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REPORT

on the Initiative of the Republic of Finland with a view to the adoption of a Council regulation determining obligations as between the Member States for the readmission of third-country nationals
(12488/1999 – C5-0319/1999 – 1999/0823(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Anna Karamanou

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

By letter of 8 December 1999 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the Initiative of the Republic of Finland with a view to the adoption of a Council Regulation determining obligations as between the Member States for the readmission of third-country nationals (12488/1999 – 1999/0823 (CNS)).

At the sitting of 17 December 1999 the President of Parliament announced that she had referred this Initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Legal Affairs and the Internal Market for its opinion (C5-0319/1999).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Anna Karamanou rapporteur at its meeting of 24 February 2000.

It considered the Initiative of the Republic of Finland and the draft report at its meetings of 22 March 2000, 3 April 2000 and 18 April 2000.

At the last meeting it adopted the draft legislative resolution by 18 votes to 0, with 11 abstentions.

The following were present for the vote: Enrico Ferri, vice-chairman; Anna Karamanou, rapporteur; Christian von Boetticher, Alima Boumediene-Thiery, Michael Cashman, Charlotte Cederschiöld, Carlos Coelho, Carmen Cerdeira Morterero (for Robert J.E. Evans), Ozan Ceyhun, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Olivier Duhamel, Raina A. Mercedes Echerer (for Patsy Sørensen pursuant to Rule 153(2)), Anne-Karin Glase (for Hartmut Nassauer pursuant to Rule 153(2)), Daniel J. Hannan, Jorge Salvador Hernández Mollar, Margot Keßler, Timothy Kirkhope, Alain Krivine (for Pernille Frahm), Baroness Sarah Ludford, Minerva Melpomeni Malliori (for Sérgio Sousa Pinto), Elena Ornella Paciotti, Ana Palacio Vallelersundi (for Ewa Klamt), Hubert Pirker, Martin Schulz, Joke Swiebel, Fodé Sylla, Anna Terrón i Cusí and Anne E.M. Van Lancker (for Gianni Vattimo).

The opinion of the Committee on Legal Affairs and the Internal Market is attached.

The report was tabled on 25 April 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Initiative of the Republic of Finland with a view to the adoption of a Council Regulation determining obligations as between the Member States for the readmission of third-country nationals (12488/1999 – C5 - 0319/1999 – 1999/0823(CNS))

The proposal is rejected

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Initiative of the Republic of Finland with a view to the adoption of a Council Regulation determining obligations as between the Member States for the readmission of third-country nationals (12488/1999 – C5 - 0319/1999 – 1999/0823(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Initiative of the Republic of Finland with a view to the adoption of a Council Regulation determining obligations as between the Member States for the readmission of third-country nationals (12488/1999 – 1999/0823(CNS)),
 - having regard to Article 63(3)(b) of the EC Treaty,
 - having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5 - 0319/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0110/2000),
1. Rejects the Initiative of the Republic of Finland;
 2. Calls on the Republic of Finland to withdraw its Initiative;
 3. Instructs its President to forward its position to the Council, the Commission and the Government of the Republic of Finland.

EXPLANATORY STATEMENT

I. General context

By letter of 8 December 1999 from the Secretary-General of the Council, Parliament was asked to deliver its opinion at the session from 15 to 19 May 2000 on the proposal for a regulation determining obligations as between the Member States for the readmission of third-country nationals.

The Finnish Initiative is based on Article 63(3)(b) of the EC Treaty, which stipulates that, within a period of five years after the entry into force of the Treaty of Amsterdam, the Council, acting in accordance with the procedure referred to in Article 67, must adopt measures on immigration policy, among other things in the area of illegal immigration and illegal residence, including repatriation of illegal residents. Three Member States, namely the United Kingdom, Ireland, and Denmark, are not bound by the provisions of Title IV.

