

Thursday, 6 July 2006

P6_TA(2006)0313

Mutual information procedure *

European Parliament legislative resolution on the proposal for a Council decision on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration (COM(2005)0480 — C6-0335/2005 — 2005/0204(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0480) ⁽¹⁾,
 - having regard to Article 66 of the EC Treaty,
 - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0335/2005),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rules 51, 41(4) and Rule 35 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0186/2006),
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. 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

Recital 3a (new)

(3a) This procedure should operate on two levels: on the one hand, via a web-based network, the Member States' administrations inform each other on the measures taken at national level in areas of asylum and immigration; on the other, the political authorities engage in regular debates at European level on those areas.

Amendment 2

Recital 4

(4) The information procedure should be based on solidarity, transparency and mutual confidence;

(4) The information procedure should be based on solidarity, transparency and mutual confidence **and should result in a concerted and coordinated approach to the asylum and immigration policies of the Member States.**

⁽¹⁾ Not yet published in the OJ.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 3

Recital 4a (new)

(4a) The creation of this procedure should lead to the simplification, rationalisation and regrouping of the systems, structures and networks existing at Community level in the areas of asylum and immigration.

Amendment 4

Recital 5

(5) For reasons of efficiency and accessibility, a web-based network should be the essential element of the information procedure concerning national measures in the areas of asylum and immigration;

(5) For reasons of efficiency and accessibility, a web-based network **managed by the Commission, which will ensure its security and confidentiality**, should be the essential element of the information procedure concerning national measures in the areas of asylum and immigration.

Amendment 5

Recital 7

(7) Since the objectives of this Decision, namely secure information exchange and consultation between Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of the envisaged action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives;

(7) Since the objectives of this Decision, namely to secure information exchange **and improve coordination** and consultation between Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of the envisaged action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

Amendment 6

Article 1

This Decision establishes a procedure for the mutual exchange of information concerning national measures in the areas of asylum and immigration using a web-based network **and allowing for an exchange of views on such measures**.

This Decision establishes a procedure for the mutual exchange of information concerning national measures in the areas of asylum and immigration using a web-based network. **This procedure shall make it possible to prepare regular exchanges of views on measures liable to have a significant impact in several Member States or at Community level, not only at the administrative level but also at the political level within the Council.**

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 7

Article 2, paragraph 1, introductory wording and point a

1. Member States shall communicate to the Commission and the other Member States the following measures which they intend to take in the areas of asylum and immigration if these measures are susceptible of having an impact on other Member States or on the Community as a whole:

(a) **draft legislation**, at the latest at the time of **submission for** adoption; and

1. Member States shall communicate to the Commission and the other Member States the following measures which they intend to take **or have taken** in the areas of asylum and immigration if these measures are susceptible of having an impact on other Member States, **such as diverting or attracting migratory flows to or from another Member State**, or on the Community as a whole:

(a) **legislative texts**, at the latest at the time of **their** adoption **or immediately after**; and

Amendment 10

Article 2, paragraph 1a (new)

1a. Member States shall communicate to the Commission and the other Member States measures relating to legal immigration and the fight against illegal immigration likely to have a significant impact on other Member States, no later than when they are presented for adoption.

Amendment 11

Article 2, paragraph 2, introductory wording

2. **Member States shall communicate to the Commission and the other Member States:** *deleted*

Amendment 12

Article 2, paragraph 2, point a

(a) **The final texts of the measures referred to in paragraph 1 (a) at the time when they are adopted or immediately thereafter;** *deleted*

Amendment 13

Article 2, paragraph 2, point b

(b) **The final texts of the measures referred to in paragraph 1 (b) at the time when the Member State expresses its consent to be bound by such a measure or immediately thereafter.** *deleted*

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TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS
BY PARLIAMENT

Amendment 14

Article 2, paragraph 3, introductory wording and point a

3. Member States shall communicate to the Commission and the other Member States the following decisions if they are susceptible of having an impact on other Member States or on the Community as a whole:

(a) Final decisions of courts or tribunals which apply or interpret measures of national law in the areas of asylum or immigration, at the time when they are delivered or immediately thereafter; and

3. Member States shall communicate to the Commission and the other Member States the following decisions if they are susceptible of having an impact on other Member States, **such as diverting or attracting migratory flows to or from another Member State**, or on the Community as a whole:

(a) Final decisions of **national and international** courts or tribunals, **including those that establish a precedent**, which apply or interpret measures of national law **or international agreements** in the areas of asylum **and** immigration, at the time when they are delivered or immediately thereafter; and

Amendment 15

Article 2, paragraph 5

5. The Commission or a Member State may request additional information concerning a particular measure or decision communicated by another Member State through the network. In such a case, the Member State concerned shall provide additional information **concerning that measure or decision**, within **two weeks** of the request being made through the network. The additional information shall be made available to the Commission and the other Member States through the network.

