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TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

**BIANNUAL UPDATE OF THE SCOREBOARD TO REVIEW PROGRESS ON THE  
CREATION OF AN AREA OF "FREEDOM, SECURITY AND JUSTICE" IN THE  
EUROPEAN UNION  
(FIRST HALF OF 2003)**

## **FOREWORD**

The Scoreboard to review progress on the creation of the area of freedom, security and justice is established by the Commission at regular intervals to monitor progress in the adoption and implementation of the set of measures needed to attain the objectives set by the Amsterdam Treaty and the Tampere European Council of 15 and 16 October 1999.

This issue of the Scoreboard, like its predecessors, sets out the objectives and deadlines set at Tampere and the responsibilities assigned in each case to launch, advance and complete the process. To make the progress accomplished easier to follow, the tables distinguish proposals and initiatives presented, progress in Council and, in appropriate cases, European Parliament proceedings and work planned for the future. A section on the transposal of instruments that have been adopted outlines the position regarding the adoption and implementation of decisions and measures taken.

This version of the Scoreboard is presented exactly one year before the deadline set by the Amsterdam Treaty for the creation of an area of Liberty, Security and Justice and includes the deadlines fixed at Seville, in particular in the fields of immigration and asylum.

In the next version - scheduled for the end of this year - the Commission will examine in detail any delay in the legislative process, both in terms of decisions to be agreed by Council and national implementations.

An introductory summary recapitulates the main achievements since Tampere and the Commission proposals and work planned in relation to them so as to help the reader interpret the tabular presentation that follows.

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## 1. SUMMARY

As requested by the European Council of Tampere, the Scoreboard prepared by the Commission is intended to provide a regular review of the progress made in the implementation of the necessary measures for a creation of an area of freedom, security and justice and the respect of the deadlines fixed by the Amsterdam Treaty, the Vienna Action Plan and the Tampere conclusions.

The Scoreboard – more specifically in the detailed tables below - describes the main achievements since the last update of the Scoreboard was presented by the Commission on 16 December 2002, as well as the work planned by the Commission for the second semester of 2003.

This introduction aims to highlight the main achievements reached and difficulties experienced in view of the respect of the deadlines set by the Treaty and the European Council.

The present exercise is of particular significance as it takes place just one year ahead of the deadline set by the Amsterdam Treaty for the completion of the creation of an area of Freedom, Security and Justice and in the context of the forthcoming enlargement of the European Union to ten new Member States.

In its last update of the Scoreboard of December 2002, the Commission noted that the Seville European Council had given a fresh impetus towards the implementation of the Tampere programme by declaring its determination to speed up every aspect. At the same time, the Commission had also noted that the backlogs identified on the occasion of the Scoreboard for the Laeken European Council's mid-term review had not gone away.

Under the Greek Presidency a number of key proposals have finally been agreed and it seems likely that, following the results of the June Council of Ministers of Justice and Home Affairs, most of the Seville deadlines in the field of the immigration and asylum will be met. In the field of management of external border all the actions scheduled are under way and the European Council of Thessaloniki will be an important opportunity to evaluate the first results and set future objectives.

It is of the utmost importance for the credibility of the Union in these areas, which are at the heart of public opinion's expectations, that the Council continues to press ahead for the adoption of the proposals which remain on the table and that substantive progress is achieved.

However, this positive assessment is somewhat mitigated by the final outcome, in terms of substance, of some of the instruments agreed, by comparison to the initial ambitions described at Tampere and which the Commission has aspired to in presenting its proposals. A clear example is the field of legal immigration. In this and other policy areas, the degree of harmonisation is at risk of being reduced to the lowest common denominator at the expense of the value added by common action at European level. In this context and given the ongoing resistance from Member States, the Commission has been adopting a 'step-by-step' strategy, which has proved to be efficient in these sensitive policy areas and which is based on examples of success stories from the early days of European integration.

Concerning judicial co-operation in civil and criminal matters, the principle of mutual recognition enshrined in the Tampere conclusions is becoming a reality as the cornerstone

of EU action. The achievements in this area, based on the development of mutual trust, need to be pursued vigorously, particularly through a parallel action taking into account the specificity of the future Member States of the Union. However, the development of mutual recognition requires a parallel effort in the criminal law area. In 2003, the Commission is putting particular emphasis on ensuring effective procedural guarantees for suspects and accused people, so to ensure the necessary balance between law enforcement and the respect of fundamental rights.

One year ahead of the deadlines set by the Amsterdam Treaty and the Tampere Programme, it is clear that priority must be given to completing the planned work that still remain to be done. In particular, new initiatives which divert from the agreed planning and divert vital time and resources away from the priorities are to be avoided. In this last respect, the presentation by the Greek and Italian Presidency of a joint programme is a positive signal to be welcomed.

