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UNOFFICIAL SUMMARY¹
of the Joint Parliamentary Meeting
on the initiative of the European Parliament and the Parliament of Finland

FROM TAMPERE TO THE HAGUE: MOVING FORWARD?
PROGRESS AND SHORTCOMINGS IN THE AREA OF FREEDOM, SECURITY
AND JUSTICE

Monday 2 and Tuesday 3 October 2006

Hemicycle
European Parliament, Brussels

Monday 2 October 2006

OPENING SESSION

In his opening speech, **M. Matti VÄISTÖ** (Chairman of the Committee on Internal Affairs of the Parliament of Finland) underlined the problems of the decision-making process and of the effectiveness of the decisions in justice and home affairs issues. There is a need to reinforce trust in the judicial systems and for cooperation between Member States in order to actually build an area of freedom, security and justice. **Mrs Sirikka-Liisa ANTTILA** (Deputy Speaker of the Parliament of Finland) stated that the objectives of Tampere were not completely fulfilled. Stronger cooperation is needed to satisfy European citizens' demand for security in the context of international terrorism; it is thus necessary to activate the "passerelle clauses" (Article 67 TEC and Article 42 TEU) so that the Hague programme lives up to its promise.

Mr Jean-Marie CAVADA (Chairman of the European Parliament Committee on Civil Liberties, Justice and Home Affairs, on behalf of Mr. Josep BORRELL FONTELLES, President of the European Parliament) recalled the context of the joint parliamentary meeting: the informal Justice and Home Affairs Council in Tampere, which took place on 20-22 of September 2006, and the 10 year anniversary of the "Appel de Genève" give the opportunity to make a review of the progress made since the 1999 Tampere European Council. He underlined the importance of the development of cooperation between the European Parliament and National Parliaments, despite the remaining reticence of the Member States when it comes to cooperation in intergovernmental fields. In this perspective, it is necessary to develop trust and cooperation, and reflect

¹ The speeches are available on http://www.europarl.europa.eu/hearings/default_en.htm

again about the "passerelle clauses" so as to increase the efficiency of the decision-making process. It is necessary to make sure that the National Parliaments have enough time to debate about proposals and ensure a certain right of initiative for the Member States.

SESSION 1

DATA EXCHANGE AND DATA PROTECTION: WHAT ARE THE OBSTACLES TO THE IMPLEMENTATION OF THE PRINCIPLE OF AVAILABILITY?

Chair: **Mr. Jean-Marie CAVADA** (Chairman of the LIBE Committee, European Parliament)

Speakers:

Mr. Peter SCHAAR (German Federal Data Protection Commissioner and Chairman of the Article 29 Working Party) underlined that data protection rules do not obstruct exchange of information, but instead they are a precondition for the successful functioning of such exchanges. He also noted that there is a need for the quick adoption and implementation of the Council Framework Decision on the protection of data in the third pillar to ensure a better protection of fundamental rights of the EU citizens.

Lord AVEBURY (Member of the House of Lords Select Committee on the European Union, Sub-Committee on Home Affairs, UK) expressed criticism of cooperation within the frameworks of the Prüm Treaty, which entails the exchange of information on DNA profiles, fingerprints, ballistics, vehicle registration and phone numbers, as well as within the G6. He underlined the importance of the parliamentary scrutiny of such types of cooperation. Lord AVEBURY also stressed the importance of solving the issues of the availability of data and data protection together, so as to secure the fundamental rights of EU citizens, when disposing of their personal data.

Mrs. Sophie IN'T VELD (MEP LIBE) discussed the problem of failed negotiations with the US on the passenger name records (PNR) issue, consequently leaving no legal basis for transferring data. She stressed that it is essential that the EU speaks with a single voice, to avoid European policies being formed in Washington.

Mr. Alexander ALVARO (MEP LIBE) stated that unanimous agreements cannot be reached with an increased number of Member States, therefore the adoption of the principle of availability remains uncertain.

