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## REPORT

on an area of freedom, security and justice: Strategy on the external dimension,  
Action Plan implementing the Hague programme  
(2006/2111(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Bogdan Klich

Draftsman (\*): Aloyzas Sakalas, Committee on Foreign Affairs

(\*) Enhanced cooperation between committees - Rule 47 of the Rules of  
Procedure

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(\*) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on an area of freedom, security and justice: Strategy on the external dimension, Action Plan implementing the Hague programme (2006/2111(INI))**

*The European Parliament,*

- having regard to Articles 2, 6 and Title VI of the Treaty on European Union (TEU) and Title IV of the Treaty establishing the European Community (TEC) dealing with the strengthening of the European Union as an area of freedom, security and justice (AFSJ),
- having regard to the Presidency Conclusions and the objectives defined by successive European Councils since 1999 in the field of the external dimension of the area of freedom, security and justice, including the one of 14-15 December 2006,
- having regard to the proposal from the Commission on a Council framework decision on criminal judicial cooperation: procedural rights in criminal proceedings throughout the European Union (COM(2004)0328),
- having regard to the proposal from the Commission on a Council framework decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (COM(2005)0475),
- having regard to the Communication from the Commission on a Strategy on the External Dimension of the area of freedom, security and justice (COM(2005)0491) and to the Commission's progress report on the implementation of that Strategy (SEC(2006)1498),
- having regard to the Council's Strategy for the External Dimension of Justice and Home Affairs: Global Freedom, Security and Justice, adopted on 1 December 2005 (hereafter called "the Strategy") and to the Council's report on the implementation of that Strategy for the year 2006, endorsed at the 2768th JAI Council of 4-5 December 2006,
- having regard to the JHA external relations Multi-Presidency Work Programme (5003/1/7) adopted on 23 January 2007, to the Council's Action-Oriented Paper on improving cooperation on organised crime, corruption, illegal immigration and counter-terrorism between the EU and the Western Balkans (9360/06), the Action-Oriented Paper on increasing EU support for combating drug production in and trafficking from Afghanistan, including transit routes (9305/06) (both adopted by the JAI Council on 1-2 June 2006) and to the Action-Oriented Paper on Implementing with Russia the Common Space of freedom, security and justice (15534/06), adopted on 11 November 2006,
- having regard to its previous annual debates on AFSJ and resolutions focused on the external dimension thereof (terrorism, CIA, data protection, migration, trafficking, fighting drugs, money laundering),
- having regard to its previous recommendations to the European Council on the

strengthening of the AFSJ (Bourlanges report of 2004)<sup>1</sup>,

- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A6-0223/2007),
- A. whereas the external dimension of the AFSJ is growing as the internal area of freedom, security and justice progressively takes shape under the pressure of an increasingly interconnected world and of the inherent international character of threats such as terrorism, organised crime and challenges such as migration flows; and whereas the external projection of values underpinning the AFSJ is essential in order to safeguard the respect of the rule of law, fundamental rights, security and stability inside the EU,
- B. whereas by adopting and implementing a coherent strategy for the external dimension of the AFSJ the EU increases its credibility and its influence in the world and whereas the Strategy can only be accomplished in close cooperation with third countries and international organisations,
- C. whereas this strategy is an important step towards establishing an internal area of freedom, security and justice by creating a secure external environment as well as advancing the EU's external relations by promoting the rule of law, democratic values, respect for human rights and sound institutions,
- D. whereas the reinforcement of a true balance between security and justice should be reflected during the preparation and implementation of all the various policies carried out for the purpose of attaining a real and sustainable area of freedom, security and justice,
- E. whereas the political coherence and efficiency of the EU's external action is currently hindered by:
  - the complexity of the internal institutional framework where external agreements and programmes are decided according to the procedures of the first, second and third pillars,
  - the insufficient involvement of Parliament, despite the existing obligations of the Council and Commission to consult and inform Parliament,
  - the power-sharing arrangements between the EU institutions and the 27 Member States,
- F. whereas the EU has a number of policy instruments at its disposal to help implement the Strategy on the external dimension of the AFSJ, such as bilateral agreements (association agreements, partnership and cooperation agreements, stabilisation and association agreements), the EU's enlargement and pre-accession process, the European Neighbourhood Policy (ENP) Action Plans, regional cooperation, individual agreements (with the United States, Japan, China, etc), operational cooperation, development policy and external aid,

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<sup>1</sup> OJ C 166, 7.7.2005, p. 24.

