



**COUNCIL OF
THE EUROPEAN UNION**

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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 17 October 2013

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

Items 1,2 and 3 on the agenda

Adoption of agenda, Chair's announcements, approval of minutes, state of play of on-going interinstitutional negotiations in legislative procedures

The agenda adopted without changes. The Chair announced the oral question on e-justice (LIBE/JURI) with a resolution for the October II Plenary Session. The minutes were adopted as proposed. Ms Macovei presented the state of play on the Confiscation Directive. She explained that 4 political trilogues had taken place along with 10 technical meetings. Outstanding issues included confiscation in the absence of criminal conviction and third part confiscation. She expressed hope that agreement could be reached before the end of the year.

Item 5 on the agenda

Information by the Council Presidency and the Commission on the possible change of the CEPOL seat and the further legislative procedure

LIBE/7/14273

The LT Presidency representative pointed out that, following the UK government's decision to sell CEPOL premises in Bramshill, a solution should be rapidly found in order to ensure the continuity of CEPOL activity. He recalled that, in this context, on 8 October 2013 the JHA Council noted the agreement of Member States (MS) on the temporary relocation of CEPOL's headquarters to Budapest (there were seven Member States candidacies for a new location).

He presented the possible options on the further legislative procedure:

- 1) a new Commission proposal in order to amend the Council decision on CEPOL, and especially Art. 4 thereof which refers to the CEPOL's location, or
- 2) an initiative of at least 7 MS (1/4 of the MS) to make such a proposal, pursuant to Art. 76(b) TFEU).

The Presidency stressed that the decision had been taken to start preparation now in order to be able to adopt the decision rapidly, with an early agreement in ordinary legislative procedure (co-decision with the EP). He highlighted the Presidency's readiness to cooperate with the EP in this regard.

The Commission's representative said that the Commission's proposal on EUROPOL, containing a proposal on its merger with CEPOL, was still on the table, and that such a merger would generate savings and increase synergies. He quoted in this context the Common Approach on EU decentralised agencies, adopted by the three institutions in 2012. He recognised that the merger option had not been accepted by the Council and that this applied in part to the EP, too, but stressed that there were voices in its favour, as the merger's aims comprised the rationalisation and improvement of the agencies' activities.

The rapporteur Mr DIAZ DE MERA (EPP, ES) strongly criticised the Council decision of 8 October, and stated that he rejected it. He stressed that the explanations set out today by the Presidency should have been given before the JHA Council on 8 October. He considered that the procedure followed was not correct and that Art. 76 was not correctly applied. Mr DIAZ DE MERA also stressed that the EP should be able to express its position on all seven candidacies, including that of Avila (ES); which he particularly supported. He insisted that the EP's role under the Lisbon Treaty should be fully respected.

On behalf of the EPP group, Ms MATHIEU (FR) confirmed the group's opposition to the merger CEPOL-EUROPOL proposed by the Commission and welcomed the Council's initiative to resolve the problem of the CEPOL seat. She suggested organising a hearing by LIBE of the seven candidacies for the seat on 27 November and was supported on this point by M. DIAZ DE MERA. The Chair Mr AGUILAR said that this proposal would be discussed that day by the coordinators.

On behalf of the ECR group, Mr KIRKHOPE (UK) also confirmed the group's opposition to the merger and explained that the UK government's decision on the seat had been taken because of budgetary constraints. He recalled that the EP had never been consulted on the attribution of agency seats until now and that the latest had been distributed equitably between the MS.

Hungarian MEP Ms GAL (EPP) advised against challenging the decision taken by the Council to temporarily relocate CEPOL in Budapest and supported efforts in finding an agreement between the Council and the EP on this issue. Ms GÖNCZ (S&D, HU) supported this opinion, welcomed the Council's initiative and stated that priority should be given to the new MS as regards the attribution of agency seats. She considered that the constitutional situation and the respect of fundamental rights in Hungary would be improved in 2014, after the elections in the country and the possible formation of a new government.

Mr TAVARES (Greens, PT), the rapporteur on the constitutional situation in Hungary, said that he had no objections to relocating CEPOL to Hungary, if the rule of law and fundamental rights in the country were respected. As regards the procedure, he considered that it was necessary first to finalise the ongoing procedure on the report DIAZ DE MERA and thereafter to launch a new procedure on the CEPOL seat. Mr TAVARES stressed also that the EP should make its voice heard and that he hoped that a solution would be found in the near future.

Item 6 on the agenda

Return Management: Cooperation with third countries, effective implementation of agreements and the practical implementation of the Return Directive

2013/2184(INI)

Rapporteur: Georgios Papanikolaou (PPE)

Responsible: LIBE –

Opinions: DEVE – Birgit Schnieber-Jastram

(PPE)

FEMM –

The rapporteur spoke of the need to have a comprehensive return policy in view of the fact that many migrants could be considered economic migrants and not genuine asylum seekers. A comprehensive strategy should replace the piecemeal approach used to date, taking into account the principle of non-refoulement and respect for fundamental rights. He called on the Commission to provide data on the implementation of various European readmission agreements, such as the agreement with Pakistan. He said the aim of this own initiative report was to find ways towards a more efficient migration policy and to make suggestions to overcome the existing shortcomings.

The Commission representative explained that the first report on application of the Return directive was in the pipeline and would be ready for 17 December. The report would cover *inter alia* detention, monitoring, voluntary returns etc. and will set out policy recommendations. He suggested that LIBE could wait for the report to be published in order to integrate the findings into its own report.