Debates:

Mr. Omid NOURIPOUR (Bundestag, Germany) stated that the principle of availability of data should not be rejected and stressed the need for democratic scrutiny in applying it.

Mr. Aydin DUMANOGLU (Parliament of Turkey) emphasised the need for a new law on data protection in Turkey, and stated that it would provide a better basis for cooperation with third countries. He added that data protection is very important for both Turkey and the EU.

Mrs. Astrid THORS (Parliament of Finland) stressed the need for increased cooperation between the Member States and the NGO sector to solve the problems of the protection of EU citizens' data. She said that actions should be taken at the EU level when it comes to the US passing data about EU citizens unauthorised to third countries. Mrs. THORS also underlined the need for better democratic scrutiny in the Union.

Mr. Ioannis VARVITSIOTIS (MEP LIBE) expressed doubts about whether giving away personal data, with all its implications for human rights, would ensure better protection against terrorism.

Mr. Gunther KRICHBAUM (Bundestag, Germany) stressed that problems with the protection of data also exists within the EU and is likely to become especially acute when Romania and Bulgaria join the Union.

Mrs. Elisabeth ARNOLD (Parliament of Denmark) stated that the European Parliament and National Parliaments can exert democratic scrutiny. She said that cooperation is based on trust between the Member States and stressed the importance of developing this trust. Mrs. ARNOLD also underlined that trust among Member States is needed to move from the third pillar to the first pillar and from unanimity to qualified majority.

Mr. Panayiotis DEMETRIOU (MEP LIBE) underlined the importance of the protection of human rights and of the principle of proportionality.

Mr. Constantinos TSIPLAKIS (Parliament of Greece) expressed his concern about the US obliging airline companies to provide data without its giving information about the length of their storage. He stressed the need to respect the fundamental rights of EU citizens, when ensuring safety in Europe.

Mr. Stavros LAMBRINIDIS (MEP LIBE) stated that, in a democratic society, the reasons to give personal data should be appropriate and proportional. He underlined that the United States up till now has not provided the EU with any evidence that the data required is absolutely necessary to fight terrorism.

Mr. Hubert HAENEL (Senate, France) indicated that the French Senate had warned its government about the PNR agreement and will transmit the results of the French debate to the European Parliament.

Conclusions:

Ms. Sophia IN'T VELD considered that there is a lack of real parliamentary scrutiny at both European and national levels.

Lord AVEBURY highlighted the importance of the European Parliament discussing the principle of availability and the Framework Decision on data protection in the third pillar in cooperation with the National Parliaments.

Mr. Peter SCHAAR underlined the importance of judicial and police cooperation in Europe. He stated that Europe should answer to foreign partners with a single voice. He also underlined the need for uniform criteria on data exchange between police and judicial authorities.

SESSION 2

WHAT FUTURE FOR EUROPOL?

Chair: **Mr. Matti VÄISTÖ** (Chairman of the Committee on Internal Affairs of the Parliament of Finland)

Speakers:

Mr. Max-Peter RATZEL (Director of Europol) pleaded in favour of the ratification of the three protocols to the Europol Convention. He named four main directions for Europol's activities: an integrated horizontal approach at the EU level, an increased flexibility to manage Europol staff (9 year contracts), a modification of the legal basis and an increased role for Europol and its participation in operations in the Member States. Moreover, Mr. RATZEL underlined the importance of parliamentary scrutiny.

Mr. Hubert HAENEL (Chairman of the European Union Delegation, French Senate) stated that the current functioning of Europol is not satisfactory and should be more operational. The role of Europol is increasing whereas the democratic scrutiny is not following the same trend: the European Parliament scrutiny of Europol's activities is limited and controls by the National Parliaments are fragmented. He mentioned the possibility to create a committee of National and European parliamentarians to scrutinise Europol.

Mr. Claude MORAES (MEP LIBE) underlined the necessity of finding a balance between security and transparency. It is the role of the European Parliament to make Europol more transparent and more accountable.

Debates:

Mr. Bob RUSSELL (House of Commons, UK) asked about the partnership between Europol and Interpol.