**Presents the following list of recommendations to the Council and Commission for their consideration**

***Improving the democratic accountability in the external dimension of the AFSJ***

1. Urges the European Council to follow Parliament's present and future recommendations dealing with EU external strategy in the AFSJ; recalls that Parliament has an essential role to play in strengthening the accountability of the EU's external action;
2. Urges the Council Presidency and the Commission:
  - to consult Parliament in respect of each international agreement to be founded on Articles 24 and 38 TEU when the agreements would affect the fundamental rights of European citizens and the main aspects of judicial and police cooperation with third countries or international organisations,
  - to keep Parliament regularly informed of the negotiations on agreements dealing with the AFSJ and to make sure that Parliament's views are duly taken into consideration, as provided for by Articles 39 and 21 TEU and by Article 300 TEC;
3. Urges the Council to activate the *passerelle* clause in Article 42 TEU, simultaneously with the constitutional process going forward, which would bring the provisions concerning police and judicial cooperation on criminal matters within the Community framework, leading to greater efficiency, transparency and accountability, as well as democratic and judicial control; therefore urges the Commission to submit to the Council before October 2007 a formal proposal for a decision activating Article 42 TEU; considers that internal coherence could be improved by the entry into force of the Constitutional Treaty, in particular by the establishment of the office of the Minister of Foreign Affairs and an external diplomatic service;
4. Calls on the Council to expedite in particular the adoption of framework decisions with regard to the storage, use and exchange of information on criminal convictions and to the codification of procedural rights in criminal proceedings throughout the EU, such as the above-mentioned Commission proposal (COM(2004)328);

***As far as the main objectives of the Strategy are concerned***

5. Welcomes the principles set out in the Strategy, especially the need for a partnership with third countries to tackle common problems and meet shared policy objectives; the need to coordinate the broad range of instruments at the EU's disposal to deliver a tailored and coherent response; and the need to coordinate the action of the Member States and the Commission in order to ensure complementarity and to avoid duplication; considers, given the importance attached by the EU and the Member States to the construction of the AFSJ, that a high level of cooperation from third countries in these fields should have a positive impact on their relations with the EU, such as to stimulate that much-needed cooperation;
6. Underlines the need for the EU to use its conventional relations and instruments with

third countries as an incentive for them to adopt and implement relevant international standards and obligations on JHA issues;

7. Recalls the need to rationalise the work of the EU institutions and the use of existing instruments, and to coordinate the actions of the Member States and actions at EU level in order to ensure a coherent and effective response in the EU's relations with third countries and to avoid duplication; stresses the need for balanced development of the internal and external dimensions of AFSJ;
8. Stresses the need for Parliament to improve the coherence of its external relations activities, which involve a wide array of actors; therefore, calls for the streamlining of activities pertaining to human rights, democratic governance and the rule of law in third countries and in the external dimension of security;
9. Calls on the Council to further clarify its policies as regards the external dimension of AFSJ and to ensure coordination between geographic Council working groups and groups dealing with justice, freedom and security matters;
10. Notes that it is essential to improve cross-pillar coordination between, and to avoid the duplication of, the various instruments belonging to AFSJ, the European Security and Defence Policy (ESDP), the Common Foreign and Security Policy (CFSP) and the Community; stresses that the effectiveness of such coordination should be subject to constant review by Parliament; welcomes the steps taken towards improved coherence in integrated civil-military cooperation of the ESDP, particularly in the field of crisis management;
11. Stresses that the planning process of ESDP operations should take into account various flanking or follow-on measures provided by Community instruments in areas pertaining to the rule of law, arms and drugs trafficking, trafficking of women and children, the prevention and the fight against terrorism and organised crime and post-conflict stabilisation, particularly with regard to the Stability Instrument and the European Neighbourhood and Partnership Instrument (ENPI);
12. Believes that the time is ripe to overcome political impediments to deeper transatlantic cooperation in the broader dimension of freedom and security, on a basis of respect for fundamental rights, for example in the areas of the fight against drug trafficking, organised crime and terrorism, in particular in view of the future civilian ESDP operations in Kosovo and Afghanistan, and in the areas of women's rights and the exchange and protection of personal data; recalls, in this connection, Parliament's calls for the closure of the jail at Guantánamo, stressing that its existence is sending out a negative signal on how to combat terrorism;
13. Urges the promotion by Member States individually, collectively, and in all appropriate bilateral and international fora, of the diplomatic and peaceful resolution of conflict around the world, while avoiding the use or the perception of the use of double standards in the pursuit of Europe's foreign, security and human rights policies;
14. Calls for better cooperation between the EU and international organisations, in particular

