

## **P7\_TA-PROV(2009)0090**

### **Multi-annual programme 2010-2014 regarding the area of freedom, security and justice (Stockholm programme)**

#### **European Parliament resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme**

##### *The European Parliament,*

- having regard to the Treaty of Lisbon, in particular its provisions dealing with the area of freedom, security and justice ('the AFSJ') and its new legal framework for the protection of fundamental rights and the strengthening of Union citizenship, Articles 2, 6 and 7 of the Treaty on European Union as modified by the Treaty of Lisbon, Protocol No 8 to the Treaty on the Functioning of the European Union (TFEU) as inserted by the Treaty of Lisbon, relating to the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), and the Charter of Fundamental Rights of the European Union ('the Charter'), which has the same legal value as the Treaties,
  - having regard to the Communication from the Commission of 10 June 2009 entitled 'An area of freedom, security and justice serving the citizen' (COM(2009)0262), which outlines its priorities in the AFSJ for 2010-2014, together with its evaluation of the Hague Programme and Action Plan (COM(2009)0263) and the associated implementation scoreboard (SEC(2009)0765), as well as to the contributions made by national parliaments, civil society and EU agencies and bodies,
  - having regard to the Council Presidency's draft document of 16 October 2009 entitled 'The Stockholm Programme – An open and secure Europe serving the citizen' (14449/09),
  - having regard to the joint deliberations of the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs pursuant to Rule 51 of the Rules of Procedure,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas ever since the entry into force of the Amsterdam Treaty, the AFSJ has been an essential objective of the European Union; whereas it is essential to return to the original spirit of the Tampere Programme, which embraced aspects of criminal and civil law, focusing on the rule of law, respect for human rights and fundamental freedoms,
- B. whereas globalisation affects not only the financial sector but increasingly the AFSJ; whereas it necessitates a more holistic policy approach together with measures to tackle the urgent questions of migration and asylum, and calls especially for deeper exchanges and cooperation between those involved in the policies of justice and home affairs, development, international trade and social affairs,
- C. whereas the Treaty of Lisbon, recently approved either through parliamentary vote or a

referendum procedure, will reshape the legal bases, objectives, instruments and decision-making methods of AFSJ-related policies,

- D. whereas the rights and institutional role assigned to national parliaments for the first time by the Treaty of Lisbon will have a positive impact on the development and functioning of the AFSJ in particular, not least because it will provide a better guarantee that the subsidiarity principle will be respected,
- E. whereas, in many areas of justice and home affairs policy, national solutions are no longer adequate and there is thus a need to develop European responses to the international challenges of migration, security and technology, including information and communications technology,
- F. whereas the dismantling of the EU's internal border controls is one of the greatest achievements of European integration,
- G. whereas citizens are directly represented at Union level in the European Parliament and the Member States are represented in the Council by their respective governments, which themselves are democratically accountable to their national parliaments; whereas, consequently, the necessary parliamentarisation of the European Union must rely, on the one hand, on broadening the European Parliament's powers vis-à-vis all the Union's decision-making and, on the other hand, on greater control of the national governments by their respective parliaments,
- H. whereas joint measures must be confined to the Community's area of competence, and whereas European approaches should be adopted only when they promise to be more successful than national actions,
- I. whereas EU citizens' rights and rights of protection, especially data protection, must be preserved, and whereas the common justice and home affairs policy must remain subject to parliamentary supervision,
- J. whereas transparency in the law-making process must be paramount and whereas national parliaments and citizens should be able to follow and monitor the definition and implementation of AFSJ-related policies,
- K. whereas the accession of the Union to the ECHR, provided for by the Treaty of Lisbon, will not affect the protection of fundamental rights in the Union based on the Charter and the case-law of the Court of Justice, and will constitute a precious element of supplementary protection, while bearing in mind that a clear distinction between the jurisdictions of the European Court of Human Rights and the Court of Justice will have to be established,
- L. whereas it is necessary, in the interests of combating organised crime, fraud and corruption in a robust and timely manner, and of protecting the financial interests of the EU, to strengthen police and judicial cooperation, to involve Europol and Eurojust more systematically in investigations, to create the office of European Prosecutor, and to achieve effective and measurable results, and whereas EU citizens want the EU to play an enhanced role in combating corruption,

- M. whereas in the field of civil justice the priorities for the next five years must reflect the needs expressed by individual citizens and business,
- N. whereas mutual recognition, as the cornerstone of the AFSJ, requires mutual trust and confidence in other countries' legal systems, and whereas those values can be secured only through mutual knowledge and understanding, thus creating a European judicial culture,
- O. whereas the European judicial area must be built on a European judicial culture among practitioners, the judiciary and prosecutors which is not only based on Union law but developed through mutual knowledge and understanding of the national judicial systems, a root-and-branch revamping of university curricula, exchanges, study visits and common training with the active support of the European Judicial Training Network and the Academy of European Law,
- P. whereas mutual trust also depends on an ongoing valuation of the effectiveness and results of the various national systems, conducted at both the national and the European levels; whereas in this connection reference must be made to the invaluable work of the European Commission for the Efficiency of Justice at the Council of Europe,
- Q. whereas the European networks in the various sectors of the judicial system (the European Judicial Training Network, the European Network of Councils for the Judiciary, the Network of the Presidents of the Supreme Courts of the European Union, the Eurojustice network of European Prosecutors-General, the European Judicial Network in civil and commercial matters, and networks of practitioners) must play an active role in the further realisation of a European judicial culture, and having regard to its resolution of 10 September 1991 on the establishment of a European Law Academy<sup>1</sup>, its position of 24 September 2002 on the adoption of a Council decision setting up a European judicial training network<sup>2</sup>, its resolution of 9 July 2008 on the role of the national judge in the European judicial system<sup>3</sup>, and its recommendation of 7 May 2009 to the Council on development of an EU criminal justice area<sup>4</sup>,
- R. whereas cybercrime has been significantly increasing over the past years, leading to more complex judicial challenges and placing a burden on the capacities of courts; whereas, on account of these developments, it is necessary to examine the setting-up of a European Court of Cyber Affairs specialising in matters related to cybercrime,

### ***Looking ahead to the AFSJ under the Treaty of Lisbon***

1. Notes that the new multiannual programme in the AFSJ is likely to be adopted and implemented under the new legal framework defined by the Treaty of Lisbon, so that it must already embody all the innovations therein according to which:
  - Schengen cooperation, which enshrines the freedom of movement of persons within the EU, is confirmed as the core of the AFSJ and the Schengen area should be further enlarged;

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<sup>1</sup> OJ C 267, 14.10.1991, p. 33.

<sup>2</sup> OJ C 273 E, 14.11.2003, p. 99.

<sup>3</sup> Texts adopted, P6\_TA(2008)0352.

<sup>4</sup> Texts adopted, P6\_TA(2009)0386.

