



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 July 2013**

**11808/13**

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JUR 346  
SCHENGEN 26  
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**NOTE**

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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 27 June 2013

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

***Item 2, 3, 4 and 5 on the agenda***

***Adoption of the agenda, adoption of the minutes, chairs' announcements, state of play in on-going interinstitutional negotiations in legislative procedures***

The agenda was adopted as proposed with the following modifications : item 9 and 10 (EU-Armenia visa facilitation agreement and EU-Armenia Readmission Agreement) were postponed. The minutes from 9-10 October 2012 have been adopted. Mr Moraes (S&D, UK) reported on the most recent Seasonal Workers' Directive trilogue and hoped agreement could be reached before summer. Chair also reported on the agreement reached on the Drug Precursors Regulation to be voted on in LIBE in July.

## *Item 6 on the agenda*

### **Use of Passenger Name Record data (EU PNR)**

\*\*\*I 2011/0023(COD)

COM(2011)0032 – C7-0039/2011

Rapporteur: Timothy Kirkhope (ECR) RR – PE480.855v02-00

AM – PE486.017v02-00

AM – PE486.159v01-00

Responsible: LIBE –

Opinions: AFET – Baroness Sarah Ludford (ALDE) AD – PE483.826v02-00

AM – PE486.202v01-00

TRAN – Eva Lichtenberger (Verts/ALE) AD – PE467.175v02-00

AM – PE472.208v01-00

This was the first debate in the committee following the referral back by the plenary on 11 June. The rapporteur, Mr Kirkhope (ECR, UK) said he was hoping for constructive work on this file and stressed that a clear legal framework was necessary in this matter in order to protect citizens and fight terrorism. Moreover, in his view, the directive did not overlap with the Data Protection Directive. Ms Lopez (S&D, ES) said that her group was prepared to discuss the issue further but warned that many areas needed clarification. Ms Ernst (GUE, DE) proposed a joint meeting of shadows on various data protection files in order to have a discussion and identify possible links on substance between various files. She warned against hurrying on such an important file. Mr Voss (EPP, DE) underlined the urgency of this file and insisted this was not related to the Data Protection Directive. Ms in t'Veld (ALDE, NL) wanted to receive detailed information on national PNR schemes in Member States and wanted to know whether the Council intended to adopt the Data Protection Directive. Mr Albrecht (Greens, DE), supporting Ms Ernst's proposal, said that the envisaged legislation would have serious constitutional implications and was not in line with the ECHR. He said the type of surveillance was inappropriate and suggested improving the exchange of information in the law enforcement area, notably through the creation of common standards. Mr Weidenholzer, S&D, AT) said the rejection in LIBE in April was not a narrow one and it would be premature to reopen the discussion on the proposal, taking into account recent PRISM scandal

revelations. The Commission representative welcomed the continuation of discussions and stressed the Commission's continuous support for the proposal. The Commission noted the request to provide information on national PNR systems. The rapporteur concluded that it was necessary to create EU PNR criteria before these were imposed nationally and also to take into account that it would take some time before the Data Protection package could be adopted.

### *Item 7 on the agenda*

#### **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**

\*\*\*I 2012/0309(COD)

**Rapporteur: Mariya Gabriel (PPE)**

**PR – PE504.389v01-00**

**Responsible: LIBE –**

**Opinions: AFET – Decision: no opinion**

**JURI – Decision: no opinion**

The rapporteur welcomed the Commission's proposal to amend the Regulation and supported the proposed changes. In addition, she asked the Commission to review the visa requirements for members of the ACP-EU Joint Parliamentary Assembly when participating in meetings of the Assembly in the Schengen area. She recommended that the EP should monitor the application of bilateral visa exemption agreements between the EU and third countries and that the Commission should fulfil its obligation to inform the EP fully at all stages of procedure. She also proposed to include the criteria intended to guide the Commission when proposing any changes to the positive and negative lists. These were to be included in an article and defined in more detail. Lastly, she proposed that the annexes should be updated by means of delegated acts.

