# EUROPEAN PARLIAMENT

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*Committee on Civil Liberties, Justice and Home Affairs*

**2007/0167(CNS)**

10.1.2008

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# DRAFT REPORT

on the proposal for a Council decision establishing a European Migration Network
(COM(2007)0466 – C6-0303/2007 – 2007/0167(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Luciana Sbarbati

## *Symbols for procedures*

| | |
|---|---|
| * | Consultation procedure<br>*majority of the votes cast* |
| **I | Cooperation procedure (first reading)<br>*majority of the votes cast* |
| **II | Cooperation procedure (second reading)<br>*majority of the votes cast, to approve the common position*<br>*majority of Parliament's component Members, to reject or amend the common position* |
| *** | Assent procedure<br>*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)<br>*majority of the votes cast* |
| ***II | Codecision procedure (second reading)<br>*majority of the votes cast, to approve the common position*<br>*majority of Parliament's component Members, to reject or amend the common position* |
| ***III | Codecision procedure (third reading)<br>*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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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision establishing a European Migration Network (COM(2007)0466 – C6-0303/2007 – 2007/0167(CNS))**

**(Consultation procedure)**

*The European Parliament*,

– having regard to the Commission proposal to the Council (COM(2007)0466),

– having regard to Article 66 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0303/2007),

– 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 (A6-0000/2008),

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

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

| Text proposed by the Commission | Amendments by Parliament |
|---|---|
| Amendment 1<br>Title | |
| Proposal for a<br>COUNCIL DECISION<br>establishing a European Migration Network | Proposal for a<br>COUNCIL DECISION<br>establishing a European Migration ***and Asylum*** Network |
| *Justification* | |
| *The European network's job is to collect and exchange information on immigration and* | |

*asylum, and this should be reflected in its acronym (EMAN). This amendment seeks to replace 'European Migration Network' with 'European Migration and Asylum Network' and 'EMN' with 'EMAN' throughout the proposal (with the exception of recitals 1 to 5, which refer to the name used to date).*

Amendment 2
Recital 6

| | |
|---|---|
| (6) The ***EMN*** should avoid duplicating the work of existing Community instruments or structures whose purpose is to collect and exchange information in the areas of migration and asylum and should provide an added value in comparison with them, in particular through the broad scope of its tasks, a strong focus on analysis, links with the academic community and the public availability of its outputs. | (6) The ***EMAN*** should avoid duplicating the work of existing Community instruments or structures whose purpose is to collect and exchange information in the areas of migration and asylum and should provide an added value in comparison with them, in particular through the broad scope of its tasks, a strong focus on analysis, links with the academic community***, non-governmental organisations and international organisations,*** and the public availability of its outputs.<br>*(if this amendment concerning abbreviation "REMA" is adopted, it would apply throughout the whole text, except for visas from recitals 1 to 5)* |

*Justification*

*La Rete europea si occupa della raccolta e lo scambio di informazioni relative all'immigrazione ed all'asilo, che deve essere specificato, anche nell'acronimo (REMA). L'emendamento chiede di sostituire in tutto il testo della proposta a "Rete Europea sulle Migrazioni", "Rete Europea sulle Migrazioni e sull'Asilo" e a "REM", "REMA" (ad eccezione dei considerandi da 1 a 5 che fanno riferimento alla denominazione in vigore fino ad oggi).*

*La REMA deve potere basare il proprio lavoro sulle informazioni provenienti dall'amministrazione dello Stato, dalle università, dai centri di ricerca, dalle ONG e dalle organizzazioni internazionali.*

Amendment 3
Recital 6 a (new)

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| | ***(6a) Among other existing instruments and structures, Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection[1] constitutes an*** |

***important reference framework for the functioning of the European Migration Network. Attention should also be paid to the valuable work carried out by the CIREFI[2] and to Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services[3] (ICOnet).***

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***1. OJ L 199, 31.7.2007, p. 23.***

***2. Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI), as established following Council Conclusions of 30 November 1994 (OJ C 274, 19.09.1996, p. 50).***

