



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 November 2011

17732/11

**PE 516
JAI 887
JUST 2
SCHENGEN 58
DATAPROTECT 145**

NOTE

from : General Secretariat of the Council
to : Delegations

Subject: Summary record of the meeting of the European Parliament **Committee on Civil Liberties, Justice and Home Affairs (LIBE)**, held in Brussels on 23 November 2011

The meeting was chaired by Ms Gal (PPE, HU). The committee adopted the meeting agenda.

3. Chair's announcements

The committee endorsed the coordinators' recommendation for the following rapporteurs for the discharge opinions:

- Mr van de Camp (PPE, NL) for the EU General budget, Section III, Commission and for the Performance, financial management and control of EU agencies;
- Mr. Busuttil (PPE, MT) for the EU Agency for Fundamental Rights, for Frontex and for the EU general budget, European Data Protection Supervisor;
- Ms Sommer (PPE, DE) for Eurojust and Europol;
- Ms Mathieu (PPE, FR) for Cefop;
- Mr Iacolino (PPE, IT) for the European Monitoring Centre for Drugs and Drug Addiction,

4. The Committee approved the minutes of the meetings of 14 February 2011, 2 May 2011, 20 September 2011, 3-4 October 2011, 4 October 2011.

5. Participation by Iceland, Liechtenstein, Norway and Switzerland in the work of the committees which assist the European Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen acquis

Rapporteur: Timothy Kirkhope (ECR)

Responsible: LIBE

Opinions: AFET – Decision: no opinion

- Consideration of draft recommendation (consent)

The rapporteur, Mr Kirkhope (ECR, UK), supported the Council Decision and proposed giving the European Parliament consent to the Council Decision. The Council Presidency representative said that the Council had always supported the participation of the Associated States in the "Schengen comitology committees".

Next steps: vote in LIBE Committee : 12 January 2012; vote in plenary in February 2012.

6. Mutual recognition of protection measures in civil matters

Rapporteur for the opinion: Carmen Romero López (S&D)

Responsible: JURI – Antonio López-Istúriz White (PPE)

- Consideration of draft opinion

The rapporteur, Ms Romero Lopez (S&D, ES), explained that this Commission proposal was aimed at complementing the Directive on the EPO (European Protection Order) on criminal matters. She welcomed the proposal and said that her report would seek to increase coherence between both instruments and to improve information flows between competent authorities.

The European Commission representative said the Commission would take account of these amendments.

As regards the coherence with the EPO on criminal matters, she added that the Commission was open to integrate them but needed to ensure coherence with other instruments such as the "Brussels II bis Regulation"¹. The Council Presidency representative welcomed the draft opinion.

During the discussion, Mr Kirkhope (ECR, UK) welcomed this initiative as well as the fact that the UK had decided to opt in. However, he wanted to have greater clarity as regards the interaction between criminal and civil laws and he was concerned by possible cases of double jeopardy. Mr Voss (PPE, DE) supported the draft report in general terms but shared the same concerns as Mr Kirkhope and also wondered what would happen if the measure decided did not exist in the Member State of recognition. Ms Griesbeck (ALDE, FR) welcomed the objectives of adequate victims' protection and of consistency between both EPO texts. She mentioned that she might submit amendments on a single certificate system in order to facilitate procedures between countries.

Mme Romero (S&D, ES) concluded that she valued the comments made on the issue of interaction between civil and criminal laws and was open to improve the text, e.g. on double jeopardy.

Next steps:

- Deadline for tabling amendments: 29 November 2011, 12.00
- Vote in LIBE committee: 12 January 2012

7. Conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer

Rapporteur: Salvatore Iacolino (PPE)

Responsible: LIBE* –

Opinions: EMPL* – Liisa Jaakonsaari (S&D) ,

JURI (AL) – Jiří Maštálka (GUE/NGL),

FEMM – Decision: no opinion

- Consideration of amendments

¹ Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility

The rapporteur, Mr Iacolino (PPE, IT), circulated some compromise amendments following meetings with the shadow rapporteurs. He said that they mainly concerned the definitions in the text, the length of the ICT (intra-corporate transfer), the movement of third-country nationals within the EU, non discrimination between EU and third-country workers, family situations and penalties.

