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REPORT

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))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Patrick Gaubert

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 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 new procedure should operate

¹ Not yet published in OJ.

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

Justification

It is important not only to establish the exchange of information at the administrative level, but also to undertake a debate at the political level.

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,***

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,

Justification

There already exist a considerable number of networks, and the aim of this new legislative instrument is not to add yet another network, but to better coordinate and rationalise those already in existence.

Amendment 4

Recital 5

(5) For reasons of efficiency and accessibility, a web-based network should

(5) For reasons of efficiency and accessibility, a web-based network

be the essential element of the information procedure concerning national measures in the areas of asylum and immigration;

managed by the Commission, which will guarantee 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 will 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.***

Justification

It is important not only to establish the exchange of information at the administrative level, but also to undertake a debate at the political level.

Amendment 7
Article 2, paragraph 1

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

(b) draft international agreements, at the latest at the time when they are initialled.

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

(b) draft international agreements, at the latest at the time when they are initialled.

Justification

These clarifications are important. A national measure should be transmitted to the Union as a whole if it is likely to have a major impact on other Member States' migration policies.

Amendment 8
Article 2, paragraph 1 a

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

Deleted

Justification

See justification for Amendment 8.

Amendment 9
Article 2, paragraph 1 b

(b) draft international agreements, at the latest at the time when they are initialled.

Deleted

Justification

See justification for Amendment 8.

Amendment 10
Article 2, paragraph 1 a (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.

Justification

Measures relating to the fight against illegal immigration, such as mass expulsions, are just as likely to have an impact on another Member State as legal immigration measures and should therefore be included here.

Amendment 11
Article 2, paragraph 2, introduction

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

Justification

See justification to Amendment 8.

Amendment 12
Article 2, paragraph 2, (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***

Justification

See justification to Amendment 8.

Amendment 13
Article 2, paragraph 2, (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

Justification

See justification to Amendment 8.

Amendment 14
Article 2, paragraph 3

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:

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 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

(a) Final decisions of ***the national and international*** courts or tribunals, ***including those marking case-law***, 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

(b) administrative decisions in the areas of asylum and immigration, at the time when they are adopted or immediately thereafter.

(b) administrative decisions in the areas of asylum and immigration, at the time when they are adopted or immediately thereafter.

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

5. The Commission or a Member State may request additional information concerning ***the report or*** a particular measure or decision communicated by another Member State through the network. In such a case, the Member State

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.

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.

Justification

A two-week deadline is unrealistic and would not be met by the Member State.

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 EU as a whole.

Justification

This possibility is important, as it permits Member States to verify among themselves whether the exchange of information is taking place in an objective, voluntary and effective fashion.

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 most frequently used** official **languages** of the Community other than its own.

Justification

The Member States should not only provide the measures, the evaluations and the decisions, but they should make them available in one of the most frequently used official languages for a clear and better understanding of these legal instruments.

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 19
Article 4, paragraph 2a (new)

2a. The network shall be open to the public.

Justification

Considering the fact that all the legal measures in the Member States are open to public access, the information stored on this network should be open to the public as well.

Amendment 20
Article 4, paragraph 3a (new)

(3a) When instituting 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'.

Justification

Information on the state of play as regards national law in each Member State in the areas of

asylum and immigration should be available as soon as the mutual information procedure is instituted. This will improve the analysis of changes communicated later.

Amendment 21
Article 4, paragraph 4a (new)

(4a) The network shall have a specific function enabling Member States to send out calls 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, thus improving the comprehension of documents.

Justification

The available information should be translated into as many official languages as possible in order to be readable and comprehensible for all Member States. The Commission should therefore ensure that the new network offers a machine translation function.

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 Members.

Justification

The European Parliament, as co-legislator on asylum issues and a part of immigration policy, should ensure its Members access to the web-based network.

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 contents of the reports forwarded by the Member States. In preparing its report, the Commission may undertake additional consultations with the Member States. This 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.*

Justification

Exchanges of views already take place on the administrative level, within the numerous existing structures and working groups. The existing information needs, then, to be relayed at the political level. The Commission's general report should be translated into all the Union's official languages, prior to being updated in Council and forwarded to Parliament.

Amendment 25
Article 5, paragraph 2

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

Justification

This paragraph adds no important or essential information.

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 2 years after the entry into force of this Decision and regularly thereafter.

Justification

This new procedure should be evaluated after two years, a time-limit which should suffice to determine the value added it supplies and its utility.

