



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 11 June 2013**

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**NOTE**

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from: General Secretariat of the Council  
to: Delegations

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Subject: Summary record of the meeting of the European Parliament **Committee on Civil Liberties, Justice and Home Affairs (LIBE)** on 6 June 2013

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The meeting was Chaired by Mr Lopez Aguilar (S&D, ES).

**1. Coordinator's meeting - *in camera***

**2. Adoption of the agenda**

The agenda was adopted.

**3. Chair's announcement**

The Chair announced that the Council had asked to remove some recitals from the agreed asylum package. The representative from the Parliament's legal service noted that it was not possible to treat such a change as a purely technical issue and hence recommended that the Committee table an oral amendment to allow for the Plenary to proceed.

Ms Macovei (EPP, RO), Ms Wikstrom (ALDE, SE) and Ms Keller (Greens, DE) agreed with the changes and with the procedure proposed by the Parliament's legal service, but were critical of the reopening of a dossier which had been debated at length with the Council. They noted this should not set a precedent.

The representatives from the Commission highlighted that if a decision were to be taken to remove the recitals, the co-legislators would need to add them to Eurodac so to ensure legal clarity for associated countries.

The representative of the Presidency took issue with the procedural concerns of the Parliament legal services since he noted the proposed changes would be made before adoption, not after. He encouraged the Parliament to take a pragmatic approach and move swiftly to adoption.

The Chair concluded by confirming that given the political agreement on the issue, an oral amendment to remove the recitals would be tabled for the Plenary.

Mr Engel (EPP, LU) also announced that the delegation to Greece wished to report to the Committee before discussions could take place. The Chair agreed to schedule such a discussion at upcoming meetings.

\*\*\* Electronic votes\*\*\*

#### **4. Attacks against information systems and repealing Council Framework Decision 2005/222/JHA**

The text was adopted with 36 votes in favour, 8 against and 0 abstentions.

#### **5. Amendment of Schengen border code and Convention implementing the Schengen Agreement**

The text was adopted with 41 votes in favour, 2 against and 1 abstention.

\*\*\* End of electronic vote\*\*\*

## **6. Agreement between the EU and the Republic of Cape Verde on the readmission of persons residing without authorization and Agreement between the EU and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the EU**

### *Joint debate*

Ms Gabriel (EPP), Rapporteur for the Opinion, argued that deepening relations between the EU and Cape Verde would contribute to the promotion of liberty and democracy. The main aspects of this Opinion were the facilitation of visa on short stays and the readmission of irregular migrants. She supported the Commission's proposals on both dossiers, and argued that both should be adopted at the same time. She praised the efforts to simplify the procedures and extend the duration of visas, and noted that the principle of reciprocity was fully respected. The position of countries which were not in the Schengen area was also clarified. The Rapporteur concluded by encouraging MEPs to monitor closely the implementation of the agreements and take part in the Joint Management Committee with the other institutions.

Ms Zdanoka (Greens, LV) as shadow for the Greens expressed her group's disapproval of the agreement on readmission agreement, in particular because Cape Verde was not part of UN convention of 1951 on the Status of Refugees.

The Commission representatives welcomed the rapporteur's comments and highlighted the need to maintain institutional balance at the Joint Management Committee. They highlighted that the non ratification of one agreement would have implied the non ratification of both: a point further highlighted by the representative of the Presidency. The Commission representative also said that Cape Verde had ratified the UN Convention of 1951 via the Protocol of 1967.

## **8. Surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States**

Mr Coelho (EPP, PT), Rapporteur for the Opinion, noted that this dossier went back to a legal victory of the Parliament, thus overturning a decision of the Council. He noted that the Court wanted to see swift progress so that the revoked decision was replaced quickly. He argued that the significant discrepancies between Member States created a situation of legal uncertainty. He considered the proposal of the Commission to be balanced, but noted that it needed to be more precise and complete, specifying better the scope of situations that could trigger a rescue and the rights of people rescued or the interception of crossing borders illegally.

The Commission representative noted that all rules should be fully binding and that the current proposal further developed the human rights guarantees in situations of search and rescue operations. It also amended slightly the rules on disembarkation so as to comply with international law and set out a clear obligation for Member States to cooperate with each others and with Frontex. A representative of the Presidency noted that for the sake of legal clarity an agreement should be reached soon.

In the discussion that followed, Ms Keller (Greens, DE) and Ms Wikstrom (ALDE, SE) welcomed the new human rights provisions of the text and highlighted the urgency of establishing legal clarity on the matter. Ms Wikstrom in particular expressed doubts about the commitment of the Lithuanian presidency to consider this issue as a priority.

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

Mr Tavares (Greens, PT), Rapporteur, noted that 551 amendments had been tabled, including some put forward by the Hungarian government itself and civil society institutions. He noted that the report had in general terms withstood the test of confrontation with third parties. He requested however that Hungarian government provide an official translation of the national security law so as to clarify the factual information. He regretted that some of the amendments proposed deleted statements which constituted the founding principles of the EU and were therefore self evident.

In the discussion that followed, Mr Engel (EPP, LU), shadow for the EPP group, highlighted that his group intended to vote against a series of self-evident recitals which listed the features of a functioning democracy, hence suggesting that Hungarian did not fall into this category. He highlighted the fact that several issues remained a matter of interpretation, for which the Hungarian government had regularly provided its justification and viewpoint. He noted that this was the opportunity to set out a European outlook on constitutional drafting and reform, but that the role of the Commission should not be questioned and the Parliament should limit itself to provide political suggestions, not threats. A set of common practices could be established for all Member States, but stigmatizing one country was problematic. Ms Gal (EPP, HU) supported the EPP shadow and criticized the Opinion put forward by Tavares as biased and unfair.

Ms Sippel (S&D, DE) on behalf of the S&D group, Ms Ernt (GUE, DE) on behalf of the GUE group and Mr Lopez Aguilar (S&D, ES) agreed with the Rapporteur that many other Member States could be criticized on fundamental rights account, but than in Hungary there were many specific points of criticism, which needed to be addressed as a matter of urgency. The idea of a scoreboard for the respect of fundamental rights was also praised. Ms Wilkstrom (ALDE, SE) drew attention to the ALDE amendment proposing to invoice procedure 7.1, which Ms in't Veld (ALDE, NL) also supported. In particular the ALDE MEPs regretted that no system was currently in place to systematically check that the Copenhagen criteria were being complied with by Member States after accession to the EU.

Mr Weidenhozer (S&D, AT) and Ms Mathieu Houllon (EPP, FR) warned the Parliament not to interfere with Member States' prerogatives, which could, among other things, strengthen the extreme right in the upcoming European elections. Ms Jaroka (EPP, HU) rejected the notion that constitutional changes in Hungary were endangering the fundamental rights of minorities, whilst Ms Gonz (S&D, HU) argued that the Orban government was systematically passing legislation which weakened the protection of minorities, and especially of the Hungarian Jews.

In his conclusion, Mr Tavares noted that his subjective amendments were unavoidable given the delicate subject matter. He highlighted that the speed and the number of changes to Hungarian cardinal law, and the new powers acquired by the European Parliament following the entry into force of the Lisbon Treaty, meant that the case for action by the Parliament was well-grounded and compelling.

Next meeting(s)

- 10 June 2013, 19.00 – 20.30 (Strasbourg)
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