Resolution on the progress made in 2002 in implementing an area of freedom, security and justice

2003/2532(RSP) - 27/03/2003 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution on progress in implementing an area of freedom, security and justice. It noted, firstly, that 2002 was characterised by a high degree of activity and results, but that there was a lack of balance, coherence and democratic accountability, as well as delays and a limited global vision as regards the timetables and programmes envisaged. Secondly, Member States' use of the co-right of initiative with the Commission in the field of justice and home affairs has undermined coherence and clarity because initiatives are too often determined by domestic political considerations and media agendas. Parliament would have preferred a more rigorous assessment by individual Justice and Interior Ministers as to the justification for new proposals. Parliament went on to deplore the fact that there has continued to be an unacceptably low level of democratic legitimacy, in that the Parliament is merely consulted on legislation relating to measures in the field of justice and home affairs. Whilst the Council technically fulfils the Treaty obligation to consult the European Parliament, it has often done so in a way which is no more than a request to 'rubber stamp' political agreements already reached. In addition, meetings of the Council are not always transparent. The lack of public accessibility, together with a lack of democratic control over Council, is leading to an unacceptable restriction of the principle of democracy. This calls into question the legal legitimacy of Council measures with a bearing on constitutional law. On substantive issues, Parliament called for a more balanced set of measures, so that the aims of guaranteeing liberty and fundamental rights are given as much weight as that of ensuring security in EU laws: - in the sphere of criminal law there must be an effective system of rights and safeguards for citizens and residents, based on Article 13 of the EC Treaty, to accompany the heightened cooperation between law enforcement agencies, mutual recognition of judicial decisions in criminal matters, the European Arrest Warrant and extensive approximation of criminal and anti-terrorist legislation, on all of which there was considerable progress in 2002; - national security concerns, albeit legitimate, must not compromise the principles on which the Union is founded, including democracy, equality and human rights. European citizens must be protected from injustice. Parliament demanded that Member States request the United States to stop holding their citizens in limbo in Camp Delta in Guantanamo Bay without charge and contrary to international law; - a framework decision on procedural safeguards is needed for suspects and defendants in criminal proceedings throughout the EU. Parliament also called for a 'EuroRights' body of independent defence practitioners in criminal law to be set up; - Member States must implement, as soon as possible the entire body of anti-terrorism legislation, and a European Compensation Fund for the victims of terrorism should be established; - it is unjustified to grant sweeping data retention powers through a blanket EU instrument. The collection and transfer of personal data in all measures relating to judicial and police cooperation must be carried out according to sound data protection rules; - the Greek and Italian Presidencies must reach agreement on the key measures for a common EU immigration and asylum policy which fully respects international refugee and human rights law. Parliament warned the Council and Member States of the danger of an overwhelming obsession with illegal entrants. Parliament advocated the adoption, using co-decision, of a multi-annual plan for EU legislative and operational activity in the field of freedom, security and justice, which strictly respects the principle of subsidiary. It also stated that qualified majority voting should be the rule in the Council. There must full democratic scrutiny of Europol, so as to ensure it is fully accountable to the European Parliament in partnership with the national parliaments and subject to judicial control of the European Court of Justice. Parliament called for the end to the intergovernmental 'third pillar' system for police and judicial cooperation, with the exception of operational activities, and the incorporation of EU-level cooperation

within normal Community methods. Finally, Parliament called for the establishment a European Refugee Fund, and asked that, in the event of a sudden mass influx of refugees from Iraq, the burden on human resources is shared amongst all Member States.