EXPLANATORY STATEMENT

I. Context:

On 11 February 2005, the Luxembourg presidency and Commissioner Frattini wrote to the Justice and Home Affairs Ministers asking them whether they favoured setting up an EU mutual information and early warning system for asylum and immigration. In April 2005, at the Justice and Home Affairs Council, the Member States welcomed this initiative and asked the Commission to submit a formal legislative proposal.

This project was conceived and offered for debate at the moment when Spain was preparing to launch its massive regularisation operation. Certain Member States then claimed - rightly or wrongly - that they had not been informed of this measure, and expressed their concern at the consequences of this decision for their own migration flows.

In order to avoid such tensions in the future and better coordinate the asylum and immigration policies of the 25, the Commission, on 11 October 2005, submitted the present proposal for a Council decision.

II. Substance of the Commission proposal:

The information procedure is based on the principles of solidarity, transparency and mutual trust. Each Member State shall forward, to the others and to the Commission, all texts containing the national measures it intends to take in the fields of asylum and immigration, where they are likely to have an impact on another Member State or on the EU in general.

A summary of these texts must be forwarded in an official EU language other than that of the Member State concerned. Each Member State may decide freely on the language of this summary.

The information shall be forwarded by means of a secure Internet-type network managed by the Commission, which guarantees its confidentiality. This trans-European technical platform will facilitate the existence of telematic networks for data exchange between European administrations, as is currently also the case for other EU policies.

In addition, any Member State or the Commission may ask for information on a measure of which it has been previously notified via the network. The Commission proposes a deadline for reply in such cases of 2 weeks.

Exchanges of views may also be held on the request of a Member State or the Commission.

III. Rapporteur's general position:

For this Commission proposal, Parliament's role is one of consultation alone. The exchange of information concerns asylum and legal and illegal immigration. Parliament is the co-legislator in two of those fields, and your rapporteur therefore does not understand the choice of legal basis. The Legal Service has been asked for its opinion.

Regarding the proposal's content, your rapporteur has at all moments advocated a better coordination of asylum and immigration policies within the Union. He thus welcomes the Commission's idea of proposing a mutual information procedure.

Since the Treaty of Amsterdam, numerous measures have been taken in the areas of asylum and immigration at European level. Nonetheless, the Member States have kept significant powers, and the policies of each have a major impact on migration movements in the others.

It is therefore vital to proceed to the rapid improvement of the coordination of those national policies, and to strengthen coordination and mutual trust between Member States. It will no longer be possible for Member States to take decisions without informing their neighbours in the border-free Schengen area.

For all these reasons, the Commission proposal is a step in the right direction. Your rapporteur nonetheless believes that this mutual information procedure lacks the necessary political phase.

The Commission proposes linking up the national administrations for the purpose of exchanging information on the measures taken in each Member State. The Internet-type network will facilitate their exchanges and will simplify the procedures.

It may be recalled that numerous working groups exist in the areas of asylum and immigration at European level, e.g. the CIREFI¹ for illegal immigration, EURASIL, the European Migration Network, etc.

The information is, then, already available at administration level, but remains much too dispersed. The new procedure will thus serve as a global link on asylum and immigration - something which is clearly desirable.

Your rapporteur wishes, however, to go even further and propose another - and equally important - phase for this procedure of exchange of information: namely, a political phase. Joint political action at European level is vital in these fields, and needs to be stepped up. There need to be more regular discussions and debates between political leaders.

Your rapporteur therefore proposes a full system of information exchange at two levels: first administrative, then political.

IV. Your rapporteur's concrete proposals:

- Exchange of information between national administrations:

With the new system, Member States will inform the Commission and the other Member States of their new measures adopted in the areas of asylum and immigration, where they are likely to have a significant impact in other Member States or at Community level.

¹ CIREFI = Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration

The information transmitted via the network will concern recent legislation, legislative texts under consideration and case-law (forwarded with the names of the individuals or Member States concerned deleted). Your rapporteur favours simplifying the over-detailed list proposed by the Commission, which would, he feels, be too easy for Member States to get round.

However, measures relating to legal immigration should be communicated before they are submitted for adoption, or at least no later than that date. This is needed because such measures have an immediate effect on other Member States' migration policies.

It is also essential that all Member States should supply, at the moment of creation of this new system, information on their present national legislative state of play. This information will form what may be termed a 'data bank'.

In addition, the Commission will create a specific function on its network offering machine translation into all the official languages or, at least, the most-used languages, in order to facilitate comprehension of the documents.

The exchange of information should be carried out in an objective and voluntary fashion based on mutual trust. However, where a national measure has not been communicated within the proper deadline, another Member State or the Commission may ask the Member State concerned for information on it. Your rapporteur has decided to add this option so that Member States can keep checks on each other where the exchange of information is not properly carried out.