Mr. Roger KNAPMAN (MEP LIBE) asked to whom Europol and its staff are accountable.

Mrs Elisabeth ARNOLD (Parliament of Denmark) suggested to make full use of the existing bodies of parliamentary cooperation before foreseeing the creation of new structures.

Mr. Aydin DUMANOGLU (Parliament of Turkey) explained the functioning of the "Schengen/Europol contact points".

Mr. Ole KRARUP (MEP LIBE) reminded that Europol is not a federal police and asked for justification of the increase of Europol's activities.

Mrs. Jole SANTELLI (House of Representatives, Italy) stated that the lack of democratic control impedes the successful functioning of Europol and Eurojust. She proposed to exercise such control from now on, even if the Treaty establishing a Constitution for Europe has not been adopted yet.

Mr. Agustín DIAZ DE MERA GARCIA CONSUEGRA (MEP LIBE) wanted to know if other topics, such as the fight against illegal traffic of nuclear and radioactive substances, would be considered by Europol as priorities in 2007. He also asked the Director of Europol what forms of terrorism he was referring to in the 2005 annual report.

Conclusions:

Mr. Max-Peter RATZEL explained that Europol has several control mechanisms such as the Management Board which meets six times a year. He stressed that Europol is independent from the Member States and it does not ask for coercive powers: its role is to facilitate data exchange between the Member States.

Mr. Hubert HAENEL proposed, instead of creating a new parliamentary committee, to organise a meeting of National and European parliamentarians with the director of Europol once a year.

Mr. Matti VÄISTÖ concluded stating that these debates can help to address the remaining problems concerning Europol, such as the reform of its legal structure. He encouraged the development of the cooperation between national authorities, the European Parliament and Europol.

Tuesday 3 October 2006

SESSION 3

AN INTEGRATED MANAGEMENT OF BORDERS FOR A SAFER ENLARGED UNION?

Chair: **Mr. Matti VÄISTÖ** (Chairman of the Committee on Internal Affairs of the Parliament of Finland)

Speakers:

Mr. Kari RAJAMÄKI (Minister of Home Affairs, Finland) underlined the need for efficient border management to guarantee freedom of movement within the EU together with an increased transparency and a common customs cooperation model. He stated that free movement could be best guaranteed by removing border checks, as provided by the Schengen Agreement. Mr. RAJAMÄKI underlined the importance of the development of the Schengen information system SIS II.

Mr. Ilkka LAITINEN (Director of the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)) noted that the main objective of the Agency was to develop cooperation between the Member States seeking for integrated border management; nonetheless, he stressed that border management remained in the competences of the Member States. He also mentioned plans to double the budget of Frontex in the future in order to make Frontex more operational.

Mr. Urmas REINSALU (Parliament of Estonia) raised the problem of the possible delay of the enlargement of the Schengen area, scheduled initially for October 2007. He underlined that Estonia has done everything to access Schengen in 2007, but relevant authorities did not react on time and did not provide effective measures to solve the problems which arose.

Mr. Seán ARDAGH (Parliament of Ireland) stated that Ireland, excluded from Frontex activities because it is not part of the Schengen area, wished to participate in Frontex activities and could join the UK, which went to the European Court of Justice against its exclusion.

Mr. Henrik LAX (MEP LIBE) said that tangible improvements are needed to handle the demanding administrative task of border control. He stated that national procedures for visas must be unified and made more consistent. He also mentioned cooperation with Russia on visas, which would have effects on the situation in the Balkans and Ukraine.

Mr. Michael CASHMAN (MEP LIBE) stressed the importance of maintaining cooperation with the US on fighting for a safer world, thanks to agreements such as PNR.

Debates:

Mrs. Vilija ALEKNAITĖ ABRAMIKIENĖ (Parliament of Lithuania) criticised the delay of the Schengen area enlargement and underlined that the process was delayed due to political reasons. She also noted the need to take into account Russia when solving EU borders security problem.

