



HELLENIC PARLIAMENT

**JOINT MEETING**

- **SPECIAL STANDING COMMITTEE FOR EUROPEAN AFFAIRS**
- **STANDING COMMITTEE ON PUBLIC ADMINISTRATION, PUBLIC ORDER AND JUSTICE**

The aforementioned committees of the Hellenic Parliament convened to a joint meeting on Thursday, July 30 2009 at 13.00 in order to adopt an

**OPINION**

On the Commission's Communication to the European Parliament and the Council  
*"An area of freedom, security and justice serving the citizen"*  
[COM(2009)262 final]

The members of the aforementioned committees, considering:

- the Commission's Communication to the European Parliament and the Council "An area of freedom, security and justice serving the citizen" [COM(2009)262 final]
- The Communication of the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions "Justice, Freedom and Security in Europe since 2005.; an evaluation of the Hague Programme and Action Plan" [COM(2009) 263 final]
- The Opinion by Mr. Peter HUSTINX, European Data Protection Supervisor, dated 10.7.2009 on the European Commission's Communication on the Stockholm Programme
- The memoranda transmitted by the Directorate for International Police Cooperation of the Hellenic Police Headquarters, the General Directorate for Migration Policy and Social Integration of the Ministry of Interior, as well as the General Directorate for Legislative Coordination and Special International Legal Relations of the Ministry of Justice
- The oral report by the Minister of Interior, Mr Prokopis Pavlopoulos

Adopted by majority the following Opinion:

**1. Migration-integration**

We agree with the Commission's Communication that deems necessary the creation of a more secure and open Europe that will be based on its citizens' needs, as well as on safeguarding individual rights.

In this frame, we deem necessary the contracting of agreements with third countries, such as Libya and, mainly, Turkey, for migrants' restitution, including provisions for implementation monitoring measures. In this respect, the strengthening of dialogue and practical cooperation with certain countries of Asia would be of special interest, as well as the systematic association of migration with employment and social cohesion (linkage of economic migration and of employment and market policies). From a broader scope, we feel that the Commission correctly deems necessary the development of an effective and solid system for clandestine

migration prevention, as well as the examination of special agreements covering clandestine migration control and mobility promotion.

We deem that this moment in time, when the formulation of the European migration policy is under way is the most appropriate for the systematic and documented linkage of political migration to the European development cooperation policy.

We have a positive stance regarding the function of an observatory as a management tool for information dissemination and studies' evaluation. Moreover, we deem important the action measures concerning the effective management of migration for reasons of family reunion. For the enhanced control of clandestine migration it is correctly proposed to intensify efforts on combating crime networks.

Closing, we deem necessary the strengthening of FRONTEX's role, as well as the development of an overall evaluation mechanism- in cooperation with third countries- of EU work, in order to examine on an annual basis the extent and fields for continuation of that cooperation. To this end, the enhancement of information exchange processes concerning legalization is deemed necessary, as well as the formation of clear guidelines on the part of the EU.

## **2. Asylum**

We agree with the proposal on creating a European Office for Asylum support and for the encouragement of persons under the UN's High Commission protection , on a voluntary basis, as well as with the creation of a new mechanism of a voluntary translocation for persons enjoying international protection status. At the operational level an Asylum Support Service must be assured.

We deem as necessary steps stricter control, the creation of mechanisms of periodical assessment for the facilitation of Asylum systems' harmonisation in member- states, and, thirdly, the monitoring, assessment and concrete use of legal means established during the past years.

We applaud the provision on the creation of an internal mechanism for refugee redistribution, on a voluntary basis, and for the mutual recognition of decisions granting refugee status with a possibility of transferring protection in member-states.

Even though an Asylum system has been already formed, we point out that greater uniformity must be achieved concerning asylum petitions' processing between member-states.

## **3. Border management**

We consider correct the balance deemed necessary, according to the Communication, of our efforts for an effective border management and protection of fundamental human rights.

The EU must develop and strengthen bonds with third countries in the field of an integrated border management. Border management is deemed necessary, not only for the better control of clandestine migration, but also for dealing with Cross-border crime.

We suggest including in the Stockholm Programme the provision on the use of new technologies at the borders, which will aim at a better border management, under the term of guarantee for human rights.

