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## **REPORT**

on the initiative by the Kingdom of the Netherlands with a view to the adoption of a Council Decision on strengthening cross-border police cooperation with regard to meetings attended by large numbers of people from more than one Member State, at which policing is primarily aimed at maintaining law and order and security and preventing and combating criminal offences (6930/2005 – C6-0117/2005 – 2005/0804(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Frieda Brepoels

### ***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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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the initiative by the Kingdom of the Netherlands with a view to the adoption of a Council Decision on strengthening cross-border police cooperation with regard to meetings attended by large numbers of people from more than one Member State, at which policing is primarily aimed at maintaining law and order and security and preventing and combating criminal offences  
(6930/2005 – C6-0117/2005 – 2005/0804(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the initiative by the Kingdom of the Netherlands (6930/2005)<sup>1</sup>,
  - having regard to Article 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0117/2005),
  - having regard to Rules 93 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0222/2006),
1. Approves the initiative by the Kingdom of the Netherlands as amended;
  2. Calls on the Council to amend the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Kingdom of the Netherlands substantially;
  5. Instructs its President to forward its position to the Council and Commission, and the government of the Kingdom of the Netherlands.

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<sup>1</sup> OJ C 101, 27.4.2005, p. 36.

Amendment 1  
Recital 3 a (new)

***(3a) The basis for this decision is the Council Conclusions of 13 July 2001 on security at European Council meetings and other comparable events.***

*Justification*

*The objective of this proposal is to make contacts between the law enforcement authorities in the different Member States as effective as possible, and it has its basis in the Council Conclusions of 13 July 2001.*

Amendment 2  
Recital 3 b (new)

***(3b) This decision builds on the arrangements provided for in Joint Action 97/339/JHA of 26 May 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union with regard to cooperation on law and order and security<sup>1</sup> and the Council Resolution of 29 April 2004 on security at European Council meetings and other comparable events<sup>2</sup>.***

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<sup>1</sup>OJ L 147, 5.6.1997, p. 1.

<sup>2</sup>OJ C 116, 30.4.2004, p.18.

*Justification*

*This proposal builds on the arrangements provided for in the Joint Action of 26 May 1997 and the Council Resolution of 29 April 2004 with a view to making the exchange of information provided for within that framework as effective as possible.*

Amendment 3  
Recital 4

(4) In the light of that trend, and following on from earlier initiatives<sup>1</sup>, it is necessary to step up international police cooperation in this area.

<sup>1</sup> Council Resolution of 29 April 2004 on security at European Council meetings and other comparable events (OJ C 116, 30.4.2004, p. 18).

(4) In the light of that trend, and following on from earlier initiatives, it is necessary to step up international police cooperation in this area, **in accordance with the proportionality and subsidiarity principles and in compliance with European rules on the protection of privacy.**

*Justification*

*Recital 3b already refers to the Council Resolution. Furthermore, it should be emphasised that the proposed measures may on no account contravene the proportionality and subsidiarity principles or European rules on the protection of privacy.*

Amendment 4  
Recital 5

**(5) The possibilities afforded by the Schengen acquis are insufficient to ensure effective cross border assistance,**

**deleted**

*Justification*

*It is unnecessary to refer to the Schengen acquis in this connection.*

Amendment 5  
Article 3, paragraph 1

1. In the last quarter of each calendar year the Presidency of the Council shall present an overview of the international assistance expected to be required in the following calendar year.

1. In the last quarter of each calendar year the Presidency of the Council shall present an overview of the international assistance expected to be required in the following calendar year. **If, following the expiry of this deadline, a Member State requests assistance in connection with an unanticipated event, the Presidency shall immediately add the further event to the overview and notify the Council thereof in confidence.**

*Justification*

*Some international events cannot be planned far in advance, or require special authorisation from the Member State where the event is to be held. In some cases, it is therefore not feasible to provide information concerning such events by 30 October of the respective calendar year. For that reason, the possibility of adding an unanticipated event to the overview of the international assistance expected to be required should be provided for.*

Amendment 6  
Article 3, paragraph 4 a (new)

***4a. This mechanism shall be complementary to the one established in Joint Action 97/339/JHA of 26 May 1997.***

*Justification*

*It must be cleared out that this mechanism doesn't prejudice the activation of national contact points that function directly, in accordance with Action 97/339/JHA, that may continue to be a more effective instrument in what informal meetings are concerned. The reference proposed by the rapporteur to this joint action on the recitals doesn't seem to be enough to clarify this link.*

Amendment 7  
Article 4, paragraph 5

***5. The Presidency shall send the review referred to in paragraph 1 to the Council for confidential perusal.*** ***deleted***

*Justification*

*It seems that a confidential report on the results of the actions developed is contradictory to the fact that it might influence or determine future legislative changes. Therefore it must be rendered public and presented to other Community Institutions, mainly the European Parliament.*

Amendment 8  
Article 5

1. The General Secretariat of the Council shall assist the Member States by researching existing agreements on cross-border assistance.

2. Member States shall forward the texts of ***such*** agreements to the General Secretariat of the Council ***no later than six months***

1. The General Secretariat of the Council shall assist the Member States by researching existing agreements on cross-border assistance.

2. Member States shall forward the texts of ***existing*** agreements ***and of new initiatives or those in the process of being developed***



*after the entry into force of this Decision.*

3. *Within one year at the latest, the Council shall discuss, on the basis of the results of the research referred to in the first paragraph, whether the main difficulties observed can be resolved by adapting the relevant European legislation, and in particular the Schengen Convention.*

to the General Secretariat of the Council.

