

# Europol and Eurojust sign new contribution agreement expanding cooperation on the SIRIUS project



This week, Europol and Eurojust signed a contribution agreement that will expand their partnership in supporting law enforcement and judicial authorities with cross-border access to electronic evidence. This new agreement, in place from January 2021 to June 2024, reinforces the success of the SIRIUS project and sets about its second phase of development and enhancement.

Launched by Europol in 2017, the SIRIUS project aims to foster the co-development of practical and innovative tools and solutions for EU law enforcement and judicial authorities that can support internet-based investigations. Eurojust has made a significant contribution to the SIRIUS project by providing the perspective of EU judicial authorities. Under this new agreement, Eurojust becomes a full partner of the project.

The practical measures outlined in the new agreement are:

- strengthen and speed up direct cooperation between law enforcement authorities and online service providers to access e-evidence by exchanging experiences;
- exchange best practices and training for EU practitioners on applicable rules in the US related to the mutual legal agreement procedure;
- expand the geographical focus of SIRIUS to develop collaboration on existing initiatives and projects with selected non-EU countries based on the interest of EU Member States.

## **About SIRIUS**

Created by Europol in October 2017, the SIRIUS Project is a central reference point in the European Union for knowledge sharing on digital cross-border investigations for law enforcement and judicial authorities. SIRIUS products and services are currently available to more than 5 000 practitioners, representing all EU Member States and 17 non-EU countries. Eurojust, a partner in the project since early 2018, has become a full co-beneficiary of

the funded action. Moreover, the European Judicial Network also closely collaborates with the project.

The SIRIUS project has received funding from the European Commission's Service for Foreign Policy Instruments.

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## Operation ATALANTA, EUTM Somalia and EUCAP Somalia: mandates extended for two more years



The Council prolonged the mandates of its two Common Security and Defence Policy (CSDP) missions in Somalia and Operation ATALANTA. The mandate of **EUCAP Somalia**, the EU's civilian capacity-building mission, **EUTM Somalia**, the EU's military training mission, and Operation ATALANTA, the EU's executive military maritime operation, will now run **until 31 December 2022**.

The decision was taken in the context of the **holistic and coordinated strategic review** of CSDP engagement in Somalia and the Horn of Africa, with the aim to consolidate and strengthen the EU's response to evolving security context and enhance its role as a security provider.

Capitalising on the successes of suppressing piracy off the coast Somalia, the mandate of Operation ATALANTA was expanded to some secondary executive tasks of **countering trafficking of weapons and narcotic drugs**, and non-executive tasks of **monitoring illegal activities at sea**. With this mandate, Operation ATALANTA will contribute to the implementation of the UN arms embargo on Somalia and will support the ongoing fight against Al Shabaab and its funding streams. These adjustments also complement ATALANTA's core effort to **deter, prevent and repress piracy and armed robbery at sea off the coast of Somalia**, in order to ensure the freedom of navigation and the protection of World Food Programme and other vulnerable shipping to Somalia. The expansion of Operation's tasks and its geographical scope allows the EU to further build the wider regional maritime security architecture stretching now from the Red Sea through Bab el Mandeb to the Western Indian Ocean.

In Somalia, the EU's CSDP action was extended to support the build-up of Somali Security Forces and institutions, in view of a gradual takeover of security responsibilities from the African Union Mission in Somalia (AMISOM), in line with the revised Somali Transition Plan. With the renewed mandates, **EUCAP Somalia and EUTM Somalia** will support the **development of Somali capacities and capabilities** through **strategic advice, mentoring and training**, accompanied by the EU-funded equipment support. The two missions will continue to support the build-up of democratic, sustainable and accountable

Somali security institutions and forces, acting under the rule of law and civilian oversight.

Ensuring the link of the EU's CSDP action on and off shore, **EUCAP Somalia** will sustain its support to the strengthening of the Somali maritime law enforcement capacity at federal and regional levels in Somaliland and Puntland. The mission will also assist Somalia in strengthening police capacity, including developing the Federal Darwish and strengthening INTERPOL National Central Bureau in Mogadishu.

While sustaining the three pillar approach of advice, mentoring and training, **EUTM Somalia** will refocus its training output on the enabling functions, which are vital for the gradual transition of AMISOM. The mission will further consolidate the efforts in developing a functional and effective Somali-owned Training System that provides the Somali National Army with the policies, procedures, expertise and experience to manage their own force generation. EUTM Somalia will also aim to establish a "Knowledge management" mechanism to be able to better monitor the performance of EUTM- trained units.

## **Background**

### **Operation ATALANTA**

Since its establishment in late 2008 in response to the rising levels of piracy in the Western Indian Ocean, Operation ATALANTA has contributed significantly to the suppression of piracy, as well as the protection of the vessels of the World Food Programme (WFP), African Union Mission in Somalia (AMISOM) and other vulnerable shipping. The Operation deters, prevents and represses acts of piracy and armed robbery at sea thus reducing the threat to the international maritime community. Additionally, the Operation has monitored the fishing activities off the coast of Somalia and supported other EU CSDP missions and international organizations working to strengthen maritime security and capacity in the region.

