



PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN PARLAMENTO EUROPEO EIROPAS PARLAMENTAS
EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU EURÓPSKY PARLAMENT
EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET



DRAFT PROGRAMME

JOINT COMMITTEE MEETING
at the initiative of the European Parliament and the Assembleia da
República of Portugal

THE FUTURE OF THE EU
AS AN AREA OF FREEDOM, SECURITY AND JUSTICE

Monday 26 p.m. and Tuesday 27 November a.m. 2007

European Parliament, Brussels
Paul-Henri Spaak Building, Hemicycle

Since the entry into force of the Amsterdam Treaty, the national Parliaments and the European Parliament have met to discuss issues related to the establishment of an area of freedom, security and justice (AFSJ). For the past two years, formal joint meetings have also been organised. Moreover, on particular issues, the creation of joint committees was considered, such as for example on Europol¹. These meetings give an opportunity to Members of the European Parliament and of National Parliaments to discuss the institutional and political developments in AFSJ, issues which are particularly important to European citizens.

The Reform Treaty, currently being drafted, would strengthen the role of National Parliaments in the European area of freedom, security and justice and reinforce the cooperation between national Parliaments and the European Parliament in all EU policies.

¹ The idea of a joint committee of members of the European Parliament and national Parliaments to oversee Europol was first suggested by the Communication on Democratic Control of Europol of March 2002. This idea was included in early versions of the Danish proposals to amend the Europol convention, but was not included in the version upon which a general approach was reached in December 2002. The reason was that only primary European legislation (European treaties themselves) has the power to establish formal parliamentary committees of any kind.

The new Article 8c² indeed provides for "*National Parliaments [to] contribute actively to the good functioning of the Union (...) by taking part, within the framework of the area of freedom, security and justice in the evaluation mechanisms for the implementation of the Union policies in that area, in accordance with Article [III-260] of the Treaty on the Functioning of the Union, and through being involved in the political monitoring of Europol and the evaluation of Eurojust's activities in accordance with Articles [III-276 and III-273] of that Treaty (...) [and] by taking part in the inter-parliamentary cooperation between national Parliaments and with the European Parliament, in accordance with the Protocol on the role of national Parliaments*".

The Reform Treaty would also strengthen the EU's ability to become an Area of Freedom, Security and Justice as it would:

- create a single and simplified legal and institutional framework (which will overcome the current "pillars" structure) and
- improve the democratic legitimacy (by generalising the codecision procedure and the qualified majority voting in the Council).

This Treaty would thus bring fundamental changes to the way EU policies in our area are designed but also to the level of implication of national Parliaments in this area.

In each session, the discussion could focus on assessing:

- the current situation of these policies
- how the situation will and/or should evolve over the next few years
- how to reinforce the cooperation between the national Parliaments and the European Parliament on specific issues linked to the AFSJ and strengthen direct dialogue between the European and national Parliaments

The proposals and the topics raised during the meeting will be essential to prepare the European Parliament's annual debate on the progress in the Freedom, Security and Justice Area foreseen in Article 39 of the EU Treaty and scheduled for December 2007.

Practical guidelines for the debate

- *Presentations opening each session will be limited to 10 minutes.*
- *During the discussion, so as to make it possible for the highest number of parliamentarians to intervene, speaking time will be limited to three minutes per contribution or question.*
- *Members requesting the floor are kindly asked to inform the chair indicating their name and Parliament on a special sheet. The floor will be given to Members in the order in which requests are received, and in turn to two Members of national Parliaments, followed by one Member of the European Parliament, and so forth.*
- *Speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat (email: rpem-multilateral@europarl.europa.eu). These documents will be circulated during the meeting.*

² Draft Treaty amending the Treaty on European Union and the Treaty establishing the European Community, 23 July 2007, <http://www.consilium.europa.eu/uedocs/cmsUpload/cg00001.en07.pdf>

Monday 26 November 2007

15.00-15.30 OPENING SESSION

Welcome by **Mr Jean-Marie CAVADA**, Chairman of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament and **Mr Osvaldo de CASTRO**, Chairman of the Committee on Constitutional Affairs, Rights, Liberties and Guarantees of the Assembleia da República of Portugal

Opening speech by **Mr Franco FRATTINI**, Vice-President of the European Commission, Commissioner for Justice, Freedom and Security (to be confirmed)

15.30-17.00 PANEL 1

*WHAT ROLE FOR PARLIAMENTS IN THE EU GLOBAL APPROACH TO
MIGRATION?: THE EXAMPLE OF THE DRAFT DIRECTIVE ON SANCTIONS
AGAINST EMPLOYERS OF IRREGULAR WORKERS*

Chair: **Mr Osvaldo de CASTRO**, Chairman of the Committee on Constitutional Affairs, Rights, Liberties and Guarantees of the Assembleia da República of Portugal

At the December 2005 European Council, the EU Heads of States and governments adopted a "global approach to migration" which has been reaffirmed in December 2006. Recently, the European Commission has put forward several initiatives and communications to implement this global approach, one of which being the *Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals*³. This proposal intends to address one of the main causes of illegal migration: the black labour market. What is the legislation in the Member States as far as sanctions of employers of illegal workers are concerned? What kind of sanctions do they provide for? Are they effective and efficient? What consequences would the draft directive have on national legislation?

The discussion will help shape the European Parliament's position for the adoption of the draft directive under the codecision procedure. It will also provide a very useful forum to prepare for the debates in National Parliaments and the future transposition of this important directive.

