



Conference of Committee Chairs  
The Chair

Mr Martin SCHULZ  
President of the  
European Parliament

D 320286 30.11.2015

Geda ref.: D(2015)44242

**Subject:** Request for the application of Rule 54 from the Committee on Civil Liberties, Justice and Home Affairs (LIBE) regarding a non-legislative own-initiative report under Rule 52 entitled "**The fight against trafficking in human beings in the EU's external relations**"

Dear President,

By letter dated 10 March 2015, the Committee on Foreign Affairs (AFET) and the Subcommittee on Human Rights (DROI) requested authorisation to draw up a non-legislative own-initiative report under Rule 52 entitled "*The fight against trafficking in human beings in the EU's external relations*". By letter dated 13 May 2015, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) requested the application of Rule 54 regarding the envisaged DROI report. The DROI Subcommittee opposed the LIBE request in a letter dated 28 May 2015. Moreover, the Committee on Women's Rights and Gender Equality (FEMM) also requested the application of Rule 54 to the DROI report in its letter dated 28 April 2015. The DROI Subcommittee informed thereafter that it agreed to the association of FEMM under Rule 54 to its proposed report.

Despite an exchange of letters, which you will find attached, as well as consideration in the Conference of Committee Chairs, it has not been possible to find a solution acceptable to the AFET(DROI) and LIBE committees. Therefore, the Conference of Committee Chairs has mandated me to make a recommendation concerning the LIBE Committee's request.

#### Objectives of the report

The DROI Subcommittee has indicated that its proposed report aims to assess the various actions taken by the EU in its external relations to address trafficking in human beings, as well as European involvement in the phenomenon. It refers to the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) that includes substantial elements in relation to the EU's action outside its borders and sets out concrete and practical measures to be implemented

during that time-frame, including prevention, protection, and support of the victims and prosecution of the traffickers. The proposed report would analyse the external dimension of this Strategy in terms of its achievements and challenges with a view to making recommendations for the post-2016 Strategy, which is currently being drafted by the Commission.

### Arguments of the parties

By letter dated 13 May 2015, the LIBE Committee has called for the application of Rule 54 to the envisaged DROI report. It recalls that trafficking in human beings is one of the areas of particularly serious crime with a cross-border dimension, referred to in Article 83(1) TFEU and included in Title V of the TFEU (Area of freedom, security and justice), belonging under the LIBE Committee's competences. Furthermore, human trafficking is already addressed by the EU secondary legislation, namely Directive 2011/36/EU<sup>1</sup> that had been deliberated under the LIBE/FEMM lead, cooperating jointly under Rule 55.

LIBE admits that the DROI proposed report would focus on the external aspects of the EU's action in the fight against trafficking in human beings, but believes that the internal and external aspects of this EU policy are indissociable and should not be considered separately. It notes that in the Commission's Mid-term report on the implementation of the EU's anti-trafficking strategy (COM(2014)0635) the EU policy framework links the relevant internal and external dimensions. Moreover, the EU Anti-Trafficking Coordinator provides strategic policy guidance to address trafficking in human beings coherently within the EU and in relation to non-EU countries. In addition to the above, in the European Agenda on Security (COM(2015)0185) the Commission has included the adoption of the post-2016 strategy on human trafficking as one of the actions to disrupt organised crime, stressing the importance of criminal aspects of this phenomenon.

The LIBE Committee thus concludes that any recommendations for the post-2016 Strategy, currently drafted by the Commission, should be based on a joint analysis of the internal and external aspects of human trafficking. Finally, it outlines its requested exclusive competences under Rule 54, namely the aspects related to EU criminal law and prosecution, including extraterritorial jurisdiction, prevention, victim protection and victim support in the EU.