- the protection and promotion of every person’s fundamental rights and the building of a Europe of rights, justice, solidarity and diversity are undivided core values of European policies; they are at the top of the European agenda, and the EU institutions will be called upon to respect the principle of equal rights for all people;
  - the decision-making process will be strengthened by the use of the ordinary legislative procedure, all under the judicial supervision of the Court of Justice;
  - additional safeguards will secure strict respect for the principles of subsidiarity and proportionality in the AFSJ by ensuring that a number of national parliaments can launch an ‘alert procedure’ as well as by conferring on a single Member State the right to make use of an ‘emergency brake’ when it considers that a draft legal instrument in the field of judicial cooperation in criminal matters is liable to affect essential elements of its internal national order; the use of the emergency brake will normally lead to enhanced cooperation among a core group of States that wish to integrate their policies;
2. Observes that EU action will become more credible as it will be founded on a new or reshaped legal framework, including new provisions on the protection of fundamental rights, including rights of national minorities, new provisions for the prevention of any form of inequality, especially between men and women (Article 8 TFEU), or any form of discrimination (Article 10 TFEU), provisions promoting transparency in all the EU institutions, bodies, offices and agencies (Article 15 TFEU), provisions on the protection of personal data from the abuses of private or public entities (Article 16 TFEU), on consular and diplomatic protection (Article 23 TFEU), on common policies in the fields of asylum and immigration (Article 77 et seq. TFEU), on enhancing the integration of third-country nationals (Article 79(4) TFEU), and on improving good administration (Article 298 TFEU);
  3. Emphasises the importance of extending without restriction the jurisdiction of the Court of Justice, both in order to deliver preliminary rulings on any question arising from the AFSJ and in order to allow the Commission to launch infringement proceedings<sup>1</sup>;
  4. Points out that access to justice for citizens and enterprises across Europe's AFSJ is rendered more complicated and less transparent by the existence of national opt-outs, and that accordingly, in the interests of fairness, coherence and simplicity, these should be avoided wherever possible;
  5. Welcomes the fact that the Treaty of Lisbon provides for the codecision procedure to be the ordinary legislative procedure for aspects of the AFSJ where it has not been applied to date, thus ensuring that the various facets of European justice and home affairs policy, and measures taken in pursuit of it, will come under parliamentary supervision; considers that involving the European Parliament in the ratification of international agreements is no more than the necessary complement to the powers and responsibilities that will be conferred on it at an internal level, particularly as regards matters covered by the current third pillar;
  6. Considers that the principle of solidarity between Member States, and between Member States and the Union, takes on particular significance in the AFSJ and must be converted

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<sup>1</sup> Subject to Article 10 of Protocol 36 on transitional provisions and to Article 276 of the TFEU.

into active, compulsory solidarity particularly as regards border control, immigration, civil protection and the solidarity clause;

7. Stresses that the EU is rooted in the principle of freedom; points out that, in support of that freedom, security must be pursued in accordance with the rule of law and subject to fundamental rights obligations; states that the balance between security and freedom must be seen from this perspective;

#### ***A more coherent, transparent and democratic multiannual programme***

8. Considers that the Stockholm programme should in particular:

- address the problems of migration in solidarity;
- strike a better balance between the security of citizens (e.g. protection of external borders, prosecution of trans-border crime) and the protection of their individual rights;
- provide citizens with fair access to justice; and
- settle the practical problems which citizens face in the European Union in matters subject to different legal orders;

9. Considers that, in the implementation of this programme, a priority objective should be to ensure, in a spirit of loyal cooperation, that citizens benefit from an equivalent level of protection of their fundamental rights wherever they are, whether they are faced with public power exercised by the Union, including agencies and other bodies, and Member States, and that no-one should suffer disadvantages in exercising fundamental freedoms conferred upon Union citizens in accordance with the tradition of human rights and the rule of law common to the Member States;

#### ***Interparliamentary cooperation***

10. Points out that in the new legal and institutional framework created by the Treaty of Lisbon further action in the AFSJ can be developed only by duly associating the European Parliament and national parliaments and civil society in an appropriate manner, with a view to building an open and continuous debate;
11. Calls for a more transparent law-making process at EU and national level and welcomes the use of the ordinary legislative procedure, which will allow for the widest application of the right of access to documents and information in the decision-making process, especially in cases where a proposal could affect the rights of the individual and of the citizen, regardless of whether the initiative is submitted by the Commission or by a group of Member States;
12. Announces – in the interests of transparent law-making at an international level where the Commission has gained Community competence, leaving Parliament merely with the right of assent, as is particularly evidenced by the developments in connection with the Hague Conference on Private International Law – that it is committed to following developments at the Hague Conference on Private International Law closely; undertakes to sponsor the creation of a Parliamentary Forum, open to interested MEPs and members of national

parliaments, with a view to providing a means of informing parliamentarians about developments in the Conference and its work and achievements and allowing the various issues to be debated in a public forum;

13. Welcomes the creation by the Treaty of Lisbon of a framework for the evaluation of AFSJ policies and calls for the establishment of a concrete monitoring and evaluation system, notably in the area of justice, which focuses on the quality, efficiency and fairness of existing legal instruments, of the administration of justice and of the protection of fundamental rights, closely involving the European Parliament and national parliaments; therefore:
  - notes that there are currently several evaluation systems in place in the AFSJ and that these need to be consolidated into a single and coherent framework, covering all aspects from ex-ante evaluations to the evaluation of the implementation of legislation,
  - considers that evaluations carried out by different EU bodies should be better coordinated,
  - calls for the creation of the evaluation system to give Parliament and national parliaments access to information related to the policies (Article 70 of the TFEU) and activities of the internal security committee (Article 71 of the TFEU) as well as of EUROPOL (Article 88 of the TFEU) and Eurojust (Article 85 of the TFEU), together with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the European Asylum Support Office (EASO) and the Schengen system; considers, in this framework, that Parliament should be granted the right to deliver a binding opinion on the appointment of the agencies' directors (as Parliament is also the budgetary authority),
  - considers further that, in order to frame Parliament's cooperation with national parliaments within the AFSJ, it would be worth creating a permanent forum of representatives at political level (two per Chamber + two substitutes) meeting twice a year and sharing a common workspace where all the information dealing with the AFSJ, including that of a restricted nature, could be shared in real time); considers also that the representatives of the national parliaments should be allowed to attend Parliament's proceedings at committee level and during Parliament's annual debate on the progress of the AFSJ;
14. Considers that priority should be given to narrowing the wide gap between the rules and policies approved at European level and their implementation at national level;
15. Calls for a periodic assessment of the results achieved within the multiannual programme to be the subject of an annual debate in the European Parliament, which should involve civil society and focus on the protection of fundamental rights in the EU and which should be based on reports from the Council, the Commission, the European Data Protection Supervisor and the European Union Agency for Fundamental Rights (FRA), as well as assessments and studies by independent experts, input from civil society organisations and Parliament's resolutions;

### *A Europe of rights*

16. Considers that effective protection and promotion of fundamental rights form the basis of democracy in Europe and are prerequisites for the consolidation of the AFSJ; therefore firmly believes that the Council and the Commission have a responsibility actively to propose measures to promote fundamental rights;
17. Recalls also that the Union is acceding to the ECHR, and that, consequently, negotiations with a view to the Union's accession to the ECHR should start immediately;
18. Calls on the Commission further to develop the interinstitutional agreement in the light of the Treaty of Lisbon and the consequences of the link between the ECHR, the European Court of Human Rights and the EU institutions;
19. Demands a clear and comprehensive proposal on the rights to be secured to defendants in order to ensure that they receive a fair trial, and rejects the incremental approach currently adopted;
20. Recalls that, with the Treaty of Lisbon, the Charter will become binding, on the same footing as the Treaties, and entirely applicable to all measures taken under the AFSJ, and that compliance with the Charter will be monitored by the Court of Justice; deplors, however, the introduction of the protocol limiting the effect of the Charter on the domestic law of two Member States and reiterates its concerns about the inequality among people this may produce;
21. Calls for a thorough and impartial review of the necessity, proportionality and effectiveness of existing measures in the area of freedom and justice, including their impact on the protection and promotion of EU values and principles and of fundamental rights of citizens; calls for an impact assessment in respect of fundamental rights and EU values for every new policy, legislative proposal and programme, which assessment should clearly state what fundamental rights may be affected and what measures are envisaged to safeguard them in accordance with principles of proportionality and necessity; considers that the FRA should be consulted throughout the policy cycle of legislative proposals which have fundamental and human rights implications and requests the Commission to issue a formal reply to each of the FRA reports, including a list of proposed actions to address the issues raised by the FRA;
22. Calls for promotion of the EU's values, including mainstreaming of human rights, to be permanently embedded as a fundamental aim of EU agreements with third countries, and of the whole external dimension of the AFSJ, especially in view of the new tools provided for this purpose by the Lisbon Treaty; recognises the importance of an adequate and consistent internal human rights policy in order to acquire and retain the necessary external credibility;
23. Considers the death penalty to be a cruel, inhuman and degrading punishment and urges the Union and its Member States vigorously to work for its abolition in all countries of the world;
24. Calls for the external dimension of the AFSJ policies to respect, protect and promote human rights and fundamental freedoms and urges that international cooperation should be based on those values, that torture should not be condoned, that extraordinary renditions should be definitively abandoned and that a proper enquiry into such practices should be held with a view to ensuring that they are not resumed in the future;

