



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 January 2013

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NOTE

from: General Secretariat
to: Delegations

Subject: Summary record of the meeting of the European Parliament **Committee on Civil Liberties, Justice and Home Affairs (LIBE)**, held in Brussels on 21 and 22 January 2013

On 21 January the meeting was chaired by Ms GAL (PPE, HU) and on 22 January by Mr LÓPEZ AGUILAR (S&D, ES).

Item 2 on the agenda

Chair's announcements

The Chair announced that Ms MATHIEU (EPP, FR) had been elected as the new EPP coordinator and Mr PAPANIKOLAOU (EPP, EL) as the EPP vice-coordinator. She also said that Ms BAUER (EPP) had been nominated Rapporteur on the Visa package with Armenia including the 2 reports on the "Readmission of persons residing without authorisation" and "Facilitation of the issuance of visas".

Item 4 on the agenda

State of play of on-going interinstitutional negotiations in legislative procedures

LIBE/7/11557

Schengen Borders Code

The rapporteur for the file, Mr PAPANIKOLAOU (EPP, EL), informed that a first-reading agreement had been reached on the Proposal to amend the Schengen Borders Code at a trilogue that took place in December. He noted that this was one of the five files which had been blocked by the Conference of Presidents following the disagreement with the Council on the Schengen package and would therefore be put to the vote only when the Conference of Presidents allowed this. The rapporteur presented the main points of the agreement, in particular the definition of border crossing points, the rights of border guards, the data protection issue, the inclusion of FRONTEX in the text, strengthened cooperation on external borders and promotion of solidarity among the Member States.

Justice Programme 2014-2020

As regards the Justice Programme 2014-2020, the rapporteur Mr CLAEYS (NI, BE) presented the outcome of two trilogues. He indicated that a provisional agreement had been reached notably on legal issues concerning the general scope of the programme, training provisions, on crossborder cooperation and on improving access to justice by the public. He concluded by saying that the discussion had not been completed and that some aspects still needed to be covered.

Rights and Citizenship Programme

The Rapporteur, Ms GÖNCZ (S&D, HU), gave an overview of two trilogues and presented the next steps to be taken on this file. She noted that the main debates were on language (from the Charter or from the Treaty), consumer rights and delegated and implementing acts. The next negotiation round was planned on 19 February.

Items 5 on the agenda

Report of the High-Level Group on Media Freedom and Pluralism

LIBE/7/11653

- Ms Vaira Vīķe-Freiberga, Chair of the High Level Group on Media Freedom and Pluralism

Ms Vīķe-Freiberga presented an overview of the report and recommendations aimed at ensuring respect, protection, support and promotion of media freedom and pluralism in Europe.

Ms WEBER (ALDE, RO) and Mr TAVARES (Greens/EFA, PT) agreed with the general findings of the report and shared the opinion that the European Union should be competent to protect media

freedom and pluralism at the level of the Member States so as to guarantee the substance of fundamental rights. Ms WEBER enquired about the public media and state funding for the media in the event of market failure and questioned the degree of supervision possible by an independent body representing all stakeholders. Mr TAVARES criticised the lack of implementation of the media pluralism monitoring tool. Ms SIPPEL (S&D, DE) had concerns about the independence of sources of information and advocated free access to information for citizens. She wondered whether the limited competence of the European Union in this area needed to be extended. Ms SARGENTINI (Greens/ALE, NL) raised the issue of the principle of internet neutrality. Ms IOTOVA (S&D, BG) questioned the possibility of establishing a pan-European mechanism in order to control media concentration and so guarantee a transparent and independent media system.

Ms Vīķe-Freiberga explained that as the European Union was extremely diverse culturally and historically, it was not a homogenous entity, so its governance should reflect these differences. As a result, national authorities had an important role to play and the respective competences of the European Union and the Member States should be respected. She emphasised the importance of fundamental values that were valuable to society and should be respected even if they did not necessarily produce financial benefits. She stressed the crucial role of education in society and of editorial independence and transparency in the media sector, with particular regard to media concentration.

