

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0094/2001

21 March 2001

REPORT

on the proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal)
(COM(2000) 828 – C5-0754/2000 – 2000/0339(CNS))

on the proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II)
(COM(2000) 828 – C5-0755/2000 – 2000/0340(CNS))

on the proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II)
(COM(2000) 828 – C5-0756/2000 – 2000/0341(CNS))

on the proposal for a Council decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippocrates)
(COM(2000) 0786 – C5-0753/2000 – 2000/0304(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Margot Keßler

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)

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PROCEDURAL PAGE

By letter of 20 December 2000 the Council consulted Parliament, pursuant to Article 39 of the EU Treaty on:

1. the proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal) (COM(2000) 828 - 2000/0339 (CNS)),
2. the proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II) (COM(2000) 828 - 2000/0340(CNS)),
3. the proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II) (COM(2000) 828 - 2000/0341(CNS)),
4. the proposal for a Council decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippocrates) (COM(2000) 0786 - 2000/0304(CNS)).

At the sitting of 15 January 2001 the President of Parliament announced that she had referred all four proposals to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible, proposals 1-3 to the Committee on Budgets, the Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities for their opinions(C5-0754/2000, C5-0755/2000, C5-0756/2000) and proposal 4 to all the other committees for their opinions (C5-0753/2000).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Margot Keßler rapporteur at its meeting of 16 January 2001.

The committee considered the Commission proposals and draft report at its meetings of 24 January, 26 February and 20 March 2001.

At the last meeting it adopted the four draft legislative resolutions unanimously.

The following were present for the vote: Graham R. Watson, chairman; Margot Keßler, rapporteur; Carlos Coelho, Marcello Dell'Utri, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Francesco Fiori (for Rocco Buttiglione pursuant to Rule 153(2)), Jorge Salvador Hernández Mollar, Lucio Manisco (for Pernille Frahm), Hartmut Nassauer, Hubert Pirker, Anna Terrón I Cusí, Christian Ulrik von Boetticher and Jan-Kees Wiebenga.

The opinions of the Committee on Budgets, the Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities are attached.

The report was tabled on 21 March 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

1. Proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal) (COM(2000) 828 - C5-0754/2000 – 2000/0339(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
Recital 9 a (new)

‘In due time before the end of 2001 the Commission shall present a proposal for a consolidated framework covering all the initiatives that aim at the development of an area of freedom, security and justice, either on the basis of Title VI of the Treaty on European Union or on the basis of Title IV of the Treaty establishing the European Community, with the aim of improving citizens' rights and fundamental rights, and including financing programmes for the area of judicial cooperation in civil matters.’

Justification

This amendment aims at encouraging the Commission to accelerate the reorganisation of the financing programmes and to include financing programmes which have their legal basis in the first pillar.

The proposal has to be presented in sufficient time to be covered by the budgetary procedure of the year 2002.

¹ OJ C not yet published.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal) (COM(2000) – C5-0754/2000 – 2000/0339(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2000) 0828)¹,
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having been consulted by the Council pursuant to Article 39 of the EU Treaty (C5-0754/2000),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Budgets and the Committee on Legal Affairs and the Internal Market (A5-0094/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ OJ C not yet published.

LEGISLATIVE PROPOSAL

2. Proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II) (COM(2000) 828 – C5-0755/2000 – 2000/0340(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 2
Recital 8 a (new)

'In due time before the end of 2001 the Commission shall present a proposal for a consolidated framework covering all the initiatives that aim at the development of an area of freedom, security and justice, either on the basis of Title VI of the Treaty on European Union or on the basis of Title IV of the Treaty establishing the European Community, with the aim of improving citizens' rights and fundamental rights, and including financing programmes for the area of judicial cooperation in civil matters.'

Justification

This amendment aims at encouraging the Commission to accelerate the reorganisation of the financing programmes and to include financing programmes which have their legal basis in the first pillar.

The proposal has to be presented in sufficient time to be covered by the budgetary procedure of the year 2002.