with the Council of Europe and the Organisation for Security and Cooperation in Europe, and stresses the need for enhanced regional dialogue and cooperation on justice, freedom and security issues;

15. Calls on the Commission to strengthen its efforts to support regional cooperation on justice, freedom and security issues through existing bodies, such as the African Union, by encouraging new initiatives in areas where regional cooperation is weak, such as the Middle East and Eastern Europe;
16. Calls on the Commission to continuously monitor implementation against the objectives and priorities set in the Strategy and to report on it every 18 months; calls on the Commission to regularly assess the effectiveness of the use of funding in the fields covered by the Strategy; calls on the Council to review progress and priorities on a regular basis, since the external dimension of the AFSJ is growing rapidly;

### ***Strengthening security and human rights***

17. Urges the Council, the Commission and the Member States:

- to make the promotion of democratic standards, human rights, political freedoms and sound institutions an indispensable dimension of relations between the EU and third countries; stresses that this is central to the overall goals of the external dimension of AFSJ,
- to keep the European Convention for the Protection of Human Rights and Fundamental Freedoms as the basis for all the negotiations and agreements of the EU and its Member States with third countries,
- to integrate, in dialogues with third countries on the AFSJ, evidence drawn from human rights international organisations and the verdicts of the European Court of Human Rights,
- to ensure that fundamental rights form an integral part of any instrument, programme or operational measure linked to the fight against terrorism, organised crime, migration, asylum and border management,
- to include a "human rights clause" in agreements with third countries and to assess the effectiveness of these human rights clauses and other AFSJ clauses,
- to include a human rights compliance report in all external policy initiatives or documents in the AFSJ, which would be regularly updated and presented to Parliament and backed by specific funding for human rights protection; recommends, in particular, that the Council include, in every Action Oriented Paper, a section on the human rights situation in the third country concerned; considers that the European Union Agency for Fundamental Rights should help the EU institutions in assessing the compliance of EU agreements with human rights;

18. Advises the Commission, the Member States and the Council to consider the possibility of supplementing activities funded in the field of freedom, security and justice with third countries and regions by providing specific funding for human rights protection and compliance projects;
19. Expresses its concern over the lack of commitment to fundamental rights in the case of certain third countries with which the EU has close links, especially the countries benefiting from the neighbourhood policy and the Russian Federation, where violations of freedom of the press and expression, in particular, occur, and calls for a more intensive dialogue with those countries on that issue;
20. Is also concerned about compliance with human rights standards by the EU itself, noting the recent example of the CIA-led renditions programmes and all the related questionable practices of several Member States;
21. Calls on the EU and Member States to fully observe the principle of non-extradition to countries where the persons extradited would suffer torture and/or the death penalty; calls on the Council and the Commission to urge the countries with which it has close relations to abolish such practices and to ensure that all persons have a right to a fair trial;
22. Expresses its deep concern at the inadequate legal safeguards for EU citizens in cases of personal data being made available to third countries, notably in cases such as PNR, SWIFT and the collection of telecommunication records by the FBI; reiterates its request to the Commission to carry out an inquiry into which categories of personal data of European citizens are being accessed and used by third countries in their own jurisdictions; stresses that data-sharing must take place on a proper legal basis, with clear rules and criteria, in line with European legislation on the adequate protection of privacy and civil liberties; believes that data sharing with the US must take place in the proper legal context for transatlantic cooperation, and on the basis of EU-US agreements, while bilateral agreements are not acceptable;
23. Regrets the lack of democratic oversight in EU-US relations created by the High Level Contact Group which is composed of representatives of the Commission, the Council and US governmental representatives of the Departments of Justice and of Homeland Security and excludes the European Parliament, the national parliaments as well as the US Congress from this dialogue;
24. Recommends a single data protection policy covering both the first and the third pillar; recalls that discrepancies between them affect not only citizens' rights to the protection of their personal data, but also the efficiency of law enforcement and mutual trust between the Member States; to that effect, calls on the Council to adopt, as soon as possible, the proposal for a Council framework decision on the protection of personal data (COM(2005)0475);