#### **4. Terrorism**

The suggested measures by the Commission are the surveillance of network use for the purposes of terrorism (strengthening of competent control authorities' operational capability), as well as the development of special preventive measures (such as the implementation of the European programme for vitally important infrastructure protection)

With regard to W. Balkans, we deem necessary to accelerate procedures towards homogenizing partnerships with the EU and promoting the fullest possible European acquis integration.

We applaud the strengthening of initiatives on jointly dealing with "Public Order" issues, the adoption of new security policies for the management of specific situations, the conduct of joint exercises and the drawing up of operational "crowd management" projects, in accordance with the "activity idea" of the relevant fold of the Hague Programme.

Moreover, we stress the necessity to avoid provision of dual criminality (ne bis in idem), for victim protection on the basis of judicial guarantees and for achieving balance between the rights of victims and of the accused parties.

#### **5. Police cooperation**

We agree with the Commission's approach that deems necessary the better utilization of the European Network for Criminality Prevention, as well as information processing by the use of new technologies, which will be a central factor in police work.

We applaud the specification of criteria and systems that could be used for an integrated strategy, preserving and supporting the European model of balance between security and privacy, emphasizing the necessity for respecting human dignity.

#### **6. Drugs**

According to Commission's Communication, an overall and balanced approach is needed, which will be based on simultaneous offer and demand. Crucial prerequisites are: the enhancement of coordination and cooperation at a national, European and international level, the promotion of cohesive spreading and balanced approach of the phenomenon in the frame of International Organizations, the mobilization of the society of citizens and the strengthening of research and information for securing access to credible data and information.

However, we consider that no action undertaken by administrative authorities can be effective without the simultaneous development of \_often necessary- rehabilitation and therapy policies for the users' needs.

#### **7. Mutual recognition**

We accept the fact that the Principle of Mutual recognition is the cornerstone for building the Europe of Justice. Indeed, the development of judicial Europe presupposes the acceptance of common- for everybody- rules. We deem necessary the access of everyone, with no exception, to justice, by promoting systematic information exchange between member-states.

Moreover, we emphasize that strengthening assessment is deemed necessary to the degree that it facilitates the better knowledge of national systems for the identification of better

practices, as well as for enhancing education and training of those exercising professions closely associated to Justice.

In the frame of civil cases we applaud direct decision implementation without the use of other interim means (abolishment of the exequatur procedure / harmonization of conflicting legal rules in relevant fields). In what concerns penal /criminal cases, we deem important mutual recognition implementation at all stages of the procedure.

In what concerns law of inheritance issues and of property relations between spouses attention is drawn to the issue of creating a European certificate of inheritance and of the “registration of wills” community system.

## **8. Protection of personal data**

We deem necessary the creation of full protection status, securing the citizen’s personal data protection (regulation of circumstances under which public authorities could impose the necessary restrictions on implementation of the said rules).

Moreover, we deem necessary complementary initiatives of legislative or non- legislative nature, for the preservation of the effective implementation of principles concerning personal data protection. Generally, we consider important the development of international models concerning issues of personal data protection, stressing, of course, the good knowledge of rights and dangers in internet use(awareness).

## **9. Sexual exploitation and Pornography**

We deem positive the creation of a platform for the on-line identification of child pornography sites.

At the same time, we consider important the support of international police cooperation in the field of closing down electronic addresses and blocking such sites, pursuing close cooperation with the private sector.

## **10. Organised crime**

We ask for the development of suppressive measures in cases of tax evasion and individual corruption.

Moreover, we deem necessary the taking of measures for dealing with cases of fraud carried out at the expense of banks by the method of tapping ATMs , referring for example to the implementation and materialization of Decisions nmr 2007/845/JHA/6-12-2007), as well as the establishment of the Office for retrieving assets/estate items.

Concluding, we suggest examining the possibility of criminal act victims’ compensation by member states.

## **11. Human Trafficking**

We support coordination of persecuting authorities in cross-border combating of human trafficking. We stand pro the effort towards an integrated and multi-dimensional approach aspiring to the prevention and suppression of human trafficking and will be founded upon the participation of all relevant parties (NGOs, Police Authorities, Immigration and Social Services).

We deem necessary the strengthening of legal protection of the more vulnerable groups and the better utilization of the European Network for Criminality Prevention for dealing with criminality at a European level.

An equally important step is the initiative for developing a stronger Secretariat, which will organize and monitor all activities, taking care for the constant information of the public.

Closing, we consider necessary to express our reservations on the change of standing provisions on the Network Presidency (as identifying with the country holding EU Presidency)