Resolution on the annual debate on the progress made in 2007 in the Area of Freedom, Security and Justice (AFSJ) (Articles 2 and 39 of the EU Treaty)

2007/2639(RSP) - 25/09/2008 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 31 January 2008, the European Parliament adopted, by 488 votes to 88 with 19 abstentions, a resolution tabled by the Committee on Civil Liberties, Justice and Home Affairs on the annual debate on the progress made in 2007 in the Area of Freedom, Security and Justice (AFSJ) (Articles 2 and 39 of the EU Treaty). Parliament notes that the establishment of a genuine AFSJ is far from having been completed and still faces major difficulties, as confirmed in the Communication from the Commission of 2 July 2008 entitled "Report on Implementation of the Hague Programme for 2007". The Report stresses that the programme established in 2004 is seriously behind schedule. In particular, there is still a serious lack of mutual trust between Member States, especially as regards policies on legal and illegal immigration and police and judicial cooperation in criminal matters.

Parliament calls on the European Council, the Council and the Commission to:

- initiate the process of determining priorities for the forthcoming AFSJ multiannual programme for the period 2010-2014, on the basis of an ambitious and coherent approach, going far beyond ministerial thinking, and drawing its inspiration from the objectives and principles laid down in the Charter of Fundamental Rights of the EU;
- join Parliament in its dialogue with national parliaments on the priorities for the period 2010-2014. This should be done with a view to completing this initial phase of dialogue at Parliament's annual debate on the progress made in 2008 in the Area of Freedom, Security and Justice and with a view to a Commission communication subsequently being issued, on the understanding that it will be for the newly elected Parliament and the European Council to adopt the final programme at the appropriate time;
- agree with Parliament a list of texts or proposals that could or should be adopted as a matter of priority before the Treaty of Lisbon enters into force and, at any rate, before the end of the current Parliamentary term;
- make progress in negotiations on proposals for police and judicial cooperation (which will be subject to codecision) by seeking a political agreement with Parliament, and ensure that, once agreement is reached: either their formal adoption is postponed until the entry into force of the Treaty of Lisbon, or the Council adopts the decisions or framework decisions in question under the EU Treaty as it currently stands, while agreeing to re-adopt them under the EU Treaty as amended by the Treaty of Lisbon, which would enable the ECJ to exercise full judicial control; should a political agreement already have been reached, Parliament could agree not to re-open negotiations on the substance, as is the case in the adoption procedure for official codification.

Parliament proposed certain priorities regarding areas subject or to be subject to codecision/ assent during the transition period. The areas discussed include the area of fundamental rights and citizenship; the European judicial area; border protection and migration and asylum. The priorities in the latter area include legal and illegal migration.

Members welcome the proposal for the completion of the anti-discrimination package and urge Council to act in the spirit of the Treaty of Lisbon and incorporate Parliament's recommendations. From now on,

national parliaments and civil society should be involved in a structured manner in drafting these legislative measures and in evaluating these policies in the Member States. The Commission and are asked therefore, to re-examine with Parliament the networks, agencies and instruments that would assess the impact of AFSJ policies and to aid closer interaction with European civil society. Members stress that the Treaty of Lisbon will recognise Parliament's role in the conclusion of international agreements concerning AFSJ policies. They ask in this context:

- to be consulted in good time on all agreements with third countries that have not been concluded by 31 December 2008;

- as a matter of urgency, that a debate be held on the **external dimension** of the AFSJ, as the Union is creating de facto police and judicial cooperation with third countries, notably the US, by means of bilateral agreements on a range of issues, thereby circumventing formal democratic decision-making procedures and Parliamentary scrutiny.