Area of freedom, security and justice: strategy for the external dimension, action plan implementing the Hague Programme

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In adopting the report draft by Bogdan **KLICH** (EPP-ED, PL), the Committee on Civil Liberties, Justice and Home Affairs approved the report on an area of freedom, security and justice: Strategy on the external dimension, Action Plan implementing the Hague programme.

The report presents the following list of recommendations to the Council and Commission for their consideration:

1) Improving the democratic accountability in the external dimension of the AFSJ: the committee urges the Council and the Commission to:

- keep Parliament regularly informed of the negotiations on agreements dealing with the AFSJ;

- to activate the *passerelle* clause in Article 42 TEU, simultaneously with the constitutional process going forward, which would bring the provisions concerning police and judicial cooperation on criminal matters within the Community framework, leading to greater efficiency, transparency and accountability, as well as democratic and judicial control. It therefore urges the Commission to submit to the Council before October 2007 a formal proposal for a decision activating Article 42 TEU;

- to consider the **establishment of the office of the Minister of Foreign Affairs and an external diplomatic service;**

- to expedite in particular the adoption of framework decisions with regard to the **storage, use and exchange of information on criminal convictions and to the codification of procedural rights in criminal proceedings** throughout the EU.

2) As far as the main objectives of the Strategy are concerned: the committee welcomes the principles set out in the Strategy, especially the need for a partnership with third countries to tackle common problems and meet shared policy objectives. It recalls the need to rationalise the work of the EU institutions and the use of existing instruments, and to coordinate the actions of the Member States and actions at EU level in order to ensure a coherent and effective response in the EU's relations with third countries and to avoid duplication. Parliament is called upon to improve the coherence of its external relations activities and to streamline activities pertaining to human rights, democratic governance and the rule of law in third countries and in the external dimension of security. It is essential to improve cross-pillar coordination between, and to avoid the duplication of, the various instruments belonging to AFSJ, the European Security and Defence Policy (ESDP), the Common Foreign and Security Policy (CFSP) and the Community. It stresses that the effectiveness of such coordination should be subject to constant review by Parliament and welcomes the steps taken towards improved coherence in integrated civil-military cooperation of the ESDP, particularly in the field of crisis management.

The planning process of ESDP operations should take into account various flanking or follow-on measures provided by Community instruments in areas pertaining to the rule of law, arms and drugs

trafficking, trafficking of women and children, the prevention and the fight against terrorism and organised crime and post-conflict stabilisation, particularly with regard to the Stability Instrument and the European Neighbourhood and Partnership Instrument (ENPI).

The Commission is called upon to:

- strengthen its efforts to support regional cooperation on justice, freedom and security issues through existing bodies, such as the African Union, by encouraging new initiatives in areas where regional cooperation is weak, such as the Middle East and Eastern Europe;
- continuously monitor implementation against the objectives and priorities set in the Strategy and to report on it every 18 months.

3) Strengthening security and human rights: in this area, the Council, the Commission and the Member States are call upon to:

- make the promotion of democratic standards, human rights, political freedoms and sound institutions an indispensable dimension of relations between the EU and third countries;
- keep the European Convention for the Protection of Human Rights and Fundamental Freedoms as the basis for all the negotiations and agreements of the EU and its Member States with third countries;
- include a "human rights clause" in agreements with third countries and to assess the effectiveness of these human rights clauses and other AFSJ clauses;
- include a human rights compliance report in all external policy initiatives or documents in the AFSJ, which would be regularly updated and presented to Parliament and backed by specific funding for human rights protection;
- consider the possibility of supplementing activities funded in the field of freedom, security and justice with third countries and regions by providing specific funding for human rights protection and compliance projects;
- fully observe the principle of non-extradition to countries where the persons extradited would suffer torture and/or the death penalty; calls on the Council and the Commission to urge the countries with which it has close relations to abolish such practices and to ensure that all persons have a right to a fair trial.

Concern is expressed at the inadequate legal safeguards for EU citizens in cases of personal data being made available to third countries, notably in cases such as PNR, SWIFT and the collection of telecommunication records by the FBI. Parliamentarians reiterate their request to the Commission to carry out an inquiry into which categories of personal data of European citizens are being accessed and used by third countries in their own jurisdictions.

