

LIBE COMMITTEE MEETING 7th November 2011

III. Amendment of Regulation (EC) No 810/2009 of 13 July 2009 establishing a Community Code on Visas

- Commission - purpose of this proposal is come forward with a corrigendum. Article 3 of this Code contains an error; this give rises to problems with regard to the implementation. This is not an initial evaluation of the efficiency of the implementation. It is hard to read and it is not easy to see the implications of the Code. There is a negative and positive list of countries in the Code. The nationals of countries listed under the negative list require a visa; nationals under the positive list are exempt from visa access to Schengen. With regard to international transits, people that are on a negative list do not require a visa. For example for a flight by a Moroccan (who are on a negative list) from Casablanca-Paris-Washington. The corrigendum now requires for these kind of flights also an airport transit-visa, with regard to battling illegal immigration. This is now included in the Visa Code: there are still waivers from this for persons that are from countries that are on the negative list. There are also new arrangements for people that hold visas from third countries and are travelling through Schengen airports.
- Not an attempt by the CIE to act as co-legislator. implementation is only reviewed in 2016, therefore not waiting until then but fix it now.
- Council - fully supports this corrigendum. With this technical solution we can make it better.
- Louis Michel – Rapporteur - The scope is limited. This is a technical amendment, which relates mainly to airport transport visas. This amendment will not change anything in the practice of the MS. Third countries with visa or residence permit, given by a country that has not yet implemented all the provisions of the Schengen acquis, those individuals would be exempted from compulsory airport transport visas. Reduce the administrative burden on MS for checks. It is important to quickly accept this.

IV. Amendment of Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area

- Tryantaphyllides - Rapporteur - This amendment is straightforward and uncontroversial. We need to avoid fragmentation of this district. Other instruments have failed to help the region and its residents. This new amendment reinforces the area and contributes to an area of freedom and prosperity to this area. Therefore I have not give any amendments.
- Commission – We welcome this draft resolution. We see this as a singular case and it will not set a precedent.
- Council – State of play – two files are crucial for the political dimension of the deliberations that took place in the Council last month.
 - Draft Joint declaration agreed previous week by the Council and Commission – we still need to have see how this runs, we need a strong reporting mechanism. This is an important solution that was agreed upon by the Member States and the Commission.

- Joint declaration presented by the Polish declaration – Poland will go beyond the obvious arrangements stemming from the Local Border Traffic Regulation of 2006 and we will especially look at that disenfranchisement would never be seen as something controversial.
- Ilchev – Rapporteur - not only good for the citizens, but good for the whole region. This should be supported – no amendments.
- Deadline for amendments, 9 November 2011. Have to be send in Word format. Vote in CIE end November, Plenary in December.

V. EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights

- Zdanoka – Rapporteur - The Commission has not been very active in this, we call them to behave more proactively.
 - All the directives need to be transposed by the Member States.
 - Use of the right to vote – still a lot of problems with implementing these rights, low number of EU citizens that vote when state of residence is not state of citizenship. There are technical and bureaucratic obstacles to this.
 - Rights of people without citizenship – stateless; they cannot exercise the right to vote. We call the EU institutions and MS to provide for this right. We ask the Member States to implement the recommendations of international organizations, in particular the right to vote in local elections.
- Reaction of MEPs – the majority questioned whether some of the remarks in the report should be in there, especially on the practical application of certain rights and on the status of third country nationals. Moreover, MEPs pointed at the status of the Roma community and LGBT people. Next, MEPs demanded from the Commission to take concrete action against those Member States that are not implementing well, by sending out warnings or start infringement procedures. To inform citizens to a greater extent on their rights, there should flow more information from the EU to its citizens. Lastly, citizens are facing bureaucratic difficulties when they want to execute their rights.
- Zdanoka – welcomes the proposals by the other MEPs and stresses the need for reflection of citizens rights in the EU. If we want to enforce some of our concerns, I welcome your proposals. I welcome the particular the mentioning of Roma & LGBT – especially free movement of couples.
- Commission –
 - Is aware of the situation of ethnic minorities (ROMA) – is a sensitive issue. However, obtaining of the nationality of a Member State is not a Union competence. The Commission has no power to intervene.
 - Local elections participation – fall outside the scope of union law.
 - The enforcement of citizens rights that flow from the treaty – we are pursuing this and have achieved substantial results. We have launched infringement procedures: between April and October we started procedures against 12 Member States. We are not resting on our laurels.
 - Electoral rights – we have contact with MS, and ensure that they comply with Union law.
 - European Year of citizens 2013 – we can raise awareness on the citizenship.
- Deadline amendment 16th November, 5th December LIBE

