Basic information

2003/0197(CNS) CNS - Consultation procedure Decision	Procedure completed
UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children See also Decision 2004/579/EC 2003/0195(CNS) **Subject** 4.10.03 Child protection, children's rights 4.10.09 Women condition and rights 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling 7.40 Judicial cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CAVADA Jean-Marie (ALDE)	01/06/2006

Former committee responsible	Former rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	ROURE Martine (PSE)	30/09/2003

Committee for opinion	Rapporteur for opinion	Appointed
FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed
FEMM Women's Rights and Equal Opportunities	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2746	2006-07-24
Employment, Social Policy, Health and Consumer Affairs	2535	2003-10-20

Commission DG	Commissioner

European Commission	Justice and Consumers	

Key events

Date	Event	Reference	Summary
22/08/2003	Legislative proposal published	COM(2003)0512	Summary
20/10/2003	Resolution/conclusions adopted by Council		
05/11/2003	Committee referral announced in Parliament		
16/12/2003	Vote in committee		Summary
16/12/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0485/2003	
13/01/2004	Decision by Parliament	T5-0007/2004	Summary
17/10/2005	Amended legislative proposal for reconsultation published	COM(2005)0503	Summary
07/04/2006	Formal reconsultation of Parliament		
16/06/2006	Committee report tabled for plenary, reconsultation	A6-0214/2006	
19/06/2006	Vote in committee		Summary
04/07/2006	Decision by Parliament	T6-0282/2006	Summary
04/07/2006	Results of vote in Parliament		
24/07/2006	Act adopted by Council after consultation of Parliament		
24/07/2006	End of procedure in Parliament		
22/09/2006	Final act published in Official Journal		

Technical information

Procedure reference	2003/0197(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Amendments and repeals	See also Decision 2004/579/EC 2003/0195(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 300-p2-a1 EC Treaty (after Amsterdam) EC 300-p3-a1 EC Treaty (after Amsterdam) EC 062 EC Treaty (after Amsterdam) EC 181 EC Treaty (after Amsterdam) EC 066 EC Treaty (after Amsterdam) EC 179 EC Treaty (after Amsterdam) EC 063
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/36017 LIBE/5/20091

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2006/0619 OJ L 262 22.09.2006, p. 0051-0058	Summary

UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children

2003/0197(CNS) - 17/10/2005 - Amended legislative proposal for reconsultation

PURPOSE : to amend the proposed Council Decision on the conclusion, on behalf of the European Community, of the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention Against Transnational Organised Crime, in light of the numerous Community legislative acts which have been adopted since the presentation of the initial proposal by the Commission in 2003.

PROPOSED ACT : Council Decision.

CONTENT : since the Commission proposed, in August 2003, the conclusion, on behalf of the European Community, of the protocol against organised crime, the protocol against the smuggling of migrants and the protocol against trafficking in persons, the only proposal relating to the Convention was adopted by the Council on 27 April 2004 (see CNS/2003/0195). The proposals concerning the protocol against the smuggling of migrants and the trafficking of persons still have blocked due to discussions between the Council and the Commission on the scope of Community competence with regard to these protocols.

Having regard to the adoption of a series of legislative instruments on the areas covered by the two protocols and adopted in 2004, it is proposed, on the one had, to include articles 66, 179 and 181 A of the EC Treaty to the legal basis for the conclusion of the protocols, and on the other hand, to bring about the necessary amendments to the textual description of the Community competence in the declaration of competence annexed to the draft Council Decisions.

The legislative instruments concerned are as follows :

Article 66 of the EC Treaty:

- Council Regulation 377/2004/EC on the creation of an immigration liaison officers network “Immigration” : concerns Article 10 of the protocol against the smuggling of migrants and Article 10 of the protocol against trafficking in persons;
- Council Decision 2004/512/EC establishing a visa information system (VIS) : concerns Article 10 of the protocol against the smuggling of migrants and Article 10 and 11 of the protocol against trafficking in persons;
- Council Regulation 2007/2004/EC of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union : concerns Articles 10, 14 and 18 of the protocol against smuggling of migrants and Articles 8 and 10 of the protocol against trafficking in persons.

Articles 179 and 181 A of the EC Treaty: Regulation 491/2004/EC of the European Parliament and of the Council establishing a technical and financial assistance programme to third countries in the areas of migration and asylum (AENEAS programme) : concerns Articles 14 and 15 of the protocol against the smuggling of migrants and articles 9 and 10 of the protocol against the trafficking in persons.

UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children

2003/0197(CNS) - 24/07/2006 - Final act

PURPOSE : to conclude, on behalf of the EC, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention Against Transnational Organised Crime (Trafficking Protocol.)

LEGISLATIVE ACT : Council Decision 2006/619/EC on the conclusion, on behalf of the EC, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community

CONTENT : The Council adopted decisions approving the conclusion of two protocols supplementing the United Nations Convention against Transnational Organised Crime to fight against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children. (Please also see CNS/2003/0196.)

The Protocol's provision on measures to be taken at borders includes the possibility of a closer co-operation between border control authorities and the imposition of sanctions against carriers. These measures are of a standard that complies with the acquis communautaire. The Protocol also contains provisions requiring the Contracting Parties to control the security and quality of their travel and identity documents, including visa, and to verify the legitimacy and validity of such documents where there is a suspicion that they are being used for the purposes of trafficking in persons or the smuggling of migrants. The Protocol also includes a saving clause stating that the provisions of the Protocol are without prejudice to the obligations of States under International law, including the 1951 Geneva Convention and the 1967 Protocol relating to the status of refugees and the principle of non-refoulment.

