



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 April 2014**

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**NOTE**

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from: General Secretariat of the Council  
to: Delegations

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Subject: Summary of the meeting of the European Parliament Committee on Civil Liberties, Justice and Home Affairs, held in Brussels on 31 March and 1 April 2014

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*A number of presentations and invited speaker but only few MEPs attending. Minister Athanassiou, Minister Michelakis, and State secretary Georgiades, Greek Presidency debriefed on March JHA Council.*

The meeting was chaired by Ms Gal (EPP, HU), Ms Gönz (S&D, HU) and Mr Aguilar (S&D, ES).

*Items 1, 2 and 3 on the agenda*

**Adoption of agenda, chair's announcements, minutes**

The agenda was adopted as proposed. Minutes of 5 September 2013, 12 September 2013, 24 September 2013, 30 September 2013, 7 October 2013, 14 October 2013, 21-23 January 2014, 20 February 2014, 24 February 2014, 10 March 2014, and 31 March 2014 were deemed adopted.

#### ***Item 4 on the agenda***

#### **European Data Protection Supervisor (EDPS) - Annual report 2013**

Mr HUSTINX (EDPS) and Mr BUTARELLI (Assistant Supervisor) presented the annual report for 2013. Mr HUSTINX underlined that the report measured the achievement of key objectives on the basis of performance indicators. These objectives were : the promotion of data protection culture in EU Institutions, with gradual progress towards greater accountability and ensuring that the EP was aware of data protection issues. The EDPS thanked the EP for adopting a strong position on data protection package. Lastly, the EDPS worked on improving good cooperation with national data protection organs and coordinated various supervisory activities for EU agencies. He stressed that the EDPS was an effective and fully mature organisation and he concluded that he was hopeful that successor for his position would soon be found.

During the discussion the following issues were raised : EU-US relationships, in particular the need for an EU PNR, expert advice provided by the EDPS to the ECJ, raising awareness of threats of social networkers in particular for young people.

#### ***Item 5 on the agenda***

#### **Exchange of views with Mr Gilles de Kerchove, EU Counter-terrorism Co-ordinator**

**LIBE/7/15521**

Mr de KERCHOVE presented the phenomena of young Europeans going to Syria to participate in the ongoing conflict. He stressed that while not everyone could be considered an extremist, it was important to have in place various measures to handle any such returnees. He spoke about cooperation between Member States services, EU Institutions and agencies. He in particular underlined the need for acting in a preventive manner at local level and designing a counter narrative to jihadist calls on the Internet. He also said that an EU PNR would be a further useful tool.

During the discussion the following issues were raised : role of Israel and Saudi Arabia in Syrian conflict, improving communication on and letting EU efforts better known to the public.

***Item 6 on the agenda***

**Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards matters related to readmission**

\*\*\* 2013/0267A(NLE)

05290/2014 – C7-0046/2014

*Rapporteur:* Hubert Pirker (PPE)

*Responsible:* LIBE –

The Rapporteur proposed to adopt the report, which contained only the readmission clause and was in itself not at all problematic. He explained that AFET was competent for the voting on the other parts of this agreement. Commission representative explained that for the time being there were no plans to propose a readmission agreement between the Republic of Korea and the EU.

***Item 7 on the agenda***

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Internet Policy and Governance - Europe's role in shaping the future of Internet Governance (Text with EEA relevance)**

COM(2014)0072

Vice-President KROES, Commissioner for the Digital Agenda for Europe, spoke about her support for open internet, against any monopolies, in favour of freedom of expression and information. Internet governance should not be monopolized by a narrow group, but involve all stakeholders. She welcomed the MORAES report on NSA surveillance and stressed that the warnings from the report were extremely timely. This was not an end but rather a start of a social and economic programme for freedom, democracy, and growth.

During the discussion the following issues were raised : the importance of international cooperation on internet governance, hate speech and offensive material on internet, protection of children, freedom of political expression.

***Item 8 on the agenda***

**Commission Communication to the European Parliament and the Council on EU Return Policy**

**COM(2014)0199**

*LIBE/7/15548*

The Commission representative presented the following key findings of the EU Returns Policy : significant gap between return decisions and effective return due to non cooperation of returnees and difficulties in obtaining relevant documentation from third countries. Operational cooperation at the EU level presented a clear added value. It was important to continue the promotion of voluntary departure and further improve the situation in detention centres in Member States. In the future the focus would be on effective implementation and cooperation with third countries.

During the discussion the following issues were raised : criticism of low returns policy.

***Item 9 on the agenda***

***Task Force Mediterranean***

*LIBE/7/15523*

Presentation of the state of play by Mr MUSCHEL, Director for Migration and Asylum, DG HOME, European Commission. He emphasised that the work was concentrated in five areas, namely cooperation with third countries, regional protection programmes and strengthening of asylum system in third countries, informing migrants of dangerous of travelling to Europe, in cooperation with UNHCR and IMO, possibilities for legal migration, fight against traffickers; and border surveillance activities. The TFM would report to the Council in June.

