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Committee on Civil Liberties, Justice and Home Affairs

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DRAFT REPORT

on the proposal for a Council decision establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"
(COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Inger Segelström

Symbols for procedures

*	Consultation procedure *majority of the votes cast*
**I	Cooperation procedure (first reading) *majority of the votes cast*
**II	Cooperation procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***	Assent procedure *majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
***I	Codecision procedure (first reading) *majority of the votes cast*
***II	Codecision procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***III	Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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on the proposal for a Council decision on establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"
(COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS))

(Consultation procedure)

The European Parliament,

– having regard to the Commission proposal to the Council (COM(2005)0122)[1],

– having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0236/2005),

– having regard to Rule 51 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets and the Committee on Culture and Education (A6-0000/2006),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;

5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;

6. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission	Amendments by Parliament
	Amendment 1 Recital 8
(8) The Association of the Council of States and Supreme Administrative Jurisdictions of the European Union	(8) ***The Conference of the European Constitutional Courts, the European Network of Heads of Supreme Courts and***

[1] OJ C XX, XX, p. XX.

promote***s*** exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its Members in the performance of their judicial and/or advisory functions, particularly with regard to Community Law and therefore pursues an aim of general European interest.	the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union promote exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its Members in the performance of their judicial and/or advisory functions, particularly with regard to Community Law and therefore pursues an aim of general European interest.

Justification

All the Networks provide a useful contribution to the development of a common culture of Fundamental Rights among the various judiciary systems in Europe.

Amendment 2
Recital 15

(15) In accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[1] measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision. This is appropriate since the programme does not have a significant impact on the Community budget.	***deleted***

[1] OJ L 184, 17.7.1999, p. 23.

Justification

See justification on Article 10(1)

Amendment 3
Article 2, paragraph 1, point (c)

(c) To fight against racism, xenophobia ***and*** anti-semitism.	(c) To fight against racism, xenophobia, anti-semitism, ***islamophobia and homophobia,***
	(ca) To promote the development of a common culture of fundamental rights in the European Union.

	(cb) To foster transparency in the decision making process as a basic requirement for democracy and fundamental rights.

Amendment 4
Article 3, point (b)

(b) To assess regularly the situation of fundamental rights in the European Union and its Member States***, within the scope of application of Community law,*** using the Charter of Fundamental Rights as the guiding document and to obtain opinions on specific questions related to fundamental rights within this scope when necessary.	(b) To assess regularly the situation of fundamental rights in the European Union and its Member States, using the Charter of Fundamental Rights as the guiding document and to obtain opinions ***from the Fundamental Rights Agency*** on specific questions related to fundamental rights within this scope when necessary.

Justification

This amendment aims at taking into account the need for the European Union institutions to rely on a credible, efficient and independent Fundamental Rights Agency, as asked for in the European Parliament resolution of 26 May 2005 and in the draft reports by Mrs Kinga Gál and Mrs Magda Kósáné Kovács on this issue.

Amendment 5
Article 3, point (c)

(c) To explain the ***consequences*** of the ***insertion of the*** Charter of Fundamental Rights ***into the Constitution*** and of the ***European Union's accession to the*** European Convention of Human Rights.	(c) To explain the ***impact*** of the Charter of Fundamental Rights and of the European Convention of Human Rights.

Justification

This article has to be adapted due to the uncertainties of the ratification process of the draft Constitutional Treaty.

Amendment 6
Article 7

Access to this programme shall be open, inter alia, to institutions and public or private organisations, universities, research institutes, non-governmental organisations,	Access to this programme shall be open, inter alia, to institutions and public or private organisations, ***specialised networks*** universities, research institutes, non-

national, regional and local authorities, international organisations and other not-for-profit organisations established in the European Union.	governmental organisations, national, regional and local authorities, international organisations and other not-for-profit organisations established in the European Union.
The programme shall permit joint activities with international organisations competent in the field of fundamental rights, such as the Council of Europe, on the basis of joint contributions and in accordance with the various rules prevailing in each institution or organisation, for the achievement of the objectives of this programme.	The programme shall permit joint activities with international organisations competent in the field of fundamental rights, such as the Council of Europe, on the basis of joint contributions and in accordance with the various rules prevailing in each institution or organisation, for the achievement of the objectives of this programme. ***To that end, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into a bilateral agreement with the Council of Europe for the purpose of establishing close cooperation in the field of fundamental rights, involving in particular the Fundamental Rights Agency.***

Justification

The first part of the amendment aims at opening the programme to all relevant networks as listed in amendment 1. The second part is consistent with the draft reports by Mrs Kinga Gál and Mrs Magda Kósáné Kovács on this issue.

