



Brussels, 22 May 2015

8922/15

PE 104
JUR 320
JAI 312
FREMP 109
COSI 52
CATS 55
JUSTCIV 116
ASILE 8
SCH-EVAL 15
ASIM 25

NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Partial summary of the meeting of the European Parliament Committee on Civil Liberties, Justice and Home Affairs, held in Brussels on 6 and 7 May 2015

Two days of LIBE meeting with, among other things, debates on the recently presented European Agenda on Security, a debate on a Cooperation and Verification Mechanism (CMV) mechanism for Bulgaria and Romania, and a discussion on the report on fundamental rights in the EU. An additional item was added on the request of the Conference of Presidents (COP) regarding the possible consequences of reintroducing the death penalty in an EU Member State. LIBE concluded that the Chair (who was not present during the debate) would prepare a letter for COP on this item in the following days. LIBE also agreed on a negotiating mandate for the proposal regarding Legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings and the proposal for Member State responsible for examining the application for international protection of unaccompanied minors.

5. The European Agenda on Security

Mr SORECCA, DG HOME, presented the EU Agenda for Security on behalf of the Commission. He underlined the fact that Member States faced security threats and that addressing those was considered a shared agenda. The EU should act where there was clear added value. The principles guiding the EU's action were respect for fundamental rights, transparency, focus on consolidation

and implementation of the existing EU framework, joined-up inter-agency cooperation, and a cross-sectorial approach, bringing together internal and external dimensions of security. The High Representative was preparing a separate review of the external security strategy, due in June 2015. The first pillar of action focused on the exchange of information, the second on operational cooperation, and the third on training. Three priorities were identified: terrorism and radicalisation (EU Internet Referral Unit, Europol Counter Terrorism Centre, EU level forum with IT companies, terrorism financing, prevention, criminal justice response); organised crime (migrant smuggling, non-conviction-based confiscations, etc.); cybercrime (legal obstacles, non-cash payments review). This will be the basis for the next five years, and feedback from the EP and the Council was expected.

During the subsequent discussion :

- Mr VOSS (EPP, DE) wondered if the proposed agenda offered the necessary flexibility in view of constantly evolving circumstances. He agreed with the priorities and stressed it was important to implement the agenda as soon as possible. He referred to recently adopted French surveillance legislation and stressed that Member States were not going to wait for Brussels any more. He also asked if the Commission, the EP and the Council were structurally prepared to deal with this agenda.
- Ms SIPPEL (S&D, DE) was critical of the fact that Member States continued to collect and store large quantities of data despite the ECJ judgment invalidating the Data Retention Directive. She stressed more cooperation was needed between Member States in order to fill the existing gaps. She was concerned about the direction taken in the Data Protection Regulation, which seemed to protect economic interests over fundamental rights. She also said there was no safe way of getting into Europe for those fleeing conflict. Smugglers could not be considered as the root cause of migration.
- Ms IN 'T VELD (ALDE, NL) said the agenda contained some positive elements, namely about information sharing, but also gave rise to concerns. She wondered about the definition of national security used by the Commission. It seemed it was possible to have repressive rules, but there was no proposal regarding transparency, oversight mechanisms and accountability, or fundamental rights.
- Ms STEVENS (ECR, BE) said there were good ideas on the table, but past activities and experiences should also be taken into account. Attention should first be given to implementation. She spoke of Belgian experiences on de-radicalisation.
- Ms VERGIAT (GUE/ NGL, FR) agreed with Ms IN 'T VELD that there was an imbalance between repression and fundamental rights. She expressed concerns on human rights developments in all Member States. For the time being, appropriate instruments were lacking and the EU's remit was very limited. There was a rush towards the EU PNR, without proper evaluation. She worried about mixing migration and crime.
- Ms SARGENTINI (Greens/EFA, NL) spoke about continued criminalisation of drugs, prostitution and smuggling of persons which, in her view, were very closely interlinked. She advocated providing legal access to Europe for migrants. She stressed that it was important to have proof that PNR and TFTP were effective in the fight against terrorism. The key was to make sure people didn't become radicalised in the first place.

