



EUROPEAN PARLIAMENT

**DG INTERNAL POLICIES OF THE UNION  
RELATIONS WITH NATIONAL PARLIAMENTS**

MS/06/06

Brussels, 2nd June 2006

**Joint Committee Meetings with National Parliaments  
2006**

**✦ Seminar of the LIBE committee (Civil Liberties, Justice and  
Home Affairs)**

***What?***

This joint meeting will focus on the Convention of Prüm

***When?***

Thursday 22 June from 9 a.m. to 12.30 p.m.

***Where?***

European Parliament - Brussels, room ASP 1G2

***Who?***

Members of the Committee on Civil Liberties, Justice and Home Affairs and Members of the 25 EU National Parliaments

Organisation: Committee on Civil Liberties, Justice and Home Affairs, with the assistance of the Directorate for Relations with National Parliaments.

Contact person: Mme H el ene Calers and Mr. Franco Perroni

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This seminar will be followed by another informal meeting during the afternoon, in the same meeting room, from 2 p.m. to 4.30 p.m., on the **decision of the Court of Justice of 30th May on "Passenger Name Record" (PNR) and its consequences**. The programme of this second meeting will be transmitted as soon as available.

# EUROPEAN PARLIAMENT

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

Public seminar

with the participation of the

NATIONAL PARLIAMENTS OF THE MEMBER STATES

Thursday 22 June 2006 from 9.00 to 12.30

*European Parliament,  
Altiero Spinelli Building, Room 01G2,  
60 Rue Wiertz, Brussels*

**THE PRÜM CONVENTION:  
INTEGRATION OR FRAGMENTATION OF EUROPEAN JUSTICE AND  
HOME AFFAIRS?**

The Convention on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration negotiated upon German initiative and signed in Prüm (Germany) on 27 May 2005 represents a new element in the fragmented landscape of European Justice and Home Affairs (JHA). Signing parties to the so-called Prüm Treaty are Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria. At the moment the Treaty undergoes parliamentary ratification in those countries.

The Treaty, which envisages its own incorporation into the EU legal framework within three years after entering into force, bears the marks of the Schengen integration process and thus raises the question of its role for the future development of this policy field. The seminar first aims to shed light on and debate the most important provisions of the Prüm Convention. What is new and how does it relate to existing forms of cross-border cooperation? Secondly, it aims to discuss how democratic parliamentary and judicial oversight of such intergovernmental forms of cooperation, which are however tightly linked to EU-level developments in the field, can be provided for. It takes stock of the Schengen integration process in order to draw lessons for parliaments' activities with regard to the Prüm Convention. Finally, the question shall be raised whether this integration 'à la Schengen' is desirable at this stage of the integration process and at a time when citizens regard the aim of a creation of an EU-wide area of freedom, security and justice as more and more crucial while the reality of European JHA is one of multiple and fragmented forms of cooperation.

## 9.00 - 9.30 OPENING SESSION

**Opening Statements** by **Mr. Jean-Marie Cavada**, Chairman of the European Parliament Committee on Civil Liberties, Justice and Home Affairs and **Mr. Rudolf Parnigoni**, Chairman of the Internal Affairs Committee of the Austrian Nationalrat

**Introduction to the Treaty** by **Mr Kurt Häger**, senior Austrian civil servant and current Chairman of the Council's Article 36 Committee<sup>1</sup>

## 9.30 - 12.30 WHAT IS 'PRÜM' ABOUT?

### 9.30-10.00 Prüm and EU Justice and Home Affairs: How does Prüm relate to existing and foreseen EC/EU legislation?

All three policy areas covered by the Prüm Treaty are also regulated by EU law. How do the Prüm provisions, laid down only for the small circle of Prüm contracting parties, relate to the existing and envisaged EU norms in these areas? Are the Prüm provisions compatible with EU law or do they risk to breach the principle of loyalty laid down in Article 10 TEC which obliges Member States to refrain from all measures which would hamper attaining the aims set out in the Treaties such as the aim to establish an EU-wide area of freedom, justice and security?

**Introductory Statement: Thierry Balzacq, CEPS**

**Debate with all parliaments**

### 10.00-10.30 Data exchange and data protection in the Prüm Treaty

The main focus of the Treaty is on improving data exchange between the law enforcement authorities of the Prüm states. Among other things, it provides for online access to each others databases and the comparison of DNA-profiles, fingerprints etc. as well as the exchange of the respective personal data. Are these far reaching provisions counterbalanced with appropriate data protections measures? Is the interference of the Prüm provisions with civil rights justified by the aim of providing a higher level of security and do they respect the principle of proportionality? The Prüm provisions also have a spill-over effect into ongoing negotiations on the proposal for a Council Decision on the exchange of information under the principle of availability. How are these different norms related?

**Introductory Statement: Peter Schaar**, German Federal Data Protection Commissioner and Chairman of the Art. 29 Working Party of the European Data Protection Commissioners

**Debate including reactions from 'Prüm Parliaments'**

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<sup>1</sup> CATS - from the French acronym *Comité de l'Article Trente Six* - is a coordinating committee that oversees the work of a dozen specialist Council working groups on police and judicial cooperation (Article 36 TEU) and reports to the Council through Coreper II.