Amendment 7
Article 7 a (new)

	Article 7a
	Acknowledgement of Funding
	Any institution, association or network receiving a grant from this programme shall acknowledge the Community support received. To that end, the Commission shall lay down detailed visibility guidelines.

Justification

Financial support from the EU should always be acknowledged. This is a matter of transparency as well as an important tool to communicate the Union's efforts

Amendment 8
Article 9, paragraph 6

6. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union since it pursues an objective of general European interest.	6. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to ***the Conference of the European Constitutional Courts, the European Network of Heads of Supreme Courts and*** the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union since it pursues an objective of general European interest.

Amendment 9
Article 10, paragraph 2

2. ***Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.***	2. ***The Committee shall adopt its Rules of Procedure***

Justification

The right of the Council, as legislator, to partly delegate its implementing powers to the Commission, has been recognized by the European Court of Justice since 1970 (decision Koster 25/70). The Court of Justice decision also required that such a delegation should specify the principles as well as the conditions for its exercise (as setting-up Committees of Member States' representatives to assist the Commission) and eventually the power 'to call-back' the delegation.

These principles have been inserted in Article 202 TEC. The Council however 'forgot' in implementing the Article 202 (in the Comitology Decision 1999/468) to recognize the same right of 'call-back' in acts decided by codecision for the European Parliament.

In order to have the benefit of this right, the European Parliament would have to insert it in the initial decision foreseeing the delegation of implementing powers. This is the purpose of the amendments to Article 10. Instead of making reference to the Articles of the Decision 1999/468, the amendments reproduce their content when it comes to the role of the Council, and propose similar prerogatives for the European Parliament (including the power to 'call back').

Amendment 10
Article 10, paragraph 3

3. ***The committee shall adopt its Rules of Procedure.***	3. ***Where this Regulation imposes procedural requirements for the adoption of implementing measures, the representative of the Commission shall submit a draft of those measures to the Committee and to the European Parliament***
	The Committee shall deliver its opinion on the draft within a time-limit, which the chairman may lay down according to the urgency of the matter and which shall not be less than one month. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote
	3a. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee and if no objection has been raised in the meantime by the competent committee of the European Parliament.
	3b. Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, or an objection has been raised by the competent committee of the European Parliament, the Commission shall, without delay, submit to the Council and to the European Parliament a proposal relating to the measures to be taken.
	3c. If, within three months from the referral, the proposal has not been rejected either by the European Parliament, by an absolute majority of its members, or by the Council, acting by qualified majority, it shall be adopted by the Commission. Otherwise the Commission shall submit an amended proposal or present a legislative proposal on the basis of the Treaty.

3d. Without prejudice to any implementing measures already adopted, application of the provisions of this Regulation which provide for the adoption of technical rules and decisions shall cease four years after the entry into force of this Regulation. Acting on a proposal from the Commission, the European Parliament and the Council may extend the period of validity of the relevant provisions, in accordance with the procedure laid down in Article 251 of the Treaty, and, with that aim in view, shall review those provisions prior to expiry of the four-year period.

Justification

See justification for amendment to Article 10, point 2.

Amendment 11
Article 15 a (new)

Article 15a

Publication of projects

Each year, the Commission, together with the Member States, shall publish the list of projects financed under this programme with a short description of each project.

Justification

This is important for transparency reasons.

Amendment 12
Article 15, paragraph 3, point (-a) (new)

(-a) an annual report on the implementation of the programme with a list of and quantitative data on funded projects;

(This point must be before the point a) of the Commission proposal)