- Ms FERRARA (EFDD, IT) agreed with previous speakers that it was important to avoid criminalisation of migration. She asked how the Commission would ensure that Member States cooperated well. She also stressed that more should have been done for oversight and fundamental rights as practical proposals were lacking in this area.

Additional issues raised during the discussion: the need to strengthen European democracy and create more cohesiveness in the wake of rising extremism; the need to address the root causes and social challenges faced by young people in Europe; improving prison conditions; creation of an effective mechanism for monitoring; the need to have analysis of the interplay between external and internal aspects; reintegration of radicalised persons; and cooperation with Turkey.

In his replies, Mr SORECCA stressed that this was a new phase of action to be taken after expiry of the transitional period under the Lisbon Treaty on 1 December 2014. He reaffirmed that implementation was a priority but of course depended on all actors involved. The Commission had issued three reports evaluating the previous strategy. The Commission would also create key indicators for assessment. The only link between crime and migrants was the organised crime of smuggling. On oversight and accountability, he explained no new powers had been given to Europol. The existing framework therefore applied, although it would be strengthened once the new Europol regulation entered into force.

6. European Judicial Network (EJN)

Mr LÖFGREN, Secretary to the European Judicial Network, presented the report on the operation and management of the European Judicial Network.

The only MEP who spoke in the debate was Ms CHINICCI (S&D, IT), who stressed that the tools available for cooperation should be used even better in the future, in particular in relation to e-justice. She asked about links between EJN and Eurojust.

Mr LÖFGREN confirmed that there was close cooperation between EJN and Eurojust.

*** *Electronic vote* ***

7. 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
AM – PE546.882v01-00

Responsible: LIBE

Opinions: JURI – Decision: no opinion

The draft report was adopted as amended, with 51 votes in favour, 3 against and 1 abstention.

8. Accession of Croatia to the Convention of 26 May 1997 on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union

* 2014/0322(NLE)

Rapporteur: Filiz Hysmenova (ALDE) PR – PE544.462v02-00

Responsible: LIBE

The draft report was adopted as proposed.

9. Accession of Croatia to the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union

* 2014/0321(NLE)

Rapporteur: Birgit Sippel (S&D)

PR – PE544.468v02-00

Responsible: LIBE

The draft report was adopted as proposed.

10. Member State responsible for examining the application for international protection of unaccompanied minors

***I 2014/0202(COD)

Rapporteur: Cecilia Wikström (ALDE)

PR – PE544.476v02-00

AM – PE546.820v01-00

Responsible: LIBE

The draft report was adopted as amended, with 49 votes in favour, 3 against and no abstentions.

11. Prevention of the use of the financial system for the purpose of money laundering and terrorist financing

***II 2013/0025(COD)

T7-0191/2014

Rapporteurs Krišjānis Kariņš (PPE)

Judith Sargentini (Greens/EFA)

Responsible: ECON, LIBE

The draft recommendation for second reading was adopted with 67 votes in favour, 4 against and 2 abstentions.

12. Information accompanying transfers of funds

***II 2013/0024(COD)

T7-0190/2014

Rapporteurs Peter Simon (S&D)

Timothy Kirkhope (ECR)

Responsible: ECON, LIBE

The draft recommendation for second reading was adopted with 68 votes in favour, 4 against and 4 abstentions.

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

2015/2095(INI)

Co-rapporteurs: Roberta Metsola (PPE)

Kashetu Kyenge (S&D)

Responsible: LIBE

Opinions: AFET, DEVE, BUDG, FEMM, PETI

The exchange of views was introduced by the two co-rapporteurs Ms METSOLA and Ms KYENGE.

- Ms METSOLA stressed the need for more solidarity, efficient search and rescue operations, as well as long-term action to promote economic and social development in countries of origin. She underlined the need to reach a situation in which privately funded NGOs were not needed any more and Member States fulfilled their obligations.
- Ms KYENGE said the key issue was to create a future system for the political management of migration based on solidarity by working at technical and political level. Article 80 of the Treaty and thresholds beyond which solidarity measures would come into place should be discussed. It was necessary to have a more ambitious approach and reconcile security issues and fundamental rights. Mare Nostrum had saved many lives and many smugglers had been arrested. She wanted a genuine paradigm change.