- Exchange of information at political level:

To complement the exchanges at administrative level, your rapporteur proposes that each Member State should submit a twice-yearly report explaining and analysing the most recent national measures and their likely impact at EU level. These reports would be available on the network and would serve as a basis for the discussions among the political authorities. The other Member States and the Commission could ask for information additional to this political orientation text. The deadline for forwarding the additional information would be four weeks.

Your rapporteur considers it is vital to supply information that is clear, readable and comprehensible on the decisions taken at national level. Explanatory reports of this nature are more suitable for political debate than legislative texts in the original language, which tend to be complex.

The Commission would then prepare a general document summarising the information contained in the Member States' reports. This would be translated into all the official languages and entered as an item for debate on the Council's agenda.

Thus, the political authorities would debate the most recent measures taken or proposed by each Member State in the fields of asylum and immigration. Exchanges of views at this level are essential if we are to improve the coordination of migration policies in the Union.

As a key political player, the European Parliament must also be involved in this procedure. Your rapporteur therefore proposes that there should be an access point to the network for MEPs. They could thus access the 'data bank' and could obtain recent information on the policies introduced in each Member State.

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mr Jean-Marie Cavada
Chairman
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Opinion on the legal basis of 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))¹

Dear Mr Chairman,

By letter of 4 April 2006 you asked the Committee on Legal Affairs pursuant to Rule 35(2) of the Rules of Procedure to consider whether the legal basis of the above Commission proposal was valid and appropriate.

The Commission's proposal for a Council decision is based on Article 66 of the EC Treaty. The proposal 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.

Since 1 May 2004, pursuant to the Protocol on Article 67 of the Nice Treaty, such measures have been adopted by a qualified majority vote in the Council and after consulting the European Parliament.

In view of the fact that the proposal refers to certain provisions of directives based on Article 63 of the EC Treaty which impose obligations on Member States to inform the Commission of the provisions of national law adopted in the fields covered by these directives, your committee has sought the opinion of the Committee on Legal Affairs, as to whether the appropriate legal basis for the proposal should be Article 63 of the EC Treaty, the same article of the EC Treaty as that which is used as the legal basis for the aforementioned directives.

The Committee considered the above question at its meeting of 3 May 2006.

General remarks on the legal basis

It is clear from settled case-law of the Court of Justice that the choice of legal basis is not a subjective one, but "must be based on objective factors which are amenable to judicial review"², such as the aim and content of the measure in question¹. Furthermore, the decisive

¹ Not yet published in the OJ.

² Case 45/86 *Commission v Council* [1987] ECR 1493, para. 11.

factor should be the main object of a measure².

Purpose and content of the proposal

The purpose of the proposal is to establish 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. The information is to be transmitted through a web-based network run by the Commission.

Certain provisions of existing Community legislation impose an obligation on Member States to communicate to the Commission the text of the provisions of national law which they adopt in the fields covered by the directives in question³. The proposal contains in Article 3 (see also recital 6) a provision giving Member States the possibility to provide such information using the network established by the proposed Decision, in order to simplify administrative procedures.

Conclusions

It follows from the purpose and content of the proposed Council decision that the correct legal basis for the proposal is Article 66 of the EC Treaty.

The main objective of the proposal is to provide a forum for the mutual exchange of information and views on national asylum and immigration measures by establishing a procedure for the mutual exchange of information using a web-based network and allowing for an exchange of views on such measures. The proposal is aimed, as appears from Article 1 and also from recitals 1, 3 and 7, at achieving closer practical cooperation between Member States, and in particular at providing secure information exchange and consultation between Member States.

¹ Case C-300/89 *Commission v Council* [1991] ECR I-2867, para. 10.

² Case C-377/98 *Netherlands v Parliament and Council* [2001] ECR I-7079, para. 27.

³ See, for example:

- Article 8(2) of Council Directive 2001/40/EC (mutual recognition of expulsion decisions; based on Article 63(3) EC);
- Article 7(3) of Council Directive 2001/51/EC (supplementing the provisions of Article 26 of the Schengen Agreement; based on Articles 61(1)(a) and 63(3) b) EC);
- Article 27(2) of Council Directive 2001/55/EC (temporary protection; based on Article 63(2)(a) and (b) EC);
- Article 4(2) of Council Directive 2002/90/EC (facilitation of unauthorised entry; based on Articles 61(a) and 63(3)(b) EC);
- Article 10(2) of Council Directive 2003/110/EC (assistance in removal by air; based on Article 63(3)(b) EC);
- Article 26(2) of Council Directive 2003/9/EC (standards for reception of asylum-seekers; based on Article 63(1)(b) EC);
- Article 38(2) of Council Directive 2004/83/EC (qualifications directive; based on Article 63(1)(c), (2)(a) and (3)(a) EC);
- Article 17(2) of Council Directive 2005/71/EC (researchers directive; based on Article 63(3)(a) and (4) EC);
- Article 43, third para., of Council Directive 2005/85/EC (minimum standards on asylum procedures; based on Article 63(1)(d) EC).

