

# EUROPEAN PARLIAMENT

1999



2004

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

PE/IV/PV/02-19

## MINUTES

of the meeting of 2 October 2002, 15.00 - 18.30,  
and 3 October 2002, 9.00 - 12.30 and 15.00 - 18.30  
BRUSSELS

The chairman, Mr Jorge Salvador Hernández Mollar, opened the meeting at 15.09 on Wednesday, 2 October 2002.

### 1. Adoption of draft agenda

PE 319.221

The agenda was adopted with the changes shown in these minutes.

The chairman drew attention to the conference on clandestine immigration, organised jointly with the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe, to be held the following day at 11.00. At 12.30 a reception would be held outside the meeting room.

### 2. Chairman's announcements:

- following the coordinators' meeting of 24 September 2002
- various announcements

The chairman announced the following proposals, put forward by the coordinators, for the appointment of rapporteurs and draftsmen:

War crimes and crimes against humanity: investigations and criminal proceedings. Danish initiative (11098/2002).

Proposed rapporteur: Mr KIRKHOPE (PPE-DE)

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PE 323.723

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Judicial cooperation: mutual recognition of penal decisions, forfeiture of rights. Danish initiative (11097/2002).

Proposed rapporteur: Mr SOUSA PINTO (PSE)

Narcotic drugs and psychotropic substances: trade in drug precursors, control and surveillance (COM(2002) 494).

Proposed rapporteur: Mr PIRKER (PPE-DE)

Access to documents: opening to the public of the historical archives of the Community and the ECSC (COM(2002) 462).

Proposed rapporteur: Mr OREJA ARBURUA (PPE-DE)

Implementation of Regulation 1049/01 – Annual reports of the institutions (Article 17)

Proposed rapporteur: Mr CASHMAN (PSE)

(subject to authorisation of the annual report)

Civil and commercial law, access to justice, alternative dispute resolution.

Green Paper (COM(2002) 196).

Proposed draftsman: Mr MARINHO (PSE)

Re-use and commercial exploitation of public sector documents (COM(2002) 207).

Proposed draftsman: Mr CAPPATO (NI)

Equal opportunities for women and men in the European Union. 6th annual report 2001 (COM(2002) 258).

Proposed draftsman: Mrs SMET (PPE-DE)

Application of Community law: relations with the complainant in respect of infringements of Community law (COM(2002) 141).

It had been decided that the committee would not deliver an opinion.

Public health: drug addiction, prevention and risk reduction (COM(2002) 201).

Proposed draftsman: Mrs van der LAAN (ELDR)

Information society, eEurope: good practice and network security, MODINIS programme 2003 - 2005 (COM(2002) 425).

Proposed draftsman: Mrs PACIOTTI (PSE)

Supplementary and amending budget No 4/2002 (SEC(2002) 851).

It had been decided that the committee would not deliver an opinion.

Information and communication: new strategy for the Union (COM(2002) 350).

Proposed draftsman: Mr OREJA ARBURUA (PPE-DE).

(provided that the CULT Committee was authorised to draw up the report)

In each case, the committee decided to endorse the chairman's proposal.

A vote was then taken on whether Christian Ulrik von Boetticher or Patsy Sörensen should represent the committee at the London conference on organised crime and the Stability Pact for south-east Europe. A decision was taken in favour of Christian Ulrik von Boetticher by 8 votes to 6.

**3. In the presence of Mr TRACE and Mr ESTIEVENART, Chairman and Executive Director respectively of the Monitoring Centre:**

**VIS0375**

- **Presentation of the annual report of the European Monitoring Centre for Drugs and Drug Addiction**
- **Exchange of views**

The chairman welcomed the Chairman of the European Monitoring Centre for Drugs and Drug Addiction, Mr Trace, and the Executive Director, Mr Estievenart.

Mr Trace presented the Monitoring Centre's annual report, which was due to be released to the press the following day. Mr Estievenart reported on the situation and trends in the applicant countries.

Lousewies van der Laan, Patsy Sörensen, Marco Cappato, Hubert Pirker, Minerva Melpomeni Malliori, Adeline Hazan, Giacomo Santini and the chairman put questions to Mr Trace and Mr Estievenart, who answered them.

