Resolution on the progress in 1998 in the fields of justice and home affairs pursuant to Title VI of the Treaty on European Union

1999/2513(RSP) - 14/01/1999 - Text adopted by Parliament, topical subjects

The Parliament adopted its opinion resolution tabled by Mr. Hartmut NASSAUER (EPP, D) on behalf of the Committee on Civil Liberties and Internal Affairs on the progress made in 1998 in the implementation of co-operation in the fields of justice and home affairs. The Parliament stressed the considerable importance that it attaches to integrating the Schengen arrangements on free movement into the EU framework. It considered the level of preparation of work intended to lead to the establishment of an area of freedom, security and justice as unsatisfactory and drew attention to the fact that: - during 1998, the Council has not succeeded in drawing up coherent strategies on asylum and immigration or the field of criminal-law co-operation in the light of the objectives laid down by the Amsterdam Treaty; - the work involved in incorporating the Schengen acquis within the framework of the Union is still far from having been finalised; - there is not yet any clear strategy regarding the operational role of Europol or its internal regulation and regarding the enhancement of judicial and parliamentary control at European and national level. Parliament was critical of the failure to keep it regularly informed, as set out in the first paragraph of Article K6 of the TEU, with particular regard to the preparations for and outcome of Council meetings and informal Council meetings. Furthermore, it demanded that its Committee of Civil Liberties and Internal Affairs should be able to send an observer to attend meetings of the justice and home affairs ministers. The Council was called upon to: - take into account the opinions of the Parliament when it takes decisions on the basis of Title IV of the new version of the EC Treaty; - submit a six-monthly written report at the end of each Presidency in preparation for the annual debates referred to in Article K6 of the TEU (as already decided on 19 March 1998); - after the entry into force of the Treaty of Amsterdam, to convert legal acts adopted or still being negotiated under Art. K3 of the TEU into the legal form prescribed therein and, in so doing, to involve the EP in an appropriate manner. Parliament expressed its concern at the failure, so far, to present a proposal for a Council Decision determining the legal base of the Schengen acquis; considers that if a security clause were invoked so as to place the entire acquis in the third pillar, this would constitute a serious institutional and political defeat and badly damage the prospects for parliamentary and judicial control. It called on the Commission to overcome the impasse. The EP expressed its regret that no legal act had yet been adopted concerning the temporary protection of displaced persons and called on the Council to reach agreement in particular on an appropriate scheme for burden-sharing, should there be an exceptional influx of refugees. It was deplored that there had been delays in ratifying numerous conventions and, with a view to making good the accumulated delay and overcoming the current state of legaluncertainty, the EP called on the Commission to present in good time for the entry into force of the Amsterdam Treaty and at all events before the end of 1999, the necessary legislative proposals. It was decided that an inter-parliamentary conference be held in March 1999 to consider, together with national parliaments and representatives of civil society, the draft action plan for the establishment of an area of freedom, security and justice approved by the Vienna European Council of December 1998. The EP also undertook not to adopt a position on texts which are forwarded to it by the Council before the expiry of the six-week period provided by the Protocol of the Amsterdam Treaty relating to the participation of national parliaments; the EP called on the national parliaments to participate in the establishment of an information and early warning system to monitor the decision-making process in these fields. The Commission was called upon to submit an assessment of the impact of these new powers on the Commissioners (designation of a single Commissioner for the area of freedom), on the administration (establishment of one or more new Directorates-General to concentrate duties currently dispersed) and on the committees, bodies and operational structures (Schengen information system) and the measures to be taken which are required in order to carry out this work.