of batteries and cells – from R&D and the raw materials phase to recycling. Our intention is to use the opportunities created by the EBA and the next technological revolution to facilitate cohesive and geographically balanced growth and spread the technologies and solutions among all Member States in order to reinforce just transition towards low-emission economy. We expect the common projects to bring benefit for the whole Union, not only to participating companies and States."*

**Peter Carlsson**, CEO of Northvolt

*"Europe has made tremendous progress over the past few years to establish its own value chain for batteries. The European Battery Alliance initiative has been an important platform in this process, and we now need to make sure we continue to leverage it to speed up the transition to electrification even further, cutting lead times from planning to execution while championing a sustainable approach to battery manufacturing in Europe."*

**Marc Grynberg**, CEO of Umicore

*"Umicore is committed to enabling the transition to electrified mobility. Innovative technologies, responsible sourcing and closing the materials loop will be key ingredients for the success of the European battery value chain. I am happy to see that IPCEI has been launched and that several European Battery Alliance projects are supporting the development of a sustainable industry in Europe."*

**Matti Hietanen**, CEO of Finnish Minerals Group

*"The ongoing Climate Week in New York highlights the importance of industry to take an ambitious action to curb the climate change. It is in the core of our mission in Finnish Minerals Group to participate in creating a battery value chain that provides sustainable high-technology materials to the European market. This will support us in our shift from combustion engine vehicles to electric vehicles, which will help cut the CO2 emissions from transport. We continuously support Vice-President Maroš Šefčovič's initiative to make Europe a leading actor in the battery industry."*

**Ilham Kadri**, CEO of Solvay



*"Solvay strongly welcomes the creation of the European Battery Alliance and active support from the European Commission and EU Member States. We have established partnerships and collaborative projects meant to accelerate the creation of a battery supply chain in Europe, thus fostering sustainable mobility, employment as well as the necessary research and innovation competencies. Solvay brings to this collaborative effort the strength of its innovation and manufacturing capabilities in advanced materials that enable breakthrough progress in battery technology, which will contribute to the commitments of the Paris agreement."*

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## **#EESCplenary: "We need a coalition of forces for change"; says European Ombudsman Emily O'Reilly**



**At the September plenary session of the European Economic and Social Committee (EESC), the European Ombudsman, Emily O'Reilly, took stock of the ground covered during her term and gave her insight into the challenges facing the European public administration and how they should be addressed, while the EESC president, Luca Jahier, stressed the need for people-oriented EU institutions.**

The European Ombudsman, **Emily O'Reilly**, underlined that when EU institutions faced a sensitive issue, cooperation among them was vital in order to bring about change. *When there is a difficult and sensitive issue, it's always collaboration and a coalition of forces of all actors involved, from the institutions to the Member States, that helps to change it," she said. "It is only when it reaches a certain level of pressure that we can see change, because the issue then comes higher on the agenda of the institutions, she added.*

Citizens' trust in government and in the public sector has declined, despite the fact that institutions have become more open and transparent and the quality of service has improved in the last two decades. *This shows the demand for more people-centred governance as we move from governing for people to governing with people, putting in place the kind of 'participatory decision-making' to which the 2030 Agenda aspires,* the EESC president, **Luca Jahier**, pointed out.

The 2030 Agenda plays a key role for the EESC, as the 17 Sustainable Development Goals (SDGs) cannot be achieved without determined and sustained efforts on the part of public institutions. *The quality of the institutions, good governance and sound administration are key determining factors for the EU and a precondition for the economic and social transformation towards sustainable development,* continued **Mr Jahier**. *Public authorities must be able*



to adjust to dynamic and often disruptive changes in the economy and society.

**Mr Jahier** highlighted the fact that the Committee was an EU institution geared towards European citizens, and praised the role and work of the European Ombudsman in this respect. *We must bear in mind that the EESC is made up of 350 members who are in constant contact with the people on the ground, he observed. We need people-centred governance and we believe that the European Ombudsman has a crucial role to play in helping the EU institutions to adapt to this change. You have adopted a number of measures in this direction, and all the institutions are grateful to you for your work. The Committee strictly follows your recommendations and will continue to do so in the future, he added.*

**Ms O'Reilly** emphasised the common values between the two EU institutions, arguing that the work carried out collectively supported and amplified the voice of European citizens. *We help each other and we learn from each other. You are the bridge between the civil society groups that you represent on the ground all over Europe and the political level of the EU in Brussels. The European Ombudsman is a bridge between the citizens and the EU administration and my challenge is to make it meaningful, she continued.*

Individual complaints represent the vast majority of inquiries, approximately 98%, received by the European Ombudsman's office. In order to provide the most effective service for citizens, own-initiative measures are also possible, for example looking into broader issues of suspected maladministration. Transparency is essential: *The EU institutions already have high standards of transparency, often higher than national or regional administrations, but sometimes they don't always appreciate how difficult it can be for citizens to understand how they work, how decisions are made and how citizens can get involved in influencing that decision-making, she stressed.*

**Ms O'Reilly** mentioned Euroscepticism, saying that it increased when people did not know how decisions were made, why they were made and who had made them. *Real debate about the EU can take place only when people have facts and insight. Otherwise we are left with unchallenged caricatures that feed into certain populist narratives, she said.*

The investigation that most reflected these concerns looked into legislative transparency in the Council. Following the inquiry, the Ombudsman recommended putting an end to the Council's practice of automatically marking documents as "not for public view" and starting to systemically record the positions of national governments on legislation, so that the citizens' right to know these positions was made real. *If this were done, if citizens knew the positions their own governments were taking on legislation that affects them, she said, it would make it more difficult for some national ministers to blame 'Brussels' for laws that they have in fact agreed to, or to take credit for popular EU laws they might even have voted against.*