The first guest speaker was Admiral FOFFI, Navy Commander-in-Chief, who spoke about the experience of Mare Nostrum between October 2013 and November 2014. In his view this operation had not produced a pull effect. The migratory flows reflected the various crises unfolding in Africa. The objective was to strengthen maritime surveillance, safeguard life at sea, and counter illegal activities. The most important issue was efficient coordination. He concluded by underscoring that migrations had been a constant occurrence in human history.

The second guest speaker, Brg. Ret'd XUEREB, presented the work of the Migrant Offshore Aid Station (MOAS) 60 days of operations last year. This year MOAS was also cooperating with *Médecins sans frontières*.

The third guest speaker, Mr DE BRUYCKER, coordinator for the Odysseus network, discussed the absence of legal ways to access EU territory for asylum purposes and the need for financial solidarity. Not enough had been done at EU level, and the level of political debate was rather low. The European Commission had not put the necessary data on the table and concrete criteria should have been discussed. It was necessary to evaluate the Dublin convention, despite the fact that the Commission claimed it was impossible to do so. He considered that from a legal point of view there was a manifest breach of EU law and Article 80 of the Treaty, and that not enough had been done to provide temporary protection. Consequently, the EP could introduce an action for failure to act.

The fourth guest speaker, Ms KONSTANTOPOULOU, President of the Hellenic Parliament, spoke about the links between the Charter of fundamental rights and the migration and refugee crisis. She stressed the need for a holistic approach that took account of the root causes, namely dictatorships and wars in countries of origin. Nowadays even Greece had become a country of emigration due to the economic crisis and austerity crisis. Solidarity was an issue of substance and not quantifiable. Fortress Europe had failed spectacularly. National and EP parliaments needed to work together, promote fairness and solidarity and also appeal for the conventions that make Europe a place of protection to be respected.

In the subsequent discussion the following issues were raised: the present efforts should result in concrete actions (Ms METSOLA), the EU's asylum systems needed improvement (Ms WIKSTROM, ALDE, SV), doubtful cooperation with third countries and dictatorships, as well as

the creation of fortress Europe (Ms SPINELLI, GUE/NGL, IT). It was also necessary to focus on long term issues, namely humanitarian visas and legal ways of entering the EU, and to oppose any military style solutions (Ms CEBALLOS, GREENS/EFA, SV). The Council's response was criticised as anachronistic and inadequate, as more should be done in development policy and international relations (Mr CORRAO, EFDD, IT). It was also argued that the Council needed to agree on legal forms of migration, burden sharing and support for fighting smugglers (Ms GOMES, S&D, PT). There was criticism of alleged plans in the Council to outsource asylum policy (Ms BJÖRK, GUE/NGL, SV). Finally, the opinion was voiced that the EU should help in countries of origin and transit and Frontex should actually protect borders (Ms WINBERG, EFDD, SV).

In her replies, Ms KONSTANTOPOULOU said that she noted there were critical views of the executive and that she encouraged everyone to take up initiatives that protected rights and individuals.

Mr DE BRUYCKER replied that there were no legally binding rules in international refugee law on resettlement. In his view, resettlement was better than issuing humanitarian visas. UNHCR was best equipped to deal with such programmes.

Brg. Ret'd XUEREBA replied that MOAS operated close to Libya and that their activities were coordinated by the Rome rescue coordination centre.

Admiral FOFFI explained that Italy was very cooperative in receiving migrants but it could face problems in the future. The Frontex operation was not perfect but meant Europe had reacted. He supported the idea of destroying boats, taking into account all precautions, and stressed it was necessary to react to increasingly violent traffickers. He expressed support for a new approach in UN law in defining slavery. The contributions made by NGOs were vital for all these rescue activities.

