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11. Justice and home affairs

B4-1025/97

Resolution on progress made in 1997 in the implementation of cooperation in the fields of justice and home affairs pursuant to Title VI of the Treaty on European Union

The European Parliament,

- having regard to Article K.6 of the EU Treaty,
 - having regard to its resolutions of 13 December 1994, 14 December 1995 and 12 December 1996 on progress made in 1994, 1995 and 1996, respectively, in the implementation of cooperation in the fields of justice and home affairs pursuant to Title VI of the Treaty on European Union ⁽¹⁾,
- A. whereas the Union has a single institutional framework and respects the fundamental rights and national identities of its Member States, whose systems of government are based on democratic principles,
- B. whereas the Treaty of Amsterdam transfers many areas from the third pillar to the first,
- C. whereas the Presidency and the Commission must regularly inform the European Parliament of work in this area, pursuant to the first paragraph of Article K.6 of the EU Treaty, and whereas the Presidency must consult the European Parliament on the principal aspects of activities in these areas and ensure that its views are 'duly taken into consideration', as stipulated in the second paragraph of that Article.
- D. whereas relations with the European Parliament have improved because the most recent Presidencies have shown themselves willing to consult it on all major decisions,
- E. whereas, from the beginning of 1997 up until December, the Presidencies will actually have carried out around 15 of the consultation exercises provided for in Article K.6, such as those concerning:
- Odysseus,
 - priority for cooperation in the fields of justice and home affairs,
 - a joint action on the creation of a European judicial network,
 - Eurodac,
- F. whereas, under the Luxembourg Presidency, the Council has furthermore undertaken to refer to the new provisions of the Treaty of Amsterdam, Article K.11 of which specifies unambiguously the obligations of the Council and the Commission *vis-à-vis* the European Parliament,
- G. whereas in its abovementioned resolution of 12 December 1996 it called on the Council Presidency:
- to provide written information to Parliament's Committee on Civil Liberties and Internal Affairs at the beginning of each Presidency,
 - to hold a discussion with the members of that committee before each meeting of the JHA Council (even before informal meetings of the Council),
 - to forward every draft decision (joint action, resolution, convention, etc.) to the European Parliament with a request for its opinion,
 - to ensure that the Council takes account of the European Parliament's opinion when it is reaching its decisions,
 - after a Council has been held, to inform the Committee on Civil Liberties and Internal Affairs of its outcome and of the response to the opinions delivered by the European Parliament,
- H. whereas the above calls have been met in part, where the forwarding of every draft decision to the European Parliament with a request for its opinion is concerned, but whereas the other calls have remained unanswered,

⁽¹⁾ OJ C 18, 23.1.1995, p. 39, OJ C 17, 22.1.1996, p. 179 and OJ C 20, 20.1.1997, p. 185.

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- I. whereas no doubts must be allowed to persist regarding the interpretation and implementation of conventions and other acts of the Council by means of preliminary rulings by the Court of Justice of the European Communities (CJEC),
- J. whereas the Council has taken the following decisions under the third pillar:
- joint action on the basis of Article K.3 of the EU Treaty concerning action to combat trafficking in human beings and sexual exploitation of children ⁽¹⁾,
 - report on joint customs control operations which took place in 1996 (doc. 6096/1/97 Enfocustom 12 Rev 1),
 - report of the High Level Group on combating organized crime ⁽²⁾,
 - conclusions concerning the practical implementation of the Dublin Convention ⁽³⁾,
 - activity reports on CIREA for 1994, 1995 and 1996 ⁽⁴⁾,
 - Decision (97/340/JHA) on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals ⁽⁵⁾,
 - explanatory report on the Convention on the protection of the European Communities' financial interests ⁽⁶⁾,
 - report on the Europol computer system (doc. 7390/1/97 Europol 19 Rev 1),
 - Act drawing up a Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters and its Protocol on the interpretation thereof by the Court of Justice ⁽⁷⁾,
 - explanatory report on the Convention relating to extradition between the Member States of the European Union ⁽⁸⁾,
 - explanatory report on the Convention on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Convention on the Law applicable to Contractual Obligations ⁽⁹⁾,
 - texts adopted in the fields of asylum and immigration and forwarded or to be forwarded to the CEECs and to Cyprus (doc. 6573/2/97 ASIM 45 Rev 2),
 - joint action adopted on the basis of Article K.3 of the EU Treaty with regard to cooperation on law and order and security ⁽¹⁰⁾,
 - Rules of Procedure of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990 (doc. 8057/1/97 JUR 169 ASIM 97 Rev 1),
 - guide to effective practices for controls on persons at external borders (doc. 8271/97 ASIM 105),
 - Europol files created for analytical purposes (doc. 6100/4/97 Europol 10 Rev 4) and Staff Regulations (doc. 6034/2/97 Europol 8 Rev 2),
 - Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union ⁽¹¹⁾,
 - resolution on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policies ⁽¹²⁾,
 - resolution on the exchange of DNA analysis results ⁽¹³⁾,
 - resolution concerning a handbook for joint customs surveillance operations ⁽¹⁴⁾,