Ms in t' Veld read out a statement on behalf of Mr Michel (ALDE, BE) advocating the abolition of the visa requirement for the ACP members of the ACP-EU Joint Parliamentary Assembly. The Commission representative stressed that of course the EP would be kept fully informed on bilateral agreements, but pointed out that no role was foreseen for the EP in cases where suspension of an

agreement was contemplated. The issue of ACP Assembly members was being examined by the Commission. Regarding the criteria for positive and negative lists the Commission wished to keep them in a recital for flexibility reasons. Taking into account the fact that changes to the annexes concern essential elements of the Regulation, delegated acts would not seem appropriate and the EP was already co-legislator on the act.

The Irish Presidency representative hoped for the rapid conclusion of this file and told LIBE that the Council would be in favour of including the UAE on the list; the representative also wanted to know what the EP's views were on the issue. The rapporteur replied she was open to discussing the matter further.

*Deadline for tabling amendments : 11 July 2013*

### ***Item 8 on the agenda***

#### **Equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation**

**2008/0140(APP)**

Rapporteur: Raoul Romeva I Rueda (Verts/ALE)

The Irish Presidency representative presented the state of play on the 'equal treatment directive', acknowledging that progress had been slow and that some Member States continue to have concerns that would need to be resolved. The work under the Irish Presidency focused *inter alia* on the scope, preferential pricing, SME's impact. Work remained to be done and the outcome could not be anticipated.

The Commission representative said recent work had allowed for further progress on a number of technical issues. The Commission was firmly defending its proposal and was waiting for a political window of opportunity; after all technical discussions had been.

The rapporteur spoke of huge frustration after years of waiting for the adoption of this Directive, and requested that the names of those Member States opposing the adoption of the Directive be made public officially. The public should know who bears the responsibility for the non-adoption of such an important piece of anti-discrimination legislation. Mr Cashman (S&D, EI) suggested that the Council should deliberate in public so that politicians can be held accountable by their parliaments and citizens. Ms Ernst (GUE, DE) joined the rapporteur and Mr Cashman in condemning the lack of political will and in particular opposing any ideas of splitting the scope of application in order to create some sort of hierarchy of discrimination.

The Irish Presidency insisted that more technical work was necessary before a possible political decision could take place and explained that the splitting of the proposal had not been discussed.

### ***Item 9 and 10 on the agenda***

#### ***Joint debate***

#### **EU-Armenia Agreement on the facilitation of the issuance of visas**

\*\*\* 2012/0334(NLE)

#### **Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation**

\*\*\* 2012/0332(NLE)

Items postponed.

### ***Item 11 on the agenda***

#### ***FRONTEX - The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU***

***LIBE/7/09623***

The first invited speaker, Ms Arnaez, Fundamental Rights Officer in FRONTEX, presented her mandate and methods of work. Her work was essentially based on the input provided in the reporting system as well as field visits, and on the basis of her assessment she could provide preventive and corrective measures. She was also cooperating with EASO, FRA and other international organizations. She said her main priority for 2013 was to establish an effective monitoring mechanism for FRONTEX operations.

The second invited speaker, Mr Silvestri, Co-Chair Consultative Forum on Fundamental Rights, FRONTEX, explained the working of the consultative forum and emphasised this was a very constructive tool that provided additional expertise on human rights issues.

The third invited speaker, Mr Kessler, Co-Chair Consultative Forum on Fundamental Rights, FRONTEX, acknowledging that consultative forum had been the creation of the EP at the time of the revision of the Frontex Regulation. He stressed that Frontex' role went beyond pure coordination and insisted the work of the consultative forum clearly could not be a substitute for proper parliamentary oversight. The forum was not a decision- making body and could only make recommendations.

In the subsequent debate the MEPs raised the following issues : possible clarification of procedures, the number of complaints made and the question of whether any human rights violations had been established.

Ms Arnez explained that after 6 months in office it was too soon to evaluate the impact but said there was room for improvement. She received six reports on human rights matters and the follow-up was ongoing . Her appointment has certainly raised awareness of human rights matters in Frontex. Mr Kessler said he was sceptical about the results achieved but explained that about half of the recommendations made by the consultative forums for the Code of conduct had been accepted.

*Next meeting(s)*

- • 8 July 2013, 15.00 – 18.30 (Brussels)
- • 9 July 2013, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)