### ***Fighting discrimination and promoting integration***

25. Calls for action to be taken fully to inform EU citizens and residents of their fundamental rights, including awareness-raising campaigns targeting both the general public and vulnerable groups, non-formal education initiatives and non-discrimination and equality mainstreaming in formal education curricula, as well as to make EU and Member States' institutions active in the AFSJ more aware of the core importance of fundamental rights, and to identify ways of seeking redress, either at national or European level, in cases where those rights are violated;
26. Stresses that the growing intolerance within the EU needs to be tackled not only through full implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>1</sup>, but also through further European-level legislation on hate crime;
27. Considers that diversity enriches the Union and that the Union must be a safe environment where differences and national sensitivities are respected and the most vulnerable, such as the Roma, are protected; therefore insists that a priority in the Stockholm programme should be actively to increase awareness of anti-discrimination legislation and gender equality and to fight poverty, discrimination on grounds of gender, sexual orientation, age, disability, religious affiliation or belief, colour, descent, national or ethnic origin, racism, anti-Semitism, xenophobia and homophobia and to protect children and minorities; considers that the full use of the existing instruments and measures to tackle violence against women should be vigorously pursued and applied; calls, therefore, on the Spanish Presidency and the following Presidencies to make progress during their terms of office on the European protection order so as to ensure that victims of such crimes enjoy the same level of protection in all the Member States;
28. Recalls that, from the viewpoint of an ordinary citizen, one of the biggest threats to internal security is social exclusion; points out that unemployment and other income problems, such as over-indebtedness, aggravated by the global financial crisis, increase the risk of exclusion and that ethnic minorities are extensively vulnerable, as they also face the risk of becoming victims of discrimination and racist crime;
29. Calls for the collection and compilation by the FRA of reliable, comparable statistics on all grounds of discrimination, including discrimination against national minorities, and for the equal treatment of those different grounds, including comparative data on violence against women within the EU, and their publication in readily understandable form, and shares the view of the Trio Council Presidencies (Spanish, Belgian and Hungarian) that a possible review of the mandate of the FRA should be undertaken as soon as possible and that such a review will afford an opportunity to deepen cooperation with the Council of Europe and scope for consideration of a possible extension of the mandate of the FRA, which currently requires it to examine the situation of fundamental rights within the European Union;
30. Reaffirms that the Union and the Member States must make a concerted effort to integrate vulnerable groups, in particular the Roma community, fully into society by promoting their inclusion in the education system and labour market and by taking action to prevent violence against them;

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<sup>1</sup> OJ 328, 6.12.2008, p. 55.

31. Stresses that, while EU law and policy-makers have adopted an extensive body of law to combat the multiple discrimination suffered by women from minority backgrounds, especially Roma women, no significant progress can be demonstrated; therefore calls on the Member States to review the implementation of all policies related to the phenomenon of multiple discrimination;
32. Considers it essential that the EU bring forward the issuing of a directive and a European action plan on violence against women, aimed at preventing violence, protecting victims and prosecuting perpetrators; considers it necessary for the EU to set up mechanisms to ensure that all policies designed to prevent and combat trafficking in human beings incorporate the gender dimension and analysis of such trafficking;

### ***Stronger rights linked to Union citizenship***

33. Points out that, by the introduction of the 'citizens initiative' into the Treaty of Lisbon, citizens will play a direct role in the exercise of the Union's sovereign power by being, for the first time, directly involved in the initiation of European legislative proposals; strongly requests that this new instrument be implemented in a way that really encourages people to use it and calls on the Commission to take duly into account all the initiatives that fulfil the legal criteria;
34. Welcomes the provision in the Lisbon Treaty for a citizens' initiative and urges the Commission to take due account of the role of Parliament and the existing right of petition when presenting a proposal for the practical modalities for its implementation;
35. Intends to initiate a new proposal for fundamental reform of the law governing elections to the European Parliament; reiterates its position that, in order to encourage European citizens to take part in European elections in their place of residence, the Council, under arrangements that it has already been called on to establish, should act to facilitate the right to vote and to stand as a candidate;
36. Calls on the Member States fully to implement the rights linked to Union citizenship, so that Union citizens can exercise their right to free movement together with members of their family, thus enabling them to travel, work, study, retire, participate in politics and democratic life, and have a family life without restriction anywhere in the Union, making sure that they retain the right to all social benefits regardless of where they live; considers that Member States should ensure that EU citizens can easily exercise their right to vote in municipal elections;
37. Calls on Member States, without prejudice to national legislation on family law, to ensure freedom of movement for EU citizens and their families, including both registered partnerships and marriages, in accordance with Articles 2 and 3 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States<sup>1</sup>, and to avoid all kinds of discrimination on any ground, including sexual orientation;
38. Calls on the Commission and the Member States to explore ways in which the free movement of EU citizens can be facilitated by helping EU citizens who choose to make

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<sup>1</sup> OJ L 158, 30.4.2004, p. 77.

use of that right to integrate and participate in the host country to which they choose to migrate in the exercise of their right to freedom of movement within the European Union;

39. Considers that the exercise of these freedoms must be secured beyond national borders, and that EU citizens must be able to fully exercise their specific rights, even outside the Union; therefore emphasises the importance of strengthening the coordination and cooperation of consular protection;
40. Calls on the Member States to implement in a fair and consistent way their obligation to ensure consular and diplomatic protection for Union citizens through the implementation of an agreement on the minimum amount of consular assistance offered to EU citizens outside EU territory;
41. Calls on the Council and the Commission to give priority to improving transparency and access to documents, as these are essential for the purposes of achieving a citizen-oriented EU;
42. Welcomes the reference made in the Stockholm programme to participation in the democratic life of the European Union; urges the Council to include in the Stockholm programme a specific section on the appropriate measures needed to empower women's participation in electoral campaigns and political life in general, with a view to thereby eliminating the democratic deficit that still exists due to the limited presence of women in municipal, national and European elections;