The Council Presidency representative informed the committee that current Council working groups' discussions were focusing on the definitions, i.e. whether to refer to the GATS definitions or to stick to the definitions in the proposal, on the scope of the proposal and on short-term mobility. On the scope, she said that the Council could support the possibility for Member States of issuing national residence and work permits to people who did not fall under the scope of the Directive or to those who did not meet the criteria set out in the Directive. She also indicated that a wide majority of Member States was in favour of short term mobility up to three months.

The Commission representative gave its preliminary remarks on these compromise amendments and considered that they were generally in line with the objective of the proposal. She considered that definitions should be clear but flexible enough since ICTs are not highly qualified blue card holders. She also added that compromise amendments on family reunification and equal treatment were much more ambitious than the Commission proposal. As regards the Council discussions, she said, with regard to the scope, that the Commission was not in favour of creating parallel schemes and that intra-EU mobility should not be weakened.

During the debate, Ms Jaakonsaari (S&D, FI), rapporteur in the EMPL Committee, considered that the construction sector should be excluded from the scope of the Directive and that the key concept of this Directive should be equal treatment. She wondered about the relation between bilateral treaties and EU legislation in this area.

Mr Kirkhope (ECR, UK) wondered about the qualification requirements and especially the time limits, which might not always be suitable for young people, e.g. in the IT sector.

Ms Blinkeviciute (S&D, LV) hoped for some further compromise on the compromise amendment on family reunification in order to avoid inequality of treatment. She also advocated the same conditions of work as in the host country in the case of intra-EU mobility.

Ms Wikström (ALDE, SE) requested avoiding the adoption of too strict definitions and supported family reunification.

Ms Sargentini (Verts/ALE, NL) wanted to strengthen the text on sanctions and inspections and also considered that the volume of admission of migrants, referred to in compromise AM 21, should not apply to ICT. Mr Brons (NI, UK) considered that ICT was another name for uncontrolled immigration.

Ms Ernst (GUE/NGL, DE) welcomed the improvements made to the text but was still concerned about ICT limitations. She also thought that rules on sanctions and inspections, fair treatment and family reunification should be strengthened.

The Commission representative concluded that the idea that bilateral agreements could apply where they provided for more favourable treatment would be worth exploring. She added that Member States had the competence to decide on the volumes of third-country nationals but must respect international trade agreements. She was also open to reflect more on the professional experience of five years in order not to exclude young people.

The rapporteur concluded that he was open to further improvements and hoped for a final agreement. He considered that no sector should be excluded from the Directive. He supported equality of treatment as well as the inclusion of talented young people with a minimum level of professional experience. He agreed with the points made on family reunification, penalties and the need for the system to be flexible. He thought that ICT workers should be included in the volume of admission of third-country nationals.

Next steps: orientation vote in LIBE committee in January 2012

*** *Electronic vote* ***

8. 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

Rapporteur: Kyriacos Triantaphyllides (GUE/NGL) PR – PE473.966v01-00

Responsible: LIBE –

Opinions: AFET – Krzysztof Lisek (PPE)

- The draft report was adopted.

9. Right to information in criminal proceedings

Rapporteur: Birgit Sippel (S&D)

Responsible: LIBE –

Opinions: JURI – Jan Philipp Albrecht (Verts/ALE)

- The draft report was adopted as amended. The committee voted "en bloc" on the text as agreed with the Council and included in the consolidated AM 145.

10. Public access to European Parliament, Council and Commission documents

Rapporteur: Michael Cashman (S&D)

Responsible: LIBE* –

Opinions: INTA – Decision: no opinion

JURI (AL) – Kurt Lechner (PPE)

JURI – Eva Lichtenberger (Verts/ALE)

AFCO* – Anneli Jäätteenmäki (ADLE)

PETI – Ágnes Hankiss (PPE)

- The draft report was adopted as amended.

This draft report substantially restricts the possibility to refuse public access to documents (in particular COMP AM 6, COMP AM 7, COMP AM 8, AM 28, AM 30), including limiting the possibility to refuse access to a document originating from a Member State (COMP AM 10). The draft report also aims not only to include rules on the classification and declassification procedures in the regulation but also to limit possibilities to classify documents (AM 27 + AM 41).

Since the EPP was against this draft report, Ms Sommer (EPP, DE) requested that the EPP minority opinion be the subject of a written statement annexed to the draft report.

Next steps: the vote in plenary is planned for the December European Parliament plenary session.

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

11. Any other business

12. Next meeting(s)

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