Mr. Michael CONNARTY (House of Commons, UK) agreed with the intensification of the harmonisation of asylum policy, and expressed criticism by asking why the EU institutions did not react to the decision of Spain to give amnesty to 700 000 illegal immigrants, which had a European-wide effect.

Ms. Barbara KUDRYCKA (MEP LIBE) stated that the situation in Southern Europe required increased financial solidarity and stressed the importance for the new Member States of joining SIS II in 2007.

Mr. Anton KOKALJ (National Assembly, Slovenia) underlined that technical problems cannot be used to justify political problems as regards the delay in setting up SIS II.

Mr. Esko KURVINEN (Parliament of Finland) highlighted the need for harmonisation of border management policies in the Member States, which would lead to improved cooperation between national authorities and technical improvement of border control. He also proposed the establishment of jointly managed funds and resources.

Mr. Giusto CATANIA (MEP LIBE) noted that a high percentage of illegal immigrants come from Latin America, so attention should be paid to this region instead of concentrating exclusively on Africa.

Mr. Afif DEMIRKIRAN (Parliament of Turkey) evoked the need for an increased cooperation between Turkey and EU Member States in border control issues. He stressed the role of Frontex in promoting and maintaining this cooperation.

Mr. Franz KUEHNEL (Bundesrat, Austria) stressed the lack of necessary coordination of migration policy at the EU level. He noted that Frontex does not have enough financial resources to perform its tasks effectively.

Mr. Agustin DIAZ DE MERA GARCIA CONSUEGRA (MEP LIBE) also raised the problem of the lack of financial and human resources in Frontex.

Mrs. Marilena SAMPERI (House of Representatives, Italy) evoked the serious illegal immigration problem in Eastern and Balkan countries and noted that illegal immigration is closely related to serious international crimes, such as trafficking in drugs, arms and human beings, and should be dealt with at the European level.

Mrs. Jole SANTELLI (House of Representatives, Italy) underlined the need for more solidarity between the Member States.

Baroness Sarah LUDFORD (MEP LIBE) questioned the delay for establishing SIS II.

Ms. Zita PLEŠTINSKÁ (MEP LIBE) criticised the delay for enlarging the Schengen area to the new Member States, stressing that the postponing of the date due to technical reasons does not sound realistic and is unacceptable.

Conclusions:

Mr. Kari RAJAMAKI stated that it was clear from the beginning that delays for SIS II could be expected due to the importance and difficulties of the process.

Mr. Ilkka LAITINEN underlined that the Mediterranean area is not the only region confronted with illegal immigration, national airports are as well. He emphasised the need to gradually develop cooperation with third countries, seeking for an efficient partnership.

Mr. Henrik LAX expressed his concerns as to the use of biometric data.

SESSION 4

A BALANCE BETWEEN THE INTEGRATION OF LEGAL MIGRANTS AND THE FIGHT AGAINST ILLEGAL MIGRATION?

Chair: **Mr. Jean-Marie CAVADA** (Chairman of the LIBE Committee, European Parliament)

Speakers:

According to **Mr. Kari RAJAMÄKI** (Minister of Home Affairs, Finland), the society has to be involved more and more closely in the efforts to prevent exclusion. The distinction between illegal migrants and those who really need protection, such as asylum seekers, needs to be highlighted. The return of illegal migrants is very important

because legal residence in the EU has to be more attractive than the illegal one. The EU must also develop its cooperation with third countries.

Mr. Adan MARTIN MENIS (President of the government of the Canary Islands) spoke about the problem of illegal immigration in the Canary Islands (6700 migrants since September) and emphasised the need to promote sustainable economic development through private investments in the countries of origin and of transit so as to successfully fight the roots of illegal immigration. He underlined that the financial resources devoted to border control are insufficient to deal with the security problems and to satisfy humanitarian needs. Legal channels of migration should be created and children migrants should be integrated in the country of arrival.

