

**Committee on Citizens' Freedoms and Rights,
Justice and Home Affairs
- Secretariat -**

**CHAIRMAN'S NOTE
For the Committee Meeting on**

Tuesday 10 October 2000
3.00pm - 6.30 pm

Wednesday 11 October 2000
9.00am - 12.30pm and 3.00pm - 6.30pm

Thursday 12 October 2000
9.00am - 12.30pm

ASP A3G2, Brussels

Tuesday 10 October
3.00pm - 6.30pm

1) ADOPTION OF DRAFT AGENDA

Point 20 on the agenda on the subject of processing of personal data and the protection of privacy in the electronic communications sector has to be withdrawn as the rapporteur is not able to attend the meeting.

2) APPROVAL OF MINUTES OF MEETINGS OF:

18-19 April 2000

These minutes will be deemed approved if no amendments or objections are presented tomorrow morning.

3) RESULTS OF COORDINATOR'S MEETING ON 2 OCTOBER

Appointment of rapporteurs:

- Initiative of Finland concerning the Council powers with regard to examining visa demands: Mr DEPREZ (EPP)
- Minimum standards concerning granting and withdrawing refugee status: Mr NASSAUER (EPP)
- Extension of GROTIUS programme on civil and commercial cooperation: Mrs KESSLER (PSE)
- Proposal for a creation of a European civil and commercial judicial network: Mrs KESSLER (PSE)
- Communication on Cybercrime: Mrs CEDERSCHIÖLD (EPP)
- Mutual recognition of final decisions concerning judicial cooperation in criminal matters: Mr DI LELLO (GUE)
- Confirmation of Mr DIMITRAKOPOULOS (EPP) as rapporteur on the German initiative concerning criminal law protection against fraudulent conduct

- Confirmation of Mr KIRKHOPE (EPP) as rapporteur on the penalties for carriers for conveying foreigners without documents

Appointment of draftsmen:

- Special report by Ombudsman on a Code of good administrative behaviour: proposal to appoint Mr CASHMAN (ask the PSE group for confirmation)
- Women and fundamentalism: the PSE group initially appointed Mrs TERRON (PSE), but now they propose Mrs KARAMANOU.

4) CHAIRMAN'S ANNOUNCEMENTS

- There have been no items put forward for discussion in the Coordinators' meeting this evening, so, if everyone agrees, I propose that this meeting be postponed to another time. If however, Members feel that there is an item which should be discussed this evening, please let me know now so that the meeting can take place. So, if there are no objections, I suggest that this evening's meeting be cancelled.

I propose that an item on Enlargement be postponed to the next Coordinators' meeting:

□ **Enlargement**

- authorisation to present an initiative report

The enlargement debate will continue in 2001 and so it could be opportune to seek authorisation to present a specific initiative report on enlargement in connection with the area of freedom and judicial security.

- nominating of one or several "followers"

Following the 9 September 2000 decision of the Conference of Presidents, the concerned committees are asked to nominate one or several "followers" which are mandated to follow the works of the joint parliamentary committees according to their specific competences.

If, for instance, our committee nominates two "followers", these Members could naturally be designated corapporteurs of the initiative report in question.

- At the next joint Parliamentary committee EU-Bulgaria on 6-7 November in Sofia, point 8 of the Agenda will be devoted to Justice and Home Affairs, including visa issues.
- On the celebration of the 50th anniversary of the creation of the High Commissioner of United Nations for Refugees, two events are proposed:
 - 1) During the week of 4 December, sponsored by MEP José Maria Mendiluce Pereiro, UNHCR will stage an exhibition in the European Parliament premises in Brussels. The exhibition will display the historic and contemporary challenges of refugee protection and assistance, UNHCR's role, as well as the contribution of the European Union in the search to lasting solutions to the refugee problem. A detailed description of the exhibition is available in our secretariat.
 - 2) Since our committee and the Committee on Foreign Affairs will be meeting in Brussels on 4 December, the representative of the Brussels seat of the UNHCR has asked whether we could organise a joint session, inviting members of the Development Committee (although that committee is not meeting those days its members are likely to be around).

If a joint session can be arranged, UNHCR said that a high level personality (Assistant High Commissioner?) could address the session and participate in an exchange with members on a broad theme (linked to the anniversary exhibition), i.e. the nature of contemporary displacement, Europe's role, UNHCR's work etc.

