



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 February 2014

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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 12 and 13 February
2014

LIBE adopted the Moraes Report on NSA Surveillance : 33 in favour, 7 against and 17 abstentions. The Report is due to be voted in plenary in March. Commissioner Malmström presented the EU Anti-Corruption Report.

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

Items 1, 2, 3 and 4 on the agenda

Adoption of the agenda, Chair's announcements, adoption of the minutes, state of play in the ongoing interinstitutional negotiations on legislative procedures

The agenda was adopted with the following changes: vote on item 36 postponed to 20 February (KARINS/SARGENTINI report on the prevention of the use of the financial system for the purposes of money laundering and terrorist financing). Mr Coelho presented the state of play of negotiations on the COELHO report on surveillance of the external sea borders in Frontex operations. New item added on LIBE opinion (Rapporteur GÖNCZ) on the negotiations on the MFF 2014 - 2020: lessons to be learned and the way forward.

Item 4 on the agenda

Exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles 2020' programme)

LIBE/7/08298

Rapporteur: Anthea McIntyre (ECR)

Corrigendum was deemed adopted.

Item 6 on the agenda

Exchange of views with the Executive Director of eu-LISA, Mr Krum Garkov

Mr GARKOV recalled that eu-LISA's mandate included the operational management of EURODAC, the Visa Information System (VIS) and the second-generation Schengen Information System (SIS II), which are all essential instruments in the implementation of EU asylum, migration and border management policies, including important training aspects. The agency, which was only created in December 2012, should later develop into a centre of excellence for the development and operational management of other future systems in this policy area. In his presentation Mr GARKOV focused on four priority areas: core tasks, setting up the organisation and establishing partnerships with CEPOL and FRONTEX. In his view the priorities of 2013 had been fully delivered. He recognised that there would be increased expectations and demands in 2014.

During the subsequent discussion Mr COELHO congratulated Mr Garkov for his excellent work and wondered if the budgetary cuts imposed would allow the agency to continue to function successfully. The Chair inquired about the agency's involvement in the study regarding the Smart Borders package, to be carried out by the Commission.

Regarding budgetary cuts, Mr Garkov stressed the need for good prioritising and confirmed that the agency would provide support for the Commission's study.

Items 7 and 8 on the agenda

Joint debate

New psychoactive substances

***I 2013/0305(COD)

Rapporteur: Jacek Protasiewicz (EPP) PR – PE519.611v01-00
AM – PE519.808v01-00

Responsible: LIBE –

Opinions: ENVI – Elena Oana Antonescu (EPP) AD – PE524.592v02-00
AM – PE526.242v01-00

Minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of the term 'drug'

LIBE/7/13821

***I 2013/0304(COD) COM(2013)0618 – C7-0271/2013

Rapporteur: Teresa Jiménez-Becerril Barrio (EPP) PR – PE519.605v01-00
AM – PE519.807v01-00

Responsible: LIBE –

Opinions: ENVI – Bogusław Sonik (EPP) AD – PE524.584v02-00
AM – PE526.243v01-00

The EP legal service presented its opinion, highlighting that certain provisions of proposed legislation were indeed problematic and were not compatible with implementing acts structure. In particular the list of criteria used in order to determine if substance could be defined as a drug should be exhaustive. An alternative option would be to use the delegated acts. The Legal service noted that most of their comments were already taken into account in the various amendments tabled.

The Hellenic Presidency explained that the examination of the file continued in the Council and that the next meeting would take place on February 27.

Items 9 and 10 on the agenda

Joint debate

EU-Azerbaijan Agreement on the readmission of persons residing without authorisation

*** 2013/0358(NLE)

Rapporteur: Mariya Gabriel (EPP) PR – PE527.921v01-00

Responsible: LIBE –

Opinions: AFET – Anneli Jäätteenmäki (ALDE) AD – PE526.104v02-00

EU-Azerbaijan Agreement on the facilitation of the issuance of visas

*** 2013/0356(NLE) COM(2013)0742

Rapporteur: Mariya Gabriel (EPP) PR – PE527.928v01-00

Responsible: LIBE –

Opinions: AFET – Anneli Jäätteenmäki (ALDE) AD – PE526.103v02-00

The Rapporteur highlighted the political importance of concluding this agreement, which would simplify the existing procedures and show political willingness for enhanced and continued cooperation between the EU and Azerbaijan. She would be in favour of reviewing the composition of mixed committees in the future, so that the EP could also take part more, and requested that the

Commission keep the EP regularly informed of all aspects of implementation. On behalf of the Greens, Ms ZDANOKA underlined the necessity of organising the visa facilitation process at the same pace with all Eastern partnership countries. In Mr BRONS' view this agreement was not particularly advantageous for the EU. The Commission representative said that involving the EP in a technical committee would raise concerns regarding the respective roles of the Commission and the EP and saw no scope for such participation by the EP. The Commission would of course keep the EP fully informed about implementation.