Mr. Bernd HEMINGWAY (Representative of the Internal Organisation for Migration) reminded the audience that Europe should encourage return of migrants and ensure that the asylum policy is effectively in place. He underlined the importance of the principle of voluntary return. He also stressed the importance of adopting measures to facilitate the reintegration of migrants in their country.

Mr. John DENHAM (House of Commons, UK) stated that measures should be taken to fight against illegal work, as it is one of the biggest causes of illegal migration. Stricter penalties for the employers should be established. He also noted that mass legalisation of immigrants should be avoided.

Mr. Stavros LAMBRINIDIS (MEP LIBE) underlined that it is necessary to better integrate the 40 million migrants already in Europe. He stated that immigrants should be given the opportunity to participate in the activities of the political parties and become members; they should have the right to vote in local elections, have access to universities, and children of immigrants should be given nationality of the country they were born in.

Mr. Manfred WEBER (MEP LIBE) supported the ideas expressed by Mr. Lambrinidis and stated that mass deportations of immigrants should be avoided (it should be provided for on an individual basis) and voluntary return should be encouraged.

Debates:

Mr. Georgios GAROUFALIAS (Parliament of Greece) stressed the need to ensure that migrants have access to social life. He noted that political and economic measures are needed for such an initiative.

Mrs. Minna SIRNÖ (Parliament of Finland) questioned the need for developing legal immigration measures.

Mr. Bill NEWTON DUNN (MEP LIBE) mentioned the situation as regards illegal immigration in the UK, underlining that joining the Schengen area and creating identity cards could be parts of the solution. He also asked Mr. MARTIN MENIS what he wants Europe to do concretely to help him face the situation.

Mr. Gunther KRICHBAUM (Bundestag, Germany) underlined the need for a different, more repressive approach to policy towards Africa.

Mrs. Mojca KUCLER DOLINAR (National Assembly, Slovenia) stated that information campaigns by NGOs should be developed in countries of origin.

Mr. Antonio MASIP HIDALGO (MEP LIBE) stressed the need for new measures, which would help to solve the existing humanitarian problems more effectively.

Mr. Jacques-Yves HENCKES (Parliament of Luxembourg) said that readmission agreements signed by EU Member States would be useful for the EU as a whole and proposed that the "most favoured nation clause" could be used to extend these agreements to the other EU Member States.

Mrs. Urzula GACEK (Senate, Poland) reminded the audience that the European population is decreasing and that Europe could need immigration in the future.

Mr. Agustin DIAZ de MERA GARCIA CONSUEGRA (MEP LIBE) criticised the massive legalisation of illegal immigrants.

Mr. Pedro QUARTIN GRACA (Parliament of Portugal) stated that the means devoted to borders' control in the Canary Islands are already significant and it still does not prevent illegal immigration. So Europe should find a better way to face immigration and develop integration measures.

Mr. Manuel MEDINA ORTEGA (MEP LIBE) proposed to create legal channels of immigration, and to reinforce the resources of Frontex.

Mr. Omid NOURIPOUR (Bundestag, Germany) said that the issue of immigration is very broad and needs a more extensive discussion.

Mr. Giusto CATANIA (MEP LIBE) reminded the audience that Europe should start talking about legal immigration as 20 million migrants will be needed in 2030.

Conclusions:

Mr. Manfred WEBER would like to receive comments from the National Parliaments on the Return Directive. About the passerelle clauses, he reminded that unanimity should be limited to increase EU's legitimacy.

M. Stavros LAMBRINIDIS underlined that there is a quite broad consensus for co-decision in the field of immigration because democratic control is essential.

Mr. Adan MARTIN MENIS said that Europe should be strict towards irregular migration and organise immediate return to dissuade it. It is important to support Frontex because it saved many migrants' life. He reminded that Europe should particularly take care of isolated underage migrants.

According to **Mr. Jean-Marie CAVADA**, cooperation in development policy such as drawn up and discussed in Dakar must be implemented. It is up to national parliamentarians, who have the power to influence their governments, to find a way to effectively make this happen.

