



**DIRECTORATE-GENERAL FOR INTERNAL POLICIES**

**POLICY DEPARTMENT** **C**  
**CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS**



- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

**Publications  
Catalogue**





**DIRECTORATE-GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND CONSTITUTIONAL**  
**AFFAIRS**

**CATALOGUE OF PUBLICATIONS**

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# FOREWORD



**Effective** Parliamentary work relies on specialised, objective, high-quality and up-to-date information. To this end, five units responsible for research, analysis and policy advice, known as "Policy Departments" were created. Their activities cover all areas of competence of the European Parliament. They produce high level independent advice, based on research carried out either in-house or by external researchers.

**Policy** Departments deliver a wide-range of documents, comprising texts as diverse as in-depth analyses of complex legislative issues, comparative studies and short background notes. These tools aim to support the work of the parliamentary bodies. They serve a variety of purposes: they can feed directly into the legislative work of a specific committee or serve as a briefing for delegations of Members. Apart from a few confidential documents, all text produced by the Policy Departments are published on the Parliament's website for the benefit of all Members and the wider public.

**In** order to inform the wider public about its publications, Directorate C Citizens' Rights and Constitutional Affairs has put together a catalogue of research carried out by the Policy Department affiliated to the Directorate. The work of this Policy Department covers the following parliamentary committees: Constitutional Affairs (AFCO), Civil Liberties, Justice and Home Affairs (LIBE), Women's Rights and Gender Equality (FEMM), Legal Affairs (JURI), Petitions (PETI).

**The** catalogue provides an overview of recent publications (2004-2009) in the policy areas dealt with by the above mentioned committees and short abstracts describe the content of each document and the reader is invited to either consult them online or request a hard copy for further reading.

To find our publications please visit the Europarl website <http://www.europarl.europa.eu/studies> or our Intranet website <http://www.ipolnet.ep.parl.union.eu/ipolnet/cms/pid/438>

Danièle Réchard

Head of Unit

# Constitutional Affairs

## *Studies and Notes*

### **TRANSPARENCY AND ACCESS TO INFORMATION**

STUDY

Abstract:

This study examines laws and regulations providing citizens access to administrative information. It includes a critical appraisal of current policies in the EU and in selected national systems.

PE 360.480

EN

3/2004

### **Das Verhältnis zwischen hohen Beamten und politischer Führung in ausgewählten Mitgliedstaaten und in der EU**

BRIEFING NOTE

Abstract:

Most developed democracies have a category of senior civil servants having genuinely political tasks. The document compares their number, administrative status and professional missions for five selected EU member states and the EU itself. It also reports on a few international studies examining this issue.

PE 360.482

DE

4/2004

### **THE ROLE OF THE EUROPEAN PARLIAMENT AND NATIONAL PARLIAMENTS IN FOREIGN AND SECURITY POLICY**

STUDY

Abstract:

The document examines the powers of selected national parliaments in foreign and defence policy. It also analyses the impact of the constitutional treaty adopted by the European Convention on the powers of the European Parliament in the Union's external policies.

PE 348.572

DE, EN

2/2005

### **Survey of means and procedures to avoid or sanction inappropriate behaviour in the Parliamentary Chambers of selected Member States**

NOTE

Abstract:

This note analyses the rules of procedure of selected national parliaments in order to draw some conclusions regarding the sanctions for inappropriate behaviour of MPs in the plenary.

PE 360.483

EN

7/2005

### **Transparency and decision-making in the Council of Ministers: How have relations with the European Parliament changed ?**

STUDY

Abstract:

This study analyses some aspects of transparency and decision-making in the Council of Ministers such as the importance of voting and the access of the public to legislative decision-making procedures. Statistics of Council decision-making over the past years are also presented.

PE 378.285

EN

10/2006

### **Parliamentary committees of inquiry in national systems: a comparative survey of selected EU Member States and Switzerland**

NOTE

Abstract:

This paper provides an overview of national provisions for parliamentary committees of inquiry. It concentrates on the legal framework in which these committees operate and the limits and responsibilities under which they carry out their investigations.

PE 378.284

EN

1/2007

### **Political Foundations in selected Member States of the European Union: Structures, Budgets and Activities**

NOTE

Abstract

The following survey provides a short overview of the legal form and the activities of political foundations in those Member States of the European Union where such bodies or similar organisations exist. Particular attention is given to their financial resources, legal status, range of activities and the form of their relationships with political parties.

PE 378.297

EN

6/2007

### **The constitutional debate prior to the European Council of 21/22 June 2007: analytical overview of the main disagreements between Member States on the form or content of a new treaty**

NOTE

Abstract:

This note presents an analytical overview of contested issues among Member States concerning the legal format and some important policy items of the Reform Treaty.

PE 378.301

EN

6/2007

### **Outcome of the European Council of 21-23 June 2007 - A First Assessment**

NOTE

Abstract:

This note is a follow-up on a previous note analysing the contested issues among Member States concerning the legal format and essential policy questions of the Reform Treaty. It explains how these differences of interest have been resolved under German presidency at the June 2007 European Council.

PE 378.302

EN

6/2007

### **Feasibility of a future European Statute of European Political Parties: legal framework and desirable provisions**

STUDY

Abstract:

This study explores the legal and political questions related to the establishment of European Political Parties as independent legal entities based on European law. It examines first the legal status of political parties in some selected member states of the European Union in order to provide the basis for a choice of appropriate legal instruments. It then traces briefly the history of the creation of European Political Parties as associations of national parties and their financing since the entry into force of regulation EC 2004/2003, on political parties at European level and their financing. The study also analyses the political opportunities and legal possibilities to create European Political Parties as bodies based on European law. After an analytical interpretation of the wording, context, and drafting history of Art. 191 TEC (including Declaration No. 11 attached to the Treaty of Nice), the study arrives at the conclusion that this treaty article provides a primary legal foundation for the establishment of a European party statute. The authors' preferred instrument for such a statute would be an EU regulation.

PE 393.249

EN

6/2007

## **Integration without accession: the EU's special relationship with the countries in its neighbourhood**

STUDY

Abstract:

This study was inspired by the former Article I-57 of the Treaty establishing a constitution for Europe but is equally pertinent for the provisions on a European neighbourhood policy of the Treaty of Lisbon signed on December 13, 2007 (new Article 7a TUE). The report explores the institutional and policy choices concerning the European Union's relations with the surrounding countries and regions in its neighbourhood. It surveys the current state of the European Neighbourhood Policy (ENP) and, in particular, the perceptions of the partner countries of how the EU contends with a series of political dilemmas. Different models for organising relations with neighbouring countries - pre-accession, the European Economic Area (EEA) and association - are analysed. The study suggests that in order to conceive of "special relationship" as more than simply a scheme 'in between' association and accession, such a paradigm could be supplemented by another dimension: that of decentred integration.

PE 393.270

EN

12/2007

## **Tableau comparatif des Modifications apportées aux Traités européens par le Traité de Lisbonne, Partie I: Traité sur l'Union européenne**

STUDY

Abstract:

Le but de cette note est d'établir un instrument de travail pour comparer rapidement les dispositions des traités actuellement en vigueur avec celles apportées par le traité de Lisbonne. Le texte permet de confronter facilement (sous forme d'un tableau) les dispositions de l'ancien Traité sur l'Union Européenne et du Traité sur l'Union Européenne révisé par le traité modificatif issu de la Conférence intergouvernementale qui a terminé ses travaux en octobre 2007.

PE 393.278

FR

1/2008

## **Tableau comparatif des Modifications apportées aux Traités européens par le Traité de Lisbonne, Partie II: Traité instituant la Communauté européenne et Traité sur le fonctionnement de l'Union européenne**

STUDY

Abstract:

Le but de cette note est d'établir un instrument de travail pour comparer rapidement les dispositions des traités actuellement en vigueur avec celles apportées par le traité de Lisbonne. Le texte permet de confronter facilement (sous forme d'un tableau) les dispositions du Traité instituant la Communauté européenne avec celles contenues dans le Traité sur le fonctionnement de l'Union européenne issu de la Conférence intergouvernementale qui a terminé ses travaux en octobre 2007.

PE 393.279

FR

1/2008

## **THE EUROPEAN ELECTIONS: EU LEGISLATION, NATIONAL PROVISIONS AND CIVIC PARTICIPATION**

STUDY

Abstract:

This study describes both the European framework and national provisions on electoral procedures in the Member States of the European Union, including recent developments such as the creation of European Political Parties and the reform of the Electoral Act of 1976. For each country the most important legal provisions, the electoral system and some outcomes of past elections - such as participation of citizens from other Member States - are presented. The document also provides information sources for further study of national regulations.

PE 410.672

EN

3/2009

## **The Selection of Candidates for the European Parliament by National Parties and the Impact of European Political Parties**

STUDY

Abstract:

This study compares the procedures applied by national political parties when they select their candidates for the European elections. It analyses the background in national law, the formal statutes of the selected parties and informal processes preparing the final selection. The report covers the calendar, selection criteria and structural characteristics of candidate nomination in the major political parties of the Member States, including the impact of European political parties.

PE 410.683

EN

3/2009

## **Political analysis of the internal reporting and decision-making of the EP delegation to the European Convention**

STUDY

Abstract:

This report explores the role and performance of the European Parliament within the last European Convention from a double perspective: an internal or intra-EP perspective and an external or -intra-Convention one.

PE 419.592

EN

4/2009

### ***Briefings and Notes submitted to Workshops***

## **Making the U.S. Lobbying Disclosure Act work as intended: implications for the European Transparency Initiative**

BRIEFING

Abstract

This paper provides an analytical description of the experiences made in the United States of America with the last two revisions of legislation controlling lobbyists and their activities, in particular the US Lobbying Disclosure Act. Conclusions with respect to the ongoing debate in the EU on new rules governing European interest representation are also drawn. The briefing expresses a preference for mandatory registration regimes and full financial disclosure of all professional lobbying actors.

PE 393. 267

EN

10/2007

## **Altiero Spinelli - European Federalist**

NOTE

The papers presented here were submitted for a symposium organised by the Committee on Constitutional Affairs in September 2007. They were reprinted at the occasion of a commemoration of Spinelli's 100th anniversary which took place in the European Parliament on 5 March 2009, in cooperation with the Lazio region

PE 410.673

EN, DE, FR, IT

10/2007

## **Lobbying in the European Union**

BRIEFING

Abstract:

This paper surveys the history of European Lobbying and recent empirical studies on current practice. It presents some key results on the structure, methods and strategies of professional interest representation in Brussels. The briefing also comments on the Commission's European Transparency Initiative, underlining the need to create a single mandatory registry at the Commission and the European Parliament. An inter-institutional



approach would reduce the opportunities for lobbyists to venue-shop and increase the exclusion costs of misinformation.

PE 393.266

EN

11/2007

### **European Political Foundations: Prospects and Objectives. Proceedings of a Workshop on amending Regulation 2004/2003, on the Statute and Financing of European Political Parties**

WORKSHOP

Abstract:

On 3 July 2007 the European Parliament organised a workshop entitled *European Political Foundations: Cornerstones for developing a European parliamentary democracy*. Its purpose was to inform the parliamentary debate on a new Commission proposal on the revision of the Statute on Financing European Political Parties, which would comprise a proposal to create political foundations at the EU level. The contributions to this volume are revised versions of papers given at the workshop and aim at specifying the special contributions political foundations can make over the next few years to creating a European political arena.

PE 393.264

EN

11/2007

### **Which electoral procedures seem appropriate for a multi-level polity?**

NOTE

Abstract:

This note was presented by the author for a workshop organised by the Committee on Constitutional Affairs on 25/26 March 2008. It describes some possible changes to the electoral procedures applicable for the European elections. A particular suggestion concerns the introduction of more open lists in order to enable citizens to select the individual candidates of their choice.

PE 408.297

EN

4/2008

### **Small districts with open ballots: a new electoral system for the European Parliament**

NOTE

Abstract:

This note was presented by the authors for a workshop organised by the Committee on Constitutional Affairs on 25/26 March 2008. The authors propose a radical reform of the European electoral system in order to create more interest in European politics and the selection of political leaders at the European level. The new system should also increase the incentives for EU citizens to take part in European elections.

PE 408.298

EN

4/2008

### **Dual citizenship: policy trends and political participation in EU member states**

NOTE

Abstract:

This note was presented by the author for a workshop organised by the Committee on Constitutional Affairs on 25/26 March 2008. Based on a retrospective analysis of the frequency and quality of different forms of dual citizenship the paper evaluates the consequences of recent changes in national immigration and citizenship laws of selected EU member states. Finally, it highlights the tension between the mobility of persons, the interconnectedness of societies and the internal coherence of states.

PE 408.299

EN

4/2008

### **How 'European' are European Parliament Elections?**

NOTE

Abstract:

This note was presented by the authors for a workshop organised by the Committee on Constitutional Affairs on 26/27 March 2008. It analyses the relationship between European citizenship and European electoral rules through an analysis of some recent case law of the European Court of Justice. The paper tries to answer the question whether there is a single European concept of the European Parliamentary demos, or twenty seven separate, but overlapping, national concepts.

PE 408.300

EN

4/2008

### **Recent trends in European nationality laws: a restrictive turn?**

NOTE

Abstract:

This note was presented by the authors for a workshop organised by the Committee on Constitutional Affairs on 25/26 March 2008. The paper examines the question whether it is desirable that a considerable part of the population of the European Union remain third country nationals, excluded from participation in national and European elections. The author notes a restrictive trend in naturalisation procedures in several member states and questions their justification in view of increasing trans-border migration.

PE 408.301

EN

4/2008

### **Nation and Citizenship from the late 19th century onwards: a comparative European Perspective**

NOTE

Abstract:

This note was presented by the authors for a workshop organised by the Committee on Constitutional Affairs on 26/27 March 2008. Citizenship has been an element of the legal systems of all European states since the second half of the nineteenth century. In some of them it has existed for many centuries. As a legal institution, it thus originates with the modern state and has links with conceptions of the nation and with nationality. This paper focuses on the relationship between citizenship (which defines inclusion and exclusion) and the concept of the nation in recent European history.

PE 408.302

EN

4/2008

### **Perspectives of the development of civil society under the Lisbon Treaty: reflections of a sociologist**

NOTE

This note explores options for the advancement of the political involvement of civic stakeholders in the deliberations leading to policy-making decisions. New provisions of the Lisbon Treaty are analysed in order to examine their impact for civil society.

PE 408.293

EN

5/2008

### **The European External Action Service**

BRIEFING NOTE

Abstract:

This paper takes as its starting-point the assumption that the Lisbon Treaty will be ratified in its present form, at least as far as the provisions relating to the High Representative and the External Service are concerned. However, an External Service along the lines envisaged by the Lisbon Treaty could also be established by an Interinstitutional Agreement. The High Representative, enjoying simultaneous institutional affiliation to the Commission and the Council, could not. A new model for the co-ordination of the Union's external policies, which would not depend upon the double personal affiliation of the new High Representative, might be sought. The paper contends that it would be surprising if in

the medium term an External Service very much along the lines of that foreshadowed by the Lisbon Treaty were not part of the Union's response to its foreign policy challenges.  
PE408.314 EN 8/2008

### **Making EU Foreign Policy more effective, consistent and democratic: options and variables for the European External Action Service**

BRIEFING NOTE

Abstract:

At this moment, the preparatory measures for the EEAS have been put on hold. However, the need for a more coherent and consistent EU foreign policy persists. This paper proposes some pragmatic reforms on the basis of the existing treaties and related secondary law. They include informal measures for streamlining the day-to-day business of European foreign policy, instruments for making established EU foreign policy structures more effective, improvements of consular arrangements, the development of common training structures and practical cooperation in the field of diplomacy between member states. The paper also addresses different scenarios under the provisions of the Lisbon Treaty.

PE 408.311

EN

9/2008

### **The European External Action Service: Thinking through the administrative challenges**

BRIEFING NOTE

Abstract:

The European External Action Service (EEAS) is part of the more general reforms and modifications to the external relations of the EU. Its precise function and composition are outlined only in a general manner in the Lisbon Treaty. This overview will consider the potential administrative questions that may arise from the institutional setting of the Service and the roles it may adopt. The task is complicated by the many questions that surround the institutional underpinnings of the service. With this in mind, the report will not offer any firm administrative prescriptions at this stage, but will attempt to consider the implications for the administration of the EEAS that may arise from the institutional permutations of the service.

PE 408.315

EN

9/2008

### **Establishing a European External Action Service: institutional challenges and possible answers**

BRIEFING NOTE

Abstract:

This expertise raises institutional questions that may arise in the course of the establishing of a European External Action Service (EEAS) under the Lisbon Treaty and offers answers about possible answers to these questions. It particularly addresses institutional issues raised in the Non Paper and asks how institutional solutions may contribute to achieving the goal of a better coordination and greater coherence of external relations at the level of services while at the same time keeping an institutional balance and not questioning the diplomatic representations of Member States.

PE 408.316

EN

9/2008

### **Towards a European External Action Service (EEAS): institutions matter**

BRIEFING NOTE

Abstract:

This briefing note approaches the topic from a primarily organisational perspective. The development of institutions tends to be path dependent, i.e. the choices made when establishing them are of crucial importance for their future development. The new body should help to solve problems of continuity, coherence, efficiency and expertise in EU external relations. Important elements in this context are rules on the rotation of seconded diplomats, a proper recruitment policy based on merit, a single personnel statute,

institutional leadership, internal supporting services, a mixture between foreign policy generalists and specialists, intelligence support, and a clear chain of command both within the service as well as between the EEAS and other players in the field of EU external action.

PE 408.317

EN

9/2008

### **Recent developments in international constitutional thinking: reform perspectives for the Seychelles Constitution**

NOTE

Abstract:

This note analyses recent constitutional thinking, particularly in the field of human rights, and applies this analysis to develop proposals for a revision of the constitution of the Republic of the Seychelles. It is based on a symposium which took place in the European Parliament on 7 October 2008.

PE 408.340

EN

10/2008

### **Why the empowerment of citizens matters**

NOTE

Abstract:

This paper starts from the assumption that for a long time the mind-set that dominated European integration was utilitarian and paternalist, it relied overly on what has recently been called 'output legitimacy'. The governing assumption was that the real benefits of integration would gradually evoke gratitude and confer legitimacy among European citizens. However, uncertainty about the distribution of authority (and, therefore, the sources of legitimate power) creates the impression that, instead of extending a culture of 'government by consent' from the national to the European level, the process of European integration is unwittingly undermining liberal democracy in the nation states. The author makes a few institutional proposals to counter these problems. In particular, he argues that the emergence of a minimal constitutional sense and the creation of a European demos would be one and the same thing. Such a development would overcome the crisis of legitimacy that is the European Union's deepest problem.