Item 6 on the agenda

Protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (Directive)
LIBE/7/08742

Rapporteur: Mr DROUTSAS (S&D, EL)

- Second exchange of views on the draft report
- Deadline for tabling amendments: 27 February 2013

Ms SIPPEL (S&D, DE) asked about the definition of terms used in the proposed Directive (in particular the sort of data protected, the use of such data in criminal procedures and the type of protection guaranteed) and was concerned about the protection of witnesses' data, and the protection of submitted evidence. With regard to legal certainty and the data management procedure, Mr VOSS (EPP, DE) called for a proper supervision to preclude the abuse of data and for a balance between individual rights and society's right to information. He stressed the need for common

standards rather than harmonisation and recommended thorough scrutiny of internal and crossborder aspects of processing of personal data so as to guarantee an efficient level of protection. Mr ENCIU (S&D, RO) raised the issue of data storage and stressed that it was important to ensure that the storage, transfer and use of personal data occurred only after receipt of authorisation from the competent authority, in full respect of the principle of necessity and proportionality. For Mr ALBRECHT (Greens/EFA, DE), basic standards should be set at European level with a view to producing a unified and tangible system of European rules. He believed that the strengthening of crossborder cooperation, networking and exchange of information between the national authorities would be helpful.

The representative of the Commission recalled that the proposed Directive recognised the Members States' systems and historical specificities and whilst networking and exchange of information on data and fingerprints were already in place, the Directive would support the network with some good common rules and minimum standards.

Mr DROUTSAS (S&D, EL) believed that the balance between individual rights and the States prerogatives could be achieved through a more transparent system. He said that in order to be effective, the minimum standards needed to be high but was of the opinion that harmonisation could lead to more efficient results.

Item 7 on the agenda

Protection of individuals with regard to the processing of personal data, and the free movement of such data (General Data Protection Regulation)

LIBE/7/08739

Rapporteur: Mr ALBRECHT (Greens/EFA, DE)

- Second exchange of views on the draft report
- Deadline for tabling amendments: 27 February 2013

The rapporteur stressed the need for common rules for all Member States as there was a risk of legal uncertainty in different aspects of implementation of data protection. He advocated the principle of a "one stop shop" in the form of a data protection officer assisted by a data protection committee and added that the right to obtain information should be accompanied by the right to delete information.

Mr VOSS (EPP, DE) called for a realistic and comprehensive set of European level arrangements

protecting the fundamental rights of citizens without limiting their personal freedom. He regretted the fact that the rapporteur had not provided enough details, in particular on direct marketing and commercial data protection and commercial data usage, and on the impact that such regulation could have on companies. According to Ms SIPPEL (S&D, DE), even non-confidential information should not be disclosed to a third party, or processed and used without an individual's consent. Stressing the very unbalanced relationship between economic operators and consumers and citizens, she insisted on the need for a uniform set of arrangements providing an appropriate level of protection to the citizens. She concluded by wondering whether there was a need for a specific agreement covering every type of use of personal data or whether a general approach could be accepted.

The representative of the Commission recalled the Commission position on the issue and insisted on the need to ensure a good balance between respect of human rights and the internal market objectives. While he stressed the need to have an independent national data protection authority, he expressed doubts regarding the possibility for the latter to adopt binding decisions.

In his closing remarks Mr ALBRECHT (Greens/EFA, DE) insisted on the importance of creating a simpler system allowing citizens to state clearly whether or not they were giving their consent to the data processor. He also recognised the need for a clear definition of the public interest and how it related to freedom of expression.

Item 8 on the agenda

The situation of Fundamental Rights: standards and practices in Hungary (pursuant to the EP resolution of 16 February 2012)

LIBE/7/09747

Rapporteur: Mr TAVARES (Verts/ALE)

- Consideration of a working document

Mr TAVARES (Greens/EFA, PT) presented the working document which provided an overview of specific Hungarian provisions governing media and relating to freedom of the press, which had caused concern and were considered problematic in the light of the EU Treaties and the Charter of Fundamental Rights of the European Union. He stated that the legislative framework governing the media in Hungary had changed over the last few years and that several acts regulating the media had entered into force in 2011 and 2012. However, he stressed that few points of concern remained, in particular those related to the registration requirements and the appointment procedure for

members of the Hungarian media authority. Despite the fact that a recent Hungarian Constitutional Court decision declared some legal provisions unconstitutional, Ms WEBER (ALDE, RO) warned against such optimistic conclusions, asserting that the most anti-democratic provisions remained in the legislative sphere, particularly on editorial policy, and these provisions allowed for government interference and influence in the media sector. She asked what the Commission intended to do so to ensure that all the recommendations were enforced in Hungary.

