

Screening of investments: Council agrees its negotiating stance

Press contacts

Maria Tomasik

Press officer

+32 2 281 24 63

+32 470 88 23 83

On 13 June 2018, EU ambassadors agreed on the Council's stance on the proposed regulation on screening of investments. They asked the presidency to start negotiations with the European Parliament as soon as possible.

The proposed regulation establishes a framework at EU level for analysing investments from third countries in strategic sectors and creates a cooperation mechanism among member states and also with the Commission with regard to investments likely to affect security and public order.

Foreign direct investments are a major source of innovation, growth and jobs. Keeping the EU open to investment is crucial, but we also need to have the right tools to protect our key technologies from strategic threats and ensure that our essential interests are not undermined.

said Emil Karanikolov, Bulgarian minister for trade.

Currently, fewer than half of EU member states have legislation in place that allows them to review FDIs. The proposal put forward by the Commission in September 2017 aims at enhancing cooperation, by defining a set of information to be exchanged and introducing certain time limits. Having an EU-wide framework for screening by the member states will increase legal certainty and transparency and will address more effectively the potential cross-border impact of investment inflows on security and public order.

The EU is the number one destination for FDIs and is a very open market. However, in recent years there has been a surge in investments relating to critical EU assets which are not the result of normal market forces. For example, opaque state-owned enterprises or private firms with close government links are buying EU firms using cutting-edge or dual use technologies (such as artificial intelligence, robotics or nanotechnologies) or strategic infrastructure assets which could have a potential impact on the EU's security or public order.

The investment screening proposal has been identified as a legislative priority by all three institutions. The European Council of March 2018 also

called on the Council and the European Parliament to make progress on this file.

On the basis of the text endorsed by EU ambassadors, the Presidency will start negotiations with the Parliament with a view to reaching an agreement within the current legislature.

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Court of Justice of the European Union: two judges appointed

Press contacts

[Liis Jaansalu](#)

Press officer

+32 (0)2 281 38 71

+32 (0)470 89 08 50

On 13 June 2018, the representatives of the governments of the member states appointed two judges to the Court of Justice of the European Union.

The following persons were appointed as judges for a term of office of six years, starting from 7 October 2018:

- Mr Irmantas Jarukaitis (Lithuania)
- Mr Peter George Xuereb (Malta)

The appointments were made as part of the partial renewal of the composition of the Court of Justice, which takes place every three years.

On 6 October 2018, the term of office of 14 judges and five advocates-general will expire. Nine judges and three advocates-general were appointed to the Court of Justice on 28 February 2018. Three judges and two advocates-general still have to be appointed in 2018.

The Court of Justice is composed of one judge from each member state and eleven advocates-general. The judges and advocates-general are appointed for a term of office of six years, which is renewable. Every three years a partial replacement of judges and advocates-general takes place.

The judges and advocates-general are appointed by common accord of the governments of the member states after consultation of a panel responsible for giving an opinion on prospective candidates' suitability to perform the duties concerned. They are chosen from among individuals whose independence

is beyond doubt and who possess the qualifications required for appointment, in their respective countries, to the highest judicial offices, or who are of recognised competence.

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[Sham marriage network dismantled in Denmark and Germany](#)

The Hague, 13 June 2018

Eurojust/Europol joint press release

Eurojust and Europol's European Migrant Smuggling Centre assisted the German and Danish national authorities in detecting and dismantling an organised crime group (OCG) that used sham marriages with EU citizens to grant permanent residence permits to illegal migrants from Asia.

Today, judicial and law enforcement authorities from Denmark and Germany as well as Europol experts worked together to tackle down the key players of the OCG. The joint operation was the result of an 18-month coordinated investigation in the framework of a [joint investigation team](#) (JIT). The JIT, established with the support of Eurojust, provided the necessary mutual legal assistance and helped considerably to simplify the cooperation between the national authorities. Eurojust also supplied funding for the JIT.

During the operation, which involved the execution of numerous houses searches in Germany and Denmark, the main structure and modus operandi of the OCG were identified and several OCG members were spotted in Hamburg.