¹ OJ C not yet published.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for law enforcement authorities (Oisin II) (COM(2000) 828 – C5-0755/2000 – 2000/0340(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2000) 0828)¹,
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having been consulted by the Council pursuant to Article 39 of the EU Treaty (C5-0755/2000),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Budgets (A5-0094/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ OJ C not yet published.

LEGISLATIVE PROPOSAL

3. Proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II)(COM(2000) 828 – C5-0756/2000 – 2000/0341(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 3
Recital 13 a (new)

'In due time before the end of 2001 the Commission shall present a proposal for a consolidated framework covering all the initiatives that aim at the development of an area of freedom, security and justice, either on the basis of Title VI of the Treaty on European Union or on the basis of Title IV of the Treaty establishing the European Community, with the aim of improving citizens' rights and fundamental rights, and including financing programmes for the area of judicial cooperation in civil matters.'

Justification

This amendment aims at encouraging the Commission to accelerate the reorganisation of the financing programmes and to include financing programmes which have their legal basis in the first pillar.

The proposal has to be presented in sufficient time to be covered by the budgetary procedure of the year 2002.

¹ OJ C not yet published.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for combating trade in human beings and the sexual exploitation of children (Stop II) (COM(2000) 828 – C5-0756/2000 – 2000/0341(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2000) 0828)¹,
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having been consulted by the Council pursuant to Article 39 of the EU Treaty (C5-0756/2000),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Budgets and the Committee on Legal Affairs and the Internal Market (A5-0094/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ OJ C not yet published.

LEGISLATIVE PROPOSAL

4. Proposal for a Council decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippocrates) (COM(2000) 0786 – C5-0753/2000 – 2000/0304(CNS))

The proposal is amended as follows:

:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 4
Recital 8 a (new)

'In due time before the end of 2001 the Commission shall present a proposal for a consolidated framework covering all the initiatives that aim at the development of an area of freedom, security and justice, either on the basis of Title VI of the Treaty on European Union or on the basis of Title IV of the Treaty establishing the European Community, with the aim of improving citizens' rights and fundamental rights, and including financing programmes for the area of judicial cooperation in civil matters.'

Justification

This amendment aims at encouraging the Commission to accelerate the reorganisation of the financing programmes and to include financing programmes which have their legal basis in the first pillar.

The proposal has to be presented in sufficient time to be covered by the budgetary procedure of the year 2002.

¹ OJ C not yet published.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippocrates) COM(2000) 0786 – C5-0753/2000 – 2000/0304(CNS)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2000) 0786)¹,
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having been consulted by the Council pursuant to Article 39 of the EU Treaty (C5-0753/2000),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0094/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ OJ C not yet published.

27 February 2001

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
on the proposal for a Council decision establishing a second phase of the programme of
incentives and exchanges, training and cooperation for legal practitioners (Grotius II -
General and Criminal)

(COM(2000) 828 – C5-0754/2000 – 2000/0339(CNS))

on the proposal for a Council decision establishing a second phase of the programme of
incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II)

(COM(2000) 828 – C5-0755/2000 – 2000/0340(CNS))

on the proposal for a Council decision establishing a second phase of the programme of
incentives, exchanges, training and cooperation for persons responsible for combating trade
in human beings and the sexual exploitation of children (Stop II)

(COM(2000) 828 – C5-0756/2000 – 2000/0341(CNS))

Draftsman: Brigitte Wenzel-Perillo

PROCEDURE

The Committee on Budgets appointed Brigitte Wenzel-Perillo draftsman at its meeting of 23-24 January 2001.

It considered the draft opinion at its meetings of 27 February 2001.

At the last meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn, chairman; Brigitte Wenzel-Perillo, draftsman; Joan Colom I Naval, Carlos Costa Neves, Den Dover, Göran Färm, Markus Ferber, Salvador Garriga Polledo, Catherine Guy-Quint, Jutta D. Haug, Anne Elisabet Jensen, Armin Laschet, John Joseph McCartin, Giovanni Pittella, Per Stenmarck, Francesco Turchi, Kyösti Tapio Virrankoski and Ralf Water.

AMENDMENTS

The Committee on Budgets calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal) (2000/0339(CNS))

AMENDMENT TO THE DRAFT LEGISLATIVE RESOLUTION

[The European Parliament]

considers that the financial consequences of the proposal are compatible with the ceiling under heading 3 of the current Financial Perspective.

