



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2011/0146(COD)

21.9.2012

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on European statistics on safety from crime
(COM(2011)0335 – C7-0155/2011 – 2011/0146(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Timothy Kirkhope

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

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

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on European statistics on safety from crime
(COM(2011)0335 – C7-0155/2011 – 2011/0146(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0335),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0155/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0000/2012),
1. Rejects the Commission proposal;
 2. Calls on the Commission to withdraw its proposal and submit a new one;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

Introduction

Common EU-wide statistics are an important basis for developing EU policies. This applies even more so in the sphere of criminal law as a mixed competence (Article 4 TFEU) where the EU is bound by the subsidiarity principle (Article 5 TEU) and whereby criminal law touches on the understanding of essential fundamental rights in a free society. Therefore, only on the basis of sound and coherent common statistical data and background information appropriate and necessary EU instruments should be developed and adopted. The importance of statistics has been highlighted several times, such as in the Hague programme as regards the prevention of crime¹, as well as in the recent Stockholm programme², whereby the latter states that "*adequate, reliable and comparable statistics (both over time and between Member States and regions) are a necessary prerequisite, inter alia, for evidence-based decisions on the need for action, on the implementation of decisions and on the effectiveness of action*" (Point 4.3.3.). Two action plans were also proposed and adopted, the 2006-2010 Action Plan³ and the latest 2011-2015 Action Plan⁴.

However, the necessity for such data does not mean a "*carte blanche*" as regards the automatic acceptance of a proposed instrument. Any proposed instrument has to be methodologically sound and coherent, as well as based on an appropriate cost-benefit analysis as regards the funds used and the outcome envisaged. In that regard the majority was of the opinion that the proposal raised several essential questions not answered by the Commission, although an extensive consultation and questioning of the Commission by the Rapporteur and shadows took place in the framework of LIBE meetings and special meetings organised by the Rapporteur.

Methodology

The proposal raises questions on the methodology used, particularly as regards the types of questions asked, as some of them are sensitive and it is difficult to imagine the added value or truthfulness of answers. For example, the questions on exposure to drug problems of a respondent, his/her ownership of a gun and fear of terrorism were highlighted as being open to misinterpretation. Without wishing to enter into a debate on statistical methodology in general, it is the Commission's responsibility to propose a fully coherent and clear instrument that should not *en face* raise methodological problems and incoherencies. Victimization surveys represent a "subjective" kind of survey measuring a person's victimisation level and feelings on crime. As such the questions have to be drafted in a clear and precise way allowing for the clearest possible answers, analysis of which can be used in future policy drafting. The responses must leave as little margin for divergent interpretations as possible, as "statistical fear from crime" can be quickly misinterpreted. Such concerns were raised by

¹ OJ C 53, 3.3.2005, p. 1.

² OJ C 105, 4.5.2010, p. 1.

³ COM(2006) 437 final.

⁴ COM(2011) 713 final.

members during several common and bilateral meetings with the Commission and Eurostat. Unfortunately the explanations given were deemed unsatisfactory by the majority. Furthermore the random character of the survey raised some additional questions for some Members.

An added value can be only achieved if such surveys are conducted in all EU Member States, without certain exceptions, as is the case at the moment (see Article 3 stating that "*France and Ireland shall not be required to collect data on violence between members of the same household*"). According to the majority, without a comprehensive survey in all the EU Member States the conduct of an expensive and complicated survey is questionable. Furthermore, the majority underlines the question of the real added value of the survey as regards the lack of concrete information on how its results will be used in future legislative proposals. We have never got a clear answer to the question of what the benefit of the survey to the EU institutions would be.

Financing

At the same time the indicated expenditure of 12 000 000 Euros lacks a clear and proper explanation. In that regard it would be necessary for the Commission to show the number of Member States already conducting such surveys and the costs of such surveys in these Member States and compare and analyse the added value and costs of past surveys co-financed by the Commission, such as the European Crime and Safety Survey (EU ICS)¹ in order to answer the question of possible coordination without a legislative act (for example, through the Eurostat Working Group, etc.). The current explanation in the legislative financial statement, that "*lessons [were] learned from similar experiences in the past*", does not provide a satisfactory answer. Based on such an imprecise indication a clear justification has to be provided for the indicated amount of 12 000 000 EUR, especially in a time of a financial crisis and hardship where the EU institutions should be an example of a proper cost-benefit analysis conducted in the public sector.

Conclusion

In light of the unconvincing nature of the arguments put forward in support of the survey, the Rapporteur, based on extensive consultations with his shadow Rapporteurs and based on the decision of the majority of the political groups, proposes a rejection of the aforementioned legislative proposal. He expects the Commission to answer the indicated problems and questions when preparing any new legislative proposal on the mentioned topic.

¹ <http://www.europeansafetyobservatory.eu>