EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

26.4.2006 PE 372.212v01-00

AMENDMENTS 31-44

Draft report **(PE 371.761v02-00)**
Patrick Gaubert
Proposal for a Council Decision on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration

Proposal for a decision (COM(2005) 0480 – C6-0335/2005 – 2005/0204(CNS))

Text proposed by the Commission	Amendments by Parliament

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 31
Recital 5

(5) For reasons of efficiency and accessibility, a web-based network should be the essential element of the information procedure concerning national measures in the areas of asylum and immigration*;*	(5) For reasons of efficiency and accessibility, a web-based network ***managed by the Commission, which will guarantee the security thereof,*** should be the essential element of the information procedure concerning national measures in the areas of asylum and immigration*.*

Or. en

Justification

It is necessary to emphasize that the responsibility for the security and the management of

this network belongs to the Commission.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 32
Recital 5 a (new)

(5a) Since such measures are, by their very nature, accessible to the public, the public should also have access to the information of this procedure.

Or. en

Justification

Considering the fact that all the legal measures in the Member States are open to public access, the information stored on this network should be open to the public as well.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 33
Article 2, paragraph 1, introductory phrase

Member States shall communicate to the Commission and the other Member States the following measures which they intend to take in the areas of asylum and immigration if these measures are susceptible of having an impact on other Member States or on the Community as a whole:	Member States shall communicate to the Commission and the other Member States the following measures which they intend to take in the areas of asylum and immigration if these measures are susceptible of having an impact on other Member States***, such as diverting or attracting migratory flows to or from another Member State,*** or on the Community as a whole:

Or. fr

Justification

It is necessary to clarify what is meant by 'measures susceptible of having an impact'.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 34
Article 2, paragraph 1, introductory phrase

Member States shall communicate to the Commission and the other Member States the following measures which they intend to take in the areas of asylum and immigration if these measures are susceptible of having an impact on other Member States or on the Community as a whole:	1. Member States shall communicate to the Commission and the other Member States the following measures which they intend to take ***or have adopted*** in the areas of asylum and immigration if these measures are susceptible of having an impact on other Member States or on the Community as a whole:

Or. en

Justification

The Member States must communicate not only the measures they intend to take, but the adopted measures as well.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 35
Article 2, paragraph 1 a (new)

	1a. Member States shall communicate to the Commission and the other Member States measures relating to legal immigration and the fight against illegal immigration likely to have a significant impact on other Member States, no later than when they are presented for adoption.

Or. fr

Justification

Measures relating to the fight against illegal immigration, such as mass expulsions, are just as likely to have an impact on another Member State as legal immigration measures and should therefore be included here.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 36
Article 2, paragraph 3, introductory phrase

Member States shall communicate to the Commission and the other Member States the following decisions if they are susceptible of having an impact on other Member States or on the Community as a whole:	Member States shall communicate to the Commission and the other Member States the following decisions if they are susceptible of having an impact on other Member States***, such as diverting or attracting migratory flows to or from another Member State,*** or on the Community as a whole:

Or. fr

Justification

It is necessary to clarify what is meant by 'measures susceptible of having an impact'.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 37
Article 2, paragraph 3, point (a)

(a) Final decisions of courts or tribunals which apply or interpret measures of national law in the areas of asylum or immigration, at the time when they are delivered or immediately thereafter; and	(a) Final decisions of ***the national and international*** courts or tribunals which apply or interpret measures of national law ***or international agreements*** in the areas of asylum or immigration, at the time when they are delivered or immediately thereafter; and

Or. en

Justification

Not only the decisions of the national courts should be communicated, but the international courts' also, and not only on measures of national law, but on international agreements as well.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 38
Article 2, paragraph 3 a (new)

	3a. When the Member States communicate to the Commission and the other Member States the measures and decisions referred to in paragraphs 1 to 3, they shall also communicate an evaluation of those measures and decisions. Such evaluation shall include at least the objectives and scope of the measures or decisions concerned, the main provisions thereof and an estimation of the impact they could have on other Member States or on the Community as a whole.

Or. en

Justification

It is necessary to provide a clear evaluation of the measures taken by one Member States at the same time they communicate these measures to the Commission and the other Member States.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 39
Article 2, paragraph 6

6. Each Member State shall ensure that ***a summary of the text of every measure or decision it*** transmits through the network ***is*** available in ***an*** official ***language*** of the Community other than its own. ***This summary shall at least include the objectives and scope of the concerned measure or decision, its main provisions and an estimation of the impact it could have on other Member States or on the Community as a whole.***	6. Each Member State shall ensure that ***the measures, decisions and evaluations*** it transmits through the network ***are*** available in ***one of the three most frequently used*** official ***languages*** of the Community other than its own.

Or. en

Justification

The Member States should not only provide the measures, the evaluations and the decisions, but they should make them available in one of the three most frequently used official languages for a clear and better understanding of these legal instruments.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 40
Article 4, paragraph 2

2. The Commission shall be responsible for the development and management of the network, including the structure and content of the network and access to it. ***The network shall include appropriate measures to guarantee its confidentiality.***	2. The Commission shall be responsible for the development and management of the network, including the structure and content of the network and access to it.

Or. en

Justification

Considering the fact that all the legal measures in the Member States are open to public access, the information stored on this network should be open to the public as well.

Amendment by Kathalijne Maria Buitenweg

Amendment 41
Article 4, paragraph 2

2. The Commission shall be responsible for the development and management of the network, including the structure and content of the network and access to it. ***The network shall include appropriate measures to guarantee its confidentiality.***	2. The Commission shall be responsible for the development and management of the network, including the structure and content of the network and access to it.

Or. en

Justification

It is not in line with the objectives of a mutual information procedure to introduce measures to guarantee confidentiality.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 42
Article 4, paragraph 2 a (new)

2a. The network shall be open to the public.

Or. en

Justification

Considering the fact that all the legal measures in the Member States are open to public access, the information stored on this network should be open to the public as well.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 43
Article 4, paragraph 4

4. Member States shall provide access to the network in compliance with the measures adopted by the Commission in accordance with paragraph 2.	***Deleted***

Or. en

Justification

If there is a public access to the network, there is no need to provide a special access to the Commission.

Amendment by Magda Kósáné Kovács and Martine Roure

Amendment 44
Article 5, paragraph 1

1. The Commission ***may, on its initiative or on demand of a Member State, organise an exchange of views with Member States' experts on a particular national measure submitted under articles 2 and 3 of this Decision. The Member State whose measure is the object of discussion shall be represented at the exchange of views***.	1. The Commission ***shall draw up a report every year summarising the measures, evaluations and decisions communicated by the Member States. In preparing its report, the Commission may consult the Member States further. That report shall be submitted to the European Parliament and the relevant services of the Council with a view to providing the political authorities with a basis for their exchanges of views***.

Or. en

Justification

It is necessary to have a report by the Commission, which summarises the measures communicated by the Member States in each year, and it is also necessary to forward this information to the Council and Parliament.