Justification

The amount proposed for the programme should be compatible with the ceiling under the Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
Recital 10 (new)

(10) *The financial framework of the programme should be compatible with the current ceiling under heading 3 of the Financial Perspective, with no restriction being placed on other currently funded programmes.*

Justification

The amount proposed for the programme should be compatible with the ceiling under the

¹ OJ C ... (not yet published).

Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

Proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II) (2000/0340(CNS))

AMENDMENT TO THE DRAFT LEGISLATIVE RESOLUTION

[The European Parliament]

considers that the financial consequences of the proposal are compatible with the ceiling under heading 3 of the current Financial Perspective.

Justification:

The amount proposed for the programme should be compatible with the ceiling under the Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

Amendment 2
Recital 9 (new)

(9) *The financial framework of the programme should be compatible with the current ceiling under heading 3 of the Financial Perspective, with no restriction being placed on other currently funded programmes.*

Justification

The amount proposed for the programme should be compatible with the ceiling under the Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

**Proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children
(Stop II) (2000/0341(CNS))**

AMENDMENT TO THE DRAFT LEGISLATIVE RESOLUTION

[The European Parliament]

considers that the financial consequences of the proposal are compatible with the ceiling under heading 3 of the current Financial Perspective.

Justification:

The amount proposed for the programme should be compatible with the ceiling under the Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

Amendment 3
Recital 14 (new)

(14) The financial framework of the programme should be compatible with the current ceiling under heading 3 of the Financial Perspective, with no restriction being placed on other currently funded programmes.

Justification

The amount proposed for the programme should be compatible with the ceiling under the Financial Perspective. If, in the course of the adoption of the decision, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

19 March 2001

**OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL
MARKET**

for the Committee on Legal Affairs and the Internal Market

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II – General and Criminal)
(COM(2000) 828 – C5-0754/2000 – 2000/0339(CNS))

Draftsman: Joachim Wuermeling

PROCEDURE

The Committee on Legal Affairs and the Internal Market appointed Joachim Wuermeling draftsman at its meeting of 6 February 2001.

It considered the draft opinion at its meetings of 5 March and 19 March 2001.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote: Ana Palacio Vallelersundi, chairman; Eduard Beysen, draftsman; Francesco Fiori (for Antonio Tajani pursuant to Rule 153(2)), Janelly Fourtou, Marie-Françoise Garaud, Evelyne Gebhardt, Gerhard Hager, Malcolm Harbour, Othmar Karas (for Joachim Wuermeling pursuant to Rule 153(2)), Ioannis Koukiadis, Kurt Lechner, Klaus-Heiner Lehne, Donald Neil MacCormick, Arlene McCarthy, Manuel Medina Ortega, Carlos Ripoll i Martinez Bedoya and Diana Paulette Wallis.

SHORT JUSTIFICATION

Under the proposal for a Council decision on which the Legal Affairs Committee has been requested to deliver an opinion for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Grotius programme, adopted in 1996 to encourage exchanges of legal practitioners, is to be renewed temporarily.

Because the area of justice and home affairs, especially as regards judicial cooperation in civil matters, has been fully or partly 'Communitarised', the Grotius programme, the whole of which was initially based on Article K.3 of the EU Treaty, has been split into two separate programmes:

- Grotius II – Civil, approved without report by Parliament on 13 December 2000 and, having been adopted by the Council on 12 February 2001, already published in the Official Journal¹;
- Grotius II – General and Criminal, the only part on which we have been consulted.

Two brief comments should be made about the referral of the programme to the Legal Affairs Committee:

- firstly, the Legal Affairs Committee could arguably, to my mind, have been made the committee responsible, since its terms of reference extend to 'legal aspects of the ... application of Community law'² (Grotius was assigned to the Legal Affairs Committee in 1996);

- secondly, the approach is in any case inconsistent because Grotius – General and Criminal has been referred to the Legal Affairs Committee whereas Grotius – Civil was not.

