

News story: Flood defence milestone: 100,000 more properties better protected

Better protecting communities from flooding continues to be a top priority for the government, the Environment Secretary Michael Gove will reaffirm today.

Flood defences continue to be built apace across England and 100,000 properties are now better protected thanks to the 350 new flood schemes that have been completed since April 2015.

The Environment Secretary is in Devon today to open a new £12 million flood defence scheme in Dawlish Warren, reducing flood risk to 2800 homes and businesses around the Exe Estuary, as well as the main rail line into South Devon and Cornwall.

Environment Secretary Michael Gove said:

Our £2.6 billion investment programme is well underway, with 100,000 more properties already better protected from flooding and that figure set to triple in under four years.

Dawlish Warren is only one of 350 new defences built since 2015 and work continues on schemes across the country – all of which are helping to bring peace of mind to communities, as well as investment and opportunities.

With elements including a new 100 metre long flood wall and over 200,000 cubic metres of sand, Dawlish Warren uses top engineering techniques and the natural landscape to reduce flood risk, while also conserving habitat for birds and wildlife.

As the Environment Secretary opens one flood scheme for Devon, he will simultaneously announce that work will begin next year on another £12 million scheme just across the estuary, in Exmouth. Both schemes are part of the government's continued £115 million investment drive to reduce flood risk to 15,000 homes and businesses in Devon and Cornwall by 2021.

On top of this existing funding, the Environment Secretary will announce an extra £1.6 million for Devon from the recent Budget: this will go towards two schemes, one in Plymouth and one in Whimple.

Emma Howard Boyd, Chair of the Environment Agency said:

We have made great progress in the last two years to reduce flood

risk around the country and this milestone of 100,000 homes better protected shows how far we've come. These new schemes at Dawlish Warren and Exmouth are brilliant examples of how the Environment Agency's teams continue to work hard to benefit local communities.

In addition to building new defences, this winter we are better prepared than ever before to respond if flooding occurs with new equipment, better technology and more than 6,500 trained staff ready to act.

Following his visit to Dawlish Warren, the Environment Secretary will visit the Devon Wildlife Trust's trial reintroduction of beavers on the River Otter to see the visible impacts they have had on the landscape; creating new dams, pools and other dramatic changes.

The Environment Secretary's interest in the project follows the recent announcement that he is supportive of a planned similar scheme in the Forest of Dean, which has been granted a licence to proceed.

[Press Release: Somalia security situation](#)

EASO publishes a Country of Origin Information (COI) report on security situation in Somalia

Today, the European Asylum Support Office (EASO) published a Country of Origin Information (COI) Report entitled '[Somalia security situation](#)'. The report is the third EASO COI report on Somalia, and provides an update of the EASO COI report on Somalia security situation, published in February 2016¹.

In the first ten months of 2017, nationals from Somalia lodged close to 12 000 applications in the EU+, ranking 14th among the most common citizenships of origin of applicants. While the number of Somali applications awaiting a first-instance decision has decreased by 57% in the past 12 months, from more than 27 000 in October 2016 to close to 11 600 at the end of October 2017, Somalia still represented a significant decision-making backlog and ranked 13th in terms of pending cases at first-instance in the EU+.

The report provides an overview of the security situation in Somalia, information relevant for the protection status determination of Somali applicants for international protection. The first part of the report provides a general description of the security situation in Somalia, covering the following topics: a brief overview of the political and economic situation; actors in the conflict (state's armed forces, international forces and armed groups); the impact of the violence on the state ability to secure

law and order, with descriptions of the Judiciary, detention conditions and death penalty; the impact of the violence on the civilian population, and the impact of the current drought.

In the second part, the report describes the security situation in different regions in Somalia, including the capital Mogadishu. These chapters provide a general overview of the region, followed by the major violent incidents. The report outlines the actors in each region and the areas of control or influence by each of these actors. Finally, the report provides information on the impact of the violence on the population. The reference period for the security report runs from January 2016 until 31 August 2017.