The chairman wound up the exchange of views and thanked Mr Trace and Mr Estievenart for presenting the report.

**4. Asylum: minimum standards for granting refugee status**

\* **T07566 -( CNS010207 - COM(01)0510 - C5-0573/01 )**

**PE 310.971**

**PE 310.971/B**

**PE 310.971/AM**

**Rapporteur: Jean LAMBERT**

- Adoption of draft report
- o deadline for tabling amendments: 11/06/02

**Opinion: FEMM A\* (ZRIHEN ZAARI Olga - PSE)**

**PE 315.500/DEF**

**PETI A\* (GONZÁLEZ ÁLVAREZ Laura - GUE/NGL)**

**PE 317.319/DEF**

**- Representing the Commission: Mr Friso ROSCAN ABBING**

The rapporteur, Jean Lambert, commented on the amendments and presented three oral amendments.

The results of the vote were as follows:

Amendments 2, 3, 4, 5, 6, 7, 10, 11, 14, 20, 28, 29, 30=103, 31, 32, 35, 38 = 21 FEMM, 39=148, 40, 41, 42 with oral modification, 43 with oral modification, 44, 45, 46, 47, 48, 50, 51, 54, 57, 59, 67, 70 with oral modification, 71, 80, 84, 85, 89, 91, 92, 95, 97, 104, 107, 110, 114, 115 (split vote, both adopted), 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127 with oral

modification, 128 with oral modification, 130, 132, 133, 134, 137, 138, 155, 160, 167, 168, 169, 172, 173, 175 and 176 tabled in the LIBE Committee and FEMM Amendments 3 (first part), 4, 5, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 25, 26, 27, 28, 30, 31 and 32 were adopted.

Amendments 1, 8, 9, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, 25, 52, 53, 55, 56, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 86, 87, 88, 90, 93, 96, 99, 101, 102, 108=109, 111, 112, 113, 129, 131, 135, 136, 139, 140, 141, 142, 143, 144, 146, 149, 150=152, 151, 153, 157, 158, 159, 161, 162, 163, 164, 165, 170, 171, 174 tabled in the LIBE Committee and FEMM Amendments 1, 2, 3 (second part) and 13 were rejected.

Amendments 94, 98, 100, 105, 106, 116, 145, 147, 154, 156, 166 tabled in the LIBE Committee and FEMM Amendments 6, 7, 16, 22, 23, 24 and 29 fell.

Amendments 19, 26, 27, 33, 34, 36, 37 and 49 tabled in the LIBE Committee were withdrawn.

On the basis of the amended text, the legislative resolution was adopted by 25 votes to 18, with 1 abstention.

## **5. Judicial cooperation in criminal matters: attacks against communication networks and information systems**

**\* T07800 -( CNS020086 - COM(02)0173 - C5-0271/02 )**

**PE 319.211**

**PE 319.211/AM**

**Rapporteur: Charlotte CEDERSCHIÖLD**

- Adoption of draft report

o Deadline for tabling amendments: 19/09/02

Opinion: ITRE A\* (CAPPATO Marco - NI)

**PE 316.260/DEF.**

The rapporteur, Charlotte Cederschiöld, raised a question linked to the work within the Council of Europe on a draft Protocol to the Cyber Crime Convention aimed at the incrimination of racist and xenophobic material disseminated through computer networks. Unlike the basic Cyber Crime Convention, the current text of the Protocol did not include any clause establishing that EU legislation prevails in relations between the parties to the Protocol who are EU Member States. It was decided that the chairman should consider the matter and, if necessary, send a letter to the Council Presidency.

The results of the vote were as follows:

Amendments 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 15, 17 (in part ), 19 (in part) tabled in the LIBE Committee and ITRE Amendments 1, 3, 9, 12, 13 and 14 were adopted.

Amendments 13, 17 (in part), 18, 19 (in part), 20 and 21 tabled in the LIBE Committee and ITRE Amendments 2, 5, 6, 7, 8, 10 and 11 were rejected.

Amendments 7, 8, 14 and 16 tabled in the LIBE Committee and ITRE Amendment 4 fell.

Marco Cappato and Ilka Schröder stated that they wished to attach a minority opinion to the report.