Finally, the Protocol's obligations for States with regard to facilitating and accepting the return and repatriation of persons who are their own nationals or holding a permanent residence authorisation for their territories are in line with the Community's position on the conclusion of agreements with third countries on the readmission of persons illegally entering or staying on the territories of Member States.

The United Kingdom, Ireland and Denmark are not bound by the provisions of the Trafficking Protocol which are subject to Community competence.

UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children

2003/0197(CNS) - 22/08/2003 - Legislative proposal

PURPOSE : to conclude, on behalf of the EC, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention Against Transnational Organised Crime (UNTOC). CONTENT : in its Resolution 53/111 of 9 December 1998, the United Nations' General Assembly (UNGA) decided to establish a committee charged with elaborating a Convention against transnational organised crime (UNTOC), supplemented by three Protocols: - to prevent, suppress and punish trafficking in persons, especially women and children (Trafficking Protocol); - against the smuggling of migrants by land, air and sea (Smuggling Protocol); - against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (Firearms Protocol). On 12 December 2000, the EC signed three instruments in Palermo, along with all EU Member States. The Firearms Protocol was signed by the EC on 16 January 2002. UNTOC enters into force on 29 September 2003. The Trafficking Protocol has not yet entered into force. It requires ratification by at least 40 States. A regional economic integration organisation cannot ratify the UNTOC (or a Protocol) before at least one of its Member States has already done so. Of the 15 EU Member States, Spain and France have already deposited a document of ratification for the UNTOC and the Smuggling and Trafficking Protocols with the UN Secretariat General; the other Member States are still in the process of ratification. Draft decisions to conclude, on behalf of the EC, the UNCTOD and the Smuggling Protocol, are presented in parallel with his proposal. (See CNS/2003/0195 and CNS/2003/0196.) The Protocol's provision on measures to be taken at borders includes the possibility of a closer co-operation between border control authorities and the imposition of sanctions against carriers. These measures are of a standard that complies with the acquis communautaire. The Protocol also contains provisions requiring the Contracting Parties to control the security and quality of their travel and identity documents, including visa, and to verify the legitimacy and validity of such documents where there is a suspicion that they are being used for the purposes of trafficking in persons or the smuggling of migrants. The Protocol also includes a saving clause stating that the provisions of the Protocol are without prejudice to the obligations of States under International law, including the 1951 Geneva Convention and the 1967 Protocol relating to the status of refugees and the principle of non-refoulment contained therein. Finally, the Protocol's obligations for States with regard to facilitating and accepting the return and repatriation of persons who are their own nationals or holding a permanent residence authorisation for their territories are in line with the Community's ongoing negotiations on the conclusion of agreements with third countries on the readmission of persons illegally entering or staying on the territories of Member States. The United Kingdom, Ireland and Denmark are not bound by the provisions of the Trafficking Protocol which are subject to Community competence. The Trafficking Protocol is the first global instrument on thefight against transnational organised crime and smuggling of migrants. It sets a very useful multilateral framework and a variety of important minimum standards for all participating States.

UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children

2003/0197(CNS) - 13/01/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Martine ROURE (PES, F), and approved the conclusion of the agreement.

UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children

2003/0197(CNS) - 05/04/2006 - Supplementary legislative basic document

On 22 August 2003, the Commission transmitted a proposal to the Council for a Council Decision on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime and of two Protocols to that Convention.

On 17 October 2003, the Council decided to consult the European Parliament on this proposal and asked the European Parliament for its opinion. On 13 January 2004, the Parliament approved the conclusion of the United Nations Convention Against Transnational Organised Crime (UNTOC) and the two Protocols. In view of the important changes that have been made to the text of the original Commission proposals, it will be necessary to reconsult the Parliament.

On 29 April 2004, the Council adopted a Decision authorising the Commission to conclude the UN Convention against Organised Crime (CNS/2003 /0195). No agreement was reached on the draft Council decisions for the conclusion by the Community of two Protocols to UNTOC (CNS/2003/0196 and CNS/2003/0197).

On 18 October 2005, the Commission transmitted to the Council two amended proposals on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime.

Further to the discussions on these proposals in the Multidisciplinary group on organised crime and after having consulted the Legal Services of the Council and the Commission, the Presidency, in an effort to take this file forward presented a revised draft of the above Council Decisions. It was deemed expedient, for each of the two protocols, to have two separate Council decisions:

- one for matters covered by Part III, Title IV of the Treaty establishing the European Community;
- one for matters covered by Articles 179 and 181a of that Treaty.

This was done in view of the particular position of Denmark. The two separated proposals for each Protocol contain the same declaration of competence.

Following the discussions at the Multidisciplinary group on organised crime on 8 February 2006, the JHA Counsellors meeting of 28 February 2006 and the CATS meeting of 8 March 2006, consensus was reached on these agreements at the Coreper meeting of 29 March 2006.

As a consequence, the Council presents a revised and consolidated version of these texts which the Parliament is now called upon to examine.

UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children

2003/0197(CNS) - 04/07/2006 - Text adopted by Parliament after reconsultation

In adopting the report by Mr Jean-Marie **CAVADA** (ADLE, FR), the European Parliament followed the position expressed by the committee responsible and approved the conclusion of the protocol (renewed consultation).