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REPORT

I. on the draft joint action on police cooperation in the EU on the verge of the adoption of standards for joint operations (14061/98 - C4-0047/99 - 99/0908(CNS))

II. on the draft joint action with regard to combating international crime with fuller cover of the routes used (14060/98 - C4-0048/99 - 99/0907(CNS))

Committee on Civil Liberties and Internal Affairs

Rapporteur: Sir Jack Stewart-Clark

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* Consultation procedure
simple majority
**I Cooperation procedure (first reading)
simple majority
**II Cooperation procedure (second reading)
simple majority to approve the common position
majority of Parliament's component Members to reject or amend the common position
*** Assent procedure
majority of Parliament's component Members to give assent
but simple majority under Articles 8a, 105, 106, 130d and 228 EC

***I Codecision procedure (first reading)
simple majority
***II Codecision procedure (second reading)
simple majority to approve the common position
majority of Parliament's component Members to adopt a declaration of intended rejection of the common position and amend the common position or confirm its rejection
***III Codecision procedure (third reading)
simple majority to approve the joint text
majority of Parliament's component Members to reject the Council text

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By letter of 27 January 1999 the President of the Council of the European Union consulted Parliament, pursuant to Article K.6(2) of the Treaty on European Union, on the Council draft joint actions on police cooperation in the EU on the verge of the adoption of standards for joint operations (14061/98 - C4-0047/99 - 99/0908(CNS)) and on police cooperation: combating international crime with fuller cover of the routes used (14060/98 - C4-0048/99 - 99/0907(CNS)).

At the sitting of 8 February 1999 the President of Parliament announced that he had referred these proposals to the Committee on Civil Liberties and Internal Affairs as the committee responsible and to the Committee on Legal Affairs and Citizens' Rights for its opinion.

At its meeting of 26 January 1999 the Committee on Civil Liberties and Internal Affairs had appointed Sir Jack Stewart-Clark rapporteur.

The committee considered the Council proposals and the draft report at its meetings of 17 February and 15 March 1999.

At the latter meeting it adopted the draft legislative resolution:

I. unanimously with one abstention
II. unanimously.

The following took part in the vote: d'Ancona, chairman; Reding, vice-chairman; Stewart-Clark, rapporteur; Andersson (for Schulz), Bontempi, Caccavale (for Schaffner), Cederschiöld, Ceyhun, Chanterie (for De Esteban Martin), Colombo Svevo, Deprez, Elliott, Ford, Habsburg-Lothringen (for Mendes Bota), Lindeperg, Nassauer, Schmid, Wilson (for Terròn i Cusí) and Zimmermann.

The Committee on Legal Affairs and Citizens' Rights decided on 24 February 1999 not to deliver an opinion.

The report was tabled on 16 March 1999.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

A

I. LEGISLATIVE PROPOSAL

Draft joint action on police cooperation in the EU on the verge of the adoption of standards for joint operations (14061/98 - C4-0047/99 - 99/0908(CNS))

This draft joint action is approved with the following amendments:

Text proposed by the Council	Amendments by Parliament
(Amendment 1) first citation	
Having regard to the Treaty on European Union, and in particular Article K.3 (2)(b) thereof,	Having regard to the Treaty on European Union, and in particular Article K.3 (2)(b) thereof, the Treaty of Amsterdam and the Europol Convention,
(Amendment 2) first recital	
Convinced that, in order to guarantee an area of freedom, security and justice, further improvement in cooperation between the police forces of the Member States is necessary,	Convinced that, in order to guarantee an area of freedom, security and justice, further improvement in cooperation is necessary between the police and the customs authorities of the Member States, whether direct or through Europol,
(Amendment 3) Article 1	
In order further to intensify cooperation between the police forces of the Member States, the relevant Council Working Party comprising senior police officers of the Member States shall meet as required.	In order further to intensify cooperation between the law enforcement bodies of the Member States, a Multidisciplinary Group comprising Heads of law enforcement authorities and heads of competent Ministries of the Member States shall meet as required.

(Amendment 4)
Article 2

Without prejudice to the authority of Europol, and in accordance with the national laws of the Member States, the relevant Council Working Party composed as described in Article 1 shall address in particular the following subjects:	Without prejudice to the authority of Europol, and in accordance with the national laws of the Member States, the relevant Multidisciplinary Group composed as described in Article 1 shall define, discuss and agree upon:
a) continual exchange of information on the priorities of the campaign to fight crime and major police projects which would have repercussions on the security concerns of the other Member States,	a) the priorities of the campaign to fight crime and major police projects which are likely to have repercussions on the security concerns of the Member States,
b) initiation of measures to combat international crime that provide fuller cover of the routes used,	b) the institution of measures to combat international crime including the following: (i) to provide an effective information exchange and to set up an Early Warning System of criminal activities; and (ii) to conduct investigations of routes used for the transport of illegal goods and activities
c) mixed inspection and search groups and patrols, with seconded officers having the status of liaison officials with no executive powers,	c) the establishment of mixed inspection operations at the external borders including harbours and airports, with seconded officers having the status of liaison officials with no executive powers,
d) exchanges of police officers from all countries for extended periods	d) exchanges of law enforcement teams for common investigations against criminal organisations active in several or all Member States
e) joint training events and practical exercises,	e) joint training events and practical exercises,
f) harmonisation of technical communications systems between Member States' police forces.	f) harmonisation of technical communications systems between Member States' law enforcement authorities.

(Amendment 5
Article 3(1)

1. One representative of Europol shall be invited to meetings and shall have the right to speak.	1. One representative of Europol shall be invited to and involved in meetings and, where appropriate, in discussions, planning and implementation of those subjects in Article 2 above.

