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COMMISSION DES LIBERTES CIVILES, DE LA JUSTICE ET DES AFFAIRES INTERIEURES
LE PRESIDENT

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Monsieur Franco FRATTINI
Vice-président
Commission européenne

Monsieur le Vice-président,

Comme vos services vous l'auront déjà annoncé lors de la dernière réunion LIBE du 6 novembre dernier, plusieurs questions ont été soulevées par les Membres au sujet notamment des propositions visant l'extension du système SIS II (rap. Coelho) et la conclusion des accords CEE-Russie en matière de visas et réadmissions (rap Esteves).

Un début de réponse a déjà été donné par vos services au cours du débat mais, s'agissant de questions à la fois techniques et sensibles, il nous serait très utile de pouvoir les obtenir par écrit. Cela permettra d'ailleurs d'informer aussi les Membres qui n'ont pas assisté au débat et qui pourraient être amenés à reposer les mêmes questions.

En ce qui concerne l'extension du système SIS II, vous trouverez les questions posées par Mme Barbara Kudrycka et M. Rainer Wieland en annexe à la présente.

Je me permets d'attirer votre attention sur le fait que LIBE a décidé de voter sur le rapport Coelho au cours de la prochaine réunion du 22 novembre 2006 et qu'il nous serait d'extrême utilité que les Membres disposent de votre réponse.

En ce qui concerne les accords avec la Russie, je me permets d'attirer votre attention sur les questions que le rapporteur a présentées dans ses documents de travail (PE 378.863v02-00 et PE 378.864v02-00[1]) qui a été distribué au cours de la réunion. D'autres questions ont été aussi posées par M. Henrik Lax et M. Charles Tannock, et figurent en annexe à cette lettre. Dans l'attente des éclaircissements de la part de la Commission et du Conseil, LIBE a reporté le délai pour les amendements.

Je vous prie d'agréer, Monsieur le Vice-président, l'expression de ma haute considération.

Jean-Marie CAVADA

[1] http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dt/634/634727/634727fr.pdf

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Debate in LIBE 6 November 2006,

A) The extension of the mandate of SIS II. Questions/comments by:

Mrs KUDRYCKA:

1. Until now I feel the Commission has not presented to the European Parliament a full and extensive justification for the delays that occurred on developing the central project on SIS II; I would therefore appreciate if Vice-President Frattini could present the results of the audit of the IT-management in DG JLS by the Commission's Internal Audit Service, that was carried out at the beginning of 2006 – particularly the part concerning the management of the development of SIS II.
It has to be recognized that the status of a Global Rescheduling document is a working - expert- document and not a (legally) binding and official text.

2. Concerning the statement made by Vice-President Frattini in Plenary on 23 October 2006 (debate on SIS II), saying that among the new Member States only Slovenia would be ready to join the SIS II in the original calendar - could the Vice-President explain on what basis such an assessment was made? This would be interesting to know also in view of a declaration of the Prime Ministers of the Vysehrad Group (Hungary, Czech Republic, Poland and Slovakia) that those countries would also be ready to fulfill all requirements before October 2007.

3. For me it is not clear whether we are talking about an extension of the mandate of the Commission to develop the SIS II until December 2007 or until December 2008? If it is until the end of 2008 in our view this cannot be done unconditionally; It would be important to have in parallel the approval by the Council of the new timetable for the development of the SIS II, setting concrete deadlines and precise target dates for the inclusion of new users - new Member States (this element is lacking in current draft of rescheduling);
We would appreciate if the Commission would act more assertively, particularly when it comes to setting ambitious deadlines and objectives; as was also raised by other MEPs in LIBE, SIS II is being financed from the Community budget and for reasons of "value for money" and transparency of responsibilities the current situation is far from meeting the basic requirements of transparency and accountability, not to mention meeting citizens demands for more freedom and security;

4. The draft report of Mr Coelho states: (p. 8, Conclusions)

'... On the other hand, it should also been taken into account that the extension of the Commission mandate must allow, at the same time, to define the mandate of the Commission to include also the technical integration of the new Member States in to the SIS I...'I

Could we kindly ask Vice-President Frattini to clarify if the current proposal to extend the mandate of the Commission covers the concerns put forward above in Mr Coelho's report (whether the Commission also has the mandate to manage the process of the technical integration of the new Member States to the new system) or that there will be a further proposal from the Commission to tackling that particular problem.