***Providing EU citizens with a high level of security against terrorism and organised crime***

25. Considers that EU counter-terrorism policy should comply fully with the principles of



democratic legitimacy, proportionality, efficiency and respect for human rights, in line with the conclusions of Parliament's resolution of 14 February 2007 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners<sup>1</sup>;

26. Calls on the Commission and the Council to apply, in the context of the fight against international terrorism, the conclusions of the Temporary Committee on Alleged use of European countries by the CIA for the transport and illegal detention of prisoners, as adopted by Parliament on 14 February 2007; recommends, in particular, that all the European institutions should exercise vigilance in order to ensure that the Member States' security concerns under no circumstances undermine respect for the human rights of all individuals, including terrorist suspects;
27. Calls on the EU and the Member States to take all measures possible to limit cooperation with third countries that protect and/or fund terrorist organisations; and stresses that a State must fully renounce terrorism before it may benefit from better relations with the EU; urges those States that have not done so to sign and/or ratify all of the UN conventions on terrorism;
28. Emphasises the multifaceted nature of the responses available to the EU, in the field of external action, to combat terrorism and emphasises the need to coherently use all available means; calls on Member States to further work leading to a common UN definition of terrorism;
29. Recalls the need to assess the efficiency of international initiatives in the field of anti-terrorism measures (e.g. current revision of the US Patriot Act); emphasises the importance of a proper Community policy on terrorism, as the effectiveness of counter-terrorism measures will improve significantly if the EU speaks with one voice when negotiating such measures with third countries;
30. Recalls the need to enhance cooperation with all leading regional States in fields concerning the fight against terrorism, terrorist recruitment and financing and the protection of critical infrastructure, in a context of respect for fundamental rights and the values of the Union;
31. Calls on the Council to enhance the dialogue with other third countries, to support the development of institutional and capacity building, to further develop and implement the national action plans to counter corruption effectively and to insert "counter-terrorism clauses" in agreements signed with third countries; considers that greater funding and the use of the newly created instruments of the EU are needed in this area;
32. Urges those States that have not done so to sign and/or ratify instruments such as the UN Convention Against Corruption, the UN Convention against Transnational Organised Crime and its three Protocols against the Smuggling of Migrants, Trafficking in Persons and the Illicit Manufacturing of and Trafficking in Firearms, and to adhere to the UN ban on renditions and secret detentions;

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<sup>1</sup> P6\_TA(2007)0032

33. Calls on the Council to require from the EU's third-country partners to conclude, if they have not already done so, unified extradition agreements using as a model the ones negotiated with the US on extradition and mutual legal assistance in penal matters for the extradition of alleged terrorist and criminal suspects to stand trial;
34. Stresses the need to ratify the Council of Europe Convention on Cybercrime to prevent the misuse of data and telecommunications networks for terrorist and criminal purposes from computer systems inside third countries;
35. Calls on the Commission and the Council to create standardised procedures for monitoring the production, storage, trade, transport, import and export of arms, explosives and weapons in order to prevent their misuse both within the EU and in third countries;

