

2. Freedom, security and justice

Freedom, security and justice cannot be achieved by the Member States alone. Citizens' safety and security are a collective responsibility that requires collective action. This applies in particular to continuing the fight against international terrorism, after the terrorist attacks on 11 September 2001, and stepping up action against cross-border crime. At the same time, work on a common European asylum and immigration policy must be speeded up, while fully respecting international agreements. Third-country nationals who are here legally must be guaranteed fair treatment. Cooperation on control of the EU's external borders should be stepped up. Illegal immigration and trafficking in human beings must be fought. Immigration policy will have to play a greater part in EU foreign policy.

An intensified effort against international terrorism

Combating international terrorism will be given a high priority during the Danish EU Presidency. Intensified action following the terrorist attacks on 11 September 2001, based on the EU Action Plan, is to be carried out by:

Strengthening the EU's central role through:

- Increased emphasis on combating terrorism in EU foreign and security policy.
- Systematic evaluation of third countries' contribution to the fight against terrorism.
- Introduction of anti-terrorism clauses in agreements with third countries.

The EU must be the standard-bearer in the UN and other international fora, through:

- Adherence to the international anti-terrorism coalition and cooperation with the USA.
- Conclusion of a general convention against terrorism and universal endorsement of the 12 existing UN conventions on combating specific terrorist acts.
- Universal implementation of UN Security Council resolutions and continuation of the work on freezing terrorists' assets.
- Results of the EU's terrorism-prevention initiatives in the area of disarmament, non-proliferation and export controls.
- Improvement of cooperation on protecting the population against the possibility of biological, chemical and nuclear attacks.

Development of new instruments for combating terrorism, including:

- Setting up a joint survey of how terrorists typically operate. The survey should make it easier to prevent and combat terrorism.
- Concluding cooperation agreements with the USA on extradition and mutual legal assistance in criminal matters.

EU Action Plan

*Strengthening of
the EU's central role*

EU standard-bearer

*Development of
new instruments*

*Stepping up of police
and criminal justice
cooperation*

*Mid-term review of
the EU action plan
to combat drugs*

Effective law enforcement

*Improvements
regarding rights*

The Danish Presidency will actively seek to encourage international recognition of the fact that the fight against terrorism must also be conducted through an active and effective development policy and development aid. Support for the fight against poverty, the promotion of democracy and respect for human rights can help to eliminate the fertile breeding ground for fundamentalism and political violence.

More effective measures against crime

EU enlargement will also be a major priority for the Presidency in the area of police and criminal justice cooperation. Police and criminal justice cooperation needs to be stepped up for more effective combating of cross-border crime. An EU with a number of new Member States will also need enhanced cooperation on border control. That involves swift and secure information exchange between the Member States. To intensify cooperation, a major effort will be made during the Danish Presidency to extend the electronic Schengen Information System (SIS II).

Drugs crime remains a serious problem, marked out by its transnational nature. A mid-term review of the EU action plan to combat drugs is to be carried out in order to assess the progress made by Member States in implementing the plan's objectives. The Danish Presidency intends to work for the establishment of political guidelines and priorities for continuing work in the drugs area. The initiative will also be taken to strengthen efforts to treat criminal drug abusers while they are serving their sentences.

One of the requirements for effective law enforcement is simpler access to exchange of information between police and public prosecutors, etc. in Member States. The Presidency will therefore be working for both technologically and legally improved scope for electronic exchange of information between police and public prosecutors in Member States, particularly as regards fingerprints and details of previous criminal convictions.

It is of considerable importance to the public's sense of justice that decisions taken in criminal cases in one Member State should be enforceable in another Member State (mutual recognition). The Presidency therefore means to take forward work in this area, focussing on fines and asset confiscation orders. The Presidency will also be putting forward increased cooperation with regard to disqualifications.

Tougher action against crime requires close cooperation with a number of non-member countries. The Presidency will here be attaching particular importance to preventing and combating trafficking in women and sexual exploitation of children.

As part of a general stepping up of action in this area, the Presidency also means to:

- continue work on revision of the Convention on the establishment of a European Police Office (Europol);
- arrange for cooperation in preventing and combating attacks on commercial drivers;
- work for greater cooperation on joint use of police liaison officers in non-member countries;
- continue work on alignment of Member States' criminal law and penalties in areas of transnational significance, such as information technology crime, racism and xenophobia, and corruption in the private sector;
- step up cooperation on investigation of war crimes and similar serious crimes.

