



**COUNCIL OF
THE EUROPEAN UNION**

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**PE 158
JAI 272
ASIM 29
ASILE 16
MIGR 33
ENFOPOL 106
CRIMORG 62
PESC 385
JAIEX 25
RELEX 283
SCHENGEN 8**

NOTE

from: General Secretariat of the Council
to: Delegations

Subject: Summary of the meeting of the Civil Liberties, Justice and Home Affairs
Committee of the European Parliament, held in Brussels on 8 April 2013

The meeting was chaired by Ms Gal (EPP, HU).

Item 1 and 3 on the agenda

**Adoption of the agenda, Chair's announcements and state of play of on-going
interinstitutional negotiations in legislative procedures**

The agenda was adopted with the following changes: item 10 "Report on the LIBE Delegation to Cyprus" was postponed to the next LIBE meeting and a new item was added "Presentation by the EP Legal Service of the opinion on the definition of judicial authority in the framework of the Treaty's Chapter on judicial cooperation in criminal matters".

Nomination of Rapporteurs:

- 1) Ms LUDFORD (ALDE) had been nominated Rapporteur on the European Arrest Warrant;
- 2) Ms INT VELD (ALDE) had been nominated Rapporteur on the Annual Report on Public Access to Documents.

Nomination of Draftspersons :

- 1) Mr ROMEVA I RUEDA (GREENS) had been nominated Draftsperson on the Implementation of the Employment Equality Directive ;
- 2) Mr MULDER (ALDE) had been nominated Draftsperson on the 2014 BUDGET.

The Chair, on behalf of the Rapporteur, Ms Guillaume, updated LIBE on the progress on the file on minimum standards on procedures in Member States for granting and withdrawing international protection (recast) and explained that, at the last triologue on 21 March, an agreement had been found with the Council, endorsed by Coreper on 27 March. She thanked the Commission and the Irish Presidency for their constructive approach and stressed that the result satisfied the EP's strategy of global balance between the quality of procedure, the rights of asylum seekers, improved efficiency, and reinforcing monitoring, and would provide clear added value to existing procedures. The vote in LIBE would take place on 24 and 25 April and at the June Plenary.

Mr Mulder reported back from the third triologue on EUROSUR on 27 March and explained that, among the issues discussed, the main outstanding points remained the scope and purpose of amendments regarding saving of lives at sea, multitask missions, the participation of Ireland and the UK, cooperation with third countries and, in particular, the role of the Commission and the EP and the exchange of data with third countries. The next triologue was planned on 22 April.

Ms Macovei explained that, at the last triologue on 21 March 2013, an agreement had been reached on the Eurodac recast file. The vote in LIBE would take place on 24 and 25 April and the vote in Plenary on the whole Asylum Package was scheduled for June.

Item 4 on the agenda

2014 Budget - Mandate for the Trialogue

2013/2017(BUD)

Rapporteur for the opinion:

Jan Mulder (ALDE)

Person responsible:

BUDG – Anne E. Jensen (ALDE)

- **Exchange of views with the Rapporteur of the Committee on Budgets**

Rapporteur Jensen explained that there were a number of uncertainties at this stage regarding the 2014 budget as there was no agreement on the MFF. Recalling the guidelines for the 2014 budget adopted at the March Plenary she highlighted the following issues: the need to resolve the issue of payments as the Commission has accumulated a number of unpaid bills, better assessment of needs, funding initiatives for growth and promotion of youth employment. She also noted special LIBE interests in JHA area, such as the financing of relevant agencies. The Commission 2014 budget proposal was expected at the end of May, and the amending budget in a weeks time.

Mr Mulder commented that there was no budget proposal for the time being but it was clear that important new responsibilities in the JHA area were given to agencies, for example to Frontex, and this had to be duly taken into account in future discussions.

There was no further debate under this item.

