



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 May 2012

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JUST 11**

NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Summary record of the meeting of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) , held in Brussels on 8 May 2012

The meeting was chaired by Mr López Aguilar (S&D, ES). The agenda was adopted without amendments.

(The following numbering refers to the items as listed on the agenda).

**3. Alleged Transportation & illegal detention of prisoners in European countries by the CIA:
follow-up of the EP TDIP Committee report**

Rapporteur: Hélène Flautre (Verts/ALE)

Responsible: LIBE –

Opinions: AFET – Baroness Sarah Ludford (ALDE)

- Consideration of draft report

Ms Flautre (Greens/EFA, FR), the rapporteur, pointed out that this own- initiative report did not constitute a new inquiry. She explained that the draft report focused on the accountability process, redress for the victims, new developments in some Member States, the EU's responsibility and recommendations to the Council and the Commission. She informed LIBE that she, together with

the LIBE chair, had sent a letter to Eurocontrol asking for a list of flights and that she had received a confidential reply.

Ms Striffler (EPP, FR) mentioned that, during the recent LIBE Delegation visit to Lithuania, the Lithuanian authorities had informed them that parliamentary and judicial inquiries were underway. She regretted that the draft report tended to assume Member States' guilt while inquiries were still ongoing in some Member States. She considered that counter-terrorism and human rights should be complementary, adding that terrorists should not be considered as victims but judged in full transparency.

Ms Fajon (S&D, SI) stated that there was evidence that these crimes had taken place in the EU and that therefore all Member States needed to bear collective responsibility and the EU should apologise to all victims. She supported the creation of a European Parliament permanent committee in charge of the supervision of intelligence services, along the lines of those existing at national level.

Mr Coelho (EPP, PT) considered that the draft report should ask Member States and the Council to what extent they had followed the 2007 EP Resolution on the matter and that the draft report should include a list of national parliamentary and judicial inquiries and of other actions taken.

Ms Ludford (ALDE, UK) deplored the lack of an EU system to ensure respect for human rights and the rule of law, as well as the lack of peer review culture among Member States. She welcomed the inquiry in Lithuania and considered that mutual assistance between the Member States concerned could have helped. She added that there were loopholes in border controls concerning non-commercial flights and also called for investigation and accountability in the US.

Ms In't Veld (ALDE, NL) said that the report should include a list describing how Member States and the EU responded to the 2007 recommendation. She also supported the suggestion to set up an EP Special committee in charge of the scrutiny of secret services, adding that LIBE should give practical recommendations on how such scrutiny could be shaped.

Mr Brons (NI, UK) said that the problem was that national law was not being implemented and considered that inquiries were the duty of national authorities.

The rapporteur concluded by stressing the need for the Commission to adopt a new communication reviewing the mechanism for triggering Article 7 TEU and for an exchange with national parliaments as regards the scrutiny of intelligence services.

Next steps:

- Deadline for tabling amendments: 24 May at noon;
- Vote in LIBE: 10 July.

*** *Electronic vote* ***

4. European Year of Citizens (2013)

Rapporteur: Antigoni Papadopoulou (S&D)

Responsible: LIBE –

Opinions: EMPL – Inês Cristina Zuber (GUE/NGL); CULT – Marie-Christine Vergiat (GUE/NGL) ; AFCO – Gerald Häfner (Verts/ALE); PETI – Nikolaos Salavrakos (EFD)

- The orientation vote was adopted as amended.

5. The European Investigation Order in criminal matters

Rapporteur: Nuno Melo (PPE)

Responsible: LIBE –

- The orientation vote was adopted as amended.

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

6. Anti-Counterfeiting Trade Agreement between the EU and its Member States, Australia, Canada, Japan, the Republic of Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the USA

Rapporteur for the opinion: Dimitrios Droutsas (S&D)

Responsible: INTA – David Martin (S&D)

- Consideration of draft opinion

The rapporteur, Mr Droutsas (S&D, EL), considered that the adoption of ACTA would prematurely stifle the debate and would allow the introduction of national laws that could potentially harm fundamental freedoms. He added that a comprehensive debate was needed in order to create a modern regime protecting IP rights.

Several MEPs (Ms Roithova (EPP, CZ), Mr Busuttil (EPP, MT), Mr Albrecht (Greens/EFA, DE)) criticized the fact that the draft opinion did not take a clear position on the compatibility of ACTA with the Charter of Fundamental Rights.

Ms Roithova asked the Commission when it would send its final position on the EDPS opinion on ACTA. She also found that the case law mentioned in the draft report was selective and not comprehensive. She asked for an extension of the deadline to submit amendments.

