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MOTION FOR A RESOLUTION

further to the European Council report and Commission statement

pursuant to Rule 37(2) of the Rules of Procedure

by Jules Maaten, Baroness Ludford, Cecilia Malmström, Andrew Nicholas
Duff and Luciana Sbarbati

on behalf of the ELDR Group

on the outcome of the European Council meeting of 25-26 March 2004

European Parliament resolution on the outcome of the European Council meeting of 25-26 March 2004

The European Parliament,

- having regard to the meeting of the European Council on 25-26 March and to the European Parliament elections on 10-13 June,
 - having regard to the conclusions of the extraordinary Justice and Home Affairs Council meeting of 18 March, of the General Affairs and External Relations Council meeting of 22 March and of the extraordinary European Council meeting of 25 and 26 March 2004,
 - having regard to its recommendation of 5 September 2001 on the role of the European Union in combating terrorism (2001/2016(INI)) and its resolutions of 4 October 2001 and 24 October 2002 on 'Assessment of and prospects for the EU strategy on terrorism one year after 11 September 2001'¹,
 - having regard to the Draft Treaty establishing a Constitution for Europe of 18 July 2003, prepared by the European Convention,
 - having regard to the Conclusions and the Union's Action Plan to combat terrorism adopted by the European Council on 21 September 2001², the Declaration by the Heads of State or Government of the European Union and the President of the Commission on the attacks of 11 September 2001 and the fight against terrorism issued at the informal European Council meeting in Gent on 19 October 2001³,
 - having regard to the Declaration of the Seville European Council meeting of 21 and 22 June 2002 on the contribution of the CFSP, including the ESDP, to the fight against terrorism,
- A. whereas the European Council reaffirmed its commitment to reaching agreement on the Constitutional Treaty, and decided that agreement on the Constitutional Treaty should be reached not later than the 17-18 June European Council,
- B. whereas the necessity to reinforce the EU strategy on terrorism has become more apparent than ever after the brutal terrorist attacks perpetrated in Madrid on 11 March 2004,
- C. whereas terrorism constitutes a crime against humanity and the values of an open, democratic, multicultural society and, as such, is a threat to international peace, stability and security,

¹ P5_TA(2002)0518

² <http://ue.eu.int/pressData/en/ec/140.en.pdf>.

³ <http://ue.eu.int/pressData/en/ec/ACF7BE.pdf>.

I. INTERGOVERNMENTAL CONFERENCE

1. Welcomes the decision of the European Council to reach the final agreement on the Constitution no later than the European Council of 17-18 June; insists, nevertheless, that it is of the utmost importance that the IGC achieves overall political agreement before the election on 10-13 June so that the outcome can be put before the electorate for informed debate among the political parties;
2. Reminds the IGC that Parliament will never support a Constitution that is not substantially based on the proposals of the Convention, that disregards Parliament's existing budgetary prerogatives, or that fails to widen significantly the scope of qualified majority voting in the Council plus co-decision with the Parliament;
3. Commits itself to maintaining its active involvement in the IGC at all levels notwithstanding the electoral campaign;

II. TERRORISM

4. Condemns all terrorist attacks, in particular the recent brutal attack in Madrid on 11 March 2004, and expresses its sympathy and its solidarity with the victims, their families and the people of Spain;
5. Welcomes the Declaration on Solidarity against Terrorism incorporating the political commitment of the Member and acceding States to act jointly against terrorist acts, in the spirit of the Solidarity Clause contained in the Draft Treaty establishing a Constitution for Europe (Article I-42);
6. Welcomes the Council agreement on the establishment of a counter-terrorism coordinator, who will be charged with ensuring a comprehensive and coordinated approach in the fight against terrorism; believes that only if given a clear mandate and appropriate powers will the counter-terrorism coordinator be able to succeed; while noting that the Member States in theory support the fight against the terrorism, deplores the regrettable lack of support by Member States for adequate funding under the EU budget;
7. Regrets that the European agenda in the fight against terrorism apparently only progresses in the wake of tragic events and not as a result of a coordinated and coherent EU approach; deplores the fact that Council has given Parliament little or even in some cases no time to properly examine the anti-terrorism legislation drawn up after 11 September 2001 and stresses once again its right to be fully and duly involved in the legislative process;
8. Believes that measures taken to defend the values of democracy and freedom against terrorist acts cannot be allowed to undermine the fundamental aspects of those values;

believes, in particular, that efforts should be increased to reinforce the protection of civil liberties, fundamental rights and personal data;

