



**COUNCIL OF
THE EUROPEAN UNION**

Strasbourg, 12 June 2013

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**PE 287
JAI 493
ASIM 49
MIGR 61
JUR 300
PESC 688
JAIEX 42
RELEX 517
SCHENGEN 23**

NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Summary of the Extraordinary meeting of the Civil Liberties, Justice and Home Affairs Committee of the European Parliament, held in Strasbourg on 10 June 2013

Item 1 on the agenda

Adoption of the agenda

Agenda was adopted as proposed.

Items 3, 4 and 5 on the agenda

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

Asylum: common procedures for granting and withdrawing international protection status (recast)

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

Rapporteur: Sylvie Guillaume (S&D)

Responsible: LIBE –

The draft recommendation for second reading was adopted with 40 votes (4 against and 6 abstentions).

Criteria and mechanisms for determining the Member State responsible for the application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast version)

*****I 2008/0243(COD)**

Rapporteur: Cecilia Wikström (ALDE)

Responsible: LIBE –

The draft recommendation for second reading was adopted with 32 votes (9 against and 9 abstentions).

Laying down standards for the reception of applicants for international protection (recast)

LIBE/7/11671

*****I 2008/0244(COD)**

Rapporteur: Antonio Masip Hidalgo (S&D)

Responsible: LIBE –

The draft recommendation for second reading was adopted

Establishment of an evaluation mechanism to verify application of the Schengen acquis

LIBE/7/12862

Rapporteur: Carlos Coelho

The draft report was adopted with 41 votes (7 against and 2 abstentions).

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

Item 7 on the agenda

Exchange of views with Commissioner Cecilia Malmström on EU - Russia Justice and Home Affairs issues

LIBE/7/12922

Commissioner Malmström briefly updated LIBE members on the latest discussions regarding the upgrading of the Visa Facilitation Agreement with Russia. She explained that the Russian side wanted to include service passports in the agreement. Noting concerns raised by European Parliament regarding human rights violations, in particular the Magnitsky case, she explained that she had raised human rights issues in all her contacts with the Russian side. Restrictive actions could only be agreed by Member States by unanimity and this was an extremely sensitive subject. The Visa Facilitation Agreement would only apply to service passport holders who have biometric passports and are on an official work related mission in the EU. The visa waiver would not be automatic, since as a number of conditions would have to be met. She explained that individuals put on a "blacklist" in SIS would not therefore be granted such access. Negotiations will continue in order to finalise the remaining technical issues. The Commissioner then informed the Committee about the introduction in June 2012 of a Russian PNR system, which should start operating on 1 July and which would have potentially huge implications for airline companies. The Commission has sought clarifications on this issue on several occasions and at the most recent EU-Russia Summit President Barroso had requested that it should not apply to the EU. The Commission was told by the Russian side that the system would not be operational from 1 July for technical reasons. The Commissioner asked for the EP's support in this challenging situation in order to clearly show to the Russian side the importance of data protection.

During the debate Ms Matthieu (EPP, FR) stressed that the PNR developments were indeed very worrisome, regretted that there was no agreement on the EU PNR, and called on the Commission to negotiate firmly with the Russian side, and if necessary use the visa agreement as leverage, taking into account any financial implications this would have for airline companies. Mr Moraes (S&D, UK) also expressed his group's concerns over the Russian PNR system, and wondered if this action was not guided by additional political considerations. He expressed concerns for the commercial interests of EU airline companies, and also pointed out that this would set a dangerous precedent from which other third states could draw their inspiration. Ms Weber (ALDE, RO) called on the Commissioner to provide additional information and clarifications regarding the content and timing of the Russian PNR decree. Mr Kirkhope (ECR, UK) recalled that the discussions on EU PNR had not been successful in the LIBE committee and stressed that it was important to prevent third countries imposing agreements on the EU. He called for the EU to continue work on EU PNR. Mr Albrechts (Greens, DE) repeated his principled opposition to having investigations without suspicion as this was a clear violation of individual human rights. He pointed out that it seemed strange that the EU could accept PNR agreements with some third countries but not Russia, and referred to recently revealed practices of the NSA in the US. Ms Ernest (GUE, DE) doubted the need to treat Russian officials more favourably regarding visas than ordinary citizens and stressed that her group did not support PNR practices. Ms in 't Veld (ALDE, NL) emphasised that these concerns had been raised on many occasions by the EP and that Commission clearly had not anticipated or prepared a coherent strategy regarding PNR agreements with third countries. In her view this attitude clearly weakened EU's negotiating position. Ms Ludford (ALDE, UK) agreed that there was no vision on how competing jurisdictions could coordinate and the pieces of the jigsaw could not be put together. Ms Jimenez (EPP, ES) raised the issue of poor human rights record in Russia. Mr Voss (EPP, DE) said that this was clearly a hostile act from the Russian side and wanted to have more clarifications on the EU's legal analysis of the obligations arising as a result of this decree and its legality. Several members asked if the EU was planning to negotiate a PNR agreement with Russia or other countries. Ms Gomes (S&D) asked the Commissioner what follow up would be given to the EP's request to have a proper Magnitsky act. Several members also raised the issue of surveillance practices in the US.

In her reply Commissioner Malmström stressed that it was not in her power to oblige Member States to have a coherent policy towards Russia. On visas, she stressed that the long term goal would be to eliminate visas altogether. Regarding the Russian PNR she explained that this was a unilaterally imposed decree, not adopted by the Duma, nor was it a proposal to negotiate an agreement. The Commissioner said that this was clearly unacceptable, and President Barroso had called for a moratorium. Any negotiated PNR agreement would be based on a mandate decided the Member States, and would take time to be negotiated, but this was clearly not on the agenda.

Next meeting(s)

- *19 June 2013, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)*
