The future of the area of freedom, security and justice

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The European Parliament adopted a resolution based on the own-initiative report by Jean-Louis BOURLANGES in anticipation of the European Council in November laying down the priorities for the future of the area of freedom, security and justice (AFSJ).

Parliament noted the significant progress that has been made, but also the many delays in the EU's efforts to implement the AFSJ. It was critical of the fact that progress in the field of asylum and immigration has been mainly devoted thus far to action to counter illegal immigration and has not been accompanied by sufficient efforts to promote the integration of legally resident aliens. On this point, it felt that refugee camps outside the Union should not be envisaged since they entail a clear risk of fundamental rights being violated.

Although Article 29 of the EU Treaty confers on the EU responsibility to provide citizens with a high level of safety within an area of freedom, security and justice, Parliament characterised the EU's response as more virtual than real. This is partly due to the unanimity rule, which makes it very difficult to take binding decisions.

Parliament regretted that, over the last five years, some Member States within the Council have opposed the establishment of standards of protection of citizens' rights and individual citizens and that the lack of such standards has often been cited (sometimes even by the same Member States) as a reason for blocking mutual recognition.

Parliament went on to make certain recommendations to the European Council and the Council when defining the future of the AFSJ. These include enhancing the legitimacy of the AFSJ by using the codecision procedure, and qualified majority voting in the Council. Parliament also advocated extending the jurisdiction of the Court to cover the AFSJ, initially for immigration measures and, subsequently, for measures connected with combating terrorism and international crime. Other recommendations include a series of measures to promote fundamental rights and freedoms through policies linked to the AFSJ and credibility both at Union level and in terms of the Member States' response.

Parliament also recommended a series of specific objectives regarding the immigration policy, defining a coherent legislative framework with a view to the attainment of certain objectives. These include establishing a coherent immigration policy in order to develop legal routes to migration, and meeting the new demographic and economic challenges currently faced by the Union. Other recommendations looked at judicial cooperation in both civil and criminal matters.