9. Stresses that to tackle the terrorist threat the European Union does not need exceptional legal instruments or institutions, but that the Council has to adopt the existing proposals and the Member States have to fully implement the legislative instruments relevant to the fight against terrorism; in this regard, calls on the Member States to publish a regular 'league table' on implementation by the Member States of anti-terrorism legislation;
10. Deplores the intolerable lack of progress and the consistent failure of the Member States to put joint pressure on the United States to charge or release detainees held at Guantánamo Bay;
11. Regrets, in particular, that five Member States have failed to meet the implementation deadline of the European Arrest Warrant and urges them to rapidly implement it; asks the European Commission to report at the end of this year on the operational working of this fundamental legal instrument;
12. Urges the Council, after having received Parliament's opinion, to rapidly adopt the proposal for a framework decision on procedural guarantees under criminal law in the European Union that the Commission has just presented and which will ensure protection of individual rights, after the entry into force of the European Arrest Warrant;
13. Stresses that one the priorities for the EU in the fight against terrorism is to reinforce cooperation between police services, including a more structured role for the Taskforce of EU Police Chiefs to ensure the interoperability of national security plans and to share intelligence data; calls therefore on the Member and acceding States to do so;
14. Regrets that the role of Europol and Eurojust has so far been underestimated and asks for an enhanced role for them in strategic intelligence-gathering and coordination of investigations into trans-border criminal activities, in cooperation with national police and judicial authorities; also deplores the fact that the anti-terrorist unit created after 11 September 2001 within Europol has been dismantled and asks the European Council for its re-establishment; urges the Member States to transform the European Police Office (Europol) into a genuine European Agency and recommends its immediate reorganisation and reinforcement;
15. Expresses very serious concerns about the intention expressed by some Member States and by the Commission Communication COM(2003) 826 to collect, for intelligence purposes, private and commercial data, such as air passenger data, telecommunication and bank information, in possible violation of the EU's data protection legislation;
16. Urges the Commission to undertake a realistic analysis of the threat posed by terrorist attacks in the EU involving biological and chemical weapons and to initiate, in the light of the findings of the analysis, the necessary legislative steps to deal with such attacks;

III. THE LISBON STRATEGY

17. Welcomes the focused conclusions from the European Council held in Brussels on March 25 and 26, 2004 on the Lisbon process;
18. Agrees with the European Council that the pace of reforms must be stepped up significantly and urgently if the European Union is to meet the Lisbon challenge in 2010; considers that efforts so far have been laudable in intentions, but weak on implementation; points out, in this connection, that 40% of all adopted Lisbon directives have not yet been fully implemented by all Member States;
19. Reminds Member States that a recovery of the European economy must be used for structural reforms and for ensuring sound budgetary positions in line with the Stability and Growth Pact;
20. Insists that more and better jobs must be created, but that this must be done by making work pay, opening new ways into work for more people, and ensuring a more flexible labour market better adapted to new challenges;
21. Finds the idea of Partnerships for Reform in Member States an intriguing idea, and hopes that these partnerships will be a force for real and thorough reforms;
22. Remains sceptical about a high-level group for a review of the Lisbon process, since the targets and mechanisms are already present in the Lisbon process, but now must be fully implemented, and expects the high-level group to press for further action from Member States; insists, furthermore, that the report by this group be transmitted to the European Parliament in order for Parliament to be involved in the preparatory work for the 2005 Spring Summit;

IV. CYPRUS

23. Confirms its commitment to a just, viable and functional settlement of the Cyprus problem based on the Annan plan and calls on all parts to do their utmost to reach an agreement allowing the whole island to accede to the European Union on 1 May;
24. Expresses its readiness to support some derogations from EU law in line with the examples of the Aland Protocol, if needed to reach a solution;

V. INTERNATIONAL SITUATION

Middle East:

25. Expresses its deep concern at the situation in the Middle East and the deepening of the Israeli-Palestinian conflict following in particular the extrajudicial killing of Hamas leader Sheikh Ahmed Yassin and seven other Palestinians by Israeli forces on 22 March

2004; believes that extrajudicial killings are contrary to international law and undermine the concept of the rule of law, which is a key element in the fight against terrorism;

26. Reiterates its condemnation of the terrorist atrocities committed by Hamas, which have resulted in the deaths of hundreds of Israelis, and recognises Israel's right to protect its citizens against terrorists attacks under international law;
27. Strongly believes that violence is no substitute for the political negotiations which are necessary for a just and lasting settlement, and insists that the Quartet roadmap remains the basis for reaching such a settlement;

Iraq

28. Notes that the security situation in Iraq remains a major impediment to successful political and reconstruction processes and reiterates its condemnation of terrorist attacks which have caused so many deaths;
29. Supports the UN's decision to assist in the formation of an interim Iraqi government, to which sovereignty will be transferred on 30 June 2004, and in the preparation of direct elections to be held before the end of January 2005;
30. Insists that a strong UN role in this political transition process is an essential element for its success;

Strategic Partnership with the Mediterranean and the Middle East

31. Welcomes the Interim report on an EU Strategic Partnership with the Mediterranean and the Middle East and recalls that the primary objective is to promote the development, through partnership, of a common zone of peace, prosperity and progress; looks forward to receiving a final report at the end of the Irish Presidency;

Democratic Republic of Congo (DRC)

32. Reiterates its support for the efforts made by the Transition Authorities and expresses its concern at the delays in implementation of the transition programmes and the political tensions and obstacles observed of late;
33. Calls for the urgent application of the necessary measures to restore the governing powers of the State and its authority over the whole territory of the DRC;

Côte d'Ivoire

34. Condemns the recent outbreak of violence in Côte d'Ivoire and repeats its call for all parties to ensure the scrupulous application of the Linas-Marcoussis Agreement; urges the EU and other international actors to make a stronger commitment to the peace process;

35. Instructs its President to forward this resolution to the Council, the Commission and the Member States.