By letter dated 28 May 2015, the DROI Subcommittee has opposed the Rule 54 request by LIBE. It argues that the proposed report would focus on the various dimensions of human trafficking exclusively in third countries - assessing the magnitude of different categories of trafficking in various regions outside the EU, identifying the economy in trafficking including money laundering, addressing the supply side of the problem as well as the issue of victims' rights.

As human trafficking is a violation of human rights, covered by human rights clauses in the EU's agreements with third countries, DROI seeks to make a contribution in the context of the EU's external relations to support third countries' efforts in combatting human trafficking. It considers that the EU's cooperation and partnership agreements with third countries provide a unique opportunity to assist them in strengthening existing laws, creating mechanisms for data collection and information exchange as well as in considering human trafficking as a human development issue. It is in this general context that DROI wishes to contribute to the EU's

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<sup>1</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

external policy in the framework of the post-2016 EU anti-trafficking strategy, currently drafted by the Commission. The envisaged DROI report would thus concentrate on EU agreements, strategic partnerships and political dialogue with third countries on human trafficking. Finally, DROI has attached to its letter a draft outline for its proposed own-initiative report.

### Findings

As you will recall, Annex VI of the Rules of Procedure attributes to the AFET(DROI) Committee the competence over:

- "8. issues concerning democracy, the rule of law, human rights, including the rights of minorities, in third countries and the principles of international law. In this context the committee is assisted by a subcommittee on human rights, which should ensure coherence between all the Union's external policies and its human rights policy. Without prejudice to the relevant rules, members from other committees and bodies with responsibilities in this field shall be invited to attend the meetings of the subcommittee;"

whereas the LIBE Committee is responsible for:

- "1. the protection within the territory of the Union of citizens' rights, human rights and fundamental rights, including the protection of minorities, as laid down in the Treaties and in the Charter of Fundamental Rights of the European Union; (...)
4. the establishment and development of an area of freedom, security and justice while respecting the principles of subsidiarity and proportionality, in particular: (...)
- (c) measures relating to police and judicial cooperation in criminal matters, including terrorism, and substantive and procedural measures relating to the development of a more coherent Union approach to criminal law."

You will also recall that Rule 54 is applied only where:

"the Conference of Presidents, on the basis of Annex VI, considers that the matter falls almost equally within the competence of two or more committees, or that different parts of the matter fall within the competence of two or more committees."

As indicated above, the proposed DROI report would analyse the external dimension of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 (COM(2012)0286) in terms of its achievements and challenges with a view to making recommendations for the post-2016 Strategy.

The underlying strategy as well as the mid-term report on its implementation (SWD(2014)0318) cover a wide range of measures intended to tackle human trafficking in the EU (e.g. better cross-border police and judicial cooperation to prosecute traffickers, protecting and assisting victims of trafficking) and as well as its external dimension in relations with third countries (e.g. inclusion of human trafficking in the Human Rights Clauses, funding of projects on trafficking in human beings in third countries and regions).

In concrete terms, the DROI report would address the following topics: (i) dominating and emerging trends in trafficking in human beings in various regions outside the EU; (ii) the

economy of trafficking; (iii) human trafficking and UN Guiding Principles on Business and Human Rights; (iv) action at national, regional and international level.

The DROI Subcommittee has indicated that its report would examine various aspects of human trafficking in third countries and focus on EU agreements, strategic partnerships and political dialogue with third countries on human trafficking, i.e. concentrate on the external dimension of the EU anti-trafficking policy framework. The underlying strategy and the mid-term report referred above however consider the internal and external dimensions of the EU anti-trafficking policy as linked.

Moreover, trafficking in human beings is an area of particularly serious crime with cross-border dimension (Article 83(1) TFEU) that the LIBE Committee has been working on in the past (e.g. Directive 2011/36/EU; Directive 2004/81/EC<sup>1</sup>, INI 2006/2078<sup>2</sup>), in line with its competences for the area of freedom, security and justice. It would thus be beneficial for an EP position of the matter, if the LIBE Committee's expertise on the issue of fight against human trafficking was engaged for the purposes of the current report.