***3. OJ L 83, 1.4.2005, p. 48.***

*Justification*

*Introduction of a Council proposal that can be acceptable to the Parliament.*

Amendment 4
Recital 8

| | |
|---|---|
| (8) In order to ensure that the National Contact Points have the necessary expertise to deal with the multi-faceted aspects of migration and asylum issues, they should be composed of at least three experts who, individually or jointly, have competencies in policy-making, law, research and statistics. These experts may come from the Member States' administrations ***or from any other organisation***. | (8) In order to ensure that the National Contact Points have the necessary expertise to deal with the multi-faceted aspects of migration and asylum issues, they should be composed of at least three experts ***from different backgrounds (government departments, non-governmental organisations and universities)*** who, individually or jointly, have competencies in policy-making, law, research and statistics. These experts may come from the Member States' administrations***, non-governmental organisations, universities or research centres***.<br>***Each National Contact Point should also collectively have adequate expertise in information technology, in setting up collaboration schemes and networking with other national organisations and entities, and in collaborating in a*** |

***multilingual environment at European level.***

*Justification*

*The EMAN must be able to base its work on information from government departments, universities, research centres, NGOs and international organisations. A text agreed by the Council is added, as it can be acceptable to the EP.*

Amendment 5
Recital 9

| | |
|---|---|
| (9) Each National Contact Point ***should*** establish a national migration network, composed of organisations and individuals active in the area of migration and asylum, and including, for example, universities, research organisations and researchers, governmental and non-governmental organisations and international organisations, in order to enable the voices of all relevant stakeholders to be heard. | (9) Each National Contact Point ***shall*** establish a national migration network, composed of organisations and individuals active in the area of migration and asylum, and including, for example, universities, research organisations and researchers, governmental and non-governmental organisations and international organisations, in order to enable the voices of all relevant stakeholders to be heard. |

*Justification*

*The EMAN must be able to base its work on information from government departments, universities, research centres, NGOs and international organisations.*

Amendment 6
Recital 12

| | |
|---|---|
| (12) When necessary for the attainment of its objectives, the EMN should be able to establish cooperative relationships with other entities active in the area of migration and asylum. When establishing such relationships, particular attention should be paid to ensuring a good degree of cooperation with entities in Denmark, Norway, Iceland, Switzerland, the candidate countries, countries covered by the European Neighbourhood Policy and Russia. | (12) When necessary for the attainment of its objectives, the EMN should be able to establish cooperative relationships with other entities active in the area of migration and asylum. When establishing such relationships, particular attention should be paid to ensuring a good degree of cooperation with entities in Denmark, Norway, Iceland, Switzerland, the candidate countries, countries covered by the European Neighbourhood Policy and Russia***, and with international organisations and the countries of origin of asylum seekers and migrants***. |

*Justification*

*The EMAN must be able to base its work on information from government departments, universities, research centres, NGOs and international organisations. Furthermore, information exchange needs to be established with specific countries of relevance to the EMAN's remit.*

Amendment 7
Recital 14

| | |
|---|---|
| (14) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data should be taken into account in the context of the information exchange system of the EMN. | (14) ***Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents,*** Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data should be taken into account in the context of the information exchange system of the EMN. |

*Justification*

*Access to EMAN documents needs to be ensured in compliance with Regulation 1049/2001, and EMAN data, information, reports and assessments must be made accessible to the public and disseminated as widely as possible.*

Amendment 8
Recital 14 a (new)

| | |
|---|---|
| | ***(14 a) The United Kingdom, in accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European*** |

***Community, and without prejudice to Article 4 of the said Protocol, is not participating in the adoption of these Decisions and is not bound by or subject to their application.***

*Justification*

*Text agreed by the Council is added, as it can be acceptable to the EP. Attention is drawn to the fact that the deadline for the opt-in procedure has not yet elapsed. In case of completion of the opt-in procedure within the deadline, this recital will be revised as appropriate.*

Amendment 9
Recital 14 b (new)

***(14 b) Ireland, in accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, is not participating in the adoption of these Decisions and is not bound by or subject to their application.***