Deadline for tabling amendments: 20 February 2014, 12.00

Items 1, 12, 13 and 14 on the agenda

Joint debate

Arrangement with the Swiss Confederation on the modalities of its participation in the European Asylum Support Office

*** 2013/0422(NLE) COM(2013)0862

Rapporteur: Roberta Metsola (EPP)

PR – PE527.977v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

DEVE – Decision: no opinion

BUDG – Decision: no opinion

Arrangement with the Republic of Iceland on the modalities of its participation in the European Asylum Support Office

*** 2013/0425(NLE) COM(2013)0875

Rapporteur: Roberta Metsola (EPP)

PR – PE527.979v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

DEVE – Decision: no opinion

BUDG – Decision: no opinion

Arrangement with the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office

*** 2013/0427(NLE) COM(2013)0877

Rapporteur: Roberta Metsola (EPP) PR – PE527.980v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

DEVE – Decision: no opinion

BUDG – Decision: no opinion

Arrangement with the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office

*** 2013/0423(NLE) COM(2013)0872

Rapporteur: Roberta Metsola (EPP) PR – PE527.978v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

DEVE – Decision: no opinion

BUDG – Decision: no opinion

The Rapporteur expressed her support for the arrangements under consideration, which would allow the EASO to better fulfil its mandate and called for their swift conclusion.

The Commission representative explained that the Commission was still analysing the consequences of the vote in Switzerland regarding the possible wider repercussions this could have for the Dublin system.

The Hellenic Presidency representative informed LIBE that on Monday the General Affairs Council had adopted the relevant decisions allowing for the signing of the agreements with EASO.

Item 15 on the agenda

Extension of the application of Regulation (EU) No .../2012 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles 2020' programme) to the non-participating Member States

2011/0446(APP) 16616/2013 – C7-0463/2013

Rapporteur: Agustín Díaz de Mera García Consuegra (EPP)

Responsible: LIBE –

Opinions: BUDG – Decision: no opinion

ECON – Decision: no opinion

The Rapporteur explained that the aim of the proposal was to extend the 'Pericles 2020' programme to those countries that do not have the single currency. He emphasised that the review of the previous programmes showed its usefulness and effectiveness. Ms McIntyre, the Rapporteur for 'Pericles 2020' programme, also expressed her support for the proposed extension. Mr Brons questioned why net contributors, which do not use Euro, should at all contribute to protection of Euro. The Commission representative explained that under Geneva conventions, states had a duty to protect currencies of other states.

Deadline for tabling amendments: 17 February 2014, 12.00

Item 16 on the agenda

Study "Developing a Criminal Justice Area in the European Union"

LIBE/7/15176

Dr Marianne Wade, Director of the Institute of Judicial Administration, Birmingham Law School, presented the study done jointly with Dr Mechthild Baumann. In the study she drew on a comparative analysis of Member States' criminal justice systems in order to contribute to the discussion on possible future developments of EU substantive and procedural criminal law. In her view EU citizenship was a key concept for the development of any EU criminal justice area.

Items 17, 18, 19, 20 on the agenda

*** *Electronic vote* ***

Council Decision on the conclusion on behalf of the European Union of the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, as regards Article 49(3) thereof

*** 2012/0219B(NLE)

Rapporteur: Renate Weber (ALDE)

PR – PE526.178v01-00

AM – PE527.956v01-00

Responsible: LIBE –

The draft report was adopted with 41 votes in favour (5 against and 0 abstentions).

Third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

***I 2013/0415(COD)

Rapporteur: Tanja Fajon (S&D)

PR – PE526.102v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

Draft report and the decision to enter into negotiations with the Council (rule 70) were adopted with 46 votes in favour (2 against and 0 abstentions).

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)

RR – PE521.825v02-00

AM – PE526.198v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

The result of negotiations was adopted unanimously.

Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and Indonesia as regards matters related to readmission

*** 2013/0120B (NLE)

Rapporteur: Ana Gomes (S&D) PR – PE526.305v03-00

Responsible: LIBE –

Opinions: AFET – Menéndez del Valle (S&D) AD – PE526.352v02-00

Draft report was adopted with 43 votes in favour (4 against and 0 abstentions).

Discharge 2012: EU general budget - European Commission

2013/2195(DEC) COM(2013)0570[01] – C7-0273/2013

Rapporteur for the opinion: Zuzana Roithová (EPP) PA – PE524.746v02-00

Responsible: CONT – Markus Pieper (EPP) PR – PE521.558v03-00

Draft opinion was adopted with 48 votes in favour (0 against and 1 abstention).