SESSION 5

10 YEARS AFTER THE 'APPEL DE GENÈVE': WHAT IS THE STATE OF JUDICIAL COOPERATION IN EUROPE?

Chair: **Ms. Tuija BRAX** (Chairwoman of the Committee for Legal Affairs of the Parliament of Finland)

Speakers:

Ms. Leena LUHTANEN (Minister of Justice, Finland) noted that a lot has already been achieved in the field of judicial cooperation: the Framework Decision on the European Arrest Warrant could be considered as a big political success. However, she stated that the progress made since the "Appel de Genève" was not sufficient and that there is a need to ensure a proper enforcement of the decisions taken and to create more trust between the Member States. This however requires the adoption of minimum common standards. She stressed that mutual recognition was necessary for an effective cooperation between Member States. Ms LUHTANEN called for further harmonisation of criminal justice systems, underlining the sensitivity of that issue. She also emphasised the need for efficient decision-making. She therefore called for the rapid adoption of qualified majority voting or ratification of the Constitutional Treaty, which provided for it.

Mr. Bernard BERTOSSA (Federal Judge at the Penal Court of Ticino, Switzerland) underlined that progress has been made in the last decade in cooperation in criminal matters: new instruments have been adopted and developed in the EU and a larger number of judicial authorities and bodies have been involved in such cooperation. Nonetheless, he stated that serious problems of corruption and transnational crimes remain, increasing the need for cooperation at the European level.

Mr. Benoit DEJEMEPPE (Advisor to the Court of Cassation, Belgium) stressed that reservations to EU legal acts made by some Member States and differences in criminal justice systems result in inconsistent application and divergent interpretation of numerous measures adopted in the field of criminal law. Fraud and the lack of a broader recognition of international indictments are also problematic.

Mr. Gherardo COLOMBO (Advisor to the Court of Cassation, Italy) evoked the problem of corruption and highlighted the link between the corruption in the Member States and a large number of economic and financial crimes. He also noted that implementation in the Member States of existing legal instruments was problematic. Mr. Colombo stressed that there were lots of shortcomings as far as international cooperation is concerned and suggested creating a supranational body, which would supervise cooperation at the investigatory level and be able to act before the national courts, in order to facilitate international legal cooperation.

Mr. Renaud VAN RUYMBEKE (President of the Financial Section of the Paris Regional Court, France) emphasised the need for a European judicial area. He also raised the question of bank secrecy and of the right to appeal, which is sometimes used to slow down investigation.

Mr. Edmondo BRUTI LIBERATI (Deputy Prosecutor General of Milan, Italy) noted that, in his opinion, there is still a climate of mistrust in Europe. In order to improve the situation, he called for institutional reforms, notably the use of Article 42 TEU. He underlined that increased legal cooperation should not violate fundamental human rights: despite the threat of terrorism, common legal guarantees should remain and main human rights' principles be applied.

Mr. Michael KENNEDY (President of the College of Eurojust) called on national authorities not to underestimate the importance of foreign requests and not to deal with them as low priority issues. Mr. Kennedy underlined that the 'Appel de Genève' was calling for the development of closer co-operation and more effective mutual legal assistance in Europe. While effective implementation of EU decisions is vital, it is dependant upon member states providing adequate resources in their own systems to give proper mutual legal assistance to other states. He emphasised the importance of uniform implementation of EU legislation and of the necessity to remove current inconsistencies.

Debates:

Mr. Jacques-Yves HENCKES (Parliament of Luxembourg) emphasised the importance of the right to appeal.

Mrs. Roswitha MÜLLER-PIEPENKÖTTER (Bundestag, Germany) stated that the Commission was interpreting its powers too broadly and expressed doubts about moving towards qualified majority voting. She stressed the need for more cooperation between European courts.

Mr. Panayiotis DEMETRIOU (MEP LIBE) welcomed the extension of the competences of the EU in criminal law. He stated that more attention should be given to the effective implementation of acts adopted by the EU institutions.

Mr. Johannes KOSKINEN (Parliament of Finland) stressed the need for more systematic democratic control and cooperation between National Parliaments and the European Parliament.

