



**COUNCIL OF
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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: Summary of the meeting of the European Parliament Committee on Civil Liberties, Justice and Home Affairs, held in Brussels on 10 April 2014

Last LIBE meeting before the end of legislature. Commission presented the new communication on visa policy. Data retention judgment and detention conditions in Italy also debated. Short farewell speech from the chair.

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

Items 1, 2, 3, 4 and 5 on the agenda

Adoption of agenda, chair's announcements, minutes

The agenda was adopted as proposed. Minutes were deemed adopted.

Corrigendum on 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 as well as 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 were adopted.

Item 6, 7 and 8 on the agenda

Joint debate on the Visa package

Commission proposal for a regulation establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008

LIBE/7/15589

*****I 2014/0095(COD) COM(2014)0163 – C7-0135/2014**

Responsible: LIBE –

Commission proposal for a regulation on the Union Code on Visas (Visa Code)

LIBE/7/15592

*****I 2014/0094(COD) COM(2014)0164 – C7-0134/2014**

Responsible: LIBE –

Report from the Commission to the European Parliament and the Council: A smarter visa policy for economic growth

COM(2014)0165

A Commission representative presented the recently published Communications. He stressed that the Commission had tried to take on-board some of the recommendations already made by the EP in its Future of visa policy resolution. He explained that the aim was to improve and simplify procedures for EU visa application procedures. In the Commission's view this could be particularly beneficial for the tourism industry.

During the discussion the following issues were raised : scepticism regarding the economic benefits of these proposals as identified by the Commission; the need to find a proper balance between the benefits of simplifications and carrying out serious assessments of risks.

The Greek Presidency informed that the Council would start examining these proposals already in April.

The Chair informed the Committee that a Rapporteur would be nominated in the next legislature.

Item 9 on the agenda

Protocol 36 of the Lisbon Treaty - Preparatory work in view of the end of the transition period on 1st December 2014 - UK Opt Out

LIBE/7/15600

The EP Legal Service presented the legal framework regarding the UK opt-out as agreed by the Lisbon Treaty Protocol. The UK had notified that it would avail itself of the Protocol. The new framework would be extremely complex and would be an exception to the common Treaty provisions. The EP legal service emphasised that the EP was not involved in the negotiations of these transitional arrangements as this was left for the Council and the Commission.

A Commission representative explained that it was important to distinguish between the issue of the expiry of the 5 year period after Lisbon on 1 December 2014, meaning that ex-Third Pillar measures would come under ECJ jurisdiction and Commission competence, and on the other hand the UK opt-out. DG HOME and DG JUST were both involved in preparations. The Greek Presidency confirmed that work on both issues was ongoing in the Council, but it was still too early to draw any conclusions.

During the discussion Mr BRONS (NI, UK) regretted that the UK apparently intended to opt-in again into the cooperation based on the European Arrest Warrant.

Item 10 on the agenda

Amendment I to EASO budget

Exchange of views on the EASO project aiming to promote the participation of Jordan in the work of EASO and the participation of Tunisia and Morocco in the work of EASO and Frontex

A representative for EASO explained that the “Promoting the participation of European Neighbourhood Policy countries in the work of EU agencies” would be implemented within the framework of the EASO external dimension. The aim of the project was to promote the participation of Jordan, Tunisia and Morocco in the work of EASO and Frontex. The funding was financed with a Commission grant of 1 million EUR and would last 18 months.

Item 11 on the agenda

The 2014 EU Justice Scoreboard

LIBE/7/15534

A Commission representative presented the second edition of EU Justice scoreboard published on 17 March 2014. He explained this was primarily an information tool, providing a comparative overall view of the functioning of national civil and commercial justice systems. The aim was to assist Member States with their analyses based on indicators. He stressed that the effectiveness of civil and commercial judicial system was crucial for proper implementation of EU legislation. This would in turn enhance mutual trust and support sustainable growth and social stability. He noted in particular that there were certain difficulties in gathering basic data that would enable meaningful analysis.

During the discussion the Commission's approach was welcomed. Ms GONZ (S&D, HU) asked if it would be possible to include in the future an assessment of the criminal justice system.

The Commission representative replied that while this was an evolving tool, that could maybe in the future expand to other areas, for the time being the key challenge remained the capacity to collect relevant data.

Item 12 and 13 on the agenda

Joint debate

Exchange of views on prison conditions in the EU Member States

LIBE/7/15602

LIBE Delegation to Italy on the situation of prisons and correction centres, 26 - 28 March 2014

LIBE/7/15427

The Chair introduced this item, explaining that an EP delegation had visited penitentiary facilities in Naples, Italy. The aim was to evaluate first hand the situation of overcrowding of prisons in Italy. He said the situation which the delegation had witnessed was extremely difficult and clearly needed to be addressed by the Italian authorities. He also pointed out that such systemic problems of prison overcrowding existed also in other Member States.

The Invited speaker, Mr Palma, presented an overview of the reform efforts regarding the detention system in Italy, focusing on the reduction of numbers of detainees, changes in the model of detention, and improving the living conditions in detention facilities.

The Chair insisted that Italy should make the necessary budgetary investments in the renovation of its prisons. Ms GONZ said she observed that more attention should be given to mental health issues. Mr BRONS observed that a large part of detainees were actually immigrants from third countries or Roma.

Item 7 on the agenda

Presentation by the EP Legal Service, the Commission and Council Presidency on the judgement of the EU Court of Justice of 8 April 2014 on data retention (joined cases C-293/12 and C-594/12).

The Chair said he welcomed the recent ECJ judgment on Data Retention Directive. He stressed this was yet another timely reminder that it was urgently necessary to move forward on the new rules for EU Data Protection. He called on the Council to adopt its negotiation position as soon as possible.

The EP legal service presented the recent ECJ preliminary ruling judgment, which focused on conditions for communications data retention. In its view the fact that the directive was annulled with retroactive effect in principle did not affect national legislation.

During the brief debate the following issues were raised : the complex legal situation created by the ruling, and the need to better define the limits and proportionality of data retention measures, which were themselves legitimate.