EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

9.11.2006 PE 380.864v01-00

AMENDMENTS 1-24

Draft motion for a resolution **(PE 380.706v01-00)**
Jean-Marie Cavada
on the progress made in the EU towards the area of freedom, security and justice (AFSJ)
(Article 2 and 39 of the EU Treaty)

Amendment by Martine Roure

Amendment 1
Recital A

A whereas in a world which is more and more globalised and subject to crises and persistent tensions, economic inequalities and constantly growing migratory flows, ideological and cultural confrontations which ***affect*** a growing number of individuals, and terrorist threats whose scope can only be guessed at, the demand of European citizens for the right to enjoy greater freedom, security and justice within the Union is constantly increasing,

Or. fr

Amendment by Giusto Catania

Amendment 2
Recital A

A. whereas in a world which is more and more globalised and subject to crises and persistent tensions, economic inequalities ***(deleted)***, ideological and cultural confrontations which involve a growing number of individuals, and terrorist threats whose scope can only be guessed at, the demand of European citizens for the right to enjoy greater freedom, security and justice within the Union is constantly increasing,

Or. en

Amendment by Giusto Catania

Amendment 3
Recital A a (new)

Aa. ***whereas seven years after Tampere conclusions, the European Union does not have a coherent immigration policy, and in particular lacks a legal-migration policy,***

Or. en

Amendment by Giusto Catania
Amendment 4
Recital B a (new)

Ba. ***deploring the practice of administrative detention for illegal migrants and the proposed European legislation designed to regulate it,***

Or. en

Amendment by Martine Roure

Amendment 5
Recital E

E. recalling that even today the proliferation of legal bases for a single political objective, the proliferation of jurisdictional conflicts and appeals to define the scope of the institutions' powers, the unanimity rule and, above all, the absence of genuine democratic and jurisdictional control all make the current situation of the third pillar policies extremely ***fragile*** from the point of view of EU respect for the ***(deletion)*** principles on which it claims to be founded (Article 6 TEU),

Or. fr

Amendment by Martine Roure

Amendment 6
Recital E a (new)

Ea. ***Warns against the risks of pursuing outside the European Treaties the development of topics which are already the subject of proposals put forward by the EU institutions; wishes to launch an open debate based on fair cooperation amongst the EU institutions and with the Member States' parliaments concerning the incorporation of the Prüm Treaty into the Community Treaty, in order to enable Parliament to exercise democratic control,***

Or. fr

Amendment by Martine Roure

Amendment 7
Recital H

H. convinced that activating the 'passerelles' provided for by Articles 67 TEC and 42 TEU is not only appropriate to the current constitutional situation but also compatible with the constitutional situation of the future, and that in consequence, the Council should also be activating it under the aegis of Article 18 of the Vienna Convention, which ***lays down the 'obligation not to defeat the object and purpose of a treaty prior to its entry into force'***,

Or. fr

Amendment by Carlos Coelho

Amendment 8
Recital L a (new)

La. whereas the new Member States which meet the Schengen criteria and are in a position to enter the system must not be unfairly penalised on account of significant delays in the implementation of SIS II (Second-Generation Schengen Information System),

Or. pt

Amendment by Carlos Coelho

Amendment 9
Recital L b (new)

Lb. whereas the European Parliament has demonstrated remarkable speed and a noteworthy spirit of compromise in having secured an agreement at first reading on the three legislative texts which constitute the package relating to the legal basis for SIS II,

Or. pt

Amendment by Martine Roure
Amendment 10
Paragraph 3 a (new)

3a. Calls upon the Council to submit to Parliament without undue delay the guideline which it is currently devising on the subject of the draft Framework Decision on the protection of personal data processed in connection with police and legal cooperation in criminal matters; warns against the risk of draining that proposal of its substance and recalls the undertakings given by the Council concerning Parliament's political involvement in the adoption of the Framework Decision;

Or. fr

Amendment by Kathalijne Maria Buitenweg

Amendment 11
Paragraph - 4 (new)

- 4 Urges the Commission to publish every year a report on the activities of the group of Commissioners in charge of fundamental rights; also urges the Commission to provide as soon as possible an overview of the activities and decisions taken by the above-mentioned group during the last two-and-a-half years;

Or. en

Amendment by Giusto Catania

Amendment 12
Paragraph 4 a (new)