Mr Busuttil (EPP, MT) regretted that the draft opinion did not contain any reference to the EDPS opinion or to the Commission reaction to this opinion. Referring to a recent statement by Commissioner Kroes to the effect that ACTA was politically dead, he asked about the Commission position on the issue.

Ms In t'Veld (ALDE, NL) requested the rapporteur to include clear recommendations rejecting ACTA or otherwise. She deplored that a new text was apparently being drafted within the G8, considering that a real public debate about IP rights protection was necessary.

Mr Albrecht (Greens/EFA, DE) expressed major concerns concerning the human rights' aspects of ACTA and found this agreement unacceptable. Ms Weber (ALDE, RO) shared the rapporteur's concerns about the ambiguity in how laws would be implemented and pleaded for clearer recommendations in the draft opinion in order to help the INTA committee.

Ms Ludford (ALDE, UK) asked about the rapporteur's position on the Commission's response to the EDPS opinion on ACTA. Ms Ernst (GUE/NGL, DE) found the draft opinion disappointing since it was lacking clear conclusions. Ms Keller (Greens/EFA, DE) took the view that LIBE should recommend that INTA and the European Parliament reject ACTA.

Mr Voss (EPP, DE) advocated a balanced and reasonable approach. Mr Brons (NI, UK) was critical about several aspects of ACTA. Mr Batten (EFD, UK) was concerned that ACTA would allow the criminalisation of civil matters and considered that ACTA should be rejected. Ms Lunacek (Greens/EFA, DE) took the view that ambiguity should be avoided when human rights were at stake and spoke against ACTA.

The Commission representative replied that the Commission services had sent an initial swift response to the EDPS opinion but that the Commission's formal opinion still had to be adopted by the college. He indicated that the Commission position had been to refer ACTA to the ECJ and Commissioner De Gucht had asked the European Parliament to consider the ECJ opinion. He added that ACTA contained sufficient safeguards which were compatible with the WTO and TRIPS agreements. He added that ACTA would not lead to the harmonisation of criminal sanctions.

The rapporteur concluded by agreeing to include a clear statement that ACTA was not compatible with the Charter since there was too much ambiguity regarding human rights. He was also open to the addition of a clear recommendation to INTA to reject the agreement or not. Finally, he considered that ACTA was politically dead but that one needed to focus on future rules in this area.

Next steps

- Deadline for tabling amendments: 14 May (extension possible);
- Workshop on 16 May with the Commission, the EDPS, experts and NGOs;
- Vote in LIBE: 31 May;
- INTA vote: June;
- Plenary vote: July.

7. 2013 Budget - Mandate for Trilogue

Rapporteur for the opinion: Salvatore Iacolino (PPE)

Responsible: BUDG – Giovanni La Via (PPE)

- Consideration of draft opinion

The rapporteur, Mr Iacolino, regretted that the draft budget proposed by the Commission in the JHA field represented only a slight increase in comparison with 2012, considering that the European Parliament's political priorities should have been included at this stage. He insisted that the financial

year 2013 was a bridge year to the new multiannual financial framework and that consequently, the 2013 budget needed to be adequate as a prerequisite for the financial framework for 2014-2020.

He deplored the cuts proposed by the Commission in the programmes for preventing and fighting crime and terrorism, considering the importance of this area for the EU as proven by the recent setting-up of the European Parliament Special Committee on organised crime, corruption and money laundering. He also regretted the fact that the Commission had proposed insufficient human and financial resources to ensure the functioning of EASO¹ and considered that Frontex should be allocated additional staff.

The Commission representative explained that the draft 2013 Commission had been prepared taking into account the difficult economic situations in the Member States and he justified the Commission proposals in the JHA area.

Ms Göncz (S&D, HU) also stressed that this year's budget was very important since it would become a reference year for the multiannual financial framework. She asked for more EU funding to promote integration and solidarity. Ms Keller (Greens/EFA, DE) agreed with the rapporteur, except on Frontex. Mr Busuttill (EPP, MT) underscored the importance given to EASO and FRONTEX² in the draft opinion given the need to strengthen external borders, to support Member States and to give a quick response to applicants for international protection.

The rapporteur concluded by stressing the need to balance support for fundamental rights and for security.

Next steps:

- Deadline for tabling amendments (in EN): 15 May at noon
- Vote LIBE: 30-31 May

8. Any other business

9. Next meeting(s)

- 30 May 2012, 15.00 – 18.30 (Brussels)
- 31 May 2012, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)

¹ European Asylum Support Office

² European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union