During the discussion the following issues were raised : situation in Ceuta and Melilla, avenue for legal migrations, excessive focus on controls and closing the borders, protected entry procedures and humanitarian visas for Syrians.

*Item 10 on the agenda*

**FRONTEX Work programme 2014**

*LIBE/7/15531*

Mr ARIAS FERNANDEZ, Deputy Executive Director, presented the annual work programme for 2014. In his presentation he focused on various operations carried out.

During the discussion the following issues were raised : the fundamental rights officer and consultative forum in the work of FRONTEX and protecting human rights in returns operations.

*Item 11 on the agenda*

**Delegation to the South of Spain to visit the Indalo operation, coordinated by Frontex, 15 - 17 July 2013**

*LIBE/7/15532*

Mr Coelho (EPP, PT) briefly reported from the delegation visit. A full written report is available.

*Items 12, 13 and 14 on the agenda*

*Joint debate*

**Legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings**

*LIBE/7/14671*

\*\*\*I 2013/0409(COD) COM(2013)0824 – C7-0429/2013

*Rapporteur:* Cornelis de Jong (GUE/NGL)

*DT – PE530.085v02-00*

*Responsible:* LIBE –

*Opinions:* JURI – Zbigniew Ziobro (EFD)

*DT – PE529.835v01-00*

## **Procedural safeguards for children suspected or accused in criminal proceedings**

*LIBE/7/14673*

**\*\*\*I** 2013/0408(COD) COM(2013)0822 – C7-0428/2013

*Rapporteur:* Carmen Romero López (S&D)

*Responsible:* LIBE –

*Opinions:* JURI – Alexandra Thein (ADLE) CM – PE530.034v01-00

## **Strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings**

*LIBE/7/14666*

**\*\*\*I** 2013/0407(COD) COM(2013)0821 – C7-0427/2013

*Rapporteur:* Renate Weber (ADLE) DT – PE530.088v01-00

*Responsible:* LIBE –

*Opinions:* JURI – Alexandra Thein (ADLE) PA – PE529.831v02-00

CM – PE530.072v01-00

Mr DE JONG (GUE, NL) explained that in the view of the end of the legislature, he was proposing to adopt a working paper in two parts, one containing a general assessment and in the second part his own assessment. He identified some serious shortcoming in the proposal that need further discussions. Ms ROMERO LOPEZ (S&D, ES) also said there were many outstanding issues, meaning the file could not be concluded any soon. In a written statement Ms WEBER (ALDE, RO) also stressed that the draft text needed substantial improvements.

During the discussion the following issues were raised : usefulness of pointing out positive lines and criticism were necessary for next term, legal aid, support for special measures protecting children in criminal procedures.

### ***Item 15 on the agenda***

## **Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards matters related to readmission**

*LIBE/7/15287*

\*\*\* 2013/0267A(NLE) 05290/2014 – C7-0046/2014

Rapporteur: *Hubert Pirker (PPE)*

Responsible: *LIBE* –

The draft report with 31 votes in favour (4 against and no abstentions).

***Item 16 on the agenda***

**Communication from the Commission to the European Parliament and the Council A new EU Framework to strengthen the Rule of Law**

*COM(2014)0158*

Ms LE BAIL, Director-General for Justice, European Commission, explained the purpose of this communication and the procedure it developed, which was in between Article 7 and political pressure. It would be used in a situation where ordinary infringements did not accomplish the desired result and full Article 7 procedures was not yet possible. This new procedure would apply in case of systemic risks threat. The framework proposed by the Commission included thorough situation assessment, identifying systemic threats to rule of law, and proposing action through recommendation and its follow up. Council and EP would be informed regularly. The recommendation would be made public. She emphasised that the proposed outline did not entail any Treaty changes.

During the discussion the following issues were raised : welcome for the proposal, the need for baseline data and FRA involvement.

***Item 17 on the agenda***

**EU-US umbrella agreement for data protection in law enforcement exchanges -  
Modernisation of the Council of Europe Convention 108 (data protection)**

In camera presentation of the state of play and progress by Ms LE BAIL, Director-General for Justice, European Commission.

*Item 19 and 20 on the agenda*

*Joint debate*

**Eurojust annual report 2013**

*LIBE/7/15536*

**EU Agency for Criminal Justice Cooperation (Eurojust)**

*LIBE/7/13520*

\*\*\*I 2013/0256(COD) COM(2013)0535 – C7-0240/2013

*Rapporteur: Axel Voss (PPE)*

*DT – PE530.084v01-00*

*Responsible: LIBE –*

*Opinions: BUDG – Decision: no opinion*

*CONT – Monika Hohlmeier (PPE)*

*JURI – Luigi Berlinguer (S&D) CM – PE521.830v01-00*

Ms Coninx, President of Eurojust, presented the annual report and gave numerous practical examples of successful cooperation between Member States.

