

ORAL QUESTION WITH DEBATE O-0136/09

pursuant to Rule 115 of the Rules of Procedure

by Emine Bozkurt, Louis Michel and Michèle Striffler, on behalf of the Committee on Civil Liberties, Justice and Home Affairs
to the Commission

Subject: Restrictive measures

During the LIBE Committee meeting of 5 November in the context of the first exchange of views on the Commission proposals dealing with restrictive measures¹, the Commission and the Swedish Presidency representatives declared that after the entry into force of the Lisbon Treaty these proposals will be based on Article 215 of the Treaty on the Functioning of the European Union (TFEU) (foreseen under Title IV "Restrictive measures" of Part Five "External Action by the Union").

It should be pointed out that following the entry into force of the Lisbon Treaty measures affecting the rights of individuals will be examined without involving the European Parliament (Article 215 TFEU) or associating it in co-decision (Article 75 TFEU). This different treatment is very striking as, although competent for penal matters and particularly for preventing and combating terrorist offences, the European Parliament may be excluded from the adoption of some binding anti-terrorism measures that are applicable on EU territory (even if these originate outside the EU).

In the light of the above and given both the current Treaty provisions and those of the Lisbon Treaty, could the Commission elaborate on the following:

1. Could the Commission provide more detailed information on the improvements, as far as fundamental rights are concerned, in the work of the UN Sanctions Committees?
2. Article 215 TFEU seems to be more of an exception to the general rules defined by Article 75 TFEU according to which the European Parliament acts as co-legislator² "*where necessary to achieve the objectives set out in Article 67 as regards preventing and combating terrorism and related activities.*" How could this exception be dealt with? Could a double legal basis (Articles 215 and 75 TFEU) be envisaged when individual rights and anti-terrorism policies are at stake, thereby making this a more democratic decision-making process?
3. For the proposals concerning Zimbabwe and Somalia where consultation of the European Parliament is not mandatory under Article 215 TFEU, could optional consultation of the Parliament not at least be envisaged (in accordance with the European Council "Stuttgart Declaration on the European Union" of 19 June 1983 where such optional consultation of the Parliament was foreseen in international matters even when not set out in the Treaties)?

Tabled: 16.11.2009

Forwarded: 18.11.2009

Deadline for reply: 25.11.2009

¹ COM(2009)0395, COM(2009)0393, COM(2009)0187 and Council Document 12883/2009.

² The European Parliament and the Council will be called upon to define a framework for administrative measures with regard to capital movements and payments, such as the freezing of funds, financial assets or economic gains belonging to, or owned or held by, natural or legal persons, groups or non-State entities.