PE 408.336

EN

12/2008

### **Comment consulter et impliquer les citoyens européens? Proposition pour une consultation citoyenne européenne**

NOTE

Abstract:

Ce document se penche sur les modalités relatives à l'introduction d'une consultation citoyenne européenne organisée simultanément dans les 27 Etats membres de l'Union européenne. La mise en place d'une consultation citoyenne européenne, initiée conjointement par la Commission européenne et le Parlement européen sur des questions d'intérêt général, pourrait être un premier pas pour renforcer les liens entre les citoyens de l'UE et les autorités politiques nationales et européennes.

PE 408.337

FR

12/2008

### **Consulting the people: lessons learnt from a half century-long struggle to link Europe with its citizens and the future need for a transnational participative infrastructure**

NOTE

Abstract:

This article explores the long struggle for reconciliation of the key concepts of modern representative democracy, citizens participation with the innovative approach of the European integration process, to establish a democratic governance beyond the nation-state border. Firstly, by re-visiting the theoretical work on transnational democracy and looking into the global trend towards a greater use of modern participative mechanisms;

secondly, by assessing the efforts and debates within the European Union and its member states to accommodate the growing requirements for citizens involvement; and thirdly, by outlining a few proposals to strengthen the Union's consultative abilities with its citizens, the key foundation for both legitimacy and legality of the world's first transnational polity.

PE 408.338

EN

12/2008

### **The Future of Democracy in Europe: Trends, Analyses and Reforms**

Abstract:

This paper is a short version of a "Green Paper" that the author wrote for the Council of Europe, with Alexandre Trechsel. It includes a theoretical introduction which lays out the contemporary dilemmas of "Western-Liberal- Representative Democracy" and the trends that are affecting it. While the focus is on the national level, much of the analysis applies even more strongly to the EU level. Among the 29 recommendations for reform in the Green Paper the author inserts a detailed treatment of those specific reforms that he believes should be of greatest concern to the European Union. He pays special attention to the matter of EU "referendums and initiatives".

PE 408.339

EN

12/2008

## *Symposium*

### **The future of the constitutional process of the European Union 13/14 October 2005**

Contributions:

#### **The Crisis of Ratification of the Treaty Establishing Constitution for Europe**

Francisco Aldecoa Luzarraga

#### **L'Europe après les "non"**

Renaud Dehousse

#### **L'avenir du processus constitutionnel de l'Union européenne**

Florence Deloche-Gaudez

#### **The Future of the Constitutional Process**

Antonio Missiroli and Guillaume Durand

#### **Overcoming the Constitutional Crisis**

Janis A. Emmanouilidis

#### **Vues rétrospectives et prospectives sur le Traité constitutionnel**

Christian Franck

#### **Résoudre la crise constitutionnelle – L'Union européenne après l'échec des référendums en France et aux Pays-Bas**

Mathias Jopp et Gesa-S. Kuhle

#### **Issues and context of the period of reflection on the European constitution**

Sebastian Kurpas

**Preliminary report on constitutional debate**

Paul Magnette

**The Future of the Constitutional Process of the European Union**

Andrew Moravcsik and Kalypso Nicolaidis

**Constitutionalism without Constitution**

Sonja Puntischer Riekmann

**The Future of the Constitutional Process of the European Union**

Gaëtane Ricard-Nihoul

**The future of the constitutional process of the European Union**

Jan Q.Th. Rood

**The future of the Constitutional Process in the European Union**

Jo Shaw

# Freedom of Movement, Security & Justice

## *Studies and Notes*

### **REVIEW OF THE SITUATION OF NATIONAL AND ETHNIC MINORITIES IN THE SELECTED MEMBER STATES**

*Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia*

WORKING PAPER

Abstract:

The paper presents the international documents and mechanisms for the protection of minority rights. It analyses the current situation in each member state as well as the legal and institutional framework. Particular emphasis is laid on the existing definitions of ethnic and national minorities. The situation of Roma is specifically addressed. The last part presents some examples of minority rights: right to use their language in official proceeding with public authorities and in education, use of minority language in the media.

EN

12/4/2005

### **CONDITIONS OF IMPRISONMENT IN EU MEMBER STATES AND THE CANDIDATE COUNTRIES**

STUDY

Abstract:

The report looks at the prison situation in 15 European Union (EU) Member States and the 10 candidate (accession) countries. The main emphasis is the report is on the extent to which the prison law conforms to international human rights requirements and how far prison systems operate within the legal framework set by the United Nations and Council of Europe human rights instruments.

PE 358.897

EN, FR

3/2004

### **THE INFORMATION OF THE CITIZEN IN THE EU: OBLIGATIONS FOR THE MEDIA AND THE INSTITUTIONS CONCERNING THE CITIZEN'S RIGHT TO BE FULLY AND OBJECTIVELY INFORMED**

STUDY

Abstract:

The report contains an analysis from the twenty five EU member states: Austria, Belgium, Czech Republic, Cyprus Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Spain, Slovakia, Slovenia, Sweden and the United Kingdom in relation to

- Freedom of expression, freedom of information and freedom of the media
- Media ownership regulation
- Media landscape and main players

PE 358.896

DE, EN

8/2004

### **A SYNTHESIS OF THE MAIN DEVELOPMENTS AT EU LEVEL TO ENABLE AN EXCHANGE OF CRIMINAL RECORDS**

BRIEFING PAPER

Abstract:

Four EU Member States are currently piloting a project for networking of their national criminal records. Within the EU as a whole, pressure to improve the exchange of criminal records has been growing steadily in recent years. The deficits of existing procedures have been highlighted by a serious of high-profile cases. New measures are needed to ensure

that comprehensive records, be they on sex offenders, terrorists or simply road traffic offenders, are passed quickly from one Member State to another. This note charts recent developments at EU level and explains the legal obligations arising from existing and new instruments. Member States have chosen to maintain the centralisation of criminal records in the state of nationality but they now need to modernise their national criminal records and make them more accessible to other Member States, subject to the necessary legal guarantees.

PE: 378279

EN

16/02/06

### **THE RELATIONSHIP BETWEEN MUTUAL RECOGNITION AND APPROXIMATION OF LAWS IN JUDICIAL CO-OPERATION IN CRIMINAL MATTERS: WHAT IS THE STATE OF PLAY?**

BRIEFING PAPER

Abstract:

This note addresses the balance between mutual recognition of judicial decisions and approximation of laws in EU criminal justice co-operation. A short explanation will be given of each concept, including the policy rationale and legal basis, before looking at examples of legislation adopted and in the pipeline. Some conclusions will be drawn on the current state of play.

PE: 378277

EN

20/01/2006

### **THE APPLICATION OF THE *NE BIS IN IDEM* PRINCIPLE IN THE AREA OF IMPLEMENTATION OF THIRD PILLAR INSTRUMENTS**

BRIEFING PAPER

Abstract:

The *ne bis in idem* or 'double jeopardy' principle is at the heart of current EU debates concerning the phenomenon of multiple prosecutions for transnational crime. Individuals and companies are increasingly moving across EU borders not only for lawful but also unlawful purposes. *Ne bis in idem*, well-established principle within national criminal justice systems, now also operates in this context to prevent persons being tried for the same offence in more than one jurisdiction. *Ne bis in idem* was first enshrined as a 'transnational human right' in the Schengen Convention of 1990; it has since been confirmed by the European Court of Justice (ECJ) as part of EU law. The note reviews ECJ case law and analyses the extent of legal protection afforded by EU law. It also discusses the operation of *ne bis in idem* under European Arrest Warrant proceedings. The Commission's recent Green Paper [COM (2005) 696 final] makes suggestions how to allocate jurisdiction in cases of conflict, proposing a mechanism which should reduce the exposure of persons to multiple prosecutions. Eurojust is already playing an important role in mediating between Member States who share jurisdiction; the Commission favours an expansion of its role. The approximation of *ne bis in idem* rules suffered a false start under the last Greek EU Presidency; the Commission is now also seeking views on whether these attempts should be revived. The note favours leaving the elaboration of *ne bis in idem* in its cross-border manifestation to the ECJ.

PE: 378278

EN

14/02/2006

### **WHAT ARE THE RISKS AND WHAT GUARANTEES NEED TO BE PUT IN PLACE IN VIEW OF INTEROPERABILITY OF POLICE DATABASES?**

BRIEFING PAPER

Abstract:

Different levels of interoperability are identified. Straight forward interoperability within the EU is distinguished from four more controversial levels of interoperability, such as interoperability with a-typical systems and interoperability with systems outside the EU. On the basis of this analysis the question of the opportunity of seeking for interoperability is addressed, followed by a discussion of the necessary guarantees to be included.

PE: 378275

EN, FR

1/02/2006



## **THE TREATY OF PRÜM AND THE PRINCIPLE OF LOYALTY (ART. 10 TEC)**

BRIEFING PAPER

Abstract:

This note addresses the question: Does the Treaty of Prüm, negotiated and signed by 7 Member States, respect the general principles of Community and Union law and in particular the principle of loyal cooperation derived from Article 10 TEC? What action can be requested by Parliament? It presents the content of the Treaty and clarifies why the Treaty may represent a countervailing force against the European Union's area of freedom, security and justice. It shows that Prüm weakens the EU more than strengthens it, and under many circumstances, much is lost and very little is gained by curtailing the EU framework.

PE: 378269

EN, FR

20/01/2006

## **AN ANALYSIS OF THE COMMISSION COMMUNICATION (COM (2005) 597 FINAL OF 24.11.2005) ON IMPROVED EFFECTIVENESS, ENHANCED INTEROPERABILITY AND SYNERGIES AMONG EUROPEAN DATABASES IN THE AREA OF JUSTICE AND HOME AFFAIRS**

BRIEFING PAPER

Abstract:

Commission Communication (2005)597 has gone widely unnoticed which is probably due more to the complexity of matters treated than the unanimous applause obtained. Equally unusual is its objective as it does not propose concrete legislative action but offers various technical and organisational scenarios for Council and Parliament to pick from when designing the future of JHA databases SIS II, VIS, EURODAC and possibly adding a few new structures. The developments examined for maintaining a high level of security (in particular as regards acts of terrorism and serious crime) in view of ensuring a maximum of free movement, are centred around the increased use of biometrics for control and facilitation purposes ("trusted-traveller-programme"), as well as extended access to JHA databases by internal security services. While most of the features promise greater if not impressive efficiency for surveillance purposes, their possible use may make the alarm bells ring for those preoccupied with the risks involved for data protection, proportionality and other human rights. It is therefore recommended, that the Parliament study carefully the options proposed and voice its concerns and priorities in order to actively participate in the shaping of the future JHA database landscape at the EU-level.

PE: 378270

EN, FR

14/02/2006

## **AN ASSESSMENT OF THE PROPOSALS OF REGULATION AND DECISION WHICH DEFINE THE PURPOSE, FUNCTIONALITY AND RESPONSIBILITIES OF THE FUTURE SIS II.**

BRIEFING PAPER

Abstract:

The reform of the Schengen Information System (SIS) is a major milestone in the development of the Area of Freedom, Justice and Security, if not for the EU as such, but the process has not been carried out with the appropriate levels of publicity and democratic control. With the Commission proposals of May 2005 marking the emergence of the new SIS II from the more secretive 'Third Pillar' environment, there is now a golden opportunity to examine the proposed legislation thoroughly.

It is widely held that the current drafts are a clear improvement on earlier versions. However, a number of sensitive features still need attention, in particular how far new mechanisms and the wider involvement of enforcement and judicial authorities have come with legal safeguards to ensure that data protection and other human rights are respected. The introduction of biometric data into alert records, the interlinking of alerts and possible 'mergers' with separate databases (e.g. VIS) should also be examined. The European Parliament can expect to have an attentive audience given that, in addition to the opinion it is requested to deliver on the 'Third Pillar' part of SIS II (proposed Decision), it has full co-decision power on the 'First Pillar' project of Regulation.

PE: 378271

EN, FR

16/02/2006

**WHAT LESSONS CAN BE DRAWN, FOR THE FUTURE EU FUNDAMENTAL RIGHTS AGENCY, FROM THE EXPERIENCES AT MEMBER STATE LEVEL, BY THE BODIES OR INSTITUTIONS THAT HAVE A SIMILAR COMPETENCE IN THE FIELD OF HUMAN RIGHTS AT NATIONAL LEVEL**

BRIEFING PAPER

Abstract:

The briefing note addresses the question of the role of the national institutions for the promotion and the protection of human rights in the EU Member States. Its purpose is to identify which lessons may be drawn by the EU institutions from the working of such institutions in the context of the debate on the establishment of the European Union Agency for Fundamental Rights.

PE: 378264

EN, FR

1/02/2006

**HOW TO ESTABLISH, IN THE MOST EFFICIENT MANNER, A RELATIONSHIP BETWEEN THE FUTURE EU FUNDAMENTAL RIGHTS AGENCY AND THE OTHER EUROPEAN AND INTERNATIONAL BODIES COMPETENT IN THE FIELD OF HUMAN RIGHTS; IN THE FIRST INSTANCE THE COUNCIL OF EUROPE AND THE OSCE, TO BENEFIT FROM EACH OTHERS' COMPLEMENTARY ROLES WHILST AVOIDING DUPLICATION**

BRIEFING PAPER

Abstract:

This Briefing Note addresses the question of the relationship between the future European Union Agency for Fundamental Rights and the Council of Europe or other international organisations active in the field of human rights.

PE: 378265

EN, FR

1/02/2006

**A TYPOLOGY OF DIFFERENT INTEGRATION PROGRAMMES IN THE EU**

BRIEFING PAPER

Abstract:

This Briefing Paper presents a typology of integration programmes for immigrants in selected Member States of the European Union. It first looks at the concept of 'integration of immigrants' and its inherent vulnerabilities. It then provides a typology of integration strategies and policies in Austria, Belgium, Denmark, France, Germany and the Netherlands. The cases of Spain, Poland and the UK are also taken into consideration. The main tendencies and common elements are assessed and broadly compared. As the paper shows, there appears to be a move towards a restrictive integration policy for immigrants in the EU. Mandatory participation in integration programmes has become a constituent element of immigration and national citizenship legislation, as well as precondition to having access to a secure status. A nexus between immigration, integration and citizenship is also becoming the norm in a majority of the national legal systems assessed in this paper.

The link between the social inclusion of immigrants and the juridical framework on immigration, integration and citizenship may raise human rights considerations, and endanger the inter-culturalism and diversity that are inherent to the character of the EU.

PE: 378265

EN, FR

20/01/2006

**THE EUROPEAN RETURN FUND: ADDED VALUE AND VULNERABILITIES  
BRIEFING PAPER**

Abstract:

This briefing paper analyses the added value of European-level financing of an EU return policy and the creation of the European Return Fund (ERF). It also assesses the legal and practical vulnerabilities involved in the ERF, and presents a set of recommendations aimed at policy optimisation. As we will argue, while the ERF could lead to more uniform practices among Member States and to an improvement in quality standards on "return", there are however a series of vulnerabilities of a juridical and practical nature which need to be carefully assessed and openly debated. First, in addition to some concerns about the legal basis and definitions provided in the European Commission's proposal, it appears that the

implementation of a ERF will not offer sufficient human rights guarantees in order to ensure a "secure juridical status" for the individual (*legal vulnerabilities*). Second, there are a number of critical elements in the funding allocation and its implementation, as well as in the definition of the responsible authorities (*practical vulnerabilities*).

PE: 378267

EN, FR

14/2/2006

## **A TYPOLOGY OF DIFFERENT TYPES OF CENTRES FOR THIRD COUNTRY NATIONALS IN EUROPE**

BRIEFING PAPER

Abstract:

There has been an increase in the use of detention of foreigners in EU Member States over the past four years. The sources and political discussion regarding this change of policy has given rise to substantial concern in civil society. Researchers, policy makers and nongovernmental organisations have expressed concern at the stigmatisation of foreigners which accompanies and is expressed in their detention. The European Parliament itself has already commissioned and received a detailed report on the return of foreigners from EU Member States (Heilbronner: 2005) which includes substantial information on this issue. In this paper we seek to examine three issues around the detention of foreigners in the EU: the law that governs camps; who is found in the camps; and what types of camps are missing. The starting place of this examination is the law of the European Union – what are the parameters within which national law applies and how does national law comply with those parameters.

PE: 378268

EN, FR

16/2/2006

## **THE IMPLEMENTATION OF THE HAGUE PROGRAMME: A QUALITATIVE ASSESSMENT OF THE DEVELOPMENT OF THE DIFFERENT POLICIES ONE YEAR AFTER ITS ADOPTION BY THE EUROPEAN COUNCIL (Nov. 2004)**

BRIEFING PAPER

Abstract:

The year following the adoption of the Hague programme has been characterised by the adoption of the Hague Action Plan and by a remarkable dynamism in the policy areas concerned. If major improvements can be observed, certain shortcomings may still be stressed. It is important to underline that the policy area is still marked by institutional (democratic deficit) and substantial deficiencies and incoherencies. Moreover, this policy area is still largely driven by reaction to the events. The note addresses asylum and immigration, judicial cooperation in civil matters, police and judicial cooperation in criminal matters.

PE 378263

EN, FR

20/1/2006

## **THE PRINCIPLE OF AVAILABILITY OF INFORMATION**

BRIEFING PAPER

Abstract:

The principle of availability of information is based on much more on mutual recognition than on uniformisation or harmonisation. As such it will doubtless suffer numerous difficulties of application. It presupposes an agreement between the ensemble of the parties on what information is, on how one should handle it, and on which usages the information prescribes. It presupposes also that the organisational and cultural forms of different competent agencies (of law enforcement) be of sufficient proximity in order to not need basic discussion on the power of each and in particular on the distinction between information and powers of judiciary police, on the one hand, between pertinent information in a procedure of right Anglo-Saxon and in a continental procedure, on the other hand. Which are the underlying issues of sovereignty, delegitimation and protection of fundamental rights that are possibly evoked by the principle of availability of information?