2003 is, of course, an important year for determining the future shape of European action in the justice and home affairs area. These issues have commanded considerable attention in the work of the Convention on the future of Europe. To ensure coherence and efficiency in the delivery of the area of freedom, security and justice, it is important that in a new Single Treaty and in the context of a Union of at least 25 Member States, greater use should be made of qualified majority voting in the Council. In these areas of direct concern to the citizen, it is only right that the European Parliament should have the right of co-decision in relation to all legislative initiatives. And finally, careful thought is needed before a shared right of initiative for the Member States is retained in relation to the current Title VI TEU (police and judicial cooperation), as it is far from clear how this would fit into the codecision procedure. In any case, it is essential that in the future all legislative initiatives must be fully in line with the political priorities and programming to be set by the European Council.

### **A common EU asylum and migration policy**

Concerning the key elements of asylum policy, Article 67§5 of the Nice Treaty establishes the application of the co-decision procedure before the 1 May 2004 provided that the Council has previously adopted Community legislation defining the common rules and basic principles governing these issues. It should also be noted that with Declaration n. 5 annexed to the Nice Treaty the Member States expressed their agreement to apply the codecision procedure starting from May 2004 for those provisions on freedom of movement of third-country nationals and for measures on illegal immigration. Furthermore, the Declaration reads that the Council will endeavour to make the co-decision procedure applicable to the other areas covered by Title IV or to parts of them. Finally, a Protocol establishes that from 1 May 2004, the Council shall act by a qualified majority, on a proposal from the Commission and after consulting the European Parliament, in order to adopt the measures referred to in Article 66 (administrative co-operation).

In the last months good progress has been made on asylum policy. The 'Dublin II' Regulation laying down criteria and mechanisms for determining the Member State responsible for examining an asylum application presented in another Member State has been adopted. Together with the launch of operations of the Eurodac system on 15 January 2003, this constitutes a considerable step forward. In order to guarantee the uniform application of Community law, the Commission proposed to conclude parallel agreements with Denmark - that in accordance with the Amsterdam Treaty does not take part to all provisions of title IV - on Dublin II and Eurodac. This is a provisional and creative solution based on three elements: the competence of the Court of Justice; the obligation for

Denmark to take part in the development of this acquis; the reciprocal consent to conclude agreements with third countries in these fields.

Furthermore, in January the Council adopted the Directive laying down minimum standards for the reception of asylum seekers in Member States. Thanks to the adoption of this legislation, the first phase of the common European asylum system is progressively taking shape.

Furthermore, one instrument covering two key elements of this system is also expected to be in place by the end of this semester: a common definition of refugee status and a common approach to subsidiary protection. Council should also press ahead with the adoption of the amended proposal on asylum procedures, which the Commission presented one year ago.

In addition, in March 2003 the Commission put forward a Communication in which it expresses its views on the common asylum policy and main elements of the Agenda for Protection, promoted by the UNHCR. The Communication is also a progress report on work on the common asylum procedure and the uniform status as well as on the implementation of the first-stage instruments. The Spring European Council invited the Commission to examine, together with the UNHCR, new approaches for international protection and to present a report, through the intermediary of the Council, to the European Council of Thessaloniki.

The Commission will make a proposal by the end of 2003 for a Council Decision on the next generation European Refugee Fund covering the period 2005-2009. The proposal will implement the principle of solidarity and fair sharing of responsibility (including its financial implications) between Member States. The exact scope of the future programme will depend upon the results of the mid-term evaluation carried out on the first phase of the European Refugee Fund, as well as on the complementarity which must be sought in respect to return policy.

Concerning immigration policy, after more than three years of difficult negotiations the Council reached an agreement on the Directive on family reunification. This is the first ever EC instrument applicable to legal migration. Family reunification is a vital factor for the successful integration of third-country nationals and it should be regarded as a first crucial step in the process. Notwithstanding the fact that the final outcome for certain provisions is not as close to the Tampere ambitions as the Commission would have wished, the Directive does include a review clause (two years after transposition) in relation to the more sensitive provisions, such as the definition of family members.

This instrument is an essential component of the common immigration policy proposed by the Commission and it should be followed shortly by the adoption of the proposal for a Directive concerning the status of third-country nationals who are long-term residents. But other key Commission proposals on legal immigration still await adoption by the Council. These are in particular the proposal for a directive on admission of third-country nationals for purposes of employment of July 2001 and the proposal of October 2002 for a directive on the conditions for entry and residence for the purposes of studies, vocational training and voluntary service. By the end of 2003, these will be complemented by an action plan and a proposal for a directive on conditions for entry and stay of researchers, which should increase the supply of third-country nationals researchers in Europe.

The timely adoption of these proposals should be pursued, in accordance with the JHA Council conclusions of October 2002, which noted that the Tampere goals state that the

European Union should ensure an equitable treatment of third-country nationals who reside legally in the territory of the Member States and that a more vigorous integration policy should have the ambition of granting them rights and obligations comparable to those of European citizens. Following those conclusions, national contact points for integration have been appointed and a first meeting took place in March 2003. In June 2003 the Commission is going to present a Communication on immigration, integration and employment, a policy issue the importance of which was also underlined by the European Councils of Seville, Nice and most recently on the occasion of the Spring European Council. The Communication will focus on the identification of the measures to be taken at national and European level on the social and economic aspects of the sustainable integration of migrants, on cultural and religious diversity as well as on the question of participation in political life and the concept of civic citizenship.