The December 1998 Vienna action plan on implementation of a common area of freedom, security, and justice mentions measures to be adopted within a two-year time-frame (of which one year and one month remains):

- assessment of countries of origin (this has been covered to some extent by the High-Level Working Group); legal status of legal immigrants (nothing has yet been proposed); Union policy on readmission and return (proposal for a regulation dealt with in this report, stemming from a Finnish initiative, standard readmission clause approved by the December 1999 JHA Council, readmission clause in the ACP-EU Partnership Agreement, and the proposed future readmission agreements with Pakistan, Sri Lanka, Morocco, and Russia);

and measures to be taken within a five-year time-frame (of which four years and one month remain):

- various measures to be laid down and implemented under the European immigration strategy:
 - coordination of readmission clauses at European level (above-mentioned standard readmission clause approved by the December 1999 JHA Council);
 - detailed reports from diplomatic missions on the situation in countries of origin (no information available on this subject);
 - rules governing conditions of entry and residence, including long-term visas and residence permits (nothing as yet, but proposals could start to be produced under the French Presidency);
 - definition of the rights permitting legal immigrants who are third-country nationals to take up residence in other Member States (no proposals to date).

In addition, the October 1999 Tampere conclusions noted that the Union needed a comprehensive approach to migration, addressing political, human rights, and development

issues in countries and regions of origin and transit (point 11). As far as dealing with migration was concerned, the European Council called for greater efficiency at every stage (information campaigns, policy on visas and forged documents, and measures to combat trafficking in human beings and illegal immigration networks (see point 23)). On the other hand, nothing should be done to undermine the rights of those who fall victim to criminal organisations.

Regarding border checks, Member States should establish closer cooperation and mutual assistance (point 24). As regards assistance to countries of origin and transit, the key elements are encouragement of voluntary return, stamping out trafficking in human beings, and compliance with readmission obligations in relation to the Union and its Member States (point 26). The European Council called on the Council to conclude readmission agreements or include standard readmission clauses in other agreements and to consider the question of internal readmission (point 27), the specific subject of the proposal for a regulation discussed in this report.

The score-board compiled by the Commission to be submitted to the JHA Council on 27 March 2000 links assessment of countries and regions of origin and transit (section 2.1) to continuation of the activities of the High-Level Working Group (for which the deadline for completion is April 2001), measures to enable trafficking in and exploitation of human beings to be stamped out more effectively (minimum rules on essential elements of offences under criminal law and penalties, use of Europol to break up networks, and harmonisation of national laws on carrier liability (see section 2.4)), and assistance to help third countries meet their readmission obligations. It specifies that future readmission agreements to be concluded or standard clauses to be inserted should be based on the Commission recommendations of 14 February 2000 for its brief to negotiate with four third countries (see point IV(a) of this explanatory statement).

The score-board does not mention the matter of internal readmission.

II. Readmission

As far as readmission is concerned, the Member States have already had experience of agreements concluded under EPC (European Political Cooperation)¹ and Schengen-type cooperation (in which the visa requirement has been abolished, but third countries must promise in return, as Poland, for example, has done, to readmit their nationals) as well as specific experience at national level. Furthermore, under the Maastricht arrangements, they have adopted a number of atypical acts encompassed within the third pillar, relating to illegal immigration, undeclared employment, deportation and voluntary return, readmission, and early warning systems for illegal immigration².

¹ Recommendations of 30 November 1992 on the Member States' expulsion practices and transit for expulsion purposes.

² Council recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country, Council recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements, Council recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals, and Council recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures.

'Readmission' is a fundamentally ambiguous word because it can apply equally to expulsion and voluntary return but hinges more precisely on the attitude of the third countries called upon to take back (readmit) their nationals. The implication is thus that the Union is jettisoning part of the burden of responsibility incumbent on it as a grouping of 'rich' host countries.

The EU Member States are the destination of only quite a modest proportion of world-wide migration. Political forces are increasingly recognising that the benefits of immigration must be rated at their true value, not least from a medium- and long-term perspective, in relation to the European population trend, the labour market, and the organisation of European society. In industry, farming, the building trade, domestic service, health care, and distribution, legal and illegal immigrants have largely taken over the jobs which Europeans have vacated or now refuse to do, or which belong to the high-risk category, and are consequently making a significant contribution to Europe's economic development.

In addition, there are a whole range of factors involved in readmission, related to respect for human rights, development cooperation policy, aspects of the economic and social situation in host countries, law and order issues, visa policies as a means of migration control, and the suppression of certain serious forms of crime such as trafficking in human beings, smuggling rackets, and so on.

