Resolution on the progress in 2003 towards the establishment of the area of freedom, security and justice

2004/2523(RSP) - 11/03/2004 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution on the progress made in 2003 in creating an area of freedom, security and justice (AFSJ). In assessing the protection of fundamental rights, Parliament deplored the fact that the Council had not been able to reach an agreement on the adoption of organic data protection legislation under the third pillar which would provide guarantees equivalent to those under Directive 95/46/EC. It also deplored the fact that the Commission has allowed the personal data of European citizens traveling to the United States to be forwarded to the US security agencies without adequate guarantees on data confidentiality. Parliament expressed concern at the huge risks to fundamental rights resulting from the inclusion of biometric data in identity papers and called for any development of the SIS to comply fully with Directive 95/46/EC. It recommended that the EU take the initiative at world level to establish an International Day of the Victims of Terrorism, proposing 11 March as the date for it. On asylum policy, Parliament regretted the repeated delays - for which the Council above all is responsible - and the failure to meet the deadlines set for the introduction of the first stage of a common European asylum system as indicated in 1999 in Tampere. It urged a ban on any collective expulsion. On immigration policy, Parliament deplored the fact that the Council was unable to establish a consistent approach to managing an immigration policy capable of tackling the challenges of the 21st century by providing legal entry channels, integration policies and relations with third countries aimed at turning immigration into a positive factor for both the countries of origin and the host countries. The European Union should give priority to studying immigration phenomena based on a comprehensive, global and balanced approach, in an attempt to tackle the underlying causes of immigration by increasing trade and development aid and developing conflict prevention, and, in short, integrating policy on migration flows into EU foreign policy. On criminal matters, Parliament called on the Commission to submit a proposal for a framework decision on procedural guarantees for persons suspected, accused of, prosecuted or sentenced for offences under criminal law in the European Union which will ensure respect for and protection of individual rights and create the necessary mutual confidence between the various legal systems in the Member States. On Europol, Parliament urged the EU to adopt a legislative instrument to replace the Europol Convention which makes provision for judicial and democratic scrutiny at Union level. It deplored the fact that it has not even been informed about the current draft agreement between Europol and Eurojust, and stressed that it is important to advance towards adequate safeguarding of citizens' rights by the Court of Justice in the interests of greater respect for the democratic principle, and towards the communitarisation of Europol and Eurojust. Overall, even where significant progress has been made in creating certain parts of the AFSJ, Parliament felt that some of this has happened without complying with the deadlines set in Tampere, while other objectives already defined have not yet been achieved. The more spectacular results have largely been achieved in response to pressure from public opinion and the terroristacts of 11 September 2001. Parliament recommended the promotion of a new Tampere II European Council, which should: - carry out a proper and transparent policy review of the AFSJ during the period 1999-2004, recording its achievements and advances, as well as its delays and failures; - provide immediate impetus for tackling topics still outstanding; - draw up a new agenda in response to the Union's continuing needs in this sphere, defining a new realistic programme for the medium term (2005-2009) with political honesty and strategic skill. Parliament deplored the continued unacceptably low level of democratic legitimacy, in that it is merely consulted on legislation relating to measures in the field of justice and home affairs, and that the Council, whilst technically fulfilling the Treaty obligation to consult Parliament, has often done so in a way which is no more than a request to rubber-stamp political agreements already reached. The creation and development of the AFSJ as an area without internal borders based on respect for human rights is a fundamental and tangible expression of the

European Union as an area for citizens rather than just for institutions and systems, and an appropriate expression of the concept of European citizenship. Parliament went on to describe the importance of adopting the draft Constitutional Treaty, with particular reference to incorporating the Charter of Fundamental Rights, ending the pillar structure, an increase in qualified majority voting and codecision with the European Parliament in the field of the AFSJ, and extending the Community method to judicial and police cooperation and cooperation in criminal matters. Finally, Parliament rejected the initiative taken by Austria, France, Germany, the Netherlands, Sweden and the UK, which recently wrote to the Commission calling for a significant reduction in the Community budget in the EU's next financial perspective for the period between 2007 and 2013. It recalled that if such action were taken, the Commission would be unable to perform its tasks in the fields of justice and home affairs, among other important policies and responsibilities.