If this programme interests you and you agree with it, I propose that you allow me to write firstly to the Chairmen of the Foreign Affairs committee and secondly to the Cooperation and Development committee in order to seek their agreement and then, to begin the organisation related to it.

If however a joint session can not take place, we may wish to consider including this on the agenda of our committee, which means that we would need to focus on asylum in Europe.

In the presence of the Council and Commission

5) Results of the meeting of the Justice and Home Affairs Council on 28 September 2000

Exchange of views with Mr Antonio VITORINO, Member of the Commission

This is our regular meeting with the Commissioner on the follow-up to the last Justice and Home Affairs Council meeting. We expected to have with us the Presidency of the Council here today but this unfortunately is not possible.

Members, a press release from the Council and Agence Europe has been distributed and Members could refer to this documents if they so wish, to put forward any questions to our Commissioner to whom I now give the floor to highlight political points raised during the Justice and Home Affairs meeting. It will be interesting if Mr Vitorino could take this opportunity to inform us of the position of the Commission on different Member States' initiatives which are on the table. We will in fact vote during future meetings on many sensitive issues such as Eurojust, Europol, penal sanctions for trafficking of human beings etc.

6) Improving mutual assistance in criminal matters: organised and financial crime, money laundering (French initiative)

T06905 - (CNS000815 - 10213/00 - C5-0394/00)

Rapporteur: Martine ROURE

Consideration of draft report

Deadline for tabling amendments:

Background

This French initiative aims at improving judicial cooperation in penal matters especially in the field of money laundering.

Therefore, the proposed new Convention complements previous general European Council or European Union Conventions in the field of judicial cooperation.

A first exchange of views took place at the 13-14 September meeting.

Discussion

The rapporteur will now present her draft report.

It will then be followed by an exchange of views.

Calendar

- Deadline for amendments : Friday 13 October noon.
- 23-24 October: adoption of a draft report in view of the November plenary session.

7) Combating clandestine immigration: penal framework to prevent infringements (French Initiative)

T06948 - (CNS000820 -10676/00 - C5-0426/00)

- (CNS000821 -10675/00 - C5-0427/00)

Rapporteur: Ozan CEYHUN

Consideration of draft report

Deadline for tabling amendments:

Background

1. The proposal for a directive, based on art. 61a and 63b of TEC (first pillar) aims at defining the concept of aiding illegal immigration (approximation of the offence, exemption, implementation).
2. The draft framework decision based on art. 29, 31 and 34 of TUE (third pillar) aims at strengthening penalties to combat aiding illegal immigration (approximation of penalties; aggravating circumstances; penalties imposed on legal persons). This proposal complements the previous one.

Discussion

A first exchange of views took place at the meeting on 19 September. The rapporteur will present his draft report covering the two French initiatives.

Calendar

- fixation of deadline for amendments : Friday 13 October at noon.
- 23-24 October (Strasbourg extraordinary meeting) : adoption of the draft report in view of the November plenary session.

8) Judicial cooperation: mutual enforcement of judgments on rights of access to children (French initiative)

T06909 - (CNS000818 - 9735/00 - C5-0397/00)

Rapporteur: Mary Elizabeth BANOTTI

**Presentation by the Presidency-in-Office, Mr Antoine Buchet,
Councillor for Justice matters, Permanent Representation of France
to the EU**

Consideration of draft report

Deadline for tabling amendments: 16/10/00

The French Presidency have asked us to treat this initiative on the mutual recognition of judgments on rights of access to children as a priority. Mrs Banotti, our rapporteur, has worked quickly, based on her experience in this field, to prepare a draft report which she is able to present to us today.

Mrs Banotti, you have the floor

Timetable

We must now fix the deadline for amendments. If the rapporteur agrees the timetable will be as follows:

12pm 12 October	Deadline for amendments
23-24 October	Vote in LIBE Committee

13-16 November Plenary session

9) OEDT: presentation of Annual Report 2000 on the phenomenon of drugs in the European Union

SNA0319

Exchange of views with Mr ESTIEVENART, Director of the European Observatory on Drugs and Toxic Substances (Lisbon)

Following agreement with the EMCDDA on the procedure for examination of the Annual Report on the State of the Drugs Problem in the European Union, the Director Mr Estievenart will present us with the 2000 Annual Report. After this presentation, the Chairman of the Management Board Mr Bindert will present to the committee the reform of the EMCDDA and afterwards, we will give the floor to Sir Jack Stewart Clark, member of the EMCDDA Management Board appointed as representative by the European Parliament with Mr Pradier.