Regarding the necessary administrative cooperation underlying the development of these new policies, the Commission adopted a Communication launching the implementation of a Community Action Plan to improve the exchange and analysis of statistical information in the field of asylum and international migration. The Commission also implemented the action programme for administrative co-operation in the fields of external borders, visa, asylum, asylum and immigration (the ARGO programme). An evaluation report on ARGO will be presented by the end of 2003.

Concerning illegal immigration, and in the framework of the Seville package, the Commission will present a report at the European Council of Thessaloniki taking stock of progress since the Commission Communication on illegal immigration of November 2001. Moreover, in February 2003, the Commission submitted a proposal for a Council Decision setting the criteria and practical arrangements for the compensation of financial imbalances arising from Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals. At the end of 2003 the Commission is planning to present a proposal for a directive on minimum standards for return procedures. Concerning financial possibilities on return policy the Commission is giving thought to the development of a return programme and would favor an integrated approach, which should cover every step of the return procedure.

An essential aspect of migration management is better cooperation with countries of origin and transit. During the first semester of 2003 the Commission is going to present a proposal to establish a programme for cooperation with third countries in the area of migration. Based on the Community's powers under Article 63 (3) (b) TEC, the Council has so far authorised the Commission to negotiate Community readmission agreements with 11 third countries/entities: Morocco, Sri Lanka, Russia, Pakistan in September 2000; Hong Kong and Macao in May 2001, Ukraine in June 2002 and finally Albania, Algeria, China, Turkey in November 2002. Following the signature of the readmission agreement with Hong Kong in November 2002 and the good progress in initialing the agreements with Macao (May 2002) and Sri Lanka (October 2002), negotiations are now also well under way with Russia, Morocco and Ukraine .

## **European Law-enforcement Area**

As regards civil matters

In this area, which has a direct impact on citizens and enterprises, good progress continues to be made.

Similarly to the asylum field, and for the same reasons related to the need to guarantee the uniform application of Community law (see paragraph above on immigration and asylum), the Commission will negotiate, on the basis of a mandate from the Council, two parallel agreements extending to Denmark the provisions of Bruxelles I and the Regulation 1348/2000 on the transmission of acts.

The Directive on legal aid was adopted by the Council in January 2003 and following that the Commission is taking the necessary implementing measures (a Commission Decision creating a form for transmitting requests for judicial aid). In addition, in January 2003, the Commission also adopted a Green Paper on the Rome I Convention with a view to modernising it and possibly converting it in a Community instrument. At the same time, a public hearing took place on "Rome II", in view of the presentation of a proposal for regulation on the law applicable to non-contractual obligations, scheduled for the end of the first semester 2003.

The Commission has published, on 12 February 2003, an Action Plan on a more coherent European contract law, which launches a debate on three suggested measures, in particular on an optional instrument on European contract law. The Commission thereby maintains the transparent and consultative approach from the Communication of July 2001 and expects a similar or wider echo to define its future actions.

It should be noted that with the entry into force of the Nice Treaty, measures in this field, with the exception of aspects relating to family law, will henceforth be subject to the co-decision procedure. Currently, this applies to the proposal for a regulation on uncontested claims, for which, following the opinion of the European Parliament of April 2003, a modified proposal is going to be presented by the Commission shortly. Following the presentation of a Green Paper in December 2002, in the second semester of 2003 the Commission will present a proposal for a regulation establishing a European injunction-to-pay procedure and is planning for 2004 a proposal on litigation concerning small claims.

Despite the fact that the Council adopted in October 2002 the negotiation directives for an agreement between the Community and the Lugano Convention States to facilitate the mutual recognition of judgments in civil and commercial matters, it will not be possible to conclude the negotiations until the Court of Justice gives its opinion on the Community competence, as requested by Council.

On parental responsibility, a proposal for a decision authorising Member States to ratify the Hague Convention of 1996 is expected in May. This follows the Council Decision for the signature of the Hague Convention adopted last December.

The Council is going to adopt shortly the authorisation for the signature by the Community of the Council of Europe Convention on contact concerning children.

In March 2003, the Commission organised an expert meeting on the law applicable to divorce and it intends to present a White Paper on this issue by the end of 2003. The results of the study on marriage regime will be ready in 2003. Furthermore, in April 2003 the Commission requested the authorisation for negotiating a Convention on maintenance obligations in the framework of the Hague Conference of International Private Law. The Commission is planning to present a Green Paper on maintenance claims in 2004.



Concerning alternative dispute resolution (ADR), a public hearing was organised in February 2003 on the Commission's Green Paper of 2002. Work will be launched in 2003 with a view to develop a European plan of best practices for mediation.

In order to increase the visibility of the direct impact that judicial co-operation in civil matters has on citizens and enterprises, an information campaign is being launched. Furthermore, the European Judicial Network in Civil Matters, which has been operational since December 2002, launched its web-site in March 2003.