In the exchange of views, Ms GÖNCZ (S&D, HU), Ms BAUER (EPP, SL) and Mr BRONS (NI, UK) raised questions as to the general state of problems in the media sector in Hungary, particularly regarding the allocation of frequency, and asked about its effect and long-term consequences, Ms GAL (EPP, HU) highlighted the main changes in the Hungarian legislative framework and the independence of courts, in particular the Constitutional Court.

Mr TAVARES (Greens/EFA, PT) agreed that the EU should feel concerned by the media freedom issue and each Member State should look carefully at whether freedom of expression was working correctly within its jurisdiction. With regard to censorship, he thought the main issue was to prevent it, though the first step was to ascertain whether censorship was in fact possible under the current legislation.

Item 9 on the agenda
Coordinators' meeting
In camera

Item 10 on the agenda

Amending Regulation (EC) No 273/2004 on drug precursors
LIBE/7/10801

Rapporteur: Ms HEDH (S&D, SE)

- Presentation by the Commission

The representatives of the Commission presented the content of the proposed amendment to the regulation quoted above and indicated that the main change consisted of an obligation for the end-users to be registered (as opposed to the current regulation, which imposes registration only for the companies that sell drug precursors on the market and do not use the drug substances). In addition, the amendment proposed to establish an EU level database that would facilitate the reporting by Member States of incidents of seizure and stop shipments. There was another proposal on drug

precursors (concerning the external trade in drug precursors) that was examined in the INTA Committee. The two proposals were adopted by the Commission in parallel.

Ms HEDH (S&D, SE) drew the attention of the committee to several concerns concerning this new regulation, such as the new database and access to it. She also pointed out that SMEs would not be obliged to be registered and that this would affect the national authorities.

Mr PIRKER (EPP, AU), the shadow rapporteur, expressed full support for the proposed amendment and said that there was a need to adapt the EU's strategy to the new circumstances. Ms KELLER (Greens/EFA, DE) wondered how the Commission assessed the proportionality and costs of the proposal. She wanted an opinion as to how companies would be evaluated and to what extent they would be affected by the proposal, as well what the implications would be for the users of drugs.

The representative of the Commission replied that it was the impact assessment that examined the proportionality and cost implications. He noted that the EU had bilateral agreements with China and a number of third countries on drug precursor control to prevent drug trafficking. At this point he stressed that drug suppliers came mainly from the outside of the EU, most EU production was consumed within the company specialising in production of a particular item. Regarding registration rejection criteria, the wording proposed in the amendment was exactly the same as in the current regulation for licensing; nevertheless he announced that the Commission was open to considering any changes, the objective being to fully respect provisions on data protection.

The rapporteur ended by saying that the draft report would be available at the latest in a couple of weeks, the deadline for amendments would be the end of February and the vote in the LIBE committee would take place at the end of April.

Item 11 on the agenda

Presentation of the annual report 2012 of the European Judicial Systems of CEPEJ (European Commission for the Efficiency of Justice of the Council of Europe) LIBE/7/11655

- Presentation by Mr Jean-Paul JEAN (Chairman of the CEPEJ-GT-EVAL working group)

Mr JEAN presented the annual report on the efficiency of Council of Europe Member States' judicial systems, with special reference to the 27 European Union Member States. He also presented its methodology (for instance common indicators of efficiency, quantitative and qualitative evaluation of data based on information provided every two years by Member States) and stressed

that the comparison was made only between the comparable countries. He indicated that the overall aim of the report was to increase the efficiency of justice and access to legal aid as well as to develop alternative forms of dispute resolution.

Ms SIPPEL (S&D, DE) welcomed the report, enquired about the discrepancy in access to legal aid in different Member States and asked about rules on obtaining legal aid. She also inquired about investment in data processing and computing, and wondered there were any differences in training of professional and non-professional judges. Mr BRONS (NI, UK) wondered if any statistics regarding the number of criminal prosecutions and civil actions per capita and per Member States were available.

Regarding investment, Mr JEAN replied that the efficiency of a judicial system depended mostly on how the funds were spent and noted that initial and continuing training were available for both professional and non-professional judges. He explained that the crime data were very complicated to analyse, especially because of differences in countries' legal systems. He stressed, though, that the multiple exchanges with national authorities and regular collaboration with academics and scientists guaranteed the value of the data and statistics that were available on the Council of Europe website.