⁽¹⁾ OJ L 63, 4.3.1997, p. 2.

⁽²⁾ OJ C 251, 15.8.1997.

⁽³⁾ OJ C 191, 23.6.1997, p. 27.

⁽⁴⁾ OJ C 191, 23.6.1997, pp. 29 and 33.

⁽⁵⁾ OJ L 147, 5.6.1997, p. 3.

⁽⁶⁾ OJ C 191, 23.6.1997, p. 1.

⁽⁷⁾ OJ C 261, 27.8.1997, pp. 1 and 17.

⁽⁸⁾ OJ C 191, 23.6.1997, p. 13.

⁽⁹⁾ OJ C 191, 23.6.1997, p. 11.

⁽¹⁰⁾ OJ L 147, 5.6.1997, p. 1.

⁽¹¹⁾ OJ C 195, 25.6.1997.

⁽¹²⁾ OJ C 193, 24.6.1997, p. 1.

⁽¹³⁾ OJ C 193, 24.6.1997, p. 2.

⁽¹⁴⁾ OJ C 193, 24.6.1997, p. 4.

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- joint action on the basis of Article K.3 of the EU Treaty for the refining of target criteria, selection methods, etc., and collection of customs and police information ⁽¹⁾,
- joint action on the basis of Article K.3 of the EU Treaty concerning the information exchange, risk assessment and the control of new synthetic drugs ⁽²⁾,
- Act drawing up, on the basis of Article K.3 of the EU Treaty and Article 41(3) of the Europol Convention, the Protocol on the privileges and immunities of Europol, the members of its organs, the Deputy Directors and employees of Europol ⁽³⁾,
- Council Act drawing up the Second Protocol of the Convention on the protection of the European Communities' financial interests ⁽⁴⁾,
- resolution on unaccompanied minors who are nationals of third countries ⁽⁵⁾,
- Decision on monitoring the implementation of instruments adopted concerning asylum ⁽⁶⁾,
- explanatory reports on the Convention, drawn up on the basis of Article K.3 of the EU Treaty on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters and the Protocol on the interpretation thereof by the Court of Justice ⁽⁷⁾,
- joint action on the basis of Article K.3 of the EU Treaty concerning the financing of specific projects in favour of displaced persons who have found temporary protection in the Member States and asylum-seekers (facilitating voluntary repatriation — 1997) ⁽⁸⁾,
- joint action on the basis of Article K.3 of the EU Treaty concerning the financing of specific projects in favour of asylum-seekers and refugees ⁽⁹⁾,
- Decision No 1/97 of the Committee set up by the Dublin Convention of 15 June 1990, concerning provisions for the implementation of the Convention ⁽¹⁰⁾,
- Decision No 2/97 of the Committee set up by the Dublin Convention of 15 June 1990, establishing the Committee's Rules of Procedure ⁽¹¹⁾,
- common position on negotiations in the Council of Europe and the OECD relating to corruption ⁽¹²⁾,
- second common position on negotiations in the Council of Europe and the OECD relating to corruption ⁽¹³⁾,
- the fight against drugs: cooperation mechanism for Latin America and the Caribbean (doc. 9946/1/97 Cordrogue 56 Rev 1),
- four documents concerning Europol (docs 8031/5/97 Europol 26 Rev 5, 8034/6/97 Europol 29 Rev 6, 8032/8/97 Europol 27 Rev 8, 12051/1/97 Europol 62 Rev 1 and Cor 1(d) and Cor 2(d)),
- practical guidelines for actions in the form of projects to combat organized transnational crime (docs 12366/97 Crimorg 19, 10110/2/97 Crimorg 3 Rev 2 and Add 1),
- joint action setting up a mechanism for evaluating the application and implementation at national level of international undertakings concerning the fight against organized crime ⁽¹⁴⁾,
- resolution on marriages of convenience ⁽¹⁵⁾,

