

WRITTEN QUESTION P-1777/05
by Ole Krarup (GUE/NGL)
to the Council

Subject: Extension of Schengen cooperation and choice of legal basis

Can the Council state why it has chosen Article 71(1)(d) of the EC Treaty, on transport policy, as the legal basis in connection with altering and extending the number of authorities having access to the SIS?

How can this choice be reconciled with the many references, both in the Commission proposal (COM(2003) 510) and in Parliament's report (A5-0205/2004), to the aim of "combating ...illegal trade in stolen vehicles", which would more accurately be characterised as police and judicial cooperation in criminal matters (Pillar III) than as harmonisation of transport policy (Pillar I)?

I should be glad if the Council would attach to its answer the Legal Service's opinion on the problem of the legal basis.