

EUROPEAN PARLIAMENT

2004



2009

Committee on Civil Liberties, Justice and Home Affairs

2006/2115(INI)

22.11.2006

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Foreign Affairs

on the accession of Romania
(2006/2115(INI))

Draftswoman: Kinga Gál

PA_NonLeg

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Notes with satisfaction the significant improvements achieved by Romania in the field of justice and home affairs since the Commission's monitoring reports on the state of preparedness for EU membership of Bulgaria and Romania of May 2006;
2. Notes that despite the serious efforts undertaken by Romania in recent months to meet the EU accession criteria, progress in some areas has still not been completely satisfactory and urges Romania to take immediate steps to overcome the shortcomings; considers that the mere adoption of a legislative framework is insufficient and should be followed up by adequate implementation at all levels;
3. Calls on the Romanian Government and authorities to make full use of the remaining months before accession in order to implement without delay all the commitments made, and to maintain such efforts after accession in order to produce concrete results especially in the following fields:
 - Romania needs to maintain the current pace of implementation of judicial reforms in order to ensure further tangible results, transparency and efficiency in the judicial process, notably by enhancing the capacity and accountability of the Superior Council of Magistracy; further progress is needed in order to ensure a fully consistent interpretation and application of the law in all courts; the impact of the new civil and penal procedures codes should be monitored; the managerial shortcomings in the Public Ministry must be addressed;
 - in the field of public administration, Emergency Ordinances should be limited to exceptional circumstances and replaced by laws in order to preserve the Parliament's legislative role and oversight powers and to guarantee the non-discriminatory nature of electoral laws;
 - Romania needs to continue its efforts to fight corruption, especially at local level, in order to demonstrate the sustainability and irreversibility of the positive progress already made;
 - ongoing efforts are required to bring into operation the integrated border management system, continue the implementation of the legislative framework relating to the fight against money laundering and facilitate the social reintegration of victims of human trafficking; it is also necessary to combat ill-treatment in custody and prisons, and rigorously monitor the application of the legal framework, including the new Criminal Code and new Criminal Procedure Code;
 - as concerns child protection, the treatment of people with disabilities and the mental healthcare system, the promotion of good quality services and increased access to education and employment must be a priority in order to improve the living conditions and treatment of children and such people in their everyday lives;

- as concerns the restitution of properties confiscated by the communist regime, Romania needs to speed up the processing of claims; greater political will is necessary as concerns the restitution of properties with special regard to church and community properties, in order not to remain blocked at the level of mere legislation; the setting up a functional Property Fund is necessary to achieve this aim;
4. Acknowledges the significant progress accomplished by Romania in relation to child protection, but reiterates its concern at the high number of abandoned children each year, many of them in paediatric clinics, invisible in legal terms and therefore extremely vulnerable to trafficking in human beings; urges the Romanian authorities to take the necessary measures to guarantee systematic registration of births; considers that all abandoned children have the right to the opportunity of having a family and calls the Romanian authorities to authorise international adoptions if necessary, in accordance with The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption; reiterates its repeated calls for the cases of the 1092 abandoned children for whom an application for adoption had been lodged to be resolved in the best interests of the child and taking into account the established relations between these children and their prospective adoptive families;
5. Calls on the Romanian Government to take further steps in the field of protection of minority communities, since the Commission's monitoring report of September 2006 states that only limited progress can be reported in that field and since implementation is not fully satisfactory; notes that the Commission report mentions that the European Monitoring Centre on Racism and Xenophobia (EUMC, the expected future EU Fundamental Rights Agency) will continue its monitoring after accession of Bulgaria and Romania with respect to the fight against racism and related discrimination and to the support of positive integration of minority communities; in this context:
- the draft law on the statute of national minorities, which is being discussed in the Romanian Parliament, should be adopted as soon as possible in accordance with the relevant European standards in a form that is acceptable to the national minorities, ensuring the preservation, development and expression of ethnic, cultural, linguistic and religious identities of national minorities;
 - concerning the situation of Roma minority, further efforts are needed to improve their living conditions, desegregate Roma settlements and promote equality in employment through strict implementation of non-discrimination policies in order to improve access to the labour market; specific cases of institutional violence against Roma and assault against Roma, such as police raids, which should be investigated by the competent authorities, continued to be reported months prior to accession; further efforts are also necessary to improve equal access to desegregated quality education and health care;
 - as concerns the Hungarian minority, additional measures need to be taken, as requested in previous resolutions of the European Parliament, to ensure that this minority is protected in accordance with the principles of subsidiarity, cultural self-governance and administrative self-governance, the latter being applicable to all citizens and local communities, without distinction on ethnic grounds; the Romanian authorities should fully support higher education for the Hungarian minority by

providing the necessary financial means;

6. Calls on the Commission to closely monitor, prior to and post accession, the implementation of Romania's commitments as regards minority protection;
7. Welcomes the Commission's initiative to closely monitor the implementation of the commitments made by Romania ; calls on the Commission to inform the European Parliament about the functioning of the cooperation and verification mechanism in the field of justice and the fight against corruption and on the progress made by Romania regarding the benchmarks in this field and all the other fields considered by the Commission;
8. Calls on the Commission to fully involve it and its relevant committees if it considers whether to activate the safeguard clause provided for in Article 38 of the Act concerning the conditions of Accession relating to mutual recognition in the area of criminal law under Title VI of the Treaty on European Union and in civil matters under Title IV of the Treaty establishing the European Community.

PROCEDURE

Title	Accession of Romania			
Procedure number	2006/2115(INI)			
Committee responsible	AFET			
Opinion by Date announced in plenary	LIBE 18.5.2006			
Enhanced cooperation – date announced in plenary				
Drafts(wo)man Date appointed	Kinga Gál 20.6.2006			
Previous drafts(wo)man				
Discussed in committee	12.9.2006	5.10.2006	6.11.2006	22.11.2006
Date adopted	22.11.2006			
Result of final vote	+: -: 0:	39 0 0		
Members present for the final vote	Roberta Angelilli, Edit Bauer, Johannes Blokland, Mihael Brejc, Giusto Catania, Carlos Coelho, Fausto Correia, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Kinga Gál, Elly de Groen-Kouwenhoven, Lilli Gruber, Lívia Járóka, Timothy Kirkhope, Ewa Klamt, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Claude Moraes, Inger Segelström, Ioannis Varvitsiotis, Donato Tommaso Veraldi, Stefano Zappalà, Tatjana Ždanoka			
Substitute(s) present for the final vote	Ignasi Guardans Cambó, Bárbara Dührkop Dührkop, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Vincent Peillon, Marie-Line Reynaud			
Substitute(s) under Rule 178(2) present for the final vote	Pilar Ayuso, Iratxe García Pérez, Esther Herranz García, Mary Honeyball, Antonio López-Istúriz White, Ana Mato Adrover, Manolis Mavrommatis, María Isabel Salinas García, Alejo Vidal-Quadras			
Comments (available in one language only)				