On the basis of the amended text, the legislative resolution was adopted by 27 votes to 5, with 2 abstentions.

6. **Third-country nationals: social security**  
**(extension of Regulation (EEC) No 1408/71)**  
**\* T07736 -( CNS020039 - COM(02)0059 - C5-0084/02 )** PE 319.205  
PE 319.205/AM

**Draftsman: Margot KESSLER**

- **Adoption of draft opinion**
- o **Deadline for tabling amendments: 24/09/02**

**Responsible: EMPL R (OOMEN-RUIJTEN M.G.H.C. - PPE-DE)**

Amendment 1 was adopted; Amendment 2 was rejected.

The opinion was adopted unanimously.

7. **Towards integrated management of the external borders of the Member States of the European Union (Communication)**  
**INC02-0233 ( - COM(02)0233 - )**  
**Rapporteur: Hubert PIRKER**  
- **Consideration of draft report** PE 319.234  
- **Fixing of the deadline for tabling amendments (subject to authorisation to draw up a report)**

The rapporteur, Hubert Pirker, presented his draft report.

Joke Swiebel, Anna Terrón i Cusí, Ozan Ceyhun, Giacomo Santini and Ole Sørensen spoke.

A deadline for tabling amendments could not be fixed because authorisation to draw up a report had not been granted.

The meeting adjourned at 18.30 and re-opened at 9.11 on Thursday, 3 October 2002.

**Thursday, 3 October 2002, 9.11.**

The chairman re-opened the meeting.

8. **Report on the situation concerning human rights in the European Union (2001)**  
**T07170 -( B5-0677/01 -- )** PE 311.039  
**( B5-0678/01 -- )**  
**Rapporteur: Joke SWIEBEL**  
- **Consideration of draft report and continuation of debate**  
- **Fixing of a deadline for tabling amendments**

**Opinion: EMPL A  
FEMM A  
PETI A**

The following spoke:

\* Patsy Sörensen, Gérard Deprez (who was replacing Thierry Cornillet and read out a statement by Mr Cornillet), Anna Terrón i Cusí, Giacomo Santini, Marco Cappato and Joke Swiebel, rapporteur.

The timetable was laid down as follows: deadline for tabling amendments, 12.00 on Tuesday, 15 October 2002; vote in committee: 12 November 2002; plenary: December 2002.

**9. Short-term residence permit for victims of illegal immigration or trafficking in human beings**

\* **T07717 -( CNS020043 - COM(02)0071 - C5-0085/02 )**

**PE 319.237**

**PE 319.237/II**

**Rapporteur: Patsy SÖRENSEN**

- **Consideration of draft report**
- **Fixing of a deadline for tabling amendments**

**Opinion: JURI A**

**FEMM A**

Introduction by Jorge Salvador Hernández Mollar.

The following spoke: Mrs Gaudent-Ehrhart (European Commission), Anna Terrón i Cusí, Joke Swiebel, Marie-Thérèse Hermange, Ilka Schröder and Adeline Hazan.

The timetable was laid down as follows: deadline for tabling amendments: 12.00 on 15 October 2002; vote in committee: 12 November 2002; vote in plenary: December 2002.

**10. Motion for a resolution pursuant to Rule 37(2) of the Rules of Procedure by the Committee on Foreign Affairs and the Committee on Citizens' Freedoms and Rights on 'THE ROLE OF THE EUROPEAN UNION IN THE FIGHT AGAINST TERRORISM'**

- **Exchange of views on a motion for a resolution**
- **Fixing of a deadline for tabling amendments**

**PE 320.200**

The following spoke: Giuseppe Di Lello Finuoli, Anna Terrón i Cusí, Marie-Thérèse Hermange, Joke Swiebel, Ilka Schröder and Sarah Ludford.  
Mr Aldershof spoke on behalf of the European Commission.

**11. Adoption of calendar of meetings for 2003**

The calendar was adopted unopposed.

**12. Other business**

The chairman adjourned the meeting for lunch at 12.28.

**13. In the presence of members of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe: joint meeting and round table on clandestine immigration  
(see draft programme)**

**PE 319.232**

The chairman, Jorge Salvador Hernández Mollar, opened the meeting. Proceedings continued through the afternoon under the co-chairmanship of Jorge Salvador Hernández Mollar and Mr Jwinsky, chairman of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe.