(Amendment 6)
Article 3(2)

2. Senior police officers of those States negotiating to accede to the European Union may be invited. Such invitations may be confined to individual agenda items.	2. Senior law enforcement officers of States either negotiating to accede to the European Union or having relations with Europol pursuant to Article 42(2) of the Europol Convention may be invited. Such invitations may be confined to individual agenda items.

LEGISLATIVE RESOLUTION

Legislative resolution embodying Parliament's opinion on the draft joint action on police cooperation in the EU on the verge of the adoption of standards for joint operations (14061/98 - C4-0047/99 - 99/0908(CNS))

(Consultation procedure)

The European Parliament,

- having regard to draft joint action 14061 - 99/0908(CNS),
- having regard to Article K.3(2)(b) of the Treaty on European Union,
- having been consulted by the Council pursuant to Article K.6(2) of the Treaty on European Union,
- having regard to Rule 58 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties and Internal Affairs (A4-0110/99),

1. Approves the Council's draft joint action, subject to Parliament's amendments;
2. Calls on the Council to alter its draft joint action accordingly;
3. Asks to be consulted again should the Council intend to make substantial modifications to the text approved by Parliament;
4. Instructs its President to forward this opinion to the Council and Commission.

A.

II. LEGISLATIVE PROPOSAL

Draft joint action with regard to combating international crime with fuller cover of the routes used (14060/98 - C4-0048/99 - 99/0907(CNS))

This draft joint action is approved with the following amendments:

Text proposed by the Council	Amendments by Parliament
(Amendment 1) first recital (No English version)	
[No English version contained in the original Council text 14060/98]	Concerned by international crime, illegal immigration and in particular international criminal organisations,
(Amendment 2) First and second recitals	
Confirming its determination to make the European Union an area of freedom, security and justice,	Firmly resolved to make the European Union an area of freedom, security and justice,
Endeavouring to improve further practical cooperation between policy services in the Member States,	Anxious to continue improving operational cooperation between the police forces of the Member States,
(Amendment 3) Article 1	
Member States shall, with the participation of Europol, carry out simultaneous operations involving the deployment of large numbers of police on recognised routes in order to combat crime occurring along them, in line with national legal provisions and jurisdiction and with due respect for national sovereign rights.	Member States shall, with the participation of Europol, carry out simultaneous operations utilising the best and most sophisticated intelligence and if necessary the deployment of large numbers of police on recognised routes in order to combat crime occurring along them, in line with national legal provisions and jurisdiction and with due respect for national sovereign rights.

(Amendment 4)
Article 3(1)

1. Member States shall, with the participation of Europol, undertake a joint evaluation and shall in the process be guided by efforts to develop measures designed further to improve route strategies. In particular, they shall examine the conclusions to be drawn from the fact that, with the abolition of checks at most internal borders of the Community, police authorities are no longer able to make use of one of the important lines of defence for combating cross-border crime in the same way as in the past	1. Member States shall, with the participation of Europol, undertake a joint evaluation and shall in the process be guided by efforts to develop measures designed further to improve route strategies. In particular, they shall examine the conclusions to be drawn from the fact that, with the abolition of checks at most internal borders of the Community, law enforcement authorities are no longer able to make use of one of the important lines of defence for combating cross-border crime in the same way as in the past.

(Amendment 5)
Article 3(2)

The provision of personal data shall be governed by national law and by international conventions.	The provision of personal data shall be governed by national law, the 1981 Council of Europe Convention on the protection of Data and by international conventions.

LEGISLATIVE RESOLUTION

Legislative resolution embodying Parliament's opinion on the draft joint action with regard to police cooperation: combating international crime with fuller cover of the routes used (14060/98 - C4-0048/99 - 99/0907(CNS))

(Consultation procedure)

The European Parliament,

- having regard to draft joint action 14060 - 99/0907(CNS),
- having regard to Article K.3(2)(b) of the Treaty on European Union,
- having been consulted by the Council pursuant to Article K.6(2) of the Treaty on European Union,
- having regard to Rule 58 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties and Internal Affairs (A4-0110/99),

1. Approves the Council's draft joint action, subject to Parliament's amendments;
2. Calls on the Council to alter its draft joint action accordingly;
3. Asks to be consulted again should the Council intend to make substantial modifications to the text approved by Parliament;
4. Instructs its President to forward this opinion to the Council and Commission.

B
EXPLANATORY STATEMENT

This statement is deliberately short and kept to within one page. Is should really be a preface to the amendments that I am proposing to the two draft joint actions.

* * *

The first of these drafts (ENFOPOL no. 130) looks to the creation of a committee of senior police officers at a senior level within the framework of Article K3 of the Treaty of European Union. Whilst such a committee is undoubtedly necessary, since there has been no forum until now where such persons can meet, it does not really achieve the objective of real co-operation in the field of law enforcement at operational level. Consequently my main amendments to this draft wish to see the creation of a Multi-Disciplinary Group which comprises heads of police, customs and other law enforcement authorities.

Secondly we think it is important that Europol should be given a more specific role. The text implies a half-hearted involvement of this body. Consequently my amendments beef up the role of Europol, by calling for its involvement in discussions, planning and implementation.

Thirdly, after consultation, I have been more specific about some of the tasks which this new committee should carry out. This includes establishing mixed inspection operations at the external borders and the setting-up of an effective information exchange and early warning system.

* * *

The second of these two drafts (ENFOPOL no. 129) wishes to see the deployment of large numbers of police on recognised routes. In this case we have included the vital element of intelligence and changed the text to read 'if necessary the deployment of large numbers.'

Secondly we do not like the words 'to ensure maximum possible police success especially in the form of arrests' and have substituted the words 'tracking down criminals and their organisations and bringing them to justice'. Police and customs success should not be measured by arrests but by success in bringing criminal organisations to justice.