As follows in particular from Article 4, the proposal establishes a procedure for cooperation between the administrations of the Member States and between those administrations and the Commission. Pursuant to Article 4 of the proposal, a web-based network will be used for the exchange of information. According to paragraphs 3 and 5 of Article 4, the network will be set up by using the existing technical platform within the Community framework of the trans-European telematic network for the interchange of data between administrations. Furthermore, national contact points having access to the network will be designated by the Member States.

In other words, the proposal contains measures to ensure cooperation between the relevant departments of the administrations of the Member States in the areas of asylum and immigration, as well as between those departments and the Commission. Such measures are covered by the legal basis of Article 66 of the EC Treaty. That article provides an explicit legal basis for administrative cooperation between the Member States and with the Commission. The article focuses on practical cooperation between national administrations, in the form of, for example, exchanges of information, the setting-up of national contact points, infrastructure measures, etc.

The appropriate legal basis for the proposed Council decision should therefore be Article 66 of the EC Treaty.

No other conclusion can be drawn from Article 3 of the proposal. It cannot be concluded from that article that the correct legal basis for the proposal should be Article 63 of the EC Treaty. Article 3 of the proposed decision provides that whenever Member States have an obligation to inform the Commission of the provisions of national law which they adopt in the fields covered by the directives based on Article 63 of the Treaty, such obligations shall be deemed to be fulfilled if the information is transmitted through the network. This means that Member States are given the possibility to provide the information required by those directives using the network established by the proposed decision in order to simplify administrative procedures. Article 3 thus contains a merely procedural provision. No additional requirements are created by that article. The obligations of the Member States which follow from the abovementioned directives based on Article 63 are not changed, modified or supplemented by the proposal.

At its meeting of 3 May 2006 the Committee on Legal Affairs accordingly decided, unanimously¹, to recommend that the appropriate legal basis for the proposal should be Article 66 of the EC Treaty.

Yours sincerely,

Giuseppe Gargani

¹ The following were present for the final vote: Giuseppe Gargani (chairman), Diana Wallis (draftswoman), Maria Berger, Bert Doorn, Nicole Fontaine, Jean-Paul Gauzès, Manuel Medina Ortega and Aloyzas Sakalas.

PROCEDURE

Title	Proposal for a Council decision on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration		
References	COM(2005)0480 – C6-0335/2005 – 2005/0204(CNS)		
Date of consulting Parliament	21.10.2005		
Committee responsible Date announced in plenary	LIBE 27.10.2005		
Committee(s) asked for opinion(s) Date announced in plenary			
Not delivering opinion(s) Date of decision			
Enhanced cooperation Date announced in plenary			
Rapporteur(s) Date appointed	Patrick Gaubert 23.1.2006		
Previous rapporteur(s)			
Simplified procedure – date of decision Date of decision			
Legal basis disputed Date of JURI opinion	JURI 3.5.2006	/	
Financial endowment amended Date of BUDG opinion		/	
Parliament to consult European Economic and Social Committee – date decided in plenary			
Parliament to consult Committee of the Regions – date decided in plenary			
Discussed in committee	20.3.2006	19.4.2006	15.5.2006
Date adopted	15.5.2006		
Result of final vote	+: 32	–: 0	0: 2
Members present for the final vote	Alexander Álvaro, Edit Bauer, Johannes Blokland, Mihael Brejc, Kathalijne Maria Buitenweg, Maria Carlshamre, Giusto Catania, Charlotte Cederschiöld, Carlos Coelho, Fausto Correia, Kinga Gál, Elly de Groen-Kouwenhoven, Ewa Klamt, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Romano Maria La Russa, Sarah Ludford, Antonio Masip Hidalgo, Claude Moraes, Lapo Pistelli, Martine Roure, Inger Segelström, Antonio Tajani, Ioannis Varvitsiotis, Manfred Weber, Stefano Zappalà, Tatjana Ždanoka		
Substitute(s) present for the final vote	Camiel Eurlings, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Bill Newton Dunn		
Substitute(s) under Rule 178(2) present for the final vote	Emine Bozkurt, Pasqualina Napoletano		
Date tabled	17.5.2006		
Comments (available in one language only)	...		