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Session document

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A5-0003/2002

9 January 2002

REPORT

1. on the proposal for a Council framework decision on combating terrorism
(14845/1/01 – C5-0680/2001 – 2001/0217(CNS))

2. on the proposal for a Council framework decision on the European arrest
warrant and the surrender procedures between the Member States
(14867/1/01 – C5-0675/2001 – 2001/0215(CNS))
(Renewed consultations)

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

Rapporteur: Graham R. Watson

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)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At the sitting of 29 November 2001 the Parliament adopted its position on the Commission proposal for a Council framework decision on combating terrorism (COM(2001) 521 – C5-0452/2001 – 2001/0217(CNS)) and on the Commission proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States (COM(2001) 522 – C5-0453/2001 – 2001/0215(CNS)).

By letter of 15 December 2001 the Council decided to reconsult the Parliament, pursuant to Article 39(1) of the EU Treaty, on the proposal for a Council framework decision on combating terrorism (14845/1/01 – 2001/0217(CNS)).

At the sitting of 13 December 2001 the President of Parliament announced that she had referred the Council draft to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and to the Committee on Legal Affairs and the Internal Market for its opinion (C5-0680/2001).

By letter of 12 December 2001 the Council decided to reconsult the Parliament, pursuant to Article 39(1) of the EU Treaty, on the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States (14867/1/01 – 2001/0215(CNS)).

At the sitting of 13 December 2001 the President of Parliament announced that she had referred the Council draft to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and to the Committee on Legal Affairs and the Internal Market for its opinion for (C5-0675/2001).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Graham R. Watson rapporteur at its meeting of 10 October 2001 and confirmed his appointment on 18 December 2001.

At its meeting of 13 December 2001 it approved the Council draft for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States without amendment and decided to apply the procedure without report pursuant to Rule 158 paragraph 1 of the Rules of Procedure. At the sitting of 17 December 2001 the President of Parliament referred the Council draft back to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs pursuant to Rule 114(2) of the Rules of Procedure.

It considered the Council draft and the draft report at its meetings of 18 December 2001 and 8 January 2002.

At the last meeting it adopted the two draft legislative resolutions by 30 votes to 1, with no abstentions and the second draft legislative resolution by 27 votes to 4, with no abstentions.

The following were present for the vote on the two draft resolutions: Robert J.E. Evans, acting chairman; Graham R. Watson, rapporteur; Roberta Angelilli, Mary Elizabeth Banotti, Hans Blokland (for Ole Krarup), Kathalijne Maria Buitenweg (for Alima Boumediene-Thiery), Charlotte Cederschiöld, Ozan Ceyhan, Carlos Coelho, Gérard M.J. Deprez, Francesco Fiori (for Marcello Dell'Utri pursuant to Rule 153(2)), Glyn Ford (for Adeline Hazan), Gerardo Galeote Quecedo (for Thierry Cornillet), Giuseppe Gargani (for Hubert Pirker), Jorge

Salvador Hernández Mollar, Renzo Imbeni (for Gianni Vattimo), Anna Karamanou, Margot Keßler, Iñigo Méndez de Vigo (for Daniel J. Hannan), Hartmut Nassauer, William Francis Newton Dunn (for n.n.), Paolo Pastorelli, Martine Roure (for Sérgio Sousa Pinto), Giacomo Santini (for Enrico Ferri pursuant to Rule 153(2)), Gerhard Schmid, Olle Schmidt (for Baroness Sarah Ludford pursuant to Rule 153(2)), Jürgen Schröder (for Eva Klamt pursuant to Rule 153(2)), Patsy Sörensen, Joke Swiebel, Anna Terrón i Cusí and Maurizio Turco (for Marco Cappato) .

One minority opinion is attached.

The report was tabled on 9 January 2002 .

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

DRAFT LEGISLATIVE RESOLUTION

1. European Parliament legislative resolution on the reconsultation by the Council on the Commission proposal for a Council framework decision on combating terrorism (14845/1/01 – C5-0680/2001 – 2001/0217(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Council draft for a Council framework decision on combating terrorism (14845/1/01¹),
 - having regard to the proposal from the Commission to the Council (COM(2001) 521²)
 - having regard to its position of 29 November 2001³,
 - having regard to Article 29, Article 31, subparagraph (e), and Article 34, paragraph 2, subparagraph (b), of the EU Treaty,
 - having been reconsulted by the Council pursuant to Article 39, paragraph 1, of the EU Treaty (C5-0680/2001),
 - having regard to Rules 106 and 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 (A5-0003/2002),
1. Approves the Council draft framework decision;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend its draft substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published.

² Not yet published.

³ A5-0397/2001 final.

DRAFT LEGISLATIVE RESOLUTION

2. European Parliament legislative resolution on the reconsultation by the Council on the Commission proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States (14867/1/01 – C5-0675/2001 – 2001/0215(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Council draft (14867/1/01¹)
 - having regard to the proposal from the Commission to the Council (COM(2001) 522²),
 - having regard to its position of 29 November 2001³,
 - having regard to Article 29, Article 31, subparagraphs (a) and (b), and Article 34, paragraph 2, subparagraph (b), of the EU Treaty,
 - having been reconsulted by the Council pursuant to Article 39, paragraph 1, of the EU Treaty (C5-0675/2001),
 - having regard to Rules 106 and 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 (A5-0003/2002),
1. Approves the Council draft framework decision;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend its draft substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published.

² Not yet published.

³ A5-0397/2001 final.

MINORITY OPINION

by Maurizio Turco

1. on the proposal for a Council framework decision on combating terrorism (14845/1/01 – C5-0680/2001 – 2001/0217(CNS))

2. on the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States (14867/1/01 – C5-0675/2001 – 2001/0215(CNS))

The ease with which ends can become confused with means is currently the most serious threat to the principles of democracy and constitutional government. The European Parliament – the only democratically elected EU body – is merely *consulted* on the safeguarding of such principles; its opinion is of no value and is not infrequently requested merely as an afterthought. Issuing such an opinion then becomes no more than a tedious, pointless and costly bureaucratic exercise.

If democracy and constitutional government are not firmly based on clear rules and procedures, they too are fated to become mere tokens to which lip-service is paid for the sole purpose of maintaining the status quo – one which these days is represented by a convergence between the interests of Europe's bureaucracy and those of its political-party machine, and often by the superimposition of one of those sets of interests upon the other.

We are not prepared to sacrifice the principles of constitutional government on the altar of the fight against terrorism – the main aim of terrorism being, precisely, to destroy democracy. Only by strengthening democracy's principles, rules, standards and procedures (rather than by weakening them) can we combat terrorism and crime.

We have voted against the report in order to demonstrate our support for those principles.