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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 16 and 17 February 2009

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

Points 6 and 14 of the agenda concerning the presentation by the Czech Presidency and the European Commission on an EU support office in the field of asylum management and the exchange of views on a draft opinion on educating the children of migrants were withdrawn from the agenda.

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 outlined the substantive points of his report, commenting in particular on the aspects of legal migration, security and solidarity. He was in favour of legal migration, but considered that the number of people accepted had to remain within the discretion of local authorities. Concerning security, he considered that there was still much to be done, especially as regards common border management. He also mentioned the need to look at the way in which rapid-intervention teams were deployed in practice and proposed the use of voluntary return schemes. He went on to stress the importance of solidarity, and welcomed the fact that the European Pact on Immigration and Asylum contained a burden-sharing clause for the first time.

Ms SEGELSTRÖM (PSE, SE) welcomed the report, while Mr FRANÇA (PSE, PT) expressed doubts about the possibility of arriving at a common immigration policy. He invited the rapporteur to use the term "irregular" instead of "illegal".

b) Development of an EU criminal justice area

2009/2012(INI)

Rapporteur: Maria Grazia PAGANO (PSE, IT)

Ms PAGANO said that a number of reports already existed in this area, and that the main difficulty continued to be the diversity of legal systems. A number of major areas of justice affected the Union and therefore required a response from the EU. She suggested creating a European school for judges and agreed with calls to harmonise substantive law. She regretted that, at the present time, equality before the law had not yet been achieved for all EU citizens.

Mr DEMETRIOU (PPE-DE, CY) suggested taking over best practices from all Member States, but admitted that, for this, mutual trust was necessary. Mr MASIP HIDALGO (PSE, ES) welcomed the proposal for training judges.

A Commission representative said that criminal law was one of the major concerns of the European Union. He accepted that mutual recognition in this area did not yet work as it should, but emphasised the success of the European Arrest Warrant.

Timetable:

presentation of a draft report: 19 March 2009

Deadline for tabling amendments: 26 March 2009

Vote in committee: 16 April 2009

Vote in plenary: May 2009

c) Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

COM(2008) 426

11531/08

2008/0140 (CNS)

Rapporteur: Kathalijne Maria BUITENWEG (Verts, NL)

Ms BUITENWEG considered that the large number of amendments showed that there was a high level of interest. She was in favour of sending the Council a strong message to the effect that the Parliament wanted to see this Directive adopted. She noted that the inclusion of multiple discriminations and a definition of handicap were suggested almost unanimously, whereas on Article 3(2) there were contradictory amendments. She proposed reiterating in this Article that the Directive would not extend EU jurisdiction. Concerning Article 4, her compromise would result in a lengthy article, in line with the amendments received. Ms BUITENWEG invited the PPE-DE group to withdraw their amendments aimed at taking out the word "belief" and said she was opposed to excluding the whole media sector from the scope of the Directive.

Mr CASHMAN and Mr MORAES supported Ms Buitenweg's suggestions, and Mr FATUZZO (PPE-DE, IT) from the EMPL Committee also expressed his satisfaction. Ms BOZKURT (PSE, NL) pointed out that the PSE group focused on the issues of multiple discrimination, gender, access to schools and disability.

A Commission representative noted that many of the points raised by the Parliament were also being discussed in the Council. The Member States' aim was to have the highest possible degree of legal certainty, and the draft report made significant contributions to this end.

Timetable:

Vote in committee: 16 March 2009

Vote in plenary: April 2009

d) Problem of profiling, notably on the basis of ethnicity and race, in counterterrorism, law enforcement, immigration, customs and border control

2008/2020(INI)

Rapporteur: Baroness Sarah LUDFORD (ALDE, UK)

Ms LUDFORD presented her draft report, stressing the complexity of the issue. In her view, even the predictive use of profiling, i.e. in order to prevent future or undiscovered crimes, could be justified, but only under strict conditions, in particular if the relevance of the data evaluated was statistically proven, and if the data was reliable and its use proportionate. She regretted that, despite many calls from the European Parliament, no serious studies had been carried out on the use of PNR data, whereas in the US such studies seemed to cast doubt on its effectiveness. She said the Council of Europe was working on a recommendation on profiling and invited the Commission to consider whether it wanted to address the issue directly in a specific instrument rather than generically through data protection rules.