PE: 378272

EN, FR

20/1/2006

## **POLICE CO-OPERATION: WHAT ARE THE MAIN OBSTACLES TO POLICE COOPERATION IN THE EU?**

BRIEFING PAPER

Abstract:

Since the entry into force of the Maastricht Treaty of the European Union, police co-operation in the European Union has been slowly evolving. Two recent developments have led to calls for further action in the field: the enlargement of the European Union, and the increased emphasis on counter-terrorism after recent attacks. These calls for change have been reflected in the Hague Programme, which calls for new measures in the field. These developments have led to many levels of police co-operation in the EU, including: - Co-operation between national law enforcement authorities, in particular the use of the principle of availability

PE: 378273

EN, FR

14/2/2006

## **WHAT ARE THE OPTIONS FOR IMPROVING DEMOCRATIC CONTROL OF EUROPOL AND FOR PROVIDING IT WITH ADEQUATE OPERATIONAL CAPABILITIES?**

BRIEFING PAPER

Abstract:

The question constantly arises whether Europol's operational capabilities should be further developed and if, parallel to this, the democratic control of Europol must be upgraded? The political belief in the future of Europol remains strong, notwithstanding the fact that Europol apparently has difficulties in obtaining its politically and legally assigned position. The Constitutional Treaty and the Hague Program are very ambitious as far as the future of Europol (and Eurojust) is concerned. Parliamentary control of Europol's work in addition to the discussion of broadening Europol's operational capabilities needs to be clarified further. Providing Europol with adequate operational capabilities AND improving democratic control are intrinsically interlinked. Following this logic, and when discussing future models for granting executive powers to Europol, three theoretical models can be distinguished: the joint investigation teams model; the "corpus juris" model (taken from the Commission Green paper on a European public prosecutor); and, the European criminal law model, consisting of creating a real European criminal law system, working together with a European public prosecutor to present cases to European criminal courts. The Constitutional treaty and the Hague program are designing Europol's maximum operational capabilities. The European Parliament has no real powers in deciding legislation affecting the remit or powers of Europol, it cannot reject legislation or propose measures on its own initiative, whereas parliaments in the Member States must approve rules governing the functioning of national agencies. In theory the national Parliaments of the EU Member States and the European Parliament have a mission and a mandate to monitor and evaluate the activities that take place in the framework of Title VI TEU (Police and judicial co-operation in criminal matters), notably the activities of Europol and wherever Member States are supposed to actively participate in these activities. The Parliaments and the Commission have proposed several possible measures in order to increase Europol's democratic accountability. It would be advisable that the European Parliament further develops a common opinion on this subject in respect of eventual new adequate operational capabilities to be provided to Europol. It is in the interest of Europol itself to promote higher transparency and its Management Board should be asked to formulate a clear opinion and vision on this subject itself. But the risk is there that due to the members of this board are often members of the government administration itself, their response to this invitation would not be very innovative.

PE: 378274

EN, FR

16/2/2006

## **AN ASSESSMENT OF MEASURES OF PROPOSED MEASURES ON FAMILY LAW AT EU LEVEL**

BRIEFING PAPER

Abstract:

This briefing paper assesses what type of measures in family law have been proposed at EU level and the puts the following methodological questions: (i) should there be only one law which applies to all family law issues within a family, or rather (ii) should each issue be governed by its own law? And (iii) should there be unity of applicable law within a family,

or (iv) can different laws apply to the different family members and to their respective relationships? How should the substantive rules then be coordinated in case of irreconcilable divergence?

PE: 378280

EN, FR

20/1/2006

**The implementation of Art. 42 TEU in the JHA field (sector by sector, internal and external aspects) which has not yet been communitarised in accordance with the fixed objectives of the Constitution following the non-adoption up to now of the draft treaty establishing a Constitution for Europe**

BRIEFING PAPER

Abstract

The adoption of a decision transferring the 'third pillar' to the first pillar would have a different impact from the adoption of the Constitutional Treaty as regards the competence of the EU, participation in policing and criminal law measures by Member States, and probably the role of the Commission. As regards decision-making in the Council and European Parliament, and the jurisdiction of the Court of Justice, it is possible (but not certain) that the adoption of such a *passerelle* decision would have a different impact from the adoption of the Constitutional Treaty; this depends upon the Council's discretion when negotiating the *passerelle* decision.

PE: 365971

EN, FR

4/7/2006

**LEGAL MIGRATION LAW AND POLICY TRENDS IN A SELECTION OF EU MEMBER STATES**

BRIEFING PAPER

Abstract:

This briefing paper offers an overview of the current trends in 'legal migration' law and policy in a selection of EU member states. The main tendencies are ascertained through a comparative analysis of their strategies and priorities in the specific areas of labour migration, family reunification and immigration for the purpose of studies. In particular, this paper looks at the legal and political experiences of and responses pursued by Austria, Belgium, France, Germany, Poland, Spain and The Netherlands. The following issues will be addressed: what are the latest developments in the legal and policy framework covering the admission of third country nationals for the purposes of employment, family reunification and studies? What is the underlying approach taken by EU countries? What are the conditions being applied in each of the cases? Are there any migration policy and legal trends that are common to all the member states of the EU?

PE: 365972

EN, FR

26/7/2006

**CENTRES FOR THIRD COUNTRY NATIONALS**

BRIEFING PAPER

Abstract:

The term 'camp' identifies all the premises where those third country nationals intending to enter the European Union are involuntarily placed. This concept includes all the systems of imprisonment by which the immigrant is deprived of his/her rights and liberties. While the camp can be 'open' or 'closed', the close nature usually predominates in practice. An EU policy dealing with the reception of asylum seekers and their accommodation in camps is still in its infancy. The discretionary power exercised by the Member States in this field is very important. Also, there is a wide diversity of camps for third country nationals in Europe. Special attention needs to be paid to the respect of fundamental rights and the individual needs by each third country national who might be residing in camps. This is at times difficult to ensure due to size of the camps, the lack of resources as well as because of the negative image linked to those immigrants who are placed in these camps. Also, in practical terms there is some confusion among the different statuses of the immigrants who are might be found in the camps. Finally, the statistical data concerning how many third country nationals are actually inside camps has not been yet centralized nor at EU level neither at national level.

PE: 365973

EN, FR

10/7/2007

## **THE DETENTION OF CHILDREN IN MEMBER STATES' MIGRATION CONTROL AND DETERMINATION PROCESSES**

BRIEFING PAPER

Abstract:

This briefing paper addresses the use (and misuse) by Member States of detention of children, whether separated or with parents or other adults claiming responsibility for them, as a consequence of their own or their families' claims to international protection, or as a consequence of entry into the European Union for other migration purposes. It considers current practice in the context *inter alia* of Title IV of the EC Treaty, the European Charter of Fundamental Rights, EU asylum directives, Member States' international protection and human rights obligations and domestic laws and policies. It offers a selective snapshot rather than a comprehensive overview. The note serves primarily to highlight serious concerns from many quarters that despite various directives, guidance and case law formulated by relevant international actors and the institutions of the EU, the use of detention measures against migrant and asylum-seeking children continue to increase. The authors of this briefing consider that such practices run counter to the European Commission's stated priority strategy 1 for ensuring that the rights of the child are effectively promoted and protected in all aspects of the body politic of the European Union and its Members, in full accordance with the United Nations Convention on the Rights of Child.

PE: 365974

EN, FR

25/7/2006

## **A TYPOLOGY OF "TRANSIT ZONES"**

BRIEFING PAPER

Abstract:

The term 'transit zones' can be broadly understood in member states as meaning *designated places where rejected migrants are physically detained until they are returned to a state that is obliged to receive them back, including their country of origin*. Non-EU nationals (e.g. people without documentation proving their identity, irregular migrants, asylum-seekers and unaccompanied minors) residing inside 'transit zones' are subject to the jurisdiction of the territorial state, which remains bound by its international obligations on human rights. However, they are treated in a different way by comparison with the ordinary legal regime, at least in four aspects (a) *detention or restriction of liberty and free movement* is designed to prevent their irregular/unlawful entry into the territory, (b) less guarantees are available under the *accelerated procedure* concerning the substantial evaluation of 'non-refoulement' and asylum, (c) *absence of publicity*, and (d) *physical conditions of accommodation are backward* in general avoiding further "pull factor effect". In addition to the tough questions of burden sharing, solidarity and human crisis management for islands as well as for the southern and Eastern borders of the EU, transit zones may present the institutionalisation of temporariness as a form of radical social exclusion and marginalisation in modern society and a conservation of borders as dividing lines.

PE: 365975

EN, FR

16/7/2006

## **Intelligence, Police and Democratic Control: European and Transatlantic Collaboration**

BRIEFING PAPER

Abstract

The diversified types of relations between intelligence services, judicial police services and judges in Europe, are being considerably transformed by the "war against terrorism". The current trend of a mass-surveillance based on the gathering of mass-intelligence, the interconnection of data-bases and the instantaneous treatment of huge flows of information, destabilizes the fragile balance between intelligence, fundamental rights and democratic control. Indeed, it transforms an ever-growing group of individuals into potential suspects and might thus lead to grave violations of fundamental rights. Moreover, the efficiency of this approach in the quelling of transnational political violence is subject to serious doubt as any data now seems to qualify as intelligence. In this context, the technical dimension of the interservice and international collaboration in matters of intelligence must not blind the European institutions to their political component. Indeed,

the role played by the US administration in the setting of the European intelligence agenda and in the collection and treatment of huge amounts of data concerning European citizens and inhabitants seems to erode the fundamental principle of accountability. Hence, the European institutions should take concrete steps, some of which are suggested in this note, in order to recover a legitimacy that can only be achieved through accountability and to live up to the European standards as far as the democracy, liberty and fundamental rights are concerned. This will also enhance the reliability, accuracy and legitimacy of the intelligence necessary to an effective protection against political violence and arbitrariness.

PE: 365976

EN, FR

13/7/2006

### **The Coherence of the adopted measures, during the last years by the EU with regard to organised crime, namely the fight against human trafficking and the UN Convention on organised crime - the Palermo Convention and its 3 Protocols**

BRIEFING PAPER

Abstract

The fight against organised crime has been at the forefront of the EU JHA agenda for the past decade. However, the EU has not been acting in a void. It has been instrumental in the development of global action in the field, in particular by participating in and concluding within its respective powers- the UN Palermo Convention. This has resulted in a comprehensive EU criminal law and enforcement framework in the field of organised crime, money laundering and human trafficking and smuggling. The EU framework is largely consistent with global standards, with the exception perhaps of the prevention/rights field. In the light of the plethora of legal and policy instruments in place, the primary emphasis at this stage must be on the implementation of these instruments in Member States and an evaluation on how they work in practice. Particular emphasis must be placed on the protection of the rights of victims, in particular in the field of trafficking in human beings, but also the protection of fundamental rights and civil liberties, which may be challenged by the proliferation of enforcement tools and a broad definition of organised crime which may lead to the expansion of surveillance and the uncritical use of the European Arrest Warrant. Last, but not least, emphasis must be placed on the prevention of organised crime and trafficking to the extent that the EU has competence to act on these issues. The note contains a number of specific recommendations on each of these points.

PE 365.977

EN, FR

13/7/2006

### **Integrating the Europol convention into the European Treaties and its potential transpillarisation**

BRIEFING PAPER

Abstract:

Since 2002 it was agreed that the procedure for amendment of the Europol convention should be simplified. Several options have been elaborated. At this moment there is no political consensus on a final decision in how integrating the Europol convention into the European Treaties and its potential transpillarisation, nor on the procedure, neither on its scope. In the short term and without changing the current legal framework it is necessary to urgently implement the three agreed protocols and Europol will need to prepare for the time when these protocols amending the Convention will enter into force. The Hague program has created a new momentum for increased cooperation in the area of freedom, security and justice, and for Europol. A conscientious outlook to future challenges of EU law enforcement cooperation must recognise that it should become easier to adapt Europol's institutional set up. But in the absence of the Constitutional treaty, some Member States are of the opinion that the legal basis for Europol, including the modalities for changing it, should stay as they are. But it is also clear that other Member States show the willingness to at least explore new modalities and legal frameworks. So the two fundamental questions are:- the legal options of how to amend/replace the Europol convention, and the relationship of any such amendment with the Constitutional Treaty.

PE 365.978

EN, FR

30/7/2006

## **WHAT FRICTIONS AND STRAINS PREVAIL THAT PREVENT A CONVERGENCE ACROSS THE EU OF PRACTICE IN THE RECOVERY OF ABDUCTED CHILDREN?**

BRIEFING PAPER

Abstract:

The cross-border recovery of abducted children in the EU is regulated by the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, to which all the Member States of the EU are parties, and by the Council Regulation (EC) No 2201/2003 of 27 November 2003 (Brussels II-bis), that complements the rules of the 1980 Convention. However, the Regulation addresses only some of the problems related to the practical functioning of the 1980 Convention: (i) the relevant time period for issuing the decision on the return of the child; (ii) the right of the requesting person and of the child to be heard during the proceedings; (iii) the reasons to refuse the return of the child to the State of habitual residence. Besides that, the wording of the procedural rules introduced in order to improve the functioning of the Convention allows different interpretations in Member States as to their mandatory or non-mandatory character. Other problems that hinder the development of common practices in the recovery of abducted children – such as the differences among the judicial and legal systems of the Member States with regard to procedural and substantive family law – have not been addressed at EU level yet. At the same time, uniformity with regard to the Regulation and conventional implementation measures is lacking. This prevents the establishment of mutual trust and a higher degree of cooperation among the competent national authorities that could be facilitated through support activity by the European Judicial Network.

PE365.979

EN, FR

4/7/2006

## **THE IMPLICATIONS OF THE ACCESSION OF THE EUROPEAN COMMUNITY TO THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW (HCCH)**

BRIEFING PAPER

Abstract:

In order to accede to the HCCH the Community should fulfil some obligations, including the notification of a formal declaration on the matters, covered by the HCCH's field of activity, that have been transferred from the Member States to the Community. The declaration is expected to cover mainly measures adopted in the field of judicial cooperation in civil matters as specified in Article 61(c) and 65 TEC, but general reference will be made also to the provisions on private internal law which can be found in other EC legislation. In order to facilitate the participation of the Community and Member States in the areas of respective competence the "alternative vote" method has been specifically introduced. The more sensitive issue concerns the joining by the Community of existing conventions affecting EC instruments and the compatibility of new conventions with EC legislation, and vice versa. Such issue is relevant both for its impact on EC acts, and for the possible consequences of infringements of Hague conventions provisions by the Community and its Member States.

PE 365.980

EN, FR

7/2/2006

## **What frictions and strains need to be overcome to approximate standards relating to criminal evidence and procedure to promote mutual trust and therefore enable instruments like the European Arrest Warrant, the European Evidence Warrant and follow-up instruments to work effectively in the medium and long-term, avoiding legal conflicts?**

BRIEFING PAPER

Abstract:

Political and legal reasons are combining to block progress with attempts to enhance protection of the rights of criminal suspects and defendants across the Union. Some Member States are politically against the idea of 'interference' by Brussels in this sphere; others, while perhaps sympathetic to approximation, feel there is no clear legal basis for the Commission's proposed legislation. This paper looks behind the frictions and strains in question to see whether EU policy is properly founded: in particular, it asks whether there really is a necessary link between mutual recognition and approximation of procedural and evidential safeguards. Is the importance of approximation being exaggerated, where the



European Arrest Warrant is concerned? The legal basis arguments are discussed and an opinion offered on whether the Article 42 TEU bridging clause might provide an answer to the current conflicts.

PE 365.981

EN

29/6/2006

### **From a Prüm of 7 to a Prüm of 8 +: What are the Implications?**

BRIEFING PAPER

Abstract:

The purpose of this policy brief is to examine the implications of the Treaty of Prüm, focusing on its goals and instruments. It is organised into three sections. The first of these seeks to analyse the rationale of the Treaty by contrasting it with the development of the Schengen Convention. Section 2 studies the legal basis of the Treaty of Prüm in order to assess to what extent was enhanced cooperation considered a viable option for the signatories of the Treaty of Prüm. Finally, section 3 investigates the institutional and substantive consequences of the Treaty.

PE365.982

EN, FR

7/2006

### **An Analysis of the Current Common Consular Instructions**

BRIEFING PAPER

Abstract:

This policy brief presents and critically discusses the content of the Common Consular Instructions (CCI). In this context, the aim of the paper is therefore to offer an analysis of CCI which covers a broad range of aspects, including their operability, their coherence, as well as the technical, legal and political problems they raise. The policy brief then proceeds to address three main sets of questions: What are the technical issues related to the CCI? What are the legal problems related to CCI? What are the political problems related to CCI? Throughout, a particular emphasis is put on the proposed amendments of CCI and their potential impact on individual rights.

PE365.983

EN, FR

15/7/2006

### **Critical assessment of a Communication from the Commission to the European Parliament and the Council concerning terrorist recruitment -- Addressing the factors contributing to violent radicalisation (COM/2005/0313 final)**

BRIEFING PAPER

Abstract:

The Commission Communication is intended as a preliminary contribution to the development of an EU long-term strategy for addressing factors which contribute to radicalisation and recruitment to terrorist activities. The Communication builds upon a key set of assumptions about the nature of radicalisation, recruitment, and extremism and their function in relation to issues of immigration, integration, education, and intercultural dialogue. It proposes a number of measures to prevent or discourage the recruitment of terrorists. In doing so, however, it leaves unanswered a number of questions about the social and cultural dimensions of violent radicalisation and about the most appropriate means to link legal principles, law enforcement and individual motivations to terrorism. Most importantly, the Communication assumes radicalisation to be a static set of facts to be addressed through a fixed array of actions. Research suggests, however, that radicalisation is a social and cultural process requiring dynamic and culturally informed response.

PE 365.984

EN, FR

8/2006

### **RESPECT OF INTERNATIONAL OBLIGATIONS AND OF THE PROVISIONS OF THE EUROPEAN CHARTER OF FUNDAMENTAL RIGHTS IN THE DEFINITION AND IMPLEMENTATION OF THE EU RETURN POLICY**

BRIEFING PAPER

Abstract:

This briefing paper deals with the human rights aspects of the draft *Directive on common standards and procedures in member States for returning illegally staying third-country nationals* (COM(2005) 391 final, 2005/0167(COD), 1 September 2005). It addresses, respectively, the scope of the draft Directive; the change of perspective on national return policies which is necessary in order to make the draft Directive relevant; the situation in transit zones; detention; suspensive effect of legal remedies; and the principle of interstates trust.

