



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 April 2013

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**PE 206
JAI 333
ASIM 33
ASILE 17
MIGR 39
ENFOPOL 127
CRIMORG 70
PESC 476
JAIEX 31
RELEX 351
SCHENGEN 11**

NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Partial summary of the meeting of the Civil Liberties, Justice and Home Affairs Committee of the European Parliament, held in Brussels on 24 and 25 April 2013

The meeting was chaired by Mr AGUILAR (S&D, ES).

Item 1, 2 and 4 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 3 (Minutes 20-21 February), item 9 (vote on Freezing and confiscation of proceeds of crime in the EU), item 12 and 13 (Joint debate on Data protection), item 16 (Follow-up on the Delegation of legislative powers and the Control by Member States of the Commission's exercise of implementing powers) were postponed and a new item 22

was added "Electronic identification and trust services for electronic transactions in the internal market".

Nomination of Rapporteurs:

- 1) Ms Wikström (ALDE, SE) has been nominated Rapporteur for the recast 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"
- 2) Mr ENCIU (S&D, RO) and Ms SOMMER (EPP, DE) have been nominated co-rapporteurs for the proposal amending the "Schengen Borders Code" as part of the "Smart Borders Package".

Ms ANTONESCU (EPP, RO) reported back from the trilogue on "The Right to access to lawyer in criminal proceedings and the right to communicate upon arrest" and explained that progress had been achieved, the main outstanding points remained witnesses, European Arrest Warrant, the role of Lawyer etc. She thanked the Council and the Commission for their constructive approach and stressed that the final aim of the EP was to achieve legislation in line with the ECHR.

Ms GÖNZ (S&D, HU) reported back from the trilogue on the Rights and Citizenship programme. She explained that good progress had been made and hoped to conclude on this file on 13 May.

Mr NUNO (EPP, PT) reported back from the trilogue on European Investigation Order and explained that agreement could be reached on articles 1, 4 and 5 at the last trilogue on 16 April.

Item 5 on the agenda

The situation of Unaccompanied Minors in the EU 2012/2263(INI)

Rapporteur: Nathalie Griesbeck (ALDE)

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

DEVE – Charles Goerens (ALDE)

PA – PE506.072v01-00

AM – PE507.982v01-00

EMPL – Decision: no opinion

CULT – Decision: no opinion

JURI – Decision: no opinion

FEMM – Barbara Matera (PPE)

PA – PE504.151v01-00

The Rapporteur explained that child's interest should have primacy over any other considerations, including immigration policy aspects. Taking into account that an Action Plan already exists, she proposed to adopt strategic guidelines, in the form of an Own Initiative report, which would be brief and could be implemented swiftly, based on current good practice for some key points (establishing the age, healthcare, schooling, and housing). Ms CORAZZA BILDT (EPP, SE) presented Sweden's experience in welcoming unaccompanied minors and stressed the main issue at stake was the quality of implementation, which varied between Member States. Ms SIPPL (S&D, DE) and Ms FLAUTRE (Greens, FR) also supported the Rapporteur and suggested adding ECJ case-law on unaccompanied minors. Mr BRONS (NI, UK) was critical of the ethnocentric assumptions regarding child's best interest that only benefitted child traffickers.

Deadline for amendments 6 May.

Item 6, 7, 8 and 10 on the agenda

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

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

*****I 2012/0261(COD)**

Rapporteur: Anna Hedh (S&D)

PR – PE504.107v01-00

AM – PE506.184v01-00

Opinions: INTA – Decision: no opinion

ENVI – Decision: no opinion

IMCO – Decision: no opinion

The draft report and the decision to enter into negotiations with Council were adopted as amended with 47 votes in favour (3 against and 53 abstentions).

Minimum standards on procedures in Member States for granting and withdrawing international protection (recast)

*****I 2009/0165(COD)**

Rapporteur: Sylvie Guillaume (S&D)

The final text negotiated in trilogues was endorsed with 44 votes in favour (3 against and 8 abstentions).

Establishment of 'Eurodac' for the comparison of fingerprints (recast version)

*****I 2008/0242(COD)**

Rapporteur: Monica Luisa Macovei (PPE)

Responsible: LIBE –

Opinions: JURI – Francesco Enrico Speroni (EFD)

The final text negotiated in trilogues was endorsed with 42 votes in favour (8 against and 5 abstentions).