The Rapporteur, Mr VOSS (EPP, DE) presented his working document and explained that there was not enough time to deal with this revision during the current legislature. Regarding the substance of the proposal, he underlined the need to further clarify interaction between different institutions, in particular between Eurojust, Europol and future EPPO. He recalled that the necessary majority in favour of EPPO office in the Council did not exist. More fine-tuning of the proposal was clearly necessary.

During the discussion the following issues were raised : fight against child trafficking, combatting irregular migration and child pornography, the possibility of establishing the EPPO through enhanced cooperation.

A representative from the Greek Presidency explained that work on Eurojust revision in the Council was ongoing and the Council would probably be able to finalise its first examination of the draft text before the summer.



*Item 21 on the agenda*

**Debriefing on the JHA Council of 3/4 March 2014 and state of play of the presidency priorities**

*LIBE/7/15537*

Mr ATHANASSIOU, Minister of Justice, Transparency & Human Rights, Greek Presidency, presented an overview of activities in JHA in the past three months. He enumerated various files on which the agreement was reached, namely the directive against Euro counterfeiting, European Investigation order, and the confiscation of assets. He noted that there was support for the general direction of the Data Protection Regulation, however some specific issues need to be further worked on. He underlined that many working days had been devoted to Data Protection Regulation but its very legislative nature made the work very time-consuming. He confirmed that Council was dealing on the regulation and directive as a package. Regarding the EPPO, he informed about work undertaken in the Council and that procedural aspects would have to be further examined along technical issues. The European Council of June would adopt strategic guidelines for the future of JHA, underlining that emphasis would be given to the quality of legislation. He congratulate the EP and Mr MORAES for producing a balanced report, but explained that Council has not yet discussed it. He expressed support for Commission's discussions with the US. Member States supported equal treatment for EU citizens compared to US citizens as well as the need to increase proportionality in data collection.

Mr MICHELAKIS, Minister of Interior, spoke of the need for social cohesion and about disproportionate migrant pressure on some external Member States borders. He welcomed the agreement on Seasonal workers directive. He stressed work has currently been focusing on the preparation of strategic guidelines for June European Council. He called on the EP to approve the agreement on Intra corporate transfers. He referred to ongoing work in the Council regarding the Researchers and students directive regarding scope, equal treatment and mobility.

Mr GEORGIADES, Secretary General of the Hellenic Ministry of Public Order and Citizen Protection, spoke of migratory pressures at external borders and the need for solidarity among Member States. He underlined that Council supported the Smart Borders Package and has already accomplished its first reading. He noted however that further examination of financial and technical issues was necessary.

He welcomed the various agreements reached between co-legislators, namely on rules for monitoring external maritime borders as well as regarding visas for third country nationals and CEPOL seat.

During the discussion the following issues were raised : right to privacy, the future of Safe Harbour, rule of law in Member States.

In his reply Minister ATHANASSIOU replied that the Council had not yet discussed the MORAES report and that that the rule of law in Member States was an important issue.

### *Item 22 and 23 on the agenda*

#### **Joint debate**

#### ***LIBE Delegation to Finland on Smart Borders, 18 - 20 December 2013***

*LIBE/7/15147*

*DV – PE528.115v01-00*

#### **eu-LISA report on the technical functioning of VIS, including the security thereof, pursuant to Article 50(3) of the VIS Regulation covering the period of 11 October 2011 to 31 August 2013**

*LIBE/7/15538*

LIBE first heard a short presentation of the delegation report made by Ms SOMMER (EPP, DE), who underlined the need to find a European wide solution in view of ever rising numbers of persons crossing the external borders. Mr THORAVALD (ALDE, FI) underscored that the current system of border controls was outdated and had to be improved.

Mr GARKOV, Executive Director of eu-LISA, presented the report on the technical functioning of VIS, prepared in close cooperation with Member States. He explained that VIS fully met its purpose and supported the implementation of common visa policy. There were no significant technical incidents to be reported.

During the discussion the following issues were raised : various methods of identification searches and availability of the system.

***Item 24 on the agenda***

**Interim report of a comparative study on cross-border parental child abduction in the EU  
LIBE/7/15539**

Dr. Pretelli, Swiss Institute of Comparative Law, made a presentation of interim results of the on-going study, in particular focusing on methodological difficulties as well as inexistence of reliable statistical data that would allow for in- depth analysis of cross-border parental child abduction phenomena.

**Next meeting(s)**

- **10 April , 9.00 – 12.30 (Brussels)**