### ***Migration***

43. Considers that any comprehensive approach to immigration must take account of the 'push factors' that lead people to leave their countries in the first place, and necessitates clear plans for development and investment in the countries of origin and transit, in particular by facilitating money transfers from migrants to their countries of origin or by putting in place trade and agricultural policies that promote economic opportunities, as well as through the development of democracy, the rule of law, human rights and fundamental freedoms;
44. Stresses the need for the continued development of adequately funded and ambitious regional protection programmes in close cooperation with the United Nations High Commissioner for Refugees (UNHCR) and the third countries involved;
45. Urges that Community integration, immigration and asylum policies be built on full respect of fundamental rights and the ECHR, so as to ensure effective protection of the human rights of third country nationals as well as full compliance with the principle of non-refoulement; points out that immigration and asylum policies should also address the needs of the most vulnerable groups, such as refugees and asylum seekers, and particularly minors and unaccompanied minors; calls for the establishment of a consistent and comprehensive legal framework facilitating legal migration;
46. Urges the formulation of a stronger immigration policy closely connected with other Community policies, especially with employment policy, so as to constitute legal immigration as an alternative to illegal immigration and maximise the positive effect both for the Member States and for the well-being of the immigrants themselves;
47. Insists on the need to consolidate the EU's global approach to migration in such a way as to

offer the possibility of new ways of engaging in political dialogue and cooperation with third countries, in order to improve migratory flows, to prevent humanitarian tragedies;

48. Highlights the need to achieve a close fit between migration and development policies and to step up the dialogue with countries of origin and transit, notably with a view to averting the problem of illegal migration; stresses in this regard that effective joint action against illegal migration will put the Member States in a better position to make provisions for legal migration;

### *Asylum*

49. Calls for the further development of the Common European Asylum System so as to establish a 'Europe of asylum' as envisaged in the European Pact on Immigration and Asylum; considers that a common procedure should ensure greater consistency and better quality of asylum decision-making across Member States in order to close the protection gap in Europe;
50. Urges the Council and the Member States to respect the legal definition of a refugee as enshrined in the United Nations Convention Relating to the Status of Refugees;
51. Considers that, whereas solidarity must remain at the centre of a common immigration and asylum policy, it must also include solidarity with Member States that comply with their international obligations concerning the protection of refugees and asylum seekers, and must therefore ensure that no Member State fails to do so;
52. Recalls that asylum is a right to be guaranteed to all people fleeing from conflicts and violence; condemns refoulement and collective expulsions to countries where human rights are not respected or which have not signed the United Nations Convention Relating to the Status of Refugees;
53. Encourages negotiations on pending and forthcoming legislative proposals on European asylum instruments, in order to achieve improved standards and to address gaps in the existing legal framework;
54. Calls, moreover, for solidarity between Member States on the one hand, and asylum seekers and other refugees on the other;
55. Calls on Member States actively to engage and show their full commitment to solidarity mechanisms such as the pilot project for internal reallocation of beneficiaries of international protection envisaged by the Commission, as well as other initiatives which lead to the establishment of true long-term solidarity amongst Member States, and to promote regional protection programmes; takes the view, in that connection, that a transparent system for assessing Member States' respective reception capacities should be introduced and the role of the EASO in that regard clarified; on that basis, calls for an open debate on the various options available with a view to the establishment of a compulsory mechanism to provide for effective solidarity, in particular by means of internal reallocation;
56. Calls in this regard for the prompt formalisation of the principle of solidarity and fair sharing of responsibility as provided for in Article 80 of the TFEU, which should involve a system of 'compulsory and irrevocable solidarity' together with greater cooperation with

third countries and notably neighbouring countries, designed to help develop their asylum and protection systems in a manner which respects fundamental rights and international protection norms, sets realistic expectations, and does not undermine or seek to replace access to protection in the EU;

57. Believes that a partnership approach with the countries of origin and transit is needed in order to ensure that they play an active part in helping to manage migration flows, to prevent irregular immigration by informing potential migrants of the risks involved and to set up effective information campaigns on the possibilities for entering and/or working legally in the EU Member States;
58. Stresses that all agreements with countries of origin and transit, such as Turkey and Libya, should include chapters on cooperation on immigration, taking due account of the situation of Member States most exposed to migratory flows and with an emphasis on fighting irregular immigration and trafficking in human beings by facilitating the work of Frontex;
59. Calls for further cooperation on the strengthening of measures to ensure the effective and rapid return of illegally staying migrants who are not in need of protection, giving priority to voluntary returns;
60. Calls for the adoption of measures to address the obstacles to the exercise of the right to family reunification by third-country nationals residing lawfully in Member States;
61. Stresses the importance of granting migrants access to justice, housing, education and health care, in accordance with, *inter alia*, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
62. Calls on the Commission to put forward practical proposals for effective action against the abuse of asylum procedures;
63. Points out that circular migration should be promoted, but recalls that this approach must not amount to wage and social dumping and must not ignore the need for integration measures;

### ***Borders and visas***

64. Calls for the adoption of a comprehensive blueprint setting out the overall objectives and architecture of the Union's integrated border management strategy, in order genuinely to implement a common policy on asylum, immigration and external border control, pursuant to Article 67(2) of the TFEU;
65. Calls for a strategic approach in the field of visa policy in order to preserve the coherence of actions, internal regulations and external commitments, including the safeguarding of equal treatment of Member States by third countries;
66. Calls on the Commission to draw the appropriate conclusions from the implementation of the visa and readmission agreements and bilateral local border traffic agreements already in place between the European Union and its eastern neighbours, along with the visa liberalisation process in the western Balkans, with a view to establishing a set of clear criteria and benchmarks on a case-by-case basis in order to evaluate and improve existing visa facilitation agreements and work towards a visa-free travel area aimed at increasing

the level of people-to-people contact;

67. Urges the Commission, so as to execute more effectively the visa reciprocity principle with third countries and thereby ensure equal treatment of all EU citizens in this regard, to reinvent its strategy by using all the tools at its disposal, such as sanctions, and linking this issue to its negotiations with the third countries concerned;
68. Considers that Frontex, as an essential instrument in the Union's global strategy on immigration, must fully respect the human rights of migrants; calls for greater parliamentary scrutiny of its activities and supports the review of its mandate – including a clear framework for return operations meeting international human rights standards and the establishment of regional and specialised offices – in order to strengthen its role;
69. Recalls the absolute necessity for Frontex to be able to count on the availability of the resources placed at its disposal by the Member States, both for its coordination of the individual joint operations and for its permanent missions;
70. Calls on all Member States concerned to solve potential practical and/or legal problems with regard to the use of the resources of the respective Member States involved in joint operations;
71. Recalls the absolute necessity for the Schengen Information System II (SIS II) and the Visa Information System (VIS) to be able to start operations as soon as possible; considers that SIS II will bring considerable improvements and new functionalities, such as the introduction of biometric data and the interlinking of alerts, that will contribute to better control of external borders and strengthened security;
72. Insists that new border management instruments or large-scale data storage systems should not be launched until the existing tools are fully operational, safe and reliable, and calls for a thorough assessment of the necessity and proportionality of new instruments relating to matters such as entry/exit, the registered traveller programme, Passenger Name Record and the system of prior travel authorisation;

### ***Protecting children***

73. Stresses the importance of the Treaty of Lisbon, which gives legally binding force to the Charter, Article 24 of which specifically regulates the rights of the child and provides, *inter alia*, that ‘[in] all actions relating to children, whether taken by public authorities or private institutions, the child's best interests shall be a primary consideration’;
74. Considers it essential that all EU measures in this field respect and promote children’s rights as set out in the UN Convention on the Rights of the Child and recognised in the Charter, and calls for enhanced EU action on child protection throughout the AFSJ;
75. Calls on the Member States to respect and implement the rights of the child as enshrined in the UN Convention on the Rights of the Child;
76. Urges the EU to tackle more vigorously any abuses committed against children, such as violence, discrimination, social exclusion and racism, child labour, prostitution and trafficking, and to stimulate a coordinated effort to protect them and to uphold their rights, using the UN Convention on the Rights of the Child as a guide for EU action and serving

as a basis for amending existing legislation;