In camera

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

LIBE/8/00729

Debriefing on the last negotiation rounds by Ms MICHOU, Acting Director General, DG JUST.

16. Dissemination of Earth observation satellite data for commercial purposes

***I 2014/0176(COD)

Rapporteur for the opinion: Josef Weidenholzer (S&D)

PA – PE544.251v02-00

Responsible: ITRE* – Constanze Krehl (S&D)

Consideration of draft opinion

Deadline for tabling amendments: **1 June 2015, 12.00**

The rapporteur presented the report stressing that technical developments should be supported with due regard to privacy protection.

In the subsequent debate Ms HOHLMEIER (EPP, DE) raised concerns on some terminology in the proposal which she felt was too vague, and on the one-year review clause, which she considered

rather short. Ms MLINAR (ALDE, AT) said balance ultimately had to be reached, in particular in relation to Article 8(3), and supported the rapporteur's approach.

The Commission representative agreed with the data protection concerns, but warned that some elements of the report could undermine the functioning of the internal market.

17. Authorisation for Member States to ratify the Protocol of 2014 to the Forced Labour Convention of the ILO with regard to matters related to judicial cooperation in criminal matters

*** 2014/0258(NLE) 06731/2015 – C8-0078/2015

Rapporteur: Helga Stevens (ECR)

Responsible: LIBE

Opinions: EMPL – Decision: no opinion

Presentation by the Commission and the Council

The Chairperson explained that this was a mixed agreement on which the EP was asked to give its consent.

The Commission representative explained the background to the proposal and various measures that States had to adopt in their national laws in order to tackle forced labour (prosecution, paying compensation to victims, criminalising trafficking of persons, ratifications of relevant international instruments in this field, etc.) in accordance with the Protocol. The objectives of this Protocol were in line with EU policies on fundamental rights and working conditions and there were two legal bases used and two separate procedures, one in LIBE and the second in EMPL. There were no incompatibilities with the *acquis*, taking into account that EU rules were generally more detailed. The EU was promoting core international standards in order to combat various forms of forced labour.

On behalf of the Presidency, Ms KIBLA explained that the Protocol was a core international law instrument that highlighted the political importance of fighting contemporary forms of forced labour. Member States supported the aims of the Protocol. She presented the various amendments made to the Commission proposal. She that the EP would give its consent swiftly, paving the way for the adoption of this important Protocol.

The rapporteur also underscored the importance of swift ratification of the Protocol.

Joint presentation by the European Commission

19. Report from the Commission to the European Parliament and the Council on progress in Romania under the Cooperation and Verification Mechanism (CMV)

COM(2015)0035

20. Report from the Commission to the European Parliament and the Council on progress in Bulgaria under the Cooperation and Verification Mechanism

COM(2015)0036

The Commission representative presented the salient points and recommendations as set out in the yearly CMV report.

In the subsequent discussion, the MEPs raised the following issues: questions on the agreed timeframe for the transposition and implementation, whether the criteria used were the same as in the scoreboard, or possibly accession criteria and what was meant by comparable Member State (Ms SIPPEL, S&D, DE). Ms HYUSMENOVA (Vice Chair, ALDE, BG) underscored that the CMV process no longer had the positive impact it had at the beginning and was used for party politics. This did not promote reforms and also had a negative impact on public opinion. If this process was applied to all Member States, problems would appear elsewhere as well, particularly as regards minority rights. She called for the principles and criteria used in the framework of fundamental rights to be further clarified. Mr RADEV (EPP, BG) spoke about the difficulties surrounding Bulgaria's and Romania's accession to Schengen. The report clearly showed that the public felt there was a corruption problem. However, the other Member States did not agree to be subject to the same type of scrutiny. Keeping CMV only for Bulgaria and Romania was an example of double standards. Lifting the mechanism and allowing accession to Schengen would be the proof of equal treatment of Bulgaria and Romania in the EU. Ms NICOLAI (Vice Chair ALDE, RO) underscored that the Commission should not consider political issues such as suggestions to change '*political mentality*'. In her view this was unacceptable. She stressed the need to have an exit mechanism away from the CMV as it exemplified the double standards that existed in the EU. Ms WINBERG (EFDD, SV) said that the reports showed there were corruption problems in Romania and more should be done in this area in order to gain the trust of the Romanian people. In her view well-run countries in the EU paid the bills for countries that were not well run. Mr DRĂGHICI (S&D, RO) said that he strongly rejected the claims made by Ms WINBERG and that a CMV could maybe be established in order to review discrimination in Sweden.

