



**COUNCIL OF
THE EUROPEAN UNION**

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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 3 September 2012

The meeting was chaired by Mr LÓPEZ AGUILAR (S&D, ES) and Ms GÖNCZ (S&D, HU). The agenda was adopted without amendment.

Item 4 on the agenda

Multiannual financial framework for the years 2014-2020

LIBE/7/06457

Rapporteur for the opinion: Ms HOHLMEIER (EPP, DE)

Responsible committee: BUDG

- Consideration of amendments

Ms HOHLMEIER explained that the main amendments were aimed at ensuring the efficient use and added value of EU funding. Ms KELLER (Greens/EFA, DE) considered the issue of evaluation to be crucial. Ms GÖNCZ (S&D, HU) stressed the need for an adequate share between the objectives of the specific funds. Mr MULDER (ALDE, NL) asked whether data were available regarding the potential savings of initiatives taken at EU level instead of at national level.

The Commission representative replied that the Commission had taken into account the added value of EU activities and budget in its proposal and referred to its impact assessment. She considered that the EU added value was not only about the economic dimension but also about broader issues such as solidarity.

Next steps:

- Vote in LIBE: 19-20 September
- Vote in BUDG: October

Item 5 on the agenda

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

LIBE/7/01143

Rapporteur: Ms MACOVEI (EPP, RO)

- Presentation of the amended Commission proposal

The Commission representative presented the amended proposal. He explained that proposed provisions relating to access to Eurodac for law enforcement authorities were subject to strict safeguards, i.e. Eurodac should be used as a last resort tool, consultation should be limited to purposes relating to terrorism or serious crime on a "hit/no hit basis", and data should not be shared with third countries. He hoped that negotiations would move swiftly as part of the completion of the CEAS¹ by the end of 2012.

The Cyprus Presidency representative indicated that this file was one of the Presidency's priorities and that it aimed to finalise Council negotiations as soon as possible in order to start trilogues. He mentioned that Member States had given the amended proposal a positive reception and he hoped that the 2012 deadline would be met.

Ms MACOVEI (EPP, RO) welcomed the Commission proposal considering that the right safeguards were in place. She asked the Commission how many Member States had not implemented the Prüm Decision², since this would prevent them accessing Eurodac for law enforcement purposes.

¹ Common European Asylum System

² Council Decision 2008/615/JHA

Some MEPs (Ms GUILLAUME (S&D, FR), on behalf of Mr MORAES (S&D, UK), Ms LUDFORD (ALDE, UK), Mr De JONG (GUE/NGL, NL)) were concerned that this proposal risks stigmatising asylum seekers and associating them with criminals.

Ms GUILLAUME (S&D, FR) raised doubts about the reliability of Eurodac data, referring to a report from the French senate on this issue. Ms LUDFORD (ALDE, UK) considered that safeguards should be extremely strict and took the view that one of the conditions for Eurodac access should be full implementation of the Prüm Decision by all Member States. Like Ms GUILLAUME, she questioned access to Eurodac by Europol. Mr ALBRECHT (Greens/EFA, DE) deemed that such a proposal was premature, pleading for the use of existing databases, and he thought that proposed data protection standards were not sufficient. Mr DE JONG (GUE/NGL, NL) advocated access to Eurodac by law enforcement authorities only in exceptional cases.

Mr KIRKHOPE (ECR, UK) thought it was a good measure which required good safeguards and which could also help countering the exploitation of asylum seekers. Mr BRONS (NI, UK) thought that the proposal should help to identify migrants even in non-criminal cases.

Mr HUSTINX, the EDPS³, indicated that he would shortly issue an opinion on this proposal.

The Commission representative replied that ten Member States had ratified the Prüm Decision with regard to the use of fingerprints. He considered that access by Europol would be justified given its role in fighting crime. Reiterating the proposal's safeguards, he believed it was a balanced proposal which would not stigmatise asylum seekers.

Next steps:

- Presentation of draft report in LIBE: 10-11 October
- Deadline for amendments: 18 October
- Orientation vote in LIBE: 27 November

³ European Data Protection Supervisor

Item 6 on the agenda

Migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast)

LIBE/7/09446

Rapporteur: Mr COELHO (EPP, PT)

- First exchange of views

The Commission representative presented the proposal which provided that the SIS II legal framework would enter into force once the first Member State would have successfully completed the switchover. He informed LIBE that the final phase of testing SIS II was ongoing and he stressed the urgency of the proposal since a legal basis was needed to proceed with the migration phase.

Mr HUSTINX, the EDPS, welcomed the proposal. However, referring to the EDPS opinion of 9 July, he considered that the risk assessment and security provisions of the proposed Regulation could be improved and that testing obligations should be strengthened. In particular, he recommended clearly defining the data categories to be transferred to SIS II and keeping records of data processing operations. He also recommended a full analysis of the risks involved in the migration and the actions to mitigate such risks.

The Cyprus Presidency representative indicated that there was an agreement at Council level on this file which was ready for adoption, and that the Council was waiting for the opinion of the European Parliament.

The rapporteur, Mr COELHO (EPP, PT) broadly supported the proposal and added that he would take into account the EDPS opinion. However, he regretted that the European Parliament was only consulted on this important proposal and that there was no final date for the implementation of the system in the Commission proposal itself. Ms KELLER (Greens/EFA, DE), on behalf of Ms ZDANOKA (Greens/EFA, LV), agreed with rapporteur and with the EDPS opinion.