Discharge 2012: European Union Agency for Fundamental Rights

2013/2209(DEC) COM(2013)0570[13] – C7-0287/2013

Rapporteur for the opinion: Zuzana Roithová (EPP) PA – PE524.742v01-00

Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.660v01-00

Draft opinion was adopted with 47 votes in favour (0 against and 2 abstentions).

Discharge 2012: European Monitoring Centre for Drugs and Drug Addiction

2013/2211(DEC) COM(2013)0570[14] – C7-0289/2013

Rapporteur for the opinion: Zuzana Roithová (EPP) PA – PE524.739v01-00

Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.680v01-00

Draft opinion was adopted with 47 votes in favour (1 against and 1 abstention).

Report on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2012: performance, financial management and control

2013/2256(DEC)

Rapporteur for the opinion: Véronique Mathieu Houillon (EPP) PA – PE524.747v02-00
AM – PE528.056v01-00
Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.682v01-00

Draft opinion was adopted with 46 votes in favour (1 against and 2 abstentions).

Discharge 2012: EUROJUST

2013/2216(DEC) COM(2013)0570[19] – C7-0294/2013

Rapporteur for the opinion: Véronique Mathieu Houillon (EPP) PA – PE524.740v01-00
Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.665v01-00

Draft opinion was adopted with 47 votes in favour (1 against and 1 abstention).

Discharge 2012: EU general budget - European Data Protection Supervisor

2013/2204(DEC) COM(2013)0570[09] – C7-0281/2013

Rapporteur for the opinion: Véronique Mathieu Houillon (EPP) PA – PE524.745v01-00
Responsible: CONT – Bogusław Sonik (EPP) PR – PE521.734v01-00

Draft opinion was adopted with 48 votes in favour (0 against and 0 abstentions).

Discharge 2012: European Police Office Europol

2013/2235(DEC) COM(2013)0570[33] – C7-0323/2013

Rapporteur for the opinion: Véronique Mathieu Houillon (EPP) PA – PE524.741v02-00
AM – PE528.068v01-00
Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.661v01-00

Draft opinion was adopted with 48 votes in favour (0 against and 1 abstention).

Discharge 2012: FRONTEX

2013/2230(DEC) COM(2013)0570[28] – C7-0318/2013

Rapporteur for the opinion: Véronique Mathieu Houillon (EPP) PA – PE524.743v03-00
AM – PE528.075v01-00

Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.659v01-00

Draft opinion was adopted with 48 votes in favour (1 against and 0 abstentions).

Discharge 2012: European Police College

2013/2229(DEC) COM(2013)0570[27] – C7-0317/2013

Rapporteur for the opinion: Véronique Mathieu Houillon (EPP) PA – PE524.738v02-00
AM – PE528.053v01-00

Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.647v01-00

Draft opinion was adopted with 43 votes in favour (5 against and 1 abstention).

Discharge 2012: European Asylum Support Office

LIBE/7/14171

Rapporteur for the opinion: Véronique Mathieu Houillon (EPP) PA – PE524.744v01-00

Responsible: CONT – Petri Sarvamaa (EPP) PR – PE521.656v01-00

Draft opinion was adopted with 47 votes in favour (1 against and 1 abstention).

Listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement

***I 2012/0309(COD)

Rapporteur: Mariya Gabriel (EPP) RR – PE504.389v02-00
AM – PE514.815v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

JURI – Decision: no opinion

Results of negotiations pursuant to Rule 70(5) were adopted with 49 votes in favour (5 against and 0 abstentions).

European single market for electronic communications

***I 2013/0309(COD) COM(2013)0627 – C7-0267/2013

Rapporteur for the opinion: Salvador Sedó i Alabart (EPP) PA – PE523.069v01-00
AM – PE526.307v01-00

Responsible: ITRE* – Pilar del Castillo Vera
(EPP) PR – PE522.762v01-00
AM – PE526.176v01-00
AM – PE524.835v01-00

Draft opinion was adopted with 48 votes in favour (0 votes against and 0 abstentions).

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

Item 33 on the agenda

EU Anti-corruption report

COM(2014)0038

LIBE/7/15181

Commissioner Malmström, Commissioner for Home Affairs, presented the European Commission's EU Anti-Corruption Report. She thanked the EP for its constant support on the issue. She stressed this was a frank assessment of existing laws, policies, good practices, etc. and pointed out that results varied across Member States. There were clearly no corruption free zones in the EU. Despite many anti-corruption agendas, strategies and measures, firm political commitment seemed to be missing. The actions proposed were the strengthening of various procedures, the reduction of conflicts of interest, better transparency of lobbying, e-tools in public procurement, better control mechanisms and awareness-raising, and an experience sharing programme. She emphasised the need for a truly comprehensive policy.

On a separate issue she called for progress on the EU Passenger Name Record (PNR) file and explained that the Commission had been following the developments in Russia's PNR programme as well as those of some other countries, notably Mexico.