Use of Passenger Name Record data (EU PNR)

*****I 2011/0023(COD)**

Rapporteur: Timothy Kirkhope (ECR)

PR – PE480.855v01-00

AM – PE486.017v02-00

AM – PE486.159v01-00

Responsible: LIBE –

Opinions: AFET – Baroness Sarah Ludford (ALDE)

AD – PE483.826v02-00

AM – PE486.202v01-00

TRAN – Eva Lichtenberger (Verts/ALE)

AD – PE467.175v02-00

AM – PE472.208v01-00

LIBE committee rejected the Commission's proposal by 30 votes to 25.

In the discussion following the vote several MEP's (EPP and ECR supported the EU PNR proposal) expressed disappointment at the outcome and asked for the file to be voted in the Plenary.

Rapporteur KIRKHOPE (ECR, UK) and several EPP MEPs were very critical that years could be lost before the EU would adopt common standards on PNR with consequences for the EU's ability to fight terrorism. Greens, GUE, ALDE and S&D expressed satisfaction at the outcome of the vote as they continue to have serious concerns over fundamental rights and data protection issues.

The Chair recalled that this proposal was one of the 5 which were blocked by the Conference of Presidents over a disagreement between the EP and the Council regarding the Schengen Evaluation and Border Code Regulation legal basis, meaning that for the time being the file could not be referred to the Plenary and proposed to submit it to the Conference of Presidents which should decide on further steps to be taken in relation to this file.

***** End Electronic vote *****

Item 14 on the agenda

Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions: The EU Justice Scoreboard: A tool to promote effective justice and growth COM(2013)0160

Ms Le Bail , European Commission, explained that the EU Scoreboard was a new tool which had the objective to promote an effective justice system. She stressed that in a common area of justice, with national judges acting as EU judges, good judicial systems clearly constituted factor of economic growth and scoreboard results would be used as a basis for country specific recommendations (i.e. backlogs, use of mediation). Ms Le Bail said that this was the first scoreboard produced and that indicators and methodology used will be further developed in the future in cooperation with the network of judges and judicial authorities of Member States.

In the subsequent debate the following issues were raised : access to justice as a fundamental right, corruption, possible use of scoreboard to cover fundamental rights and the rule of law and more generally criminal justice, rule of law as an essential component of a functioning single market, reference to the initiative of four Member States regarding a possible new EU mechanism to monitor fundamental rights, and criticism regarding methodology used for the assessment of the independence of judiciary.

In her reply Ms Le Bail explained that the scoreboard was one of the elements of the rule of law analysis and that any new mechanisms monitoring fundamental rights would require a change in the Treaties.

Item 17 and 18 on the agenda

Prevention of the use of the financial system for the purpose of money laundering and terrorist financing

*****I 2013/0025(COD)**

Rapporteur: Judith Sargentini (Verts/ALE)

Opinions: DEVE –
ECON –
IMCO – **Decision: no opinion**
JURI –
PETI – **Decision: no opinion**

Information accompanying transfers of funds

*****I 2013/0024(COD)**

Rapporteur: Timothy Kirkhope (ECR)

Opinions: DEVE –
ECON –
IMCO –
JURI –
PETI – **Decision: no opinion**

- ***Presentation by the Commission***

The Chair first announced that ECON committee had been contesting LIBE's role as a lead committee and that the issue would be decided by the Conference of Presidents.

Commission briefly presented the proposal, which includes all forms of gambling and tax crimes, and explained that the revision of the existing directive was necessary because Financial Action Task Force (FATF) recently adopted its revised rules, containing a risk-based approach. The Rapporteur said it was important to balance effectively combating crime and terrorism with respecting data protection rules. In her report she intended to focus more on beneficial ownership of companies and the definition of tax crimes. Mr KIRKHOPE (ECR, UK) stressed that the issue of proportionality was very important in this file in order not to create anything "ridiculously burdensome". Ms MATTHIEU (EPP, FR) stressed the need to have a common approach on tax crimes, supported the smart approach based on risk assessment and pointed out that very few countries (only Iran and North Korea) were actually put on the FATF list of non-cooperative states. Ms BOZKURT warned that the rules should not be too cumbersome on small investors.