Ms LUDFORD (ALDE, UK) understood that the Council had agreed to split the proposal into two legal texts in order to take into account the participation of UK and Ireland in the system. The Commission representative confirmed that there was a split.

Next steps: presentation of draft report: 19-20 September

Item 7 on the agenda

Establishing the European Border Surveillance System (EUROSUR)

LIBE/7/08227

Rapporteur: Mr MULDER (ALDE, NL)

- Presentation of draft report

In presenting his draft report, Mr MULDER supported the Commission proposal but highlighted the need to reinforce the role of Eurosur in protecting the lives of migrants at sea, and the need for closer cooperation with third countries, other Union agencies and EU Delegations. He supported the possibility for the UK and Ireland to participate in Eurosur. As regards data protection, he considered that information sharing with third countries should be prohibited. He deemed that the time was not yet ripe to include airports and border-crossing points in the scope of the Regulation and that such inclusion should remain optional.

The Commission representative welcomed the draft report. The Cyprus Presidency representative mentioned that the establishment of Eurosur was a priority for the Presidency. She added that the next meeting would take place at Council working group level and that the file would then be submitted at a higher political level. She hoped that negotiations with the European Parliament in view of a first reading agreement could start as soon as possible.

Mr BUSUTTIL (EPP, MT) welcomed the report, saying that he was broadly in agreement with the rapporteur. He believed that maritime areas should be included in the "pre-frontier area", even those areas beyond Member States' competence. Ms LUDFORD (ALDE, UK) was pleased with the provisions on UK participation and pleaded for the possibility for the UK to cooperate with third countries.

Ms KELLER (Greens/EFA, DE) supported the draft report, in particular on rescue at sea and data protection. She considered that the Commission had underestimated the costs of Eurosur's establishment, referring to a study by a German foundation estimating the costs at more than EUR 870 million, compared to the Commission estimates of around EUR 340 million. Mr IACOLINO (EPP, IT) stressed the need for a cost/benefit analysis. Ms McINTYRE (ECR, UK) believed that the UK had a lot to offer in this case and asked how to ensure that the costs of the system would be kept under control.

The Commission representative replied that the proposal provided for the possibility to have air border surveillance and checks at border crossing points included in the pre-frontier intelligence picture. He felt that the UK had to be more explicit on what it had in mind as regards cooperation with third countries. He regretted the fact that the authors of the independent study had not contacted the Commission and considered that some of their assumptions on costs were wrong. Replying to Mr IACOLINO, he added that the Commission had not opted for standard agreements with third countries since some of these agreements were already in place.

Next steps:

- Deadline for amendments: 17 September
- Discussion of amendments in LIBE: 10-11 October
- Orientation vote in LIBE could take place at the end of November

*** *Electronic vote* ***

Item 8 on the agenda

Decisions in matters of matrimonial property regimes

LIBE/7/05682

Rapporteur for the opinion: Ms GEBHARDT (S&D, DE)

Rapporteur for the responsible committee (JURI): Ms THEIN (ALDE, DE)

- The draft opinion was adopted as amended.

Item 9 on the agenda

Decisions regarding the property consequences of registered partnerships

LIBE/7/05685

Rapporteur for the opinion: Mr CASHMAN (S&D, UK)

Rapporteur for the responsible committee (JURI): Ms THEIN (ALDE, DE)

- The draft opinion was adopted as amended.

Item 10 on the agenda

European Year of Citizens (2013)

LIBE/7/06708

Rapporteur: Ms PAPADOPOULOU (S&D, CY)

- The confirmation vote on the draft report was adopted ("vote en bloc" on compromise text).

Item 11 on the agenda

General budget of the European Union for the financial year 2013 - all sections

LIBE/7/09532

Rapporteur for the opinion: Mr IACOLINO (EPP, IT)

Rapporteurs for the responsible committee (BUDG): Mr VAUGHAN (S&D, UK), Mr LA VIA (EPP, IT)

- The draft opinion was adopted as amended.

Item 12 on the agenda

Marketing and use of explosives precursors

LIBE/7/03883

Rapporteur: Mr MULDER (ALDE, NL)

- The confirmation vote on the draft report was adopted ("vote en bloc" on compromise text).

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

Item 13 on the agenda

Consular protection for citizens of the Union abroad

LIBE/7/08241

Rapporteur: Ms BAUER (EPP, SK)

- Consideration of amendments

Ms BAUER presented the amendments, indicating that the most problematic ones related to providing consular protection to recognised refugees and stateless persons, since the EU Treaty clearly stated that such protection should be given to EU citizens. As to the extent of consular protection, she did not want to impose new obligations on Member States and preferred to remain within the limits of coordination. She added that, according to the Treaty, unrepresented citizens may choose the Member State embassy or consulate from which they seek consular protection, considering therefore that amendments removing such provisions would not be acceptable and that the Union Delegations should not act as dispatching centres.

Mr MICHEL (ALDE, BE) stressed the need to strengthen the role of EU Delegations and give them a consular protection role in some cases in order to ensure that fundamental rights be guaranteed by

all Member States. In particular, he raised the need to give equal rights to same sex couples and their families which, in his views, would not be guaranteed in all Member States.

Next steps:

- adoption of draft report in LIBE: 19-20 September

Next meeting:

- 19 September 2012, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)
- 20 September 2012, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)
