



Brussels, 14 December 2015
(OR. en)

15309/15

PE 191
JAI 1005
ASIM 172
NT 19
MIGR 73
COSI 196
COTER 164

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Partial summary of the meeting of the Committee on Civil Liberties, Justice and Home Affairs, held in Brussels on 30 November and 1 December 2015

In a busy two-day meeting LIBE discussed inter alia EU-Turkey relations following the HOSG meeting on 29 November with Turkey, exchanged views with Mr de Kerchove, EU CTC, and was debriefed by the Council Presidency on the outcome of the extraordinary JHA Council of 20 November 2015. The respective rapporteurs briefed LIBE on the ongoing trilogues on the Data Protection Package as well as the EU PNR Directive, noting the good progress of negotiations and the aim of concluding negotiations by the end of the year.

VOTES: LIBE confirmed the outcome of the negotiations on the proposal for a Regulation on the European Agency for Law Enforcement Cooperation and Training (Europol) and on the proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing.

9. Exchange of views on EU cooperation with Turkey in the area of asylum, migration and management of the EU's external borders

Mr RUETE, DG HOME, presented the outcome of the HOSG meeting with Turkey. He explained the requests from both sides, notably on migration flow management from the EU side, as well as a request from the Turkish side for more frequent meetings with the EU, acceleration of visa liberalisation, progress in accession negotiations and increased funding. Accession negotiations would reopen on some chapters and the visa liberalisation process would be accelerated.

In the subsequent discussion several MEPs, notably S&D, ALDE, Greens, and GUE, asked about the origin of the EUR 3 billion promised to Turkey and with some pointing to unfulfilled pledges to the Syria and Africa trust funds. Mr RUETE explained that this was still being discussed and that EUR 500 million would be coming from the EU budget and the rest would be MS contributions. Other issues were raised: how the money would be distributed, to whom and for what kind of projects, how refugees would benefit from this aid; the need to provide more help for Lebanon and Jordan, which hosted a disproportionately high number of refugees, and not to focus entirely on TR; serious human rights and democracy concerns in Turkey (raised by virtually all groups); the situation of Kurdish people in TR; the cassassination of Adir Bakhir; attacks on journalists; situation of the judiciary, and refugees being pushed back at borders with Syria. Ms STEVENS (ECR, BE) said that the promised visa liberalisation was too high a price to pay and Mr DEPREZ (ALDE, BE) worried that after visa liberalisation all those people persecuted in TR would also come to the EU. Ms GUILLAUME (S&D, FR) made the link to the safe country of origin proposal, which included TR, noting that the Commission's annual accession report recognised that there were human rights problems. Ms KELLER (Greens/EFA, DE) asked for more information on resettlement.

Mr RUETE stressed that, while financing details had not yet been worked out, there was a clear commitment. The proposed funding would of course be intended for the benefit of refugees in order to improve access to education, health and their socio-economic conditions. He explained that visa liberalisation was strictly conditional and that the 72 identified benchmarks would not be abandoned despite the tight timing.

19-20. Joint debate : Exchange of views with Gilles de Kerchove, EU Counter-Terrorism Coordinator (CTC) and debriefing by the Council Presidency on the outcome of the extraordinary JHA Council of 20 November 2015

On behalf of the Council Presidency, Mr UEBERECKEN presented the Council conclusions adopted at the JHA Council on 20 November. He also explained that Ministers had met and discussed with LIBE Chair MORAES over lunch.

Mr DE KERCHOVE stressed that the EU was faced with three main challenges, namely providing security for its citizens, preserving free movement and Schengen, as well as avoiding links between migration and terrorism. The work had to focus on various strands, with a classical repressive response, preventive work as well as addressing external aspects in MENA, WB and TR. The agreed measures needed to be implemented more quickly and forcefully. The Council would assess various practical and implementation issues (feeding and use of the SIS II, use of Interpol databases, use of various tools available in Europol, cooperation Frontex-Europol). He recalled the need to have an effective EU PNR and to intensify cooperation among MS security services without prejudice to Treaty provisions. Other necessary measures included *inter alia* stricter controls of firearms, rehabilitation programmes, discussion with the industry on unlawful websites and mainstreaming issues of fighting terrorism in various other policies, such as employment, youth and education.