Your draftsman believes that the demarcation of responsibilities is a question that should be mentioned because it has undoubtedly served to mask the fact that the 'general' component has been paired with the 'criminal' component and hence encompassed within the intergovernmental pillar rather than the Community pillar. This latter point is quite important because Parliament will soon be entitled to employ the codecision procedure when dealing with matters falling under the Community pillar.

What is involved in this instance is a matter of principle that the Legal Affairs Committee must raise, although it is not particularly significant for this opinion.

As regards the substance of the opinion, the Legal Affairs Committee must certainly support the proposed activities and therefore confine itself to amendments to details. The aim is to foster mutual understanding of the Member States' legal and judicial systems and encourage judicial cooperation in general and criminal matters (for example by means of projects to be drawn up in the area of judicial cooperation in criminal matters, help in implementing the instruments adopted, support for better mutual understanding on topics of shared interest for the Member States, local *ad hoc* projects to improve cooperation on the ground, and networking of given organisations and professions). Five types of projects will be co-financed

¹ OJ L 43, 14.2.2001, p. 1.

² Annex VI, point VI(1), to the Rules of Procedure.

under the programme:

- training,
- exchanges and work experience placements,
- studies and research,
- meetings and seminars, and
- dissemination of the results obtained.

Provisions have been laid down to determine the training institutes and bodies eligible to take part in the programme, on the understanding that the projects will in fact be aimed at legal practitioners. The Commission will be called upon to implement the programme, which will be subject to a dual committee procedure comprising an advisory procedure to adopt the measures proposed and a management procedure to lay down the Annual Work Programme and adopt specific projects deemed to have priority.

The overall budget of the programme will be EUR 4 m for the period from 1 January 2001 to 31 December 2002. Applicant countries may take part. Projects will be considered eligible for the purposes of the programme if they involve at least three Member States (or two Member States and an applicant country). The funding arrangements will vary according to the type of project proposed (the Community contribution will, in principle, cover 70% of the cost but may cover as much as 100% when particular projects are regarded as specific or treated as a priority). An annual report is to be drawn up on the implementation of the programme.

The Grotius programme is being renewed only temporarily (for two years) in order to clear the way for thorough discussion of the question whether the 'third pillar' programmes as a whole should be grouped together, an approach favoured by the Citizens' Committee.

Your draftsman sees little need for amendments. Given that the programme is to run for just two years, he considers it fairly pointless to lay down individual focuses of activity on an annual basis. The emphasis should be placed on the specific needs of the participants and not predetermined themes. Instead of being described in very general terms, in conjunction with annual work programmes, the projects to be supported should be spelt out in more detail, dispensing with the annual work programmes.

AMENDMENTS

The Committee on Legal Affairs and the Internal Market calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 throughout the text, including titles

general and criminal

criminal law **and associated general matters**

(This amendment applies to the whole text and, if adopted, will necessitate technical adjustments throughout the text.)

Justification

The proposed legal basis does not cover 'general law'. The programme must concentrate on judicial cooperation in matters of criminal law.

Amendment 2 Article 1(1)

1. This Decision establishes, for **general and** criminal matters, the second phase of the Grotius cooperation programme set up by Joint Action 96/636/JAI of 29 October 1996.

1. This Decision establishes, for **(two words deleted)** criminal matters, the second phase of the Grotius cooperation programme set up by Joint Action 96/636/JAI of 29 October 1996.

Justification

The programme should continue to be restricted to criminal matters. In order to avoid any misunderstandings, the words 'general and' should be deleted from Article 1(1). General EU law falls with the powers and responsibilities of the Committee on Legal Affairs.

¹ Not yet published.

Amendment 3
Article 2(2)

2. The specific objectives of the programme are:

- preparation of projects *in the field of criminal judicial cooperation*;
- help in implementing the instruments adopted;
- *support for better mutual understanding on general topics of shared interest for the Member States*;
- local ad hoc projects with the aim of improving cooperation on the ground;
- setting up networks between certain organisations and professions.

2. The specific objectives of the programme *in the field of criminal judicial cooperation* are:

- preparation of projects;
- help in implementing the instruments adopted;
- local ad hoc projects with the aim of improving cooperation on the ground;
- setting up networks between certain organisations and professions.