Each presentation will take about 10 minutes and copies will be available.

6.00pm - 6.30pm

possibly:

10) Coordinators meeting

Wednesday 11 October 2000

9.00am - 12.30pm

possibly:

11) Follow-up to Coordinator's meeting of 10 October

12) Adoption of the Calendar of meetings for the year 2001

We have already raised this question during previous meetings and we tried to obtain from the services a reduction of Monday meetings and a reduction of a number of meetings in the first half of the year. What we have received is the fusion of two meetings of our committee respectively in

January, March and June. I am sorry to say that it will be impossible to obtain other improvements due to the constraints of the Parliament Agenda, and works in other committees and the creation of new yellow weeks where we could work in our own constituencies. So, I must seek your approval on this agenda bearing in mind that some meetings could be reduced in time or indeed cancelled if the workload reduces.

- 13) Action plan for Albania and the neighbouring region**
T06854 - (COS002158 - 7886/00 - C5-0305/00)
Rapporteur: Anna KARAMANOU
Adoption of draft report
Deadline for tabling amendments: 27/09/00
Opinion: AFET

Dear colleagues, the Albania action plan was already adopted on 13 June 2000. But, in the Council there are still lively discussions taking place regarding the implementation of this Plan.

That's the reason why it is important to adopt this report today. The Karamanou report will then be submitted to the plenary during the October II part-session.

We have received 26 amendments.

Mrs Karamanou, before starting the vote, do you want to take the floor? If not, shall we proceed straight to the vote?

- 14) Extension of Europol's powers to cover money laundering**
T06898 - (CNS000809 - 9426/00 - C5-0359/00)
Rapporteur: Anna KARAMANOU
Consideration of draft report
Presentation by the Presidency-in-Office, Mr Patrick Debaere,
Councillor for Home Affairs, Permanent Representation of
France to the EU
Deadline for tabling amendments:
Opinion: ECON, JURI

Background

This Portuguese initiative aims at extending Europol's competences to money laundering. Therefore, the Council Act, under examination, modifies article 2 of the 1995 Europol Convention. A first exchange of views took place at the meeting on 13-14 September.

Discussion

The rapporteur will present her draft report.
It will then be followed by an exchange of views.

Calendar

- Deadline for amendments : Friday 13 October noon.
- 23 or 24 October (Strasbourg) : adoption of the report in view of the November plenary session.

NB : The committee for Economic and Monetary Affairs (rapporteur Mr GASOLIBA I BOHM) will adopt its opinion on 11 October and the committee for Legal Affairs (rapporteur Mr LEHNE) on 16 October.

15) Police cooperation: provisional establishment of the European Police College (Portuguese initiative)

T06938 - (CNS000811 - 9679/00 - C5-0373/00)

Rapporteur: Bernd POSSELT

**Presentation by the Presidency-in-Office, Mr Patrick Debaere,
Councillor for Home Affairs, Permanent Representation of
France to the EU**

Consideration of draft report

Deadline for tabling amendments:

Dear colleagues,

I recall that we heard a presentation of this Portuguese initiative on 13 and 14 September, made by the French Presidency and the Portuguese

permanent representation, as well as introductory comments from our rapporteur, Mr Posselt. You will find a draft report in your files.

Mr Posselt, could you please illustrate to us your proposals for amendments? For the procedure, I recall that we acted within the framework of the third pillar, and that we have to comply with a deadline fixed for 17 November (next month's plenary session in Strasbourg). The vote in the committee shall then take place on 23 and 24 October in an extraordinary meeting in Strasbourg.

Mr Posselt, you have the floor.

After the debate, the chairman should announce the deadline for amendments for: **Friday, 13 October 2000, at noon.**

The vote will take place on 23/24 October in Strasbourg.