3. *On the basis of the information obtained, the Council shall discuss the bottlenecks and difficulties observed and whether it is necessary to adapt the relevant European legislation.*

#### *Justification*

*A one-off review of the existing forms of cooperation between different Member States would only give a sketchy picture, as the existing bilateral and multilateral agreements between the different Member States are constantly evolving. In the rapporteur's view, there is little point to research into such forms of cooperation that is limited to a one-off stock-taking exercise. The task of providing assistance and conducting background research as set out in this Article needs to be carried out on an ongoing basis and to cover new initiatives and those in the process of being developed.*

## EXPLANATORY STATEMENT

One of the fundamental objectives of the European Union is to create an area of freedom, security and justice by developing common action in the fields of police and judicial cooperation in criminal matters. The free movement of persons within Europe calls for such action to be taken in order to offset the absence of checks at borders.

There is already interaction and cooperation between different European police forces in a substantial number of areas. Such joint action has its legal basis in international treaties, bilateral agreements and forms of European cooperation deriving from the objective set out in Article 29 of the EU Treaty. The main objective is to combat and prevent criminal offences.

This initiative proposed by the Kingdom of the Netherlands with a view to the adoption of a Council Decision is primarily aimed at maintaining law and order and security and preventing and combating criminal offences during international events attended by large numbers of people from more than one Member State.

It is a proposal which is of limited ambition but nonetheless relevant. Trust, good communications between the services concerned and having reliable information play a crucial role in international cooperation. Good preparation is of vital importance in preventing or containing disasters.

Existing cooperation in the form of bilateral agreements does not always realise European aims.

Your rapporteur therefore supports the proposal aimed at making cross-border assistance as effective as possible via arrangements under which the Presidency of the Council is to draw up every year an overview of the international assistance expected to be required in the following calendar year. Article 3 of the proposal provides that the relevant information is to be submitted by the Member States to the Presidency by 30 October of each year. However, some international events cannot be planned far in advance, or require special authorisation from the Member State where the event is to be held. It is therefore often not feasible to provide the relevant information far in advance. Your rapporteur is therefore proposing that the possibility be provided for of adding an unanticipated event to the list.

The proposed review arrangements provided for in Article 4 are also, in the rapporteur's view, a useful instrument with regard to helping make cooperation between national police forces as effective as possible. Every year, before 31 January, the Council is to produce a review of international assistance provided during the previous calendar year. The review will comprise an overview of the international events that have taken place, an overview of the assistance provided and received and an overview of the main difficulties observed by the Member States and recommendations as to how such difficulties could be resolved.

The task of conducting background research and providing assistance given to the General Secretariat of the Council pursuant to Article 5 cannot be limited to a one-off stock-taking

exercise. It must be carried out on an ongoing basis and cover new bilateral and multilateral initiatives and those in the process of being developed.

Finally, your rapporteur wishes to point out that preventing and combating crime and protecting law and order falls essentially within the competence of the Member States. This proposal is solely aimed at improving cooperation between the different Member States in this area by establishing a uniform, transparent and effective framework for the exchange of information. The proposal is therefore in accordance with the subsidiarity and proportionality principles.

Your rapporteur therefore supports the objective of this proposal, and the procedure which is being proposed, in so far as the administrative responsibilities in connection with the tasks of providing information and reviewing as set out in the proposal are kept to a minimum.

## **MINORITY OPINION**

pursuant to Rule 48(3) of the Rules of Procedure

Athanasios Pafilis, Giusto Catania and Ole Krarup (GUE)

16.6.2006

We are voting against the scope of the report and the Council proposal because they do not strike a proper balance between on the one hand the need to fight serious, cross-border crime, and on the other hand respecting democratic principles like the right to gather in large numbers at (political) meetings.

The wording of the present proposal renders it applicable to all meetings or agglomerations of persons of different countries: it may be football matches or other sport events, religious events, state visits or international political meetings/summits. The scope is simply too wide. Moreover, it does not really leave the definition of the needs for cross-border assistance to the Member State hosting the meeting.

Furthermore, a lot of cooperation within the field already exists. Clear examples are the G8 summit in Genoa and the Olympic Games in Athens. Thus it is not true when the Council says that is necessary to step up international police cooperation in this area.

## PROCEDURE

<b>Title</b>	Initiative by the Kingdom of the Netherlands with a view to the adoption of a Council Decision on strengthening cross-border police cooperation with regard to meetings attended by large numbers of people from more than one Member State, at which policing is primarily aimed at maintaining law and order and security and preventing and combating criminal offences
<b>References</b>	6930/2005 – C6-0117/2005 – 2005/0804(CNS)
<b>Date of consulting Parliament</b>	2.5.2005
<b>Committee responsible</b> Date announced in plenary	LIBE 10.5.2005
<b>Rapporteur(s)</b> Date appointed	Frieda Brepoels 4.10.2005
<b>Discussed in committee</b>	29.5.2006      20.6.2006
<b>Date adopted</b>	20.6.2006
<b>Result of final vote</b>	+: 23 –: 3 0: 0
<b>Members present for the final vote</b>	Alexander Alvaro, Johannes Blokland, Mihael Brejc, Michael Cashman, Giusto Catania, Jean-Marie Cavada, Fausto Correia, Kinga Gál, Livia Járóka, Timothy Kirkhope, Ewa Klamt, Ole Krarup, Henrik Lax, Edith Mastenbroek, Claude Moraes, Hartmut Nassauer, Athanasios Pafilis, Inger Segelström, Antonio Tajani, Donato Tommaso Veraldi, Stefano Zappalà
<b>Substitute(s) present for the final vote</b>	Frieda Brepoels, Gérard Deprez, Giovanni Claudio Fava, Roland Gewalt, Marie-Line Reynaud, Rainer Wieland
<b>Date tabled</b>	23.6.2006