It should also be noted that the FEMM Committee is currently working on an implementation report entitled "Implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective" (2015/2118(INI)), noted by the Conference of Presidents on 13 May 2015. While the original Directive 2011/36/EU was deliberated under the joint FEMM/LIBE lead cooperating under current Rule 55 (procedure with joint committee meetings), in the case of the FEMM implementation report the LIBE Committee is associated to it under Rule 54.

The same level of involvement of LIBE would in my view be appropriate for this report, in particular as the FEMM Committee would already be associated under Rule 54 to the proposed DROI report, following the agreement found between the two committees.

Based on these indications, namely the interconnection of external and internal dimensions of the EU anti-trafficking policy and the expertise of LIBE in the field of fight against trafficking in human beings, I believe that the LIBE Committee's request should be granted. It should thus be afforded exclusive competence under Rule 54 for the aspects related to EU criminal law and prosecution and shared competence under Rule 54 for the aspects on prevention, victim protection and victim support in the future DROI report.

My recommendation to the Conference of Presidents would therefore be:

1. that the AFET(DROI) Committee be authorised to draft a non-legislative own-initiative report under Rule 52 entitled "The fight against trafficking in human beings in the EU's external relations";
2. that the LIBE Committee's request for the application of Rule 54 be granted with exclusive and shared competences under Rule 54 for the aspects referred above, with the provision that given the title and the main focus of the report, LIBE contribution be proportionate in length;

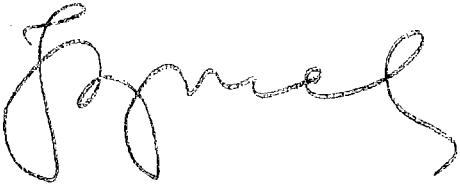
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<sup>1</sup> Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261, 6.8.2004, p. 19).

<sup>2</sup> European Parliament recommendation of 16 November 2006 to the Council on fighting trafficking in human beings - an integrated approach and proposals for an action plan (2006/2078(INI))

3. that the FEMM Committee be associated under Rule 54 to the AFET(DROI) report following the agreement found between the AFET(DROI) and FEMM Committees.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jerzy Buzek', with a stylized, cursive script.

Jerzy BUZEK

cc: Mr BROK, Chair of the Committee on Foreign Affairs  
Mr MORAES, Chair of the Committee on Civil Liberties, Justice and Home Affairs  
Ms VALENCIANO, Chair of the Subcommittee on Human Rights

*Annexes*



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET  
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT  
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Committee on Foreign Affairs  
The Chair

Subcommittee on Human Rights  
The Chair

EXPO-A-DROI D(2015)11432

Mr Jerzy Buzek  
Chair of the Conference of Committee Chairs  
PHS 08B046  
Brussels

200794 10.03.2015

**Subject: Request for authorization to draw up an own-initiative report under Rule 52 of the Rules of Procedure**

Dear Mr Buzek,

The Enlarged Bureau of the Subcommittee on Human Rights has decided by consensus to draw up an own-initiative report pursuant to Rule 52 of the Rules of Procedure, and this was endorsed by the Enlarged Bureau of the Committee on Foreign Affairs on 26 January 2015.

The title of the initiative report will be as follows:

**The fight against trafficking in human beings in the EU's external relations**

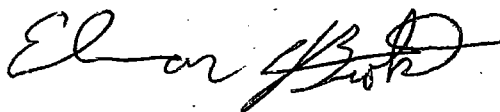
Trafficking in human beings is a serious crime and a gross violation of human rights, which the EU is committed to fighting against. The report on "The fight against trafficking in human beings in the EU's external relations" aims to assess the various actions taken by the EU in its external relations to address trafficking in human beings, as well as European involvement in the phenomenon.

The EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) includes substantial elements in relation to the EU's action outside its borders and sets out concrete and practical measures to be implemented during that time frame, including prevention, protection, and support of the victims and prosecution of the traffickers. The proposed report will analyse the external dimension of this Strategy in terms of its achievements and challenges with a view to making recommendations for the post-2016 Strategy, which is currently being drafted by the European Commission.

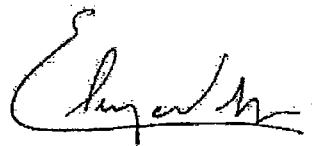
PE 567.414/CPG/ANN

We would be grateful if you could add the above-mentioned report to the list of own-initiative reports which will be submitted to the next meeting of the Conference of Committee Chairs.

Yours sincerely,

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Elmar Brok

A handwritten signature in dark ink, appearing to read 'Elena Valenciano', with a stylized, cursive script.

Elena Valenciano



Committee on Civil Liberties, Justice and Home Affairs  
The Chairman

IPOL-COM-LIBE D (2015) 22824

308359    13.05.2015

Mr Jerzy Buzek  
Chairman of the Conference of Committee Chairs  
PHS 08B046  
Brussels

**Subject:** *Request for association under Rule 54 by the Committee on Civil Liberties, Justice and Home Affairs (LIBE) to an own initiative non legislative report by the Subcommittee on Human Rights (DROI) on "The fight against trafficking in human beings in the EU's external relations"*

Dear Mr. Buzek,

I am writing to you regarding the own-initiative report on *"The fight against trafficking in human beings in the EU's external relations"* for which the DROI Subcommittee has requested an authorisation.

Trafficking in human beings is one of the areas of particularly serious crime with a cross-border dimension referred to in Article 83(1) of the TFEU, included in title V, Area of Freedom, Security and Justice for which LIBE is competent in accordance with Annex VI of the Rules of Procedure.

This area of crime which is a violation of human rights has already been targeted by EU secondary legislation: Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, for which LIBE was competent jointly with the Committee on Women's Rights and Gender Equality, under former *Rule 51*.

I am aware that the report proposed by the DROI Subcommittee will focus on the external aspects of EU action in the fight against trafficking in human beings but I would like to stress that the internal and external aspects of this EU policy are indissociable and should not be considered separately.



In its Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings<sup>1</sup>, the Commission states that the EU policy framework on Trafficking in Human Beings links the internal and external dimensions and that the EU Anti-Trafficking Coordinator provides strategic policy guidance to ensure consistent and coordinated planning to address THB **coherently within the EU and in relation to non-EU countries**, and monitors the use of all appropriate forms of EU action.

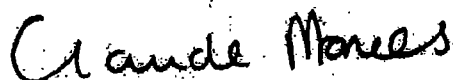
Furthermore in the recently published "European Agenda on Security"<sup>2</sup>, the Commission has included the adoption of the post-2016 strategy on human trafficking as one of the actions to disrupt organised crime, stressing the importance of the criminal aspects of this phenomenon.

In view of the above, it is evident that any recommendations for the post-2016 Strategy, which is currently being drafted by the European Commission, should be based on a joint analysis of the internal and external aspects of trafficking in human beings. In this regard I am convinced that the cooperation between DROI and LIBE can only be beneficial for the final resolution to be adopted by the Plenary.

Therefore I would request that the LIBE Committee is associated to the DROI Subcommittee in the drafting of this own- initiative report according to Rule 54 of the Rules of Procedure.

In my view, the exclusive competence of the LIBE Committee should be limited to the aspects related to EU criminal law and prosecution, including extraterritorial jurisdiction, prevention, victim protection and victim support in the EU. I will be delighted to exchange views with Elena Valenciano, Chair of the DROI Subcommittee to look at the best way to carry out this cooperation.

Yours sincerely,



Claude Moraes

CC: Ms. Elena Valenciano, Chair of the DROI Subcommittee

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<sup>1</sup> COM (2014) 635 final. Point 7.3.