The EU Operation Headquarters is located at Rota, Spain and the Maritime Security Centre Horn of Africa (MSCHOA) is located at Brest, France. The Operation Commander is **Major General Antonio Planells Palau**.

### **EUCAP Somalia**

Launched in July 2012 as EUCAP Nestor, EUCAP Somalia contributes to the establishment and capacity building of maritime civilian law enforcement capability in Somalia, including Somaliland.

EUCAP Somalia enhances the country's maritime civilian law enforcement capacity by supporting federal and regional authorities in developing legislation, strengthening the criminal justice chain in the maritime domain and providing advice on policy to the Somali ministry of internal security and the Somali Police Force. The Mission supports the development of coast guard and maritime police functions in and around the main Somali ports, and implements additional assistance to broader police

development.

The Mission Headquarters is currently located in Mogadishu and is led by **Head of Mission Mr. Chris Reynolds**

## **EUTM Somalia**

EUTM Somalia implements its mandate utilizing a three pillar approach that focuses on training, mentoring and the provision of strategic advice to the Somali National Army (SNA). With this latest renewal, EUTM Somalia enters its 7th mandate since it was launched in April 2010. Throughout the years, the EU training mission has expanded its tasks and sets out to support the internal development of a Somali-owned training system.

“The **Military Planning and Conduct Capability** (MPCC) is responsible at the Strategic Level for the operational planning and implementation of this mission. The current Mission Force Commander is **Brigadier General Fabiano ZINZONE.**”

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**[First operation under Pan-European Guarantee Fund \(EGF\): EIB and Banca March support Spanish companies affected by the COVID-19 crisis](#)**



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**The EIB Group will provide a total of €270 million to Banca March via three agreements, to mobilise over €600 million for Spanish companies.**

- **First operation under the EGF: EIB guarantee of up to €100 million to Banca March to mobilise €267 million.**
- **EIB guarantee of €70 million, under EFSI, through which Banca March will generate €140 million of financing.**
- **EIB financing of €100 million for Banca March, to be complemented by the Spanish entity with an additional €100 million to finance SMEs and mid-caps.**

The European Investment Bank (EIB) and Banca March are joining forces once again to support the economic recovery of Spanish small and medium-sized enterprises (SMEs – up to 250 employees), mid-caps (between 250 and 3 000 employees) and large corporates (over 3 000 employees) via three agreements. These agreements will mobilise more than €600 million of financing, of which a total of €270 million will be in the form of guarantees or loans from the EIB.

**First operation under the EGF: EIB guarantee of up to €100 million to mobilise €267 million**

One of the agreements signed is the first operation backed by the EIB under the [Pan-European Guarantee Fund](#) (EGF), operative since October and approved by the European Council on 23 April 2020 as part of the package of EU measures deployed in response to the economic impact caused by COVID-19. In



particular, the EIB will provide Banca March with a guarantee of up to €100 million that will enable the Spanish bank to mobilise total financing of €267 million.

The loans that Banca March has agreed to provide will go towards promoting the investments and working capital of SMEs, mid-caps and large corporates that are aligned with the EIB's long-term mission, such as projects related to innovation and the environment. By assuming up to 75% of the risk for loans that Banca March grants to mid-caps and large corporates, the EIB will promote the provision of new financing, indirectly supporting the entire ecosystem of small suppliers of the companies receiving such financing.

*"We are proud that the first operation signed under the EGF aims to support companies of all sizes in Spain, one of the countries most affected by COVID-19. The EIB has developed various financial measures in response to this challenge, such as the EGF, which with the support of the majority of EU Member States, will be crucial in alleviating the devastating effects that the pandemic is having on the economy"* declared the **EIB Vice-President, [Ricardo Mourinho Félix](#), responsible for EU bank's operations in [Spain](#).**

*"Thanks to the agreements signed, Spanish companies will have more liquidity to back their investment, as well as to maintain jobs and to pay the invoices of their suppliers. These agreements demonstrates our successful collaboration with Banca March to promote an inclusive recovery of the Spanish economy", he added.*

**The CEO of Banca March, José Luis Acea**, stated: *"As a bank specialised in advising companies, business families and family businesses, we have reinforced our commitment to promote and stimulate the role of family businesses as a key element of economic recovery and job creation since the beginning of the pandemic. We are pleased, once again, to collaborate with the EIB in this objective and we are particularly pleased to have been the first entity to close an operation with the EIB under the Pan-European Guarantee Fund (EGF). Thanks to all these agreements, we will be able to continue supporting companies and entrepreneurs in the face of the important challenges they face as a result of COVID-19, facilitating and collaborating in projects that underpin their crucial role at this time. "*

#### **€70 million EIB guarantee under EFSI**

As a result of the second agreement, the EIB will grant a €70 million guarantee to Banca March on a portfolio of existing loans to mid-caps and large corporates. This guarantee will enable Banca March to build up a new loan portfolio of up to €140 million. The agreement was made possible thanks to the support of the European Fund for Strategic Investments (EFSI), the main pillar of the Investment Plan for Europe.