This new report is to a large extent based on a joint fact-finding mission report by the Austrian Bundesamt für Fremdwesen und Asyl/Staatendokumentation and the Swiss Staatssekretariat für Migration, as well as a joint fact-finding mission report by the Danish Immigration Service and the Danish Refugee Council. Findings from these fact-finding missions were combined with desk research. A researcher from Denmark participated in the drafting process of this report jointly with EASO. In accordance with the [EASO COI Report Methodology](#), the report was reviewed by experts from Belgium, Italy, The Netherlands and Norway, in order to ensure the highest quality.

It is EASO's intention to continue to produce such reports on important countries of origin and to update them on a regular basis in order to raise and harmonise COI standards in the EU and to further support the practical implementation of the Common European Asylum System.

Any further information may be obtained from the European Asylum Support Office on the following email address: press@easo.europa.eu

[1] All reports are available via EASO's website:
<https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

Cybersecurity: EU institutions strengthen cooperation to counter cyber-attacks

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On 20 December 2017 EU institutions took an important step in strengthening their cooperation in the fight against cyber-attacks. An inter-institutional arrangement which enters into force today establishes a permanent Computer Emergency Response Team (CERT-EU) covering all the EU's institutions, bodies and agencies. It consolidates the existing task force into a permanent and effective team responsible for ensuring a coordinated EU response to cyber-attacks against its institutions.

CERT-EU works very closely with the internal IT security teams of the EU institutions, and liaises with the Computer Emergency Response Teams and IT security companies in member states and elsewhere, exchanging information on threats and how to handle them. It also cooperate closely with its counterparts at NATO.

CERT-EU is a member of the network of EU national and governmental Computer Security Incident Response Teams that has been established by the Directive on security of network and information systems.

In recent years, Computer Emergency Response Teams have been set up in both the public and private sectors as small teams of cyber-experts that can respond effectively and efficiently to information security incidents and cyber threats. They are a key component in the strategy to combat these threats by assisting their clients in detecting and preventing weaknesses. They provide advance warning to their clients and recommend action to mitigate risks. They help to detect compromised systems and attacks and to take appropriate steps to prevent them or assist organisations to recover from them. They are highly interconnected with each other, creating a community of experts fighting for the common cause of cybersecurity.

CERT-EU's resources are provided by EU institutions, bodies and agencies. The team operates under the strategic oversight of an inter-institutional Steering Board.

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[Removing barriers to free flow of data – Council agrees its position](#)

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The EU is developing new rules to **allow non-personal data to move freely and easily across country borders**. Member states' ambassadors (Permanent Representatives Committee) today agreed on a **mandate for the presidency to launch negotiations with the European Parliament** on the proposal, which aims to boost the EU data economy by removing any unjustified restrictions on the geographical location for storing or processing data. At the same time, the new law would ensure that authorities have access to data stored or processed in another member state so that they can carry out their duties.

In essence, the new rules will create a single market for data storage and processing services, such as cloud computing. They will provide legal certainty and increase trust in the use of these services. Together, this draft regulation and the general data protection regulation adopted last year will provide a coherent set of rules that cater for free movement of different types of data.

Eliminating data localisation measures is expected to drive down the costs of data services, give companies greater flexibility in organising their data management and data analytics, and expand their choice of providers. A company operating in several member states will be able to avoid the costs of duplication of IT infrastructure. Removing data localisation restrictions is considered a key factor for the data economy to reach its full potential and double its value to 4% of European GDP in 2020.

"Data is at the heart of all modern economies and societies and can generate immense value. Seamless data mobility saves costs for businesses, especially for start-ups and SMEs, and is essential for many next-generation digital services. This proposal has been a top priority for the Estonian presidency, so I am very pleased that we now have a mandate ready for the Bulgarian presidency to kick off talks with the European Parliament as soon as the Parliament is ready," said Urve Palo, Estonian Minister for Entrepreneurship and Information Technology.