The OCG helped non-EU nationals illegally enter, and stay in, the European Union by providing them with stolen and falsified identification documents, tourist visas that allow the holder to stay in the European Union for a maximum of 90 days, and even residence permits. However, their ultimate goal was to arrange sham marriages of EU citizens with those non-EU nationals in Denmark so that they could then apply for and obtain permanent EU residence permits.

In some cases, the marriage ceremonies took place in Mexico or the USA. In those States, marriage by proxy (where one or both partners are not present) is allowed and recognised, and a third party may deputise for the aspiring partners and sign the marriage certificate on their behalf.

The suspects ran several marriage bureaus and used agents to attract and recruit EU citizens willing to marry the smuggled non-EU nationals for remuneration, without having the obligation to live with their alleged

partners.

The OCG, which has been active since 2015, is known to have smuggled approximately 1 200 migrants into the European Union, charging up to EUR 13 000 per person for its services. Its members are suspected of having committed the crimes of migrant smuggling, document forgery, incitement and assistance to bigamy, as well as bribery.

Europol supported the joint operation on the spot by performing cross-checks and real-time analysis of the information and telecommunication data provided by Member States' officers. Eurojust and Europol supported the investigation from its early stages by facilitating the exchange of intelligence between the involved Member States, providing tailored analyses to the investigators and organising [coordination meetings](#).

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[Audiovisual media services: agreement on a directive to protect minors, boost competitiveness and promote European content](#)

Press contacts

[Maria Daniela Lenzu](#)

Press officer

+32 2 281 21 46

+32 470 88 04 02

New times call for new audiovisual rules

On 13 June **EU ambassadors confirmed an agreement** reached on 6 June 2018 between the Bulgarian Presidency of the Council and the European Parliament representatives on modernising the existing rules **on the provision of audiovisual media services in Europe**.

Good policy-making involves ensuring that our rules are up to date and reflect modern technology. As a result of this agreement on audiovisual media services we will be better equipped to protect consumers and children, fight the spread of hate speech and safeguard media pluralism and independence.

Boil Banov, minister for culture of the Republic of Bulgaria and president of the Council

The **proposal for a revision of the directive** on the provision of audiovisual media services in the light of changing market realities (AVMSD) was **presented by the Commission in 2016** after a thorough evaluation of the previous 2010 AVMSD.

This evaluation highlighted the need to **ensure a level playing field** between the traditional broadcasting sector i.e. television, and new services like video on-demand services, video-sharing platforms, and the audiovisual content on social networks, to better **protect viewers**, encourage innovation and **promote European audiovisual content**.

The new rules will:

- create a **level playing field between all operators in protecting viewers**, independently from the service they provide and the platform they use. This means that users will get equal protection whether they are watching a film on traditional tv or an on-demand tv. Moreover the **protection of minors and all users from violent or harmful content**, as well as **hate speech**, will be improved by introducing a **clear responsibility for video-sharing platforms**. Member states will be able to take action through their national audiovisual regulators against those operators not respecting the rules
- **increase cultural diversity and promote European content**, as providers of on-demand audiovisual media services will have to ensure that **at least 30%** of their catalogues consist of European content and that this is given adequate prominence
- **free up resources** to be invested in the production of European content as member states may require a **financial contribution from tv and on-demand media service providers**, including those established in another member state, with exemptions that could make life easier for start-ups and small companies
- **improve cooperation between member states' audiovisual authorities** by strengthening the European regulators group for audiovisual media services (ERGA) and setting out its role in EU law
- guarantee flexibility as member states will be able to **adapt the rules to national circumstances** and even **adopt stricter rules** if they so wish

Now that the agreement has been confirmed by EU ambassadors on behalf of the Council, the directive will be submitted to the European Parliament for a vote at first reading, and subsequently to the Council for adoption.

The directive will enter into force on the 20th day after its publication on

the Official Journal of the EU and **member states will have 21 months to transpose** it into national legislation.

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