PE 378.257

EN, FR

7/2006

## **TRENDS IN THE DIFFERENT LEGISLATIONS OF THE MEMBER STATES CONCERNING ASYLUM IN THE EU: THE HUMAN COSTS OF BORDER CONTROL**

BRIEFING PAPER

Abstract:

Efforts to curb the number of migrants trying to reach Europe have not led to a decrease in the number of irregular migrants. Instead, such efforts have displaced migration from one place to another and have been accompanied by an increasing number of fatalities at the external borders of the European Union. This paper argues that these human costs should play a role in the current debate about the tightening of the European Union's external borders. For this, information about fatalities at the external borders must be systematically collected.

PE 378.258

EN, FR

7/2006

## **"EUROPEAN PROTECTION IN CASES OF GROUP PERSECUTION"**

BRIEFING PAPER

Abstract:

From the theme envisaged by the LIBE committee, "Main policy directions and any potential issues arising concerning asylum in particular in Austria, France, Germany, Italy, the Netherlands, Poland, Spain, Sweden and the United Kingdom with regard to the following four aspects: reception (open and closed reception centres), qualification and processing of the applications, procedures", this briefing note addresses protection offered in Europe to asylum seekers because of the general situation in their country of origin, as opposed to their personal circumstances. It analyses European legislation and state practice in Europe and recommends clarification and eventual extension of protection to people who need it because of general threats.

PE 378.259

EN, FR

8/2006

## **TRENDS IN BIOMETRICS**

BRIEFING PAPER

Abstract:

Ad hocism, finance and industry drive trends in policies and emerging choices. The EU 25 diverge over the choice of biometrics, ID cards and passports, inter-operability, format, document durability, technical scope of the attendant technology (including document readers, staff training), quality codes of practice, ability and interest in measures to combat malevolent insider action. There are discrepancies between government rhetoric and practice. There are claims that data protection is primary but inadequate attention seems to be paid to combating opportunities for fraud, including out-sourcing to private sector concerns inside the state or to third states. Out-sourcing poses a serious threat. Proper risk assessment and the introduction of appropriate, strong democratic controls are essential to the success of The Hague. The claims of biometrics are poorly communicated, soft law abounds with weak controls and inadequate levels of knowledge about the respective technologies and the possibilities opened by them. National parliaments with a strong EP must ensure accountability and legitimacy. There is an urgent need for a framework directive on data protection for law enforcement purposes before realising the principle of availability and widespread inter-operability, and to set out an EU model on biometricised e-governance.

PE 378.262

EN, FR

28/9/2006

## **AN ASSESSMENT OF THE PROPOSED UNIFORM FORMAT FOR RESIDENCE PERMITS**

### **BRIEFING PAPER**

Abstract:

Council regulation amending Regulation/(EC) 1030/2002 laying down a uniform format for residence permits for third-country nationals provides for a uniform format for a residence permit issued as a stand alone document. This permit shall include a Radio Frequency Chip containing a facial image (within two years of the adoption of technical measures) and include fingerprints in interoperable formats (within three years). The introduction of these two biometric identifiers in the residence permit is justified by the assumption that it is crucial in combating document fraud and fraudulent use to establish a more reliable link between the holder and the residence permit. This assumption is however not quantified in terms of the numbers of fraudulent cases which would be detected. Nor is there any acknowledged assessment of the ways the biometric identifiers chosen can be sabotaged or the system used fraudulently. In view of the many unknowns, such as the public reaction to being fingerprinted or the lack of experience in using these techniques at a larger scale, this is quite surprising. At the very least, in the amended proposal the disadvantages of using biometric identifiers at such a wide scale and at such an early stage in their technical development are not acknowledged to have been fundamentally assessed. This note assesses the security measures chosen, analyses the impact of biometrics on the presumption of innocence, looks at the broader cost implications and is particularly critical of the decision to collect and store fingerprint data.

PE 378281

EN, FR

12/10/2006

## **BIOMETRICS AND VISA APPLICATIONS**

### **BRIEFING PAPER**

Abstract:

The proposed Regulation amending the Common Consular Instructions as regards the taking of biometric data needs to be amended to ensure that biometric obligations are only extended to categories of visa applicants on a country-by-country and case-by-case basis following adequate justification in light of the objectives of the Visa Information System (VIS). There also need to be provisions in this Regulation (or the VIS Regulation) protecting the rights of applicants who are not able to enrol biometric data and addressing the issues of misused identity and technological failure. The use of biometric data in the VIS to identify persons should be subject to strict controls. Finally, there need to be strengthened provisions concerning the liability and monitoring of private companies which assist the Member States' authorities to process visa applications.

PE. 378282

EN, FR

12/10/2006

## **AN EFFICIENT AND ACCOUNTABLE POLICE COOPERATION IN THE EU - THE WAY FORWARD**

Abstract:

European citizens urge the EU to put in place the necessary measures to make the Union a safe place to live in. Better and closer co-operation between law-enforcement agencies in the Union is crucial to ensure that the EU develops into a genuine single area of freedom, security and justice, where individuals' rights are protected and organised crime efficiently countered. The European Union must be able to provide rapid and effective responses to tackle security deficits caused by the abolition of border controls within the Schengen area, especially to face the new international terrorism-related threats. However, the European Parliament has insisted on the need to keep a balanced approach between enhancing security and safeguarding fundamental rights. This background note aims at providing a general overview of the institutional framework concerning police cooperation in the EU, while also covering the current informal structures. In this context, reference is made to the strategic and operational aspects. Latest developments at EU level, as well the main obstacles which need to be overcome, are also mentioned. The main issues at stake and the positions of the European Parliament are presented in a table at the end of each section.

EN

18/12/2006

## **"SETTING UP A SYSTEM OF BENCHMARKING TO MEASURE THE SUCCESS OF INTEGRATION POLICIES IN EUROPE"**

STUDY

Abstract:

The point of departure of this study is that across the twenty-five EU Member States there is a broad spectrum of typologies of approaches to the integration of third country nationals such as assimilation, different forms of multiculturalism and integration. The challenge is therefore how to define a coherent framework based on common principles at European level and to assess the effectiveness of the respective Member States' policies which will share these common principles. The number of policy and social factors that could affect the social inclusion of immigrants is considerable. A sound integration policy based on a common framework is crucial for the success of a proactive immigration policy in Europe. To this end this study assesses: 1) the implementation of integration policies in the 25 EU States; 2) what obstacles prevail in each country's system to effective integration of immigrants; 3) the current debates both at EU as well as at national level; 4) the extent that gender, age and different immigrant generation could affect different levels of integration; 5) what system of benchmarking to measure the success of integration policies in Europe can be established.

This is the first time that an evaluation tool based on the evolving EU integration framework for all groups of third country nationals has been developed.

PE 378.288

EN, FR

31/1/2007

## **TRENDS IN THE EU-27 REGARDING PARTICIPATION OF THIRD-COUNTRY NATIONALS IN THE HOST COUNTRY'S POLITICAL LIFE**

BRIEFING PAPER

Abstract:

Participation of third country nationals in the host country's political life has been a core issue for international organisations at European level. The Council of Europe as well as EU institutions, notably the European Parliament and the Commission, have constantly and for quite some time supported the idea of opening up "civic participation" to non-nationals. The ultimate decision in this matter, however, lies in the hands of member states. This Briefing Paper looks at recent developments on this issue at member state level and seeks to identify trends in the EU-27. It casts a closer look at voting rights, access to citizenship, advisory councils and arenas of dialogue as well as the extent to which freedom of association is granted. The author is able to observe that while progress towards more participation is made, this progress is not only slow, but often does not meet the previous standards established by pioneer northern member states and the Council of Europe. With regard to access to citizenship there are signs that European member states are on the verge of imposing more restrictive criteria. Concerning the other assessed elements, trends are more difficult to identify, however, it seems as though there is still more than enough room for further development.

PE 378.303

EN, FR

6/2007

## **Security policies in connection with football matches**

NOTE

Abstract:

The security policies that have been introduced since 1985 in connection with international football matches are presently splitting into two major trends: the first one, which has been prevailing in the 1980s and 1990s, takes its inspiration in the guiding principles of the proactive management of risk and the globalising definition of security threats. It is at the origin of a network of control devices that is definitely endangering the football fans' civil rights and liberties. The second trend, which has been emerging in the 2000s, follows the same principles during the preparatory stages but gives a greater credit to the human factor when policing football fans on the field.

PE 378.305

EN, FR

6/2007

## **A comparison of the now agreed VIS package and the US-VISIT system**

BRIEFING PAPER

Abstract:

In recent years, U.S. and EU have both set up border-related database systems with striking similarities as regards names and major development phases occurring in the historical context of post-9/11. Nevertheless doubts are appropriate as to how far the parallels go between the European VIS finally adopted as an instrument of the common visa policy and US-VISIT known for its dedicated role in the "war against terrorism". On the basis of a detailed examination of systems and contextual features, the present briefing undertakes to illustrate major divergences in terms of underlying purposes and means employed which once again confirm well-known transatlantic divides as to the significance of data protection, availability of data to a wide range of security authorities, perfectionist use of biometric control processes etc. The transatlantic comparison also takes note of rather disillusioning experiences made by US-VISIT: despite deployment of enormous financial resources, newest technology and the envisaged use of accompanying measures such as ETA, the modernisation of the Visa Waiver Program (VWP), the seamless protection of US borders appears still not in sight. Certainly a lesson to be retained in view of possible European ambitions to follow the U.S. on the same path!

IP/C/LIBE/FWC/2006-202/LOT4/C1/SC1

PE 378.306

EN, FR

4/7/2007

## **EVALUATION OF THE EU DRUGS - ACTION PLAN 2005-2008**

BRIEFING NOTE

Abstract:

The briefing note provides a preliminary evaluation of the implementation of the EU Drugs Action Plan 2005-2008 and of the effectiveness of the EU policies in the drugs sector. The briefing note contains a number of policy recommendations for future action at EU level in the drugs sector, while also taking into account data received from EUROPOL and the European Monitoring Centre for Drugs and Drug Addiction. In December 2004, the European Council endorsed the second EU Drugs Strategy 2005-2012. The Strategy takes a balanced and integrated approach to the drugs problem. The Council endorsed in June 2005 the EU Drugs Action Plan 2005-2008. The European Commission will carry out an impact assessment in 2008 in view of proposing the second Drugs Action Plan for the period 2009-2012. The EU Drugs Action Plan 2005-2008 aims to provide a framework for a balanced approach to reducing both supply of and demand for drugs through approximately 80 specific actions. The Action Plan is divided into five different chapters: coordination, demand reduction, supply reduction, international cooperation and a chapter on information, research and evaluation.

PE 393.247

EN, FR

8/2007

## **THE IMPACT OF THE INCREASING NUMBERS OF SAME-SEX MARRIAGES OR LEGALLY RECOGNIZED PARTNERSHIPS ON OTHER LEGAL DOMAINS, SUCH AS PROPERTY RIGHTS AND DIVORCE LAW**

BRIEFING PAPER

Abstract:

Many EU Member States have introduced specific provisions on same-sex marriages and registered partnerships that grant to homosexual couples a number of rights that differ according to certain patterns, depending upon the degree of differentiation from opposite-sex couples. While the effect on the personal status, the personal relationship and the property regime within the same-sex couple is often the same as in heterosexual relationships, the rights arising from the relationship between the couple and their children (either biological or adopted) vary considerably. The same applies to the dissolution of the marriage or partnership, and the conditions and consequences thereof. States that recognise the validity of same-sex marriages and registered partnerships have adopted special conflicts of laws provisions on jurisdiction and the recognition of decisions and on the law applicable to such relationships in order to grant also to non-nationals the possibility to celebrate a marriage or conclude a registered partnership with a same-sex partner and to reduce the consequences of the non-recognition of such couples abroad.

PE 393.253

EN, FR

9/2007

**MAINTENANCE OBLIGATIONS AND WHAT TRAINING FOR JUDGES TO DEAL WITH CROSS BORDER ISSUES (ESPECIALLY FOCUSED ON THE RELATIONSHIP BETWEEN THE COMMUNITY DRAFT INSTRUMENTS AND THE WORKS DONE IN THE FRAMEWORK OF THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW)**

BRIEFING PAPER

Abstract:

The Proposal for a Regulation on maintenance obligations (PRMO) and the Preliminary Draft Hague Convention and Protocol on family maintenance (PDC and PDP) have a different scope, both substantive and personal. Limited interference between the PRMO and the PDC may occur in respect of jurisdiction rules since the latter does not provide rules of direct jurisdiction. The indirect rules of jurisdiction of the PDC will have an impact at the phase of recognition and enforcement of a decision given in a Member State. As concerns the designation of the applicable law, both instruments allow a limited party autonomy and aim at the protection of the maintenance creditor, that usually is the weaker party. Nevertheless, due account is taken of the interest of the debtor. Should the Community and its Member States decide to become parties to the PDP, difficulties may arise in this field in case of inconsistencies between the two sets of rules since both will apply erga omnes. In respect to recognition and the enforcement of judgments some interference between the two systems is possible in particular cases notwithstanding Article 49. It appears that the EC and the Member States will share the external competence to enter into the Hague instruments.

PE393.254

EN, FR

9/2007

**INTERDEPENDENCE OF THE VARIOUS INITIATIVES AND LEGISLATIVE PROPOSALS IN THE FIELDS OF COUNTER-TERRORISM AND POLICE COOPERATION AT THE EUROPEAN LEVEL**

BRIEFING NOTE

Abstract:

The note reviews the development and the interdependence of the various initiatives and legislative proposals in the fields of counter-terrorism and police cooperation at the European level. It will be demonstrated that a vast majority of these measures involve the collection and exchange of personal data. The challenges of this approach to the protection of fundamental rights, in particular privacy and data protection, will be highlighted. The note covers a wide range of issues such as money laundering and terrorist financing, Europol, databases and their interoperability, the principle of availability of information, the rules to improve police cooperation (Schengen and Title VI), the Prüm Decision and data protection. One could say that the EU counter-terrorism and police co-operation measures are based largely on the gathering and exchange of personal data. This may lead to maximisation of surveillance via the collection of a wide range of personal data and thus pose significant challenges to privacy and data protection. This is true in particular in the light of the fragmentation of the EU data protection framework applying to the various databases and forms of information exchange.

PE 393.257

EN, FR

10/2007

**PROGRESS MADE AND EXISTING GAPS IN THE FIELD OF JUDICIAL CO-OPERATION IN CRIMINAL MATTERS**

BRIEFING PAPER

Abstract:

The briefing note provides an overview of the progress made and existing gaps in the field of judicial co-operation in criminal matters. It first reviews perceived difficulties with the pillar structure and examines the amendments that the Reform Treaty - due to be formally adopted at the European Council in December 2007 - would introduce. The different approaches to co-operation at a European level, i.e. mutual legal assistance, mutual recognition and approximation are also analysed. A particular emphasis is placed on current legislative proposals and other developments, such as the current state of play of the European Arrest Warrant, Eurojust and the European Judicial Network in criminal matters. Finally, the EU external relations in the field of judicial co-operation in criminal matters are also briefly mentioned.

PE 393.265

EN, FR

11/2007

**The conditions in centres for third country national (detention camps, open centres as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states**

STUDY

Abstract:

This study looks at conditions for migrants and asylum seekers in reception, detention or transit centres, and is based on field studies carried out in twenty-five European Union countries. The unique feature of this work is that it focuses on the situation of vulnerable persons and seeks to assess whether the specific needs of these people are sufficiently taken into account, and whether the standards set out in the Reception Conditions Directive concerning provisions for vulnerable persons are integrated into national legislation. It also aimed to assess to what extent the conditions in which migrants and asylum seekers are detained or accommodated in European countries may aggravate or reduce their vulnerability. This is the first time that an evaluation tool based on the EU reception directive with an exclusive focus on how it relates to the situation of vulnerable persons as well as the respective national practices. This will also serve as an important tool for the implementation of the Returns Directive.

PE 393.275

EN, FR

12/2007

**PREVENTING VIOLENT RADICALISATION AND TERRORIST RECRUITMENT IN THE EU - THE THREAT TO EUROPE BY RADICAL ISLAMIC TERRORIST GROUPS**

BRIEFING PAPER

Abstract:

The ad hoc briefing paper "Preventing violent radicalisation and terrorist recruitment in the EU - The threat to Europe by radical Islamic terrorist groups" provides an original analysis and evaluation of the different strategies that are meant to deal with such phenomena, as well as their effectiveness. This perspective takes into account the dynamics of actions/reactions between the various parts involved in violence and its repression, thus going beyond recommendations mainly aiming at controlling the networks through which individuals enter the radicalizing dynamics, in a "worst-case scenario" perspective. The core point of the paper is to transgress the different forms of self-censorship that exist in the field of the counterterrorist public policies, by insisting upon the fact that some of the measures taken can contribute to the radicalisation, or more accurately, to the dynamics of escalation. The priority is then to move the focus, while widening the angle of the problem, to highlight the interactions not only between clandestine organisations and reference fields but also public authorities, journalists and others. The question of the radicalisation must be reconsidered and redefined as a subsidiary of the questions on escalation and de-escalation dynamics of the conflicts.

PE 393.277

EN, FR

12/2007

**COMPARATIVE STUDY OF THE LAWS IN THE 27 EU MEMBER STATES FOR LEGAL IMMIGRATION - Including an assessment of the conditions and formalities imposed by each member state for newcomers**

STUDY

Abstract:

This study puts its emphasis on legal immigration, implying the exclusion of irregular migration and of involuntary migration issues (which principally refers to asylum policies). The study focuses on the following categories of legal immigration: family immigration, economic immigration (employment, self-employment and seasonal-employment) and immigration for the purpose of studies and training.

PE 393.281

EN, FR

3/2008

**TRENDS ON REGULARISATION OF THIRD COUNTRY NATIONALS IN IRREGULAR SITUATION OF STAY ACROSS THE EUROPEAN UNION**

BRIEFING PAPER

Abstract:

The number of immigrants settling illegally in Europe has increased largely. The European member states have developed different strategies of response. One is legalisation and regularisation politics. Between the European countries, the politics on regularisation varies widely. The documentation on „Trends on regularisation of third country nationals in irregular situation of stay across the EU“ is gathering together information and data on regularisation processes in Europe. Further, it presents available statistics and bibliography.

PE 393.282

EN, FR

1/2008

### **HUMAN RIGHTS CONCERNS RELEVANT TO LEGISLATING ON PROVOCATION OR INCITEMENT TO TERRORISM AND RELATED OFFENCES**

BRIEFING PAPER

Abstract:

This briefing note will first explain the international human rights law framework relevant to provocation to terrorism and related offences, particularly public provocation, with a focus on freedom of expression. It will make reference to relevant international case law and policy and highlight legislation and cases in selected EU Member States. It will then give a brief analysis of the human rights implications of the Commission proposal for a Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism.

