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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 11 December 2014

The LIBE meeting was chaired by Vice Chairs Ms GAL (EPP, HU) and Mr Albrecht (Greens, DE). The Committee started the discussion on the legal aid directive and revision of the CEPOL regulation, with both Rapporteurs presenting their draft reports. The Italian Minister for the Interior, Mr Alfano, and the Minister for Justice, Mr Orlando, debriefed LIBE on the outcomes of various files dealt with during the Italian Presidency.

1. EU-US agreement on the protection of personal data when transferred and processed for law enforcement purposes (EU-US "umbrella agreement")

The presentation of the reply of the European Commission to the letter from the Chair dated 29/9/2014 (classified EU RESTRICTED by the Commission was held in camera.

6. The situation in the Mediterranean and the need for a holistic EU approach to migration

Rapporteur: Claude Moraes (S&D)

QO – PE541.421v01-00

QO – PE541.420v01-00

Responsible: LIBE –

The motion for a resolution further to a question for oral answer was adopted as proposed.

7. EU agency for law enforcement training (CEPOL)

*****I 2014/0217(COD)**

Rapporteur: Kinga Gál (EPP)

PR – PE539.817v01-00

Responsible: LIBE –

Opinions: BUDG – Jens Geier (S&D)

PA – PE544.160v01-00

The rapporteur briefly presented the work of the agency and the amendments she has proposed. The current revision was aimed at modernising the legal basis and serving the broader law enforcement community. Its architecture was to remain unchanged as the EP wanted it to be an autonomous agency with a clear EU added value, eliminating duplications and creating synergies. The deadline for amendments was set for 8 January 2015.

During the discussion Ms WIKSTROM (ALDE, SE) welcomed several amendments but reiterated her longstanding position advocating merging with Europol or at least placing the two agencies in the same location. She insisted that the Commission should present the long-term budgetary implications of locating the agency in Budapest as compared to The Hague. The rapporteur stressed that the seat issues had been settled. Ms HOHLMEIER (EPP coordinator) explained that Hungary provided all the infrastructure for CEPOL, whereas costs were an issue for The Hague location. It was as important to have a quick solution.

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

*****I 2013/0409(COD)**

Rapporteur: Dennis de Jong (GUE/NGL)

PR – PE544.135v01-00

Responsible: LIBE –

Opinions: JURI – Decision: no opinion

The rapporteur, Mr DE JONG (GUE, NL), noted that law-enforcement was satisfied that the EAW worked efficiently; however there was no adequate legal aid to accompany the EAW instrument. This meant the system was unbalanced from the outset. He disagreed with such a fragmented approach and stressed that the current draft directive improved on this, in particular as regards eligibility criteria and quality of lawyer. He noted that work in Council was not progressing quickly and was quite controversial. The deadline for amendments was set for 30 January 2015.

During the discussion both Ms SIPPEL (S&D coordinator) and Ms SARGENTINI (Greens/EFA coordinator) welcomed the proposed report. They both agreed on the need to have binding rules and not just non-binding recommendations and called for guarantees on minimum quality of lawyer's services. Ms METSOLA (EPP deputy coordinator) welcomed the report but called for better balance. She rejected the proposed expansion of the scope, beyond those persons deprived of liberty. She was against encroaching on Member States' prerogatives. It was important to have minimum standards, but she also called for more realism. Ms STEVENS (ECR, BE) stressed it was important not to lower existing standards of legal aid due to budget cuts.

The Commission representative welcomed the excellent draft. They explained the difference in approach adopted by the Commission between recommendation and directive, which was motivated by proportionality and subsidiarity considerations. The representative for the Italian Presidency explained that the Council was also concentrating their work on this directive. A comprehensive agreement on all aspects could not be reached for the time being. An auxiliary system could complement the framework, in particular as regards effectiveness and quality of legal aid. He agreed clear specifications needed to be put in place.

9. Conclusions of the Italian Presidency of the Council in the area of Justice and Home Affairs

The Minister for the Interior, Mr ALFANO, and the Minister for Justice, Mr ORLANDO, debriefed LIBE on the outcome of various files dealt with during the Italian Presidency.