Item 12 on the agenda

Presentation of the priorities of the Irish Presidency in the area of Justice and Home Affairs LIBE/7/11654

- Presentation by Mr Alan Shatter, Irish Minister for Justice, Equality and Defence and Presidency-in-office

In his initial address, Mr Shatter delivered the speech attached in the Annex, in which he provided an overview of Irish Presidency priorities in the JHA area.

On behalf of the political groups:

Mr PAPANIKOLAOU (EPP, EL) welcomed the Presidency's wish to progress with the Schengen package. He also hoped that the asylum package would be concluded during the Irish Presidency. In this context, like Mr TRIANTAPHYLLIDES (GUE/NGL, CY), he raised the problem of solidarity and indicated that he was expecting a Commission proposal on relocation scheme.

Ms GÖNCZ (S&D, HU) quoted the priorities of the S&D group, namely the data protection file, the

asylum package, the seasonal workers file and the Schengen package, especially with regard to the accession of Bulgaria and Romania to the Schengen area. She stressed the importance of the fight against xenophobia and would like to know how far the Presidency intended to go with the Roma national strategies. She also asked about the Council position on the merger of EUROPOL and CEPOL. She also asked about the Presidency's views on the Horizontal Anti-Discrimination Directive.

Ms WEBER (ALDE, RO) considered that the data protection regulation and directive should be adopted before the EU PNR directive. She hoped that the Irish Presidency would make progress on Schengen governance and on the asylum package. In relation to the directive on the Freezing and Confiscation of Proceeds of Crime, she wondered how the Presidency intended to square the fight against crime with the protection of individual rights. She also inquired about a recent discussion on the informal JHA meeting on actions to counter hate crime and intolerance.

Ms KELLER (Greens/EFA, DE) echoed previous interventions on the importance of the Schengen package and the Roma national strategies and asked about the Presidency's approach on the "smart borders" initiative and on immigration policy. She also asked for the Presidency's approach on resettlement within the EU for Syrian refugees and an evaluation of the Stockholm programme.

Mr KIRKHOPE (ECR, UK) was satisfied with the Irish Presidency's prioritisation of the data protection file, and wondered whether the Irish campaign in the fight against sex trafficking and sexual exploitation could be applied to European policy.

Mr Shatter replied that the Irish Presidency's aim was to work constructively together with the European Parliament and the Commission in full compliance with the Lisbon Treaty. With regard to data protection, Mr Shatter assured MEPs that the objective was to progress with the entire package (the regulation and the directive) and that several working group meetings were foreseen with the objective to advance discussions as much as possible. He hoped for a constructive engagement with the European Parliament on the EU PNR directive but could not agree that the EU PNR adoption should be postponed until the data protection directive entered into force. On the Schengen package, he said that constructive efforts would be made to bring the issue to a successful conclusion by the March JHA Council meeting. He also hoped that difficulties concerning the accession of Bulgaria and Romania to the Schengen area could be resolved. He indicated that there was no formal proposal on the merger between EUROPOL and CEPOL but considered that it would be difficult to

reach agreement in the Council on such a merger. As for the asylum package, he hoped to be able to reach an agreement as soon as possible as well, and agreed that solidarity among Member States should be encouraged. He referred to the recent JHA informal discussion on racism and added that the Presidency would organise a conference in May on those issues. In the context of confiscation of proceeds of crime, he highlighted the experience of the Irish Criminal assets bureau. He urged the European Parliament to unblock the notified agreement on cybercrime.

During the second round of questions:

Mr COELHO (PPE, PT) hoped that the Presidency would move forward on the migration to the SIS II, while Ms BLINKEVICIUTE (S&D, LT) wondered whether SIS II was ready to be launched at the end of March. Mr COELHO asked whether the Presidency considered that Schengen governance was a European or an intergovernmental issue. On this very issue, Ms McINTYRE (ECR, UK) considered that control of Schengen should lie with Member States. Ms BLINKEVICIUTE wanted to know what the Irish Presidency intended to do with the directive on intra-corporate transfer. Mr ENCIU (S&D, RO) and Ms IOTOVA (S&D, BG) wondered about the Presidency's position on Romania and Bulgaria accession to the Schengen area. Mr CASHMAN (S&D, UK) said that the file on the recast of Regulation 1049/2001 was blocked due to the obstruction and the misinformation being spread by the Commission. He then asked for a meeting with the Prime Minister's Office on this file in order to draft a compromise text together.

