EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

2009/0801(CNS)

26.2.2009

*

DRAFT REPORT

on the initiative by the Kingdom of the Netherlands for adoption of a Council decision amending Decision 2002/956/JHA setting up a European Network for the Protection of Public Figures
(16437/2008 – C6-0029/2009 – 2009/0801(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Gérard Deprez

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.*** In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind are subject to the agreement of the departments concerned.

CONTENTS

Page

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION 5

EXPLANATORY STATEMENT.....6

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the initiative by the Kingdom of the Netherlands for adoption of a Council decision amending Decision 2002/956/JHA setting up a European Network for the Protection of Public Figures
(16437/2008 – C6-0029/2009 – 2009/0801(CNS))

(Consultation procedure)

The European Parliament,

– having regard to the initiative by the Kingdom of the Netherlands (16437/2008)[1],

– having regard to Article 34(2)(c) of the EU Treaty,

– having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0029/2009),

– having regard to Rules 93 and 51 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0000/2009),

1. Approves the initiative by the Kingdom of the Netherlands;

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

3. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Kingdom of the Netherlands substantially;

4. Instructs its President to forward its position to the Council and Commission, and the government of the Kingdom of the Netherlands.

[1] OJ C ... / Not yet published in OJ.

EXPLANATORY STATEMENT

The Member States currently cooperate in the area of the protection of public figures within the legal provisions in force in the country concerned as well as in accordance with the relevant international agreements. In 2002, the European Network for the Protection of Public Figures (ENPPF) was set up, designed to improve the communication and consultation between national authorities in charge. This Decision (Council Decision of 2002/956) establishes a protection of public figures as defined in the national legislation of a Member State or pursuant to the regulations of an international or supranational organisation or institution. Protection of public figures is the responsibility of the hosting state and a single contact point bearing this responsibility in each Member State exists.

Following an incident in February 2008, when a well known Dutch public figure, Ms. Hirshi Ali, former member of the Dutch parliament, was threatened following her speech on Islamic radicalisation during a seminar in the EP, an initiative from the Kingdom of Netherlands was launched to extend the above mentioned Decision.

The decision was taken to propose that the already existing Council Decision on a European Network for the Protection of Public Figures be amended in order to broaden Article 2 defining a "public figure" as an official or non-official position who is deemed to be under threat due to her contribution or impact on the public debate. This would mean that such a person equally merits a protection from the state he/she is visiting.
A similar case can be mentioned, which concerns a well-known British-Indian novelist, Mr. Salman Rushdie, under threat for his views expressed. He would also be entitled to a protection when visiting a state where he might face assaults and attacks, especially since he is under an open death threat from a particular third-country.

The Rapporteur is in favour of the proposal.

Furthermore, he would like to raise these questions that arose while examining this proposal:

- should a review mechanism be established in order to draw conclusions from the cases experienced and check the real added-value of this system of the protection of figures, be it in an official or non-official position ? This would allow us to improve it if need be.
- this review mechanism would also be the opportunity to examine in which extent cooperation between Member States could be reinforced, and not only based on good-will.