PE 393.283

EN, FR

3/2008

### **THE IMPLICATIONS OF EUROPEAN NEIGHBOURHOOD POLICY IN THE CONTEXT OF BORDER CONTROLS (READMISSION AGREEMENTS, VISA POLICY, HUMAN RIGHTS)**

AD-HOC BRIEFING PAPER

Abstract:

This ad hoc briefing paper offers an up to date account of the implications of the European Neighbourhood Policy (ENP) in justice and home affairs. It does so in three ways: First, it provides a comprehensive presentation of the provisions on common management of borders, control of illegal migration and visa policy. Second, the paper discusses the content and effects of EU policies and tools as they related to border controls. Third, and finally, the paper weights the power of the European Parliament in the fields discussed, by focusing on readmission agreements. Each chapter offers a set of policy recommendations.

PE 393.284

EN, FR

3/2008

### **CLARIFICATION OF THE FUNDAMENTAL RIGHTS IMPLICATIONS OF STATELESS AND PERSONS ERASED FROM THE REGISTER OF RESIDENTS**

BRIEFING PAPER

Abstract:

In several international instruments nationality is guaranteed as a human right. Consequently, statelessness is already as such in breach of the guarantee that everybody must be able to enjoy all human rights. This paper describes international treaties which try to assure stateless persons the widest possible exercise of fundamental rights and freedoms, respectively try to reduce cases of statelessness. The European Union should encourage Member States to ratify these conventions, preferably without reservations. The paper discusses the definition of a de iure stateless person, i.e. a person who is not considered as a national by any State under the operation of its law. Under this definition, the so-called erased persons in Slovenia - i.e. erased from the register of residents - must be classified as stateless. The same applies for Latvian permanent residents non citizens, be it that the latter category could also be classified as Latvian nationals without citizenship. Finally, the paper recommends initiating comparative studies of the nationality laws of the Member States regarding the rules on avoidance and reduction of cases of statelessness and the facilitation of the access of stateless persons to the nationality of their country of residence.

PE 393.271

EN, FR

12/2007



## **ON THE STRUCTURAL AND METHODOLOGICAL ISSUES IN THE FIELD OF FUNDAMENTAL AND MINORITY RIGHTS AFTER THE EASTWARD ENLARGEMENT**

### **BRIEFING PAPER**

#### **Abstract:**

According to available data there are at least three concerns endangering maintenance or deepening of fundamental legal values of the European Union in the new member states:

a) political radicalisation activating rightist, leftist, anti-Semitic, anti-racist, nationalistic and anti-European ideas;

b) weak anti-discrimination policies despite persisting strong prejudices in the public especially against Roma and other ethnically, sexually, handicapped or socially segregated groups;

c) spreading of hate-speech and Holocaust-denial as a sign of intolerance in public life and discourses without judicial consequences.

The ethnically more heterogenic Union has to face a colourful reality instead of supposed performance of 'accession and membership criteria' concerning democracy, human and minority rights. A 'Political Europe' may be build on a 'constitutional patriotism' or a common European identity, respecting and systematically monitoring the situation as regards fundamental and minority rights in member states striking a balance with instruments that aim at 'exporting human rights'. In order to avoid the emergence of further dividing lines among new and old member states, protection of human rights and minority policies requires much more preventive, non-judicial measures, such as ex-ante impact assessments in legislation, regular, improved monitoring of the implementation of fundamental rights and impact surveys on legal practices at EU and national level, in particular in the new member states.

PE 393.272

EN, FR

10/2007

## **TRANSPARENCY AND PUBLIC ACCESS TO DOCUMENTS: SOME ASPECTS CONCERNING E-TRANSPARENCY IN THE EU INSTITUTIONS AND THE MEMBER STATES**

### **BRIEFING PAPER**

#### **Abstract:**

The purpose of this briefing paper is twofold. First, it provides a statistical comparative analysis of the Annual Reports of the European Parliament, European Commission, and Council of the European Union. The findings of this examination demonstrate that although the data collection processes of the institutions has improved since 2001, there are certain areas where increased harmonization of practices would allow for better data analysis. The findings also show which institutions have the best practices for data collection and presentation. The second purpose of this paper is to analyze the e-transparency and website interoperability of each of the institutions and member states regarding access to documents. With respect to e-transparency evidence suggests that the practices of the EU are better than the practices of most member states. In terms of interoperability, the study shows that although connectivity between the three institutions is quite high, at times the interoperability between the institutions and member states is low.

PE 393.285

EN, FR

3/2008

## **PUBLIC PRIVATE DIALOGUE IN SECURITY RESEARCH**

### **BRIEFING PAPER**

#### **Abstract:**

The concept of security only recently erupted onto the European research agenda, with the launch of the European Security Strategy (2003) and the subsequent push for a common European Security Research Programme. The notion of public-private dialogue precedes the notion of security in European research thinking, foreshadowing the development of the public-private nexus as a central concept in European security research. With the Communication to the European Parliament and the Council on Public-Private Dialogue in Security Research and Innovation (COM(2007)511), and the creation of the European Security Research and Innovation Forum (ESRIF), the European Commission sets out an understanding of security that will guide the notion of public-private dialogue within the European security research agenda in the future. The primacy of technology and

technology based research promotes a prophylactic understanding of security which, in our view, represents a fundamental misalignment of the fundamental concepts of security. A reflected oversight of the consequences of security technologies, of the kind enhanced by the proposed public-private dialogue, remains absent. The danger for European security is the decision to put all of Europe's chips into the pot of technology and technological research. By doing so, both European research and the European private sector will become increasingly alienated from the core of security and insecurity in Europe: the experiences of real people who see themselves under threat and of real people who threaten Europeans.

PE 393.286

EN, FR

5/2008

## **REVIEW OF SECURITY MEASURES IN THE 6th RESEARCH FRAMEWORK PROGRAMME AND THE PREPARATORY ACTION FOR SECURITY RESEARCH**

### **BRIEFING NOTE**

#### **Abstract:**

Security research has constituted, over the past few years, a strong priority for Community policies in the field of scientific research, industry, and justice and home affairs. Community efforts in this domain have been channelled, over the period 2002-2006, through the 6th Framework programme (FP6) and the Preparatory action on security research (PASR). FP6 has sustained, within its various thematic priorities, a series of projects and programmes dealing with technological developments in the field of security. The PASR is a targeted initiative of the European Commission aiming at developing contacts and partnerships between the actors of the European security industry, the public actors, and research bodies. PASR activities, in this respect, have mainly focused on technological development and the networking of actors, in anticipation for the thematic programme on security now established under FP7. The analysis of the contents of research being conducted under the FP6 and PASR is very revealing in this respect: it highlights the fact that this research is mainly oriented towards technological development as such, and unquestioningly takes security as a norm and a fundamental value. In this regard, and despite the odd exception, European security research does not include in its scope the effects that increasingly sophisticated technologies of control and surveillance can have on individual freedom and rights, particularly with regard to privacy and the protection of personal data. It does not address the necessary limits to security. The point, then, is to envisage the modalities through which a reflection on the ethical, legal, political and social implications of security technologies can be strengthened and further integrated in European security research.

PE 393.289

EN, FR

5/2008

## **THE EUROPEAN JUDICIAL NETWORK**

### **BRIEFING NOTE**

#### **Abstract:**

The draft Council Decision on the European Judicial Network reflects to the highest extent the need for a new legal basis, a strengthening of the Network, an improvement of its operation and a new relationship with Eurojust. The draft confirms the practice of the Network and can be considered as a modern and effective tool for the 21st century. However, certain areas will require further analysis and possible amendments to the text. In almost all areas the draft Decision accurately reflects the needs of the EJM as formulated in numerous documents of the Network in recent years. To a certain extent it also addresses the issues formulated by the Commission in its Communication on this matter of October 2007. The new legal instrument, if adopted, will facilitate the role of the EJM and its assistance to competent judicial authorities of the Member States. It also takes into account the new development in the field of judicial cooperation in the European Union based on the principle of mutual recognition. The draft also aims to resolve the issue concerning the relationship between the EJM and Eurojust. In this area the draft could be further improved in order to achieve a better exchange of information and complementarity of the work of the two entities. Cooperation between them should be strengthened and based on a principle of privileged and strategic partnership. The draft Decision will help to improve judicial cooperation in criminal matters, to increase mutual trust between the judicial authorities of the Member States and to promote the principle of

mutual recognition as the cornerstone of judicial cooperation in criminal matters. Thus, it will help to strengthen the area of freedom, security and justice.

PE 393.290

EN, FR

5/2008

### **STRENGTHENING EUROJUST**

#### BRIEFING NOTE

##### Abstract:

In January 2008, 14 Member States submitted a proposal for a Council Decision on the strengthening of Eurojust. The aim of this proposal is not to replace the existing Decision of February 2002, but only to amend it, in order to significantly improve the current situation of Eurojust and to reinforce the fight against serious crime. Eurojust has a unique position in the field of judicial cooperation in criminal matters. It also has sufficient financial resources to fulfil its tasks. However, there is a lack of sufficient powers, which is sometimes the result of a particular legal system. Not all national members have equivalent powers. In order to improve the functioning of Eurojust and to underline its role in coordinating and assisting national authorities in investigations and prosecutions as well as in the field of international cooperation there is a need to provide the College as well as national members with additional powers sufficient to perform their tasks. The proposals, such as the establishment of on-call coordination, Eurojust national coordinating systems and closer cooperation between Eurojust and other partners are crucial for the further functioning of Eurojust in the fight against serious transnational crime (including terrorism) and, as such, should be welcomed. The information flow between the national authorities, Eurojust and various entities should be strengthened to the extent necessary and justified for the performance by Eurojust of its tasks. As regards the external relations of Eurojust, these could be extended, where appropriate. A more effective Eurojust will mean more effective national authorities. The European judicial area will be better protected with the assistance of a successful Eurojust.

PE 393.292

EN, FR

5/2008

### **THE ENFORCEMENT OF CRIMINAL DECISIONS RENDERED "IN ABSENTIA"**

#### BRIEFING NOTE

##### Abstract:

The main question raised by the draft framework decision on the recognition of the enforcement of criminal decisions rendered "in absentia" is the balance between defending the rights of individuals under the European Convention on Human Rights and the reality of the Area of Freedom, Security and Justice, which is linked to the existence of divergent criminal procedural systems. The assumption of judgments "in absentia" faces very different judicial practices. The draft framework decision attempts to solve these difficulties through a common criminal policy. It is from this perspective that this note analyses and offers some proposals, based on the principles of consistency and trust, while reflecting on the concept of public order and the respect for procedural rights.

PE 393.288

EN, FR

5/2008

### **AN ANALYSIS OF THE COMMISSION COMMUNICATIONS ON FUTURE DEVELOPMENT OF FRONTEX AND THE CREATION OF A EUROPEAN BORDER SURVEILLANCE SYSTEM (EUROSUR)**

#### BRIEFING PAPER

##### Abstract:

On 13 February 2008, the European Commission tabled a 'border package', consisting of three communications<sup>1</sup> dealing with the issue of EU external border management. Two of these documents, namely the communication on the evaluation and future development of Frontex<sup>2</sup> and the communication on the creation of a European border surveillance system (Eurosur)<sup>3</sup> propose significant evolutions with regard the role of the Frontex agency and the orientations of the EU integrated border management (IBM) concept. The evaluation of Frontex elaborated by the Commission services is timely: since the beginning of its operational phase in 2005, the agency has considerably developed its activities in all its domains of competence, and the EC subsidy to its budget has more than tripled over the

period 2006-2008. The evaluation, however, falls short of critically assessing the consistence of Frontex activities with the fundamental values upheld by the EU. In this regard, it seems important to recall that Frontex is a first-pillar, Community body, which should not only respect the EU fundamental values in its activities, but also work for their promotion, particularly in a field which touches upon critical questions related to migration and freedom of movement.

PE 408.295

EN, FR

6/2008

### **PROPOSED NEW EU BORDER CONTROL SYSTEMS**

BRIEFING PAPER

Abstract:

This briefing paper will focus in particular upon:

- the concept and architecture of the Entry/Exit system and how it could be embedded in the current EU framework; what would be if any the synergies with the other databases, especially VIS; and the similarities and differences with the US-VISIT system;
- an analysis of the two other measures proposed by the Commission (bona fide traveller and Electronic System of Travel Authorisation (ESTA) and comparative approaches
- the potential added value of these envisaged measures

PE 408.296

EN, FR

25/6/2008

### **PUBLIC ACCESS TO THE EUROPEAN UNION DOCUMENTS - STATE OF THE LAW AT THE TIME OF REVISION OF REGULATION 1049/2001**

BRIEFING PAPER

Abstract:

The paper presents the legal system of the right of public access to EU documents. It underlines the various limitations of this right. The most important legal cases of the EC Court of Justice are recalled in some details. The paper describes the types of guarantee which support the effective applications of the right of access. A number of suggestions are presented to make the present system more effective.

PE 393.287

EN, FR

4/2008

### **UNPAID COMPULSORY LABOUR AS AN ALTERNATIVE TO IMPRISONMENT IN THE EU**

BRIEFING NOTE

Abstract:

As prison populations are increasing around the world placing an enormous financial burden on governments, many countries, including EU Member States are exploring alternatives to incarceration in the criminal justice system. This paper will focus, in particular, on the use of compulsory unpaid labour as an alternative to a prison sentence outlining the principles behind its use, international standards relating to non-custodial sentencing and providing some examples of national experiences.

PE 408.292

EN, FR

6/2008

### **THE ONGOING EU ACTIVITIES IN THE FIELD OF FUNDAMENTAL RIGHTS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE**

BRIEFING PAPER

Abstract:

The note offers an overview of the legal instruments - adopted or in the process of being adopted - in the field of rights of migrants, homophobia, children rights, data protection, domestic violence, racism and xenophobia and basic rights of defendant.

PE 393.269

EN, FR

11/2007

**TOWARDS A COMMON EUROPEAN ASYLUM SYSTEM – ASSESSMENT AND PROPOSALS – ELEMENTS TO BE IMPLEMENTED FOR THE ESTABLISHMENT OF AN EFFICIENT AND COHERENT SYSTEM**

BRIEFING NOTE

Abstract:

The note gives an assessment of the disposition and objectives of the Lisbon Treaty. It underlines 6 specific issues which should be addressed in view of the establishment of an efficient and coherent European asylum system, notably the question of mutual recognition of asylum decisions, the future of the Dublin system and the question of burden sharing between Member States.

PE 408.291

EN, FR

6/2008

**MINIMUM STANDARDS FOR THE PROCEDURES FOR GRANTING AND WITHDRAWING REFUGEE STATUS IN THE MEMBER STATES – ASSESSMENT (SUMMARY) OF THE IMPLEMENTATION OF THE 2005 PROCEDURES DIRECTIVE AND PROPOSALS FOR A COMMON EUROPEAN REGIME OF ASYLUM**

BRIEFING NOTE

Abstract:

The note stresses the variety of procedural exceptions and the number of different procedures. It addresses in particular the concept of safe third countries, the opportunity of a single procedure covering all forms of "international protection", the questions relating to the approximation of national rules on assessment of evidence, detention, acceleration of proceedings and manifestly unfounded applications, judicial protection and suspensive effect.

PE 393.291

EN, FR

6/2008

**MINIMUM STANDARDS RELATING TO THE ELIGIBILITY FOR REFUGEE STATUS OR INTERNATIONAL PROTECTION AND CONTENT OF THESE STATUS' – ASSESSMENT (SUMMARY) OF THE IMPLEMENTATION OF THE 2004 DIRECTIVE AND PROPOSALS FOR A COMMON EUROPEAN REGIME OF ASYLUM**

BRIEFING NOTE

Abstract:

The note gives an evaluation of the effects of the transposition of several important aspects of the directive in the Member States. It underlines the difficulties relating to eligibility criteria for refugee status and for subsidiary protection status. It addresses in particular the question of the content of a uniform asylum status and subsidiary protection status.

PE 393.293

EN, FR

6/2008

**MINIMUM STANDARDS FOR THE RECEPTION OF APPLICANTS FOR ASYLUM IN THE MEMBER STATES - ASSESSMENT (SUMMARY) OF THE IMPLEMENTATION OF THE 2003 DIRECTIVE AND PROPOSALS FOR A COMMON EUROPEAN SYSTEM OF ASYLUM (CEAS)**

BRIEFING NOTE

Abstract:

The note recalls the results of the evaluation of the implementation of the directive made by the EU Commission. It points out areas where differences in the legislation of the Member States, divergent practices or difficulties can be observed, notably the question of the applicability of the directive to detention centres, transit zones and border procedures, to applicants for subsidiary protection, and to Dublin II cases.

PE 393.294

EN, FR

6/2008

**THE STATUS OF THE RECENT CASE-LAW ON FUNDAMENTAL RIGHTS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE**

BRIEFING PAPER

Abstract:

This paper analyses some cases - between 2004 and 2009 - of the EU Court of Justice and of the European Court of human rights as well as of some national Constitutional Courts in the field of children rights, domestic violence, homophobia, racism and xenophobia, rights of the migrants, fight against terrorism, rights of defendant and data protection.

PE 393.268

EN, FR

11/2007

**PROMOTING AND PROTECTING FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION: The interaction between judges and legislators in the domain of the protection of human dignity, the right of asylum, data protection and of procedural rights in criminal matters**

BRIEFING PAPER

Abstract:

This briefing note considers the interaction between judges and legislators in the fields of the rights human dignity, the right of asylum, the right to data protection and procedural rights in penal matters. These rights, all set out in the European Union Charter of Fundamental Rights, have been given an added significance by the post 9/11 context, the extension of the Court of Justice's fundamental rights case law to Title VI of the TEU and the likelihood that EU secondary legislation adopted since 2000 will be increasingly invoked in national courts. Although there is a tendency to view fundamental rights as indefeasible, this paper will argue that their meaning and force is shaped very much by the predominant institutional contexts in which they are invoked. In this regard, it will suggest that the right to dignity is likely to be shaped by the powerful pressures of national courts into quite a pervasive right. The right to asylum is likely to be shaped by the extensive EU legislation in the field with its main effect being its use by national courts to curb national malpractice. The right to data protection is likely to be shaped by the terms of Directive 95/46/EC, but the extension of the Court's case law on fundamental right to the third pillar is likely to see it increasingly invoked. Procedural rights in penal matters are likely to be strongly shaped by existing Court of Justice case law on the rights of defence.