The Council text allows member states to impose data localisation requirements only when these are justified on grounds of public security. To ensure the effective application of the principle of free movement of data, member states must notify their data localisation requirements to the Commission. The text is also designed to ensure that member states are not prevented from insourcing the provision of services involving data processing.

Member states' competent authorities will continue to have access to data even when it is stored or processed in another country. An additional cooperation mechanism will be created to make sure such access is not hampered.

If a data set contains both personal and non-personal data, the general data protection regulation will apply to the personal data part of the set, while the non-personal data will be covered by the free flow of data regulation.

The draft regulation also encourages the development of codes of conduct to make it easier for users of data processing services to switch service

providers and to port their data from one service provider to another or back to their own IT systems.

Both the Council and the Parliament have to agree on the text before it can enter into force. The Parliament has not yet adopted its position.

The European Council in October called for co-legislators to reach an agreement on this priority dossier by June 2018.

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Opening remarks of First Vice-President Frans Timmermans, Readout of the European Commission discussion on the Rule of Law in Poland

I would like to speak to you about the situation in Poland as regards the rule of law.

Sadly our concerns have deepened. Within a period of two years a significant numbers of laws have been adopted – 13 in total – which put at serious risk the independence of the judiciary and the separation of powers in Poland.

The entire structure of the justice system is affected: the Constitutional Tribunal, the Supreme Court, the ordinary courts, the National Council for the Judiciary, the prosecution service and the National School of Judiciary.

The common pattern of all these legislative changes is that the executive or legislative powers are now set up in such a way that the ruling majority can systematically, politically interfere with the composition, the powers, the administration and the functioning of these authorities, thereby rendering the independence of the judiciary completely moot.

Since December 2015, two years ago, the Commission has made a huge effort to substantiate its concerns in an objective, elaborate and thorough manner.

We have issued three Recommendations and have always stood ready to pursue a constructive dialogue. In this year, this dialogue did not take place. I want to make absolutely clear that we continue to stand ready for such a dialogue. On every day, 24 hours, 7 days. Whenever the Polish authorities would deem it possible.

The Commission's concerns are fully shared by a wide range of European and international organisations, including the Council of Europe's Venice

Commission, the United Nations, the OSCE and various European Networks of Supreme Courts, Constitutional Courts and highest Administrative Courts, Councils for the Judiciary, and Bar Associations, and also by the European Parliament which took a very clear position.

In the General Affairs Council, on two occasions – in May and September - there was broad agreement amongst Member States on the fact that the Rule of Law is a common responsibility and that there was a need for Poland and the Commission to engage in a meaningful dialogue in order to find a solution.

Today in Poland the constitutionality of legislation can no longer be guaranteed.

Almost 40% of the current Supreme Court judges will be forced into compulsory retirement on the basis of the law adopted by the Polish Parliament last Friday. The President of the Republic will have the discretionary power to decide if and for how long to prolong their mandates. And all new Supreme Court judges will be appointed by the President of the Republic on the recommendation of the newly composed National Council for the Judiciary, which is dominated by political appointees of the ruling party. This politicised Supreme Court will decide directly about, for instance, the validity of election results.

The ordinary courts are also directly affected: a number of judges is forced to retire following a decrease of the retirement age of judges. Their mandates can be prolonged at the discretion of the Minister of Justice, who is also the Chief Prosecutor. The Minister of Justice has the discretionary power to appoint and dismiss all presidents of courts – without concrete criteria, no obligation to state reasons and no judicial review. Until now, 25 court presidents have already been dismissed and 35 have been appointed under this new rule.

There is a full reset of the National Council for the Judiciary, which is the institution tasked by the Polish Constitution with safeguarding judicial independence. The mandate of the judges-members of the Council will be prematurely terminated and the judges-members will be reappointed by the Polish Parliament instead of by other judges as is required by European standards. The impact of this is wide since the Council plays a key role throughout the career of judges when it comes to their appointments, their promotions, to where they are assigned to in the country and the courts, to disciplinary proceedings, etc.

