

EUROPEAN PARLIAMENT

COMMITTEE ON CIVIL LIBERTIES AND INTERNAL AFFAIRS

27 November 1997

PE 224.434/1-33

AMENDMENTS 1-33

DRAFT MOTION FOR A RESOLUTION by Mr Nassauer (PE 224.434)
PROGRESS MADE IN THE IMPLEMENTATION OF COOPERATION IN THE FIELDS
OF JUSTICE AND HOME AFFAIRS PURSUANT TO TITLE VI OF THE TREATY OF
EUROPEAN UNION

AMENDMENT 1

by Mrs Lindeperg

Paragraph D

- D. whereas relations with the European Parliament have been improved by the promises of the Presidencies to consult the European Parliament on all important decisions but this progress, depending as it does on the goodwill of successive presidencies, cannot in any way replace an interinstitutional agreement on the implementation of Article K.6,

Or. fr

AMENDMENT 2

by Mr Nassauer

Recital D

- D. whereas relations with the European Parliament have been improved by the willingness of the Presidencies to consult the European Parliament on all important decisions,

Or. de

AMENDMENT 3

by Mrs Lindeperg

Recital E

- E. whereas between the beginning of 1997 and December the Presidencies will indeed have conducted some 15 consultations pursuant to Article K.6, including:
- . Odysseus
 - . priority for cooperation in the field of Justice and Home Affairs
 - . common action on the establishment of a European judicial network
 - . Eurodac,

Or. fr

AMENDMENT 4

by Mrs Lindeperg

Recital F

- F. whereas the Council, under the Luxembourgish Presidency, has additionally undertaken to make use of the new provisions of the Amsterdam Treaty, which in Article K.11 unambiguously sets out the Council and Commission's obligations towards the European Parliament,

Or. fr

AMENDMENT 5

by Mrs Lindeperg

Recital G

- G. whereas in its resolution of 12 December 1996 it asked that the Presidency should:
- provide written information to Parliament's Committee on Civil Liberties and Internal Affairs at the beginning of each Presidency,
 - hold a discussion with the members of that committee before each meeting of the Council (even before informal meetings of the Council),
 - forward every draft decision (joint action, resolution, convention, etc.) to the European Parliament with a request for its opinion,
 - ensure that the Council takes account of the European Parliament's opinion when it is reaching its decisions,
 - after the Council has been held, inform the Committee on Civil Liberties and internal Affairs of its outcome and the response to the opinions delivered by the European Parliament,

Or. fr

AMENDMENT 6

by Mrs Lindeperg

Recital Ga (new)

Ga. ~~whereas previous requests have been met in part as regards the third indent (forward every draft decision to the European Parliament for its opinion), but the other requests have gone unheeded,~~

Or. fr

AMENDMENT 7

by Mr Nassauer

Recital H

H. ~~Whereas doubts regarding the interpretation and application of conventions and other Council decisions should be removed by preliminary rulings of the Court of Justice of the European Community,~~

Or. de

AMENDMENT 8

by Mr Nassauer

Recital I

Delete

AMENDMENT 9

by Mr Nassauer

Subheading following Recital I:

Delete

AMENDMENT 10

by Mr Nassauer

Article 1

1. ~~Notes with satisfaction that the European Parliament has increasingly been informed and consulted pursuant to Article K.6 of the Treaty on European Union;~~

Or. de

AMENDMENT 11

by Mrs Lindeperg

Article 1

1. Notes important progress in the application of Article K.6 of the Treaty on European Union but calls on the Council to give a formal undertaking as of now to implement Article K.11 of the Amsterdam Treaty, as already undertaken by the Luxembourgish Presidency;

Or. fr

AMENDMENT 12

by Mrs Lindeperg

Article 1a (new)

- 1a. Is particularly appreciative of the fact that it has been consulted on the priorities for cooperation in the field of justice and home affairs for the period between 1 January 1998 and the date the Amsterdam Treaty enters into force, which was the case in the past;

Or. fr

AMENDMENT 13

by Mrs Lindeperg

Article 1b (new)

- 1b. Repeats its request to the Council for an annual report to allow it to prepare for the debate referred to in Article K.6, having received such a report only for 1995, and refers to the detailed requests it made to the Council in 1996 to indicate progress on:
 - the ratification of all conventions and the implementation of conventions and other binding instruments adopted pursuant to Article K.3
 - the implementation of the work programme
 - the implementation of Article K.6;

Or. fr

AMENDMENT 14

by Mr Nassauer

Article 2

2. Points out that Parliament's right to be consulted as laid down in the Treaty, in view of the short deadlines, can be exercised only if the Council's draft measures to be evaluated are available at the proper time in all languages;

Or. de

AMENDMENT 15

by Mr Nassauer

Article 3

3. ~~Calls on the Council also to inform Parliament of informal Council meetings and where appropriate to consult it pursuant to Article K.6, second paragraph;~~