During the discussion MEPs raised the following issues : concerns over lack of transparency in the implementation of readmission agreements and relevant human rights (Ms Guillaume, S&D, FR); the unnecessary use of detention, where alternatives could be applied (Ms Guillaume, Ms Romero Lopez, S&D, ES, Ms Vergiat, GUE, FR, Ms Flautre, Greens, FR); the need for an EU strategic

approach to migration in view of economic globalisation (Ms Vergiat); the need to fight criminal networks smuggling people into the EU (Mr Iacolino, EPP, IT); major disappointment in an immigration policy in which out of ten migrants, one is given asylum, one is extradited and eight stay illegally, and the need for better cooperation on readmission with third countries (Mr Claeys, NI, BE).

The rapporteur concluded the debate by saying that the aim was to examine all relevant aspects of returns and readmission policies in order to see if the EU had effective tools for the return management at its disposal .

Draft report to be presented on 27 November

Deadline for amendments : 5 December

Vote in LIBE : January 22, 2014

Item 7,8 and 9 on the agenda

Follow-up on the Delegation of Legislative Powers and the Control by Member States of the Commission's Exercise of Implementing Powers

LIBE/7/11472

Rapporteur for the opinion:	Flašíková Beňová (S&D)	PA – PE506.206v01-00 AM – PE519.520v01-00
Responsible: JURI –	József Szájer (PPE)	PR – PE510.803v01-00 AM – PE519.797v01-00 DT – PE506.179v02-00

The draft opinion was adopted as amended with 38 votes in favour (4 against and no abstentions).

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime

***** 2013/0083(NLE)**

Rapporteur:	Mathieu Houillon (PPE)	PR – PE519.513v01-00
Responsible:	LIBE –	

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

**Amendment of the Annex to Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements
2013/0801(CNS)**

Rapporteur: Philip Claeyns (NI) PR – PE513.267v02-00
AM – PE519.696v01-00

Responsible: LIBE –

Opinions: AFET – **Decision:** no opinion

The draft report was adopted as amended with 42 votes in favour (no votes against and no abstentions).

Item 10 on the agenda

Control of persons at the external borders based on the unilateral recognition by Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period

***I 2013/0210(COD)

Rapporteur: Tanja Fajon (S&D)

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

- *Presentation by the Commission*

The Commission representative presented the general context of the proposal whereby the legal situation of new Member States that join the EU, but do not at the same time join the Schengen area, requires a unilateral recognition of certain Schengen related acts. This has been done in past accessions. He highlighted some features of the present proposal, namely on merging transit and short stay visas as well as provisions in relation to Kosovo in view of the fact that Kosovo was not recognised by all Member States.

Mr Moraes (S&D, UK), speaking on behalf of the rapporteur, stressed this was a straight-forward technical file. Mr Plenkovic (EPP, CRO) and Ms Sujica (EPP, CRO) said this file was particularly important for Croatia as a tourist destination. Ms Zdanoka (Greens, LV) also supported the proposal.

Item 11 on the agenda

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 Members States

******I 2013/0106(COD)***

Rapporteur: ***Carlos Coelho (PPE)*** ***PR – PE516.895v02-00***
DT – PE516.595v01-00
DT – PE516.708v01-00

Responsible: LIBE –

Opinions: ***AFET – Norica Nicolai (ADLE) PA – PE516.826v01-00***
AM – PE519.519v01-00
DEVE – Decision: no opinion
TRAN – Nathalie Griesbeck (ADLE) AD – PE513.286v02-00
AM – PE516.610v01-00

The rapporteur spoke of the recent events at Lampedusa and advocated the common approach to border management, respecting human rights and saving lives at sea. He stressed that existing legislation needed to be improved; that more solidarity was needed among Member States as migratory flows impacted disproportionately on some Member States, although he recognised that the phenomena was felt across the EU. In his view an efficient instrument would have to be legally binding and in this respect he regretted the statements made by some Member States claiming this was a national competence.

The Commission representative said the Commission has been working on the follow-up to the tragic events at Lampedusa, reinforcing Frontex operations as well as Member States' search and rescue capabilities.

A representative for the Council Presidency explained that the work has been on-going in the Council Working group. In the hope that work would progress according to plan, the Presidency would seek a COREPER mandate towards the end of the year. Articles 9 and 10 remained the most sensitive, and a number of Member States would like to refer directly to international law.

During the discussion MEPs raised the following issues: the need to address effectively this human rights issue and to recognise that tragedies such as those in Lamapedusa were a European issue (Mr Weidenholzer, S&D, AT, Ms Wickstrom, ALDE, SW), the need for a comprehensive strategy with clear responsibilities between the EU's Member States, the need to include the rules on disembarkation as well as binding rules on saving lives in order to avoid 'push backs' (Ms Keller, Greens, DE), more solidarity and burden sharing, suspension of cooperation with third countries where human rights were not respected (Ms Verigat); the need to address root causes and the need to address seriously issues of mobility, migration and security (Mr Kirkhope, ECR, UK); the need to set up a security sector in Libya (Ms Gomes, S&D, PT).

The rapporteur concluded that the Council had the opportunity to conclude this file by December and demonstrate that it genuinely cared about saving lives at sea.

Deadline for tabling amendments: 29 October 2013, 12.00

Next meeting(s)

- *21 October 2013, 18.30 – 22.30 (Strasbourg)*
- *4-5 November 2013 (Brussels)*