VI. Use of Passenger Name Record data (EU PNR)

Kirkhope - Rapporteur -

- 21st November working group for the shadows, experts will come. They will answer difficult questions.
- Timeline - 10th of January I will present, 20 January Amendments, February to Plenary.
- Question decentralized or centralized system – centralized system preferable by some people, looking carefully to costs etc, not a realistic option. We will have centralized standards instead. Concentration is on cooperation not on compulsion. Some systems are already in place. International crimes and the scope of PNR, as proportionality and necessity. I will look at these technical issues. One size fits all is difficult to achieve.
- Data is significant – we must not disregard.
- With regard to intra European PNR - we need to examine these routes, otherwise we will have security gaps.
- Costs - if a PNR system is implemented, an addition of a couple of cents per plane ticket will be sufficient to cover the costs.
- Effective tool to redress – this will be an important part of the report. Any misuse will result in penalties etc.
- EU PNR – incredibly asset in fighting crime. Not the answer to everything. This is a system that is to prevent the heavy transnational crimes and terrorism.

Commission –

- There is a lot of common ground between his views and our proposal. Exception of the issue whether the directive should apply to internal flights. We prefer a more gradual introduction of PNR within the EU. First international flights, from EU > outside or andersom. An evaluation two years later, we should see if it must be applied to intra EU. This is mainly because of the costs, which are already high. Also – news US PNR negotiations – close to conclude. Later this week the texts will be distributed to you. Next week it will be settled.

Council –

- There are still a lot of unanswered questions. Member States in the Council are intending to come down to a common understanding that we need this system, not so much if we would have it. Only on how it should work, the pragmatic uitwerking hiervan. We should have a common set of rules.
- We have seen 12-13 presentations by stakeholders. Open questions – should we go for the gradual approach? There is a need for simplicity what is said by the MS. How can we achieve necessity and proportionality - we agree on this with Kirkhope. We should focus on the scope of what data that is to be used.
- One last issue – we should look good at how to implement a reporting/reviewing mechanism.

MEPs reaction -

- Albrecht - Surprised by the haste – there clearly are differences between the institutions. Large scale storage of 5 years is not proportionale or necessary. The carriers have already made it clear how many it will cost. Only 200 million without the intraflights. This proposal will have an increase in costs. We need targeted police work. We will not support this.

- Ludford - What about profiling? The Commission still refuses to use this term, this is not only the automated decision making. This was what rendition was all about, these people fulfilled a profile. We want to be sure that this is not happening with PNR data. Until the Commission does acknowledge this, insurances are build in the system, that all traces are erased. I haven't heard these kind of insurances.
- Romera Lopez – problem is that there is still a lack of coordination. The need to prevent crime does not give us the incentive to do everything we want. Seems to me that we betray citizens – burden of proof is up to the citizens. This must not be the case. We introduced the prevention mechanisms. This is a worrying proposal, we have to ensure. Scope, period of storage etc. have to be subject
- De Grandues Pascal – TRAN – shadow – some speakers question the use of the system. Commission is in our opinion very brave in this. Fight against terrorism needs these kinds of tools. We should find balance to security and civil liberties. We are on the right track with this proposal. I want to talk with MEPs of this CIE that have doubts.

Commission –

- The Council legal service – targeted flights idea – routes that have been targeted as danger. This will not work; people have the possibility to know what kinds of routes these are.
- Costs – global figure might look impressive, this is only 0.10 cents per ticket.
- Data security – reassure here that the rules we have, are stronger than in the Australia agreement. Are stricter than that agreement.
- Trend assessment – “profiling” – you are right in this, that data should be disposed immediately. False positives should be made . We look at what you said with a favourable eye.
- We do think that our protection has on penalties and data protection.

Kirkhope –

- The report is not yet concluded. Not a discussion between MEPs and the CIEs report.
- First take a look at the Commission proposal, then read again the proposal and the Australia agreement. And compare!
- I do not accept the statements on costs.