Justification

The proposed legal basis does not cover 'general law'. The programme must concentrate on judicial cooperation in matters of criminal law.

Amendment 4
Article 3(2)

2. For the purposes of this Decision, "legal practitioners" means judges, public prosecutors, lawyers, law officials, criminal investigation officers, bailiffs, experts, court interpreters, other professionals associated with the judiciary and researchers.

2. For the purpose of this Decision, "legal practitioners" means judges *and their legal assistants*, public prosecutors, lawyers, law officials, criminal investigation officers, bailiffs, experts, court interpreters, other professionals associated with the judiciary and researchers.

Justification

As well as judges, other legal staff are employed in court and they should likewise be included in the programme to help them do their work.

Amendment 5
Article 3(3a) (new)

3a. The Commission shall inform the applicant countries separately about their opportunities to participate.

Justification

Applicant countries are not as familiar with European programmes as the Member States because the flow of information in their direction is less effective. They are not supplied with, for example, the Official Journal.

Amendment 6
Article 4

The programme shall comprise the following types of project which apply to all fields of judicial cooperation ***with the exception of judicial cooperation in civil matters:***

- Training;
- Exchanges and work experience placements;
- Meetings and seminars;
- Dissemination of the results obtained within the framework of the programme.

The programme shall comprise the following types of project which apply to all fields of judicial cooperation ***in matters of criminal law:***

- Training;
- Exchanges and work experience placements;
- Meetings and seminars;
- Dissemination of the results obtained within the framework of the programme.

Justification

The proposed legal basis does not cover 'general law'. The programme must concentrate on judicial cooperation in matters of criminal law.

Amendment 7
Article 6(3), first indent

– prepare an Annual Work Programme comprising specific objectives, thematic priorities and, if necessary, a list of specific projects and complementary measures; **deleted**

Justification

Given that the programme will remain in force for just two years, it is pointless to lay down specific themes each year. The themes of the projects should be determined according to the needs of the groups taking part and not selected in advance by the Commission. Legal practitioners must be free to choose from the topics encompassed within the programme.

9 March 2001

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council decision establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II)
(COM(2000) 828 – C5-0756/2000 – 2000/0341 (CNS))

Draftsperson: Patsy Sörensen

PROCEDURE

The Committee on Women's Rights and Equal Opportunities appointed Patsy Sörensen draftsperson at its meeting of 23 January 2001.

It considered the draft opinion at its meeting of 19 March 2001.

At the same meeting it adopted the following conclusions unanimously.

The following were present for the vote: Maj Britt Theorin, chairperson; Marianne Eriksson, vice-chairperson, Anne E.M. Van Lancker, vice-chairperson; Patsy Sörensen, draftsperson; María Antonia Avilés Perea, Armonia Bordes, Geneviève Fraisse, Koldo Gorostiaga Atxalandabaso, Astrid Lulling, Thomas Mann, Maria Martens, Amalia Sartori, Joke Swiebel and Elena Valenciano Martínez-Orozco.

AMENDMENTS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 Article 1(2)

2. The programme is hereby renewed for the period from 1 January 2001 *to* 31 December **2002 and may be extended beyond the latter date.**

2. The programme is hereby renewed for the period from 1 January 2001 **until** 31 December **2005.**

Justification

The duration of the three programmes should be extended in order to correspond to the duration of the Fifth Action Programme in order to facilitate and increase the potentialities of the three programmes.

Amendment 2 Article 2, indent 1

- develop, implement and evaluate a European policy in this field;

- develop, implement and evaluate a European policy in this field **and push ahead with the harmonisation of criminal law by the individual Member States;**

Justification

As trafficking in human beings and child pornography are international and organised crimes that make use of and spread via new communications technologies such as the Internet, it is necessary to harmonise the criminal law provisions of the Member States.

¹ OJ C .

Amendment 3
Article 2, indent 2

- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, and the improvement and adaptation of training and scientific and technical research;

- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, and the improvement and adaptation of training and scientific and technical research, ***with particular reference to new communications technologies, such as the Internet;***

Justification

Specific attention must be paid to the fact that trafficking in human beings, and child pornography in particular, are being spread and organised to a large extent by means of new technologies.

