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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 19 March 2014

A full day meeting with national parliamentarians with participation of Commissioners Reding and Malström discussed the future of police cooperation, asylum and immigration policy as well as developing a criminal justice area under the Lisbon Treaty.

SESSION I

Developing an EU Internal Security Strategy and enhancing police cooperation

What future for Europol?

Mr DIAZ DE MERA (EPP, ES) discussed the draft changes to the Europol regulation as agreed in the EP, noting in particular the almost unanimous opposition to Europol/Cepol merger, improved governance and parliamentary scrutiny, shared between the EP and national parliaments.

Mr WAINWRIGHT, Director of Europol, took the opportunity to take stock of Europol's activities over recent years, emphasising that it had doubled its operational output and established itself as a key actor on the EU stage. The future revised Europol regulation would be an important milestone and in his view Europol should be given the necessary flexibility to perform its functions. He recognized that more democratic scrutiny was also an important element. He stressed that Europol had the strongest data protection regime in the world.

During the discussion the following issues were raised : support for the future Europol scrutiny arrangements, which represented a step forward in sharing responsibility between the EP and national parliaments, based on principle of equality (Lord HANNAY, UK, House of Lords); opposition to Europol/Cepol merger and welcoming of the decision to base Cepol in Budapest (Lord HANNAY, Mr MILE, HU, National Assembly); the need to strengthen Europol's data protection regime (Mr YPSILANTIS, EL, Hellenic Parliament); possible duplication of work with INTERPOL (Mr Brons, EP, NI, UK), fight against organised crime (Ms SIPPEL, EP, S&D, DE), the need to improve minimum procedural standards in criminal proceedings (Mr ALBRECHT, Greens, DE).

SESSION II

Developing the EU's immigration and asylum policy

How to deal with the on-going crisis in the Mediterranean?

In his introductory intervention on behalf of Mr VARVITSIOTIS, Minister for Shipping and the Aegean, Mr VIRVIDAKIS (Hellenic Parliament) presented the Greek comprehensive strategy regarding migrations in the South East Mediterranean, emphasising the importance of cooperation within FRONTEX and the importance of cooperation based on solidarity with those Member States under particular migratory pressures. In this respect he pointed to the work of task force for the Mediterranean. The future policy on JHA will require appropriate instruments, that will allow for benchmarking and practical solidarity. Mr COELHO (EPP, PT) spoke about migratory trends in the past decade, which resulted in thousand of illegal crossings into the EU, organised by smugglers and resulting in numerous casualties, in particular in the Mediterranean. He emphasised that the revised FRONTEX rules would contribute to more efficient border controls, while respecting the

principle of non-refoulement and other basic human rights of migrants. The third panellist, Mr AMBROSI, International Organization for Migration, outlined various measures necessary for the enactment of a mid and long term proactive policy, which would move away from present day "extraordinary circumstances approach". This approach did not take into account well known long term trends indicating that migration would only increase in the future. He underlined that a shift in perception was necessary in order to see migration as a positive factor, contributing to economic growth. Careful balancing of various aspects and a multidisciplinary approach was necessary.

During the discussion the following issues we raised : more EU solidarity regarding migrants (Mr LAMARIS, CY, House of Representatives); the failure of EU returns policy (Mr Brons), inhumane treatment of asylum seekers in Greece (Ms STAMPOULI, Hellenic Parliament); situation of Syrian refugees in Turkey (Mr AYDIN, Turkish Parliament), situation of Syrian refugees in Bulgaria (Ms Guillaume, S&D, FR).

SESSION III

Fundamental rights for EU citizens in the digital era

Reinforcing data protection and shielding EU citizens against electronic mass surveillance

Ms REDING, Vice President of the Commission, spoke about recently adopted communications, contributing to the debate in Member States and other institutions on Future EU Justice and Home Affairs. She stressed that during the last JHA Council she had invited ministers to discuss these with respective national parliaments, as they had important competences in the JHA area. In her view the work ahead included building bridges between legal systems to be able to work together, on the basis of mutual trust between the judiciary and law enforcement authorities from different Member States. This would in turn promote growth and increase cross border trade. She called for consolidation and codification, improved implementation and operational cooperation, pointing to training as one of the most important tools for achieving this.