Mr WIELAND:

1. I think the reasons for the delay of introducing SIS II, presented by the Commission in LIBE on Monday 6 November were neither satisfying nor sufficient. This particularly concerns the issue on the providing of a workplace. Searching, developing and delivering an adequate workplace is not influenced by the procedural benchmarks witch can only be proceeded step by step. A delay in these steps can - vice versa - not create an additional problem concerning the question of workplace. Clear commitments should be granted by Member-States which desire to host a European Unit. If Member-States are not able to deliver working places in time, they should take clearly into account that other Member-States would be ready, able and honoured to help.

If, however, like presumably in this case, Member-States changed (increased) the expected time of testing the system during the proceedings, which gave reason to an extra delay, I think the Commission should have given to the European Parliament a clear explanation for this, however in my opinion failed to do so.

2. Concerning the delay due to technical provisions related to whether technical specifications were available in time, I think there should be clear explanation on whether the caused damage has to be taken over by the responsible project partner and whether their contribution to the damage is penalised by the contract.

B: CE-RUSSIA readmission and visas agreement

For the Rapporteur Mrs ESTEVES see Working Document

Questions/comments by: Mr LAX

- The position of the EP and the legal base for its decisions on this visa facilitation agreement. The adoption of the Visa Code as well as for instance the Visa Information System require co-decision. What is the logic that the parliament hasn't even been informed about the goals of the negotiations with Russia and now we are only consulted? Is the legal basis for the procedure really clear? Is this an attempt to sidestep the parliament in substantial elements regarding the whole union's relations to its neighbourhood? Is it appropriate to conclude a visa facilitation agreement with a country which does not recognise the borders of all the member countries?

- How ordinary travellers would benefit from the agreement ? The so called facilitation is in many cases in fact not at all easier than the present practises.

- There are two main obstacles for EU travellers going to Russia. One is the necessity to have invitations, the other the compulsory registrations. There are no concrete remedies to either one of them. The presidency says that the Russian government has launched legislative initiatives for simplifying the registration procedures. Well, I am happy if that is the case, but we couldn't find anything about that, neither on the homepage of the Russian government nor on the one of the Russian president. Therefore I would like to have detailed information of the initiatives before I dare to ask my group to support the agreement.

- The need for requiring invitations can be seriously questioned. Has this question been raised and analysed at all during the negotiations with Russia? It is of great importance the parliament is duly informed of how this question has been treated. This is one of the barriers, which make it totally impossible to travel spontaneously in Russia. The other one is requirement of registration.

- I also have a question relating to the categorisation adopted in the agreement. If there is a need to establish specific categories of visitors at all, it surprises me that applicants with a clean visa history are not mentioned. They should, of course, have first priority. We want to know why they are left out, and I hope that the rapporteur and the shadows will support my demand.

- My last question - which also has been a cause of great surprise in the PSE group - regards the introduction by FSB, the Russian Secret Service, of a border zone ranging up to 30 kilometers on which treading is prohibited. This zone has been established after the date of signature of the visa agreement and may affect the latter one negatively. Will this bring in new restrictions e.g. for tourism in the

border areas of Russia? And how does this affect the arrangement for local border traffic approved by the parliament last spring?

On the readmission agreement I can content myself to only two remarks:

- I am happy that the rapporteur has recognised the need to make the Hague Child Abduction Agreement an integrated part of the readmission agreement. Also Russia should ratify that agreement. How will the council and commission act in order to get this element in place?

- My most serious observation regards the imbalance caused by the delayed coming into force of the readmission agreement, which in fact should be in place before the visa facilitation could be introduced. Why this delay by even three years, a complete lack of logics? Why treat Russia differently than Ukraine in this respect?

- The same applies to my questions to readmission agreement as to the visa facilitation. I will not dare to ask my political group to give its support to the proposed arrangements, until all the questions raised here today have got satisfactory answers.

Questions/comments by: Mr TANNOK (see also the relevant Oral Questions)

1 That the holders of official Russian passports and other privileged categories in the frozen conflict areas Transnistria, South Ossetia, Abkhazia will enjoy better travel facilities to the EU than Moldovans and Georgian citizens.

2 That Ukraine and Moldova were not given the same derogations of 3 years for readmission as Russia

3 That MEPs will have no privileged visa facilities unlike national MPs and even Regional MPs who have no role in EU Russia affairs. Under the Treaties we MEPs are supposed to enjoy the same rights, privileges and immunities as national MPs so i would suggest this provision is actually illegal under the Teaties.