The Commission representative outlined the various initiatives of the Commission, namely an Internet Forum to discuss smart counter-terrorism narratives, the work and financing of the Radicalisation Awareness network Centre of excellence, the upcoming proposal on border guards, targeted Schengen Border Code modifications, ECRIS improvement, preparation of a classified manual for securing soft targets and mapping of financial instruments. He also presented the measures that were to be adopted by the College on 2 December 2015 (firearms, Directive on terrorist offences).

In the subsequent debate the Chair MORAES stressed that the key issue was the non-implementation of the measures agreed. Other issues were raised: Ms SIPPEL (S&D, DE) welcomed the emerging understanding that challenges were so great that national solutions could not be effective; a possible EU TFTP proposal was raised by Ms STEVENS, ECR, UK, on behalf of

Mr KIRKHOPE; other issues included: better information sharing among MS; stronger external border controls; various references to EU PNR negotiations, and the need to improve inter-religious and intercultural dialogue in our societies.

On behalf of the Council Presidency, Mr UEBERECKEN acknowledged that implementation was indeed very important and pointed out that cooperation with the EP had been excellent. Mr DE KERCHOVE said it was important to build bridges of cooperation with the intelligence community, which remained outside the scope of the EU Treaties. The process of mainstreaming and interoperability would be incremental. EUROPOL had a lot of potential to act in the future as an inter-agency platform for cooperation. The Commission representative stressed that the Commission's work was based on four pillars: prevention, protection, prosecution and response. With regard to the proposals made, the Commission observed key principles of legality, necessity, proportionality and respect for fundamental rights. The Commission would also step up its watchdog function following the end of the transition period (on 1 December 2014), which allows the Commission to launch infringement procedures also in the area of police and judicial cooperation in criminal matters, previously exempt from such control.

27. Crisis relocation mechanism and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person

*****I 2015/0208(COD) COM(2015)0450 - C8-0269/2015**

Mr Kirkhope (ECR, UK), the rapporteur, stressed that this was going to be an extremely challenging report that would require enormous political will, would have to be compatible with the existing legal framework, and should not exacerbate the pull factors. The whole asylum *acquis* must function properly and experience should be gathered from the temporary relocation schemes. The rapporteur stressed the need to have a robust framework, a distribution mechanism, and procedures for appeals. It was important to work holistically and not to rush the proposal, because the solutions should fit the current as well as any future crisis. He also underscored that political groups had asked for a package approach, which he would respect.

The Commission representative presented the main features of the proposed system and its legal basis. He stressed that having such a framework was essential in view of the pressure created by the crisis on the good functioning of the Schengen system.

The EASO representative explained that, currently, citizens of Syria, Eritrea, the Central African Republic and Iraq were eligible to be part of the relocation mechanism to be implemented from Greece and Italy. Sweden had also indicated that it wanted to participate and relocate persons already on its territory to other MS. He also presented the work of EASO in the hotspots, where it provided information, and carried out registration as well as matchmaking between requests to relocate and relocation offers. EASO had requested more than 200 staff members and currently 30 people were deployed. This was deemed sufficient in view of the fact that not all hotspots were functioning. EASO also worked outside hotspots, in places such as Milan and Rome, as well as with mobile offices/teams on the Greek islands.