As regards criminal matters

In February 2003, the Commission presented a Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union. This was one of the priorities of the Commission Legislative and Work Programme for 2003. The Commission regards it as a complement to the mutual recognition programme and as a necessary step to strike a balance between the respect of law and the protection of fundamental rights of the individuals. On the basis of the Green Paper the Commission has invited Member States, civil society and practitioners to contribute to the debate, which is essential if the principle of mutual recognition is to be effectively applied within the whole of the EU, both in its present and its future compositions. Following that process, the Commission plans to present a proposal for a Framework Decision in the second semester of 2003. A first discussion on procedural guarantees took place at the informal Council of Veria in March 2003.

The Court of Justice has issued his judgment in "ne bis in idem" matters in the cases of Gözutok/Brügge. Furthermore, the Greek Presidency has presented an initiative on the application of the "ne bis in idem" principle. In this context, the Commission is going to present a Communication on jurisdiction in the context of mutual recognition of decisions in criminal matters, namely concerning preventing conflicts of jurisdiction.

Concerning victims in the framework of criminal proceedings, the Commission is about to present a first report on the implementation of the framework decision on the status of victims.

Regarding the mutual recognition of decisions at the pre-trial stage, the Council is still to formally adopt the framework decision on the freezing of assets and evidence. For its part, the Commission intends to present in June a proposal for a framework decision on the European warrant for obtaining objects, documents and data for use in proceedings in criminal matters. This proposal, which applies the principle of mutual recognition to orders to obtain objects, documents and data, will allow more rapid and efficient co-operation and will replace the existing regime of mutual assistance, in conformity with the Tampere conclusions. Furthermore, a Green Paper is planned for the second semester of 2003 on the adoption of an instrument enabling control, supervision or preventive measures ordered by a judicial authority pending the trial court's decision to be recognised and immediately enforced.

Following the Danish initiative for a Council decision on the reinforcement of co-operation between Member States on disqualification decisions, the Commission will present in the second semester of 2003 a Communication on the mutual recognition of disqualifications.

The Council of May could reach an agreement of principle on the framework decision on the application of mutual recognition to financial penalties.

As concerns the approximation of substantive criminal law, the Commission is going to present in July a Green Paper on the approximation, recognition and execution of criminal penalties in the European Union, which would be followed by a Framework Decision at the end of 2003. The objective of harmonisation is to ensure a level of protection that is effective and equivalent for citizens in all the EU territory, through providing similar criminal penalties for the same crimes. By eliminating considerable divergence between penalties from one Member State to another, criminals can no longer benefit from 'safe havens' caused by the fact that in some Member States penalties are lower for the same crime.

### **Union-wide Fight against Crime**

The fight against terrorism is amongst the priorities of the EU for 2003, as reflected in the Commission Legislative and Work Programme 2003. In this context the Commission will present in the second semester of 2003 a communication on the fight against the financing of terrorism accompanied by a proposal for a decision on the exchange of information concerning terrorism. In December 2002, a Council Decision on the implementation of specific measures for police and judicial co-operation to combat terrorism was adopted. For the end of 2003 a report on the implementation of the framework decision on combating terrorism will also be presented.

As regards Europol, the Council is about to adopt adopting a Council Act to amend the Europol Convention in a large number of areas in order to make it function more effectively. In particular, the competence of Europol will be better defined, Europol will be the EU contact point for counterfeiting the euro and contact between Europol and Member States' police services will be enhanced. Finally, on 19 February the Commission and Europol signed a co-operation agreement.

In March 2003, a working document of the Commission services took stock of the progress made in the implementation of the "European Union Strategy for the beginning of the next Millennium" on prevention and control of organised crime.

An efficient policy in the fight of all types of crime must include preventive measures. In this respect, the Commission will present in the second semester of 2003 a Communication the prevention of general crime to follow up its initial Communication of December 2000 and set the priorities for the next five years. A meeting of the national representatives of the European Crime Prevention Network was held in Athens on February 2003. Furthermore, numerous seminars of the Forum on the prevention of organised crime are scheduled for this year. The first meetings took place in January to discuss counterfeiting and piracy.

Scientific support is also provided by the Commission to prevent and deal with organised crime under the programme on "Scientific Support for Policies" of the 6th Framework Programme.

The fight against crime requires a horizontal action across EU policies and for 2003 the Commission will initiate an evaluation exercise of legislative crime proofing.

Concerning co-operation between law enforcement authorities of the Member States, the Council of May adopted a recommendation on a model agreement for joint investigation teams. In February 2003, the Council adopted a Decision on the common use of liaison officers seconded by the law enforcement authorities of the Member States.

In the course of the second semester of 2003, the Commission will present a Communication on co-operation between police and custom authorities in the EU.

Concerning custom co-operation, the Council adopted in May a protocol amending the Convention on the use of information technology for customs purposes to allow for the creation of a customs files identification database.