The subject is a sensitive one requiring a cross-pillar approach (immigration falls under the first pillar, but judicial and police cooperation in criminal matters, likewise needed in order to pursue a coherent policy, falls under the third pillar).

Moreover, some maintain that, although they are connected with immigration, readmission agreements are not confined solely to the Community sphere of responsibility.

III. Content of the Finnish Initiative

There is no explanatory statement attached to the draft regulation proposed by the outgoing Finnish Presidency.

The Initiative does not show any real strategic vision, nor does it accord fully with the complex coordinated multidisciplinary timetable put forward in the Vienna action plan, the Tampere conclusions, and the score-board.

The draft regulation seeks merely to lay down a 'Dublin-style' system¹ for illegal immigrants, following the model of the system established under the 1990 Convention on asylum-seekers. Recital 3 accordingly states that the draft regulation builds upon the Schengen *acquis*, and the United Kingdom and Ireland are thus debarred from participating on two counts.

The impression emerging from the text is unfortunate to the extent that foreigners illegally

¹ Articles 4, 5, and 6 stipulate that the Member State of issue is obliged to readmit a third-country national holding a valid residence permit or visa and specify the order of ranking for the purposes of readmission obligations in cases where a third-country national holds more than one valid residence permit or visa issued by different Member States.

present on the territory of Member States are supposed to be sent back to the country of origin concerned or another third country as a matter of priority (see recital 5). This is to be achieved through a system of compulsory readmission operating between Member States before the departure of the person concerned (see Article 1(1) and (2)). Where the Community has concluded readmission agreements, the Regulation also aims to determine which Member State is obliged to readmit a third-country national in order to implement the agreement in question (see recital 6 and Article 1(3)).

The draft regulation does not debar a Member State from sending a foreigner (third-country national) back to his or her country of origin or another third country if he or she does not fulfil (or no longer fulfils) the conditions in force for entry to, or residence on, the territory of that Member State (Article 1(5)). This provision seems to empower Member States to take more severe decisions outside the scope of the regulation.

Other key points should also be considered:

- the Regulation precludes any kind of solidarity between Member States, in particular as far as illegal border crossings and responsibility for external borders are concerned (Articles 8 and 9). Although this sort of philosophy might have been justifiable under Schengen intergovernmental cooperation, it is no longer appropriate for the Community, in which a degree of flexibility should be brought to bear in order to adjust Community measures to take account of regional situations;
- failure to differentiate between a third-country national who in no way fulfils and one who has ceased to fulfil the conditions of entry or residence in a Member State: the particular circumstances of persons who may have spent a relatively long period of time in a Member State before forfeiting their legal status are not taken into consideration;
- residence permits of asylum-seekers are not included among the documents referred to in the Regulation. Could the protection afforded to asylum-seekers consequently be undermined? Could the failure to legislate for them could create the possibility of indiscriminate expulsions, or is the intention to draw a clear-cut – and irrevocable – line of demarcation between the separate areas of immigration and asylum? A further question to answer relates to temporary permits granted for the purposes of subsidiary protection;
- inference should likewise be accepted as a means of proving entry to the territory of a Member State;
- it should be permissible to request readmission to another Member State within six months from the time when the proper authorities of the requesting Member State become aware that a third-country national may be (and not 'is') illegally present;
- the data required to identify persons to be readmitted should be specified, as the way would otherwise be open to every kind of abuse (see Article 15(c)).

The basic problem is that no European strategy has been devised on legal immigration, including immigration for work purposes. Instead of drawing up a legislative instrument (directive) establishing a basis for and the principles governing legal immigration (quotas, age, qualifications, waiting periods, family reunification, and anything else that might be deemed appropriate), the Council (and apparently the Commission as well) are starting by

tackling the penal and police aspects or, to put it more accurately, still employing the ways of thinking and working typically associated with intergovernmental cooperation. Given that there is no Community-wide definition of legal immigration and the matter therefore remains subject to the national laws and practices of 15 different countries, the only thing that remains for the Community to decide is the fate of illegal immigrants. However, action ought to extend beyond administrative and police cooperation to unification of criminal law, as provided for in Title VI of the EU Treaty to deal with certain serious crimes and called for by the Tampere European Council (see point 23 of the conclusions on trafficking in human beings and economic exploitation of migrants, reproduced in section 2.4 of the score-board). A further criticism, which also applies to the draft directive on family reunification, is that a specific area of immigration policy is being addressed outside any Community frame of reference, making the exercise more complicated.

