

ORAL QUESTION WITH DEBATE O-0086/06

pursuant to Rule 108 of the Rules of Procedure

by Jean-Marie Cavada, on behalf of the Committee on Civil Liberties, Justice and Home Affairs
to the Council

Subject: Question to the Council for the annual debate on the progress made in the Area of freedom, security and justice (Articles 2 and 39 of the EU Treaty)

1. Seven years after the entry into force of the Amsterdam Treaty and six after the declaration of the Charter of Fundamental Rights, it appears evident that these texts must become the core of the strategy to transform the EU into an area of freedom, security and justice (Article 2 TEU). When updating the Hague programme, does the Council not think that it should ensure that the principles which it itself proclaimed in the Charter are properly and effectively upheld, and that at the same time it should make the link between those principles and each specific objective more obvious? To this end, Parliament asks the Council to take all necessary steps notably to:
 - make sure that the competence of the Fundamental Rights Agency is not limited to the first pillar but also covers third-pillar issues (judicial and police cooperation);
 - modify Regulation (CE) No. 1049/2001¹ in order to take the European Parliament's position into account;
 - adopt as soon as possible the Framework Decision on data protection in the third pillar, so as to comply with its commitment under the British Presidency to adopt it together with the Directive on data retention;
 - take appropriate initiatives to remedy the lack of mutual trust between Member States and adopt without any further delay the Framework Decision on procedural rights, on the European Evidence Warrant and the decision on the fight against racism and xenophobia;
 - abolish checks as early as next year at the borders between the old and the new Member States, in order to extend the right of free movement to all EU citizens.
2. As a fundamental rights protection policy is not credible without the possibility of referral to a court, the Commission has just proposed lifting the current restrictions on access to the Court of Justice for national judges (Art. 68 TEC). Does the Council not consider it urgent to follow the suggestions made by the Commission and the Parliament and evaluate with the Court the steps still required to reduce at least by half, by the end of the Hague Programme, the current duration of proceedings, notably those which relate to fundamental rights? Is the Council prepared to adapt the powers of the Court as regards the crossing of internal borders (Art. 68.2 TEC)?
3. Since Tampere and even more after the attacks of 11 September, the European Council has been faced with a gap between the strategies it agrees and their implementation and it is failing to promote fundamental rights and civil liberties and at the same time to increase the level of public security. The Commission and the Parliament propose activation of the 'bridging clauses' provided for in Articles 42 TEU and 67 TEC. Does the Council intend to take up this suggestion? Will the Council also ensure that measures adopted are fully transposed and implemented at national level? Will the Council negotiate with the EP the integration of Europol into the EU Treaties, as none of the protocols to the Europol Convention has entered into force because of the reluctance of certain Member States to ratify them? Will the Council engage in an open debate on

¹ OJ L 145, 31.5.2001, p. 43.

the implications of the Treaty of Prüm and launch preparatory work for its integration into the EU framework as enhanced cooperation?

Does the Council intend to advance in the field of immigration and asylum policies, with particular reference to the negotiations with the European Parliament for the purpose of adopting the Directive on the return of illegally staying third-country nationals, with a view to establishing common standards at EU level and creating a proper legal basis for the European Return Fund?

Will the Council also undertake to implement at the same time a common legal-immigration policy?

Will the Council ensure that fundamental rights are properly upheld in the context of the fight against terrorism (and in particular in its relations with third countries) and that the EU human-rights acquis is not diminished?

Tabled: 14.07.2006

Forwarded: 17.07.2006

Deadline for reply: 07.08.2006