



Mr. Juan Fernando López Aguilar

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Opinion of the European Affairs Committee on the European Commission's communication on the Stockholm Programme

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Dear Juan Fernando López Aguilar,

The European Affairs Committee of the Folketing appreciates the initiative from the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) to organize a hearing with the national parliaments on the Stockholm Programme in connection with the joint meeting to be held on 8 October 2009.

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Unfortunately, the meeting coincides with the opening debate of the Danish Folketing, and none of the members of the Folketing will be able to participate. Therefore, the European Affairs Committee has decided to submit a written opinion on the Stockholm Programme.

It is therefore my pleasure to send you the opinion. The European Affairs Committee hopes you will provide for the reply to be distributed amongst the members of LIBE as well as amongst the members of the other national parliaments, who might participate in the joint meeting.

On behalf of the European Affairs Committee I wish you a fruitful meeting with the national parliaments on 8th October

Yours Sincerely,

Anne-Marie Meldgaard
Chairman of the European Affairs Committee

The European Affairs Committee's opinion on the Stockholm-programme

The European Affairs Committee has debated the Commissions' Communication on the Stockholm Programme at its meeting the 2 October 2009 and has reached the following conclusions:

A majority composed of the Liberal Party, the Conservatives and the Danish Peoples' Party finds that the Stockholm Programme should be adjusted.

The majority is of the opinion that the chapters in the Programme, which deal with immigration and integration aspects, do not sufficiently focus on combating illegal immigration and on ensuring that immigration to Europe corresponds to the Member States' wishes and needs. The majority is of the opinion that the following items should be a priority:

- an efficient expulsion policy
- a multilateral and intelligent fight against illegal immigration, ensuring that other European policy areas, for example European law on the free movement of persons, do not undermine the efforts to fight illegal immigration
- collection of information and statistical data from Member States as regards abuse and evasion of rules on free movement.

The majority finds that the following aspects should be given priority within the area of legal policy:

- new EU legislation should be based on factual knowledge and accompanied by evaluations on the actual effect of such legislation
- proposals shall respect the proportionality and subsidiarity principles
- Simplification of existing legislation should be considered before new legislation is proposed.

A minority composed of the Social Democratic Party, the Social-Liberal Party and the Socialist Peoples' Party supports the Stockholm Programmes' general objective of a closer cooperation on judicial and immigration policies. Meanwhile, it is important in the further process to take into account the legal consequences of the specific measures for the individual Member States. It is also important that the Danish government gets an overview of the specific proposals to be presented under the Stockholm Programme and of its consequences for the judicial development in Denmark, in particular within areas where Denmark has an opt out.

The minority supports the objectives of stronger police cooperation and of combating money laundering, illegal trade of drugs and weapons, terrorism and financing of terrorist activity, trafficking in human beings and pedophilia. At the same time, it is important that the democratic control of the common

authorities is strengthened and that efforts are made to lay down common minimum guarantees in judicial proceedings.

The minority notes with great satisfaction that the Commission focuses on strengthening the rights of citizen, including the right to free movement, the protection of personal data and privacy, the rights of the child in the context of a new and ambitious European strategy of children's' rights, the combat against discrimination, racism, anti-Semitism and xenophobia, and finds it particularly important that homophobia has also been included. The prospect of the Union's accession to the European Convention on Human Rights is also very positive.

The minority is also in favor of measures, which will facilitate access to courts and strengthening of the cooperation between national courts. As regards the extension of the principle of "mutual recognition" any initiative in that respect should be based on a thorough analysis of potential differences between the Member States' laws and regulations, which may challenge an extension of the concept and/or place the European citizen in an uncertain legal position. In particular, we must be aware of mutual recognition, which could adversely affect the legal situation of the individual, in particular when there remain substantial differences between the standard, quality and legislative foundation of the national police forces.

Furthermore, the Stockholm Programme advocates for an alignment of the Member States' laws and regulations in criminal as well as in civil law. Measures in that area are necessary. Harmonization should be based on a thorough analysis of potential differences between the Member States' laws and regulations.

The idea of making visa systems operational is encouraged. It would clearly be an advantage to have better systems for managing visa and access to Member States. However, it is also essential in that process to take into account the legal certainty of individuals. This means that there should be clear rules about access to information in the system and about the conditions thereof. It is important for the legal certainty of individuals that abuse of information is detected and punished.

As regards the facilitation of agreements for issuing visas, the minority welcomes, per se, the conclusion of sound agreements for issuing visas. However, the minority does not find that easing or tightening the rules on visa should be the final objective. The objective is, on the contrary, to provide rules which give sufficient provisions as regards access to Member States. Of course, that should be done as simply as possible, but whether to do it by easing or tightening the rules is an assessment that cannot be decided in general but should be based on factual circumstances.

The minority welcomes measures aimed at preventing or combating illegal immigration. In that field a stronger joint coordination at the European level would be a clear advantage. The minority is of the opinion that it is necessary

to strike down at employers' exploitation of illegal immigrants for unlawful employment. Measures should also be adopted against abuse and evasion of rules on free movement.

In general, the minority agrees with the need for an efficient border control, At the same time it is important to assess, on a ongoing basis, the effects and consequences of border control at the external borders of the Union.

The minority agrees that efforts should be made to make the Union more attractive to the workforce, which will be needed in the future. Nevertheless, the right to determine which workers should have access to the labor market should continue to be in the hands of the Member States.

The Stockholm Programme also invites for an enhanced dialogue on good integration between the Member States. The minority welcomes that approach.

The minority is very committed to an extension of the resettlement arrangements, so that more countries can receive refugees for resettlement based on agreement with international bodies, either through agreement with the UNHCR or through a new internal EU based system, as suggested by the Commission. Denmark is amongst the 10 countries, who accept refugees based on agreement with the UNHCR, and it would be a clear advantage, if more countries took part in such a voluntary arrangement.