Mr. Pierre FAUCHON (Senate, France) expressed criticism on slow progress in judicial cooperation. He stated that there is a need to activate the passerelle clauses allowing moving from unanimity to more democratic procedures.

Mrs. Marilena SAMPERI (House of Representatives, Italy) stated that the implementation of the Hague programme had slowed down because of a lack of political support. Jurisdiction of the ECJ should be expanded to Title IV of the EC Treaty.

Mrs. Elisabeth ARNOLD (Parliament of Denmark) stressed the need for combating crime in Europe by enhancing cooperation between Member States based on mutual trust and gave the example of the successful cooperation of Nordic judicial systems.

Mr. Xavier BETTEL (Parliament of Luxembourg) defined the right to appeal as one of the fundamental human rights, underlining that this right is essential in criminal law.

Mr. Agustin DIAZ DE MERA GARCIA CONSUEGRA (MEP LIBE) asked if the Council Framework Decision on the exchange of information on criminal records would be adopted under the Finish presidency and what obstacles are preventing an agreement on this issue.

Conclusions:

Answering questions, the European magistrates present underlined the need for progress in building a visible and understandable European area of freedom, security and justice, based on effective cooperation and mutual trust. They noted that, in practice, the right to ask for a review of a foreign request is sometimes misused to paralyse investigation.

SESSION 6

FIGHT AGAINST TERRORISM: HOW TO IMPROVE EFFECTIVENESS AND CONSIDERATION OF FUNDAMENTAL RIGHTS?

Chair: **Ms Tuija BRAX** (Chairwoman of the Committee on Legal Affairs of the Parliament of Finland).

Speakers:

According to **Mr. Gijs DE VRIES** (EU Counter-Terrorism Coordinator), there is no contradiction between the fight against terrorism and the defence of human rights in the world. Actually, fundamental rights are part of the European identity and the society must not capitulate and in particular reinforce data protection.

Mr. Martin SCHEININ (United Nations Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering Terrorism) explained that the respect of fundamental rights is presented as the basis of the fight against terrorism in the fourth pillar of the UN global counter-terrorism strategy. The EU should follow the most conclusive policies experienced in the Member States. Europe should still be very careful to avoid any human rights abuses.

According to **Mr. Sandro GOZI** (House of Representatives, Italy), the most serious threat comes from populism that feeds on fear and the growing demand for security from our citizens, poisoning the very founding values of the Union. To face those supranational threats and make European reactions efficient, the "passerelle clauses" have to be used. It would show all Member States the importance of the broader reforms provided by the Treaty establishing a Constitution for Europe. Thus, Europe should

develop prevention mechanisms and strengthen the external dimension of counter-terrorism actions.

Mr. Jaime MAYOR OREJA (MEP LIBE) said that the fight against terrorism must be considered as the first priority for the EU. Europe has to face Islamist totalitarian terrorism. Terrorism requires a political approach, and the EU must have competencies for fighting this transnational issue. Europe needs to have a key role in sharing information and improving cooperation.

Mr. Javier MORENO SANCHEZ (MEP LIBE) reminded that Europe needs to define a strong collective response to attacks on democracy. There should be support and solidarity with the Member States which have suffered from terrorism (that is to say UK and Spain). The expressed solidarity with the Spanish government's approach to put an end to ETA terrorism was an important backing. He underlined that cooperation with third countries, particularly with the USA, is crucial. Roots of terrorism like poverty, exclusion, human rights violations and lack of freedom must also be tackled.

Debates:

Mrs. Asimina XIROTYRI (Parliament of Greece) underlined the human rights' tradition of the EU Member States and emphasised the need for cooperation in fighting terrorism both at national and European level.

Earl of LISTOWEL (House of Lords, UK) underlined the importance of exchanges of police officers thanks to the European College of Police. He recalled that too many interventions of the police in private life may create a feeling of persecution, notably in the minority groups.

