

EUROPEAN PARLIAMENT

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

Public seminar

with the participation of the

NATIONAL PARLIAMENTS OF THE MEMBER STATES

Thursday 22 June 2006 from 9.00 to 12.30

*European Parliament,
Altiero Spinelli Building, Room 01G2,
60 Rue Wiertz, Brussels*

<p>THE PRÜM CONVENTION: INTEGRATION OR FRAGMENTATION OF EUROPEAN JUSTICE AND HOME AFFAIRS?</p>

The Convention on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration negotiated upon German initiative and signed in Prüm (Germany) on 27 May 2005 represents a new element in the fragmented landscape of European Justice and Home Affairs (JHA). Signing parties to the so-called Prüm Treaty are Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria. At the moment the Treaty undergoes parliamentary ratification in those countries.

The Treaty, which envisages its own incorporation into the EU legal framework within three years after entering into force, bears the marks of the Schengen integration process and thus raises the question of its role for the future development of this policy field. The seminar first aims to shed light on and debate the most important provisions of the Prüm Convention. What is new and how does it relate to existing forms of cross-border cooperation? Secondly, it aims to discuss how democratic parliamentary and judicial oversight of such intergovernmental forms of cooperation, which are however tightly linked to EU-level developments in the field, can be provided for. It takes stock of the Schengen integration process in order to draw lessons for parliaments' activities with regard to the Prüm Convention. Finally, the question shall be raised whether this integration 'à la Schengen' is desirable at this stage of the integration process and at a time when citizens regard the aim of a creation of an EU-wide area of freedom, security and justice as more and more crucial while the reality of European JHA is one of multiple and fragmented forms of cooperation.

9.00 - 9.30 OPENING SESSION

Opening Statements by **Mr. Jean-Marie Cavada**, Chairman of the European Parliament Committee on Civil Liberties, Justice and Home Affairs and **Mr. Rudolf Parnigoni**, Chairman of the Internal Affairs Committee of the Austrian Nationalrat

Introduction to the Treaty by Brigadier Kurt Hager, Head of Unit for Bilateral Relations, Austrian Federal Ministry of Home Affairs and current Chairman of the Council's Article 36 Committee¹ and **Mr. Michael Niemeier**, Head of Unit for EU Cooperation and Europol, German Ministry of Home Affairs

European Commission: Ms. Denise Sorasio, Director for Internal Security and Criminal Justice, Directorate-General Justice, Freedom and Security

9.30 - 12.30 WHAT IS 'PRÜM' ABOUT?

9.30-10.00 Prüm and EU Justice and Home Affairs: How does Prüm relate to existing and foreseen EC/EU legislation?

All three policy areas covered by the Prüm Treaty are also regulated by EU law. How do the Prüm provisions, laid down only for the small circle of Prüm contracting parties, relate to the existing and envisaged EU norms in these areas? Are the Prüm provisions compatible with EU law or do they risk to breach the principle of loyalty laid down in Article 10 TEC which obliges Member States to refrain from all measures which would hamper attaining the aims set out in the Treaties such as the aim to establish an EU-wide area of freedom, justice and security?

Introductory Statement: Mr. Thierry Balzacq, Research Fellow, CEPS (Centre for European Policy Studies, Brussels)

Debate with all parliaments

10.00-10.30 Data exchange and data protection in the Prüm Treaty

The main focus of the Treaty is on improving data exchange between the law enforcement authorities of the Prüm states. Among other things, it provides for online access to each others databases and the comparison of DNA-profiles, fingerprints etc. as well as the exchange of the respective personal data. Are these far reaching provisions counterbalanced with appropriate data protections measures? Is the interference of the Prüm provisions with civil rights justified by the aim of providing a higher level of security and do they respect the principle of proportionality? The Prüm provisions also have a spill-over effect into ongoing negotiations on the proposal for a Council Decision on the exchange of information under the principle of availability. How are these different norms related?