77. Considers that there is an urgent need to address the question of protection of unaccompanied and separated children, given the special risks to which they are exposed;
78. Underlines the importance of taking into consideration the rights of the child and paying special attention to children in particularly vulnerable situations in the context of immigration policy; considers that an ambitious European strategy must be developed in this field;
79. Urges Member States to ensure that EU asylum, migration and trafficking policies in this field treat migrant children as children first and foremost, and to ensure that they benefit from their rights as children without discrimination, especially the right to family reunification; therefore insists that any EU action plan on unaccompanied minors of third country origin must ensure that:
  - (a) all unaccompanied children receive special protection and assistance whilst in the EU;
  - (b) the EU identifies actions which will support Member States in finding a secure, concrete and durable solution for each child in the child's best interests;
  - (c) where return to a third country is in the best interests of the child, a proper return and reintegration process is put in place in cooperation with the country of return; and
  - (d) the EU cooperates with third countries to prevent unsafe migration and to provide opportunities for children in the countries concerned;
80. Calls for special attention to be paid to minors, whether accompanied or not, in order to ensure that they are not held in any form of detention;
81. Points out that children of third-country origin can find themselves particularly vulnerable to exploitative labour situations, especially in countries where they are not provided with adequate assistance and protection because of their undocumented status; insists that EU policies in the fields of labour, asylum, migration and human trafficking must recognise and address these realities;

### ***Data protection and security***

82. Notes the growing importance of the internet, and observes that the global and open nature of the internet requires global standards for data protection, security and freedom of speech; calls on the Council and the Commission to take the initiative in establishing a global platform for the elaboration of such standards; considers it extremely important strictly to limit, define and regulate the cases in which a private internet company may be required to disclose data to government authorities, and to ensure that the use of those data by government authorities is subject to the strictest data protection standards;
83. Insists on the guarantee that the fundamental rights dimension of data protection and the right to privacy will be respected in all the Union's policies;
84. Stresses the need to mainstream protection of personal data and privacy in the light of developing technologies and the creation of large-scale information systems;

85. Considers that a 'privacy by design' approach must be an essential feature of any development which risks jeopardising the security of personal information relating to individuals and the public's trust and confidence in those who hold information about them;
86. Points out that the principle of availability is liable to allow the exchange of personal data that have not been collected legitimately and lawfully, and that it must be underpinned by common rules; expresses doubts with regard to the facilitation of operational activities that do not include a European definition and common standards concerning covert investigations, surveillance of citizens, etc.;
87. Believes that, before EU action is envisaged in this field, clear criteria should be laid down for assessing the proportionality and necessity of limitations to fundamental rights; considers, furthermore, that the consequences of any proposal should always be carefully analysed before a decision is taken;
88. Expresses its concern about the increasingly widespread practice of profiling, based on the use of data-mining techniques and the generalised collection of innocent citizens' data, for preventive and policing purposes; recalls the importance of the fact that law-enforcement actions must be based on respect for human rights, from the principle of the presumption of innocence to the right to privacy and data protection;
89. Welcomes the proposal for international standards in data protection; emphasises that data protection agreements with third countries should be conducted in full transparency, with democratic scrutiny by Parliament, and that European level data protection standards in the third country are a minimum prerequisite for data exchange to take place;
90. Welcomes the proposal for a comprehensive data protection scheme in the EU and with third countries; calls for a thorough evaluation of all relevant legislation (concerning counter-terrorism, police and judicial cooperation, immigration, transatlantic agreements, etc.) in the area of privacy and data protection;
91. Welcomes the emphasis given to the importance of technology in the Stockholm programme in the context of effective protection of personal data and privacy;
92. Urges the European Union to show its determination to take into account, in all its policies, the special needs of vulnerable people;
93. Stresses the need for clearer and tighter limits on exchanges of information between Member States and the use of common EU registers; takes the view that, otherwise, building up large registers at EU level is liable to threaten personal integrity and registers may become ineffective whilst the risk of leaks and corruption will increase;
94. Calls on Member States to reinforce mutual trust and confidence in each other's capability to strengthen security; considers that mutual trust also depends upon an efficient and rigorous ongoing evaluation of the effectiveness and results of the actions of various Member States;

### ***Civil and commercial justice for families, citizens and business***

#### *Greater access to civil justice for citizens and business*

95. Considers that the priorities in the field of civil justice must first and foremost meet the needs expressed by individual citizens and business whilst constantly simplifying the machinery of justice and creating simpler, clearer and more accessible procedures in order to guarantee the proper enforcement of fundamental rights and consumer protection; to this end, while commending the Commission's decisions to present a proposal on wills and successions and a Green Paper on matrimonial property regimes in connection with separation and divorce, calls for:

- further efforts to promote alternative dispute resolution aiming in particular at improving access to justice for consumers; the introduction of collective redress mechanisms at Community level so as to grant citizens and businesses greater access to justice, whilst noting that this must not lead to unnecessary fragmentation of national procedural law;
- proposals for a simple and autonomous European system for the attachment of bank accounts and the temporary freezing of bank deposits, the abolition of requirements for legalisation of documents, provisions to fill the gaps left in the Rome II Regulation<sup>1</sup> concerning rights of the personality and defamation, a definitive solution to the problem of bilateral agreements dealing with jurisdiction and the recognition and enforcement of judgments, if necessary by means of a Protocol to the next accession Treaty to be concluded; consideration to be given in addition to a proposal for an international instrument permitting a thorough check of all judgments from third countries before they may be recognised and enforced in a Member State; and provisions to fill the lacuna highlighted by the Court of Justice in the field of company law, a proposal on the protection of vulnerable adults, and a proposal for a regulation, for adoption if necessary by recourse to enhanced cooperation, on the law applicable in matrimonial matters and parental responsibility, based on the best interests of children and non-discrimination between partners;
- detailed consideration to be given to a form of Community provisional measure additional to those which may be ordered by national courts, to the divergent national legal approaches to retention of title and other similar mechanisms, to the recognition of international adoptions, and to the whole question of the mutual recognition of national civil status documents;
- a Community Conflicts Code bringing together in one instrument all the regulations adopted in this area by the Community legislator by 2013 to mark the 45th anniversary of the Brussels Convention, the conclusion of which was a milestone in private international law;
- the practical application of the large amount of innovative legislation adopted to date in the field of European civil procedure, to be studied with a view to simplifying it where possible and codifying it into a single instrument bringing together all the Community legislation adopted in this area;

96. Insists that the abolition of exequatur in the context of the Brussels I Regulation<sup>2</sup> should

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<sup>1</sup> Regulation (EC) No 864/2007 of the European Parliament and the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ L 199, 31.7.2007, p. 40).