Turning to the fight against specific forms of crime, in March 2003 the Commission created a consultative group on the fight against trafficking in human beings. The Brussels Declaration resulting from the European Conference on Preventing and Combating Trafficking in Human Beings (which took place in Brussels in September 2002) will be the basis for future action at the EU level, as was also reaffirmed by the Council of Justice and Home Affairs of May.

In February 2003 the Council reached political agreement on the Commission's proposal for a framework decision on attacks against information systems, which was formally adopted in May. However, the Commission proposal of November 2001 for a framework decision on racism and xenophobia, despite being high on the agenda of the Greek Presidency, is not likely to be adopted by June 2003.

The Commission is about to adopt a communication for a common policy against corruption.

In March 2003, the Commission presented a proposal of Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences. The Directive has been complemented in May by a proposal for a framework decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution.

Regarding the reinforcement of the protection of the Community's financial interests, the Commission submitted in April 2003 an evaluation report on the activities of OLAF. A report on the follow-up of the Green Paper of 2001 relating to the European Prosecutor was presented in March 2003.

Concerning money-laundering, in June 2003 the Commission intends to present a Communication evaluating the action undertaken to combat financial crime under the third pillar. Political agreement on the Danish initiative for a framework decision on confiscation was reached in December 2002.

### **Policy on internal and external borders and visas, and Schengen**

Progress has been made on the implementation of the Action Plan on external border management, in line with the priorities set at the European Council of Seville. The progress made on the overall "Seville package" will be discussed at the European Council of Thessaloniki in June. In that occasion, the Commission intends to present a report taking stock the work made on the basis of the three action plans adopted in 2002 and concerning respectively the fight against illegal immigration, border control and the return policy. This report will be complementary to that prepared by the Greek Presidency in co-operation with the Commission on the operational projects and pilot projects on border control that have been taking place over recent months.

For the first semester 2003 - in conjunction with the development of operational projects and pilot projects; improving co-ordination between liaison officers; the preparation by the

Commission of feasibility studies on maritime border control, burden sharing and the establishment of a Visa Information System - the Commission is working on the presentation of a proposal to recast the Schengen Common Manual on external borders.

Concerning specifically the Visa Information System, the Commission will submit a proposal for a regulation on its development during the second semester of 2003.

As for the development of the Schengen Information System (SIS II), the first report from the Commission's services to the Council and the European Parliament was transmitted in February 2003 and the feasibility study was finalised in April 2003 as scheduled.

In the framework of developing a common visa policy, and as requested by the European Council of Seville, the Council adopted in March 2003 a Regulation amending Regulation 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States and those whose nationals are exempt from that requirement. Following this instrument, the Commission will present in June 2003 a report on the implications of reciprocity in the field of visa policy. Furthermore, the Council adopted in February 2003 a Council Regulation on visas issued to seamen in transit. In April 2003, the Commission presented a proposal for a Regulation facilitating the procedures for applying for and issuing of visas to the members of the "Olympic family" in view of the Olympic games in Greece in 2004.

The Council adopted in April a Regulation establishing a Facilitated Transit Document (FTD) and a Facilitated Rail Transit Document (FRTD) and a Regulation establishing their uniform format. These proposals form an important part of the measures to be implemented to address the peculiar situation of the enclave of Kaliningrad in view of the future external borders of the European Union.

The external dimension of these policies, particularly as regards the association of Switzerland with the Schengen acquis, are discussed in the chapter on "stronger external action" below.

### **Citizenship of the Union**

As concerns the development and full respect of fundamental rights and the promotion of European citizenship, a report on the derogations granted with regard to the right to vote and to stand as a candidate in elections to the European Parliament was presented by the Commission in January 2003. In addition, the Commission adopted in April 2003 a Communication on measures to be taken to ensure participation by all citizens in the 2004 elections to the European Parliament in an enlarged Union. A report on the Application of Directives 90/364/EC, 90/365/EC and 93/96/EC on the right of residence of persons who are economically inactive was adopted in March 2003.

Following the opinion of the European Parliament of February 2003, the Commission presented, in April 2003, a modified proposal for a directive related to the right of EU citizens and their families to free movement and stay in the territory of the EU.

European citizenship, together with balancing security and liberty, is one of the issues for which research is undertaken under the 5th RTD Framework Programme. This will be continued under Priority 7 "Citizens and governance in the knowledge based society" of the 6th RTD Framework Programme.

In the wider area of protection of vulnerable groups, a proposal for the second phase of the DAPHNE programme (2004-2008) on measures aimed to prevent violence towards children, young people and protect victims and at risk groups was presented in February 2003.

Furthermore, in the framework of fundamental rights, the Commission is going to present by the summer a communication on the application of article 7 of the Treaty on the European Union.

### **Cooperation against Drugs**

Despite the fact that the European Council of Laeken asked for the adoption by May 2002 of the Commission's proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the area of drug trafficking, work is still on-going in the Council and there is little hope that this key instrument will be agreed during Greek Presidency.

In the framework of the implementation of the Plan of Action against drugs (2000-2004), an initiative has been submitted to the Council by the Greek Presidency and the United Kingdom in view of the adoption of a plan for the implementation of the priority actions.