Minister ORLANDO focused his presentation on progress achieved in the area of data protection. Discussions on the Data Protection Regulation were progressing on the issue of the inclusion of the public sector, on chapter IV. There was a balance being forged between various factors in relation to public-sector and private companies. The one-stop-shop mechanism was also discussed. Work has also progressed on the Directive. He stressed that the Council had worked continuously on the file and that an overall position was expected in the following months. He mentioned the need to have an agreement with the US that would adequately protect EU citizens. On the EPPO file, he noted that his independence was very important as well as a decentralised structure. Technical work has continued. In relation to the Eurojust proposal it was important to discuss cooperation between various agencies and data protection issues. On procedural rights, he noted the adoption of the general approach on presumption of innocence. He also stressed the need to fight the financing of organised crime efficiently. He recalled the training initiatives for judicial practitioners. On foreign fighters he stressed the two-track approach, working on deterrence as well as prosecution. He also debriefed on progress on civil justice files.

During the discussion MEPs raised the following issues : pessimism regarding possible adoption of a general approach on data protection regulation by the Council that would be too divergent from EP's position; the need to have workable solutions on a one-stop-shop; the relationship between EPPO and Eurojust in terms of competences; links between organised crime and legitimate economic activities; horizontal directive on 'equal treatment'; fight against corruption; exchange of best practices on detention; continuing the work of CRIM in this new legislature; foreign fighters threat.

On the one-stop shop, the Minister replied that the issue was particularly complex and divisive but had to be dealt with. In general terms, the Minister stressed that major steps forward have been taken and a sound basis set for further negotiations. With regard to relations with the US on data protection issues, he mentioned there were various circumstances and changes in the Obama administration. He agreed that the demarcation between EPPO, national bodies, Europol and Eurojust had to be very clear. On EPPO, he stressed collegiality and independence in a holistic approach with a clear European dimension. On foreign fighters, he again emphasised that there was very great diversity between individual cases and it was important to have a common approach to a very multi-faceted phenomenon, establishing a common terminology and subsequently an adequate regulatory framework.

Minister Alfano said that migration had been at the centre of the Presidency's work from the beginning, referring in particular to October's Council conclusions on better managing of migratory flows, with more EU-wide solidarity. This was a strong signal about external borders and a major success of the Presidency. Working with third countries on migration issues was also emphasised. He referred to the Rome Conference in November, where Foreign Affairs and Interior Ministers met to discuss cooperating with third countries on migration issues. The situation in Libya clearly had an impact on migrants arriving in Italy. On the other hand, legal forms of migration also had to be strengthened. There was a need to develop positive synergies and a consistent framework. It was important to make additional progress on uniform reception procedures as well as mutual recognition on asylum matters. Agreements with third countries were very important. Regarding security challenges he referred to cybercrime and trafficking in persons. On organised crime he referred to the recent Council Conclusions. He mentioned measures taken in order to tackle foreign fighters, ranging from optimising checks at external borders and combatting recruitment and radicalisation to improving judicial response.

During the discussion the MEPs raised the following issues : Triton operation and search and rescue and comparison to Mare Nostrum, Khartoum process and human rights issues, resettlement pledges by Member States, Internal Security Strategy and measures proposed to combat radicalisation and foreign fighters recruitment; improving the protection of migrants that are minors, disappointment with the recent Schengen assessment conclusions, legal migration channels as well as Council's position on data retention judgement.

Minister ALFANO first replied on the issue of migration. He stressed there was no single action that could deal with the flow of migrants in an isolated manner. It was important to work on many fronts, including cooperation with third countries, on borders and internally. It was a structural issue that required a comprehensive approach. Khartoum involved talking about immigration issues with the Horn of Africa, in order to develop a concerted action on this global issue with full respect for human rights. On the Triton and Mare Nostrum operations, he said many lives were saved, although many still perished at sea. The protection of borders was extremely important. The law of the sea in relation to search and rescues must be strictly adhered to. The issue of resettlement was indeed very delicate and placed responsibilities on all EU Member States. Libya was a priority issue and required an integrated approach.

10. Next LIBE meetings

- 8 January 2014, 9.00 – 12.30 (Brussels)
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