Another very serious problem arises from the fact that there are no complete, reliable, and comparable figures on legal immigration (including family reunification), illegal immigration, removals, repatriations, and so forth.

It now appears from recent informal conversations with the Portuguese Presidency and the Council Secretariat that the draft regulation submitted by Finland to the Council is no longer considered a priority.

No further attempts are being made to seek a consensus under the Portuguese Presidency.

IV. **Other work in progress**

- (a) Following their adoption on 14 February 2000, the Commission has submitted proposals for recommendations to the Council (under Article 300 of the EC Treaty) with a view to laying down a brief to negotiate readmission agreements with some important countries of origin (namely Pakistan, Sri Lanka, and Morocco), which have already been examined by the High-Level Group on Asylum and Immigration, and, secondly, with Russia (under the European joint strategy for that country).

These agreements **should contain provisions to regulate obligations as between the Member States**. If they did, the Finnish Initiative would be rendered unnecessary.

However, the provisions on the above obligations might not be absolutely identical in each agreement, giving rise to discrepancies and possible instances of discrimination in relation to third-country nationals and demonstrating, once more, the inconsistency of the European approach to immigration.

Be that as it may, Parliament wishes, as regards the immediate future, to have a say in the negotiating brief to be conferred on the Commission when the readmission agreements are drawn up with the chosen countries and appeals to the Council to promise to consult it.

- (b) On 4 February 2000 the Partnership Agreement to develop relations between the European Union and the ACP countries was concluded for a period of 20 years.

It will replace the Lomé Convention.

The Agreement contains a readmission clause for illegal immigrants, a hard-fought compromise between the standard European Union readmission clause (agreed at the JHA Council of 2 and 3 December 1999) and an arrangement for readmission of third-country and stateless illegal immigrants. Bilateral agreements between the Union and each ACP country could be negotiated in order to resolve any specific cases of this kind.

Parliament is expected to play a role at a later stage under the assent procedure. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs might merely be asked for its opinion. The Committee on Development and Cooperation would be the committee responsible.

Every effort must be made to avoid inconsistent clauses or clauses that discriminate against countries with which dealings are taking place. National interests should not take precedence over the Community approach. Development cooperation should never be linked automatically to acceptance of the readmission clause.

On no account should readmission agreements be concluded with politically unstable countries or, worse still, countries which have no lawful representative government and are affected by serious human rights violations. Obviously, the principle of non-return of asylum-seekers must be observed at all times.

V. Conclusions

The rapporteur suggests that the committee reject the proposal for a regulation, keep track of the Commission's negotiating brief for the forthcoming readmission agreements as it takes shape, and remain in close touch with the Portuguese Presidency to determine whether there might be any opportunity for Parliament to influence the content of the recommendations for the future readmission agreements.

17 April 2000

**OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE
INTERNAL MARKET**

on the Initiative of the Republic of Finland with a view to the adoption of a
Council Regulation determining obligations as between the Member States for
the readmission of third-country nationals

(12488/1999 – 12488/1999/COR1 - C5-0319/1999 – 1999/0823(CNS))

Draftsman: Mercedes Echerer

PROCEDURE

The Committee on Legal Affairs and the Internal Market appointed Mercedes Echerer draftsman at its meeting of 29 February 2000.

It considered the draft opinion at its meetings of 28 March 2000 and 17 April 2000.

At the latter meeting it adopted the conclusions below by 15 votes to 2, with 1 abstention.

