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REPORT

on the proposal for a Council decision establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services
(COM(2003) 727 – C5-0612/2003 – 2003/0284(CNS))

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

Rapporteur: Eva Klamt

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***. 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). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 5 December 2003 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the Commission proposal for a Council decision establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (COM(2003) 727 – 2003/0284(CNS)).

At the sitting of 15 December 2003 the President of Parliament announced that he had referred the proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible (C5-0612/2003).

The committee appointed Eva Klamt rapporteur at its meeting of 21 January 2004.

It considered the Commission proposal and draft report at its meetings of 18 February and 9 March 2004.

At the latter meeting it adopted the draft legislative resolution by 35 votes to 3, with no abstentions.

The following were present for the vote: Jorge Salvador Hernández Mollar, chairman; Robert J.E. Evans, vice-chairman; Johanna L.A. Boogerd-Quaak, vice-chairman, Eva Klamt, rapporteur; Alima Boumediene-Thiery, Marco Cappato, Massimo Carraro (for Margot Keßler pursuant to Rule 153(2)), Michael Cashman, Charlotte Cederschiöld, Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giovanni Claudio Fava (for Martin Schulz pursuant to Rule 153(2)), Giuseppe Di Lello Finuoli, Marie-Thérèse Hermange, Timothy Kirkhope, Jean Lambert, Klaus-Heiner Lehne, Joaquim Miranda (for Ozan Ceyhun pursuant to Rule 153(2)), Pasqualina Napoletano (for Walter Veltroni pursuant to Rule 153(2)), Hartmut Nassauer, Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Paolo Pastorelli, Bernd Posselt, Martine Roure, Gerhard Schmid, Olle Schmidt, Ingo Schmitt, The Earl of Stockton, Ole Sørensen, Patsy Sørensen, Joke Swiebel, Anna Terrón i Cusí, Elena Valenciano Martínez-Orozco (for Adeline Hazan pursuant to Rule 153(2)), Gianni Vattimo und Christian Ulrik von Boetticher.

The report was tabled on 15 March 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services
(COM(2003) 727 – C5-0612/2003 – 2003/0284(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2003) 727)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 (C5-0612/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0145/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EU 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 6a (new)

(6a) In view of its expert and detailed knowledge, Europol should be involved in the web-based information and coordination network. The Commission is

¹ Not yet published in OJ.

called upon to submit a proposal for this purpose no later than one year after the entry into force of this decision.

Amendment 2
Article 1

This Decision establishes a secure web-based Information and Co-ordination Network for the exchanges of information on irregular migration, illegal entry and immigration and the return of illegal residents.

This Decision establishes a secure web-based Information and Co-ordination Network for the exchanges of information on irregular migration, **facilitator networks and networks exploiting illegal immigrant labour**, illegal entry and immigration and the return of illegal residents.

Justification

The fight against illegal immigration should not only be targeted at persons who have illegally entered the EU, but should, above all, combat facilitators who supply illegal labour networks in Europe.

Amendment 3
Article 2, paragraph 1

1. The Commission shall be responsible for the development and management of the network, including the structure **and content** thereof and the elements for information exchange.

1. The Commission shall be responsible for the development and management of the network, including the structure thereof and the elements for information exchange.

Justification

The wording could be misunderstood to mean that the Commission has an influence on the content of the information provided. In fact, however, authorised users are solely responsible for the content of the information (cf Article 5(1)).

Amendment 4
Article 2, paragraph 2, introductory part

2. The information exchange shall include **at least** the following:

2. The information exchange shall include the following:

Justification

It is not desirable that the Member States should be free to expand the elements for information exchange as they wish. A fresh Commission proposal should be submitted for this purpose, on which Parliament will be consulted.

Amendment 5

Article 2, paragraph 2, point (d)

(d) Return related issues;

(d) Return related issues, ***in particular cases of failure to respect the dignity and physical integrity of persons expelled by authorities responsible for return arrangements;***

Justification

It is important to ensure that it is possible for each state to be informed of problems which may arise during the return of persons expelled by another Member State should it wish to cooperate with another Member State in joint expulsions.