PE 393.250

EN, FR

9/2007

**PROMOTING AND PROTECTING FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION: The relations between the European Convention of Human Rights, the European Charter and the EU member states constitutions**

BRIEFING PAPER

Abstract:

This briefing note examines the consequences which result from the fact that the same rights and freedoms, sometimes with identical or almost identical formulations, are guaranteed in the European Convention on Human Rights, in the EU Charter of Fundamental Rights, and in national constitutions of the EU Member States. These rights and freedoms, in addition, are considered to belong to the general principles of law which the European Court of Justice ensures respect for in the field of application of EU Law, in accordance with Article 6(2) of the EU Treaty. The briefing note examines the problems which, according to certain commentators, such coexistence may create. Two sets of problems are considered. One set of problems relate to the integrity of the EU legal order. This includes the question whether the 'level of protection' clause (Article 53 of the EU Charter of Fundamental Rights) results in a threat to the primacy of EU law – a question which will be examined taking into account the position of national courts in applying EU law in circumstances where this may result in a violation of a fundamental right recognized in the national constitution –; and whether the autonomy of the EU legal order might be undermined by the obligation to refer to the European Convention on Human Rights in the interpretation of the corresponding clauses of the EU Charter of Fundamental Rights (Article 52(3) of the Charter). A second set of problems relates to the coexistence of norms emanating from the Council of Europe and norms adopted within the European Union, which some allege may create the risk of 'double standards' (or of a 'two-speeds Europe' in the field of human rights). The note shows that these fears, expressed both in legal doctrine and in institutional settings, are ill-founded, and that a sound understanding of both the interpretation of the EU Charter of Fundamental Rights and its scope of application should reassure those who entertain such fears.

**PROMOTING AND PROTECTING FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION: The role of national courts, of human rights defenders and of independent national human rights institutions**

## BRIEFING PAPER

## Abstract:

This briefing note defines the contribution of courts and independent human rights institutions (including both ombudsperson and national human rights institutions) to the protection and promotion of fundamental rights at the national level, and how the tasks these actors fulfil fit into the framework of the protection of fundamental rights in the EU legal order. The note is divided in three sections. First, it describes the position of national courts, taking into account the requirements which follow from the case-law of the European Court of Justice, which insists on the obligation of the EU Member States to provide remedies sufficient to ensure effective legal protection in the fields covered by Union law. However, for a number of reasons, courts may not be adequately equipped to effectively protect fundamental rights, since these require also the establishment of preventive mechanisms (addressing, ex ante, the risk of violations) functioning on the basis of more liberal rules relating to standing, and mechanisms providing remedies to victims in non-judicial, but more accessible and flexible, settings. Therefore, the second section of the note reviews the contribution of both ombudspersons' institutions and national human rights institutions established according to the 1991 Paris Principles to the protection and promotion of fundamental rights in the EU Member States. Finally, the third section of the note offers a number of conclusions, by relating these mechanisms existing at national level – both judicial and non-judicial – to the future role of the EU Fundamental Rights Agency.

PE 393.252

EN, FR

9/2007

**A SYNTHESIS OF THE FORMER EP RESOLUTIONS IN THE FIELD OF FUNDAMENTAL RIGHTS**

## BRIEFING PAPER

## Abstract:

This Briefing Paper provides a synthesis of the resolutions of the European Parliament in the fields of Fundamental Rights.

After having sketched the role of the European Parliament in the realisation of a genuine EU fundamental rights policy, the paper analyses the yearly resolutions since 1993 adopted by the EP on the situation as regards fundamental rights in the European Union. The paper explains the structure of the documents, main concerns raised, member states and actors singled out and positive remarks highlighted. A comparison is provided between the resolutions covering the period 1993 to 1999 and those adopted after the proclamation of the EU Charter on Fundamental Rights. The paper concludes with a short assessment of the impact, role and added-value of the resolutions.

PE 393.256

EN, FR

10/2007

**ASYLUM: SOME LEGAL ASPECTS IN THE EU MEMBER STATES RELATING TO RECEPTION, PROCEDURES AND QUALIFICATION (COMPARATIVES TABLES)**

## BRIEFING PAPER

## Abstract:

Three comparative tables provide short answers on some aspects of the law in the 27 EU Member States in three areas of asylum law: reception, procedures and qualification. A short evaluation underlines main similarities as well as discrepancies.

PE 393.258

EN, FR

10/2007

**DATA PROTECTION FROM A TRANSATLANTIC PERSPECTIVE: THE EU AND US MOVE TOWARDS AN INTERNATIONAL DATA PROTECTION AGREEMENT?**

## STUDY

### Abstract:

Recent years have been marked by a growing demand of personal data for public security purposes. Access and protection of those data are climbing the transatlantic political agenda. They have raised tensions and fostered forms of cooperation. The possible conclusion of an international binding agreement on a common transatlantic framework on data protection would be a further and crucial step ahead. The scope of this study is to pave the way for launching a parliamentary debate on those issues.

Therefore, it aims at providing a comparative analysis of the EU and US legislation concerning the protection of personal data collected for public security purposes. It also discusses some of the main challenges posed by new technologies as well as analyses the most relevant cases-studies of transatlantic data exchange. Finally, it takes into consideration the published outcomes of the work of the High Level Contact Group.

PE 408.320

EN, FR

11/2008

## **ETHNICITY AND RACE-BASED PROFILING IN COUNTER-TERRORISM, LAW ENFORCEMENT AND BORDER CONTROL**

### STUDY

#### Abstract:

The aim of this study is to synthesize legal arguments and research findings relating to ethno-racial profiling in the field of anti-terrorist policies and legal instruments. The ultimate goal is to formulate guidelines and recommendations for the European legislators. In Part I, the study provides an analysis of the concept and utility of profiling. This includes an assessment of the most important substantive criteria of profiling and the necessary safeguards. Part II focuses on the compatibility of profiling with the most important international, European and national human rights instruments, along with European instruments in the context of the fight against terrorism, police and judicial cooperation and exchange of information and intelligence between Member States, while also taking into account the rights and guarantees provided to individuals in terms of privacy, data protection and non-discrimination. Part III explores the impact of profiling on minority communities, police-minority relations, and the effectiveness of police and anti-terrorist law enforcement endeavours. Finally, Part IV offers recommendations on possible ways to carry out research on racial profiling and monitoring police activities in order to identify racial profiling practices.

PE 408.326

EN, FR

11/2008

## **FORCED MARRIAGES AND HONOUR KILLINGS**

### STUDY

#### Abstract:

This report aims at providing a comparative analysis of the ways in which forced marriages and honour killings are framed in the laws and practices taking place across the different Member States of the EU as well as in a selection of neighbouring countries. While statistical data on forced marriages and honour killings is often scarce, this report shows that these practices can be indeed found in a number of countries. At times of carrying the comparative analysis the legal context requires specific attention, not least for defining forced marriages but also for looking at the various steps which are taken to counter this phenomenon. Forcing someone to marry is a specific crime only in few EU Member States' legal systems. Protection against forced marriage is however provided in a number of Member States by a broad range of activities including marriage law, immigration law, counselling, media presence and cooperation with civil society. When looking at the circumstances surrounding forced marriages, it appears that forced marriage has roots in traditional-patriarchal family structures, low-income situations and lack of education – not in a specific culture or religion. Further, existing data suggest that forced marriage can some times result in honour killings. The report also addresses the ways in which these domains are being addressed at EU level, as well as the limits and potential for future EU action.

PE 408.334

EN, FR

9/2008



## **STRENGTHENING SECURITY AND FUNDAMENTAL FREEDOMS ON THE INTERNET - AN EU POLICY ON THE FIGHT AGAINST CYBER CRIME**

### STUDY

#### Abstract:

This study examines the human rights aspects of the Internet, and looks in detail at the relevant criminal law rules of the Council of Europe and the EU. It also examines other aspects of the issue of cyber-crime, such as data protection rights, the EU's Safer Internet programme, child pornography, attacks on information systems, terrorism, racism and xenophobia. The study concludes that the EU should set the following priorities in this area:

- a) the adoption of a non-binding Internet Bill of Rights, a draft of which is presented in the Annex;
- b) the development of EU substantive and procedural criminal law regarding cybercrime; and
- c) the development of EU operational action as regards cyber-crime.

PE 408.335

EN, FR

1/2009

## **TOWARDS A EUROPEAN PNR SYSTEM? QUESTIONS ON THE ADDED VALUE AND THE PROTECTION OF FUNDAMENTAL RIGHTS**

### STUDY

#### Abstract:

In November 2007, the European Commission published a proposal on the use of Passenger Name Record (PNR) data for law enforcement purposes. This proposal is closely related to other instruments obliging air carriers to transmit passenger data to national authorities, including Directive 2004/82/EC and various agreements that were signed with third countries. The establishment of an 'EU PNR system' is presented as a tool in the fight against terrorism and organised crime, but will also be used to investigate other crimes and to prevent illegal immigration. The European PNR system raises both practical as legal concerns. This study, taking into account the different comments of the organisations and institutions involved and the Resolution of the European Parliament of 20 November 2008, questions in the first place the efficiency and added value of the current proposal. To assess this question it takes into account existing measures on the largescale collection and storage of personal information (the Schengen Information System, Visa Information System and the EU proposals for automatic border control). The EU and its member states are bound by EU, international, and national standards on human rights. Therefore, the second part of this study describes the legal implications of an EU PNR system, focusing in particular on the right to data protection, the right to private life, the prohibition of discrimination and the issue of profiling. Finally, part three includes some final remarks and recommendations.

PE 410.649

EN, FR

1/2009

## **PROPOSAL FOR A COUNCIL DIRECTIVE ON IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF RELIGION OR BELIEF, DISABILITY, AGE OR SEXUAL ORIENTATION**

### BRIEFING NOTE

#### Abstract:

This proposed directive will increase the protection from discrimination for age, disability, religion or belief or sexual orientation to the same level as that currently applicable in relation to discrimination on grounds of sex and race. This proposal should lead to a more consistent standard of protection from discrimination across the European Union for all the prohibited grounds of discrimination. In order to achieve the maximum common understanding of the standards for non-discrimination the same terms, definitions and principles as in the existing directives should be used. Where the proposed directive suggests a lesser standard than the existing standards for sex and race this is noted. Provisions on multiple discrimination are needed and consideration should be given to the need to increase legal certainty in greater definition of the material scope of the proposed directive.

PE 410.670

EN, FR

1/2009

## **PROBLEMS AND PERSPECTIVES OF THE EUROPEAN CITIZENSHIP: THE FIFTH REPORT ON CITIZENSHIP OF THE UNION**

### BRIEFING NOTE

#### Abstract:

The fifth report on European Union citizenship covers the period between 1 May 2004 and 30 June 2007. This is a period of deep institutional change owing to the entry into force of Directive 2004/38 and to the European Court of Justice's interventions. Having established that Union citizenship is destined to be a fundamental status of nationals of the Member States, the European Court of Justice proceeded to weaken the link between economic self-sufficiency and the exercise of citizenship rights. EU citizens who do not impose an unreasonable burden on the host Member States are granted welfare rights. In addition, the Court has taken an uncompromising stance on the mobility rights third country national family members of Union citizens and has moved beyond the discrimination model in an attempt to provide effective protection to Union citizens. But the European Union citizenship agenda remains unfinished. Rethinking the link between Union citizenship and state nationality, ensuring the correct implementation of Directive 2004/38, enhancing Union citizens' political participation in the Member State of residence and the possibility of extending their participation to national and regional elections and rethinking the EU framework on Integration are important policy priorities.

PE 410.668

EN, FR

1/2009

## **DILEMMAS IN THE IMPLEMENTATION OF DIRECTIVE 2004/38 ON THE RIGHT OF CITIZENS AND THEIR FAMILY MEMBERS TO MOVE AND RESIDE FREELY IN THE EU**

### BRIEFING NOTE

#### Abstract:

This Briefing Paper examines the main dilemmas that prevent EU citizens and their family members from fully enjoying their freedom of movement-related rights on the basis of Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. It assesses the most relevant deficits in the transposition of the Directive in light of the answers and data provided by the National Parliaments of 11 EU Member States (Austria, Belgium, Cyprus, Czech Republic, Italy, Lithuania, Poland, Romania, Slovak Republic, Slovenia and Spain) to the questionnaire prepared by the Committee on Civil Liberties and Justice and Home Affairs (LIBE) of the European Parliament.

PE 410.669

EN, FR

2/2009

## **IMPLEMENTATION OF THE EUROPEAN ARREST WARRANT AND JOINT INVESTIGATION TEAMS AT EU AND NATIONAL LEVEL**

### STUDY

#### Abstract:

The European Arrest Warrant and Joint Investigation Teams are two instruments of cooperation in the field of EU Freedom, Security and Justice. They are both currently used by Member States, but to different extents. The 2002 Council Framework Decision adopting the European Arrest Warrant has been challenged by national courts up to the constitutional level. Member States have also regularly implemented the European Arrest Warrant in contradiction with the text of the Framework Decision. Nevertheless, the European Arrest Warrant is the "success story" of EU judicial cooperation in criminal matters. Joint Investigation Teams, on the other hand, have been used much less by Member States. Additionally, the main EU legal basis has not yet been implemented in all Member States. Nonetheless, Joint Investigation Teams have demonstrated their usefulness in investigating the most serious forms of criminality. Both instruments could be used more efficiently, in particular through a stronger involvement of both Europol and Eurojust.

PE 410.671

EN, FR

1/2009

## **THE EU ROLE IN FIGHTING TRANSNATIONAL ORGANISED CRIME**

### STUDY

#### Abstract:

Transnational Organised Crime (TOC) has risen up in the international institutions' agenda. The international community's mobilisation against organised crime has led to an impressive elaboration of institutional responses to what has been presented as a global challenge. The EU JHA agenda has not been an exception, while constantly addressing the issue of the fight against TOC as one of its priorities since the middle of the 1990's. In order to understand the current state of the EU strategy against organised crime, this study examines the existing EU legislative framework and the various initiatives taken at the international level against TOC in order to put the EU strategy into a broader perspective. This includes taking a closer look at the European justice and police co-operation mechanisms (specifically the role and mandate of Europol and Eurojust), as well as reviewing the most recent developments in the EU strategy against organised crime.

PE 410.678

EN, FR

2/2009

## **CIRCULAR MIGRATION AND MOBILITY PARTNERSHIPS**

### BRIEFING PAPER

#### Abstract:

In recent years the idea of temporary labour migration has regained increasing popularity. It is often perceived as a solution that comes to the benefit of sending country, receiving country as well as individual migrants. In terms of global benefits from migration, even a limited liberalization of labour mobility has been perceived of generating greater welfare gains than a complete abolition of all trade restrictions on goods. For the sending country circular migration can have the advantages of financial flows in the form of remittances, investments by former migrants, a temporary outflow of workers, which will lessen unemployment rates and the knowledge and skills brought back by returning migrants. Thus, from the perspective of the sending countries, next to remittances, the return of high skilled migrants is seen as a major way of making migration work for development. Yet, in addition to the interests of the developing countries that are often put forward, the industrialised countries have their own interests in promoting the concept of circular migration and the question arises whether the cherished concept of circular migration is not in fact a disguised form of temporary labour migration. Moreover, the emphasis on the temporariness of current labour migration rules in the Member States runs counter to the objective of integrating third-country nationals into the host society.

PE 410.680

EN, FR

2/2009

## **THE TOOLS CALLED TO SUPPORT THE 'DELIVERY' OF FREEDOM, SECURITY AND JUSTICE: A COMPARISON OF BORDER SECURITY SYSTEMS IN THE EU AND IN THE US**

### AD HOC BRIEFING PAPER

#### Abstract:

While the European Union is about to take far-reaching decisions on the best way to ensure the security of its external border, there is a strong tendency to take guidance from the United States, the world's undisputed forerunner in employing advanced technology and strict control procedures. Besides highlighting the weaknesses of the current EU approach against the background of the almost accomplished US system, the briefing undertakes to analyse to what extent exclusive transatlantic inspiration is the right way to follow for European policy-makers. It carefully examines US experience gained since the late 1990s in setting up a watertight entry-exit system, in particular the reasons why, despite all efforts made and resources spent, the project did not yet yield a completely satisfactory outcome. It also argues that even such advanced models can never be considered "one size fit all"-solutions, transferable to other regions with paying attention to their political, geographic and other specificities – and, above all, one should not overestimate technology as a problem-solver. Besides taking inspiration from outside, the European Union should also consider alternative mechanisms adapted to the domestic situation such as controls carried out inside the territory.

PE 410.681

EN, FR

2/2009

## **DEVELOPMENT OF THE ORGANISED CRIME THREAT ASSESSMENT (OCTA) AND INTERNAL SECURITY ARCHITECTURE**

STUDY

Abstract:

This briefing paper provides an overview of the existing European Union approach to issues of security, counter-terrorism, and organised crime. In particular, it focuses on the role of the European Security Strategy (ESS) in the formation of policy and in the development of new institutions and institutional arrangements within the EU, and the influence of the Organised Crime Threat Assessment (OCTA). The paper argues that steps should be taken to streamline and rationalise the existing structures concerned with security, counter-terrorism and organised crime, and strongly recommends that a "Committee on Internal Security" be established to act as a single point of reference and clearinghouse for the work of the various EU agencies and institutions concerned with security, counter-terrorism and organised crime.

PE 410.682

EN, FR

3/2009

## **PROPOSAL FOR A DIRECTIVE LAYING DOWN MINIMUM STANDARDS FOR THE RECEPTION OF ASYLUM SEEKERS (RECAST), COM (2008) 815 final**

BRIEFING NOTE

Abstract:

The note underlines in particular questions related to subsidiarity protection, the extension of applicability to transit zones, access to the labour market and to social benefits, the conditions of detention, schooling and education of minors.

PE 410.675

EN

2/2009

## **PROPOSAL FOR A REGULATION ESTABLISHING THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATES RESPONSIBLE FOR EXAMINING AN APPLICATION FOR INTERNATIONAL PROTECTION LODGED IN ONE OF THE MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON (RECAST), COM (2008) 820 final**

BRIEFING NOTE

Abstract:

The note offers an assessment of the following aspects: extension of the scope of application for subsidiarity protection, the question of effective judicial protection, detention, the extension of the term "family member", the discretionary clauses, the new mechanism of temporary suspension of transfers.