The following were present for the vote: Ana Palacio Vallerlersundi, chairman; Ward Beysen, vice-chairman; Raina A. Mercedes Echerer, draftsman; Charlotte Cederschiöld, Willy C.E.H. De Clercq, Francesco Fiori, (for Antonio Tajani pursuant to Rule 153(2)), Marie-Françoise Garaud, Malcolm Harbour, Heidi Anneli Hautala, The Lord Inglewood, Kurt Lechner, Klaus-Heiner Lehne, Donald Neil MacCormick, Véronique Mathieu, Manuel Medina Ortega, Bill Miller, Francesco Enrico Speroni and Diana Paulette Wallis.

Short justification

The aim of the Finnish Initiative is to lay down provisions governing the *readmission* of third-country nationals who *do not* or *no longer* fulfil the conditions for entry to or residence on the territory of a Member State (Article 1(2)): the Member States of the EU are to be linked by an underground network diplomatically called the 'readmission system'.

It is necessary to make several criticisms of this Initiative from the legal point of view.

First of all, the term 'readmission' is not defined anywhere in the Initiative. To some extent, therefore, the underlying intention has to be deduced from the context and to some extent it is left to the reader's imagination.

The Finnish Initiative should no doubt be viewed in the context of a European Union which, rightly, has increasingly abolished and devalued the frontiers between the Member States, especially between the Schengen States, and in which not only persons entitled to do so but also persons who, from the point of view of the public authorities, are not entitled to do so (in other words, mostly people who have decided to enter the EU because of their unfavourable economic circumstances) can in fact move from one country to another in relative freedom.

Some states (or, more precisely, some *governments*) seem to have a need to expel certain third-country nationals from their national frontiers to other Member States, thus passing on the responsibility for them to other Member States.

The basis of this procedure is questionable.

In concrete terms, the Finnish Initiative aims to implement this unreasonable procedure by first of all laying down an order of priority for the criteria for readmission and then drawing up certain implementing measures.

(a) The order of priority of the criteria

The Member State under the obligation to readmit a third-country national is determined as follows: first of all, the Member State which issued a valid residence permit is obliged to readmit that person, then the Member State which issued a valid visa, then the Member State which issued a residence permit or visa which has expired, then the Member State in which the person concerned *has been living illegally for at least six months*, then the Member State via which the third-country national *irregularly crossed the border into the other Member State*, and finally the Member State which has started to enforce the necessary measures for a third-country national to return to a country which he is entitled to enter (Articles 4 to 10).

It is easy to see that the main problems will revolve around third-country nationals who have entered a Member State illegally or who have been illegally living in a Member State for at least six months.

In the Schengen area, *valid* visas¹ and residence permits² produced in a uniform format and issued by a Schengen State are irrelevant, since under the **Convention applying the Schengen Agreement** (Articles 9 to 24) each Schengen State *recognises* visas and residence permits issued in another Schengen State.

Where the visa or residence permit has *expired*, the Convention applying the Schengen Agreement provides, however, for the third-country national to be transferred to a third country or readmitted to another Schengen State. In that case it is, however, easy to determine, where applicable, which Schengen State is called upon to readmit the person concerned.

This does not, however, apply in the case of third-country nationals who have illegally entered a Member State or been living illegally in a Member State for at least six months. This is likely to be very difficult to prove, and might indeed often only be possible to prove on the basis of any fingerprint data which happen to be available on the **Eurodac** database – but on the one hand your draftsman is in principle extremely doubtful about Eurodac³ and on the other, particularly in the case of persons who have illegally entered a Member State, fingerprint data are not normally available.

Further complications might arise in connection with the **Dublin Convention**. The latter lays down its own rules with regard to 'taking charge of', 'taking back' and 'transferring' applicants for asylum which are similar, but not identical, to the measures proposed in the Finnish Initiative⁴. Since, according to the respective national legal situation, applicants for asylum may, however, be living either legally or illegally in the Member State concerned⁵, applicants for asylum deemed to be living illegally in that Member State would come within both the Dublin Convention and the Finnish Initiative at the same time, although the provisions and legal consequences of each are not identical!

There are several areas where it is uncertain how the Dublin Convention and the Finnish Initiative will interact. The relationship between the Initiative and the right of asylum has certainly not been clarified.

