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THE EUROPEAN UNION**

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**NOTE**

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from :	General Secretariat of the Council
to :	Delegations
Subject:	Summary record of the meeting of the European Parliament <b>Committee on Civil Liberties, Justice and Home Affairs (LIBE)</b> , held in Brussels on 17 October 2011

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The meeting was chaired by Mr López Aguilar (S&D, ES). The committee adopted the meeting agenda.

**2. Chair's announcements**

The Chair recalled that the annual meeting with national parliaments on the parliamentary oversight of the internal security strategy, legislation and agencies took place on 5-6 October. He took note of the interest shown by participants in the need to create a common workspace for national parliaments and the European Parliament in order to be able to exchange informally and on a regular basis information linked to the role of national and European legislators. He added that a relevant proposal would be submitted to LIBE coordinators and to the national parliaments' coordinators, who were already using a similar platform (IPEX).

Ms Borsellino (S&D, IT) welcomed the hearing's results, in particular the proposal on regular contacts with national parliaments. She informed the committee that her draft report on this issue should be available before Christmas.

### **3. "Migrants in an irregular situation: Access to healthcare in 10 European Member States"**

- Presentation of the report by Ms Banfi, European Union Agency for Fundamental Rights (FRA)

Ms Banfi presented the main results of the latest FRA report « Migrants in an irregular situation : access to healthcare in 10 European Member States » which looks at the law and practice concerning access to healthcare for migrants in an irregular situation in 10 EU Member States (i.e. Belgium, France, Germany, Greece, Hungary, Ireland, Italy, Poland, Spain and Sweden).

During the discussion, Mr Iacolino (PPE, IT) wondered whether the national and regional specificities of health care systems had been taken into account in the research.

Ms Göncz (S&D, HU) agreed with the opinions expressed in the report, in particular those on access to health care for women at the prenatal, delivery, postnatal stages and for children. She also considered that EU minimum standards on access to healthcare for irregular migrants should be developed as part of the asylum package.

Mr Mulder (ALDE, NL) asked whether there was a correlation between the number of irregular immigrants and access to healthcare. He was surprised by the results of the report according to which there was no provision of healthcare for irregular immigrants in some countries.

Mr Claeys (NI, BE) was of the view that the report went too far in giving advice in an area that was a Member State competence and that it was normal that health services would report migrants to immigration services since those migrants were in an illegal situation.

Ms Hedh (S&D, SE) and Mr Tryantaphyllides (GUE/NGL, EL) underlined the EU's willingness to defend fundamental rights but expressed doubts as to the role of the FRA to make recommendations in an area within Member States' competence.

Mr Tavares (Verts/ALE, PT) highlighted the importance of the individual rights of migrants to access healthcare as well as the potential public health risks should migrants not be treated, e.g. in the case of pandemics. He found it shocking that German health services had a duty to report migrants in an irregular situation to public authorities.

Mr Brons (NI, UK) was opposed to access to healthcare for people who had not contributed to the system and he raised the issue of healthcare costs.

Ms Banfi replied that regional differences were covered to a certain extent in the report. While considering that EU rules on the protection of pregnant women in an irregular situation were be important, she made it clear that FRA could give advice based on evidence but could not make any political recommendations. She added that the report did not notice any correlation between the number of irregular immigrants and access to healthcare. She agreed that access to health care for irregular migrants was also a matter for society as a whole. She pointed out that providing healthcare to irregular migrants would prevent the costs of future emergency treatment.

**\*\*\* Electronic vote \*\*\***

#### **4. Agreement between the EU and Australia on the processing and transfer of EU- sourced passenger name record (PNR) data by air carriers to the Australian Customs Service**

Rapporteur: Sophia In 'T Veld (ALDE)

Responsible: LIBE –

Opinions: AFET – Decision: no opinion; TRAN – Decision: no opinion

Ms In't Veld (ALDE, NL), the rapporteur, considered that the agreement was an acceptable result and recommended that the LIBE committee should vote in favour. Mr Albrecht (Verts/ALE, DE) explained that his group, as well as the GUE/NGL, would vote against it, in particular because of the high retention period and the lack of safeguards for profiling and onward transfer.

- The draft recommendation (consent) was adopted.