Or. de

AMENDMENT 16

by Mr Nassauer

Article 4

4. ~~Calls on the Member States to speed up the ratification of conventions concluded pursuant to Article K.3 and already signed;~~

Or. de

AMENDMENT 17

by Mrs Lindeperg

Article 4

4. Regrets that almost all conventions under Article K.3 signed by the Member States have not yet been ratified by all Member States, ~~which it regards as confirmation of its criticism in past years of the cumbersome and complex nature of conventions and in particular of their ratification procedures;~~

Or. fr

AMENDMENT 18

by Mrs Lindeperg

Article 4a (new)

- 4a. ~~Notes that progress towards forms of decision mentioned in Article K.3, already noted in 1996, has continued;~~

Or. fr

AMENDMENT 19

by Mrs Lindeperg

Article 4b (new)

- 4b. Appreciates, despite the controversy on the more or less binding nature of this instrument, the fact that the Council has given preference to joint action rather than the convention, it being a legal instrument allowing rules to be transposed more rapidly into national law;

Or. fr

AMENDMENT 20

by Mrs Lindeperg

Article 4c (new)

- 4c. Regrets that important draft measures drawn up in the obscurity of working parties are disclosed to associations before the European Parliament has been informed, still less consulted, as with the draft Council resolution on action against marriages of convenience, a matter which has moreover never appeared on the Council's programme;

Or. fr

AMENDMENT 21

by Mr Nassauer

Article 5

5. Calls on the Commission to make full use of its right of initiative as regards cooperation in the fields of Justice and Home Affairs, especially in respect of the priorities laid down by the Council, and especially in the period before the Amsterdam Treaty comes into force;

Or. de

AMENDMENT 22

by Mrs Lindeperg

Article 6a (new)

- 6a. Welcomes the Commission proposal for a Council Joint Action on the temporary protection of displaced persons; notes that it was consulted on this draft measure in good time;

Or. fr

AMENDMENT 23

by Mrs Lindeperg

Article 6b (new)

- 6b. ~~Regrets nevertheless that other important items among the priorities for asylum and immigration have not been the subject of Commission proposals;~~

Or. fr

AMENDMENT 24

by Mr Nassauer

Article 7

7. ~~Calls on the Commission in its proposal pursuant to Article 100c on a list of countries whose nationals need a visa for entry into the European Union, to take proper account of security aspects and in particular to take care that removing visa requirements does not facilitate the trafficking in drugs and human beings in the European Union;~~

Or. de

AMENDMENT 25

by Mr Nassauer

Article 8

8. ~~Welcomes the High-level Group's action plan to combat organized crime and calls for the recommendations to be implemented without delay, and account to be taken of Parliament's proposals;~~

Or. de

AMENDMENT 26

by Mrs Lindeperg

Article 8

8. ~~Welcomes the action plan and the initiatives taken to combat serious crime while noting that it was not consulted on this action plan;~~

Or. fr

AMENDMENT 27

by Mrs Lindeperg

Article 8a (new)

- 8a. Welcomes the fact that the Luxembourgish Presidency has kept its promises in respect of the commitment to draw up an instrument on the establishment of a network of liaison magistrates for judicial cooperation;

Believes that this instrument is a first step towards the establishment of a framework for contacts between the judicial authorities in the Member States but that the common European legal and judicial area called for by the European Parliament is still far off;

Or. fr

AMENDMENT 28

by Mr Nassauer

Article 9 (new)

9. Calls on the Council, by speeding up the process of ratification of the Europol Convention and the immediate adoption of the outstanding supporting measures, to create the conditions which will allow Europol to commence operation on 1 July 1998;

(Original Article 9 to become Article 15)

Or. de

AMENDMENT 29

by Mr Nassauer

Article 10 (new)

10. Calls on the Council to make the preparations which will ensure that Europol is able to begin its work, by having the necessary staff and facilities made available;

Or. de

AMENDMENT 30

by Mr Nassauer

Article 11 (new)

11. ~~Calls on the Council to monitor the work of Europol from the start of its activities with a view to ascertaining which operational powers may be transferred to Europol in the development of its organizational structure and to report annually to the European Parliament on the matter;~~

Or. de

AMENDMENT 31

by Mr Nassauer

Article 12 (new)

12. ~~Calls on the Council, when deciding on temporary protection for displaced persons, to ensure that there is appropriate burden sharing and a decision allowing temporary admission;~~

Or. de

AMENDMENT 32

by Mr Nassauer

Article 13 (new)

13. ~~Calls on the Council to tackle the problem of illegal immigration and not to aggravate it by the failure to enforce measures to terminate the stay of illegal immigrants;~~

Or. de

AMENDMENT 33

by Mr Nassauer

Article 14 (new)

14. ~~Calls on the Council, in the forthcoming communitarization of the principles of asylum procedure, to ensure that decisions on applications for asylum within the European Union are taken within a year;~~

Or. de