⁽¹⁾ OJ L 159, 17.6.1997, p. 1.

⁽²⁾ OJ L 167, 25.6.1997, p. 1.

⁽³⁾ OJ C 221, 19.7.1997, p. 1.

⁽⁴⁾ OJ C 221, 19.7.1997, p. 11.

⁽⁵⁾ OJ C 221, 19.7.1997, p. 23.

⁽⁶⁾ OJ L 178, 7.7.1997, p. 6.

⁽⁷⁾ OJ C 261, 27.8.1997, pp. 26 and 38.

⁽⁸⁾ OJ L 205, 31.7.1997, p. 3.

⁽⁹⁾ OJ L 205, 31.7.1997, p. 5.

⁽¹⁰⁾ OJ L 281, 14.10.1997, p. 1.

⁽¹¹⁾ OJ L 281, 14.10.1997, p. 26.

⁽¹²⁾ OJ L 279, 13.10.1997, p. 1.

⁽¹³⁾ OJ L 320, 21.11.1997, p. 1.

⁽¹⁴⁾ Not yet published.

⁽¹⁵⁾ Not yet published.

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- 1. Notes with satisfaction that it has been increasingly informed and consulted, in accordance with Article K.6 of the EU Treaty, but now calls for an undertaking by the Council to apply the provisions of Article K.11 of the Treaty of Amsterdam, as the Luxembourg Presidency has undertaken to do;
2. Appreciates, in particular, the fact that it was consulted about the priorities for cooperation in the fields of justice and home affairs for the period between 1 January 1998 and the date of entry into force of the Treaty of Amsterdam, which was not previously the case;
3. Renews its call to the Council for an annual report making it possible to prepare the debate provided for in Article K.6 of the EU Treaty (it received such a report only in respect of 1995), and repeats the specific calls on the Council in 1996 to set out progress in:
 - ratification of all conventions and the implementation of those and other binding instruments adopted under Article K.3,
 - implementation of the work programme,
 - application of Article K.6;
4. Points out that, owing to the tightness of deadlines in particular, Parliament's right to be consulted, which is enshrined in the new Treaty, can be exercised only if the draft Council measures on which Parliament is required to deliver an opinion are available in good time in all language versions;
5. Calls on the Council also to inform it about informal meetings and, where appropriate, to consult it in accordance with the second paragraph of Article K.6 of the EU Treaty;
6. Deplores the fact that virtually none of the conventions which have been signed by the Member States under Article K.3 have yet been ratified by each of them, and sees this as confirming its criticisms in previous years about the cumbersome nature and complexity of conventions, and in particular their ratification procedures;
7. Calls on the Member States to speed up the ratification of conventions under Article K.3 that they have signed up until now;
8. Notes that progress towards the forms of decision laid down in Article K.3, which was already noted in 1996, has continued;
9. Welcomes the fact that, despite disputes as to the extent to which joint actions are binding, the Council has opted more for them, in preference to conventions, since they are a legal instrument which enables rules to be transposed into national law more speedily;
10. Deplores the fact that major proposals, drawn up secretly by working parties, are made known to organizations before the European Parliament has been informed thereof, let alone consulted thereon, this being the case with the 'draft Council resolution on measures to combat marriages of convenience', this being a subject, moreover, which has never appeared on the Council's programme;
11. Calls on the Commission to make full use of its right of initiative regarding cooperation in the fields of justice and home affairs and, above all, the priorities set by the Council, particularly during the period preceding the entry into force of the Treaty of Amsterdam;
12. Calls on the Commission to make use of all its current prerogatives and, to that end, to devote all the requisite human resources thereto, bearing in mind, in particular, the appropriations that the European Parliament intends to allocate for the promotion of the policies referred to in this resolution;
13. Welcomes the Commission proposal for a Council joint action on the temporary protection of displaced persons; notes that it was consulted on this proposal within acceptable time-limits;
14. Regrets the fact, nonetheless, that there have not been Commission proposals on other important aspects of priorities concerning asylum and immigration;
15. Calls on the Commission to take account, as it should, of security aspects in its proposal, pursuant to Article 100c of the EC Treaty, for a list of countries whose nationals must have a visa on entering the territory of the European Union, and to ensure, in particular, that the abolition of visa requirements does not have the effect of facilitating trafficking in drugs and human beings in the European Union;
16. Welcomes the High Level Group's action plan to combat organized crime and also calls for the implementation of its recommendations to be speeded up, it being understood that it must be consulted on the proposals that are made;