Item 5 on the agenda

Report on Fundamental Rights at Europe's southern sea borders of the Fundamental Rights Agency (March 2013)

LIBE/7/12331

Mr Silvestri presented the FRA study on the Europe's southern sea borders and explained the methodology used. He highlighted four key challenges, namely the interception and the principle of non-refoulement, the right to life, including rescue operations, the role of fisherman and the facilitation directive, human rights safeguards when cooperating with third countries and maritime surveillance systems and fundamental rights. He stressed that whereas the countries in Eastern Europe had made efforts to build their asylum system in the last 15 years, the Mediterranean Countries still did not have an asylum system in place.

In the subsequent debate MEPs raised the following issues : relations between Frontex and FRA (Mr Mulder, ALDE, NL), cooperation with third countries and so called push-backs (Ms Keller, Greens/EFA, DE), the exposure of fisherman to legal proceedings for rescuing migrants at sea (Ms Mathieu, EPP, FR), the role of organised criminality (Mr Torvalds, ALDE, FI), the abuse of asylum systems in the EU (Mr Claeys, NI, BE), asylum as an individual right and absence of a clear immigration policy in the EU (Ms Sippel, S&D, DE).

Replying to various issues raised, Mr Silvestri stressed that migrant flows were so called mixed-flows, composed of persons fleeing persecution and those migrating for other reasons. Regarding push-backs he referred to the Hirsi case, an 2012 ECtHR judgment on the interception of migrants at sea. He also said that FRA and Frontex maintained intense contacts and good cooperation.

Item 6 on the agenda

The situation of Fundamental Rights: standards and practices in Hungary

(pursuant to the EP resolution of 16 February 2012)

2012/2130(INI)

Rapporteur: Rui Tavares (Verts/ALE)

DT – PE502.280v01-00

DT – PE491.186v02-00

DT – PE492.609v01-00

DT – PE500.583v01-00

Person responsible: LIBE –

Opinions: AFCO – Decision: no opinion

The rapporteur explained that his fifth working document had been prepared in close consultation with the shadows (Ms Weber, Ms McIntyre, Mr Engel, Ms Vergiat, Mr Lopez Aguilar) and also included comments from all political groups. He summarised his position around the following three questions : the systemic nature of changes and the risk of breach of Article 2 TEU; secondly the relevance of this to the EU and the question of whether any action should be taken, and thirdly whether a mechanism should be put in place to guarantee the values enshrined in Article 2 TEU. Regarding the timetable he stressed this was the last working document and that the empirical phase of the work had been concluded and he would move on to drafting the report, which would be presented at the beginning of May.

The debate started with Ms Hankiss (EPP, HU) who made a very negative assessment of the LIBE delegation visit to Hungary (September 2012), criticising its organisation and the interviews conducted. In her view this whole debate was inspired by the left wing and was a political script to undermine a legitimate government. In the debate that followed members who have participated in this delegation (Ms McIntyre, Ms Vergiat, Mr Engel), including the rapporteur, rejected the claims made by Ms Hankiss. Moreover Mr Tavares explained that the visit had been organised in close cooperation with the Hungarian authorities, notably Ms Gyori, and expressed his readiness to discuss the delegation visit in further detail if necessary. In Ms Gönz's (S&D, HU) view the constantly changing legal situation was a symptom of a problem, and although elements of change could be assessed positively there were clearly problematic parts, namely the proposed changes to electoral legislation. She called on Hungarian authorities to invite an ODIR mission to Hungary in order to scrutinise the electoral legislation. Mr Engel (EPP, LU) said that it was difficult to properly assess legal and constitutional changes using only legal and constitutional tools, and pleaded for a more political analysis. The ECR's position, as explained by Ms McIntyre, was that any concerns regarding Hungarian legislation should be dealt with by the Commission as the guardian of the