PE 410.676

EN

2/2009

## **PROPOSAL FOR A REGULATION CONCERNING THE ESTABLISHMENT OF "EURODAC" FOR THE COMPARISON OF FINGERPRINTS FOR THE EFFECTIVE APPLICATION OF THE REGULATION ESTABLISHING THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATES RESPONSIBLE FOR EXAMINING AN APPLICATION FOR INTERNATIONAL PROTECTION LODGED IN ONE OF THE MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON (RECAST), COM (2008) 825 final**

BRIEFING NOTE

Abstract:

The note offers a general assessment of the Commission's proposal. It underlines in particular questions related to the procedure for taking fingerprints, advance data erasure, the problem of third-country nationals found illegally present within the territory of a Member State, the role of the European Data Protection Supervisor.

PE 410.677

EN

2/2009

## **EXTERNAL DIMENSION OF THE AREA OF FREEDOM, SECURITY AND JUSTICE STUDY**

Abstract:

The "external dimension" of the area of freedom, security and justice (AFSJ) was formalised in the Hague Programme on "strengthening freedom, security and justice in the European Union", approved by the European Council in its meeting of 4 November 2004. In 2005, the European Commission and Council published, at a few weeks' interval, a Communication on "a strategy to the external dimension of the AFSJ" and a "strategy for the external dimension of JHA" in an effort to develop further the guidelines established by the European Council. The present study provides an overview of the various activities undertaken under the umbrella of this so-called "external dimension" (Section 1). It does so by scrutinising the coherence between the stated objectives of the EU in this domain, and the actual developments that have taken place since the approval of the Hague Programme, paying specific attention in the process to the issue of fundamental rights and freedoms. In the light of this assessment, the study also envisages the future prospects of the "external dimension" (Section 2), which will feature in particular in the next EU multi-annual programme on the AFSJ to be adopted in 2009 (the "Stockholm Programme" in its current denomination). We will, in this perspective, take into consideration what the Lisbon Treaty, should it enter into force, has in stock as regards the legal basis and Parliament competences in the context of the "external dimension", and develop a set of recommendations for the LIBE Committee insofar as this domain is concerned.

PE 410.688

EN, FR

3/2009

## **DATA PROTECTION IN THE AREA OF FREEDOM, SECURITY AND JUSTICE: A SYSTEM STILL TO BE FULLY DEVELOPED?**

BRIEFING PAPER

Abstract:

Data protection is one of the main issues of the development of the European Area of Freedom, Security and Justice (AFSJ). Indeed, the introduction of measures that touch upon data protection is coupled with growing dilemmas on how to best ensure individuals' fundamental rights. Is the current legislation on data protection adequate to the challenges posed by specific technologies and specific policies? Do the main actors have the adequate powers to shape legislation and enforce controls? Do the Data Protection Framework Decision and the Lisbon Treaty offer satisfactory means to cope with present loopholes? The scope of this briefing paper is to provide updated background information concerning data protection in the area of freedom, security and justice. In particular, addressing the previous questions should offer an opportunity to discuss present shortcomings, identify best practices and provide recommendations for possible future activities of the LIBE Committee. Therefore, this briefing paper aims at "deconstructing" the system in order to highlight specific shortcomings and current transformations. Part One focuses on the evolution of the European data protection framework on security issues; Part Two discusses powers, competencies and potential evolution of some of the main actors; Part Three recalls current debates on key measures and technologies, and questions their consequences on AFSJ data protection. Finally, conclusions are drawn from the previous sections and recommendations are advanced

PE 410.692

EN, FR

3/2009

## **BIO-PREPAREDNESS: RESPONDING TO THE THREAT OF BIOLOGICAL WEAPONS**

NOTE

Abstract:

Chemical, biological, radiological and nuclear (CBRN) weapons – also often termed 'unconventional' weapons or 'weapons of mass destruction' – are a class of weapons that have the potential to kill thousands of people and disrupt vital financial, communications, and transportation systems. Yet, to date no such 'super-terrorism' incidents have taken place. This report focuses on biological weapons because these are the weapons often considered to have the greatest potential to kill in the most massive numbers and the highest likelihood of being used. It considers the threat they pose by illustrating the technical challenges of weaponising and disseminating a disease-causing biological agent, and it describes the few terrorist attempts there have been to use biological weapons

against humans. The report also notes that, because there have been so few historical cases of terrorist use, fictitious scenarios have often been adopted as a means by which to assess the threat of bioterrorism, to explore the potential consequences of an attack, and to develop appropriate response mechanisms.

PE 410.696

EN, FR

4/2009

## **OVERVIEW OF EUROPEAN AND INTERNATIONAL LEGISLATION ON TERRORIST FINANCING**

STUDY

Abstract:

Combating terrorist financing contributes to combating terrorism (terrorist acts and terrorist organisations). There is considerable international and European "legislation" on terrorist financing, and the initiatives taken in this field have increased significantly since the attacks of 11 September 2001. The main players, the United Nations, the Council of Europe, the Financial Action Task Force and the European Union have addressed the issue of terrorist financing from different perspectives (the types of financing, the possibility of freezing and confiscating assets, etc.) whilst generally linking this issue to measures taken to combat money laundering. Although the issue of the adoption and ratification of this legislation is fundamental, its operational and judicial application is no less important, with intelligence sharing now appearing to be one of the driving forces in combating terrorist financing. Similarly, managing the United Nations and European Union "blacklists" in a way that observes fundamental rights and which is subject to judicial review is essential for the impartial and realistic implementation of targeted asset-freezing actions.

PE 410.695

EN, FR

3/2009

## **PROPOSAL FOR A REGULATION ESTABLISHING A EUROPEAN ASYLUM SUPPORT OFFICE, COM (2009) 66 FINAL**

BRIEFING NOTE

Abstract:

The note offers an assessment of the functions and tasks of the support office in particular as regards the problem of disparities in the interpretation of asylum directives, the practical cooperation between the administrations and the collection and exchange of information. It specifically addresses the question of asylum support teams. The note underlines as well some organizational issues.

PE 410.691

EN, FR

3/2009

## **REFLECTION NOTE ON THE EVALUATION OF THE DUBLIN SYSTEM AND ON THE DUBLIN III PROPOSAL**

NOTE

Abstract:

The note underlines the shortcomings of the evaluation report made by the Commission on the Dublin system. It stresses the effectiveness deficits of the Dublin system as an effective instrument of migration management and takes a broader perspective in view of a new common European asylum system.

PE 410.690

EN

3/2009

## **A REVIEW OF THE INCREASED USE OF CCTV AND VIDEO-SURVEILLANCE FOR CRIME PREVENTION PURPOSES IN EUROPE**

NOTE

Abstract:

This report describes the evolution of Closed Circuit Television (CCTV) video surveillance from a simple system involving a camera and a video recorder to the sophisticated digital, multi-camera systems, integrating fully functional cameras capable of tracking a person's movements across public space. Most European cities now have extensive CCTV surveillance in private and semi-public space, particularly in the transport and retail

sectors, but many countries are following the UK's example and deploying open street CCTV for the purposes of crime prevention in their major cities. While the growth of open CCTV in the Nordic countries has been limited, in other countries, particularly France, Italy and the Netherlands many cities now have open street CCTV systems. The regulation of CCTV in Europe is primarily through the application of data protection law. This has been shown to be uneven in its scope and application. Moreover, CCTV sits uneasily with the Data Protection concept of consent. Consent is implied in the public operation of CCTV and data subjects have not given it freely. Moreover, data is being processed without subject's knowledge and this suggests that regulatory requirements need to be strengthened and extended.

PE 419.588

EN, FR

4/2009

## **EXCHANGE OF INFORMATION AND DATA BETWEEN LAW ENFORCEMENT AUTHORITIES WITHIN THE EUROPEAN UNION**

STUDY

Abstract:

Over the last one and a half decades, transnational information exchange between law enforcement authorities within the European Union has been stepped up considerably. This process was originally triggered by the abolition of national borders within the Schengen Area. In the meantime, the process is fed by an ever-growing number of perceived security threats, a misled belief in the problem-solving capacity of technology and a policy of overbidding between some Member States and the EU level. The goal of this process is to establish a pan-European regime of internal security. This paper discusses the legislative aspect of this process and considers its organising principle(s). The paper provides a review of operational and planned databases and systems of information exchange within the EU. It clarifies some of the central concepts in the field of automated information exchange. It describes some of the procedures of information exchange between law enforcement authorities. It identifies some of the side effects of transnational information exchange. Finally, it makes some recommendations how to better manage apparatuses and practises.

PE 419.590

EN, FR

4/2009

## **STRENGTHENING JUDICIAL TRAINING IN THE EUROPEAN UNION**

STUDY

Abstract:

Judicial training is vital for the development of a common judicial culture in the EU and for guaranteeing the homogeneous implementation of EC/EU law. The principle of mutual recognition existing in judicial cooperation since the Tampere Programme – and confirmed in the Hague Programme and the future Lisbon Treaty – entails a thorough knowledge of the various EC and EU instruments. Community financial programmes exist today to facilitate Member States' and other actors' training costs. The actors in the field of judicial training are in fact varied, even though the national schools play a core role. Various initiatives have suggested – or suggest – strengthening judicial training. Although all major stakeholders agree on the need to reinforce judicial training – and this can be seen in the various latest initiatives – there does not seem to be one distinct option to do so.

This note seeks to summarise and analyse these initiatives and the reactions to them, as well as to make some operational recommendations on how to make the most effective use of the resources dedicated to this purpose.

PE 419.591

EN, FR

4/2009

# Gender Equality

## *Studies and Notes*

### **SOCIAL SECURITY SYSTEMS IN THE EU AND THEIR IMPACT ON RECONCILING FAMILY LIFE AND WORK LIFE**

STUDY

Abstract:

This study gives a view of four areas of social security benefits as they affect women's labour market prospects and reconciliation of work and family life as well as freedom of movement of household with care responsibilities, the situation with respect to rights and the effects of fiscal systems on reconciliation of work and family life.

PE 360.475

ES, EN

04/2004

### **ROLE OF A FUTURE EUROPEAN GENDER INSTITUTE**

STUDY

Abstract:

This study explores what the role and structure of a European Gender Institute and the roadmap to its creation should be.

PE 358.898

EN, FR

06/2004

### **WOMEN AND ENLARGEMENT**

STUDY

Abstract:

This study considers the position of women in the new EU countries and in candidate countries in various areas: demography, education, employment, health, politics, childcare. The study shows that the transformation of the societies of Eastern and Central Europe has led to profound changes in the role of women.

PE 360.474

FR, EN

08/2004

### **WOMEN AND POVERTY IN THE EUROPEAN UNION**

NOTE

Abstract:

This note aims at defining the main risk factors of poverty for women in the European Union and at identifying the groups that are particularly at risk. It has to be underlined that some data are not available for the new Member States.

PE 360.476

FR, EN

12/2004

### **TRAFFICKING IN WOMEN AND CHILDREN**

NOTE

Abstract:

This note intends to present the most recent facts and figures on trafficking in women and children. It will define the main concepts related to this issue, then present the data available and the causes often proposed to account for this phenomenon and finally the actions taken by the EU in this area.

PE 354.956

EN, FR

02/2005



## **MID-TERM REVIEW OF THE LISBON STRATEGY FROM THE GENDER PERSPECTIVE**

NOTE

Abstract:

This note aims to assess what progress has been made towards achieving the Lisbon objectives in terms of gender equality.

PE 358.253

FR, EN

04/2005

## **VIOLENCE AGAINST WOMEN**

NOTE

Abstract:

The purpose of this note is to take stock of the problem of violence against women by examining the various forms of violence perpetrated against women (I) and the Community programmes relating thereto (II). It also looks into the various means of combating such violence and the positions adopted by the European Parliament on these issues (III).

PE 365.967

FR, EN

12/2005

## **ECONOMIC ASPECTS OF THE CONDITION OF ROMA WOMEN**

STUDY

Abstract:

This study provides an overview of the economic situation of Roma women in 15 countries (Member States and candidate countries) presenting for each country the general situation of Roma and the specific position of Roma women and highlighting programmes and policies aiming at improving their situation.

PE 365.970

DE, EN

05/2006

## **DISCRIMINATION AGAINST WOMEN AND YOUNG GIRLS IN THE HEALTH SECTOR**

STUDY

Abstract:

The aim of gender equity in health is for men and women to be treated equally where they have common needs, while at the same time addressing their differences in an equitable manner. This study examines data from 8 EU Member States to explore the issue of gender discrimination in the health sector. Specific health issues for women and young girls are also discussed in this study, for example, in relation to cancer, heart disease and lifestyle choices.

PE 378.295

EN, FR

04/2007

## **THE ROLE OF THE EUROPEAN UNION IN DEVELOPMENT COOPERATION AND SOLIDARITY: WOMEN AND MATERNITY IN LATIN AMERICA, IN PARTICULAR BRAZIL**

STUDY

Abstract:

This study analyses the EU's development co-operation framework, priorities and financing in Brazil in order to evaluate how it addresses the priority of supporting women and mothers, and how it can improve their conditions, from an economic, social and health point of view.

PE 378.295

IT, EN

05/2007

## **WOMEN IN LOW-SKILL WORK**

STUDY

Abstract:

This study, focusing on the Czech Republic, Germany and the UK, provides a description as well as a quantified analysis of the occupational cluster of low-skill work from a gender

perspective and presents best practices in the various national contexts and sectors that have helped to increase the positive perception of low-skill work, as well as its social and economic recognition.

PE 378.298

DE, EN

06/2007

### **THE INCREASE IN KURDISH WOMEN COMMITTING SUICIDE**

STUDY

Abstract:

This study provides an in-depth analysis of the root causes of the increase in female suicides in the Kurdish community in Turkey and Iraq. It analyses the factors dominating women's lives in those Kurdish regions which as such may be contributory factors to the suicide rate. Such factors include their socio-economic situation, their particular geo-political situation, the impact of long-term conflict, and the social and institutional obstacles to gender equality and Kurdish women's rights. It also compares the situation of Kurdish women to that of Afghani women.

PE 393.248

EN, FR

06/2007

### **ELECTORAL GENDER QUOTA SYSTEMS AND THEIR IMPLEMENTATION IN EUROPE**

STUDY

Abstract:

Although controversial, electoral gender quotas are in use in almost half of the countries in the world today. This study maps the diffusion of gender quotas in Europe and lists the many different types of quotas in use. The arguments for and against quotas are studied, and the implementation and effect of gender quotas are scrutinised. In-depth case studies have been conducted of eight countries, four with legislated gender quotas – Belgium, France, Slovenia and Spain – and four with voluntary gender quotas – Germany, Poland, Sweden and the United Kingdom. The study shows that gender quotas have led to remarkably rapid increases in women's representation in some cases but also to disappointment in other cases.

PE 408.309

EN, FR

09/2008

### **WOMEN LIVING ALONE: EVALUATION OF THEIR SPECIFIC DIFFICULTIES**

STUDY

Abstract:

This study presents the specific difficulties of women over 25 years of age living alone (divided into three groups: single women, single mothers and elderly women) in the European countries, highlighting national differences in the incidence and main characteristics of women living alone, and analyses the policies adopted to support their economic and living conditions, focusing on pension and assistance schemes and providing examples of good practices and policy recommendations.

PE 408.313

EN, FR

09/2008

### **WOMEN IN THE WESTERN BALKANS**

BRIEFING PAPER

Abstract:

This briefing paper gives a short overview of major macroeconomic trends in the Western Balkans that create context which is of major importance for position of women in the region. The paper sums up the key women's issues and argues that women in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, Kosovo and the Former Yugoslav Republic of Macedonia, share same experiences that are framed in increasing personal, economic and social insecurity.

PE 408.318

EN

10/2008

## **WOMEN ON THE LABOUR MARKET**

STUDY

Abstract:

This study sets out a detailed analysis of the specific weaknesses typical of women's working lives in Europe, taking eight countries (Germany, Sweden, France, the United Kingdom, the Netherlands, Italy, Poland and Hungary) as examples.

PE 408.327

FR, EN

11/2008

## **RECRUITMENT AND EQUAL OPPORTUNITIES SYSTEMS IN NATIONAL, EUROPEAN AND INTERNATIONAL CIVIL SERVICES**

STUDY

Abstract:

After defining the civil service, their size and the proportion of women, this study offers an overview of recruitment systems and equal opportunities policies in the public administrations of the Member States of the European Union, the European institutions, the Secretariat of the General Assembly of the United Nations and the Secretariat of the Council of Europe.

PE 408.333

EN, FR

11/2008

# Legal and Parliamentary Affairs

## *Studies and Notes*

### **THE COLLECTIVE MANAGEMENT OF RIGHTS IN EUROPE - THE QUEST FOR EFFICIENCY**

STUDY

Abstract:

This study examines the legal framework governing collective management in the field of copyright and neighbouring rights in the European Union, with a particular emphasis on musical works. It also provides information on the economic, social and cultural values of collective management, predominantly in the field of music, highlighting Europe's competitive strength in rights management and the characteristics of rights management in the European Union. Furthermore, it provides information on national legislation governing collective management as well as a briefing on the reforms proposed by the European Commission in relation to online music services.

PE 378.260

EN, FR

7/2006

### **THE CONSEQUENCES FOR THE SAFETY OF CONSUMERS AND THIRD PARTIES OF THE PROPOSED DIRECTIVE AMENDING DIRECTIVE 98/71/EC ON LEGAL PROTECTION OF DESIGN RIGHTS**

STUDY

Abstract:

This study identifies the consequences of the proposed directive amending directive 98/71/EC for the safety of consumers and other users of complex products (including motor vehicles), which have been repaired using spare parts. More specifically, the study analyses whether existing European legislation relating to safety requirements (product safety, consumer safety, road safety) covers spare parts in the same way and to the same degree as the original complex product.

EN, FR

9/2006

### **BETTER REGULATION AND THE IMPROVEMENT OF EU REGULATORY ENVIRONMENT INSTITUTIONAL AND LEGAL IMPLICATIONS OF THE USE OF "SOFT LAW" INSTRUMENTS**

Background Note

Abstract:

This background note analyses the institutional and legal implications of the use of soft law instruments at the EU level. It analyses the concept of soft law in EU law and defines various categories of Community soft law that have been developed by Community institutions. Furthermore, it elaborates on the competence of Community institutions to adopt soft law acts. The background note ends with summoning the role and relevance of soft law with regard to achieving better regulation and good governance in the EU. It also concludes on the urgent necessity to increase the implication of the Parliament in the elaboration process of soft law.