*Justification*

*Text agreed by the Council is added, as it can be acceptable to the EP. Attention is drawn to the fact that the deadline for the opt-in procedure has not yet elapsed. In case of completion of the opt-in procedure within the deadline, this recital will be revised as appropriate.*

Amendment 10
Article 1

| | |
|---|---|
| A European Migration Network (hereinafter EMN) is hereby established. | A European Migration Network (hereinafter EMN) is hereby established. |
| The objective of the EMN shall be to meet the information needs of Community institutions, Member States' authorities and institutions, and the general public on migration and asylum, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policy- and decision- | The objective of the EMN shall be to meet the information needs of Community institutions, Member States' authorities and institutions, and the general public***, as well as migrants and asylum seekers, non-Community states and international organisations,*** on migration and asylum, by providing up-to-date, objective, reliable |

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|---|---|
| making in the European Union in these areas. | and comparable information on migration and asylum, with a view to supporting policy- and decision-making in the European Union in these areas. |

*Justification*

*The information collected by the EMAN is of relevance to all within and outside the EU.*

Amendment 11
Article 1, paragraph 2 a (new)

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|---|---|
| | ***The EMN shall also serve to provide the general public with information on these subjects.*** |

Amendment 12
Article 2, point (a)

| | |
|---|---|
| (a) collect and exchange up-to-date data and information from a range of sources, including academia; | (a) collect and exchange up-to-date***,*** ***reliable*** data and information from a range of sources, including academia ***and NGOs***; |

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 13
Article 2, point (b)

| | |
|---|---|
| (b) undertake analysis of the data and information referred to in point (a) and provide it in a readily-accessible format; | (b) undertake analysis of the data and information referred to in point (a) and provide it in a readily-accessible***,*** ***understandable and comparable*** format; |

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and*

*comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 14
Article 2, point (c)

| | |
|---|---|
| (c) develop methods to improve the comparability, objectivity and reliability of data at Community level by establishing indicators and criteria that will improve the consistency of information and help in the development of Community activities related to migratory statistics; | (c) develop methods to improve the comparability, objectivity and reliability of data at Community level by establishing indicators and criteria that will improve the consistency of information and help in the development of Community activities related to migratory ***and asylum*** statistics***, with a view to harmonising such indicators and criteria at European level, in cooperation with the other competent European bodies***; |

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 15
Article 2, point (d)

| | |
|---|---|
| (d) publish periodic reports on the migration and asylum situation in the Community and its Member States; | (d) ***produce and*** publish periodic reports on the migration and asylum situation in the Community and its Member States; |

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN*

*should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 16
Article 2, point (d a) (new)

***(da) collect and publish European and Member State laws and rules concerning migration and asylum and all other relevant information (quotas, regularisations, conditions for applying for refugee status, related practice and case-law, etc.);***

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 17
Article 2, point (d b) (new)

***(db) produce analyses, assessments, recommendations and conclusions on the implementation within the Member States of European directives on migration and asylum and on the compliance of national rules with European and international rules, at the request of the Commission, the European Parliament or the Council, with a view to providing them with assistance and support in the performance of their respective tasks;***

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and*

*international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 18
Article 2, point (f)

| | |
|---|---|
| (f) raise awareness of the EMN, by providing access to the information it gathers and disseminating the output of the EMN; | (f) raise awareness of the EMN, by providing access to the information it gathers and disseminating ***as widely as possible*** the output of the EMN; |

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 19
Article 2, point (g)

| | |
|---|---|
| (g) co-ordinate information and co-operate with other relevant European and international bodies. | (g) co-ordinate information and co-operate with other relevant ***national,*** European and international ***governmental and non-governmental*** bodies. |

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 20
Article 2, paragraph 1 a (new)

| | |
|---|---|
| | ***The EMN shall ensure that its activities are consistent and coordinated with the relevant Community instruments and structures in the area of migration and asylum.*** |