Customs cooperation forms a key part of action against cross-border crime, action which needs to be stepped up. In doing so, the Danish Presidency will:

- continue with implementation of the Naples II Convention, designed in particular to enable the police to engage in hot pursuit across internal borders;
- continue with implementation of the Convention on the use of information technology for customs purposes (the CIS Convention), designed to ensure more effective cooperation and inspection procedures for investigation and prosecution of serious breaches of national law;
- take forward the drawing up of an action plan to ensure effective control of the EU's external borders by customs authorities after enlargement.

Asylum and immigration

Asylum and immigration policy is an important element of efforts to make the EU an area of freedom, security and justice – including for those nationals of third countries who are residing legally in the EU. In Seville the European Council decided to strengthen cooperation on these matters. The Danish Presidency will follow up the decisions taken in Seville.

To implement objectives in the asylum and immigration field, the Presidency will continue the current very comprehensive work which is taking place on the basis of guidelines which have already been established to implement the EC Treaty's provisions on asylum and immigration. The Presidency will ensure that negotiations about the Commission's many proposals on the implementation of the Treaty's provisions on asylum and immigration will continue in an effective and balanced fashion.

One of the foundations of a common European asylum policy is the establishment of new rules as to who has responsibility for processing an asylum application (Dublin II). The Presidency will therefore make a special effort to reach agreement on the Commission's proposal on this.

Customs cooperation

Common understanding of the concept of "refugee"

It is also important to establish a common understanding of the term "refugee" and other forms of protection. The Presidency will therefore give priority to work to push ahead and reach agreement on the basis of the Commission's proposal for a Directive.

Focusing on integration

Third-country nationals living legally in the territory of the Member States must be ensured fair treatment. It is important to ensure that there is an effective integration policy. The aim should be to grant give third-country nationals rights and obligations equivalent to those applying to EU citizens. On this basis, the Presidency will continue work on the Commission's proposal on the rights, entry and residence of third-country nationals. The integration of third-country nationals into European society will also be focussed on.

Strengthening border control

Security at the EU's external borders is a matter of great concern to Europe's citizens. Continuing well-functioning cooperation on controls at the external borders (Schengen cooperation) is one of the preconditions for a safe and secure common travel area within the EU's borders. The enlargement of the EU presents new challenges for control of external borders. The Presidency attaches high priority to strengthening control of external borders and making it more effective and will therefore continue work on the further development of Schengen cooperation, including the establishment of a European visa database.

Ensuring effective control of external borders requires a joint effort over a wide area, based on the Seville European Council conclusions. The focus during the Danish Presidency will be on implementing a number of practical measures: joint operations at external borders, pilot projects and establishment of a network of liaison officers. The Presidency will also push ahead with work to develop a common model for risk analysis, with a view to identifying weak spots in control of the EU's external borders.

Effective management of migration flows

Effective management of migration flows and combating of illegal immigration and trafficking in human beings also form an important part of the EU's policy. The Presidency will continue implementation of the action plan to combat illegal immigration and trafficking of human beings in the EU. It will follow up the Commission's Green Paper on a Community return policy on illegal residents. The conclusion of readmission agreements between the Community and third countries is one element of this policy. The Presidency will seek to speed up the conclusion of readmission agreements currently being negotiated and will work actively for the approval of further negotiating directives for readmission agreements with other selected countries.

The Presidency will also work to ensure that all future cooperation and association agreements concluded by the EU contain a clause on joint management of migration flows and readmission of illegal immigrants. Such clauses will respect principles decided on by the European Council in Seville.

Cooperation in this area will in future be an important part of cooperation by the EU and its Member States with third countries. This also applies to the possibility of taking steps if a third country fails to cooperate without good reason.

The Danish Presidency will continue to work to integrate aspects relating to migration and migration flows into the EU's foreign policy and to put discussion of the relationship between poverty reduction and migration, including conflict prevention efforts, on the EU's agenda. The Presidency will also work to promote greater understanding of the importance of efforts in neighbouring areas.