Mr. Alexander ALVARO (MEP LIBE) said that the EU should evaluate the numerous measures taken in the past years before creating new ones. He reminded that Europe should not aim to export human rights around the world, but concentrate on some realistic and concrete goals, such as infrastructures, education, healthcare, etc. But he noted that the share of development aid in national budgets has not increased for years.

Ms Leena HARKIMO (Parliament of Finland) added that anti-terrorist measures have to be accepted by the citizens. Measures to protect the society's structures have already been taken.

Mr. Andreas KYPRIANOU (Parliament of Cyprus) supported the prevention of terrorism in the framework of international law and the right of peoples to choose their way of development. EU must not sacrifice freedom and justice for more security, and migrants and asylum seekers must not be victims of this process.

Mr. Antonio MASIP HIDALGO (MEP LIBE) added that EU must be careful and not listen to the arguments of the right-wing extremists, and protect minorities' rights.

Mr. Franz-Eduard KUEHNEL (Bundesrat, Austria) wondered who the beneficiaries of the aid to developing countries were. He complained about the fact that the police forces have to release suspects of terrorism if evidences are not sufficient.

Mr. Peter ECKSTEIN KOVACS (Senate, Romania) underlined that it is necessary to differentiate terrorism of fanatic religious minorities and fight for autonomy of national minorities.

Mrs. Sophie IN'T VELD (MEP LIBE) wondered if the USA and Europe are still sharing the same principles and criticised the use of informal meetings in the EU to prepare the official policy in this field, such as the informal meeting where the "positive" profiling was discussed.

Mr. Aydin DUMANOGLU (Parliament of Turkey) reminded the audience that States alone cannot guarantee their security and emphasised that the fight must be worldwide. Then he warned about assimilation between civilisation and religion.

Mr. Ioannis VARVITSIOTIS (MEP LIBE) asked for a clear definition of what torture is.

Mr. Ole KRARUP (MEP LIBE) spoke about the "terrorist humus", that is to say social inequality, and then accused the lists of terrorists of creating a gap in the law.

According to **Mr. Agustín DIAZ DE MERA GARCIA CONSUEGRA** (MEP LIBE), Europe needs strategies larger than the criminal frame and a better consideration for the victims.

Conclusions:

Mr. Gijs DE VRIES explained that the European Commission was requested (through a proposal from the House of Commons) to develop research on the roots of terrorism. He stated that the College of Police (CEPOL) is a good experience which should be continued. He affirmed that the new European strategy helped to avoid several attacks. Help and support to the victims should be developed.

Mr. Martin SCHEININ welcomed the development of research on the roots of terrorism. He underlined that a terrorist can be recognised through his choice of tactics and not through the followed objectives. He added that positive profiling is based on attitudes, and not on ethnic specificities.

Mr. Sandro GOZI added that the Parliament should react to avoid that EU decisions are taken only in informal meetings.

CLOSING SESSION

Mr. Franco FRATTINI (Vice-President of the European Commission, Commissioner for Justice, Freedom and Security) reminded the audience that the Treaty establishing a Constitution for Europe aimed to increase the role of National Parliaments in the field of justice, liberty and security. The process of ratification of the Treaty establishing a Constitution for Europe is blocked at least for the meantime. Hence, in order to make the decision-making process more efficient in the EU and to increase the credibility of EU actions, unanimity should be replaced by qualified majority voting. Mr. FRATTINI stressed that, despite the threat of the terrorism, broadly discussed during the parliamentary meeting, proportionality and fundamental rights of EU citizens should remain the main objectives. Great attention should be given to crime prevention at European level. The EU should develop its relationships with its neighbours as well as allies (USA, Maghreb, Africa, etc.).

Ms. Tuija BRAX stressed the need for an effective protection of fundamental rights in the European Union, and suggested to review the EU decision-making process.

Mr. Jean-Marie CAVADA underlined the need for unifying the efforts of the Member States by, when necessary, sharing some of their powers at the EU level. He also emphasised the need for more transparency in the Union and closer cooperation between the European Parliament and National Parliaments.