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Committee on Foreign Affairs

2006/2111(INI)

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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

Title	Area of freedom, security and justice : strategy for the external dimension, Action Plan implementing the Hague Programme			
Procedure number	2006/2111(INI)			
Committee responsible	LIBE			
Opinion by Date announced in plenary	AFET 18.5.2006			
Enhanced cooperation – date announced in plenary	18.5.2006			
Drafts(wo)man Date appointed	Aloyzas Sakalas 3.5.2006			
Previous drafts(wo)man	-			
Discussed in committee	28.8.2006 22.3.2007	21.11.2006 12.4.2007	28.11.2006	23.1.2007
Date adopted	12.4.2007			
Result of final vote	+: 26 -: 1 0: 0			
Members present for the final vote	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			
Substitute(s) present for the final vote	Laima Liucija Andrikienė, Alexandra Dobolyi, Árpád Duka-Zólyomi, Glyn Ford, Tunne Kelam, Aloyzas Sakalas			
Substitute(s) under Rule 178(2) present for the final vote	Wiesław Stefan Kuc, Marcin Libicki			
Comments (available in one language only)	...			