Item 19 on the agenda

High common level of network and information security across the Union

*****I 2013/0027(COD)**

Rapporteur for opinion: Carl Schlyter (Verts/ALE)

Rapporteur for the responsible committee IMCO : Andreas Schwab (PPE)

The Rapporteur explained the current proposal focuses mainly on cyber-security. He wanted to concentrate his work on the unintentional disruptions of essential networks and the lack of services arising from such events. The Commission representative explained that level of critical capabilities varied considerably across the EU. The aim was to raise the minimum level across the EU in order to have better conditions for effective EU wide cooperation.

Item 20 on the agenda

Delegation to Cyprus - 19-21 December 2012

LIBE/7/12113

DV – PE506.233v01-00

The Chair briefly explained that during the visit the delegation gathered information on the latest developments regarding the issue of missing persons in Cyprus, resulting from intra communal fighting in 1963, 1964 and during the 1974 Turkish invasion. The delegation met with relatives on both sides as well as with representatives from the Committee on Missing Persons in Cyprus under the auspices of the UN and UNFICYP, as well as the Cyprus Parliamentary Committee on missing persons. The report was to be circulated. Ms Papadopoulou (S&D, CY) stressed this was an important humanitarian issue.

Item 21 on the agenda

EU Terrorism Situation and Trend Report (TE-SAT) 2013

Presentation by the Director of Europol, Mr Rob Wainwright and the EU Counter-terrorism Coordinator, Mr Gilles de Kerchove

Mr Wainwright summarised the main findings of the Europol's report on EU terrorism situation and trends, *inter alia* the continuation of strong and varied terrorist threats in the EU. He explained that the two main attacks in 2012 took place in Bulgaria and France, with a total number of 17 fatalities in 2012. He said there was an increase in arrests on terrorism charges and the drivers of terrorism were ranging from religious inspiration, ethno-nationalism, to left and right wing ideologies.

Mr De Kerchove explained the main trends were the continuation of existence of Al-Qaida franchises with their global jihad agenda, benefiting from unstable political situation in the Middle East North Africa region and beyond (Iraq, Syria, Yemen, Mali, Somalia and Nigeria) which can offer safe haven for terrorist groups. He said growing evidence of the nexus between terrorism and drugs was also of concern. The second trend, he stressed, was a rising trend of hot spots (such as

Yemen, Somalia and Syria) which were attracting a number of EU citizens, who were not all radicalised but could become a threat upon their return having been trained and having participated in combat. He explained that the phenomena of foreign fighters was complex and said an EU PNR would provide real added value in mobilising relevant data. He also spoke about the "lone wolf" phenomena where individuals copy the phenomena seen in the media, greatly inspired by information that can be found on the Internet. He highlighted that the expected withdrawal of American forces from Afghanistan in 2014 will have important security implications, not only in Afghanistan but throughout the region (Pakistan, Uzbekistan, Tajikistan). He drew attention to the Council conclusions on Sahel region this March.

In the subsequent discussion the following issues were raised: unclear definition of "home-grown" terrorism, the need to collect better data on arms trafficking in the EU in order to be able to clearly distinguish between cases where illegal as opposed to legal arms have been used for a criminal activity, the fact that the US had PNR did not prevent the Boston attack, the need to address anti-democratic movements resorting to extremist violence such as Golden Dawn and Jobbik, the possible creation of an EU ballistic register, possible report on evaluation of Intelligence and Security Services.

In his reply Mr Winwright explained that "home-grown" referred to individuals that radicalized themselves alone through the use of internet. He stressed the need to do more on the prevention side and provide a counter-narrative to extremism, by providing more moderate voices.

In relation to the EU PNR Mr De Kerchove explained that this would provide level playing field, better standards and coordination among EU Member States. He also clarified that there was no EU competence regarding Member States' Intelligence and Security services.

Item 22 on the agenda

Electronic identification and trust services for electronic transactions in the internal market

*****I 2012/0146(COD)**

Rapporteur for the opinion: Jens Rohde (ALDE)

Rapporteur for the responsible committee ITRE : Ms Ulvskog (S&D)

PR – PE507.971v01-00

The Rapporteur welcomed the proposal which would facilitate the creation of an EU internal digital market and enhance trust in electronic transactions. He would focus his work on definitions of security levels, supervisory mechanism for data protection and data minimization. Mr ALBRECHTS (Greens, DE) stressed that efforts should be made to avoid any overlapping with data protection legislation currently discussed, which aimed at harmonisation across the EU.

Next meeting(s)

- 6 May 2013, 15.00 – 18.30 (Brussels)
- 7 May 2013, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)