During the discussion the following issues were raised: recognition of validity of results of the report, in particular the grim situation in those countries most hit by the economic crisis, access to health and public procurement, improving methodology, the inclusion of EU institutions in future reports,

In her reply, Commissioner Malmström explained that in order to evaluate the state of corruption in EU institutions, an independent external body should be used in order to have an independent assessment.

Items 35, 36 and 37 on the agenda

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

The US NSA surveillance programme, surveillance bodies in various Member States and impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs

2013/2188(INI)

Rapporteur: Claude Moraes (S&D)

PR – PE526.085v02-00
AM – PE527.993v01-00
AM – PE527.988v01-00
DT – PE524.632v01-00
DT – PE523.025v02-00
DT – PE524.799v01-00
DT – PE524.633v01-00

Responsible: LIBE –

Opinions: AFET – Decision: no opinion

INTA – Decision: no opinion

ITRE – Decision: no opinion

Draft report was adopted with 33 votes in favour (7 votes against and 17 abstentions).

Evaluation of justice in relation to criminal justice and the rule of law

2014/2006(INI)

Rapporteur: Kinga Göncz (S&D) PR – PE527.913v01-00
AM – PE527.947v02-00

Responsible: LIBE –

Opinions: JURI – Tadeusz Zwiefka (EPP) PA – PE528.063v01-00
AM – PE528.121v01-00

Draft report was adopted with 34 votes in favour (16 votes against and 1 abstention).

Information accompanying transfers of funds

***I 2013/0024(COD)

Rapporteurs Mojca Kleva Kekuš (S&D)
Timothy Kirkhope (ECR) PR – PE523.016v01-00
AM – PE524.701v01-00

Responsible: ECON, LIBE –

Opinions: DEVE – Nirj Deva (ECR) AD – PE516.643v02-00
AM – PE516.923v01-00

IMCO – Decision: no opinion

JURI – Tadeusz Zwiefka (EPP) AD – PE519.491v02-00
AM – PE521.631v01-00

PETI – Decision: no opinion

Draft report was adopted with 57 votes in favour, 5 against and 1 abstention.

*** *Electronic vote* ***

Item 38 on the agenda

Special Report of the European Ombudsman concerning FRONTEX

LIBE/7/15182

Ms O'Reilly, European Ombudsman, drew attention to the own initiative inquiry from March 2013, which was critical of the fact that Frontex lacked an internal complaints mechanism. She pointed out that this recommendation had not yet been followed up. The fact of shared responsibilities between Frontex and Member States in joint operations could not be an excuse for denying Frontex's share of responsibilities. Given Frontex's critical role it was essential that possible violations could be reported, detected and resolved.

In his comments, Mr Laitinen, Director of Frontex, referred to the work of fundamental rights officers and pointed out the difficulty of establishing the exact remit of EU bodies and Member States. He also said that the term "complaints in the public interest", contained in the Ombudsman's report, needed to be further elaborated. He highlighted that many elements of a complaints mechanism were actually already in place or were being developed. In the future a possible solution would be clearer and specific provisions, not only binding the agency, but clarifying its mandate in relation to Member States.

Aydan Iyigüngör and Stefan Kessler, co-chairs of the Consultative Forum, spoke about the role of that forum, whose main task is to promote respect for fundamental rights. They stressed in particular that any complaints mechanism would only be effective if brought against Member States' authorities. They also wanted more clarity regarding the term "complaints in the public interest", and in particular regarding whether human rights organisations would be able to make such complaints.

During the discussion MEPs raised the following issues: high level of professionalism of border officers and the need to routinely film joint operations in order to avoid criticism. The Greens were critical of the outsourcing of immigration services to an EU agency without a clear line of responsibilities between Member States and Frontex.

Replying to the comments, Ms O'Reilly said one possibility would be for Frontex to refer complaints to the Commission. This was also supported by the Frontex Director. Moreover he stressed the need to provide clear legal rules in the Frontex mandate.

Item 39 on the agenda

Complementary impact assessment on implementing the principle of equal treatment between persons

LIBE/7/15185

Milieu Ltd. presented the study and its methodology. The study had been managed by the Ex-Ante Impact Assessment Unit, in cooperation with Policy Department C, upon request by the LIBE committee. The Rapporteur regretted the lack of political will by the Council to make progress on this file as there were no remaining technical issues. The Commission representative also expressed strong support for the proposal, but was fully aware this was not going to happen soon. The Presidency announced that examination of the proposal would continue in the Working Group in March.

Item 40 on the agenda

LIBE Delegation to the European Asylum Support Office (EASO), Valletta/Malta, 29/30 October 2013

LIBE/7/13154

The delegation report is available in document (DV – PE527.999v01-00).

Next meeting(s)

- ***20 February 2014, 9.00 – 12.30 (Brussels).***