16) Creation of a provisional Judicial Cooperation Unit (Portuguese initiative)

T06941 - (CNS000816 - 10356/00 - C5-0395/00)

Rapporteur: Evelyne GEBHARDT

Consideration of draft report

Deadline for tabling amendments:

Colleagues,

I recall that we heard a presentation by the French Presidency, of this initiative which comes from 4 Member States (Belgium, France, Portugal and Sweden).

Then, on 19 September Mrs Gebhardt made an oral presentation of the text and the representative of the French Presidency assisted as well. Today, you will find a copy of the draft report in your files.

We are working within the framework of the third pillar and we have to comply with a deadline which was fixed by the Council for 17 November 2000 (Strasbourg plenary session). The vote in the committee will then take place on 23 and 24 October 2000 in Strasbourg.

Mrs Gebhardt, we heard that the Justice and Home Affairs Council on 28 September made substantial progress and chose some compromise. Could you please illustrate to us your proposals for amendments and the manner they could be used in the compromise within the Council?

Thank you, you have the floor.

After the debate, the chairman should announce the deadline to table and submit amendments: **Friday, 13 October 2000, noon.**

The vote will take place on 23/24 October in Strasbourg.

17) **Mutual recognition of decisions on the expulsion of third country nationals (French initiative)**

T06939 - (CNS000819 - 10310/00 - C5-0398/00)

Rapporteur: Hartmut NASSAUER

**Presentation by the Presidency-in-Office, Ms Anne Lebrun,
Ministry of Home Affairs**

Initial exchange of views

Colleagues,

This is our first exchange of views on a proposal for a directive on mutual recognition of expulsion decisions (first pillar) made from the French Presidency.

This is another initiative from a Member State in a field which is, for this transitional period, shared between the Commission and the Member States as far as the power of legislative initiative is concerned.

I have pleasure in introducing Ms Anne Lebrun from the French Ministry of Home Affairs who will give us a presentation of this draft directive.

Then, I will ask the representative of the European Commission, Mr./Mrs.....? to take the floor and comment on the French initiative and put forward the point of view of the Commission services. Following this a debate will take place.

After the debate, the chairman should ask Mr Nassauer to announce his provisional timetable for the preparation of the draft report.

- 18) European Parliament, Council and Commission documents:
public's right of access
T06673 - (COD000032 - COM (00) 0030 - C5-0057/00)
Rapporteur: Michael CASHMAN
Exchange of views
Deadline for tabling amendments: 12/10/00
Opinion: AFET, CONT, JURI, CULT, AFCO, PETI**

○ Firstly, I will just remind you that, as you may be aware, the deadline for amendments for the Cashman report is 12pm on 12 October.

Today, we have a guest with us (Mr) from the US Justice Department who is able to tell us about the US Freedom of Information Act. Before I pass the floor to (Mr) I will ask Mr Cashman to inform the committee of the video conference which took place on 28 September under the framework of the Trans-Atlantic Dialogue. This visit forms part of the follow-up from that video-conference.

Timetable

○

12 October, noon	Deadline for amendments
23-24 October	Adoption of report in the committee
13-16 November	Adoption of report in plenary

From 3.00pm

- 19) Data protection:
Follow-up to the Parliament Resolution on the Safe Harbor
Provision
Exchange of views with Mr Frits BOLKESTEIN, Member of the
Commission**

Members will recall that we had a meeting in July with Commissioner Bolkestein after the adoption of the Parliament's resolution on Safe Harbor. We agreed that the Commissioner would provide us with a follow-up to the EP resolution. I received a letter from Mr Bolkestein which I have circulated to the coordinators and is now available for your information with the text of the EP resolution. This letter contains some interesting points but I would now like to give the floor to the Commissioner to highlight the different aspects further. Commissioner Bolkestein.

Problems associated with the application of the Data Protection Directives

Exchange of views with Mr Stefano RODOTA, Chairman of the Article 29 working party

The presence of Mr Rodota was foreseen, particularly as the working group was to approve an opinion on the revision of the 97/66 EC Directive on Data Protection in Telecommunications. The Working Group has not yet adopted an opinion, so we will meet with Mr Rodota in a future meeting, for example 22 November when this text will be adopted and available in all languages.

20) Processing of personal data and the protection of privacy in the electronic communications sector

T06973 - (COD000189 - COM (00) 0385 - C5-0439/00)

Rapporteur: Marco CAPPATO

Initial exchange of views

Opinion: JURI, ITRE, ENVI

This point has to be withdrawn due to the absence of the rapporteur.

