Resolution on the progress in 2001 towards the establishment of the area of freedom, security and justice

2002/2505(RSP) - 07/02/2002 - Text adopted by Parliament, topical subjects

The European Parliament adopted the resolution by 362 to 57 with 19 abstentions, on the progress made in 2001 towards the establishment of the area of freedom, security and justice. The Parliament stresses that striking a balance between the objectives of freedom, security and justice must be the key consideration in this AFSJ, in relation to fundamental rights and civil liberties. It stresses that the results in 2001 in the area of police and judicial cooperation have been patchy, but notes that there is a clear political will to give fresh impetus to and step up the programme established at Tampere. With regard to the respect for fundamental rights, Parliament points out that the proclamation of the Charter of Fundamental Rights in December 2000 opens the way to its taking full legal effect. It notes, in this respect, that the Commission has taken due account of this principle and reaffirms Parliament's intention to do everything it can to ensure that the Charter is respected. The resolution recalls that, without prejudice to the powers formally assigned to it by the EU Treaty, the European Parliament is the representative of Union citizens and, consequently, must be fully involved in the process of adoptinng any measures under the third pillar. In addition, it urges the Commission to continue its action implementing Article 13 of the EC Treaty to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability age or sexual orientation. As regards the establishment of a common asylum and immigration policy, the Parliament notes that the decision taken at Amsterdam to transfer immigrant and asylum policy from third to the first pillar did not offer any guarantee or greater effectiveness, especially since it perpetuated the rule of unanimity and the absence of codecision. Parliament, on the other hand, congratulates the Commission on the legislative proposal which it has submitted for the implementation of the first stage of a common asylum and immigration policy. It deplores the large number of obstacles still present within the Council, especially with regard to family reunification, the status of third-country nationals legally resident for long periods, minimum procedural guarantees, reception of refugees and revision of the Dublin Convention, and admission for employment purposes. Parliament regrets that in the face of its inability to reach an agreement on asylum and family reunification procedures, the Council asked the Commission to submit modified proposals on these measures, and is concerned at the risk posed by such a procedure that the content of these instrument might be watered down. It urges the Council to adopt these measure without delay, taking due account, as regards asylum policy, of the need to fully comply with the Geneva Convention and, as regards the status of third-country nationals, including refugees legaly resident for long periods, of the need to tackle discrimination in economic, social and cultural life and provide a set of uniform rights that are as near as possible to those enjoyed by EU citizens. The European Parliament welcomes the fact that the Commission has submitted a proposal for a Directive to recast legislation on freedom of movement and residence; on the basis of the principle of non-discrimination, calls for full implementation of the principle of freedom of movement and residence for all citizens and long-term residents. As regards building an area of justice and security, the Parliament welcomes the impetus given by both the Commission and the Council over the last few months to the planning and introduction of measures required for the proper functioning of judicial and police cooperation, including: - the European arrest warrant; - the principle of mutual recognition of judgements and the limitation of the adverse effects of double criminality, and - the establishment of Eurojust. Parliament notes that these instruments had already been planned for some time and that a political impetus was sufficient to ensure their full implementation. It is considered necessary to integrate Europol into the Union's institutional framework by carrying through the revision of its legal basis so as to ensure greater effectiveness and guarantee scrutiny by the European Parliament and the Court of Justice. More importantly, the Parliament deplores the consequences of the separation of policy areas relating to the establishment of the AFSJ between the first and the third pillars, which have resulted in: - delays and deadlocks in the Council's business, owing

to the institutional complexity of the present system and the adoption of texts whose European added value is minimal; - serious shortcomings as regards the democratic scrutiny whic the European Parliament should exercise in such matters.