Mr Shatter replied that he considered it highly important to work with European Parliament on the Schengen governance package and hoped for an agreement at the JHA Council in March. He also hoped that the SIS II system would become operational shortly. He considered that Schengen was an important part of the EU and that closure of borders could only take place in exceptional circumstances. Regarding the accession of Bulgaria and Romania to the Schengen area, he assured MEPs that the Presidency would do what it can to resolve the issue. Concerning Mr CASHMAN's question, he said that he was open to organise such a meeting and added that the Presidency was reflecting on what it could do on this file. Finally, he indicated that while being aware of the difficulties among Member States on the Anti-Discrimination Directive, this file was under the responsibilities of Minister Lynch. He mentioned that she was also responsible of the file related to the integration of Roma.

Item 14 on the agenda

Next meeting(s)

- 31 January 2013, 9.00 – 12.30 (Brussels)

Presentation by Minister of Presidency priorities to LIBE Committee**22 January 2013****Speaking notes****CHECK AGAINST DELIVERY**

Thank you Mr Chairman for the opportunity to present the Irish Presidency priorities in the Justice and Home Affairs area to the Committee.

While this is Ireland's seventh Presidency, and coincides with the 40th anniversary of our accession to the then EEC, this is the first Irish Presidency in which Justice and Home Affairs will come within the normal Treaty structures with the accompanying enhanced role for the Parliament. Our joint responsibilities are wide ranging encompassing many issues of fundamental importance to more than 500 million people living within the European Union. Issues essential to their safety, security, rights and freedoms are at the heart of EU cooperation. I look forward to working in partnership with the Parliament in the interests of our citizens with a view to progressing the legislative agenda before us.

Trio Programme

This is also the first Irish Presidency to be comprehended by the Trio process. We will carry forward the agenda contained in the recently published Trio Programme agreed with our partners Lithuania and Greece. You will be aware that a core Trio objective for the next 18 months is to strengthen the Union's capacity to respond to the current economic, financial and social challenges.

Convergence of timelines

The Irish Presidency is taking place at a time when a number of "finishing lines" are coming into view on the horizon. The Trio Programme is scheduled to conclude at the end of the current legislative cycle. In addition, the 5 year period comprehended by the Stockholm Programme concludes at the end of 2014.

Economic themes

Of course, at the present time, the greatest concern of many Europeans is the need for economic stability and a return to growth. It will come as no surprise then, that the central theme of Ireland's Presidency focuses on stability, jobs and growth. The challenge of returning Europe's economy to a

strong and stable position, generating growth and creating jobs will dominate our efforts through Ireland's Presidency.

In this context, I believe it is important to recognise and prioritise what we in the Justice and Home Affairs area can do to promote economic activity and growth, and vitally, to encourage job creation throughout the Union.

Justice for Growth

The Justice for Growth agenda highlights measures that can contribute to the promotion of economic activity and growth and it is among these measures that Ireland's priorities chiefly lie.

Proposals such as the **Data Protection** measures will not only serve to protect the privacy of all European citizens, a valuable end in itself, but in doing so they will also increase the confidence and trust consumers have in online transactions and encourage their greater use. These measures can contribute to increased cross-border trade in the internal market and to higher levels of investment, innovation and, ultimately employment in this expanding area.

More people doing more business online is good for growth throughout the European Union.

In this digital age, data is fundamental to so many of our everyday activities. The amount of data we have access to creates great opportunities for businesses but, consequently, challenges for regulators to protect individuals from the misuse of that data. Similarly, in law enforcement, access to the right data is essential in tackling sophisticated criminal organisations but that data too has to be carefully controlled and regulated.

Achieving progress on the Data Protection package is a key priority of the Irish Presidency.

Legislation designed to reduce the risks for businesses, especially small businesses, involved in cross-border trade also has a great capacity to increase activity and lead in turn to more jobs. Such measures include the proposal for an **Account Preservation Order** and the recently published **Insolvency** proposals. These measures will be priorities of our Presidency. The proposal for a **Common European Sales Law** will also be progressed.