*Justification*

*The EMAN's remit should be broadened to include the production of analyses and comparisons of European legislation and policies and the implementation of European and international rules at national level, as well as the drawing up of recommendations and conclusions. It should cooperate with all involved and interested parties and disseminate information. With a view to ensuring the comparability of data at European level, the EMAN should be able to play a role in the progressive introduction of common indicators and criteria.*

Amendment 21
Article 4, paragraph 2, point (a)

| | |
|---|---|
| (a) ***participate in*** the preparation of the EMN's annual programme of activities, on the basis of a draft from the Chair; | (a) ***contribute to*** the preparation of ***and approve*** the EMN´s annual programme of activities***, including an indicative amount of minimum and maximum budget for each National Contact Point, which ensures that the basic costs arising from the proper functioning of the Network, in accordance with Article 5, are covered,*** on the basis of a draft from the Chair; |

*Justification*

*A revised text agreed by the Council concerning the competencies of the Steering Board is added, as it can be acceptable to the EP.*

Amendment 22
Article 4, paragraph 2, point (d)

| | |
|---|---|
| (d) identify the most appropriate strategic cooperative relationships with other entities competent in the area of migration and asylum and approve, when necessary, the administrative arrangements for such cooperation, as referred to in Article 10; | (d) identify the most appropriate strategic cooperative relationships with other ***national, European and international governmental and non-governmental*** entities competent in the area of migration and asylum and approve, when necessary, the administrative arrangements for such cooperation, as referred to in Article 10; |

*Justification*

*The EMAN must be able to cooperate with the largest possible number of national, European and international governmental and non-governmental entities.*

Amendment 23
Article 5, paragraph 1

| | |
|---|---|
| 1. Each Member State shall designate one entity which shall act as National Contact Point. | 1. Each Member State shall designate one entity which shall act as National Contact Point.<br>***In order to facilitate the work of the EMN and to ensure the achievement of its objectives, Member States shall take into account, when necessary, the need for a co-ordination between their representative in the Steering Board and their National Contact Point.*** |
| The National Contact Point shall be composed of at least three experts. One of these experts, who shall act as the national coordinator, shall be an official or employee of the designated entity. ***The remaining experts may belong to this entity or to other national and international organisations based in the Member State, either public or private.*** | The National Contact Point shall be composed of at least three experts ***from different backgrounds (government departments, non-governmental organisations and universities)***. One of these experts, who shall act as the national coordinator, shall be an official or employee of the designated entity. |

*Justification*

*The National Contact Point must comprise experts from different backgrounds and the work must be coordinated between the National Contact Point and the representative on the Steering Board.*

Amendment 24
Article 5, paragraph 2, point (a)

| | |
|---|---|
| (a) expertise in the area of asylum and migration, covering aspects of policy-making, law, research and statistics; | (a) ***wide-ranging*** expertise in the area of asylum and migration, covering aspects of policy-making, law, research and statistics; |

*Justification*

*The National Contact Point must comprise experts from different backgrounds and the work must be coordinated between the National Contact Point and the representative on the*

*Steering Board.*

Amendment 25
Article 5, paragraph 3, point (b)

| | |
|---|---|
| (b) contribute national data to the information exchange system referred to in Article 8; | (b) contribute national data***, analyses and assessments*** to the information exchange system referred to in Article 8; |

*Justification*

*In addition to collecting data, the contact points must be able to produce analyses and assessments.*

Amendment 26
Article 5, paragraph 3, point (c)

| | |
|---|---|
| (c) develop a capacity to issue ad hoc requests addressed to it and to quickly respond to such requests from other National Contact Points; | (c) develop a capacity to issue ad hoc requests addressed to it and to quickly respond to such requests from other National Contact Points ***as well as to requests from the Commission, the European Parliament and the Council***; |

*Justification*

*The contact points must be able to respond to requests from the Commission, the EP and the Council.*