For the Commission, Mr ZERDICK said that the reform of the Directive 95/46/EC on data protection was the best context for addressing this issue.

Mr MORAES noted the sensitivity of the issue of ethnic profiling. He praised the UK approach whereby the police were obliged to record the ethnicity of each person arrested, which contributed to more awareness on this point. There was nothing wrong with ethnic profiling, as long as it was carried out in a non-discriminatory manner and on the basis of certain standards.

Mr LAMBRINIDIS suggested that there should be severe penalties for abuses, while Mr FRANÇA was concerned that predictive profiling could make suspects of everyone.

II. Vote on reports as leading committee

a) Council Decision adjusting the basic salaries and allowances applicable to Europol staff (2008/xxx/JHA)

14479/08

2009/0804(CNS)

Rapporteur: Agustín DÍAZ DE MERA GARCÍA CONSUEGRA (PPE-DE, ES)

The rapporteur said this was a matter of a regular adjustment in accordance with the local price index; following his suggestion, the Committee adopted the decision unanimously.

b) 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)

COM(2008)0229

Rapporteur: Michael CASHMAN (PSE, UK)

The draft report was adopted 26 against 5 votes with 15 abstentions, including amendments 1-5, 7-15, 17--24, 26, 28, 30-38, 40, 42, 43, 47, 50-54, 56-59, 61, 64, 70, 74, 76, 78, 80, 81, 83, 90, 92, 95, 102, 109, 110, 113-116, 128, 134, 137 (7, 30, 35 and 37 with additional oral amendments), all compromise amendments (1-8, except for the second part of compromise amendment 3), the amendments 4, 6, 8, 9 and 11 tabled by the JURI Committee, the amendments 6 and 12 of the PETI Committee as well as the amendments 1, 5, 9 and 12 of the AFCO Committee.

c) Strengthening security and fundamental freedoms on the Internet

2008/2160(INI)

Rapporteur: Stavros LAMBRINIDIS (PSE, EL)

The draft report was adopted unanimously including amendments 4, 6, 12, 15 (first part only), 16-21, 25-29, 31, 33, 34, 41, 42, (first part only), 43, 49, 50, 52, 54 (without its second part), 56, 57, 64, 68-72, 75, 78 and 80 (amendments 27, 28, 31, 43, 49, 50, 57, 68 and 78 with additional oral

amendments) as well as all compromise amendments (1-10).

III. Forum on Integration (follow-up to the Vichy Ministerial Conference)

A Commission representative explained that the Forum on Integration was organised by the Commission with the help of the European Economic and Social Committee in order to foster the dialogue on immigration, in particular with civil society. The subjects on the agenda should be linked to the European policy on integration, in order to provide input for it, covering such matters as access to employment and the role of civil society in integration.

For the European Economic and Social Committee, Mr PARIZA CASTAÑOS provided more detail about the Forum , saying that it would meet twice per year and would consist of national fora, immigration associations or networks of experts. In order to ensure continuity and guarantee a strong link with the institutions, the EESC would set up a standing working group and also provide the secretariat for the Forum. The first Forum was intended to take place on 20 and 21 April 2009.

Mr LAMBRINIDIS (PSE, EL) and Mr MORAES (PSE, UK) suggested reviewing the date of the first Forum meeting, which clashed with Orthodox Easter.

IV. First report on the implementation of the EU-US SWIFT undertakings

P.M.

V. Hearing: Problems and prospects concerning European citizenship

2008/2234(INI)

COM(2008)0085

Rapporteur: Urszula GACEK (PPE-DE, PL)

P.M.

VI. Date and Place of the next meeting

5 March 2009 in Brussels.