I now want to address some specific dossiers which, I believe, are of particular interest to your Committee.

Data Protection

I have already briefly mentioned data protection in the context of how it can serve to protect the privacy of all European citizens, increase the confidence and trust consumers have in online

transactions and encourage their greater use and contribute to increased cross-border trade in the internal market. I would now like to refer to our plans to progress the measure.

The Presidency is devoting considerable attention to advancing the reform package. The priority we are giving to data protection is also borne out by the fact that data protection issues were discussed at the Informal JHA Council in Dublin last week. Fruitful discussion took place on a number of important aspects of the proposed Regulation – the scope of the so-called ‘household exemption’; the right to be forgotten; and the administrative sanctions regime. Data Protection will also be on the agendas of the March and June JHA Council meetings. The Presidency welcomes the comprehensive draft reports issued by the LIBE Committee earlier this month. We will follow the progress of both reports with interest and look forward to Parliament’s overall assessment of the reform package in due course.

Confiscation of assets

Another key priority for the Presidency is the Directive on the freezing and confiscation of proceeds of crime. At the Informal JHA Ministerial Meeting last week, Ministers were given a presentation by the Head of the Irish Criminal Assets Bureau. At a national level, Ireland has been very successful in targeting the proceeds of crime through our Criminal Assets Bureau. Such civil forfeiture regimes have increasingly become a feature of the asset forfeiture landscape internationally and across the European Union. I very much hope that mutual recognition proposals will be presented by the Commission in the near future dealing with mutual recognition of confiscation orders.

The Council reached a general approach on the draft Directive on 7 December 2012 and is now prepared to enter into negotiations with the European Parliament in the framework of the ordinary legislative procedure. I understand that the LIBE orientation vote on the draft Directive was postponed pending receipt of an opinion from the Fundamental Rights Agency.

In this respect, we hope that the LIBE Committee will soon be in a position to hold an orientation vote on the proposal in order that we can engage with the Parliament in an effort to find a common ground for a timely agreement on the proposal.

Passenger Name Records (PNR)

The proposed Passenger Name Records Directive is an important commitment in the context of the fight against terrorism and serious crime and one which I see as a priority for the EU. Accordingly, we aim to make as much progress as is possible during our Presidency to secure agreement with the European Parliament on this dossier.

I am under no illusions about the contentious aspects of the proposed Directive, the variety of views on all sides and, indeed, the general difficulty that the PNR proposals may have presented in the past for the Parliament.

I know that you will share my view that in all of our considerations we have to prioritise the safety of citizens and that the Member States of the Union must work together to that end.

PNR is a tool of proven value to police and intelligence services in combating the scourges of drug smuggling, trafficking in human beings and, of course, terrorism, all of which pose shared threats to the EU Member States.

However, I am also particularly conscious that there are concerns about privacy, the control of access to personal data by police and security services and concerns about the scope of the proposal.

I believe that we can work productively to strike the right balance in the PNR proposal.

Schengen matters

There are a number of Schengen-related dossiers that are active during our Presidency.

SIS II

As the Committee Members will know, the Schengen Information System (SIS) is a vital facility. The long-awaited second generation Schengen Information System, commonly known as “SIS II”, will improve on the current system by allowing for the linking of alerts and the attachment of biometric data and European Arrest Warrants, thereby further enhancing police and judicial cooperation.

The successful migration from SIS1 to SIS II during the Irish Presidency remains a major priority and we are working closely with the Member States and the Commission in this regard.

The Presidency is optimistic that it will have good news to report to the Parliament in this regard over the course of the coming months.

Schengen Governance

The Presidency is very conscious of how important a robust and consistent system of governance is to the successful operation of the Schengen *acquis*. In this context, the Governance Package is an important one for our Presidency, as I know it is for the Parliament. Some good progress was made during the Cyprus Presidency towards finding an accommodation on these dossiers which meets the concerns of both Institutions. I hope the same spirit of co-operation will continue and inspire the discussions taking place under our Presidency, to bring it to a successful conclusion.

Full application of Schengen Acquis to Romania and Bulgaria

The issue of Bulgarian and Romanian accession to the Schengen area is one we also hope to advance during our Presidency. To this end I intend to have this issue on the agenda for the JHA Council in March.