Amendment 27
Article 5, paragraph 3, point (d)

| | |
|---|---|
| (d) establish a national migration network, composed of a wide-range of organisations and individuals active in the ***area*** of migration and asylum and representing all relevant stakeholders. Members of the national migration network ***may*** be called upon to contribute to the activities of the EMN, in particular with regard to Articles 8 and 9. | (d) establish a national migration ***and asylum*** network, composed of a wide-range of ***governmental and non-governmental*** organisations and individuals active in the ***various areas*** of migration and asylum and representing all relevant stakeholders ***and in a position to provide specific know-how, particularly universities, research centres, NGOs and lawyers' associations***. Members of the national migration network ***shall*** be called upon to contribute to the activities of the |

| | |
|---|---|
| | EMN, in particular with regard to Articles 8 and 9. |

*Justification*

*The contract points must be able to cooperate with governmental and non-governmental organisations, universities, research centres, etc.*

Amendment 28
Article 6, paragraph 3

| | |
|---|---|
| 3. After consultation of ***the Steering Board and*** the National Contact Points, the Commission shall, within the limits of the general objective and tasks defined in Articles 1 and 2, adopt the EMN's annual programme of activities. The programme shall specify the objectives and thematic priorities. The Commission shall monitor the execution of the annual programme of activities and regularly report on its execution and the development of the EMN to the Steering Board. | 3. After consultation of the National Contact Points ***and approval by the Steering Board***, the Commission shall, within the limits of the general objective and tasks defined in Articles 1 and 2, adopt the EMN's annual programme of activities. The programme shall specify the objectives and thematic priorities. The Commission shall monitor the execution of the annual programme of activities and regularly report on its execution and the development of the EMN to the Steering Board. |

*Justification*

*A revised text agreed by the Council ensuring that the Steering Board has a power of approval of the annual programme, is also added, as it can be acceptable to the EP, as well as references to the Council Regulation 1995/2006.*

Amendment 29
Article 7, paragraph 5 a (new)

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|---|---|
| | ***5a. The activities referred to in paragraph 5, if not planned in the EMN's annual programme of activities, shall be communicated in due time to the National Contact Points.*** |

*Justification*

*A text agreed by the Council is added, as it can be acceptable to the EP.*

Amendment 30
Article 8, title

| | |
|---|---|
| ***Information*** exchange ***system*** | ***Publication, dissemination and*** exchange ***of information*** |

*Justification*

*The information exchanged, collected and compiled by the EMAN must be published and disseminated as widely as possible, and all involved and interested parties must be included.*

Amendment 31
Article 8, paragraph 1

| | |
|---|---|
| 1. An Internet-based information exchange system, accessible via a dedicated website, shall be established in accordance with this Article. | 1. An Internet-based information ***publication, dissemination and*** exchange system, accessible via a dedicated website, shall be established in accordance with this Article. |

*Justification*

*The information exchanged, collected and compiled by the EMAN must be published and disseminated as widely as possible, and all involved and interested parties must be included.*

Amendment 32
Article 8, paragraph 2

| | |
|---|---|
| 2. The content of the information exchange system shall normally be public. | 2. The content of the information ***publication, dissemination and*** exchange system shall normally be public. |
| Access to information of a confidential nature may be restricted to the EMN only. | Access to information of a confidential nature may be restricted to the EMN only. |

*Justification*

*The information exchanged, collected and compiled by the EMAN must be published and disseminated as widely as possible, and all involved and interested parties must be included.*

Amendment 33
Article 8, paragraph 3, point (f)

| | |
|---|---|
| (f) a directory of researchers and research institutions in the area of migration and | (f) a directory of researchers and research institutions in the area of migration and |

| | |
|---|---|
| asylum. | asylum***, and of NGOs and national, European and international organisations***. |

*Justification*

*The information exchanged, collected and compiled by the EMAN must be published and disseminated as widely as possible, and all involved and interested parties must be included.*

Amendment 34
Article 9, paragraph 1

| | |
|---|---|
| 1. Each National Contact Point shall produce every year a report describing the migration and asylum situation in the Member State, which shall include policy developments and statistical data. | 1. Each National Contact Point shall produce every year a report describing the migration and asylum situation in the Member State, which shall include ***legal developments (laws and case-law),*** policy developments and statistical data. |

