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through the extension of overdraft facilities or the purchase in the primary market of securities, and to make it clear that the 'no bail-out' principle also applies to the acquisition of State funds on the secondary market, and in this context to highlight the potential dangers, either to the creditworthiness of Member States or to the credibility of the ECB, of excessive reliance by some governments on short-term funding at maturities of less than one year;

17. Considers it necessary and appropriate that the ECB be represented at international level, for example in the Bank for International Settlements, the International Monetary Fund and the G7, but calls for the Commission to be appropriately involved in decisions and at institutional level in the International Monetary Fund in particular; calls on the ECB to recognise fully its role in international cooperation;

18. Regrets that some members of the Council have been reported as suggesting a limit on the ECB's discretion to pursue price stability by raising the possibility of either 'general orientations' for exchange rate policy or even adherence to a formal exchange rate system; points out that the justification for any such guidelines is diminished by the small part of the euro-area's gdp which is now exposed to exchange rate fluctuations; and notes that any such Council decision could only be on the basis of a recommendation from either the ECB itself or the Commission and that it would require unanimity; in this context, hopes that Council members will be more circumspect in their future comments;

19. Instructs its President to forward this resolution to the European Central Bank, the Commission and the Council.

15. Outcome of the European Council on 15/16 October in Tampere

B5-0187, 0188, 0190 and 0193/1999

European Parliament resolution on the European Council meeting in Tampere

The European Parliament,

- having regard to the provisions of the Treaty of Amsterdam, and to the detailed Vienna Action Plan for the creation of an area of freedom, security and justice,
- having regard also to the provisions of the Treaty of Amsterdam on the responsibilities of the EU institutions concerning the safeguarding of fundamental rights and combating all forms of discrimination, racism and xenophobia,
- having regard to its previous resolutions on this subject and particularly the preparatory resolution to the Tampere summit, adopted on 16 September 1999 ⁽¹⁾, to the position of the Commission contained in President Prodi's letter of 23 September 1999 to the Prime Minister of Finland and to the speech delivered to the European Council by the President of the European Parliament,
- having regard to the conclusions of the European Council special meeting on 15/16 October 1999 in Tampere on the creation of an area of freedom, security and justice in the European Union,

Constitutional and democratic features

1. Notes the significance of the Heads of State and Government holding their first special summit devoted to the important issues which are at the core of a Union 'founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law';

2. Regrets that, despite the European Council's assertion that democratic institutions are a foundation stone of European integration, the Presidency Conclusions contain no reference to the content of the President of Parliament's address nor to the specific recommendations addressed by Parliament to the European Council; stresses in particular the need for an increase in democratic control;

⁽¹⁾ Minutes of that sitting, Part II, Item 10(b).

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3. Resolves to organise before the end of the year, through its Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, another interparliamentary conference on the area of freedom, security and justice (on the lines of that organised in March 1999) with the participation of representatives of civil society as well as national parliaments;

Towards an area of freedom, security and justice

4. Applauds the European Council's decision to maintain the objective of developing the Union as an area of freedom, security and justice at the very top of the political agenda, by establishing a 'scoreboard' to ensure that the momentum of the project is not lost, but reminds the European Council that its determination must encompass a comprehensive approach which pays full attention to issues affecting citizens' rights, including their rights against governments; believes that concerning this criterion there was some unevenness and some gaps in the summit results such as, for example, the failure to open a channel for citizens to have recourse to the European Court of Justice to enforce their rights;

Fundamental rights and non-discrimination

5. Welcomes the composition and method of work agreed upon for the body set up to draw up a draft EU Charter of Fundamental Rights and will participate wholeheartedly in this task;

6. Places great hopes in the strong parliamentary component of this body, which illustrates the democratic development of the EU better than a classic Intergovernmental Conference could do;

7. Considers it desirable that the result of this body's work — perhaps on the basis of the Convention for the Protection of Human Rights and Fundamental Freedoms — should be binding on Community bodies under EU law and thus have direct effect for EU citizens;

8. Hopes that all the members of the body will be designated in December 1999, and undertakes to do this so far as it is concerned; considers that the chairmanship of the body should fall to its parliamentary component;

9. Regrets that the European Council did not use this opportunity to take concrete steps to reinforce the right to move and reside freely throughout the Union and — despite reaffirming the principle of transparency — citizens' rights to freedom of information and access to documents, including an end to secrecy in the Council when acting in its legislative capacity;

10. Welcomes the European Council's call for the fight against racism and xenophobia to be stepped up but reminds the Heads of State and Government that it expects them to act consistently on this by making greater efforts to avoid creating in the public mind an association between crime, illegal immigrants and asylum seekers;

11. Endorses the European Council's call for the Commission to come forward as soon as possible with proposals for implementing Article 13 of the EC Treaty but wishes those proposals to encompass all the factors of discrimination cited in that article;

Asylum and migration

12. Welcomes and endorses the reaffirmation of absolute respect for the right to seek asylum based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to face persecution, i.e. maintaining the principle of non-refoulement;

13. Regrets that the European Council could not agree on a Single Asylum System but only on common procedural standards, minimum conditions of reception of asylum seekers, and approximation of rules on the recognition and content of the status of refugees and urges rapid progress towards agreement on a Single Asylum System with uniform status for refugees on the basis of a Commission proposal; such a System must contain checks against abuse in order to safeguard the principle of asylum itself;