PE.378.290

EN

3/2007

### **The relation between national courts and the European Court of Justice in the European Union judicial system – preliminary ruling regimes according to Articles 234 EC, 68 EC, and 35 EU**

BACKGROUND NOTE

Abstract:

The Treaties set up an integrated judicial system between national courts and the European Court of Justice (ECJ), in which national judges are at the forefront of the application of Community law in the Member States. The co-operation between national courts and the ECJ is organised by the procedure of reference of national cases to the ECJ for preliminary ruling on the interpretation and on the validity of EC rules, provided for in art. 234 EC. The note analyses the scope of this provision, the conditions of its use by national courts and the consequence of the preliminary reference on national law. The note further investigates the question of liability of national judges for failing to request a preliminary ruling by the Court of justice. The Treaty of Amsterdam introduced in art. 68 EC a variant of the preliminary reference procedure in the area of Title IV of the EC Treaty, which is limited to national courts of last instance and with the exclusion of certain areas of competence. The Treaty on the European Union has also established a procedure of preliminary ruling in its art. 35 EU, although submitted to a declaration of opt-in by the Member States, a limitation in the national jurisdictions entitled to make reference and an exclusion of certain areas of competence. The European Commission and the Court of Justice recently proposed to the Council to abolish the specific regime of art. 68 EC to fully submit Title IV of the EC Treaty to the regular reference procedure of art. 234 EC. The note also gives a survey of the effective use of the reference procedure by national jurisdictions.

PE.378.291

EN

2/2007

## **ELECTION AND MANDATE OF MEPS**

### STUDY

#### Abstract:

The election and the exercise of the mandate of a Member of the European Parliament have been regulated by legal acts of various nature, originating either in national or in European law. Therefore, this study provides an overview of the provisions related to the election and mandate of MEPs (notably the voting system, the disqualification cases, the filling of vacancies, the verification of credentials and the incompatibilities as well as the immunities).

PE 358.894

EN, FR

4/2005

revised and expanded

7/2006

## **PARLIAMENTARY IMMUNITY IN THE EUROPEAN PARLIAMENT**

### INTERNAL STUDY

#### Abstract:

This study provides an analysis of the scope and purpose of the immunity of the Members of the European Parliament. It further explains the procedure for waiving parliamentary immunity and analyses the parliamentary practice, which resulted in the development and consolidation of a set of principles and criteria intended to serve as guidelines for the work of the committee responsible.

PE. 360487

FR, EN

10/2005

updated

7/2007

## **COMPARATIVE STUDY ON THE TRANSPOSITION OF EC LAW IN THE MEMBER STATES**

### INTERNAL STUDY IN CO-OPERATION WITH THE ECPRD

#### Abstract:

Each year the European Commission draws up a Report on the monitoring of the application of Community law, in response to requests made by the European Parliament (resolution of 9 February 1983) and the Member States (point 2 of Declaration No 19 annexed to the Treaty signed at Maastricht on 7 February 1992). The report also responds to the requests expressed by the European Council or the Council in relation to specific areas of activity. On the basis of this yearly report, the European Parliament establishes an initiative report in its capacity of assuming the political control on the action of the Commission. By adopting the report of Mrs Frassoni MEP on the 21st and 22nd Annual reports of the European Commission on the application of Community law (years 2003 and

2004)<sup>2</sup>, the European Parliament notably emphasised the necessity of a better transposition of EU directives in the Member States national laws. Within this framework, the European Parliament called for an increased co-operation between national parliaments and the European Parliament to "promote and reinforce an effective control of European issues at national level". It further underlined that "national parliaments have an essential role to play in the monitoring of the application of Community law, because they allow to reinforce the democratic legitimacy of the Union and to make it closer to citizens". When preparing the report on the 23rd Annual report of the European Commission on the application of Community law (year 2005)<sup>3</sup>, the Committee of the European Parliament on Legal Affairs needed to gather some technical information on the transposition of EU directives in national laws. Therefore, Policy department C in charge of the study support to Legal Affairs Committee has been put in charge of a study on the comparison between the various legal techniques used in the Member States to transpose EC law in the national legal order. This study refers to an ECPRD<sup>4</sup> survey, which took place from 16th January to 2007, on the basis of the following questionnaire, which 24 national parliaments answered.

PE 378.294 EN 6/2007

### **SMEs IN EUROPEAN CONTRACT LAW**

#### BRIEFING NOTE

##### Abstract:

The aim of this paper is to identify what the position of SMEs should be in a draft Common Frame of Reference on EU contract law and in the review of the EU consumer acquis. In particular, this paper will answer the following questions: How can the position of SMEs be defined in relation to the distinction between B2B and B2C contracts? (Sections 2 and 3) Should consumer protection in the revised acquis and in the CFR be extended to SMEs? (Section 4) How can the European Union further facilitate cross-border transactions (B2B and B2C) by SMEs? (Sections 5 and 6) Finally, it addresses the importance of normative coherence (treating like cases alike) (Section 7) and draws some conclusions (Section 8).

PE 378.300

EN  
updated

6/2007  
7/2007

### **WORKING GROUP ON CONTRACT LAW**

#### BACKGROUND NOTES

##### Abstract:

1.

##### **Pre-Contractual Information:**

Report on European Commission Workshop of 28th February, 2006  
Investigation in EP Related Legislative Proceedings

2.

##### **Right to Damages and Direct Producers' Liability**

Report on European Commission Workshop of 6th July, 2006  
Investigation in EP Related Legislative Proceedings

3.

##### **Right of Withdrawal**

Report on European Commission Workshop of 22nd June, 2006  
Investigation in EP Related Legislative Proceedings

4.

##### **European Contract Law - Sales: Page 47**

Report On European Commission Workshops of January 31st 2006 and March 14th 2006  
PE 393.246 EN 2006

## **FULL COMPENSATION OF VICTIMS OF CROSS-BORDER ROAD TRAFFIC ACCIDENTS IN THE EU: THE ECONOMIC IMPACT OF SELECTED OPTIONS**

### STUDY

#### Abstract:

Cross-border road traffic accidents may create a risk of undercompensation of the non-resident victim, due to differences in the standard of living as well as in the calculation of the quantum of damages in Member States. In this regard, this study firstly identifies the countries most concerned, defined as those countries where the problem of victims' undercompensation is more likely to emerge. Secondly, it assesses the economic impact of existing and de lege ferenda options to solve the problem of undercompensation.

PE. 378.304

EN, FR

7/2007

## **THE RELATIONSHIP BETWEEN COMMUNITY LAW AND PRIVATE INTERNATIONAL LAW**

### STUDY

#### Abstract:

This note takes into consideration the evolution of the legal basis of the private international law rules common to the Member States and sets out to distinguish the following stages and categories of private international law legislation within the context of Europe:

- private international law conventions concluded between Member States, but which have no legal basis in the Treaties;
- agreements concluded between Member States under the third pillar following the adoption of the Maastricht Treaty;
- acts of secondary legislation under Title IV of the EC Treaty, as introduced by the Amsterdam Treaty, which "communitise" earlier agreements;
- new private international law rules contained in acts of secondary legislation amending private international law rules between the Member States and between those States and third countries which are directly adopted on the basis of the Title IV of the EC Treaty in the absence of an existing convention;
- new Community rules adopted on the basis of Title IV in a field already partially governed by agreements concluded within a non-Community framework such as the Hague Conference on Private International Law, to which all the Member States are parties. This note shows that, having long been an external phenomenon, private international law rules are increasingly entering the Community framework. This development is the source of a body of original and autonomous European rules which apply to the Member States in their relationship among themselves and in their relationships with third countries. The note draws attention to the special role played by the European Parliament in the emergence of original European private international law rules. It also demonstrates the corresponding need for harmonisation of the new system of private international law rules common to the Member States with their existing international commitments under the Hague Conference, and for increased judicial control guaranteeing uniform application of the new provisions and legal certainty for European citizens.

PE 393.245

EN, FR

7/2007

## **THE LEGAL BASIS FOR AN OPTIONAL INSTRUMENT OF EUROPEAN CONTRACT LAW**

### SHORT STUDY

#### Abstract:

In its Action Plan on European contract law of 2003, the European Commission announced that it would examine whether problems in the European contract law area may require nonsector-specific solutions such as an optional instrument. The present study discusses the existence of a legal basis for such an optional instrument. The European Community only has the power to take any measures, including an optional instrument relating to contract law, insofar as a power is attributed to it by the founding Treaties. The EC Treaty does not provide a specific competence to create private law instruments nor does it provide any general competence to harmonize private law. Therefore, recourse is sought to the functional competences laid down in the Treaty. The potentially relevant competences include the ones following from Articles 61-67, 94, 95, and 308 of the EC

Treaty. Considering the relevant EC Treaty provisions and ECJ case law concerning legal bases, the study suggests that Article 308 EC seems to be the most likely provision to provide a legal base for enacting one or more optional instruments concerning European contract law. However, even Article 308 EC cannot serve as a legal basis for enacting the entire CFR; any optional instrument will have to be limited to rules on the subjects that are particularly relevant to the internal market.

PE 393.280

EN, FR

2/2007

### **THE VALUES UNDERLYING THE DRAFT COMMON FRAME OF REFERENCE: WHAT ROLE FOR FAIRNESS AND "SOCIAL JUSTICE"?**

STUDY

Abstract:

This study provides an in-depth analysis of the provisions of the draft Common Frame of Reference (DCFR), in order to assess if the DCFR perceives contract law only as a tool for regulating private law relations between equally strong parties or if it contains elements of 'social justice' in favour of consumers, victims of discrimination, small and medium sized enterprises and other possibly weaker parties to contracts. After introducing the notion of social justice and its relationship to European contract law, this study explores the key social justice issues in the DCFR, their content and sources of inspiration. Finally, the last chapter draws some conclusions on the question if a balance has been struck among conflicting values and in particular between, on the one hand, individual private autonomy as expressed in the idea of freedom of contract, and on the other hand, principles of protection of weaker contracting parties responding to demands for social solidarity.

PE 408 312

EN, FR

9/2008

### **The origin of content provided by video on demand services in the European Union**

STUDY

Abstract:

This study provides a representative panorama of the video on demand offering (VoD) available in the European markets. It shows some broad trends of VoD services playing a role in representing Europe's cultural diversity and in promoting European cinematic heritage. In its conclusions, this study reveals that although American programmes are widely represented in European VoD catalogues on offer, they are not excessively over-represented compared to those being offered in theatres and even less so compared to the programmes broadcast on European television stations.

PE 408.322

EN, FR

11/2008

### **COMPARATIVE STUDY ON AUTHENTIC INSTRUMENTS: NATIONAL PROVISIONS OF PRIVATE LAW, CIRCULATION, MUTUAL RECOGNITION AND ENFORCEMENT, POSSIBLE LEGISLATIVE INITIATIVE BY THE EUROPEAN UNION UNITED KINGDOM, FRANCE, GERMANY, POLAND, ROMANIA, SWEDEN**

STUDY

Abstract:

This study provides an in-depth and objective comparative analysis of the national provisions of private law and private international law in the field of authentic instruments with special focus on their mutual recognition and enforcement within selected EU Member States. The results of this comparative analysis serve as a basis for evaluating if a legislative initiative of the European Union in this field is worthwhile or necessary. For that purpose, the study contains some proposals on the legal basis and the form as well as on the scope and the content of a possible regulatory intervention by the European Union.

PE 408.329

EN, FR

11/2008

### **COMPARATIVE STUDY ON THE LEGAL SYSTEMS OF THE PROTECTION OF ADULTS LACKING LEGAL CAPACITY: NATIONAL RULES OF PRIVATE LAW, OF PRIVATE**



**INTERNATIONAL LAW AND A POSSIBLE LEGISLATIVE INITIATIVE OF THE EUROPEAN UNION  
UNITED KINGDOM, FRANCE, GERMANY, SWEDEN, CZECH REPUBLIC, ROMANIA**  
STUDY

Abstract:

This study provides an in-depth and objective comparative analysis of the legal systems of protection of adults lacking legal capacity within selected EU Member States. The first two parts of the study contain for each Member State concerned a detailed description and assessment of the national provisions of private law and of international private law on the protection of adults lacking legal capacity. The final part of the study indicates and evaluates the advantages and the possible content of a legislative initiative of the UE in the field of the protection in cross border situations of adults lacking legal capacity.

PE 408.328

EN, FR

11/2008

**THE CONSUMER RIGHTS DIRECTIVE AND THE CFR: TWO WORLDS APART?**

BRIEFING NOTE

Abstract:

On 8 October 2008, the European Commission presented a Proposal for a Directive of the European Parliament and of the Council on consumer rights. The proposal is a result of the review of the Consumer acquis which covers a number of Directives on consumer protection. The content of this proposal could overlap with some provisions of the Draft Common Frame of Reference. Therefore this note compares the contents of both projects in order to assess possible overlapping and how these two projects could be effectively coordinated in order to avoid fragmentation in European contract law. This briefing note analyses the gap between the DCFR and the consumer rights directive and its implications and aims at demonstrating if there is any linkage between these two instruments.

PE 410.674

EN

2/2009

**COMPARATIVE STUDY ON THE APPLICATION OF DIRECTIVE 2004/38/EC OF 29 APRIL 2004 ON THE RIGHT OF CITIZENS OF THE UNION AND THEIR FAMILY MEMBERS TO MOVE AND RESIDE FREELY WITHIN THE TERRITORY OF THE MEMBER STATES**

STUDY

Abstract:

This study provides a comparative analysis of the national transposing acts and of the current state of application at administrative level of the Directive 2004/38/EC. Firstly, it summarises the Directive's historical background and the context of its adoption. Secondly, the study reports general findings on the national transposing measures, highlighting cases of late transpositions and the way transposition was achieved by the Member States. Thirdly, the study contains detailed country reports for ten Member States, which have been selected in accordance with several criteria such as their important migratory patterns and their problems in the implementation of the Directive. Furthermore, it presents in detail the non-conformity issues identified in the ten selected Member States against the broader picture emerging generally across the EU-27, focusing on the following areas: entry and residence rights, definition of sufficient resources, situation of registered partners and third country national family members, equal treatment, grounds for expulsion and other more scattered problems grouped under the heading 'miscellaneous'. In its last chapters, the study provides an evaluation of the administrative services that underpin the application of the Directive in the ten selected Member States and analyses the role of the European Commission with regard to the application of the Directive. At last, it draws some conclusions on the shortages in the implementation's process and makes a number of proposals to strengthen the Commission's role in order to ensure a more effective application of the Directive.

PE 410.650

EN, FR

3/2009

**FORUM ON JUDICIAL COOPERATION IN CIVIL MATTERS:  
DEBATE WITH NATIONAL PARLIAMENTS  
2 DECEMBER 2008**

**Abstract:**

The Forum on judicial cooperation in civil matters provided an overview of the results achieved in the field of civil justice and launched a debate on the challenges for the future. To that end, the Policy Department provided the following background notes, drawn up by experts from both the academic and professional fields, as a basis for the debate involving members of the European Parliament and the National Parliaments. The forum was organized in four thematic sessions.

**SESSION I - EASIER ACCESS TO CIVIL JUSTICE**

Background Notes

These notes are published in the following languages: BG, CS, DA, DE, EL, EN, ES, ET, FI, FR, HU, IT, LT, LV, NL, PL, PT, RO, SK, SL, SV

**SESSION II - E-JUSTICE: A TOOL FOR CITIZENS, PRACTITIONERS AND BUSINESS**

Background Notes

These notes are published in the following languages: BG, CS, DA, DE, EL, EN, ES, ET, FI, FR, HU, IT, LT, LV, NL, PL, PT, RO, SK, SL, SV

**SESSION III - CONTRACTS AND CIVIL WRONGS**

Background Notes

These notes are published in the following languages: BG, CS, DA, DE, EL, EN, ES, ET, FI, FR, HU, IT, LT, LV, NL, PL, PT, RO, SK, SL, SV

**SESSION IV - FAMILY LAW AND THE LAW OF SUCCESSION**

Background Notes

These notes are published in the following languages: BG, CS, DA, DE, EL, EN, ES, ET, FI, FR, HU, IT, LT, LV, NL, PL, PT, RO, SK, SL, SV

# Petitions

## *Studies and Notes*

### **SHORT COMPARATIVE ANALYSIS**

NOTE

Abstract:

Description of citizens' initiatives and referenda in selected EU member and candidate states.

PE 360.479

EN

1/2005

### **National legislation and practices regarding the implementation of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, in particular Article 6**

STUDY

Abstract:

This study reviews national legislations and practices regarding the implementation of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, in particular Article 6. It is based on eight national reports (Belgium, France, Germany, Poland, Spain, Sweden, Romania and UK) each containing on one to four case studies concerning implementation of the key provision for implementing the EU's Natura 2000 system.

PE 410.698

EN, FR

5/2009

### **THE NORD STREAM GAS PIPELINE PROJECT**

BRIEFING NOTE

PE 393.273

PE 393.274

DA, DE, EL, EN, ES, FI, FR,  
HU, IT, LV, MT, NL, PL, RO

12/2007

Abstract:

Abstract:

3 notes covering different aspects and giving an overview of the issues at stake in the offshore natural gas pipeline project, planned to run from Vyborg, Russia across the Gulf of Finland and the Baltic Sea to Lubmin in Greifswalder Bodden, Germany. The first one deals with environmental issues, the second with the strategic implications of the project and the last analyses the issues related to the European energy policy.

## List of Abbreviations

<b>BG</b>	Български
<b>CS</b>	Čeština
<b>DA</b>	Dansk
<b>DE</b>	Deutsch
<b>EL</b>	Ελληνικά
<b>EN</b>	English
<b>ES</b>	Español
<b>ET</b>	Eesti keel
<b>FI</b>	Suomi
<b>FR</b>	Français
<b>HU</b>	Magyar
<b>IT</b>	Italiano
<b>LT</b>	Lietuvių kalba
<b>LV</b>	Latviešu valoda
<b>MT</b>	Malti
<b>NL</b>	Nederlands
<b>PL</b>	Polski
<b>PT</b>	Português
<b>RO</b>	Română
<b>SK</b>	Slovenčina
<b>SL</b>	Slovenščina
<b>SV</b>	Svenska



DIRECTORATE-GENERAL FOR INTERNAL POLICIES

## POLICY DEPARTMENT CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS **C**

### Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

### Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

### Documents

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