*Justification*

*The EMAN must look into not just statistical and political developments but also legal developments in connection with immigration and asylum.*

Amendment 35
Article 10, paragraph 1

| | |
|---|---|
| 1. The EMN shall cooperate with entities in the Member States ***or in*** third countries, ***including*** international organisations***,*** competent in the field of migration and asylum. | 1. The EMN shall cooperate with ***governmental and non-governmental*** entities***, bodies and organisations at European Union level and*** in the Member States ***and*** third countries ***and*** international organisations competent in the field of migration and asylum. |

*Justification*

*The EMAN must cooperate with other governmental and non-governmental entities, bodies and organisations at EU level and with the Member States and international organisations.*

Amendment 36
Article 15, paragraph 1

| | |
|---|---|
| This Decision shall apply from ***1 January*** | This Decision shall apply from ***the date of*** |

| | |
|---|---|
| ***2008***. | ***its publication in the Official Journal of the European Union***. |

*Justification*

*Technical amendment.*

## EXPLANATORY STATEMENT

Parliament is being consulted on a Commission proposal for a Council decision establishing a European Migration Network.

A European Migration Network already exists and bases its work on a set of National Contact Points. It was set up under a pilot project, which was followed by a preparatory action. The Council decision currently before Parliament now seeks to establish an appropriate legal basis for the network's operation.

The rapporteur fully endorses the main lines of the Commission proposal and the broad agreement reached within the Council, particularly as regards consolidating the network as such and not – at least for the meantime – setting up a further European monitoring centre or agency. This will avoid unnecessary red tape. The collection of data, information and analyses can be performed efficiently by a network which handles common, EU-related aspects of the work of competent or interested national and international bodies.

The Council has made an extremely swift response to the Commission proposal, reaching substantive agreement on the proposal and making only a few amendments to certain points. Parliament's opinion is not, however, a mere formality, and the rapporteur therefore calls on the Council to take proper account of it with a view to the final adoption of the proposal for a decision. The rapporteur has tabled amendments that take over Council proposals, with a view to facilitating agreement between the institutions.

This report drawn up on behalf of Parliament seeks in particular to:

- **change the network's name from 'European Migration Network (EMN)' to 'European Migration and Asylum Network (EMAN)'**. This proposal stems from the simple fact that the network deals with both asylum and migration matters; it is therefore appropriate and logical for this to be reflected in its name and acronym;

- **broaden the network's remit** to cover the production of studies, analyses and assessments concerning the application and implementation of directives, the drafting of legal analyses and the drawing up of conclusions and recommendations, inter alia at the request of Parliament and the other institutions, so as to ensure that its work is of practical use to those involved in decision-making processes;

- ensure that the EMAN is able to perform its task of collecting and exchanging immigration and asylum **data that are comparable at European level**, by making it clear that the aim is to lay down **common criteria and indicators** at European level;

- ensure that the EMN is able to work in **close cooperation with other migration and asylum organisations** and stakeholders – primarily with government departments, but also with NGOs, universities, research centres, experts, international organisations and non-Community states – so as to draw its data from a wide range of sources and have a multidisciplinary approach;

- ensure that the EMAN makes an effort to **communicate and disseminate information** on its work, in order to raise the profile of the network and its work. To this end it should, in particular, use the Internet to publish and disseminate data and analyses, in compliance with Regulation 049/2001 on access to documents;

- reject the Council's proposed amendment of Article 4 of the proposal for a decision (on the composition and remit of the EMAN **Steering Board**), which would leave the EP as a mere observer with no voting rights, while the Commission – with the rapporteur's full support – is proposing that the EP should have a representative with voting rights;

- prevent the EMAN's work from **overlapping with that of other European bodies**; the EMAN should instead cooperate with those bodies and base its activities on the work that has already been carried out, in a spirit of full and unfettered cooperation.

To wind up, the rapporteur recommends that Parliament adopt the Commission proposal subject to the amendments tabled, so as to enable the network to be established as early as possible in 2009.