5. The Commission or a Member State may request additional information concerning a particular measure or decision communicated by another Member State through the network. In such a case, the Member State concerned shall provide additional information, within **four weeks** of the request being made through the network. The additional information shall be made available to the Commission and the other Member States through the network.

Amendment 16

Article 2, paragraph 5a (new)

5a. Individual Member States and/or the Commission may request information on measures not communicated beforehand by a Member State, where they consider that those measures are liable to have an impact on migration in the Member State requesting the information or in the Community as a whole.

Amendment 17

Article 2, paragraph 6

6. Each Member State shall ensure that **a summary of the text of every measure or decision** it transmits through the network is available in an official language of the Community other than its own. **This summary shall at least include the objectives and scope of the concerned measure or decision, its main provisions and an estimation of the impact it could have on other Member States or on the Community as a whole.**

6. Each Member State shall ensure that **the measures, decisions and evaluations** it transmits through the network are available in **one of the three most frequently used** official languages of the Community other than its own.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 18

Article 4, paragraph 2

2. The Commission shall be responsible for the development and management of the network, including the structure and content of the network and access to it. The network shall include appropriate measures to guarantee **its** confidentiality.

2. The Commission shall be responsible for the development and management of the network, including the structure and content of the network and access to it. The network shall include appropriate measures to guarantee **the** confidentiality **of all or part of the information concerned**.

Amendment 30

Article 4, paragraph 2a (new)

2a. Legislative texts already adopted in each Member State and available on the network and final decisions of national and international courts and tribunals shall be available to the public.

Amendment 20

Article 4, paragraph 3a (new)

3a. When establishing the mutual information procedure, Member States shall supply data concerning the state of play as regards their national law, thus creating a basic 'data bank'.

Amendment 21

Article 4, paragraph 4a (new)

4a. The network shall have a specific function enabling Member States to issue requests for information of a specific nature addressed to one or more Member States and/or the Commission, in the areas concerned by this Decision.

Amendment 22

Article 4, paragraph 4b (new)

4b. The network shall have a specific function enabling the machine translation of on-line information into all the official languages of the Community, or, at least, the most widely-used ones, thereby making it easier to understand the documents.

Amendment 23

Article 4, paragraph 5a (new)

5a. A secure access point for the network shall be created at the European Parliament for the use of the Members thereof.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 24

Article 5, paragraph 1

1. The Commission *may, on its initiative or on demand of a Member State, organise an exchange of views with Member States' experts on a particular national measure submitted under articles 2 and 3 of this Decision. The Member State whose measure is the object of discussion shall be represented at the exchange of views.*

1. The Commission **shall draw up a twice-yearly report summarising the information forwarded by the Member States. In preparing its report, the Commission may further consult the Member States. That report shall be forwarded to the European Parliament and the relevant services of the Council with a view to providing the political authorities with a basis for their exchanges of views.**

Amendment 25

Article 5, paragraph 2

2. *The purpose of the exchange of views shall be the identification of issues of common interest.* **deleted**

Amendment 26

Article 6, paragraph 1

The Commission shall evaluate the functioning of the system **3 years** after the entry into force of this Decision and regularly thereafter.

The Commission shall evaluate the functioning of the system **two years** after the entry into force of this Decision and regularly thereafter.

P6_TA(2006)0314

Modification of the Protocol on Privileges and Immunities**European Parliament resolution on modification of the Protocol on Privileges and Immunities**

The European Parliament,

- having regard to its resolution of 23 June 2005 on the amendment of its decision of 4 June 2003 on the adoption of the Statute for the Members of the European Parliament (⁽¹⁾),
- having regard to the Declaration of 3 June 2005 by Representatives of the Member States, meeting within Council, in which they agreed that 'when an instrument laying down the regulations and general conditions governing the performance of duties of Members of the European Parliament is adopted pursuant to the terms of Article 190(5) of the Treaty, they will examine the request of Parliament to revise the relevant provisions of the Protocol on Privileges and Immunities of the European Communities of 1965 insofar as it concerns the Members of the European Parliament with a view to reach a conclusion as soon as possible',
- having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas its resolution of 23 June 2005 considered the Declaration of 3 June 2005 to be an essential element for a compromise with the Council on the Statute,

(¹) OJ C 133 E, 8.6.2006, p. 48.