Immigration, Visas and Asylum matters

I would now like to inform the Committee of the Presidency's plans in relation to immigration, visas and asylum matters.

Visas

The Presidency welcomes the recent Commission Communication on the Implementation and Development of the Common Visa Policy to spur growth. This Communication fits in very well to the overriding priority of the Presidency of finding ways to stimulate sustainable economic growth and create jobs. We will be working closely with the Commission on how this initiative can be brought forward in a practical way.

The general aim of the Presidency in relation to visa matters is to successfully conclude as many of the open visa dossiers as possible and to substantially progress new ones.

Common European Asylum System

There are two remaining dossiers under negotiation with the Parliament that will complete the establishment of the Common European Asylum System as envisaged by the Stockholm Programme; namely, the Asylum Procedures Directive and the Eurodac Regulation.

The Presidency recognises the importance of completing the outstanding measures in the Common European Common Asylum System and to this end is engaging fully with you to resolve outstanding issues.

The aim of the Presidency is to reach agreement with the Parliament on both measures, thus paving the way for the completion of the Common European Asylum System.

Eurodac

In relation to the proposed Eurodac Regulation, I think that it is important from the outset to note that the Eurodac System is an excellent example of practical co-operation which supports the Common European Asylum System. Regarding law enforcement access to Eurodac, I note that the Council and Parliament are in agreement on the principle of such access in the fight against terrorist offences and other serious criminal offences.

The Presidency will work with the Parliament to resolve any remaining issues in relation to the proposed Regulation in a way that supports the effective application of the Dublin Regulation as a cornerstone in the development of the Common European Asylum System.

Asylum Procedures Directive

The main outstanding issues in respect of the Asylum Procedures Directive relate to the treatment of applicants in need of special procedural guarantees and unaccompanied minors. I know that the Parliament has provided a text that offers a clear elaboration of your objectives in relation to the principal remaining issues and this is now under consideration within the Council.

Formal adoption of the Reception Conditions Directive and the Dublin Regulation

I am aware that the Parliament is concerned that the Council has not adopted its first reading position on the Reception Conditions Directive and the Dublin Regulation, on which political agreement has been reached between the Parliament and the Council. I understand that adoption has not been possible because a significant number of Member States would prefer, at this stage, to proceed with the adoption of all the remaining instruments together. That preference arises in part from the existence of cross-referencing as between the various instruments. In light of the aim of the Presidency to work with the Parliament with a view to reaching agreement on the remaining elements of the Common European Asylum System, I believe that all elements of that proposed system can be formally adopted in the not too distant future.

Immigration

In relation to legal immigration measures, the Presidency will aim to reach agreement with the Parliament on the **Directive on Seasonal Employment** and the **Directive on Intra-Corporate Transfers**. We expect that there will be a further proposal on Students and Researchers published by the Commission during our Presidency and, depending on the date of publication, we will commence negotiations in the Council on that proposal.

Multiannual Financial Framework (MFF)

In relation to the Multiannual Financial Framework, following good preparatory work by Cyprus and Denmark, President Van Rompuy's proposals last November narrowed the gap between Member States. I understand that he is now taking work forward and consulting informally before bringing the matter back to the European Council for final agreement.

As Presidency and nationally, Ireland wants an EU with sufficient funds to carry out its work and a budget that can support growth and jobs.

While of course as Presidency we would want an early deal, we consider that it is important that President Van Rompuy has flexibility in how he brings work forward to that end.

In relation to the JHA Multiannual Financial Framework instruments, the Presidency will engage with the Parliament to the maximum extent with a view to reaching agreement.

Access to a lawyer

Under our Presidency Ireland will prioritise measures that support the rights of citizens and the rule of law. One of these measures is the Directive **on right of access to a lawyer** in criminal proceedings.

The aim of the Presidency is to reach agreement with the Parliament on this measure.

While I have not covered every dossier that the Presidency expects to have to deal with in the JHA area, I hope that I have provided the Committee with a comprehensive overview of the Presidency priorities in the JHA area which fall within the remit of this Committee.

Once again, Mr. Chairman, I am grateful for the opportunity to make this presentation and I hope that you and your Committee members found it informative.

As I said at the outset, I look forward to working with in partnership with the Parliament and I will be happy to deal with any questions that you may have.
