

## **SPECIAL MEETING OF THE EUROPEAN COUNCIL IN TAMPERE**

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The Tampere meeting is an excellent opportunity to give political guidelines for the Union's Justice and Home Affairs policy following the entry into force of the Amsterdam Treaty, and begin the realisation of a common area of freedom, security and justice.

The new Title IV of the Amsterdam Treaty enables more far-reaching and closer co-operation in JHA matters. But we should also bear in mind that the police and judicial cooperation in criminal matters were left in the third pillar for the intergovernmental cooperation between the Member States. The general objective of the Tampere meeting is to formulate a coherent and comprehensive cross-pillar policy that forms the basis for establishing an area of freedom, security and justice.

The enlargement of the Union and co-operation with third countries and international organisations present new challenges. Citizens' expectations have increased as regards solving the problems of security and legal protection in relation to free movement. The Union should also strengthen its capacity to serve the citizens in Justice and Home Affairs. The principle of proportionality has an important role in the realisation of an area of freedom, security and justice. Valuable goals should not lead to the situation where the basic rights of the citizens, i.e. rights of freedom, are in risk of violation because the actions necessary for ensuring the security are beyond reasonable measures.

The agenda of the meeting will be built around the following central themes:

1. Immigration and Asylum policy,
2. The fight against cross-border crime
3. A European Judicial Area (i.e. improving the legal protection of persons)

The above mentioned issues are to be discussed avoiding too precise demarkations because they are, in fact, all very closely linked.

Special attention will be given to human rights and transparency. In general, the preparation of these matters should be more transparent and an open dialogue with human rights organisations should be a natural part of the preparatory work.

There is common ground on certain elements of the meeting: a strong political commitment to the implementation of the Amsterdam Treaty and the Vienna Action Plan, a cross-pillar approach, a closeness to the citizens, a focus on politically significant issues, the use of the ideas adopted in the development of the internal market, and an improvement in the coherency of the external relations policy.

As regards immigration and asylum the aim is to create an integrated and coherent cross-pillar policy for the enlarging Union. The Union should be better equipped to respond to different kinds of crises. Environmental refugee movement is one of the unfortunate examples of important challenges that a responsible Europe will have to face in the future. Immigration and the closely related, but independently handled, asylum questions have become ever more significant and apparent. The Member States are of the opinion that these matters need to be approached in a comprehensive manner.

The Amsterdam Treaty, article 63, gives a mandate to establish a Common European Asylum System. The Geneva Refugee Convention and its obligations securing the rights of the refugees, provide a valid starting point, but it is hoped/necessary that the target is to be set even higher.

Special attention should be given to the fight against illegal immigration and the rights and responsibilities of legal immigrants. In this connection, human rights and the fight against racism and xenophobia play an important role.

The Union's external border controls should be developed in line with the Schengen acquis, and, with the forthcoming enlargement in mind, be better integrated.

The High Level Immigration and Asylum Working Group (HLWG) is a Union-level attempt to apply a comprehensive, cross-pillar approach to a multidimensional problem. With separate programmes on countries of origin and transit countries, the aim is to tackle the reasons behind migration and refugee fluxes on all three fronts covered by the EU pillars. All measures, from trade policy to development aid, should be used to support cross-pillar policy and to help reducing the pressures of emigration.

In line with a Council decision the HLWG will, in the first phase, concentrate on the most important countries of origin or transit countries as regards asylum seekers and immigrants. Action plans concerning individual countries of origin accompanied by proposals for measures will be presented to the General Affairs Council for approval before the Tampere Summit. Action plans should not, in any way, make it more difficult for people under persecution and in need of real protection to leave a country, for example Afghanistan or Sri Lanka.

Also, the status "safe country" should not prevent a person from seeking asylum if he/she has a well-founded fear of being persecuted as stipulated in the Geneva Refugee Convention. It has been shown that even in some "safe" European countries minority groups, for example Romanies, have been discriminated against on the basis of their origin. In the fight against cross-border crime the aim is to create an area based on justice, increased security of individuals, improved co-operation among authorities in the Member States as well as in applicant and partner countries, and strengthened action to combat cross-border crime. Preventing and combatting crime is not restricted to organised crime but covers criminality in general. Important elements of the coherent approach to the problem are measures to enhance crime prevention at Union level, as well as to intensify measures to eliminate preconditions for and proceeds of crime.

Actions at Union level should concentrate on those areas where they can have added value or where the measures at the national level would not otherwise be sufficient enough. Such important areas would be, for example, the fight against trafficking in women, crimes against children, illicit drug trafficking and money laundering.

By creating a European Judicial Area and improving the legal protection of citizens, it is hoped that the Union will become an area of genuine justice. The aim is also to safeguard administrative and legal protection of people within the whole of the Union, and at the same time improve the rights and protection of victims. In addition to individual citizens the European Judicial Area should also be considered from the viewpoint of economic actors and their operational abilities. There is still too little information available on different legal and administrative systems in an easily accessible manner.

Despite all different views and policies, the heads of the state and government have a unique opportunity in Tampere to show good will in finding a mutual understanding in starting to build an area of freedom, security and justice. This clearly requires strong political guidelines, commitments and concrete targets.

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