



**COUNCIL OF THE
EUROPEAN UNION**

Brussels, 16 February 2009

6486/09

**PE 53
API 17
ATO 19
CHIMIE 13
CODEC 171
COPEN 36
COTER 17
DENLEG 13
ECOFIN 123
ENER 57
ENFOCUSTOM 24
ENFOPOL 37
ENV 103
INF 18
JAI 90
JUR 80
MI 62
PROCIV 20
RECH 46
RELEX 145
SAN 26
TELECOM 21
TRANS 66**

NOTE

from :	General Secretariat of the Council
to :	Delegations
Subject:	Summary of the meeting of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) , held in Brussels on 9 and 10 February 2009

The meeting was chaired by Gérard DEPREZ (ALDE, BE).

The exchange of views on the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation was postponed to the next meeting.

I. Consideration of reports as leading committee

a) A common immigration policy for Europe: principles, actions and tools

2008/2331(INI)

COM(2008)0359

Rapporteur: Simon BUSUTTIL (PPE-DE, MT)

Mr BUSUTTIL (PPE-DE, MT) explained that his draft report aimed at giving the LIBE Committee the possibility of treating immigration as an opportunity. A common approach to immigration had to be forged, if Europe wanted to avoid being overtaken by events. He pointed out that a hidden tragedy was unfolding. In 2007 the numbers of illegal immigrants who had died in ship wrecks equalled those who had lost their lives in Lebanon. The report addressed three main subjects: prosperity and immigration, which focused on legal immigration; security and immigration, focusing on illegal immigration, and solidarity and immigration, focusing on Member States' cooperation with third countries.

Ms HENNIS-PLASSCHAERT (ALDE, NL), who welcomed the document's balance, announced an amendment concerning the management of external borders. Ms BOURSIER (PSE, FR) stressed the importance of the integration of workers and warned against the mounting nationalist reactions of Member States, confronting the present economic crisis. Mr CATANIA (GUE/NGL, IT) noted that the EU was confronted with an aging population and that the host society was responsible for addressing immigration issues. Concerns were raised about racist and xenophobic attitudes. Mr KREISSL-DÖRFLER (PSE, DE) drew the attention to the condition of illegal immigrants already present in the EU. He suggested that the Spanish decision to legalise these people should be promoted everywhere in Europe. Mr MORENO SANCHEZ (PSE, ES) underlined the importance of immigration in cultural terms. He proposed exchange of good practices as an instrument to favour integration.

Timetable:

Deadline for tabling amendments: 23 February 2009

Vote in Committee: 31 March 2009

b) Council Decision amending Decision 2002/956/JHA setting up a European Network for the Protection of Public Figures

16437/08

2009/0801(CNS)

Mr VAN SLUYS from the Dutch Permanent Representation explained the background of the file. A former Member of the European Parliament needed protection, being under threat as a result of her contribution to the public debate. Mr BREZINA from the Czech Presidency endorsed this initiative started under the French Presidency to extend to non-officials the protection granted under the European Network for the Protection of Public Figures, a system set up in 2002 by Decision 2002/956/JHA.

c) Initiative of the French Republic with a view to adopting a Council Decision concerning the Convention on the use of information technology for customs purposes (CIS Convention)

17483/08

2009/0803(CNS)

The Czech Presidency explained that customs administrations had to implement both Community and non-Community provisions in their day-to-day work. It was necessary to ensure that legislation on mutual assistance and administrative cooperation evolved in parallel. Mr ALVARO (ALDE, DE) recalled the need for consultation of the Article 29 Committee.

d) Problems and prospects concerning European citizenship

2008/2234(INI)

COM(2008)0085

Rapporteur: Urszula GACEK (PPE-DE)

Ms GACEK (PPE-DE, PL) noted that her report referred, in particular, to the Commission report on Citizenship of the Union (1 May 2004 – 30 June 2007). One of the main issues dealt with in that

report was freedom of movement, which was already the object of the report by Ms VĂLEAN (ALDE, RO). Ms GACEK therefore focused on other aspects, for example the citizenship initiative. She called on the Commission to prepare transparent and easily understandable procedures implementing the "citizenship initiative", to enable EU citizens to effectively initiate legislation as soon as the Treaty of Lisbon entered into force. She also underlined the importance of implementing rules on consular protection. Ms ŽDANOKA (Verts, LV) underlined the strategic importance of European citizenship for some Member States which did not grant full citizenship to their residents for historical reasons (disappearance of previous citizenship). Mr PANAYOTOV (ALDE, BG) considered that the Commission report lacked structure and was just a list of items. The Commission should take a more in-depth approach and explain how rights were enjoyed by citizens. Mr NEWTON-DUNN (ALDE, UK) reverted to the issue of consular protection, considering the recent events in Bombay. Mr FRANÇA (PSE, PT) recalled that EU citizenship stemmed from national citizenship.

