

Resolution on the progress made in the European Union towards the Area of freedom, security and justice AFSJ (Articles 2 and 39 of the EU Treaty)

2006/2610(RSP) - 30/11/2006 - Text adopted by Parliament, topical subjects

The European Parliament adopted a joint resolution on the progress made in the EU towards the Area of freedom, security and justice (AFSJ) (Articles 2 and 39 of the EU Treaty). The resolution was adopted by 488 votes in favour, 85 against and 25 abstentions. Parliament was strongly in favour of activating the "passerelles" provided for by Articles 67 the EC Treaty and 42 of the EU Treaty. It called on the Commission to submit to the Council in 2007 the draft decision activating Article 42 of the EU Treaty and bringing the provisions concerning police, including Europol, and judicial cooperation on criminal matters, including Eurojust, under Community competence (Title IV of the EC Treaty). Parliament also called on the Council to:

-to adopt the draft decision based on Article 67(2) EC Treaty with regard to removing the restrictions on the powers of the Court of Justice in the context of Title IV of the EC Treaty and to do all it can to speed up the handling of preliminary rulings in AFSJ matters; and

- to provide for extending codecision with Parliament and qualified majority voting in Council to all areas, such as legal immigration or the integration of third-country nations, where this is in keeping with the Treaties currently in force, as planned in 2004 by the Dutch Council Presidency.

Parliament stated that the proliferation of legal bases for a single political objective, the proliferation of jurisdictional conflicts and appeals to define the scope of the institutions' powers, the unanimity rule and, above all, the absence of genuine democratic and jurisdictional control, all make the current situation of the third pillar policies extremely fragile from the point of view of respect by the EU for the principles on which it claims to be founded.

It was essential that, when it came to policies as sensitive as those relating to fundamental rights, immigration and increased security, the EU institutions should not seek to replace the Member States but to play a complementary role.

Parliament asked the European Council to issue guidelines to the Council and Commission on a variety of matters concerning the AFSJ, including making sure that a surveillance state was not created via European legislation and that public authorities' interference in the exercise of individual liberties was strictly limited and subject to periodic review involving Parliament and national parliaments.

Parliament recalled the need to maintain a certain consistency as regards legislative powers at EU level by providing, for example, for immigration legislation not to be limited to illegal immigration, but to cover legal immigration too. As far as the Agreement between the EU and the USA on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security was concerned, Parliament expressed its deep concern at the US letter of interpretation of the agreement, which showed that the US authorities had an interpretation going beyond the content of the agreement, in particular as regards the purpose of the agreement, access by US agencies and bodies to the PNR data and the number of data fields that can be consulted.