### **10.30-11.10 Cross Border Policing in the Prüm Treaty**

The Treaty also promotes cross-border policing including measures such as joint patrols, cross-border surveillance and hot pursuit etc. It foresees that the authorities of a Prüm state can confer sovereign powers to officers of another Prüm state in joint operations, which then exercise their powers in accordance with the host states' laws. These provisions are modelled largely on the bilateral agreements on cross-border policing Germany concluded in recent years with its neighbours.

**Introductory Statements: German and Austrian Delegations** (to be confirmed)

**Debate including reactions from 'Prüm Parliaments'**

### **11.10-11.50 Lessons from Schengen and G6: Parliamentary and Judicial Scrutiny of cooperation *outside* the EU legal Framework**

Like the Schengen agreements, Prüm presents an intergovernmental form of cooperation which aims to be integrated into the EU legal framework at a later stage. Regarding democratic parliamentary scrutiny, the Schengen process suffered from a number of shortcomings. The 'Schengen Parliaments' for example ratified the Schengen Implementation Agreement but, with few exceptions, were not involved in the adoption of the substantial decisions taken by the Schengen executive committee. With the incorporation of the Schengen *acquis* into the EU *acquis*, national parliaments and the EU institutions were confronted with a body of law on whose content they have had no influence. How can parliamentary and judicial oversight of such cooperation be enhanced? Also, with Prüm, the European Parliament is circumvented by governments at a point where it gained significant powers in this policy field.

**Introductory Statements**

JHA Expert: European Parliament and National Parliaments' involvement in Schengen cooperation

Experiences with Schengen: Dutch Parliament (to be confirmed)

**Debate**

### **11.50 - 12.30 The Future of Prüm: a desirable way of integration?**

What are the possible ways of integrating the Prüm *acquis* into EU legal Framework? Are the provisions on enhanced cooperation applicable or will Prüm follow the Schengen way of integration? Is Prüm a chance to promote integration in a field which is still strongly hampered by national reservation or will Prüm run counter this aim and even further fragment this policy field? Is the criticism justified that a number of Member States agree in a small and strictly intergovernmental framework on highly contentious measures avoiding the difficult search for EU-wide compromises and confronting the remaining Member States and EU institutions with an established

acquis? Is it desirable to repeat the intergovernmental Schengen experience at a time where the EU's JHA acquis and the necessity for EU-wide cooperation have grown?

**Introductory Statements**

1. Legal Expert or Council Presidency
2. Commission (to be confirmed)

**Final Debate**

## ANNEX

## Secretariat of the seminar

	Telephone	Address	Electronic address
Hélène CALERS (Administrator)	(32.2) 284 0795	European Parliament Rue Wiertz RMD 01J036 B-1047 Brussels	ip-libe @europarl.europa.eu
Daniela KIETZ (Trainee)	(32.2) 283 1238	European Parliament Rue Wiertz RMD 01J050 B-1047 Brussels	
Ryszard DE GROOT (Assistant)	(32.2) 284 0795	European Parliament Rue Wiertz RMD 01J036 B-1047 Brussels	
Céline HAMACHER (Secretary)	(32.2) 284 0613	European Parliament Rue Wiertz RMD 01J002 B-1047 Brussels	

**Important notice to persons wishing to attend the seminar**

This seminar is open to the public. However, for security reasons, participants who are not in possession of a European Parliament access card must acquire a pass in advance. Persons wishing to obtain a European Parliament pass are requested to contact the seminar secretariat before 15 June 2006.

There will be simultaneous interpretation in 12 languages (EN, IT, NL, DE, FR, ES, PL, CZ, LT, FI, SL and HU).

Draft letter of invitation to the seminar

Dear Sir,

Further to the Meeting between the European Parliament and the National Parliaments held on 17-18 October 2005 ("Liberty and Security: Improving Parliamentary Scrutiny of Judicial and Police Cooperation in Europe"), the Committee on Civil Liberties, Justice and Home Affairs considers it necessary to maintain regular contacts with the national parliaments in the field of Justice and Home Affairs. Therefore, I would like to inform you about the following events in our field.

The Committee held a debate on 4 May 2006 on the "Convention on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration", also called the Prüm Convention, which was signed by seven EU Member States in May 2005. During the meeting, it was suggested that the debate should be pursued with the national parliaments, in particular those which are responsible for ratifying the Treaty.

In this context, I have the pleasure to invite you to the seminar "**The Prüm Convention: Integration or Fragmentation of European Justice and Home Affairs?**" to further discuss the issues raised by this Convention and its implications. It will take place on **Thursday 22 June 2006 from 9 a.m. to 12.30 p.m.** in room ASP1G2 of the European Parliament in Brussels. Please find attached a draft programme.

Moreover, following the **judgment of the European Court of Justice in the joint cases C-317/04 and C-318/04 of 30 May 2006 on the 'Passenger Name Records' (PNR)**, the Committee would like to organise an exchange of views with the national parliaments on the consequences of this judgement. This meeting will take place on the same day, **22 June 2006 from 2.30 p.m. to 4 p.m.** in the European Parliament. The European Commission and the Council Presidency will be invited to present their views on the issue.

I would be grateful if you could attend these meetings. Thank you for confirming your attendance as soon as possible to H el ene Calers ([helene.calers@europarl.europa.eu](mailto:helene.calers@europarl.europa.eu)).

Yours faithfully,

Jean-Marie Cavada

enclosure: programme