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14. Regrets the lack of agreement within the European Council on the issue of temporary and subsidiary protection for displaced persons on the basis of burden-sharing and financial solidarity between Member States, and expresses preference for EU funding in the event of a mass influx of refugees for temporary protection;

15. Urges the rapid realisation of promises of fair treatment of third-country nationals who reside legally in Member States and the definition of their legal status with uniform rights as near as possible to those enjoyed by EU citizens, and rapid decisions by the Council on the basis of the Commission's proposals on the establishment of a common EU visa and long-term residence permits;

16. Urges the Council not to circumvent legislative procedure put in place by the Treaty of Amsterdam but to ensure democratic parliamentary scrutiny and adoption procedures; insists that action plans for individual countries must go beyond a focus on deterrence of migrants and asylum-seekers from those countries and fully address the root causes of the refugee phenomenon and how Union policies can help reduce the pressures; calls for a timetable and indication of budgetary resources for such policies;

17. Calls on the Council to consider whether the objectives of Title IV of the Treaty on visas, asylum and immigration can be achieved and whether agreement among Member States can be found before the end of the five-year period fixed by the Treaty so that all decisions under this title can be governed by the procedure referred to in Article 251 and the provisions relating to the powers of the Court of Justice can be adapted before enlargement of the Union;

18. Welcomes the determination to combat illegal immigration but reiterates its insistence that care needs to be taken in use of language so as not to muddle illegal immigrants, asylum-seekers and refugees, and urges that sanctions should be directed at those who engage in trafficking in human beings and economic exploitation of migrants rather than at the victims of such exploitation;

19. Notes that the European Council did not invite the Commission to come forward with a proposal on the rights and obligations of third-country nationals, and therefore calls upon the Commission to make such a proposal in conjunction with proposals under the anti-discrimination Article 13 of the EC Treaty which, moreover, should not be confined to racism and xenophobia as implied by the European Council;

Access to justice in Europe

20. Fully endorses the aim that, in a genuine European Area of Justice, individuals and businesses should not be prevented or discouraged from exercising their rights by the incompatibility or complexity of legal and administrative systems in Member States;

21. Believes that the early simplification and acceleration of cross-border suits for consumer and small commercial and maintenance claims, improved protection for victims, their access to justice and rights to damages and costs, and better conditions for those accused of law-breaking in a Member State other than their own could do much to make a reality of a 'European area of justice' for individuals; to this end, calls for speedy endorsement by the Council, under the procedures of Title IV of the Treaty, of the content of the Second Brussels Convention;

22. Notes the commitment by the European Council and the Commission to adopt by December 2000 a programme of measures to implement the principle of mutual recognition of judicial decisions and the necessary approximation of legislation in both civil and criminal matters, and urges that this should include measures to ensure consistent and adequate standards of legal and judicial practice throughout the Union including the provision of legal aid and the establishment of a 'Euro-bail' system enabling those charged to go home while awaiting trial; stresses that the principle of mutual recognition has to be complemented by the agreeing of minimum standards in order to improve confidence in other judicial systems;

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Action Against Crime

23. Believes that proposals to increase the competences of Europol, establish a European police chiefs' operational task force, a European police training college and Eurojust must be implemented in the context of strengthened democratic and judicial control of data protection, and therefore reiterates its request for police and judicial cooperation in criminal matters (remaining 'third pillar') to be integrated into the Community pillar in order to achieve greater legislative coherence and stronger democratic controls;

24. Supports the call for the approximation of criminal law and procedures on money laundering (e.g. tracing, freezing and confiscating funds) and urges real action to address the obstacles caused by banking secrecy and tax havens;

25. Welcomes the prospect of regional cooperation against organised crime involving the Member States and third countries bordering the Union and endorses the call for clear priorities and policy objectives for the Union's external action in Justice and Home Affairs to be drawn up prior to the European Council in June 2000;

26. Agrees that external relations must be used in an integrated and consistent way to build the area of freedom, security and justice, but urges the Council in future to inform and consult Parliament in a more comprehensive way on all its negotiations and activities in relation to third countries; regrets that the European Council has not taken the opportunity to affirm the Union's responsibility in respect of population movements outside its borders;

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

16. Appointment of Ombudsman

Decision appointing the Ombudsman of the European Union

The European Parliament,

- having regard to the EC Treaty, and in particular Articles 21, second paragraph, and 195 thereof,
- having regard to the ECSC Treaty, and in particular Article 20d thereof,
- having regard to the EAEC Treaty, and in particular Article 107d thereof,
- having regard to its decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties ⁽¹⁾,
- having regard to Rule 177 of its Rules of Procedure,
- having regard to the call for nominations of 31 July 1999 ⁽²⁾,
- having regard to the nominations forwarded pursuant to Article 6(2) of the regulations and general conditions governing the performance of the Ombudsman's duties and Rule 177(3) of Parliament's Rules of Procedure,
- having regard to the list of admissible nominations,
- having regard to the hearings of the nominees in the committee responsible on 19 October 1999,
- having regard to its vote of 27 October 1999,

Appoints Mr Jacob Magnus Söderman Ombudsman of the European Union.

⁽¹⁾ OJ L 113, 4.5.1994, p. 15.

⁽²⁾ OJ C 220, 31.7.1999, p. 29.