<sup>2</sup> Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, p. 1).

not be rushed and should be accompanied by appropriate safeguards;

97. Would be keen to examine proposals to draw up an optional 28th scheme for civil-law issues with cross-border aspects in areas affecting family law, the rights of individuals and property law;
98. Underlines the need to further promote the international presence of the EU in the legal field by way of global solutions and multilateral instruments; believes that close cooperation with international organisations, such as the Hague Conference on Private International Law and the Council of Europe, is of particular importance; believes further that the EU should encourage and support the accession of third countries, especially those neighbouring the EU, to international judicial agreements, and that this is of key importance, especially in the field of family law and child protection;

### ***Reaping the full benefits of the single market through European contract law***

99. Calls on the Commission to boost its work on European contract law on the basis of the academic Draft Common Frame of Reference (DCFR), as well as other academic works in the field of European contract law, and to involve Parliament fully in the open and democratic process which must lead to the adoption of a political Common Frame of Reference (CFR); emphasises that the political CFR should result in an optional and directly applicable instrument enabling parties to a contract, *inter alia* companies and consumers, freely to choose European contract law as the law governing their transaction;
100. Reiterates that the DCFR should be made available by the Commission in the greatest possible number of relevant languages along with other scientific works in order to ensure their accessibility for all interested stakeholders and should already be used as a non-binding legal tool for European and national legislators; insists that already now the relevant provisions of the DCFR be given systematic and detailed consideration in all forthcoming Commission proposals and impact assessments affecting contract law;
101. Encourages the Commission to pursue its recent idea of proposing standard contracts for voluntary use in specific sectors on the basis of the CFR;

### ***Better legislation in the field of justice***

102. Stresses the need for European legislation in the area of judicial cooperation to be of the highest possible quality and based on properly conducted impact assessments, in order to provide citizens and business with effective instruments; deplores the fact that, in the past, proper impact assessments were not conducted in this area; notes a recent improvement and undertakes to subject one Commission impact assessment to critical analysis in the coming period;
103. Strongly believes that, in order to guarantee a minimum level of independent scrutiny in the drafting of impact assessments, an independent panel of experts should be set up to monitor, by means of spot checks, the quality of opinions delivered by the Impact Assessment Board, and that representatives of interested parties should also be allowed to assist in conducting them;
104. Considers that legal cooperation is the key to bringing not only the civil, but also the criminal procedures of different Member States closer to each other; considers therefore,

that the approximation of procedural rights of citizens between the Member States should be promoted equally in civil and criminal proceedings;

### ***Building a European judicial culture***

105. Calls for the creation of a European judicial culture embracing all aspects of the law; to this end, points out that:

- the Network of the Presidents of the Supreme Judicial Courts, the European Network of the Councils for the Judiciary, the Association of the Councils of State and Supreme Administrative Jurisdictions and the Eurojustice network of European Prosecutors-General, court officers and legal practitioners have a huge amount to offer by coordinating and promoting professional training for the judiciary and mutual understanding of other Member States' legal systems and making it easier to resolve cross-border disputes and problems, and their activities must be facilitated and receive sufficient funding; this must lead to a fully-funded plan for European judicial training drawn up in liaison with the above-mentioned judicial networks, avoiding unnecessary duplication of programmes and structures and leading to the creation of a European Judicial Academy composed of the European Judicial Training Network and the Academy of European Law;
- there must be active policies designed to foster mutual knowledge and understanding of foreign law and so achieve greater legal certainty and foster the mutual trust essential for mutual recognition; these policies must provide for exchanges of experiences, exchanges, visits and information and courses for practitioners and the judiciary, as well as coordination of existing national regimes for legal training across the EU and provision of familiarisation courses in national law for legal practitioners and judges;

106. Calls on the Commission, therefore, to promote the creation by universities, other specialised institutes of higher education and competent professional organisations of a common system of training points/credits for judges and legal practitioners; calls on the Commission to create a network of legal training bodies across the Union accredited to provide familiarisation courses in national, comparative and European law for practitioners and judges on a stable, ongoing basis;

### ***E-justice: a facility for citizens, practitioners and the judiciary***

107. Calls for a greater effort to promote and develop e-justice at Community level, in the interests of access to justice for citizens and business, and considers that:

- Member States cooperating on bilateral projects should ensure that their work is designed in a way that is transferable to the Community level, in order to avoid unnecessary duplication;
- the existing body of Community law in the field of civil law, in particular procedural law, should be made more compatible with the use of information technology, especially as regards the European payment order and the small claims procedure, the

Civil Evidence Regulation<sup>1</sup> and alternative dispute resolution, and action should be taken in the areas of electronic acts and transparency of debtors' assets; the aim should be to bring about simpler, cheaper and faster civil proceedings in cross-border cases;

- electronic tools such as the European Criminal Records Information System (ECRIS) and the Schengen Information System should be further developed;

108. Considers that e-justice should simplify citizens' access to legal assistance, shorten judicial procedures and improve the efficiency of the judicial process, and therefore calls on the future multilingual e-justice portal to incorporate access to legal databases, electronic judicial and non-judicial remedies, intelligent systems designed to help citizens find out how to deal with legal problems, and comprehensive registers, directories of legal professionals and plain guides to the legal system of each Member State;

109. Considers that the portal should also be designed for use as a tool by judges, court officials, officials of the national Ministries of Justice and practising lawyers, all of whom would be entitled to secure access to the relevant part of the portal; calls on this part of the portal to permit secure communication, video-conferencing and document exchange between courts and between courts and parties to proceedings (dematerialisation of proceedings), to allow for verification of electronic signatures and make provision for appropriate verification systems, and to afford a means of exchanging information;

110. Calls on the Commission to ensure that all future legislation in the field of civil law is designed in such a way that it can be used in on-line applications requiring a minimal amount of free text to be filled in; calls on action to ensure that, where necessary, on-line help is provided in all official languages and on-line electronic translation services are available; by the same token, where there is a need to provide for service of documents, provision should be made to ensure that documents can be served and communications effected by electronic mail and signatures provided electronically and, where there is a need for oral testimony, the use of video-conferencing should be encouraged; considers, furthermore, that all future proposals should include a reasoned statement by the Commission that an audit of e-justice-friendliness has been carried out;

111. Calls for the ECRIS to give a prominent place to records of gender violence;

### ***Priorities in criminal justice***

112. Calls for the construction of an EU criminal justice area based on respect for fundamental rights, the principle of mutual recognition, and the need to maintain the coherence of national systems of criminal law, to be developed through:

- an ambitious legal instrument on procedural safeguards in criminal proceedings, based on the presumption of innocence, which gives full effect to the rights of the defence,
- a sound legal framework ensuring the basic principle of *ne bis in idem* and facilitating the transfer of criminal proceedings between Member States and the resolution of conflicts of jurisdiction, with a high level of guarantees and defence rights, and ensuring effective access to these rights and to legal redress mechanisms,

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<sup>1</sup> Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p.1).

- a comprehensive legal framework offering victims of crime and in particular victims of terrorism, organised crime, trafficking in human beings and gender violence, the widest possible protection, including adequate compensation, to be provided for at Member State level,
- a common legal framework offering witnesses the widest protection,
- minimum standards for prison and detention conditions and a common set of prisoners' rights in the EU, including appropriate compensation rules for persons unjustly detained or convicted, bolstered by the conclusion of agreements between the EU and third countries for the return of their convicted nationals, the full implementation of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union<sup>1</sup> and the provision of sufficient EU funding for both the construction, in the context of regional security plans, of new detention facilities in Member States affected by prison overcrowding and the implementation of social resettlement programmes,
- the adoption of a European legislative instrument to enable the profits and assets of international criminal organisations to be confiscated and reused for social purposes,
- a comprehensive legal instrument on the taking and admissibility of evidence in criminal proceedings,
- measures to ensure legal aid through sufficient budgetary allocations, and
- measures to combat violence, particularly violence against women and children;

113. Stresses that work on illegal immigration must take into account efforts to combat trafficking in persons and must not in any way be allowed to penalise particularly vulnerable crime victims, especially women and children, or to jeopardise their rights;

114. Stresses that one out of four women in Europe has been or is subjected to male violence; therefore calls on the Commission to consolidate the legal base within the current EU structure so as to ensure that all forms of violence against women are addressed through a broad and gender-based definition of violence against women; requests that, based on this legal base, a directive and a European action plan on violence against women, ensuring the prevention of violence, the protection of victims and the prosecution of perpetrators, be brought forward; calls on the Member States to take due account of the special circumstances of female immigrants, particularly young girls who are well integrated in the EU (often with dual nationality) and who, in parental or intimate relationships, are victims of abduction, illegal confinement, physical violence and psychological abuse on religious, cultural or traditional grounds, and to ensure that measures providing effective access to assistance and protection mechanisms are adopted;

115. Insists that the gender issue be taken into account at all stages of development of the policy against human trafficking;

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<sup>1</sup> OJ L 327, 5.12.2008, p. 27.