## **5. The review of the European Neighbourhood Policy**

Rapporteur for the opinion: H el ene Flautre (Verts/ALE)

Responsible: AFET – Marek Siwiec (S&D), M ario David (PPE)

- The draft opinion was adopted as amended.
- Next steps: vote in the AFET committee in November, vote in Plenary in December.

**\*\*\* End of electronic vote \*\*\***

## **6. Situation concerning migration in the Mediterranean Area (refoulement, resettlement and aid provided by the Commission)**

- Presentation by Mr. Manservisi, European Commission, Director-General for Home Affairs

Mr Manservisi recalled the Commission financial support in this area, in particular:

- 75 million euro in humanitarian aid;
- 3,6 million euro to set up a Regional Protection Programme;
- 10 million available for the Egyptian, Libyan, Tunisian authorities to manage the post-crisis situation, including reintegration;
- the recent adoption of the "Spring programme", i.e. 350 million euro for countries in Northern Africa complementing existing national regional envelopes.

As regards resettlement, he explained that UNCHR considered last September that there were around 5300 "people of concern", mainly in camps near the Libyan border. He added that so far 7 EU Member States had pledged 408 resettlement places and hoped that the 3083 places pledged by Member States in the context of the 2012 European Refugee fund would materialise. He deplored the fact that the joint resettlement programme was still blocked because of a disagreement on the procedures.

He said that more than 6000 migrants and refugees had arrived, in particular from Tunisia and Libya, in the EU, mainly in Italy and Malta. He mentioned that the Commission had mobilised support for Member States most concerned, notably through Frontex operations, Europol, the External Border Fund. He added that EASO<sup>1</sup> would play a role once it had reached a critical mass and that the Commission should adopt a proposal on the Eurosur<sup>2</sup> system by the end of this year.

He also announced the recent launch of partnership dialogues for mobility, migration and security in Tunisia and Morocco. These dialogues, which were welcomed by the Tunisian and Moroccan authorities, will aim at:

- establishing a level playing field in enforcing the law and managing the border;
- creating better conditions for mobility of persons with the prospect of an agreement on visa facilitation accompanied by readmission agreements;
- and promoting legal migration.

Mr Busuttil (PPE, MT) and Mr Moraes (S&D, UK) wondered how many of the 408 settlement places pledged had been honoured by Member States. Mr Busuttil also asked whether there had been any progress with Tunisian authorities with talks on the partnerships for mobility and when EASO would be fully operational. Mr Moraes also requested an analysis by the Commission of the way to unblock the Joint EU resettlement programme, as well as information on the circumstances in which Member States could use the Directive 2001/55 on minimum standards for temporary protection.

Ms Ludford (ALDE, UK) wondered whether there were any prospects of Member States making numerical offers as regards legal migration. Ms Sargentini (Verts/ALE, NL) asked about the state of play on the 2005 agreement with Libya on border protection and about the renewed agreement between Italy and Libya. She also advocated a more open and flexible labour migration system with those countries.

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<sup>1</sup> European Asylum Support Office

<sup>2</sup> European external border surveillance system

Mr Iacolino (PPE, IT) wanted to know how long it would take before agreements were signed with Libya and Tunisia and how to resolve the situation in Lampedusa. Ms Romero (S&D, ES) criticized the fact that the EASO was not yet operational, that some detention centres did not respect human rights and that the allocation of EU funds was not transparent.

Mr Mulder (ALDE, NL) asked whether the stabilisation of the political situation in the Mediterranean area corresponded to an influx of refugees.

Mme Flautre (Verts/ALE, FR) requested that an enquiry be conducted into the shipwrecked boat people and also considered that the partnership agreements, coupling visa facilitation and readmission agreements, were not balanced.

Ms Gomes (S&D, PT) considered that the Commission should do more to persuade Member States to come forward with more resettlement offers.

Mr Tavares (Verts/ALE, PT) requested feedback and dialogue from the Commission and the Council on the European Parliament counter-proposal concerning the joint EU resettlement programme and stressed the need to act quickly. He also asked whether the Commission considered the bilateral agreement between Italy and Tunisia in line with EU standards. Ms Borsellino (S&D, IT) mentioned the situation of refugees and migrants in the Italian village of Mineo and asked who was monitoring the Italian situation.

Mr Manservigi replied that so far 100 resettlements had been effected out of the 400 and that the Commission was not satisfied with these results. As regards the joint EU resettlement programme, he said that the Commission would suggest setting aside the inter-institutional issues and having a political discussion in order to find a solution.