Treaties. Ms Vergiat (GUE/NGL, FR) welcomed this debate and stressed that once for all the scope of Article 2 TEU should be clarified, namely when does it apply and what was the role of the EU Institutions. She believed that the tools in Article 7 were not adequate and that the same standards should be applied in all Member States. Mr Moraes (S&D, UK) stressed the need for an objective approach to human rights. Ms Gal considered that the working documents prepared by Mr Tavares offered some very interesting interpretations that could be applied to other Member States, and highlighted that no individual case of human rights violations had been identified. In her view this clearly supported the thesis that the Rule of Law functioned in Hungary. Ms Bauer (EPP, SK) questioned the ability of non-Hungarian speakers to be able to assess fully and properly the legal and political situation in Hungary, but was nevertheless hopeful that Article 2 TEU could be used in the future to monitoring the rights of minorities in the EU. Ms In 't Veld (ALDE, NL) said that the momentum was being lost in these lengthy technical discussions and that the real issue was the ability to enforce common values. She also doubted that the Commission would act with enough determination given that the majority of Commissioners came from the EPP family. There were many violations also in other Member States and there was a clear need for proper instruments and mechanisms to enforce human rights in the EU more objectively and with less political manoeuvring. Ms Mathieu (EPP, FR) reacted by saying that that the fact that the EU had been testing the efficiency of its instruments on Hungary was unfair. Ms Jaroka (EPP, HU) spoke about a positive record for Roma in Hungary under the Fidesz government and pointed out that this was not the case in several Member States. The Rapporteur concluded the debate by saying this debate was not only about Hungary but about Europe and its democratic reconstruction after the fall of 20th century totalitarianisms.

Item 7, 8 and 9 on the agenda

***** Electronic vote *****

Key information documents for investment products

*****I 2012/0169(COD)**

Rapporteur for the opinion: Petru Constantin Luhan (PPE) PA – PE504.372v01-00
AM – PE506.174v01-00
Responsible: ECON – Pervenche Berès (S&D) PR – PE502.113v01-00
AM – PE504.398v01-00
AM – PE504.397v02-00

The draft opinion was adopted as amended with 39 votes in favour (3 against and 1 abstention).

Clinical trials on medicinal products for human use, and repeal of Directive 2001/20/EC

*****I 2012/0192(COD)**

Rapporteur for the opinion: López Aguilar (S&D) PA – PE506.211v03-00
AM – PE507.970v01-00
Person responsible: ENVI –Glenis Willmott (S&D) PR – PE504.236v01-00
AM – PE506.162v01-00
AM – PE506.158v01-00
AM – PE506.159v02-00
AM – PE506.160v02-00
AM – PE506.161v01-00

The draft opinion was adopted as amended with 40 votes in favour (2 against and 1 abstention).

Amendment of Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

*****I 2011/0138(COD)**

Rapporteur: Díaz de Mera García Consuegra (PPE) PR – PE475.760v01-00
AM – PE478.421v01-00
AM – PE507.997v01-00
Person responsible: LIBE –
Opinions: AFET – Andrey Kovatchev (PPE) AD – PE474.076v02-00
AM – PE475.888v01-00

The draft report was adopted as amended with 33 votes in favour (7 against and 3 abstentions).

The Rapporteur took and thanked all the groups for their support and explained that he will now continue discussions with the Council and the Commission on the modalities for implementing active reciprocity.

Item 10 on the agenda

Presentation by the EP Legal Service of the opinion on the definition of judicial authority in the framework of the Treaty's Chapter on judicial cooperation in criminal matters

Mr Schonard presented the EP legal service opinion regarding the specific definition of judicial authority in the framework of the Treaty's Chapter on judicial cooperation in criminal matters. He stressed that general conclusions regarding such a definition which would apply to the whole TFEU should be avoided. He explained that such authority had to function within the framework of criminal procedures and would cover courts, judges, investigative judges, jury and lay judges for example but not police or law enforcement officers, supporting staff or judges not exercising their judicial functions. The prosecutors, although hierarchically organised, would also come under the definition of such judicial authority. He concluded that judicial authority could be further specified or qualified in secondary legislation.

There was no further debate under this item.

Item 12 on the agenda

Next meeting(s)

- **24 April 2013, 9.00 – 12.30 and 15.00 – 18.30**
- **25 April 2013, 9.00 – 12.30 and 15.00 – 18.30**