¹ CATS - from the French acronym *Comité de l'Article Trente Six* - is a coordinating committee that oversees the work of a dozen specialist Council working groups on police and judicial cooperation (Article 36 TEU) and reports to the Council through Coreper II.

Introductory Statement: Mr. Peter Schaar, German Federal Data Protection Commissioner and Chairman of the Art. 29 Working Party of the European Data Protection Commissioners

Debate including reactions from 'Prüm Parliaments'

10.30-11.00 Cross Border Policing in the Prüm Treaty

The Treaty also promotes cross-border policing including measures such as joint patrols, cross-border surveillance and hot pursuit etc. It foresees that the authorities of a Prüm state can confer sovereign powers to officers of another Prüm state in joint operations, which then exercise their powers in accordance with the host states' laws. These provisions are modelled largely on the bilateral agreements on cross-border policing Germany concluded in recent years with its neighbours.

Introductory Statement: Mr Rudolf Parnigoni, Chairman of the Internal Affairs Committee of the Austrian Nationalrat

Debate including reactions from 'Prüm Parliaments' initiated by Mr. Agustín Díaz de Mera García Consuegra (EPP-ED)

11.00-11.30 Lessons from Schengen and G6: Parliamentary and Judicial Scrutiny of cooperation *outside* the EU legal Framework

Like the Schengen agreements, Prüm presents an intergovernmental form of cooperation which aims to be integrated into the EU legal framework at a later stage. Regarding democratic parliamentary scrutiny, the Schengen process suffered from a number of shortcomings. The 'Schengen Parliaments' for example ratified the Schengen Implementation Agreement but, with few exceptions, were not involved in the adoption of the substantial decisions taken by the Schengen executive committee. With the incorporation of the Schengen acquis into the EU acquis, national parliaments and the EU institutions were confronted with a body of law on whose content they have had no influence. How can parliamentary and judicial oversight of such cooperation be enhanced? Also, with Prüm, the European Parliament is circumvented by governments at a point where it gained significant powers in this policy field.

Experiences with Schengen: **Mrs. Marleen de Pater van de Meer**, Chairwoman of the Justice Committee of the Dutch House of Representatives

Debate initiated by Mrs. Edith Mastenbroek (PES)

11.30 - 12.30 The Future of Prüm: a desirable way of integration?

What are the possible ways of integrating the Prüm acquis into EU legal Framework? Are the provisions on enhanced cooperation applicable or will Prüm follow the Schengen way of integration? Is Prüm a chance to promote integration in a field

which is still hampered by national reservation or will Prüm run counter this aim and even further fragment this policy field? Is the criticism justified that a number of Member States agree in a small and strictly intergovernmental framework on highly contentious measures avoiding the difficult search for EU-wide compromises and confronting the remaining Member States and EU institutions with an established acquis? Is it desirable to repeat the intergovernmental Schengen experience at a time where the EU's JHA acquis and the necessity for EU-wide cooperation have grown?

1. **Brigadier Kurt Hager**, Head of Unit for Bilateral Relations, Austrian Federal Ministry of Interior and current Chairman of the Council's Article 36 Committee

2. European Commission: **Mr. Joaquim Nunes de Almeida**, Head of Unit for Fight against Terrorism, Trafficking and Exploitation of Human Beings, and Law Enforcement Cooperation, Directorate-General for Justice, Freedom and Security

Final Debate initiated by Mr. Alexander Alvaro (ALDE)

Conclusions by Mr. Jean-Marie Cavada, Chairman of the European Parliament Committee on Civil Liberties, Justice and Home Affairs

ANNEX

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Important notice to persons wishing to attend the seminar

This seminar is open to the public. However, for security reasons, participants who are not in possession of a European Parliament access card must acquire a pass in advance. Persons wishing to obtain a European Parliament pass are requested to contact the seminar secretariat before 19 June 2006.

There will be simultaneous interpretation in 13 languages (EN, IT, NL, DE, FR, ES, EL, SV (passive) LT, FI, PL, SL and HU)