4a. Deplores the failure of the Council, five years on from the Tampere European Council and despite numerous requests from Parliament, to define a common immigration policy, maintaining instead the consultation procedure for all matters relating to legal immigration;

Or. en

Amendment by Alexander Alvaro
Amendment 13
Paragraph 5

5. Recalls the need to maintain a certain consistency as regards legislative powers at EU level by providing, for example, for immigration legislation not to be limited to illegal immigration only, but to cover legal ***(deletion)*** immigration ***too (deletion)***;

Or. en

Amendment by Giusto Catania

Amendment 14
Paragraph 5

5. Recalls the need to maintain a certain consistency as regards legislative powers at EU level by providing, for example, for immigration legislation not to be limited to illegal immigration only, but to cover legal (***deletion)*** immigration ***(deletion)***;

Or. en

Amendment by Kathalijne Maria Buitenweg

Amendment 15
Paragraph 5 a (new)

5a. As far as the interim PNR agreement with the US is concerned, expresses its deep concern at the US letter of interpretation of the agreement which shows that the US authorities have an interpretation going beyond the content of the agreement, in particular as regards the purpose of the agreement, access by US agencies and bodies to the PNR data and the number of data fields that can be consulted;

Or. en

Amendment by Giusto Catania

Amendment 16
Paragraph 5 a (new)

5a. Recalls that legislation on legal-immigration policy should envisage, as priorities, the need for common criteria governing entry on to the territory of the European Union and the shared approach to the integration of third-country nationals;

Or. en

Amendment by Kathalijne Maria Buitenweg
Amendment 17
Paragraph 5 b (new)

5b. Urges the Council to adopt without delay the draft Framework Decision on procedural rights in criminal proceedings throughout the European Union (COM(2004)0328), taking due consideration of the opinion adopted by the European Parliament on 12 April 2005 (T6-0091/2005);

Or. en

Amendment by Kathalijne Maria Buitenweg
Amendment 18
Paragraph 5 c (new)

5c. Asks the Commission to amend Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, in order to extend the scope thereof to the areas covered by Directive 2000/43/EC, implementing the principle of equal treatment irrespective of racial or ethnic origin;

Or. en

Amendment by Alexander Alvaro

Amendment 19
Paragraph 6

6. ***Agrees with the objective***, as foreseen at Tampere in 1999, to apply the principle of mutual recognition ***as far as possible, while at the same time emphasising the need to ensure that its application does not undermine individuals' human rights and fundamental freedoms; requests the Commission and the Council to carefully carry out evaluations (on the basis of - inter alia - the European Court of Human Rights jurisprudence and judgements concerning EU Member States) in order to check if the application of the mutual-recognition principle could have negative consequences, lower European standards or infringe human rights in specific fields or Member States, and to propose measures to improve critical situations (for instance in the field of fair trial or detainees' rights), where legislative harmonisation will still be necessary in order to provide better guarantees concerning human rights and fundamental freedoms;***

Or. en

Amendment by Agustín Díaz de Mera García Consuegra
Amendment 20
Paragraph 8 (b)

deleted

Or. es

Amendment by Agustín Díaz de Mera García Consuegra
Amendment 21
Paragraph 9 (a)

9 a) implementing at EU level the principle of solidarity and ***fair*** cooperation, including financial cooperation between Member States,

Or. en

Amendment by Carlos Coelho

Amendment 22
Paragraph 9 a (new)

9a. Calls upon the Commission to endeavour to speed up the process of implementing the second-generation Schengen Information System, to keep the European Parliament informed regarding the advances made in the process and to submit justifications relating to delays which have already occurred and to any further delays which may occur in the future;

Or. pt

Amendment by Sophia in 't Veld

Amendment 23
Paragraph 10 a (new)

10a. Is deeply disappointed at the timid and passive attitude of the European Commission when it comes to the protection and promotion of fundamental rights; recalls that this Commission only got the approval of the European Parliament on condition that it would make the promotion and protection of fundamental rights a priority;

Or. en

Amendment by Sophia in 't Veld

Amendment 24
Paragraph 10 b (new)

10b. Regrets that the European Commission has so far not given any follow-up to recommendations of the European Parliament, notably on a horizontal directive against discrimination and on recognition of marriage or registered partnership of same-sex couples;

Or. en