


# Procedure file

Basic information	
COS - Procedure on a strategy paper (historic)	1995/2306(COS)
Justice and home affairs. Report	Procedure completed
Subject	
7.90 Justice and home affairs	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties and Internal Affairs		20/12/1995
		PSE <a href="#">LAMBRAKI Irini</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights		24/01/1996
		PSE <a href="#">MARTIN David</a>	
Council of the European Union	<b>INST</b> Institutional Affairs		23/01/1996
		V <a href="#">ULLMANN Wolfgang</a>	

Key events			
22/11/1995	Non-legislative basic document published	COM(1995)0566	Summary
11/12/1995	Committee referral announced in Parliament		
30/10/1996	Vote in committee		Summary
30/10/1996	Committee report tabled for plenary	<a href="#">A4-0349/1996</a>	
30/01/1997	Debate in Parliament		
30/01/1997	Decision by Parliament	T4-0034/1997	Summary
30/01/1997	End of procedure in Parliament		
24/02/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1995/2306(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper

Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/07321

### Documentation gateway

Non-legislative basic document		COM(1995)0566	22/11/1995	EC	Summary
Committee report tabled for plenary, single reading		<a href="#">A4-0349/1996</a> <a href="#">OJ C 362 02.12.1996, p. 0005</a>	30/10/1996	EP	
Text adopted by Parliament, single reading		T4-0034/1997 <a href="#">OJ C 055 24.02.1997, p. 0015-0052</a>	30/01/1997	EP	Summary

## Justice and home affairs. Report

OBJECTIVE: the Commission communication highlights the problem of the possible application of Article K.9 of the Treaty on European Union which provides for the transfer of certain issues from the "third pillar" (cooperation in the fields of justice and home affairs) to the "Community pillar", through the application of Article 100c of the Treaty establishing the European Community. SUBSTANCE: the Commission points out that the communitarisation (Article 100c of the EC Treaty) of certain areas of cooperation in the fields of justice and home affairs would undoubtedly remove the obstacles to the progress of the "third pillar", namely: - the slow decision-making process (unanimous vote and need to ratify agreements in all the Member States); - the permanent lack of transparency resulting from the attitude of the Council, which is reluctant to forward to Parliament the proposals it is working on before they are ready to be adopted; - the lack of legal certainty which only the Court of Justice can guarantee; - the inability of the Commission to perform its role as guardian of the treaties; - the absence of clearly defined objectives. However, the Commission believes that it would be more productive to call for the communitarisation of the key aspects of the "third pillar" within the framework the 1996 Intergovernmental Conference (IGC), without firstly submitting a parallel proposal based on Article K.9 of the Treaty on European Union. During the IGC, it would be possible to recommend the following elements: - participation by the European Parliament going beyond simple consultation; - transfer to the "Community pillar" of other areas in addition to the six sectors mentioned in Article K.9 of the Treaty on European Union; - the introduction of qualified majority voting for certain aspects, without the Council having to adopt a unanimous decision in advance. ?

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The third pillar has not worked well, according to the European Parliament and Commission, and the cross-over arrangement provided by Article K.9 of the Treaty has never been used. There are many disadvantages with existing arrangements, such as unanimity in the Council, recourse to the Article 100c procedure, and no proper role for MEPs. The question of bringing third pillar matters within the Community framework is on the IGC agenda, and MEPs are demanding a right of codecision on any third pillar matters that are 'Communitarized'. A report by Irini LAMBRAKI (PES, Gr) which reflects this view was adopted in committee with only one vote against. It calls for a Community approach to asylum and immigration policy, external border checks, the fight against drug trafficking and traffic in humans, fraud and international corruption and some aspects of police and judicial cooperation in civil cases. Members also want the scope of Article K.9 widened and Council decisions to be taken by a qualified majority.?

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In adopting the report by Mrs LAMBRAKI (PSE, GR), Parliament pointed out once again the obvious shortcomings of cooperation under Title VI of the Treaty and the lack of transparency and democratic controls in decision-making procedures. It called for the communitization of asylum policy, immigration policy, the policy on the crossing of external borders, the fight against drug trafficking, trafficking in human beings, fraud and international corruption and certain areas of judicial cooperation in civil matters. The members also called for an extension of the scope of Article K9 and for the Council to decide by qualified majority on its application. ?