***A coherent multi-layered security strategy: a Europe which protects its citizens (fighting crime whilst guaranteeing citizens' rights)***

116. Criticises the lack of a comprehensive master plan setting out the overall objectives and architecture of the EU's security and border management strategy as well as the absence of details showing how all related programmes and schemes (whether already in place, in the course of preparation or at the stage of policy development) are supposed to function together and how relationships between them can be optimised; takes the view that, when considering the architecture of the EU's security and border management strategy, the Commission should analyse first of all the effectiveness of the existing legislation, in order to bring about the optimal synergies between them;
117. Urges the Commission and the Member States to ensure that future EU action in this field fully respects the core importance of fundamental rights and freedoms and strikes the right balance between security and freedom, and that this objective is adequately monitored and streamlined; strongly believes in the primacy of the rule of law, effective judicial review and accountability;
118. Is committed, within the new institutional framework defined by the Treaty of Lisbon, to working with the Commission and the Council to focus on promoting the freedom of EU citizens while developing the EU legal framework in criminal matters; considers, indeed, that the imperative of protecting citizens against terrorism and organised crime should be supported by effective legislative and operational tools, taking into account the global dimension of these phenomena, and framed in clear legislation which affords EU citizens full enjoyment of their rights, including the right to challenge disproportionate or unclear rules and the inappropriate implementation of rules;
119. Considers that Member States should examine to what extent the creation of an EU legal framework in criminal matters can be achieved;
120. Calls on the EU to recognise the dignity, courage and suffering of indirect victims of terrorism and stresses that defending and promoting the rights of victims of terrorism and subsequently providing economic compensation for them should be a priority; recognises the extreme vulnerability of women as indirect victims of terrorism;
121. Calls for the adoption of a comprehensive legal framework offering victims adequate protection and compensation, namely through the adoption of a draft framework decision amending the existing instruments on the protection of victims; considers that it is fundamentally important to develop a joint approach with a consistent and strengthened response to the needs and rights of all victims, ensuring that victims are treated as such rather than as criminals;
122. Welcomes support to victims of crime, including women subjected to violence and sexual harassment, as a priority issue for the Swedish Presidency; urges the Council to include in the Stockholm programme a comprehensive European strategy aimed at eradicating violence against women, comprising prevention measures (such as awareness-raising concerning male violence against women), policies on the protection of victims including a specific section on the rights of victims of crime, and strengthening support to victims of crime, in particular young girls, who are increasingly the victims of significant crimes, and concrete measures to prosecute perpetrators; calls on the Spanish Presidency, during its term in office, to fully implement the action plan laid down in the Stockholm programme

and to report to Parliament every month on the progress made;

123. Considers the objective of a secure Europe to be legitimate and agrees that it is important continuously to develop and strengthen the EU's common policy on the fight against terrorism, organised crime, illegal immigration, human trafficking and sexual exploitation;
124. Calls for the development of a comprehensive, cross-European strategy on the fight against organised crime, combining efforts and resources at the disposal of Member States, European institutions, specialised EU agencies and information exchange networks; stresses at this time that organised economic crime, such as tobacco smuggling, results in revenue losses that add to the already serious public finance situation of many EU Member States, and calls for the urgent adoption of effective preventive measures;
125. Believes that further action against organised crime and terrorism should be oriented more towards the protection of fundamental rights and should provide for adequate protection of witnesses, incentives for those who cooperate in dismantling terrorist networks, and prevention and integration policies addressing in particular individuals belonging to high-risk categories, with priority in all circumstances for ethical prevention measures at the economic and social level and compensatory and reparatory measures for the victims of terrorism;
126. Considers it particularly important that the EU should make a serious effort to tackle trafficking in persons, which is a constantly growing problem, that trafficking must be combated both outside and inside the EU and that a gender analysis should be made of all proposals for measures; considers that the EU and Member States should particularly tackle demand for services from victims of trafficking in persons by introducing penalties, educational measures and campaigns to raise awareness; considers that, since trafficking in persons for sexual purposes constitutes the bulk of this crime in absolute terms (79% according to UN data), the relationship between demand for the purchase of such services and trafficking in persons must be made clear and recognised and that, if demand for the purchase of sexual services is controlled, trafficking in persons will also be reduced;
127. Calls for the promotion of transparency and integrity and for a more robust fight against corruption based on an objectives-oriented plan and on a periodic evaluation of the anti-corruption measures taken by the Member States, in particular the enforcement of instruments which have been developed by the EU itself, with a special focus on trans-border corruption; and for the development of a comprehensive anti-corruption policy and the periodical review of its enforcement;
128. Calls for active support for civil society anti-corruption and integrity monitoring, as well as citizens' engagement against corruption, not only by opening up policy consultations and establishing direct channels of communication but also by dedicating resources and programmes so as to ensure that citizens can easily use the spaces provided to them;
129. Highlights the increase in identity theft and urges the creation of a comprehensive EU strategy for combating cybercrime in this field to be developed in cooperation with internet providers and user organisations as well as the creation of an EU desk offering assistance to victims of identity theft and identity fraud;
130. Calls for clarification of the rules on jurisdiction and the legal framework applicable to cyberspace in order to promote cross-border investigations and cooperation agreements

between law enforcement authorities and operators, in particular for the purposes of combating child pornography on the internet;

131. Calls for more effective and results-oriented policies to further implement police and judicial cooperation in criminal matters, by associating Europol and Eurojust more systematically in investigations, particularly in cases of organised crime, fraud, corruption and other serious crimes which gravely endanger the security of the citizens and the financial interests of the EU;
132. Calls for the annual publication of a comprehensive report on crime in the EU, consolidating reports relating to specific areas such as assessment of the threat of organised crime and the Eurojust annual report, and stresses the need for an interdisciplinary approach and a comprehensive strategy for the prevention of, and fight against, terrorism and cross-border crimes such as trafficking in human beings and cybercrime;
133. Calls on the Commission and Member States to cooperate closely in order to exchange best practice and lessons learned in the area of counter-radicalisation policies; considers in this regard that local and regional authorities are well placed to share best practice in tackling radicalisation and polarisation and therefore calls for their involvement in devising counter-terrorism strategies;
134. Calls for the encouragement of police cooperation between Member States through the promotion of mutual knowledge and trust, common training and the creation of joint teams of police cooperation and of a student exchange programme in cooperation with the European Police College;
135. Calls on the Commission and the European Council to urgently remedy the legal situation that has arisen as a result of the rulings of the Court of Justice in the respective cases with regard to blacklisting, in particular the *Kadi* case<sup>1</sup>, and in doing so to take full account of the fundamental rights of those concerned, including the right to due process and redress;
136. Calls for enhancement of the ECRIS, in order to make it possible to prevent reoffending in different Member States, in particular with regard to offences against children;
137. Calls in particular on the Commission to begin early discussions and consultations with interested stakeholders, including civil society, on all aspects related to the creation of the European Prosecutor's Office for combating crimes affecting the financial interests of the Union, as provided for in Article 86 of the TFEU;
138. Emphasises the need for the development of a comprehensive European security strategy, based on the Member States' security plans, a stronger solidarity principle and an objective evaluation of the added value of the EU agencies, networks and information exchanges; intends to follow closely, together with national parliaments, all the activities carried out by the Council in the context of operational cooperation on EU internal security;
139. Urges the Council and the Commission to develop security strategies that cater for both the internal and the external aspects of international organised crime and terrorism; insists that the EU adopt a more integrated approach to European Security and Defence Policy and to justice and home affairs;

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<sup>1</sup> Case C-402/05 P *Kadi v Council and Commission* [2008] ECR I-6351.