<sup>2</sup> COM(2015) 185 final.



Committee on Foreign Affairs  
The Chair

Subcommittee on Human Rights  
The Chair

DG EXPO-DROI D(2015)24022

308964 28.05.2015

Mr Claude Moraes  
Chair  
Committee on Civil Liberties, Justice and Home Affairs

**Subject: LIBE request to apply Rule 54 to the DROI initiative report on the fight against trafficking in human beings in the EU's external relations**

Dear Chair,

We are writing with reference to your request to the Conference of Committee Chairs for the application of Rule 54 ("procedure with associated Committees") of the European Parliament's Rules of Procedure, so as to be associated with the Subcommittee on Human Rights (DROI) in the drawing up of a non-legislative own initiative report on the fight against trafficking in human beings in the EU's external relations. The argument put forward in your letter for the application of Rule 54 makes reference to the EU's general policy on Trafficking in Human Beings, which links the internal and external dimensions, as well as to policy coherence within the EU and in relation to non-EU countries.

While clearly respecting your request for the application of Rule 54, we would like to draw your attention to the fact that the DROI report will focus on the various dimensions of human trafficking exclusively in third countries: assessing the magnitude of different categories of trafficking in human beings in different regions outside the EU; identifying the flourishing economy in trafficking including money laundering; addressing the supply side of the problem as well the issue of victims' rights (see Annex: Draft outline of the report).

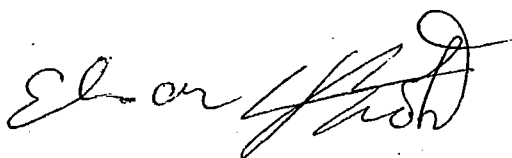
As human trafficking is a violation of human rights, covered by human rights clauses in the EU's agreements with third countries, DROI's ambition is to make a contribution in the context of the EU's external relations to support third countries' efforts in combatting human trafficking. Legislation in this area exists in a number of third countries. In 2009 the UN Office on Drugs and Crime (UNODC) adopted a Model Law against Trafficking in Persons to assist countries in revising and amending legislation. Unfortunately, effective enforcement of laws is often lacking in many third countries. DROI considers that the EU's cooperation and partnership agreements with third countries provide a unique opportunity to assist them in strengthening existing laws, creating mechanisms for data collection and information exchange as well as in considering human trafficking as a human development issue. It is in

this general context that DROI aims to contribute to the EU's external policy in the framework of the post-2016 EU Strategy towards the Eradication of Trafficking in Human Beings, currently being drafted by the European Commission.

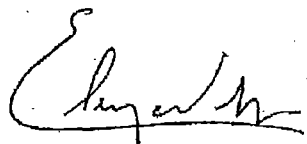
The DROI report will therefore focus on EU agreements, strategic partnerships and political dialogue with third countries on human trafficking. It is for this reason that we would appreciate it if the Committee on Civil Liberties, Justice and Home Affairs could reconsider its request for the application of Rule 54 and instead draft an opinion to enrich the proposed DROI report.

For your information, we have addressed a similar letter to the Chair of the Committee on Women's Rights and Gender Equality (FEMM) after they also submitted a request for the application of Rule 54. Given all the above, we trust you will appreciate the technical complications for the drafting procedure of this report if it were to be shared among the three committees.

Yours sincerely,



Elmar Brok



Elena Valenciano

Annex: Draft outline of the report

# **Draft outline for the DROI initiative report on the fight against human trafficking in the EU's external relations**

## **Introduction**

### **I. Dominating and emerging trends in trafficking in human beings in:**

1. Africa
2. Latin America
3. Asia
4. Neighbourhood countries

### **II. The Economy of Trafficking**

- Supply chain: EU consumers
- Money laundering

### **III. Human Trafficking and UN Guiding Principles on Business and Human rights**

- ILO new protocol

### **IV. Action at national, regional and international level**