He explained that the UNCHR figures on the number of refugees in Tunisia amounted to around 5000 and that the figures for Libya were not very clear. He replied that EASO started being operational in June and that its capacity would steadily increase.

He was of the view that negotiations with Tunisia and Morocco on the partnerships for mobility, migration and security would take time but that the Tunisian and Moroccan authorities were keen to start the talks. He underlined that the partnerships aim at, inter alia, visa facilitation coupled with readmission agreements for all Member States on the model of the positive experience gained with some Eastern countries.

He said that the Commission had not been notified of the agreement between Italy and Tunisia and asked the Italian authorities for information about the conformity of this agreement with international law. He also stated that a memorandum of understanding on border management had been agreed between the Commission and Libya in 2005 and that its financial component would now be allocated to current Libyan priorities.

He stated that the Commission was aware of the situation in Lampedusa which has been declared an unsafe harbour and asked the Italian authorities how they were intending to respond to their international duties. He indicated that the UNHRC described the situation in Mineo as critical but that there was so far no factual information on violations of human rights.

He indicated that the Directive on temporary protection was not used and that this should be part of a wider debate on intra-EU solidarity. He deplored the tragic deaths in the Mediterranean Sea and said that the Commission and Frontex had no operational capacity to conduct inquiries and were gathering information from Member States, countries of origin, international organisations and NGOs.

The Council Presidency representative supported the steps taken by the Commission to implement the Council Decision of June on the partnerships for mobility, migration and security and was pleased with the launch of the dialogues. She also mentioned that the Presidency was willing to work further on the joint EU resettlement programme in order to resolve the current difficulties.

## 7. European Year of Citizens (2013)

Responsible: LIBE –

Opinions: EMPL – , CULT – Marie-Christine Vergiat (GUE/NGL), AFCO – Gerald Häfner (Verts/ALE), PETI – Nikolaos Salavrakos (EFD)

- Presentation by the Commission

The Commission representative presented the Commission proposal on the European Year of Citizens 2013.

The Council Presidency representative considered that this was a good proposal and that the Presidency would pay particular attention to this dossier.

Ms Papadopoulou (S&D, CY) supported the Commission proposal, highlighted EU citizens' rights and considered that it was a good time to launch the European Year of Citizens before the 2014 European Parliament elections.

Mr Sogor (PPE, HU) also welcomed the proposal, saying that this would be an opportunity to remedy certain deficiencies, e.g. in the area of recognition of professional qualifications. Ms Göncz (S&D, HU) was of the view that this was an important proposal but that the EU should not create disappointments given the remaining obstacles to the freedom of movement.

Ms Ludford (ALDE, UK) deplored the implementation problems (e.g. residence permits, taxes, status of gay couples) of the 2004 free movement Directive<sup>3</sup> and suggested using this year as a peg to raise awareness among citizens of the extent of the problems.

Mme Vergiat (GUE/NGL, FR) underlined that the notion of citizenship was interpreted differently within the Member States and that it was important to explore what citizenship really encompassed. She was also surprised that there was no mention of the European citizens' initiative in the Commission proposal.

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<sup>3</sup> Directive 2004/38/EC



Mr Moraes (S&D, UK) considered that this year would be a good opportunity to inform citizens about the content of their rights and to recognize the barriers to free movement which needed to be eliminated. Mr Brons (NI, UK) considered that this proposal was "EU propaganda" and should not be paid for from public money. Mr Mulder (ALDE, NL) wondered about the results of previous "EU years".

The Commission representative replied that there was an ongoing process to address the areas where the citizens' rights exercise was not fully implemented and he mentioned that 10 infringement procedures had been instituted over the last 6 months regarding the free movement Directive. He indicated that the results of a study on citizenship should be ready by the end of this year and that the European Year of Citizens should be seen a catalyst for informing citizens about their EU rights and to communicate actively with them.

Ms Papadopoulou concluded that this European Year should focus on concrete actions and core issues such as the right to move, the right to work, quality of life and equal opportunities.

## **8. Any other business**

## **9. Next meeting(s)**

- 7 November 2011, 15.00 – 18.30 (Brussels)
- 23 November 2011, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)
- 29 November 2011, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)

## **10. Coordinators' meeting:** in camera