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17. Welcomes the fact that the Luxembourg Presidency has kept its promises regarding the undertaking to draw up an instrument establishing a network of liaison judicial officials to promote judicial cooperation; considers that this instrument constitutes a first step towards establishing a structure of points of contact between the judicial authorities of the Member States, but that the common European legal and judicial area that it so earnestly desires is still a long way off;
18. Calls on the Council, in addition, to:
- create the conditions enabling Europol to start work with effect from 1 July 1998, by speeding up the process of ratification of the Europol Convention and by adopting forthwith the associated measures which are still outstanding,
 - take the measures needed for the start-up of Europol's activities, by making available to it the requisite personnel and equipment,
 - monitor Europol's working methods as soon as it begins operations, so as to determine the operational powers that may be conferred on it in the context of the development of its structure, and to report to Parliament annually on this point;
 - consult it separately on all protocols relating to Europol, in particular the Protocol on privileges and immunities, as it called for in its resolution of 14 March 1996 on Europol ⁽¹⁾;
19. Calls, further, on the Council to ensure, under the arrangements for the temporary protection of displaced persons, an appropriate allocation of the costs associated with a decision to admit them provisionally;
20. Calls on the Council to ensure that decisions on asylum applications in the European Union are taken within a maximum period of one year;
21. Instructs its President to forward this resolution to the Council, the Commission, the Economic and Social Committee and the governments and parliaments of the Member States.

⁽¹⁾ OJ C 96, 1.4.1996, p. 288.

12. Services of general interest in Europe

A4-0357/97

Resolution on the communication from the Commission on services of general interest in Europe (COM(96)0443 – C4-0507/96)

The European Parliament,

- having regard to the Commission communication, COM(96)0443 – C4-0507/96,
- having regard to its earlier resolutions in respect of services of general interest, in particular those of 12 February 1993 on the role of the public sector in the completion of the internal market ⁽¹⁾, 6 May 1994 on public undertakings, privatization and public services in the Community ⁽²⁾, 17 May 1995 on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference – Implementation and development of the Union ⁽³⁾, 14 December 1995 on the agenda for the 1996 Intergovernmental Conference with a view to the Madrid European Council ⁽⁴⁾, 13 March 1996 embodying (i) Parliament's opinion on the convening of the Intergovernmental Conference and (ii) an evaluation of the work of the Reflection Group and definition of the political priorities of the European Parliament with a view to the Intergovernmental Conference ⁽⁵⁾ and of 13 November 1996 on the XXVth Commission report on competition policy ⁽⁶⁾,

⁽¹⁾ OJ C 72, 15.3.1993, p. 159.

⁽²⁾ OJ C 205, 25.7.1994, p. 549.

⁽³⁾ OJ C 151, 19.6.1995, p. 56.

⁽⁴⁾ OJ C 17, 22.1.1996, p. 149.

⁽⁵⁾ OJ C 96, 1.4.1996, p. 77.

⁽⁶⁾ OJ C 362, 2.12.1996, p. 135.