In response, the Commission representative referred to the historic origin of the mechanism agreed by all Member States, which dated back to the accession of Romania and Bulgaria to the EU. The Commission continued to view it as a useful tool. The Commission did not link this CMV to Schengen and had always made it very clear that there should be no such link. For the time being there was no reason for the Commission to apply the Rule of law framework. There was of course also a complementary Council process.

Ms SIPPEL repeated her request for clarification of the timeframe and criteria to monitor progress in a transparent manner. The Commission replied that no timeframe had been set, but rather benchmarks had been established that had to be fulfilled. Ms NICOLAI added that Romania had to respect the four benchmarks that were agreed in the Accession Treaties. If these were resolved this would be an exit mechanism that nevertheless needed to gather the necessary political support.

21. The EU Justice Scoreboard 2015

LIBE/8/03391

Ms MICHOU, Acting Director General of DG JUST, thanked the EP for its support for the EU Justice Scoreboard. She stressed that a credible report presenting comparative information on how civil, commercial and administrative justice systems functioned in all EU Member States was necessary. The aim was not to control but to improve, by providing comparative analysis (on quality, efficiency and independence). The present report contained information on reforms carried out, on new indicators on women employed in the judiciary, on the alternative dispute resolution mechanism, as well as on communications strategies. She also stressed that cooperation with Member States had improved. There was a dedicated expert group discussing data gathering and collection. Input data was collected from various sources, such as own studies, Eurobarometer etc. This also provided a tool that could be used to validate and check existing information.

In the subsequent debate Mr ZDECHOVSKÝ (EPP, CZ) was very critical of the report and the Commission's work, in particular with reference to the situation of Czech judiciary, which was much worse in his view than reported. It was essential to have good qualitative analysis and not focus on less relevant quantitative information. Czech judges had often occupied their posts since Communist times. He therefore supported further training of judges. Ms GRIESBECK (ALDE, FR) said that it would have been useful to extend the scope of the scoreboard to include criminal law and respect of fundamental rights. She raised the issue of children with dual nationality and custody issues which continued to be very contentious in the EU. Mr RADEV (EPP, BG) stressed that Bulgaria's judiciary appeared to function well when objective criteria were used, namely speed of proceedings, but performed significantly worse when more subjective criteria such as the perceived independence of the judiciary were applied. He pointed to a discrepancy in assessment when compared to the CMV mechanism. Ms SIPPEL (S&D, DE) asked why several Member States had not contributed to the scoreboard process and stressed that all data had to be examined in the whole context.

In her replies, Ms MICHOU said assessment had to be done very carefully. Trends nevertheless had become apparent and provided useful information and insight not only to the Commission and the EP, but also to Member States themselves. Some Member States did not have the comparable data available. The Commission was engaging with Member States in the relevant working group trying to demonstrate the added value of the scoreboard. With this inclusive approach the Commission was hoping to get more Member States on board. On perceived independence, she explained that this was indeed a very important indicator for evaluating the business environment. But she agreed more could be done, for example on structural protection of independence of the judiciary. Custody cases and family law were indeed also within the scope of Commission's work and should be studied further.

22. The situation of fundamental rights in the European Union (2013-2014)

2014/2254(INI)

Rapporteur: Laura Ferrara (EFDD) PR – PE546.782v01-00
Responsible: LIBE

Opinions: AFKO, FEMM, PETI

The rapporteur announced that she had received more than 900 amendments and would further consult with shadows in the coming weeks in order to reach possible compromises. She hoped for a report that would receive broad support among all political groups.