During the discussion the following issues we raised : disappointment at the Commission's reaction to the yellow card regarding the proposed EPPO (Mr VAN DER STEUR, NL, Staten Generaal), rule of law issues and the Copenhagen dilemma (Ms GONZ, EP, S&D; HU); training of legal practitioners (Mr BERLINGUER, EP, S&D, IT); data protection reform and Safe Harbour revision (Mr ALBRECHT, EP, Greens, DE).

In her reply Ms REDING explained she would like to see better implementation and more efficiency. Member States have to implement directives in national systems. She agreed that practitioners have to trust the system in order to be able to use it effectively. Regarding the EPPO proposal and the positions of national parliaments, she explained that it was for the Commission to assess the situation and that there was not automaticity enshrined in Protocol 2. The Commission had examined the opinions carefully and had issued a communication as well as individual replies to the parliaments concerned. The ball was now in the hands of those Member States which wanted to continue in the form of enhanced cooperation, with help from the Commission if necessary. She referred to the relationship between national parliaments and their governments. Regarding the rule of law initiative she explained that it followed the logic of Article 7 of the Treaty, with a specific pre-Article 7 procedure, establishing the dialogue with Member State concerned in order to address the systemic risk. She stressed the need to treat all Member States in an equal manner.

Commissioner Malström spoke of the need to have a well managed migration policy in the future in order to be able to attract the talents Europe needed. She noted that integration would be a particular challenge to be addressed. The EU would need to continue work on issues such as : management of irregular migration; improving returns, human rights and refugee resettlement. An overall strategic coherence anticipating the challenges and fulfilling human rights standards was necessary, making strategic use of the funds available.

During the discussion the following issues we raised: immigration should not be perceived as a threat (Mr AGUILAR, EP, S&D, ES), the need to avoid new initiatives before finalising various open files, as for example on Europol and Frontex and a more proactive approach to evaluation in the future (Lord HANNAY); the feasibility of Smart Borders and improving legal ways of accessing asylum system and possibility of resettlement.

In her reply Commissioner Malström said she would not comment on possible new initiatives as it was necessary to wait for the new strategic guidelines to be adopted by the European Council in June. She attached great importance to the role of national parliaments.

Mr ALBRECHT (EP, Greens, DE) introduced the topic of data protection, emphasising the need to have new rules as soon as possible in order to better protect citizens and cut red tape for business. He said he expected a general approach to be adopted by the Council by the summer and hoped for quick start of negotiations thereafter, in order to reach agreement by the end of 2014 or early 2015. Mr AGUILAR (EP, S&D, ES) said that the EP had delivered and it was now for the Council to act. Mr MORAES (EP, S&D, UK) presented the work and outcome of the LIBE Inquiry into NSA surveillance.

During the discussion the following issues we raised: benefits of simplified consent rules for providers, the need to have trust in online services and have legislation that would not be too detailed (Mr SIEGFRID, SE, Riksdagen); the difference in type of scrutiny exercised by national parliaments over security services (Lord HANNAY), protection against cyber bullying (Ms MORETTI, IT, Camera dei Deputati).

Mr MORAES commented that in the report the EP called for modernisation of scrutiny arrangements in national parliaments as many were clearly outdated.

SESSION IV

Developing a criminal justice area under the Lisbon Treaty

Focus on the European Public Prosecutor's Office and judicial cooperation instruments in criminal matters

Ms SIPPEL (S&D, DE), in the absence of Mr IACOLINO, said that the focus of JHA policy had been initially on more measures of more repressive character whereas lately they focused more on procedural rights. She explained that the EP prepared a report on the EPPO and that although many open issues remained, the idea of creation of an EPPO with the task of fighting fraud against EU's financial interest was a good one. She supported improving legal aid access, as well as improving various procedural rights in criminal proceedings, including the European Arrest Warrant.

During the discussion the following issues were raised: general support for the EPPO proposal although many aspects need to be further discussed (Mr NICA and Mr BORDEANINI, both RO, Chamber of Deputies); the need to explain better the added value that the proposed EPPO would bring (Mr MILE, HU); in light of existing objections Commission should not succumb to institutional optimism and explore other options (Mr KREGAR, CRO, Sabor); objections to the proposal for a EPPO in the parliament in Netherlands as fraud cases should be dealt primarily at national level and also disappointment at Commission's reaction (Mr VAN DER STEUR, NL).

In her closing remarks Ms SIPPEL stressed that many outstanding need to be further discussed in order to achieve better harmonisation between 28 legal systems and reduce fraud to EU funds.
