Mid-term review of the Stockholm Programme

2013/2024(INI) - 04/03/2014 - Committee report tabled for plenary, single reading

The Committees on Legal Affairs, on Civil Liberties, Justice and Home Affairs, and on Constitutional Affairs adopted the joint report by Luigi BERLINGUER (S&D, IT), Juan Fernando LÓPEZ AGUILAR (S&D, ES) and Carlo CASINI (EPP, IT) on the mid-term review of the Stockholm Programme.

The Stockholm Programme and the Treaty of Lisbon: recalling that the Treaty of Lisbon and the recognition of the legally binding force of the Charter of Fundamental Rights had strengthened the constitutional basis for the EU institutions Members considered that that **opt-outs or special regimes should be removed**. They requested that the Commission and the Council Presidency **better fulfil their obligation to inform Parliament 'immediately and fully at all stages of the procedure' leading to the conclusion of international agreements**. Members believed that in a future Treaty revision the remaining exceptions to the use of the ordinary legislative procedure should be removed.

With regard to the **European elections**, Members encouraged more transparent procedures for the nomination of candidates, and felt that the public should be made more aware of Parliament's democratic role. They considered that a reform of the electoral procedure would be required in order to enhance Parliament's legitimacy and effectiveness by dividing up the seats in Parliament more proportionally among the Member States, in accordance with the principles laid down in the Treaties

Evaluation of the Stockholm Programme and its implementation

With regard to fundamental rights, Members called urgently for measures to address the '**Copenhagen dilemma'** – a situation in which the Union set high standards for candidate countries but lacked tools for the existing Member States. They called for the creation of a 'Copenhagen Commission' whose aims must be to **secure compliance by all Member States with the common values enshrined in Article 2 TEU**. The report also discussed the following: (i) the lack of progress on the implementation of the national Roma integration strategies; (ii) the need for the Council to adopt the proposal for an antidiscrimination directive; (iii) the timely transposition of Directive 2011/99/EU on the European protection order and Directive 2011/36/EU on trafficking in human beings; (iv) more checks and balances be put in place on the protection of data, and action taken in relation to surveillance threatening the internal security of the EU; (v) the need for an accountability mechanism aimed at strengthening the capacity of the EU and of its Member States to prevent, investigate and redress human rights violations at EU level, in particular those committed in the context of the alleged transportation and illegal detention of prisoners in European countries by the CIA; (vi) the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

With regard to judicial cooperation in civil and criminal matters, Members noted that only three pieces of legislation in this field had been adopted so far, namely the Brussels I recast, the Successions Regulation, and the Rome III Regulation, of which only the third was applicable today. They considered that **mutual recognition required that citizens and legal professionals** trust one another's legal institutions. They stressed the need for the establishment of common standards and an understanding of other legal systems for underpinning mutual recognition and trust but felt that this exchange should not detract from the value of national legal traditions.

Members called on the Commission, following repeated requests from Parliament, to issue a proposal – adopting an all-encompassing approach – for a regulation on the mutual recognition of the effects of all

civil status documents in the EU, in order to eliminate discriminatory legal and administrative barriers for both male and female citizens and their families who wish to exercise their right to free movement. They reiterated their call for the adoption of a European code of private international law.

The report recommended improvements in the **area of procedural rights of suspects and accused persons** in criminal proceedings as well as better implementation of the European Arrest Warrant. It welcomed the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office and on Eurojust.

With regard to **Internal Security Strategy (ISS),** Members noted the progress made in the EU in the battle against international organized crime. They stressed, however, that further progress need to be made in the fight against terrorism (violent radicalization) and recalled that Parliament was now a fully fledged institutional actor in the field of security policies and was therefore **entitled to participate actively in determining the features and priorities of the ISS** and in evaluating those instruments and monitoring them.

Noting that the current 'landscape' of the different instruments, channels and tools for European law enforcement information exchange was complicated and scattered, leading to inefficient use of the instruments available Members called for a vision of how to optimise law enforcement data-sharing in the EU. At the same time, it rejected the concept of predictive policing without an initial suspicion, and called on the Commission to repeal the Data Retention Directive.

On the issue of borders and visas, Members firmly rejected all attempts to limit the free movement of people, which were not in line with the acquis. They acknowledged that the Schengen area was unique and took the view that long-term reflection on its further development was necessary. The Schengen external borders should in the future be guarded with the support of **European border guards** whose training includes human rights standards. Members considered that the new rules on the surveillance of sea borders need to be agreed on whilst observing the principle of non-refoulement. They strongly endorsed the European Council's call for Frontex's role to be reinforced in accordance with the Stockholm Programme in order to increase its capacity to respond more effectively to changing migration flows. They called on the Commission to further improve existing visa facilitation agreements between the Union and its eastern neighbours.

With regard to **asylum and migration**, Members called for greater transparency, requiring each Member State to report annually on the progress of each specific minority group in matters of labour market integration and equality policy impacts. They called particularly for an 'annual trend report' reflecting the comparable indicators on social cohesion, including EU-wide monitoring of the situation of newcomers, long-term residents, naturalised migrants and the children of migrants, so as to measure progress in social inclusion policies over time.

Members regretted the continuing and systematic practice of detaining migrants in **detention centres** . They believed that, in the context of the Dublin system, the possibility of suspending transfers to Member States under significant pressure should be considered in the future. They expressed deep concern about the fate of third-country nationals and stateless persons readmitted under EU readmission agreements.

On the external dimension of the area of freedom, security and justice, Members pointed out that the European Union and the Member States should continue to integrate immigration into development cooperation. They stressed the need to encourage voluntary return policies. They wanted an approach to migration policy that was more based on human rights and recalled the **extraterritorial application** of the European Convention on Human Rights.

Methods, tools and processes: the report proposed a systematic, objective and independent ex-post evaluation of legislation and its implementation, which should also assess the continuing need for legislation in this area. Pointing out, in particular, the importance of conducting impact assessments, Members welcomed the initiative of the Commission in drawing up the EU Justice Scoreboard. They stress the need for European judicial culture and EU judicial training for all legal professionals.

Next steps: Members considered that a proper programming should be prepared in the spirit of the Treaty of Lisbon in a joint exercise between the Parliament, the Council and the Commission and that the multiannual programming should be based on an **interinstitutional agreement**, as provided for in Article 17(1) TEU. They expected the Commission, therefore, to submit a proposal on this basis.