The committee recommends a **single data protection policy covering both the first and the third pillar** . It calls on the Council to adopt, as soon as possible, the proposal for a Council framework decision on the protection of personal data.

4) Providing EU citizens with a high level of security against terrorism and organised crime: the committee calls on EU and the Member States to take all measures possible to limit cooperation with third countries that protect and/or fund terrorist organisations and stresses that a State must fully renounce terrorism before it may benefit from better relations with the EU. It urges those States that have not done so to sign and/or ratify all of the UN conventions on terrorism. Member States are asked to continue work leading to a common UN definition of terrorism. The importance of a proper **Community policy on terrorism** is emphasised. The Council is called on to enhance the dialogue with other third countries, to support the development of institutional and capacity building, to further develop and implement the national action plans to counter corruption effectively and to insert **"counter-terrorism clauses"** in agreements signed with third countries. It considers that **greater funding** and the use of the newly created

instruments of the EU are needed in this area. The Commission and the Council are called upon to create standardised procedures for monitoring the production, storage, trade, transport, import and export of arms, explosives and weapons in order to prevent their misuse both within the EU and in third countries.

5) Strengthening police and judicial cooperation and borders management: more effective police and judicial cooperation are called for, including improved common use of national assets such as liaison officers. It is recommended that **Europol** should soon have the power to organise and coordinate operational actions and investigations, to participate in joint investigation teams and to deploy its own liaison officers in priority regions such as the Western Balkans. Frontex should also play an operational role in the management of the external borders through an increase in its operational capacities and the provision of sufficient financial, human and technical resources, in application of the principle of solidarity and mutual assistance between Member States that all should share the burden arising from the management of the Union's external borders. Member States are asked to give further support to secure the new Eastern external borders of the EU.

The Commission and Council are asked to make all possible efforts to ensure that the authorities of the countries of origin and transit cooperate effectively with the EU and its Member States to prevent illegal immigration and fight the rings that practise trafficking in people. They are also called upon to undertake a regular assessment of the degree of cooperation of the third countries concerned as regards illegal immigration.

6) Strengthening international solidarity within the migration, readmission and asylum policies: the committee recommends that the Council adopt a common EU migration policy, including relevant measures to meet effectively the challenges of both legal and illegal immigration. In this context, it calls for the implementation of the conclusions adopted eight years ago at the Tampere European Council and confirmed by the Lahti informal European Council, of the Hague Programme, and of the conclusions of the December 2006 European Council with regard to the need to apply the global immigration strategy adopted in 2005.

The Council is called to **introduce co-decision and qualified majority voting in the fields of legal migration and integration** in order to improve decision-making and to complete the process begun in 2005 when Community method was extended to illegal migration and border controls.

The committee calls for the **establishment without undue delay of a common European asylum system** and urges the Council to remove any barriers to its creation. It also considers that the conclusion of **readmission agreements** as a priority which forms part of the wider strategy of combating illegal immigration. It recalls the need to have clear, transparent and fair common rules on return. The committee is concerned that the readmission agreements signed on behalf of the EU do not explicitly exclude asylum seekers from the scope of the agreements and may, therefore, involve the readmission of asylum-seekers whose claims have not yet been determined on their merits, or whose claims have been rejected or deemed inadmissible pursuant to the application of the "safe third country" concept; calls for safeguards to ensure respect for the principle of non-refoulement.

MEPs recommend **negotiating directives on visa facilitation with third countries in the context of the Community readmission policy**, where possible and on the basis of reciprocity, with a view to developing a real partnership on migration management issues. The Council is called upon to **reduce the cost of visas** in order to encourage democratic developments in ENP countries and to avoid, in the name of security, creating further barriers for the legitimate ordinary traveller.

Lastly, the committee supports the **Regional Protection Programmes** developed by the Commission in close cooperation with the United Nations High Commissioner for Refugees and the third countries involved, and recalls that it is important to ensure that those who need protection are able to access it as quickly as possible, regardless of which country or region they are in.