During the subsequent discussion:

- The EPP (Ms VOZEMBERG, EPP, EL) welcomed the report, stressing that this was a very sensitive issue that required particular attention. The EPP had tabled more than 150 amendments and it was necessary to proceed in a constructive manner. Existing structures needed to be fully used and she did not see the need to create a new mechanism but rather to focus on an internal strategy. Activities in this area also had to be in line with principle of subsidiarity.
- Mr NIEDERMÜLLER (S&D, HU) welcomed the work of the rapporteur and explained that S&D attached particular importance to the first, 'theoretical' part of the report. S&D wanted to discuss new approaches and would support a specific policy cycle and country-by-country reporting. There should be an open discussion in the Plenary and a broadly supported report.

- On behalf of ALDE, Mr MICHEL (BE) stressed that the report was already of a very high standard. The Copenhagen criteria needed to be applied in all Member States continuously and not just before accession. The EU did not have a strong enough response on the Rule of Law issues. Its response should be more systematic, objective and include annual evaluation in all Member States based on common indicators. In his view, even the EPP could support ongoing monitoring in all Member States if based on objective criteria. A structured and progressive approach based on the European semester was necessary. Article 7 was too heavy procedurally and therefore could not be used.
- On behalf of the GUE/NGL, Ms VERGIAT (FR) expressed support for the previous speakers and explained that her group had tabled about 70 amendments going in the same direction as the report, putting more or less emphasis on specific issues. The situation of fundamental rights had been deteriorating in the EU and had to be addressed.

Additional issues mentioned were also lack of religious tolerance, in particular towards Christians, and traditional family values, as well as the protection of traditional national minorities and the promotion of diversity in Europe.

The Commission did not take the floor.

Rapporteur FERRARA concluded the debate by saying that there was overall agreement on improving country-by-country monitoring with a view to stronger protection of fundamental rights in the EU.

LIBE vote on 25 June 2015.

22 a. Exchange of views further to the Conference of Presidents' decision of 30 April on the "possible effects, including on its rights and status as member of the European Union, if a Member State decided to reintroduce the death penalty".

Ms KUDRYCKA (EPP, PL), Vice Chair of LIBE replacing the Chair, explained that the Conference of Presidents had asked LIBE to examine the issue of the possible effects, including on its rights and status as member of the European Union, if a Member State decided to reintroduce the death penalty.

On behalf of the Commission, Ms MICHOU, Acting Director-General, DG JUST, referred to the statements made by President JUNCKER and First Vice President TIMMERMANS on this issue. She explained that Article 2 of the Charter of fundamental rights prohibited that any person could be condemned to the death penalty, moreover there was case law in on the basis of the European convention of Human rights stating that death penalty was a violation of the Convention. Moreover, abolition of the death penalty was a precondition for becoming a member of the Council of Europe or the EU. The Commission had no doubt that a reinstating the death penalty was contrary to EU fundamental rights and would lead to the application of the Article 7 mechanism. She also said that the Treaty did not provide for a possibility to withdraw membership. More specifically on PM ORBAN's statement, the Commission understood that the Hungarian government had given assurances that there were no plans to reintroduce the death penalty in Hungary.

Speakers on behalf of the political groups:

Ms SIPPEL (S&D, DE) said she expected such a statement and that the EPP had circulated an email explaining there were no plans to introduce the death penalty in Hungary. However, Mr ORBAN was playing with fire. She also raised the issue of the national consultation on immigration and terrorism in Hungary, which in her view was clearly manipulative. Linking migration and negative trends was in line with Mr ORBAN's agenda.

Ms HOHLMEIER (EPP, DE) expressed surprise at the outburst of artificial anger as similar discussions on death penalty often took place. The EPP opposed the death penalty it and the Hungarian government had given assurances that it had no intention to change the situation. The migration debate was a separate issue and was not meant to be discussed as part of this discussion.

Mr HALLA-AHO (ERC, FI) said the Hungarian government had provided clear explanations and there was no point in continuing the debate. The EP was being used as platform to attack the democratically elected government of a Member State.