- \* Presentation by the chairman of Parliament's committee, Jorge Salvador Hernández Mollar.
- \* Presentation by Mr Jwinsky.

**Debate:**

Anna Terrón i Cusí, Agramunt (Council of Europe), Hubert Pirker, Vermot-Maugold (vice-chairman, Council of Europe), Alejandro Cercas, Wilkinson (Council of Europe), Sarah Ludford, Kinlov (Council of Europe), Borghezio and Giuseppe Di Lello Finuoli.

**14. Date of next meeting in Brussels**

Tuesday, 8 October 2002, 15.00 - 18.30.

**DELTAGERLISTE/ANWESENHEITSLISTE/ΚΑΤΑΣΤΑΣΗ ΠΑΡΟΝΤΩΝ/RECORD  
OF ATTENDANCE/LISTA DE ASISTENCIA/LISTE DE PRESENCE/ELENCO DEI  
PRESENTI/PRESENTIELIJST/LISTA DE PRESENÇAS/LÄSNÄOLOLISTA/DELTAGARLISTA**

Til stede	Formandskabet/Vorstand/Προεδρείο/Bureau/Ufficio di Presidenza/Mesa/Puheenjohtajisto/J.L. Presidium: (*) Jorge Salvador Hernández Mollar (1, 2), Robert J.E. Evans (2), Lousewies van der Laan (1), Giacomo Santini (1, 2)
Anwesend	Medlemmer/Mitglieder/Μέλη/Members/Diputados/Députés/Deputati/Leden/Deputados/Jäsenet/ Ledamöter:
Παρόντες	Mario Borghezio (2), Giuseppe Brienza (1, 2), Charlotte Cederschiöld (1), Ozan Ceyhun (1, 2), Carlos Coelho (1, 2), Gérard M.J. Deprez (1, 2), Giuseppe Di Lello Finuoli (1, 2), Adeline Hazan (1, 2), Pierre Jonckheer (1, 2), Timothy Kirkhope (1), Eva Klamt (1, 2), Ole Krarup (1), Baroness Sarah Ludford (1, 2), Hartmut Nassauer (1, 2), Bill Newton Dunn (1, 2), Marcelino Oreja Arburúa (1, 2), Elena Ornela Paciotti (1, 2), Hubert Pirker (1, 2), José Ribeiro e Castro (1, 2), Martine Roure (1), Heide Rühle (1, 2), Gerhard Schmid (1), Ilka Schröder (1, 2), Patsy Sörensen (1, 2), Sérgio Sousa Pinto (1), Joke Swiebel (1, 2), Fodé Sylla (2), Anna Terrón i Cusí (1, 2), Christian Ulrik von Boetticher (1, 2)
Present	
Presentes	
Présents	Stedfortraadere/Stellvertreter/Αντιληφτές/Substitutes/Suplentes/Suppléants/ Membri supplenti/Plaatsvervangers/Membros suplentes/Varajäsenet/Suppleanter: Maria Berger (1), Mogens N.J. Camre (1), Marco Cappato (1, 2), Monica Frassoni (1), Marie-Thérèse Hermange (2), Anna Karamanou (2), Sylvia-Yvonne Kaufmann (1), Jean Lambert (1, 2), Lucio Manisco (1, 2), Luís Marinho (1), Manuel Medina Ortega (1, 2), Paolo Pastorelli (1), Olle Schmidt (1), Ingo Schmitt (1), Miet Smet (1, 2), Ole Sørensen (1, 2), The Earl of Stockton (1), Gianni Vattimo (1), Christos Zacharakis (1, 2), Olga Zrihen Zaari (1)
Presenti	
Aanwezig	
Läsnä	
Närvarande	
Art. 153,2	Generoso Andria (1) (in Vertretung von Mary Elizabeth Banotti), Enrico Ferri (1) (in Vertretung von Bernd Posselt), Francesco Fiori (1, 2) (in Vertretung von Marcello Dell'Utri), Carlos Lage (1) (in Vertretung von Martin Schulz), Gilles Savary (1) (in Vertretung von Carmen Cerdeira Morterero)
Art. 166,3	Alejandro Cercas (2), Minerva Melpomeni Malliori (1)
Endv. deltog/Weitere Teiln./ Συμμετείχαν επίσης/Also present Participaron igualmente/ Participaient également/ Hanno partecipato altresì/ Andere deelnemers/ Outros participantes/ Muut osallistujat/ Dessutom deltog	
(Dagsorden/Tagesordnung Pkt/Ημερήσια Διάταξη Σημεί/Point OJ/Punto OG/Agenda Punt/Ponto OJ/punto orden del dia/ Esityslistan kohta/Föredragningslista punkt):	