Amendment 4
Article 2

The programme shall contribute to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to prevent and combat trade in human beings and all forms of sexual exploitation of children, including child pornography and the violence associated with it, and to help the victims of these criminal activities. It aims, in particular, to:

- develop, implement and evaluate a European policy in this field;

- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, and the improvement and adaptation of training and scientific and technical research;

The programme shall contribute to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to prevent and combat trade in human beings and all forms of sexual exploitation of children, including child pornography and the violence associated with it, and to help the victims of these criminal activities. It aims, in particular, to:

- develop, implement and evaluate a European policy in this field;

- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, and the improvement and adaptation of training and scientific and technical research,
- include potential victims (e.g. showing films to educate children),

- give particular attention to participation in the projects developed by this programme to the public or private organisations, institutions or associations concerned in the applicant countries;
- encourage the stepping up of cooperation with third countries and the competent regional and international organisations;

- give particular attention to participation in the projects developed by this programme to the public or private organisations, institutions or associations concerned in the applicant countries;
- encourage the stepping up of cooperation with third countries and the competent regional and international organisations;

Justification:

It is important that the children of less educated parents are also warned of potential dangers in a simple language that they can also understand.

Amendment 5
Article 2

The programme shall contribute to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to prevent and combat trade in human beings and all forms of sexual exploitation of children, including child pornography and the violence associated with it, and to help the victims of these criminal activities. It aims, in particular, to:

- develop, implement and evaluate a European policy in this field;
- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, and the improvement and adaptation of training and scientific and technical research;

The programme shall contribute to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to prevent and combat trade in human beings and all forms of sexual exploitation of children, including child pornography and the violence associated with it, and to help the victims of these criminal activities. It aims, in particular, to:

- develop, implement and evaluate a European policy in this field;
- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, and the improvement and adaptation of training and scientific and technical research;
- ***implement specific reception and***

protection schemes for victims returning to their country of origin.

- give particular attention to participation in the projects developed by this programme to the public or private organisations, institutions or associations concerned in the applicant countries;
- encourage the stepping up of cooperation with third countries and the competent regional and international organisations;

- give particular attention to participation in the projects developed by this programme to the public or private organisations, institutions or associations concerned in the applicant countries;
- encourage the stepping up of cooperation with third countries and the competent regional and international organisations;

Justification

It is important that the victim is not victimised twice.

Amendment 6
Article 3(1)

1. The programme shall co-finance projects submitted by any public or private organisations, institutions or associations in the Member States of the European Union involved in helping victims and preventing and combating trade in human beings and sexual exploitation of children.

The programme shall co-finance projects submitted by any public or private organisations, institutions or associations in the Member States of the European Union involved in helping victims and preventing and combating trade in human beings and sexual exploitation of children. ***Particular attention should be paid to health-care, re-education and physical and psychological support.***

Justification

It is important to help the victims find their way back into society.

Amendment 7
Article 3(2)

2. The programme is intended for persons responsible for assisting victims and for preventing and combating trade in human beings and the sexual exploitation of children, such as judges, public prosecutors,

2. The programme is intended for persons responsible for assisting victims and for preventing and combating trade in human beings and the sexual exploitation of children, such as judges, public prosecutors,

law enforcement authorities, public immigration and social service authorities, researchers and representatives of *charitable* organisations.

law enforcement authorities, public immigration and social service authorities, researchers and representatives of *public and private* organisations.

Justification

Other NGOs should be included.

Amendment 8
Article 4

The programme shall comprise the following types of project:

- Training;
- Exchanges and work experience placements;
- Studies and research;
- Meetings and seminars;

- Dissemination of the results obtained under the programme.

The programme shall comprise the following types of project:

- Training;
- Exchanges and work experience placements;
- Studies and research;
- Meetings and seminars;
- *a general forum in cooperation with the IOM, police, NGOs and the industries concerned (airlines and credit cards companies) in order to create a major opening in the discussion of crime prevention;*
- Dissemination of the results obtained under the programme.

Justification:

Smuggling of victims also goes through the normal official means of transportation and of payment. Such a forum would help prevent these companies from involuntarily being part of this criminal act.