What does this mean for the European Union? Respect for the rule of law is a prerequisite for the protection of all the values of Article 2 in our Treaty, as well as for the effective application of EU law, for the proper functioning of the Single Market, for an investment-friendly environment and, last but not least, for the mutual trust which is the corner stone of cooperation between Member States in the Justice and Home affairs areas. If you put an end, or limit, the separation of powers, you break down the rule of law. And that means breaking down the smooth functioning of the Union as a whole.

The Commission has issued a Rule of Law Opinion and three Rule of Law Recommendations. It has exchanged more than 25 letters with the Polish authorities on this matter. Numerous meetings and contacts between the Commission and the Polish authorities took place, both in Warsaw and in Brussels.

Again, we have always been ready to relaunch the dialogue with the Polish authorities and continue to invite the Polish Ministers of Foreign Affairs and of Justice here in Brussels or I was always prepared to travel to Warsaw to meet them there.

We've also been clear of what we ask of the Polish authorities:

First, to restore the independence and legitimacy of the Constitutional Tribunal by ensuring that its judges, its President and its Vice-President are lawfully elected and appointed;

Second, to publish and implement fully the three 2016 judgments of the Constitutional Tribunal;

Third, to amend the law on the Supreme Court so as to not apply a lowered retirement age to the current Supreme Court judges, and remove the discretionary powers of the President of the Republic and remove the extraordinary appeal procedure;

Fourth, to amend the law on the ordinary courts so as to remove the new retirement regime for judges of ordinary courts, including the discretionary power of the Minister of Justice, and Chief Prosecutor; and remove the discretionary power of the Minister of Justice to appoint and dismiss presidents of courts and remedy decisions already taken;

Amend the law, fifth point, on the National Council for the Judiciary so as to ensure that the mandate of judges-members of the Council is not terminated and the judges-members are elected by other judges.

After two years the Commission can only conclude that there is now a clear risk of a serious breach of the rule of law. Today we therefore have adopted three measures that are linked.

First, the Commission issued today a 4th Rule of Law Recommendation, setting out clearly a list of steps that the Polish authorities can still take to remedy the current situation in the coming three months.

Second, the Commission decided to invoke the Article 7(1) procedure and submit a Reasoned Proposal for a Decision of the Council on the determination of a clear risk of a serious breach of the rule of law by Poland. However, should the Polish authorities implement the recommended actions in the coming three months, the Commission stands ready, in consultation with the European Parliament and the Council, to reconsider its Reasoned Proposal.

Let me be very clear on one issue, because I saw here and there in the media: "nuclear option." This is not a nuclear option. What we're asking now the Council to do, and the European Parliament, is in fact what the Commission

has been doing over the last two years. To analyse the situation, and to decide whether in the view of these two other institutions that there is a clear risk of a serious breach of the rule of law. If that is the position of the other institutions, they can then also send recommendations to the Polish government, and then take it from there. So it's not a nuclear option. It's again an attempt to start a dialogue to resolve the situation.

Our third step: we have decided to take the next step in its infringement procedure against Poland for breaches of EU law by the Law on the Ordinary Courts Organisation, referring Poland to the Court of Justice of the European Union.

I want to be very clear: it is with a heavy heart that we have decided to initiate Article 7(1), but the facts leave us no choice. I stood before you in July, when I clearly said that we'd almost reached the situation where we would need to invoke Article 7(1). The situation since then has not improved, but deteriorated. So we have no other option than to do this today.

The Rule of Law is a necessary condition for effective cooperation between Member States. This is not just about the situation in Poland, this about the EU as a whole, about who we are. An issue with the rule of law in one Member State is of concern to all Member States. And all Member States should be engaged to try and solve that issue in collaboration with the Member State concerned.

That's why we continue to hope that we can soon enter into a more fruitful dialogue with the Polish authorities. It is my firm belief that redressing the rule of law is in the interest of Poland as a nation. Is in the interest of Polish citizens, who are also EU citizens. And it is certainly in the interest of the EU as a whole.