Timetable:

Public hearing: 16 February 2009

Deadline for tabling amendments: 17 February 2009

Vote in Committee: 15 March 2009

e) Proposal for a Council Decision on a Critical Infrastructure Warning Information Network (CIWIN)

15041/08

2008/0200 (CNS)

COM(2008) 676

Rapporteur: Luca ROMAGNOLI (NI, IT)

For the Commission, Ms NUSDORFER congratulated Mr Romagnoli on his report, which improved the initial Commission proposal; almost all amendments were in line with the current discussions in the Council. She underlined that the proposal fitted into the broader framework of critical infrastructure protection and aimed at creating a voluntary system of information exchange.

For the Czech Presidency of the Council, Mr CHALUPA reported on the state of play of negotiations in the Council, stating that the Presidency was currently processing the comments received by Member States in preparation for an experts' meeting in March. The issue would be on the agenda of the Council Working Party on Civil Protection in April or May.

Mr BRADLEY from the Parliament Legal Service stated that the voluntary character of the proposal posed a problem for the legal base of Article 308 of the EC Treaty, which covered only actions that were necessary in order to attain an objective of the Community. In the case of voluntary measures, it would be difficult (although not necessarily impossible) to justify that they were necessary. The same applied to Article 203 of the Euratom Treaty. On the other hand, he did not share the concern of some Member States that Article 203 could only justify measures of internal safety and not external security.

Mr ROMAGNOLI considered the Critical Infrastructure Warning Information Network to be a significant first step forward, which could be improved later on. He raised the language issue; in his view automatic translation should be used as far as possible.

Ms NUSDORFER, replying to a question by Mr NEWTON-DUNN, stated that the voluntary character was due to the fact that during the consultation phase, two Member States had been against the system as such; as an unanimous decision was needed in Council, it had not been possible to propose a mandatory system.

Timetable:

Deadline for tabling amendments: 16 February 2009

f) Proposal for a Regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents

9200/08+COR1

2008/0090 (COD)C

OM(2008)0229

Rapporteur: Michael CASHMAN (PSE, UK)

Mr CASHMAN was opposed to delaying the vote, *inter alia* because the Council did not want to take a position until the Parliament's position was clear. He stated that he had withdrawn his

amendment 82, which could not obtain a majority, and instead he suggested deleting the Commission proposal which provided the opportunity to propose a new Article.

This was welcomed by Ms SVENSSON (GUE/NGL, SE) and Mr LAX (ALDE, FI). Mr CAPPATO (ALDE, IT) commented on some amendments and invited the Parliament to come to a clear-cut position before the elections, with a view to a second-reading agreement after them. Ms CEDERSCHIÖLD (PPE-DE, SE) saw a need for further discussion on business secrets. She called for more time and suggested a vote during the second plenary session of March.

Mr CASHMAN disagreed with the latter point and advocated the possibility of a first-reading agreement.

g) Proposal for a Council Framework Decision on the European supervision order in pre-trial procedures between Member States of the European Union

2006/0158 (CNS)

12367/06

COM(2006) 468

Rapporteur: Ioannis VARVITSIOTIS (PPE-DE, EL)

Mr VARVITSIOTIS recalled the position taken in the first consultation in 2007, to which he considered the Parliament should stick. He regretted that those positions had not all been adopted by the Council.

For the Czech Presidency of the Council, Ms FIKAROVÁ stated that the Council had finalised the discussions in November last year, reaching a common approach. It was now waiting for the opinion of the Parliament.

Timetable:

Deadline for tabling amendments: 23 February 2009

Vote in Committee: 16 March 2009

h) Proposal for a Council Regulation establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, parental responsibility and maintenance obligations, and applicable law in matters relating to maintenance obligations

5146/09

2008/0266 (CNS)

COM(2008) 894

Rapporteur: Gérard DEPREZ (ALDE, BE)

For the Czech Presidency of the Council, Ms ŠIMOVÁ welcomed the report, for which the Member States had long been waiting, as they wanted to bring existing agreements into line with the Community *acquis* as well as to conclude new agreements. The proposed mechanism was one of the goals of the Czech Presidency in the area of civil justice.