Moreover, it is the responsibility of Member States to ensure that cases of violation of fundamental principles in the application of expulsion measures are reported; this type of measure can only help improve the conduct of expulsion operations whenever they occur.

Amendment 6

Article 5, paragraph 2 a (new)

2a. A procedure shall be provided for to enable the owner of the information regularly to correct or update the data forwarded to the network.

Justification

It is important to ensure that the information forwarded to the network is regularly updated or, if necessary, corrected.

Amendment 7

Article 5, paragraph 4

4. ***Without prejudice to*** paragraph 3, further security measures shall be adopted by the Commission in accordance with the procedure referred to in Article 6(2).

4. ***Insofar as the security measures taken by the Member States are not sufficient to achieve the objectives referred to in*** paragraph 3, further security measures

procedure referred to in Article 6(2).

shall be adopted by the Commission in accordance with the procedure referred to in Article 6(2).

Justification

To restrict the flexibility clause.

EXPLANATORY STATEMENT

I. Introduction to the Commission proposal

The Commission proposal is geared to the establishment of a secure web-based information and coordination network to be used by national migration authorities. In submitting this text, the Commission is responding to the criticism of the existing early-warning system repeatedly voiced by the Member States and the desire for increased and at the same time simplified coordination in the field of irregular immigration.

The Commission is to be responsible for the development and management of the network, and where necessary it is to be able to adopt further security measures under the comitology (advisory) procedure. The Commission's 'CIRCA' system (Communication and Information Resource Centre Administrator), which provides a virtual workspace for closed user groups, is to form the technical platform.

The Intranet site is to comprise the four elements listed in Article 2 and may subsequently be expanded if necessary.

II. Rapporteur's standpoint

The rapporteur welcomes the Commission proposal as a decisive step towards improved coordination and communication between migration authorities in the Member States. This is vital if irregular migration is to be successfully combated on a cross-border basis.

Technical platform

A continuing information exchange can be achieved only if the Member States can be certain that the information provided by them will be adequately protected; this applies in particular to the field of illegal migration flows and facilitator networks. The rapporteur takes the view that the CIRCA system provides the Commission with a suitable communication tool in order to bring such improved coordination about. As well as corresponding to the expected security standard, CIRCA allows selective access to information within the system; this enables each participant to define which user groups are to have access to the information provided.

The 4 pillars of the network

The rapporteur considers it essential that the existing early-warning system, comprising an exchange of faxes, should be embedded in a permanent and protected communication framework. Nevertheless, the early-warning system should not form the core of the network in the long term, and the other elements should instead become more important.

It would be desirable for comprehensive and up-to-date contact lists of immigration liaison officers to be available through the Intranet site. Their work should become more open and more quickly accessible through the network. Specific information relating to individual countries might also be made available.

The return-related information exchange should chiefly focus on cultivating awareness among all the States concerned of the problems which can arise when returning persons. These particularly include cases in which the human dignity and physical integrity of people being expelled are not respected. Positive experience should also be exchanged on the voluntary return of illegal residents, start-up aid for returners and return in conditions which respect human and fundamental rights. The directive on minimum standards in the area of return announced by the Commission will bring about a more in-depth information exchange.

Europol's participation

Cooperation with Europol, particularly in the field of facilitator networks, is of considerable importance for the Member States. Europol often possesses crucial strategic information and also has a large number of information sources which make it possible to gain an overview of Europe-wide incidents and trends. The Commission is therefore called upon to seek ways of involving Europol; this might take the form of an agreement between Europol and the Commission.

Commission's powers

Even though, in principle, the rapporteur agrees with the proposal to make the Commission responsible for developing and managing the network, the flexibility clause in Article 5(4) of the decision should be restricted to measures which are actually necessary.