**Paolo Gentiloni, European Commissioner for the Economy**, said: *"This loan, guaranteed by the Investment Plan for Europe, will enable more Spanish businesses to access financing at this difficult time. It will allow them to keep innovating, expanding and supporting employment: helping to fuel the recovery of the Spanish economy from the deep recession caused by COVID-19."*

## **€100 million EIB loan to support SMEs and mid-caps**

Under the third agreement signed, the EU bank will grant a €100 million loan to Banca March, who will provide a further €100 million of financing. As a result, the total funding made available to Spanish SMEs and mid-caps to fund their working capital and investment projects will be €200 million.

### **Additional information:**

#### **EIB response to COVID-19**

To combat the economic impact of this crisis in Europe and as part of the package of measures the EU is deploying to tackle the economic effects of the pandemic, on 23 April the European Council approved the EIB Group's creation of a €25 billion [Pan-European Guarantee Fund](#) (EGF) focusing primarily on supporting SMEs across the EU. The fund will make it possible to mobilise up to an estimated €200 billion of additional financing.

The EIB Group is playing a key role in directly combating COVID-19 by supporting EU efforts to halt the spread of the pandemic, find a cure for the illness and develop a vaccine. To this end, the EU bank is prioritising all investments related to the health sector and research and development programmes focusing on this goal. The EIB's current project portfolio for supporting both critical healthcare infrastructure and research and development investments in the EU health sector stands at around €6 billion. [The EIB and the World Health Organization also recently signed an agreement](#) to drive cooperation between the two institutions and work together to strengthen healthcare systems in the countries most vulnerable to the pandemic.

More detailed information on the support offered by the EIB and EIF is available on the following website: [www.eib.org/covid-19](http://www.eib.org/covid-19)

### **Background information:**

**The European Investment Bank (EIB)** is the long-term lending institution of the European Union owned by its Member States. It makes long-term finance available for sound investment in order to contribute towards EU policy objectives.

**Banca March** heads a financial group that is among the biggest in Spain – and is also the only one to be completely family-owned. It was Europe's most solvent bank in the two stress tests performed by the European Banking Authority (EBA) in 2010 and 2011, and currently has the lowest non-performing asset ratio in the Spanish banking sector and one of the highest levels of solvency in Europe. The strength of Banca March's business model has also been recognised by credit rating agency Moody's, which increased its long-term debt rating to A3, the highest level in the Spanish financial system. Banca March is one of the main shareholders of Corporación Financiera Alba, with major stakes in Naturgy (indirect), Acerinox, Indra, Ebro Foods, BME, Viscofan, Euskaltel and Parques Reunidos, among others.

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# ESMA CONSULTS ON FINES AND PENALTIES FOR BENCHMARK ADMINISTRATORS

The European Securities and Markets Authority (ESMA), the EU's securities markets regulator, today launches a [consultation](#) on specific aspects of the procedural rules for imposing fines and penalties on Benchmark Administrators under ESMA's direct supervision.

The amended Benchmarks Regulation contains detailed rules regarding penalties for Benchmark Administrators. ESMA's objectives for this consultation are to gather feedback on specific aspects of the rules, such as the:

- right to be heard by the Independent Investigating Officer (IIO);
- content of the file to be submitted by the IIO;
- access to the file;
- procedure for imposing penalties;
- adoption of interim decisions; and
- limitation periods for the imposition as well as enforcement of penalties, including their collection

The Consultation Paper sets out ESMA's proposals for a delegated act to be adopted by the Commission concerning relevant aspects of fines and penalties for DRSPs. These proposals leverage on the existing enforcement framework regarding Trade Repositories and Credit Rating Agencies as well as on the experience gained with its implementation in the last years.

## **Next steps**

The closing date for responses is 23 January 2021. ESMA will consider the responses to this consultation in providing technical advice to the Commission by end of Q1 2021.

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# Public Consultation on Procedural rules for penalties imposed on Benchmark Administrators

Responding to this paper

ESMA invites comments on all matters in this paper and in particular on the



specific questions summarised in Annex 1. Comments are most helpful if they:

1. respond to the question stated;
2. indicate the specific question to which the comment relates;
3. contain a clear rationale; and
4. describe any alternatives ESMA should consider.

ESMA will consider all comments received by **23 January 2021**.

All contributions should be submitted online at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading 'Your input – Consultations'.