### ***Strengthening police and judicial cooperation and borders management***

36. Calls for more effective police and judicial cooperation, including improved common use of national assets such as liaison officers; stresses that, while development of institutional capacity and operational cooperation are important in those fields, the EU's activities should be carried out in support of universal standards in relation to human rights;
37. Recommends that Europol should soon have the power to organise and coordinate operational actions and investigations, to participate in joint investigation teams and to deploy its own liaison officers in priority regions such as the Western Balkans;
38. Recommends that the EU should negotiate, on the basis of Article 30 TEU, standard police cooperation agreements with the US, ENP countries and other partners; demands that Parliament, as the legitimate democratic representative of the citizens concerned by such an agreement, be actively involved in the dialogue with the US Congress during the negotiations on the future agreement;
39. Supports the progress of the information exchange between the EU and Russia but recalls that improvements are still possible, especially in the field of organised crime and terrorism;
40. Observes that significant improvements are necessary in EU-Russia cooperation in order to reduce the sources of instability in the EU and the ENP area, such as frozen conflicts in Moldova and Georgia and the violent radical tendencies among the Russian minorities in the EU Member States;
41. Welcomes the agreements on extradition and on judicial cooperation in criminal matters between the EU and the USA, which can be considered as a true success; notes that Congress has begun the ratification process for those agreements, and calls on all the EU Member States to do the same; and welcomes the Eurojust-US cooperation agreement;
42. Calls on the US and all other countries which apply entry visas towards selected EU Member States to immediately lift the visa requirement and to treat all citizens of EU

Member States equally; regrets the inclusion of an additional "information sharing clause" (a PNR clause) in the proposed changes to the US Visa Waiver Programme;

43. Considers that the European Union and the USA are crucial and loyal allies in the fight against terrorism and that an international agreement must be concluded in order to ensure that SWIFT complies with European Parliament and Council Directive 95/46/CE of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>1</sup>; calls for that international agreement to enshrine the necessary safeguards against any misuse of data for economic and commercial purposes; points out that SWIFT should cease its current practice of reproducing all data on its US mirror site;
44. Insists on the fact that effective border controls are crucial to the fight against illegal immigration, and can prove useful in certain cases for combating organised crime and terrorism;
45. Recommends that Frontex should play an operational role in the management of the external borders through an increase in its operational capacities and the provision of sufficient financial, human and technical resources, in application of the principle of solidarity and mutual assistance between Member States that all should share the burden arising from the management of the Union's external borders;
46. Calls for further support for the new Member States in their continuous efforts aimed at securing the new Eastern external borders of the EU;
47. Calls on the Commission and Council to make all possible efforts to ensure that the authorities of the countries of origin and transit cooperate effectively with the EU and its Member States to prevent illegal immigration and fight the rings that practise trafficking in people; also calls on the Commission and Council to undertake a regular assessment of the degree of cooperation of the third countries concerned as regards illegal immigration; stresses, in this connection, the importance of the third-country monitoring and evaluation mechanism for the fight against illegal immigration created by the Council in 2003 following the initiative of the Thessaloniki European Council;
48. Supports the increased role of Eurojust and the harmonisation of the powers of its national members, which should enhance its ability to efficiently coordinate and initiate investigations and prosecutions;

***Strengthening international solidarity within the migration, readmission and asylum policies***

49. Recommends that the Council adopt a common EU migration policy, including relevant measures to meet effectively the challenges of both legal and illegal immigration; in this context calls for the implementation of the conclusions adopted eight years ago at the Tampere European Council and confirmed by the Lahti informal European Council, of the Hague Programme, and of the conclusions of the December 2006 European Council

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<sup>1</sup> JO L 281 du 23.11.1995, p. 31.

with regard to the need to apply the global immigration strategy adopted in 2005;