In February 2003, the Council adopted a Resolution on the treatments of drug addicts in prison and the Council is about to adopt the Commission's proposal for a recommendation concerning the prevention and reduction of the risks linked to drug addiction.

For the second semester of 2003, the Commission will present a Communication on improving drugs co-ordination mechanisms for drugs at European and national level.

### **Stronger External Action**

On 16 April, ten future Member States of the European Union signed the accession treaties. This is an enlargement of an unprecedented scale and requires that the necessary means, including in financial terms, are made available to guarantee that all conditions of membership can be met, particularly regarding the second step following enlargement, which is the lifting of internal border controls on persons. For seven of the ten countries signing the treaties, a specific and additional financing, the so-called "Schengen Facility" has therefore been foreseen for the years 2004-2006 in a Protocol annexed to the accession treaties. Meanwhile, accession negotiations on Chapter 24 on justice and home affairs are continuing with Romania and Bulgaria.

In the first semester of 2003, priority has been given to further work to strengthen the administrative and judicial capacity of and generally to assist the ten acceding countries in meeting the commitments undertaken during accession negotiations. The extensive special JHA monitoring mechanism has been intensified in relation to the ten acceding countries. For the other candidate countries, the Accession Partnerships have been updated, including a JHA section. New Phare projects in the JHA area have been launched to assist Bulgaria and Romania while in Turkey the first twinning projects are being launched.

Concerning the Western Balkans, the development of a strategy to fight against organised crime is on the top of the EU agenda and the Commission is preparing new institution-building measures in response. An open debate on the Western Balkans was held by the Council in February. A JHA Ministerial Troika was held on 22 April with Western

Balkans, Bulgaria, Romania and Turkey and Western Balkans are on the agenda of the European Council of Thessaloniki.

For the Mediterranean countries, the decision has been taken to launch "justice and security" sub-committees under the Association Agreements, starting with Morocco, and further steps have been taken to implement the new JHA regional programme.

Negotiations on readmission agreements are progressing, as detailed in the chapter "A common EU asylum and migration policy".

With Russia and Ukraine, work is under way, notably to foster implementation of the action plans on JHA.

Negotiations on the agreement with the United States on extradition and judicial co-operation in criminal matters, which is a priority in the Union's agenda, are progressing.

Negotiations with Switzerland with a view to that State's participation in the Schengen acquis and the Dublin Convention are under way. Concerning Norway and Iceland and the agreement associating them to the the Schengen acquis, the Council adopted a Decision in February 2003 laying down those provisions of the 1995 Convention on a simplified extradition procedures between the Member States of the EU and those provisions of the 1996 Convention relating to extradition between the member States of the EU which are to be considered as a development of the Schengen acquis.

Concerning multilateral instruments, the Commission intends to submit in 2003 a proposal for the conclusion of the UN Convention on organised crime and its protocols.

## **Adopted Commission proposals and Member States' initiatives in Justice and Home Affairs awaiting action in other EU institutions**

This list aims to highlight the main Commission proposals and Member States' initiatives that await action in the other EU institutions or adoption following the lifting of national reservations in order to fulfill the obligations set by the Amsterdam Treaty and the conclusions of the European Council of Tampere in view of realising an European area of Freedom, Security and Justice by May 2004.

### **Common asylum policy:**

- Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugees status
- Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection

### **Common immigration policy and fight against illegal immigration:**

- Proposal for a Council Directive on the right to family reunification
- Proposal for a Council Directive concerning the status of third country nationals who are long term residents
- Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities
- Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who co-operate with the competent authorities
- Proposal for a Council Directive on the conditions of entry and residence of third country nationals for the purposes of studies, vocational training or voluntary service
- Proposal for a Council Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals
- Initiative of the Federal Republic of Germany with a view to adopting a Council Directive on assistance in cases of transit for the purposes of removal by air

### **Internal and external borders, common visa policy:**

- Proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and determining the conditions of entry and movement for periods not exceeding six months
- Initiative of the Kingdom of Spain with a view to adopting a Council Directive on the obligation of carriers to communicate passenger data

## **EU citizenship and protection of fundamental rights:**

- Proposal for a Directive of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States
- Proposal for a Decision of the European Parliament and of the Council establishing a second phase of a programme of Community action (2004-2008) to prevent violence against children, young people and women and to protect victims and groups at-risk (the Daphne II programme).