21) Data protection in Community institutions and bodies (Article 286 ECT)

T06501 - (COD990153 - COM (99) 0337 - C5-0149/99)

Rapporteur: Elena Ornella PACIOTTI

Adoption of draft report

Deadline for tabling amendments: 11/04/00

Opinion: BUDG, JURI

You have received the documentation on this point. I recall that after a long process Coreper has finally reached an agreement on a text which according to our rapporteur could be taken on board. Mrs Paciotti was asked to seek further improvements to this text with a view to reaching agreement on first reading with the Council. I remind you that the Treaty foresees the creation of the European Data control authority for 1 January 1999!

European citizens need this protection as soon as possible and for this reason we have to adopt a text as quickly as possible. For this reason Mrs Paciotti has tabled 63 amendments which take on board the Coreper text and has limited herself to 5 limited improvements. The five amendments in which Mrs PACIOTTI goes further than the Coreper text includes the following:

- amendment 3 (**considérant 12**) which inserts a reference to Art. 6 of the Union Treaty (fundamental rights) and to Art. 255 of the Community Treaty. This article will be the legal basis which institutions will have to follow when their activities in protecting personal data fall under the second and third pillar. The same "considerant" states that art. 286 will be conversely applicable in any case where activities falls totally or even partially within the first pillar (community rule).

- amendment 11 (**art 3, premier para.**) which repeats the principle that this regulation will be applicable in any case where activities falls totally or even partially within the first pillar (community rule).

- amendment 55 (on art 40 of the Commission proposal which corresponds to art. 42 of the Coreper text) which transfers the expenses in the Budget from the EP section to a separate section (8). **This transfer has already been decided in the Budget 2001 (Deprez and Hernandez Mollar's opinion); and what must be avoided is the decision in this regulation regarding the title of the budget section** (Mrs Paciotti has prepared an oral amendment to avoid this modification).

- amendment 56 (on art 43 of the Commission proposal which corresponds to art 46 of the Coreper text) which in letter (f) anticipates the need to

cooperate on one hand with national control authorities and on the other with third pillar control authorities.

- amendment 59 (on art. 46) which simply confirms the right of the future Authority to go to the Court according to Treaty rules (this was a specific Commission demand).

Mrs Paciotti has discussed these amendments with the French Presidency who have already contacted national delegations and a general consensus is now possible.

If our Committee adopts all the Paciotti amendments there is a real possibility that the procedure could end in the first reading.

For the vote I propose that we vote:

- en bloc all the Paciotti "compromise" amendments which correspond to the Coreper text
- en bloc the five Paciotti amendments which have been negotiated with the French Presidency but which are not yet in the Coreper text (but we know that there is major support by national delegations)
- vote on the legislative resolution

It will take only few minutes to do so instead of, an hour and a half following the traditional voting list which had previously been distributed.

Do you agree on this procedure, if yes we could start the vote. could you arrange this procedure with the other political groups (and in particular with the Rapporteur group) before the vote ?

22) Respect for human rights in the European Union (2000)

T06992 - ()

Rapporteur: Thierry CORNILLET

Initial exchange of views

The rapporteur Mr Cornillet should comment on his consideration of the next EP report on human rights within the EU 2000, bearing in mind that it

will be the first human rights report to be adopted after the "proclamation" of the European Charter on fundamental rights.

This presentation will be followed by an exchange of views.

Proposed calendar

- February 2001 : hearing on human rights (half day; joint hearing with the one on the 'European Space of Freedom and Security')
- March 2001 : presentation of a draft report
- April 2001 : adoption of a draft report in view of the May plenary session.

Thursday 12 October
9.00am - 12.30pm

23) Combating crime: money laundering, asset freezing, confiscation of instrumentalities (French initiative)
T06906 - (CNS000814 - 10232/00 - C5-0393/00)
Rapporteur: Luis MARINHO
Consideration of draft report
Deadline for tabling amendments:

This French initiative should be taken from the Presidency conclusions (5, 48, 51, 54 and 55) of the European Council meeting in Tampere on 15 and 16 October 1999.