50. Points out that immigration can bring considerable benefits if properly managed, in solidarity and partnership with third countries, and that the integration of immigrants should be a key component of the future European migration policy; stresses that the EU's activities, which are aimed at improving the capacity of third countries to manage migration flows and their borders, must be carried out within an effective development policy, taking into account the specific economic and social situation and tackling the real sources of both legal and illegal migration, such as poverty and inadequate human rights in the countries concerned, and should include both aid to assist their capacity to manage migratory flows and aid for effective development and co-development;
51. Calls on the Council to introduce co-decision and qualified majority voting in the fields of legal migration and integration in order to improve decision-making and to complete the process begun in 2005 when Community method was extended to illegal migration and border controls;
52. Calls for the establishment without undue delay of a common European asylum system and urges the Council to remove any barriers to its creation;
53. Considers the conclusion of readmission agreements as a priority which forms part of the wider strategy of combating illegal immigration; recalls the need to have clear, transparent and fair common rules on return; is concerned that the readmission agreements signed on behalf of the EU do not explicitly exclude asylum seekers from the scope of the agreements and may, therefore, involve the readmission of asylum-seekers whose claims have not yet been determined on their merits, or whose claims have been rejected or deemed inadmissible pursuant to the application of the "safe third country" concept; calls for safeguards to ensure respect for the principle of *non-refoulement*;
54. Recommends negotiating directives on visa facilitation with third countries in the context of the Community readmission policy, where possible and on the basis of reciprocity, with a view to developing a real partnership on migration management issues; calls on the Council to reduce the cost of visas in order to encourage democratic developments in ENP countries and to avoid, in the name of security, creating further barriers for the legitimate ordinary traveller;
55. Supports the Regional Protection Programmes developed by the Commission in close cooperation with the United Nations High Commissioner for Refugees and the third countries involved, and recalls that it is important to ensure that those who need protection are able to access it as quickly as possible, regardless of which country or region they are in;

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56. Instructs its President to forward its resolution to the European Council, the Council, the Commission, as well as to the governments and parliaments of the Member States.

26.4.2007

## **OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS (\*)**

for the Committee on Civil Liberties, Justice and Home Affairs

on an Area of freedom, security and justice: strategy for the external dimension, Action Plan implementing the Hague Programme  
(2006/2111(INI))

Draftsperson (\*): Aloyzas Sakalas

(\*) Enhanced cooperation between committees – Rule 47 of the Rules of Procedure

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## **SUGGESTIONS**

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its report:

1. Strongly supports the aim of establishing of a coherent strategy on the external dimension of the area of freedom, security and justice as an integral part of the EU's external relation's policy, as called for by the Commission communication and the subsequent Council paper "Strategy for the external dimension of the JHA: Global Freedom, Security and Justice"; takes the view that the cooperation of third countries, in particular those neighbouring the European Union, is essential to the process of constructing the area of freedom, security and justice – particularly as regards measures to combat terrorism, organised crime and trafficking in illegal immigrants; considers, therefore, that securing their cooperation in these areas must be a priority objective of European Union external action; underlines that there has to be a true balance between "freedom, security and justice" and that any implementation measure under this strategy needs to take into account the specific situation in the third countries or regions concerned, while firmly upholding the principles on which the European Union is founded;
2. Regards this strategy as an important step towards establishing an internal area of

freedom, security and justice by creating a secure external environment as well as advancing the EU's external relations by promoting the rule of law, democratic values, respect for human rights and sound institutions;

3. Stresses, however, that in order for the aims of the strategy to be met, better coordination must be achieved between relevant policy areas and policy actors, as well as more active participation by civil society and by NGOs, at both European and national levels;
4. Is convinced that the European Parliament must improve the coherence of its external relations activities, which involve a wide array of actors operating in overlapping policy areas; recognises the high risk of fragmentation through the creation of new independent bodies and takes the view that this could undermine the credibility of the whole institution; therefore calls for the streamlining of activities pertaining to human rights, democratic governance and the rule of law, on the one hand, and a broader concept of security, on the other, by maintaining the lead role of the main committee having responsibility in the area of external relations; notes, likewise, that there is a need for better coordination of activities of all actors dealing with freedom, security and justice policy issues;
5. Underlines that the credibility of the EU's external policy in promoting democratic values, human rights and rule of law in third countries depends to a great extent on the balanced development of the internal and external dimensions of the European justice and home affairs policy; calls for clarification of the scope and objectives of the external dimension of the area of freedom, security and justice;
6. Welcomes the steps taken to improve coherence in integrated civil-military cooperation of the ESDP, particularly in the field of crisis management; calls, however, for further cross-pillar coordination and avoidance of duplication between the various instruments (CFSP/ESDP, JHA, Community) in the overlapping policy areas; stresses that the effectiveness of such coordination should be subject to constant review by the European Parliament;
7. Stresses that the planning process of ESDP operations should take into account various flanking or follow-on measures provided by Community instruments in the areas of the rule of law, arms and drugs trafficking, the prevention of and the fight against terrorism and organised crime, and post-conflict stabilisation, particularly in regard to the Stability Instrument and the ENPI;
8. Stresses the need to enhance the shared capacities of the EU and its Member States in combating transnational organised crime, illegal trafficking and human rights violations by adopting a more effective, combined approach to cross-border problems, giving priority to areas which are particularly vulnerable, such as the Black Sea region where the existence of "frozen conflicts" seriously affects enforcement of the rule of law, the necessary cooperation between authorities and democratic and economic development;
9. Considers that cross-pillar coherence could be improved by the entry into force of the Constitutional Treaty, in particular by the establishment of the office of the European Minister of Foreign Affairs and the creation of an external diplomatic service;