## **A genuine area of justice in civil law matters:**

- Proposal for a Council Directive on compensation to crime victims
- Proposal for a Council Regulation creating a European enforcement order for uncontested claims
- Proposal for a Council Regulation concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) n. 1347/2000 and amending Regulation (EC) n. 44/2001 in matters related to maintenance

## **Fight against crime and a genuine area of justice in criminal matters:**

- Proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography
- Proposal for a Directive of the European Parliament and of the Council on the criminal-law protection of the Community's financial interests
- Proposal for a Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drugs trafficking
- Proposal for a Council Decision on combating racism and xenophobia
- Proposal for a Council Framework Decision on attacks against information systems
- Proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law
- Proposal for a Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences
- Proposal for a Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution
- Initiative of the United Kingdom, the French Republic and the Kingdom of Sweden with a view to adopting a Council Framework Decision on the application of the principle of mutual recognition to financial penalties
- Initiative of the Kingdom of Denmark with a view to the adoption of a Council Framework Decision on Confiscation of Crime-related Proceeds, Instrumentalities and Property



- Initiative of the Kingdom of Denmark with a view to the adoption of a Council Framework Decision on the execution in the European Union of confiscation orders
- Initiative of the Kingdom of Denmark with a view to adopting a Council Decision on increasing cooperation between European Union Member States with regard to disqualifications
- Initiative by the Governments of the French Republic, the Kingdom of Sweden and the Kingdom of Belgium for the adoption by the Council of a Framework Decision on the execution in the European Union of orders freezing assets or evidence
- Initiative of the Kingdom of Denmark with a view to adopting a Council Act drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), of a Protocol amending that Convention.
- Initiative of the Republic of Greece for the adoption of a Framework Decision on the application of the "ne bis in idem" principle.

## 2. A COMMON EU ASYLUM AND MIGRATION POLICY

### **The Tampere priorities:**

The separate but closely related issues of asylum and migration call for the development of a common EU policy. **The Seville European Council formally restated the need for this and set precise deadlines for the adoption of legislative instruments.**

### 2.1. Partnership with countries of origin

The European Union needs a comprehensive approach to migration, addressing political, human rights and development issues in countries and regions of origin and transit. A partnership with the relevant countries will also be a decisive factor for the success of this policy with a view to promoting co-development.

After the Tampere European Council, the themes related to justice and home affairs were integrated in a specific manner in the cooperation programmes with third countries (e.g. the national and regional strategy documents adopted by the Commission).

**Objective:** *Assessment of countries and regions of origin and transit in order to formulate specific integrated approaches*

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Continuation of the mandate of the High Level Working Group on Asylum and Migration	Council and Commission				<ul style="list-style-type: none"> <li>▪ The report on the implementation of the action plans already adopted was presented to the Nice European Council in December 2000</li> </ul>		
Assessment of other countries and regions in view of drawing up new action plans	Council and Commission	April 2001				Following this report adopted by the Council, new action plans should be drawn up on the basis of the experience acquired in implementing the action plans adopted so far. Criteria must be defined before choosing the countries or regions for which new action plans will be made. The High-Level Group has decided for the moment to launch no new action plans.	
Implementation of a new budgetary instrument for cooperation with third countries of origin and transit <sup>1</sup>	Council and Commission	As soon as possible	<ul style="list-style-type: none"> <li>▪ The Commission has committed the €10 million entered in the 2001 budget and the €12.5 million allocated by the budgetary authority in 2002.</li> </ul>			<ul style="list-style-type: none"> <li>▪ In June 2003, the Commission is planning to present a proposal for a regulation establishing a legal base regarding cooperation with third countries in the area of migration..</li> </ul>	

<sup>1</sup> Follow-up to EP resolution of 30 March 2000.

## 2.2. A Common European Asylum System

The aim is to ensure full and inclusive application of the Geneva Convention, ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement.

A common asylum procedure and a uniform status for refugees must also be established, to be valid throughout the Union.

Secondary movements by asylum seekers between Member States should be limited.

Agreement will be actively sought on a temporary protection regime for displaced persons, on the basis of solidarity among Member States.

### **Objective: To determine the State responsible for examining an asylum application**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	
Examination of the effectiveness of the Dublin Convention	Evaluation to be conducted by the Commission	2000	<ul style="list-style-type: none"> <li>Final evaluation report presented in April 2001<sup>2</sup></li> </ul>			
Adoption of criteria and mechanisms (regulation)	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>Commission staff working document presented in March 2000.<sup>3</sup></li> <li>Commission proposal of July 2001 for a Regulation <b>determining the Member State responsible for examining an asylum application.</b><sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in April 2002<sup>5</sup></li> </ul>	<p><b>Adopted by the Council in February 2003<sup>6</sup></b></p> <p><b>Adoption by the Council in May 2003 of a Decision authorising the Commission to negotiate with Denmark.<sup>7</sup></b></p>	<p><b>Entry into force: 17.3.2003</b></p> <p><b>Directly applicable</b></p>

<sup>2</sup> SEC(2001) 756, 13.6.200: Commission staff working paper - Evaluation of the Dublin Convention.

<sup>3</sup> Commission working paper - "Revisiting the Dublin Convention: developing Community legislation for determining which Member State is responsible for considering an asylum application submitted in one of the Member States" (SEC(2000)522, 21 March 2000).