For the Commission, Ms SAASTAMOINEN welcomed the active role of the Parliament at this stage. The proposal constituted a major step in exercising the competence of the Community externally. Together with the parallel proposal for non-family law matters, it created a single coherent procedure. For the Commission, it was important that the redelegation remained exceptional, on a temporary base and only in limited areas.

Mr ZWIEFKA (PPE-DE, PL), draftsman of the JURI Committee, welcomed the fact that the two committees were proceeding in parallel and in close cooperation on the two proposals.

Mr DEMETRIOU (PPE-DE, CY) expressed the opinion that harmonisation of family law was necessary in order to attain the goals of the Hague Programme. He was concerned that the Council would hide behind the distinction between first and third pillars in order to prevent a unified policy and unified rules governing agreements between Member States and third countries.

Ms GRABOWSKA (PSE, PL) suggested that the Regulation should be based on reciprocity. She and Mr ZWIEFKA were concerned that if the text were not sufficiently clear and coherent, it would become a playing field for lawyers.

Mr DEPREZ stated that the Parliament was ready to work quickly, but expressed concerns if a derogation to exclusive Community jurisdiction was possible. He asked the Commission and Council representatives whether their legal services had issued an opinion on this question. For the Commission, Mr FONSECA replied that the Legal Service had issued an opinion that approved the viability of the proposal. For the General Secretariat of the Council, Mr PAULINO PEREIRA replied that the Council Legal Service had issued no written opinion on the proposals, but had not seen any problem during the discussions. Mr DEPREZ suggested asking the Parliament Legal Service for an urgent opinion.

Timetable:

Report available: 16 February 2009

Vote in Committee: 30 March 2009

i) Wind-up resolution on the annual debate on the area of freedom, security and justice (FSJA)

Rapporteur: Gérard Deprez (ALDE, BE)

For the Commission, Ms JEGOUZO said that after extensive consultation, the Commission was now preparing the future multiannual programme, a communication was due for May; the programme should be adopted in December. As important issues she mentioned fundamental rights, data protection and security, in particular the fight against organised crime, corruption and drugs. She saw broad coherence with the Parliament's view and stressed that after these first ten years of the area of freedom, security and justice, a long-term vision was necessary. On the other hand, the Commission was aware that concrete results were needed.

Timetable:

Deadline for tabling amendments: 2 March 2009

j) Application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States

2008/2184(INI)

COM(2008)0840

Rapporteur: Adina-Ioana VĂLEAN (ALDE, RO)

Ms VĂLEAN presented a study by the Centre for European Policy Studies based on the replies to the questionnaire. She mentioned several problematic areas, *inter alia* third-country family members, same-sex marriages and registered partnerships, as well as administrative burdens and access to social benefits.

A representative of the Czech Presidency of the Council agreed with the importance of fully respecting and developing freedom of movement, but recalled the need to prevent abuse and fraud. He welcomed, in particular, the creation of an expert group which would contribute to the transposition of the Directive in Member States, and the publication of guidelines by the Commission.

Mr DEMETRIOU expressed the opinion that the use of the word “marriage” for same-sex partnerships created resistance; he suggested giving them the same rights without using this term.

Mr CATANIA (GUE/NGL, IT) wondered how the implementation of free movement could be improved, regretting that many Member States had not replied to the questionnaire.

Mr CASHMAN suggested bilateral agreements between the Member States that recognised civil or same-sex partnerships in order to improve mutual recognition among these States.

Timetable:

Deadline for tabling amendments: 12 February 2009

Vote in Committee: 16 March 2009

II. Vote on reports as leading committee

a) The next steps in border management in the European Union and similar experiences in third countries

2008/2181(INI)

COM(2008)0069

Rapporteur: Jeanine HENNIS-PLASSCHAERT (ALDE, NL)

The draft report was adopted with 36 votes in favour, 4 against and one abstention, including amendments 3-5, 7, 16, 18, 20, 21, 24-27, 28 (first part only), 30 and 31, as well as compromise amendments 1 and 2.

b) The future of the European Common Asylum System

2008/2305(INI)

COM(2008)0360

Rapporteur: Giusto CATANIA (GUE/NGL, IT)

The draft report was adopted with 44 votes in favour, one against and no abstentions, including amendments 1-8, 13-16, 18, 23, 26, 29, 32, 33, 37, 39, oral amendments 1-6, compromise amendments 1 and 2 as well as amendments 1-9 of the DEVE Committee. Recital B as well as Paragraph 19 of the original proposal were rejected in separate votes.

III. Date and Place of the next meeting

16 and 17 February 2009 in Brussels.