(b) Procedures for determining the order of priority of criteria and for carrying out readmission

(ba) The following means can be used for the purposes of establishing irregular entry and illegal residence: entry stamps, exit stamps, travel tickets, embarkation/disembarkation cards and *indicative evidence* – which is questionable under the principles of the rule of law (Article 11). The concept of indicative evidence might, since it has not been defined more precisely, open the way for arbitrary decisions. In any case, all these aids may well not solve the problem, as has been shown in the similar case of the application of the Dublin Convention.

¹ See Regulation (EC) No 1683/95.

² See Joint Action concerning a uniform format for residence permits (OJ L 7, 10.1.1997, p. 1).

³ See COM (1999) 0260 final.

⁴ Articles 10 and 11 of the Dublin Convention; Article 7 of Implementing Decision 1/97 to the Dublin Convention.

⁵ See paragraph 19(1) and (2) of the Austrian Law on Asylum.

We are also struck by the remarkably vague reference to 'the conditions for readmission pursuant to this Regulation ... such as *fingerprints* and photographs' (Article 15(1)(c)).

(bb) The proposed solution to the problem of costs is also noticeably vague. *Transport costs* are in general to be borne by the Member State *requesting* readmission (Article 14(1)). Member States themselves bear *the costs relating to assistance given by their own authorities* (Article 14(2)).

However, '*implementing measures*' on cost arrangements are to be adopted under the management procedure by a *qualified majority* (Article 16(e), Article 4 of the 'Commitology' Decision 1999/468/EC).

Assessment of the initiative

The Initiative was poorly planned. It contains no justification section. There was no public debate on the subject in preparation for it, nor were any NGOs, the ECRE, Amnesty International or the UNHCR consulted.

On the one hand, there are huge objections to the principle of shuttling people between the Member States, and on the other, crucial aspects of the rules proposed here raise substantial implementing problems which can already be foreseen.

In one respect, the initiative does things the wrong way round: it is an indirect way of putting pressure on certain Member States to seal off their external frontiers. The correct thing to do would have been *first* to control the external frontiers properly and *only then* to consider the problem of the expulsion of persons from one Member State to another. The Finnish Initiative says nothing at all about combating the causes underlying the refugee problem and illegal immigration. Since these possibilities have been nowhere near exhausted, the Initiative should be viewed with even more reserve.

The Initiative contains absolutely no *procedural safeguards* for the people concerned by readmission. How can a regulation leading potentially to huge infringements of fundamental rights, namely infringements of the right of free movement and of liberty per se, make no mention at all of the legal remedies available to or *the protection of the fundamental rights* of those concerned! Incidentally, the European Parliament has already made such requests for procedural safeguards and the protection of fundamental rights in its resolution on the future and functioning of Schengen of 11.3.1997¹, its resolution on an area of freedom, security and justice of 13.4.1999² and its resolution on the Charter of fundamental rights of the European Union of 16.3.2000.

Nor is the relationship between the principles of readmission between the Member States and the principles of readmission to third countries clear. It would be difficult to justify establishing different criteria for each. This is, however, becoming likely, as the Commission (and not the Finnish Presidency) is to negotiate readmission agreements with Pakistan, Sri Lanka, Russia and Morocco. In so doing, the Commission seems to be working on the basis

¹ OJ C 115, 14.4.1997, pp 17 and 30.

² OJ C 219, 30.6.1999, pp. 23 and 73.

of more stringent criteria.

In addition, because of the Protocol on the position of the United Kingdom and Ireland and the Protocol on the position of Denmark, it is rather unlikely that the initiative could apply throughout the territory of the EU.

The committee discussed the arguments for and against the initiative. A majority of Members eventually took the view that the Republic of Finland should be called upon to withdraw its proposal. This would give the initiators the opportunity to reconsider the initiative from both the substantive and the technical point of view.

AMENDMENTS

The Committee on Legal Affairs and the Internal Market requests the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

(Amendment 1)
Draft Legislative Resolution, Paragraph 2

[The European Parliament,]

2. *Calls on the Republic of Finland to withdraw its proposal;*

Justification

The committee discussed the arguments for and against the initiative. A majority of Members eventually took the view that the Republic of Finland should be called upon to withdraw its proposal. This would give the initiators the opportunity to reconsider the initiative from both the substantive and the technical point of view.