The European Council calls for the approximation of criminal law and procedures on money laundering (e.g. tracing, freezing and confiscating funds) adding that the scope of criminal activities which constitute principal offences for money laundering should be uniform and sufficiently broad in all Member States.

This report is scheduled for the November I plenary session, following the wish expressed by the French Presidency, because this initiative is due to be

discussed and voted by the Justice and Home Affairs Council in its meeting of 30 November.

We will be voting on it during our meeting of 24 October.

Mr Marinho, you have the floor, and then any colleagues who wish to take part in the debate will be allowed to do so.

At the end of the debate, Mr Watson should announce the **deadline for amendments for Monday 16 October 2000 at 12 noon.**

○ 24) **Mutual recognition of decisions in criminal cases**

Rapporteur: Giuseppe DI LELLO FINUOLI

Presentation by the European Commission of communication

COM (00) 0495, Ms Gisèle Vernimmen, Chef d'Unité à la coopération judiciaire, DG – Justice and Home Affairs

Initial exchange of views

Colleagues,

○ This is a very interesting and new communication from the Commission. A programme will follow this communication, approved by the Council, containing the indication of some packages of legislative instruments finalised to implement gradually mutual recognition between Member States. This is very important for the future of judicial cooperation.

We have pleasure in welcoming here today a representative from the Commission services, **Mr Jürgen Frieberger**, (he could be - possibly - replaced by someone else) who will present us with this communication.

Then, our rapporteur, Mr Di Lello, who knows the matter at hand will take the floor.

Afterwards, a debate will follow.

25) Regulation reserving to the Council implementing powers with regard to examining visa demands (initiative of Finland)

T06838 - (CNS000805 - 6841/1/00 - C5-0287/00)

Rapporteur: Gérard DEPREZ

**Presentation by the Presidency of the Council, Mr Aubry,
Deputy Head of the Foreign Office, Ministry of Foreign Affairs**

**Presentation by representative of Finland, Mr Riku Eksyma
European Commission representative, Mr Calovi, Head of Unit,
Free Movement of Persons**

Initial exchange of views

○ M. le représentant de la présidence française, cher rapporteur, collègues, on 18 September I wrote a letter to the French Minister of Interior/Home Affairs in order to denounce the embarrassing position of our Institution, which was consulted on a draft regulation, which is based on other texts (amongst them, in particular the Schengen legislation and Schengen related decisions), which are not all at our disposal!

Since then, the Schengen acquis was published, but we still lack some parts of the texts which are included in the references made by the draft Regulation....

○ Anyway, we are very interested in listening from the French Presidency (Mr Aubry) and the representative of the Finnish government (Mr Eksyma), who was the initiator of this draft. Could you please illustrate to us the contents and the grounds of the proposal and furnish us with an answer that we have been waiting for? Thank you.

Then, our rapporteur, Mr Deprez, will have the floor, if he wishes.

Mr Aubry you have the floor.

26) Period in which non-EU nationals who do not require a visa may travel in the Member States (Portuguese initiative)

T06839 - (CNS000806 - 8210/00 - C5-0286/00)

Rapporteur: Pernille FRAHM

**Presentation by the Presidency of the Council, Mr Aubry,
Deputy Head of the Foreign Office, Ministry of Foreign Affairs
Presentation by a representative of Portugal
European Commission representative, Mr Calovi, Head of Unit,
Free Movement of Persons
Initial exchange of views**

○ This proposal is an initiative from the former Portuguese Presidency. The Committee has been asked to deal with this proposal quickly and a representative from the Council (Mr Aubry) (or the former Portuguese Presidency) can provide the background to this proposal. Unfortunately, there was no explanatory statement with this proposal so I suggest that we hear from the Council before I give the floor to Mrs Frahm, our rapporteur. I also believe there is a representative from the Commission who can intervene on this point.

Timetable

6 November	Presentation of draft report in committee
22 November	Vote in committee

27) ANY OTHER BUSINESS

○ **28) DATE OF NEXT MEETING (IN STRASBOURG)**

Monday 23 October 2000 from 7.00pm-9.00pm
Tuesday 24 October 2000 from 5.30pm-7.00pm

29) DATE OF NEXT MEETING (IN BRUSSELS)

Monday 6 November 2000 from 3.00pm-6.30pm
Tuesday 7 November 2000 from 9.00am-12.30pm