

EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

2005/2056(INI)

14.3.2006

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Foreign Affairs

on transatlantic relations
(2005/2056(INI))

Draftsman: Johannes Blokland

PA_NonLeg

SUGGESTIONS

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

- having regard to the Transatlantic Declaration on EC-US Relations of 1990 and the New Transatlantic Agenda of 1995,
- having regard to the Conclusions of the Brussels European Council of 16 and 17 December 2004,
- having regard to the statements made after the meeting of European Union Heads of State and Government and the President of the United States on 22 February 2005 in Brussels,
- having regard to the outcome of the EU-US Summit held on 20 June 2005 in Washington DC,
- having regard to its resolution of 9 June 2005 on transatlantic relations, to its recommendation of 10 March 2004 to the Council on the Guantánamo detainees' right to a fair trial¹, and to its resolutions of 22 April 2004² and 13 January 2005³,
- having regard to US Congress Draft House Resolution 77 on Transatlantic Relations presented on 9 February 2005,
- having regard to the Commission Communication of 18 May 2005 entitled "A stronger EU-US Partnership and a more open market for the 21st century" (COM(2005)0196),
- having regard to Rule 45 of its Rules of Procedure,

As regards Community competences:

1. Recalls that as far as free movement of persons is concerned (the visa exemption for travellers), a reciprocity clause has been invoked by 10 Member States because their citizens are required to have a visa; calls urgently for the EU-US discussions to be continued on a more result-oriented basis to solve this problem for Member States to which the Visa Waiver Programme does not apply; points to the need for the United States' visa policy to be reformulated to reflect the European Union's current socio-political situation, with 10 new Member States having joined the single market and work on the implementation of the Schengen system constantly advancing, in view of which the grounds for differing treatment are becoming irrelevant;

¹ OJ C 102 E, 28.4.2004, p. 640.

² OJ C 104 E, 30.4.2004, p. 1043.

³ OJ C 247 E, 6.10.2005, p. 151.

2. Recalling their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law, calls on the US to respect those principles and to cooperate with the EU in order, in accordance with the objectives of the common foreign and security policy, to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms, to preserve peace and strengthen international security and to promote international cooperation;
3. Calls on the US to take into consideration the legal developments in the EU when devising its own laws and policies; recalls that, for instance, short-stay visa policy is now mainly a policy of Community competence; brings to the attention of the US petition Nr. 413/2005, which calls for US immigration law to be interpreted in such a way as to take into account legal developments in the EU, so that work in any Member State falls under the "home residency requirement" as regards J-1 visas;
4. Calls for a joint evaluation of the impact of bio-metric techniques such as Radio Frequency Identification (RFID) on public policy and civil liberties, notably on passports and visas;
5. Considers that the "Trusted Person" initiative is a voluntary initiative; notes, however, that it could raise data protection difficulties for the EU, in particular for citizens travelling to the USA on business or for tourism;
6. Stresses the need for increased cooperation on a Border Security Initiative so as to: develop a specific enforcement initiative to help build networks among border security agencies, facilitate sharing and concrete application of effective border enforcement techniques and sharing of information, generate lessons learned, and provide measurable results of reducing counterfeiting through enforcement;
7. Suggests that cooperation on money laundering, financing of terrorism, tax evasion, corruption and other malpractices be developed further within the framework of the implementation of the Financial Action Task Force recommendations and other appropriate cooperation frameworks;
8. States that as far as data protection is concerned, a proper follow-up to the forthcoming ECJ judgment in the PNR case and a joint strategy for countering spam, "spyware" and "malware" should be ensured while strengthening bilateral cooperation on enforcement and cooperating with all relevant parties to raise awareness among third countries about the need to tackle spam;

As regards the Union competences (title VI and Title VI):

9. Considers that, for judicial and police cooperation in penal matters, attention should be paid to the transposition (on the EU side) of the EU/USA Mutual legal assistance and extradition agreement;

10. Calls on the US to lay down effective procedures for persons to challenge their inclusion in the list of terror suspects compiled by the US, have their names deleted from the list once it has been proven that they are innocent and ensure that those bearing the same name (or a similar name) as persons on the list are not adversely affected as a result;
11. Considers that the US authorities, the Member States and the Community Institutions should cooperate with Parliament's temporary committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners and with the Council of Europe;
12. Calls for operational cooperation in the fight against terrorism based on equivalence and reciprocity (in particular as regards the establishment of common watch-lists), organised crime, drug trafficking, corruption and the exchange of DNA data via Europol, cyber-security and cyber-crime policy, including issues relating to the importance of industry-government cooperation, protection of critical information infrastructure, use of the internet by terrorists, identity theft, admissibility of electronic evidence and combating online child pornography.
13. Recalls, however, that any cooperation between the EU and the US should always be carried out in full respect of human rights, including the right to a fair trial, and that, before anyone is extradited to the US, guarantees should be obtained from the US that he or she will not receive the death penalty;
14. Calls on the transatlantic partners to respect the principle of reciprocity in judicial and police cooperation between them.

PROCEDURE

Title	Transatlantics relations
Procedure number	2005/2056(INI)
Committee responsible	AFET
Opinion by Date announced in plenary	LIBE 12.05.2005
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Johannes Blokland 10.05.2005
Previous drafts(wo)man	
Discussed in committee	21.2.2006 13.3.2006
Date adopted	13.3.2006
Result of final vote	+: 39 –: 0 0: 0
Members present for the final vote	Alexander Nuno Alvaro, Alfredo Antoniozzi, Edit Bauer, Johannes Blokland, Mihael Brejc, Jean-Marie Cavada, Giusto Catania, Charlotte Cederschiöld, Agustín Díaz de Mera García Consuegra, Fausto Correia, Rosa Díez González, Kinga Gál, Patrick Gaubert, Elly de Groen-Kouwenhoven, Lilli Gruber, Adeline Hazan, Ewa Klamt, Stavros Lambrinidis, Henrik Lax, Sarah Ludford, Edith Mastenbroek, Jaime Mayor Oreja, Hartmut Nassauer, Martine Roure, Inger Segelström, Antonio Tajani, Ioannis Varvitsiotis, Stefano Zappalà, Tatjana Ždanoka
Substitute(s) present for the final vote	Frederika Brepoels, Panayiotis Demetriou, Jeanine Hennis-Plasschaert, Antonio Masip Hidalgo, Bill Newton Dunn, Herbert Reul, Marie-Line Reynaud, Bogusław Sonik, Johannes Voggenhuber, Rainer Wieland
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	