Implementation of an area of freedom, security and justice : action plan

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Adopting the report by Mr Rinaldo Bontempi on the action plan of the Council and Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, the Committee on Civil Liberties and Internal Affairs begins by citing the need for a more positive definition of fundamental rights and European citizenship. It emphasises the fundamental importance of a common strategy in areas such as immigration and asylum, mutual recognition of civil and criminal sentences and full attainment of free movement of persons. Since respect for fundamental rights should be the identifying feature of the European Union, the report considers it necessary that a charter of the fundamental and civil rights of the European citizens should be drawn up. The charter should supplement and amplify the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the other existing international instruments. It should establish as high as possible a level of protection of the rights derived from the constitutional traditions common to the Member States. In the framework of this same charter, the report attaches priority to the submission of proposals for the establishment of an authority to monitor the treatment of personal data in the work of the institutions and for the creation of legal instruments designed to ensure that the activities of the institutions under the third pillar guarantee the same level of protection in each of the Member States. The report considers the use in the Treaty of safeguard clauses designed to restrict review by the Court of Justice of matters concerning fundamental rights to be unacceptable. Reaffirming that free movement of persons ought to have been fully implemented on 1 January 1993 and that it applies to every person legally resident in the Union, the report calls for action to be taken without delay to guarantee free movement of persons as well as for rapid action on immigration and visas. The report urges the Commission to present a new strategy and to make proposals for revision and rationalisation of the 70 or so items of Community legislation currently in force governing the free movement of persons. The committee considers that issues relating to the free movement of persons, visa and immigration policies, especially the status of third-country nationals residing legally in the Union, the effective suppression of illegal immigration and the harmonised system for the temporary protection of displaced persons, should be rethought on the basis of a genuinely 'Community' approach.