Centre for Information, Discussion and Exchange on the crossing of borders and immigration CIREFI

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The Committee on Civil Liberties adopted the report by Mrs Hedy d'ANCONA (PSE, NL) on the Council conclusions on the organization and development of the CIREFI (Centre for Information, Discussion and Exchange on the crossing of borders and immigration). This text takes a form which does not figure among the instruments listed in Title VI of the Treaty for the purpose of implementing cooperation in the area of justice and internal affairs. The legal basis is not stated and it was sent to the European Parliament "for information purposes", thereby disregarding the obligation incumbent upon the Presidency under Article K.6 to consult the European Parliament and to ensure that due account is taken of its views. Apart from the implied violation of the rights of Parliament (and the Commission), it would appear that the Council had used the procedure followed in a bid to define legal rules without setting them out in a binding legislative act, thereby scuppering the facility for individuals to take legal recourse, especially to the European Court of Justice. It was this which prompted the members of the European Parliament, irrespective of their position on the individual texts, to adopt "horizontal" amendments (see also COS0216, COS0214, COS0215), in which they maintained that the Commission had a political and legal obligation not to leave the initiative in these matters to the Member States or the Presidency of the Council and called on the Commission to draft binding proposals on the issues in question and to submit their proposals to the European Parliament and the Council. The report was equally critical of the procedure followed by the Council and proposed that the European Parliament reject the Council's conclusions pending a Commission initiative on the subject. Parliament considered that it had received inadequate information on CIREFI activities and called for two observers, one appointed by the Commission and one by the European Parliament, to be allowed to attend these meetings in the future. Parliament did not dispute the usefulness of the work of the CIREFI in studying immigration but took the view that this work should not be shrouded in secrecy and should not be dedicated mainly to fighting illegal immigration, as appeared to be the case at present.