15.30-16.00: Presentations

Mr Rui PEREIRA, Minister of Internal Administration, Portugal
Representative of a National Parliament

Mrs Ana MATO ADROVER, Rapporteur for the Committee on Employment and Social Affairs and **Mr Claudio FAVA**, Rapporteur for the Committee on Civil Liberties, Justice and Home Affairs, European Parliament (to be confirmed)

³ COM (2007) 249

16.00-17.00 Discussion

17.00-18.30 PANEL 2

THE FIGHT AGAINST TERRORISM: WHAT ROLE FOR THE EU?

Chair: **Mr Jean-Marie CAVADA**, Chairman of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament

Over the past few years, the fight against terrorism has been the basis for the adoption of many legal acts to reinforce cooperation between Member States and set common standards in this field, on the basis of the EU Counter-Terrorism Strategy adopted in December 2005.

However, in July 2007, the Commission regretted that "*the compliance and/or application at national level of legal instruments concerning terrorism (...) is very difficult to assess, as often there are neither any reports provided for by these instruments, nor any obligation for the Member States to communicate appropriate national measures*". As regards the Framework Decision on combating terrorism, the Commission confirmed that all EU-25 Member States have communicated their transposition measures but that "*the level of transposition is not always complete*"⁴. In the mutual recognition field, the Commission announced that all Member States have communicated national transposition measures concerning the European Arrest Warrant but that at least four Member States are still invited to make efforts in order to comply fully with this Framework Decision.

What can be done in order to enhance cooperation between Member States in this field? How can it be ensured that Member States' actions in this field are complementary? How can the EU find a balance between the fight against terrorism and the respect of fundamental rights?

17.00-17.30 Presentations

Mr Gilles de KERCHOVE, European Anti-Terrorism Coordinator (to be confirmed)
Representative of a National Parliament
Representative of the European Parliament

17.30-18.30 Discussion

19.30 Dinner in the Members' Restaurant (ground floor)

⁴ Communication from the Commission to the Council and the European Parliament, Report on the implementation of the Hague programme for 2006, COM(2007) 373

Tuesday 27 November 2007

09.00-12.30 PANEL 3

*THE EXCHANGE OF DATA FOR SECURITY PURPOSES: THE EXAMPLES OF
THE TREATY OF PRÜM AND PNR*

Chair: **Mr Osvaldo de CASTRO**, Chairman of the Committee on Constitutional Affairs, Rights, Liberties and Guarantees of the Assembleia da República of Portugal

EU Member States have recently discussed and agreed on a number of means to exchange data for security purposes both inside the EU and with third countries: the Treaty of Prüm and the PNR agreement are probably the main examples.

The Treaty of Prüm was signed in 2005 by seven Member States and the decision to integrate its essential provisions into the Union's legal framework was taken at the June 2007 Justice and Home Affairs Council: it provides for the exchange of fingerprints, DNA and vehicle registration data between the Member States. A new US-EU agreement on the transfer of air passengers' data (PNR - 'Passenger Name Records') was reached on 28 June 2007: it provides for the transfer of data of up to 19 fields which may be kept by US authorities for up to 15 years. Moreover, the Commission should propose in the next weeks the setting up of a European PNR system.

Are these numerous measures proportionate and effective? What is their impact? Moreover, in both examples, the European Parliament and National Parliaments were excluded from the negotiations. How is it possible to increase the democratic oversight on such issues?

9.00-9.30 Presentations

Mr. José MAGALHÃES, Secretary of State Assistant and for Internal Administration, Portugal

Mr Peter SCHAAR, German Federal Data Protection Commissioner and Chairman of the Article 29 Working Party (to be confirmed)

Mr Peter HUSTINX, European Data Protection Supervisor (to be confirmed)

Representative of a National Parliament

Representative of the European Parliament

9.30-10.30 Discussion

10.30-12.00 PANEL 4

*PROSPECTS AND LIMITS OF
EUROPEAN AND NATIONAL CRIMINAL LAW*

Chair: **Mr Jean-Marie CAVADA**, Chairman of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament

The judgement given by the European Court of Justice on 13 September 2005⁵ was a landmark decision: the Court decided that the competences of the European Community to protect the environment also include the power to require Member States to ensure such protection through criminal sanctions for serious offences. A second judgement by the Court, on ship-source pollution, is expected in November 2007⁶ and several proposals of the European Commission introducing criminal sanctions are currently being discussed in the European Parliament.

This development, as well as the new Reform Treaty, which brings cooperation in criminal law matters into Community decision-making structures, with codecision, will considerably affect the EU and Member States' criminal law. What is the position of National Parliaments on these recent developments? How will (or should) EU criminal policy evolve in the near future?

10.30-11.00 Presentations

Mr. José CONDE RODRIGUES, Secretary of State Assistant and for Justice (representing the Minister of Justice), Portugal
Representative of a National Parliament
Representative of the European Parliament

11.00-12.00 Discussion

12.00-12.30 CLOSING SESSION

Conclusions by **Mr Osvaldo de CASTRO**, Chairman of the Committee on Constitutional Affairs, Rights, Liberties and Guarantees of the Assembleia da República of Portugal and **Mr Jean-Marie CAVADA**, Chairman of the Committee on Civil Liberties, Justice and Home Affairs, European Parliament

⁵ C-176/03 Commission/Council

⁶ C-440/05 Commission/Council