\* (P) =Formand/Vorsitzender/Πρόεδρος/Chairman/Président/Presidente/Voorzitter/Presidente/Puheenjohtaja/Ordförande  
(VP)=Næstform./Stellv. Vorsitz./Αντιπρόεδρος/Vice-Chairman/Vice-Präsident/Vice-Presidente/Varapuheenjohtaja  
Ondervoorz./Vice-Pres./Vicepres/Vice ordförande.

Til stede den/Anwesend am/Παρόν στις/Present on/Présent le/Presente il/Aanwezig op/Presente em/Presente el/Läsnä/Närvarande den.

- (1) 2. Oktober 2002  
(2) 3. Oktober 2002

Efter indbydelse fra formanden/Auf Einladung d. Vorsitzenden/Με πρόσκληση του Προέδρου/At the invitation of the Chairman/Por invitación del presidente/Sur l'invitation du président/Su invito del presidente/Op uitnodiging van de voorzitter/A convite do Presidente/Puheenjohtajan kutsusta/

På ordförandens inbjudan:

Trace (L'Observatoire européen des drogues et des toxicomanies (OEDT)), Estievenart (L'Observatoire européen des drogues et des toxicomanies (OEDT)), Iwinsky (Conseil de l'Europe)

Radet/Rat/Συμβούλιο/Council/Consejo/Conseil/Consiglio/Raad/Conselho/Neuvosto/Rådet: (\*)  
Schulte Nordholt

Kommissionen/Kommission/Επιτροπή/Commission/Comisión/Commissione/Comissão/Komissio/  
Kommissionen: (\*)

Antonio Vitorino, Panayotis Anastopoulos, Isabelle Gaudeul-Ehrhart

Cour des comptes:

C.E.S.:

Andre deltagere/Andere Teilnehmer Επίσης Παρόντες/Also present Otros participantes/Autres participants/Altri partecipanti Andera aanwezigen/Outros participantes Muut osallistujat/Övriga deltagare		Sørensen (dänische Präsidentschaft)
Gruppernes sekretariat Sekretariat der Fraktionen Γραμματεία των Πολ. Ομάδων Secretariat political groups Secr. de los grupos políticos Secr. Groupes politiques Segr. dei gruppi politici Segr. van de fracties Secr. dos grupos políticos Poliittisten ryhmien sihteeristö Gruppernas sekretariat	PPE-DE PSE ELDR Verts/ALE GUE/NGL UEN EDD NI	Scriban, Maurin, Windels Baptista, Lemarchal, Eggerder Glasberg, Rasmussen Robert, Yurtagül Sidenius, Engel, Tamburini Pinto de Rezende, Arena, Locati van den Brink, Pedersen Marzocchi, Giovannini, Mussa
Cab. du Président		
Cab. du Secrétaire Général		
Generaldirektorat Generaldirektion Γενική Διεύθυνση Directorate-General Dirección general Direction générale Direzione generale Directoraat-generaal Direcção-Geral Contrôle financier Service juridique Pääosasto Generaldirektorat	I II III IV V VI VII VIII	Lepoutre, Subhan van den Broeke, de Paepe Antoine-Gregoire, Ventujol         Caiola
Udvalgssekretariatet Ausschußsekretariat Γραμματεία επιτροπής Committee secretariat Secretaría de la comisión Secrétariat de la commission Segretariato della commissione Commissie secretariaat Secretariado da comissão Valiokunnan sihteeristö Utskottsssekretariatet		De Capitani Bultena Castagnoli Dean Helmberg Martinez Sanchez Hasselberg Migueres
Assist./Βοηθός		Götz Salez

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