140. Calls on the Council, the Commission and Member States to evaluate and review current international, European and national laws and policies on drugs and to promote harm reduction, prevention and recovery policies, notably with a view to the conferences on those issues held at UN level;

### ***Operational bodies and agencies and technical tools***

141. Attaches great importance to strengthening Eurojust and Europol and is committed to participating fully alongside national parliaments in defining, evaluating and controlling their activity, in particular with the aim of exploring the possibilities of making progress on the creation of the office of European Public Prosecutor;

142. States that efforts to fight financial and economic crime should be continued and even stepped up; states that, in this context, it is particularly important to protect the euro as a symbol of the Union; states that combating counterfeiting and consolidating and strengthening the Pericles Programme should be among the EU's principal aims;

143. Calls for the revision of Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters<sup>1</sup> as well as of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>2</sup> and Article 13 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>3</sup>;

144. Calls for closer and more in-depth cooperation between national administrations, European agencies and joint operative teams via specialised networks (such as the SIS II, the VIS, the Customs Information System, Eurodac – a system for the comparison of fingerprints for the effective application of the Dublin Convention – and the judicial networks) and for specific cooperation between intelligence and police services at national and European level in the fight against terrorism and organised crime; considers that more effective European police cooperation should be guaranteed among all third countries and Member States of the European Union with appropriate safeguards ensuring an adequate level of protection of personal data;

145. Deplores the lack of progress in implementing the upgraded SIS II and the new VIS, and urges the Commission and the Member States to ensure that all preparations at their respective levels are reinforced so as to avoid further delays;

146. Stresses the need to develop efficient, sustainable and secure administrative arrangements for major European IT systems such as SIS II, VIS and Eurodac, thereby ensuring that all the rules applicable to such systems, with regard to purpose and rights of access as well as security and data-protection provisions, are implemented in full; emphasises in this regard that it is essential for the EU to have a comprehensive, uniform set of rules on the protection of personal data;

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<sup>1</sup> OJ L 350, 30.12.2008, p. 60.

<sup>2</sup> OJ L 8, 12.1.2001, p. 1.

<sup>3</sup> OJ L 281, 23.11.1995, p. 31.

147. Recalls that in certain areas the creation of agencies, for instance the FRA, Eurojust, Europol, Frontex and the EASO, has been very useful for the establishment of an AFSJ; considers that, given that Schengen is the core of the AFSJ, it is fundamental and vital to create an European agency for the management of substantial information systems in this area, namely SIS II, VIS and Eurodac, because this is the most reliable solution;
148. Deplores the fact that the Lisbon Treaty will enter into force without the Council and the Commission having adequately prepared the measures needed for a 'new start' in the AFSJ; points out that, contrary to what has been done in the European Security and Defence Policy area, notably for the External Action Service, no preparatory work has been carried out with a view to implementing the legal bases on transparency (Article 15 TFEU), data protection (Article 16 TFEU) and non-discrimination (Article 18 TFEU), and that the outcome of this situation could be a long period of legal uncertainty which will affect the AFSJ in particular; asks the Commission, in view of the above and with reference to Article 265 of the TFEU, to submit the following under the ordinary legislative procedure before 1 September 2010:
- a framework legislative proposal outlining the involvement of the European Parliament and national parliaments in the evaluation of AFSJ policies and of the agencies involved at European level (including the Schengen authorities, Europol, Eurojust, Frontex and the EASO);
  - a revised mandate for the FRA, covering, among other things, judicial and police cooperation in criminal matters;
  - a legislative proposal implementing Article 16 of the TFEU and Article 39 of the TEU, in particular as regards the protection of data when security issues are at stake, and, at the same time, broadening the scope of Regulation (EC) No 45/2001 as regards data protection by the EU institutions;
  - a revised legal framework for Europol and Eurojust, to bring them into line with the new EU legal framework;

### ***Urgent matters***

149. Calls on the Commission to propose forthwith a consolidation of the 1 200 divers measures adopted in the AFSJ since 1993 in order to bring coherence in this policy area, whilst taking account of the Union's new missions and roles as well as of the new legal framework offered by the Treaty of Lisbon, starting with areas considered as priorities in agreement with the European Parliament; reminds the Commission that Parliament will assess its commitments on this during the forthcoming Commissioner hearings; asks the Commission therefore to state clearly, on a case-by-case basis, which proposals it intends to codify or recast, and reserves the right to make full use of its power to amend legislation; considers that the new AFSJ legal framework should be given priority over the need for continuity or consolidation of legislation that was shaped in a substantially different constitutional framework;
150. Stresses that, in particular for AFSJ-related legislative proposals, the decision-making process should, from the first day after the entry into force of the Lisbon Treaty, be transparent and in keeping with the rules dealing with
- the eight-week period during which the national parliaments may verify compliance with the criterion of subsidiarity,

- the specific opt-ins/opt-outs granted to some countries (the United Kingdom, Ireland and Denmark),
- and the new delegated power (Article 290 TFEU) and the implementing measures that are provided for in Article 291 TFEU, but for which there is currently no legal basis; is of the opinion that, in cases where a legislative procedure has started under the provisions of the Treaty of Nice providing for mere consultation of Parliament, as is the case in many areas of the AFSJ, and Parliament's opinion has been delivered, the legislative procedure should recommence under the Treaty of Lisbon at first reading in order to give Parliament the opportunity to express its views in awareness of its prerogatives;

151. Stresses that, contrary to what was stated in the Presidency's draft Stockholm programme, when fundamental rights are at stake EU external policy should comply with the EU's internal legal framework and not the reverse; asks to be informed immediately of planned or pending negotiations on international agreements with a bearing on the AFSJ, in particular those founded on Articles 24 and 38 of the current EU Treaty; considers that special priority should be given to formulating, before the next EU-US summit, a coherent common strategy for future relations with the USA in connection with the AFSJ, in particular as regards the conclusion of the following pending agreements:

- the former 'Community track' of the ESTA visa waiver agreement,
- the EU-US passenger name records agreement,
- the EU-US agreement on access to financial data (SWIFT), with due reference to the EU-US agreements on mutual legal assistance and on extradition,
- the EU-US framework for protecting data exchanged for security purposes;

152. Calls on the Commission to simplify the financial programmes established to support the creation of the AFSJ and to make them more accessible; in this context, underlines the need for financial solidarity in the preparation of new financial perspectives;

153. Reserves the right to come back with specific proposals when it is consulted on the legislative action programme;

154. Calls for a mid-term review and evaluation of the Stockholm programme by early 2012;

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155. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.