10. Believes that deeper transatlantic cooperation in the broader dimension of freedom and security should be strengthened, for example in the areas of the fight against drug trafficking, organised crime and terrorism, particularly with a view to the future civilian ESDP operations in Kosovo and Afghanistan;
11. Calls on the Council, the Commission and the Member States to ensure that respect for fundamental human and legal rights is placed at the heart of the EU's external policy in the area of freedom, security and justice; insists that these rights should be an integral part of any instrument, programme or operational measure linked to the fight against terrorism and organised crime, migration, asylum and border management;
12. Urges the Commission to integrate in its dialogues with third countries in the field of freedom, security and justice cooperation, evidence drawn from the European Court of Human Rights' verdicts on human rights violations, and therefore to further promote the rule of law, good governance, democracy and respect for human rights in all ongoing cooperation with third countries and regions; underlines the need for the EU to use its conventional relations and instruments with third countries as an incentive for them to adopt and implement relevant international standards and obligations on JHA issues;
13. Calls on the Commission to strengthen its efforts to support regional cooperation on justice, freedom and security issues through existing bodies, such as the African Union, by encouraging new initiatives in areas where regional cooperation is weak, such as the Middle East and eastern Europe;
14. Urges the Commission and the Council to consider a requirement that all external policy initiatives or documents in the area of freedom, security and justice should be accompanied by a human rights compliance report, which would be regularly updated and presented to the European Parliament; in particular, recommends to the Council the inclusion in every Action Oriented Paper of a section on the human rights situation in the third country concerned;
15. Recommends to the Commission, the Member States and the Council that they should consider the possibility of supplementing activities funded in the field of freedom, security and justice with third countries and regions by providing specific funding for human rights protection and compliance projects;
16. Notes that the question of illegal immigration is a part of the global debate on the implications of migration on demographic and employment policies; underlines, further, that the EU's activities aimed at addressing the root causes of illegal immigration and improving the capacity of third countries to manage migration flows and their borders must be carried out within the parameters of a humanitarian agenda which strikes a balance between effective development policy and alleviating the push factors in the source countries;
17. Is concerned that the readmission agreements signed on behalf of the EU do not explicitly exclude asylum seekers from the scope of the agreements and may, therefore, involve the readmission of asylum-seekers whose claims have not yet been determined on their merits, or whose claims have been rejected or deemed inadmissible pursuant to application of the "safe third country" concept; call for safeguards to ensure that asylum

seekers have access to a fair and effective asylum procedure, in order *inter alia* to ensure respect for the principle of *non-refoulement*;

- 18 Stresses that the European Union should be willing to enter into negotiations on readmission and visa facilitation with its neighbouring countries once the proper preconditions have been met; believes that effective cooperation with candidate, associate and neighbouring countries on illegal immigration, combating human trafficking and efficient border management can help discussions on the long-term prospect of visa-free travel;
19. Emphasises the multifaceted nature of the responses available to the EU in the external action to combat terrorism and its root causes and underlines the need to use coherently all the means that are available, in accordance with the UN Charter; calls for the reopening of the debate on the common definition of terrorism and its roots at the UN;
20. Reiterates its proposal that the EU's counter-terrorist policy be rendered more coherent and effective in its relations with third countries, in particular: by stepping up the dialogue with major partners that recognise the universal standards of human rights; by strengthening cooperation with international and regional organisations playing a key role in peacekeeping and global security; by actively seeking solutions to violent internal and regional conflicts; and by strict implementation of the anti-terrorism clause in agreements with third countries, without contradicting the spirit of the human rights clause;
21. Notes a wide range of very different issues covered by police and judicial cooperation in criminal matters with third countries; underlines in regard to the stated priorities that, while development of institutional capacity and operational cooperation are important, the EU's activities in those fields should be carried out in terms of universal standards of human rights.