In the subsequent debate Mr LENAERS (EPP, NL) called for more precise criteria for the triggering of the mechanism. He also asked how this proposal fitted into the review of Dublin announced by the Commission. Ms DALLI (S&D, MT) stressed that this was a very important proposal as the Dublin Regulation was not working and change was clearly necessary. Ms WIKSTROM (ALDE, SE) regretted the slow implementation of the relocation decisions and called for substantial improvement. She also stressed that Sweden wanted to be included as a country of relocation, because it was currently overwhelmed by refugees. Ms KELLER (Greens, DE) wished for a meaningful Dublin reform and a mechanism that would not - like the temporary protection mechanism - rest on the unanimous decision of MS. She pointed out that Afghans had a 74 % recognition rate as asylum seekers and were a sizable group that should be included as well for relocation purposes. Ms FERRARA (EFDD, IT) stressed the importance of solidarity. She said that she had recently witnessed in COSAC that many MPs clearly rejected the solidarity principle. She agreed with Ms KELLER that the threshold should be lowered to include Afghans. Mr DEPRez (ALDE, BE) said that he was in favour of solidarity among MS but questioned the pertinence and timeliness of this debate in view of the slow relocation process as well as political considerations in some MS. He agreed with previous speakers that an overall policy solution to the migrant crisis was needed. Like Ms KELLER he disliked the possibility for MS to pay their way out of the relocation efforts. Mr HALLA-AHO (ECR, FI) said that some MS were more attractive than others and

preventing secondary movements did not seem realistic. Ms SIPPEL (S&D, DE) was not convinced that MS were really engaging in all aspects of the holistic approach to migration. During the debate Portugal and Estonia were cited as being ready to accept refugees but not having received any candidates.

The Commission representative agreed that the two relocation decisions should be applied in full and that the selection mechanism should be faster and, of course, mandatory. In his view regarding the criteria in the proposal there should be some discretion, as more precise criteria would be difficult to agree upon in the Council and the EP. The Commission was currently working on Sweden's request. He also explained that the recognition rates were updated every three months.

The Council Presidency confirmed that work on the proposal was in the initial phase. While recognising the difficulty of creating hotspots, MS had to make the best out of the winter months to prepare for next year. This was a real test of solidarity between MS, be it with countries of arrival, transit or destination countries. More generally, it was important to see how Dublin would be reviewed.

29. Establishing an EU common list of safe countries of origin for the purposes of common procedures for granting and withdrawing international protection

*****I 2015/0211(COD) COM(2015)0452 - C8-0270/2015**

Ms GUILLAUME (S&D, FR), the rapporteur, outlined the main features of the safe country of origin proposal, which was an extension of the asylum procedure directives. It was proposed to include on such a list Kosovo, FYROM, Serbia, BIH, Montenegro, Albania and Turkey. She stressed that individual claims would always be examined individually regardless of any such list being established. A number of technical issues would have to be examined carefully, such as relations between national and EU lists, the evaluation methods for determining safe countries of origin, and how to organise any future revision of such a list. She presented a short overview of the current situation and practice in the MS regarding national safe country of origin lists, explaining that not all MS had one, and pointed to divergent practices among MS.

An EASO representative presented various arguments in favour of creating the proposed safe country of origin list, as currently around 17 % of asylum seekers came from the Western Balkans, mainly Albanians and Kosovars, stressing their rather low recognition rates, with many manifestly unfounded requests.

A FRA (Fundamental Right Agency) representative pointed out that it was essential to keep in mind, when discussing the proposal, the proportionality and necessity of the measure, situations of discrimination, as well as the issue of minorities. The idea behind the proposal was to have a quicker and more efficient asylum procedure.

Ms DEPRez (ALDE, BE) explained that his group did not support the proposed inclusion of Turkey on the list of safe countries of origin and asked how the national safe country of origin lists and a future EU list would be coordinated. GUE/NGL and Greens also disagreed on Turkey being included on the safe country of origin list, pointing to the 24 % recognition rate of asylum seekers from Turkey. Ms SIPPEL (S&D, DE) warned against putting all countries in one basket and stressed that there were clear political considerations to this issue. She was not convinced of the necessity of establishing any such list.