Ms IN T'VELD (ALDE, NL) said the death penalty was a barbaric medieval practice anywhere in the world. PM ORBAN was making a provocation. ALDE also wanted to focus on the questionnaire and called on the Commission and First Vice President TIMMERMANS to act. She wondered how much more would it take for the EPP to distance themselves from PM ORBAN.

Ms ERNST (GUE/NGL, DE) said that just a few days ago she was explaining to an Iranian delegation that the EU was opposed in principle to the death penalty. Hungary was drifting in a different direction. This was not acceptable and should be discussed in LIBE.

Ms SARGENTINI (Greens/EFA, NL) said such a provocation could not be just dismissed as a Socratic debate, but had created a particular atmosphere. She expressed serious concern over the public consultation on migrants. The questionnaire suggested policies that were not in line with EU policies and laws. It was moving away from common asylum procedures and justified the activation of the Rule of Law mechanism. First Vice President TIMMERMANS had also failed to acknowledge the seriousness of this issue.

Ms FERRARA (EFDD, IT) underscored that it was important to clearly state that the right to life was a fundamental right and the statement made by PM ORBAN was problematic. She also condemned the national consultation questionnaire. Migrating was not a crime; even if it was irregular, it was not criminal. Mixing issues of migration with terrorism was also not acceptable.

Other interventions:

Mr ENGEL (EPP, LU) said he was not aware of any other Head of Government in Europe who would make such comments. Mr ORBAN was clearly testing how far was too far. It was always the same person and the same country. He voiced his indignation at such disrespect of European values. Mr NIEDERMÜLLER (S&D, HU) said the Hungarian government behaved as one would expect from right wing extremists. This should be clearly rejected and EU values should be respected. Mr MICHEL (ALDE, BE) said PM ORBAN's strategy was to manipulate and the questionnaire was shameful as it was inciting negativity and would bring the worst out people. First Vice President TIMMERMANS and the Commission should live up to their political responsibilities and investigate the matter. The notion of EPP solidarity should not be followed blindly. Ms VERGIAT (GUE/NGL, FR) said that there were many populists in Europe playing with people fears.

She referred to Roma integration issues in France and said that the EP should stand up for values of democracy.

Ms GAL (EPP, HU, LIBE Vice-Chair) raised a procedural point underscoring that the discussion should be based on the COP letter and not become a '*Hungary debate*'. She called on MEPs to stick to the point of the debate.

Ms KUDRYCKA read out the letter from President SCHULZ and concluded that there was no reference to Hungary in the letter.

Ms GAL then replied to the interventions by other MEPs that Hungary complied with EU values and standards. Words had been taken out of context and misinterpreted. Hungarians knew this. The discussion had no point.

Also raised during the debate: the fact that some democratic countries have the death penalty, the rights of unborn children and traditional national minorities. Ms SPINELLI (GUE/NGL, IT) said that the death penalty should not become an acceptable point to debate. Ms LAURISTIN (S&D, ET) said she supported country-by-country discussion and monitoring based on established criteria. Also freedom of speech did not apply in the same way to political actors as it did to individuals. Direct democracy was being presented as a virtue, however such consultations were not a tool of democracy but rather the opposite. Ms KAUFMANN (S&D, DE) said LIBE should give a clear reply to the COP.

Ms HOHLMEIER agreed that a leader should not make reckless statement and deal responsibly with serious matters. Reintroduction of the death penalty would be connected to Article 7. On the consultation questionnaire she agreed that this was unacceptable and required a response. Migration needed to be addressed by working together. The EPP did not condone radical populism.

Ms MICHOU explained that the Commission could not act on the consultation questionnaire but certainly did not support biased consultations. As said by Mr TIMMERMANS in his blog the consultation was fostering prejudice and could hardly be a basis for sound policy making.

Ms KUDRYCKA concluded the debate by explaining that Chair MORAES would prepare a letter based on the committee's discussion and send it before 13 May to President SCHULZ.

24. Next meetings

- 26 May 2015, 9.00 – 12.30 (Brussels)
- 4 June 2015, 9.00 – 12.30 (Brussels)