## PROCEDURE

<b>Title</b>	Area of freedom, security and justice : strategy for the external dimension, Action Plan implementing the Hague Programme			
<b>Procedure number</b>	2006/2111(INI)			
<b>Committee responsible</b>	LIBE			
<b>Opinion by</b> Date announced in plenary	AFET 18.5.2006			
<b>Enhanced cooperation – date announced in plenary</b>	18.5.2006			
<b>Drafts(wo)man</b> Date appointed	Aloyzas Sakalas 3.5.2006			
<b>Previous drafts(wo)man</b>	-			
<b>Discussed in committee</b>	28.8.2006 22.3.2007	21.11.2006 12.4.2007	28.11.2006	23.1.2007
<b>Date adopted</b>	12.4.2007			
<b>Result of final vote</b>	+: 26 -: 1 0: 0			
<b>Members present for the final vote</b>	Christopher Beazley, Panagiotis Beglitis, Michael Gahler, Ana Maria Gomes, Alfred Gomolka, Richard Howitt, Bogdan Klich, Eugen Mihăescu, Francisco José Millán Mon, Cem Özdemir, Ioan Mircea Paşcu, Tobias Pflüger, Bernd Posselt, Jacek Saryusz-Wolski, Gitte Seeberg, Marek Siwiec, Konrad Szymański, Antonio Tajani, Jan Marinus Wiersma			
<b>Substitute(s) present for the final vote</b>	Laima Liucija Andrikienė, Alexandra Dobolyi, Árpád Duka-Zólyomi, Glyn Ford, Tunne Kelam, Aloyzas Sakalas			
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Wiesław Stefan Kuc, Marcin Libicki			
<b>Comments (available in one language only)</b>	...			

## PROCEDURE

<b>Title</b>	Strategy on the external dimension of the area of freedom, security and justice					
<b>Procedure number</b>	2006/2111(INI)					
<b>Committee responsible</b> Date authorisation announced in plenary	LIBE 18.5.2006					
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFET 18.5.2006					
<b>Not delivering opinion(s)</b> Date of decision						
<b>Enhanced cooperation</b> Date announced in plenary	AFET 18.5.2006					
<b>Rapporteur(s)</b> Date appointed	Bogdan Klich 22.2.2006					
<b>Previous rapporteur(s)</b>						
<b>Discussed in committee</b>	12.7.06	24.1.07	21.3.07	11.4.07	21.3.07	5.6.07
<b>Date adopted</b>	5.6.2007					
<b>Result of final vote</b>	+            38 -            1 0            0					
<b>Members present for the final vote</b>	Alexander Alvaro, Philip Bradbourn, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giusto Catania, Carlos Coelho, Fausto Correia, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Giovanni Claudio Fava, Kinga Gál, Patrick Gaubert, Elly de Groen-Kouwenhoven, Jeanine Hennis-Plasschaert, Ewa Klamt, Magda Kósáné Kovács, Stavros Lambrinidis, Henrik Lax, Dan Mihalache, Claude Moraes, Javier Moreno Sánchez, Martine Roure, Inger Segelström, Károly Ferenc Szabó, Adina-Ioana Vălean, Manfred Weber					
<b>Substitute(s) present for the final vote</b>	Simon Busuttil, Gérard Deprez, Ignasi Guardans Cambó, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Bogdan Klich, Jean Lambert, Marianne Mikko, Hubert Pirker, Rainer Wieland					
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Aloyzas Sakalas					
<b>Date tabled</b>	11.6.2007					
<b>Comments</b> (available in one language only)						