<sup>4</sup> COM(2001) 447, 26.7.2001: Commission proposal for a regulation laying down the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

			<ul style="list-style-type: none"> <li>▪ Austrian initiative in November 2002 for a Council Regulation determining the States which qualify as safe third States.<sup>5</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion expected in July 2003</li> </ul>			
Finalise work on EURODAC	Council and Commission		<ul style="list-style-type: none"> <li>▪ Commission proposal in May 1999, for a Council Regulation establishing the Eurodac system,<sup>9</sup> amended in March 2000.<sup>10</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ EP Opinions in November 1999<sup>11</sup> and September 2000<sup>12</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Regulation adopted by the Council in December 2000<sup>13</sup> and implementing regulation in February 2002.<sup>14</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Development of the central unit by the Commission, in contact with the experts from the Member States.</li> <li>▪ Implementation of a communal control authority on 28 November 2002</li> <li>▪ Eurodac began its activities on 15.1.2003</li> <li>▪ In the second half of 2003 the Commission is planning to present a report evaluating the first year of Eurodac activity.</li> </ul>	<p><b>Entry into force: 15.1.2003.</b></p>

<sup>5</sup> A5- 0081/2002, 8 April 2002.

<sup>6</sup> OJ L 50, 25.2.2003.

<sup>7</sup> Council Decision authorising the Commission to negotiate with Denmark the conclusion of an agreement concerning the criteria and mechanisms for establishing the state responsible for examining a request for asylum lodged in Denmark or any other EU Member State, and to negotiate with Iceland and Norway the conclusion of a Protocol pursuant to article 12 of the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the state responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway.

<sup>8</sup> OJ C 17, 24.1.2003: Council Regulation establishing the criteria for determining the States which qualify as safe third States for the purpose of taking the responsibility for examining an application for asylum lodged in a Member State by a third country national and drawing up a list of European safe third States.

<sup>9</sup> Proposal for a Council Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints of applicants for asylum and certain other aliens (COM(1999) 260, 26.5.1999).

<sup>10</sup> Amended proposal for a Council Regulation concerning the establishment of "Eurodac" for the comparison of the fingerprints of applicants for asylum and certain other third-country nationals to facilitate the implementation of the Dublin Convention (COM(2000) 100, 15.3.2000).

<sup>11</sup> A5- 0059/1999, 11.11.1999.

<sup>12</sup> OJ C 146, 17.5.2001.

<sup>13</sup> OJ L 316, 15.12.2000.

<sup>14</sup> Regulation laying down certain detailed rules for the application of Regulation No 2725/2000 concerning the establishment of Eurodac (OJ L 62, 5.3.2002, p. 1).

**Objective: A fair and efficient asylum procedure**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Adoption of common minimum standards on procedures for granting or withdrawing refugee status with a view, inter alia, to reducing the duration of asylum procedures, and with special reference to the situation of children (directive)	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>▪ Commission proposal for a directive in September 2000, amended in June 2002,<sup>15</sup> amended in June 2002,<sup>16</sup> in accordance with the conclusions of the Laeken European Council.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in September 2001<sup>17</sup></li> <li>▪ Work in progress in the Council.</li> </ul>	<p>Council conclusions adopted in December 2001<sup>18</sup></p> <p>The Seville European Council asked the Council to approve the Directive by 2003.</p>		
Definition of common minimum conditions for reception of asylum seekers (with particular attention to the situation of children) (directive)	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>▪ Council conclusions adopted in November 2000 on the basis of a French Presidency working document</li> <li>▪ Commission proposal for a Council directive in April 2001.<sup>19</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2002<sup>20</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Adopted by the Council in January 2003<sup>21</sup></b></li> </ul>		<b>Implementation : no later than 6.2.2005.</b>

<sup>15</sup> Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2000) 578, 20.9.2000).

<sup>16</sup> Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2002) 326, 18.6.2002).

<sup>17</sup> A5- 0291/2001, 20.9.2001.

<sup>18</sup> 14581/01 (press 444).

<sup>19</sup> Proposal for a Directive on minimum standards for the reception of applicants for asylum in Member States (COM(2001) 181, 3.4.2001).

<sup>20</sup> A5-112/02, 25.4.2002.

<sup>21</sup> OJ L 31, 6.2.2003.

Common procedure	asylum	Commission (in part)	<ul style="list-style-type: none"> <li>▪ Commission communication in November 2000,<sup>22</sup> proposing an approach in two stages to establish a common European asylum system based on a common procedure and a uniform status.</li>   <li>▪ First Commission progress report, November 2001, on the common asylum policy, introducing an open coordination method,<sup>24</sup> <b>and second report, March 2003, on the common asylum policy and the Agenda for Protection.</b><sup>25</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in October 2001<sup>23</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ The Commission, as stated in its communication of November 2001, wishes to contribute to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum, migration and countries of origin (<b>Asylum and Immigration Committee</b>). In July 2002, it established an EU network for asylum practitioners (EURASIL).</li>   <li>▪ In the second half of 2003 the Commission is planning to present a communication on the examination of asylum applications outside the EU, on the establishment of a single procedure for examining applications for protection in the Member States and the establishment of resettlement schemes in the EU.</li> </ul>	
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<sup>22</sup> Commission Communication to the Council and the European Parliament “Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum” (COM (2000) 755 final, 22.11.2000)

<sup>23</sup> A5- 304/2001, 3.10.2001.

<sup>24</sup> Communication from the Commission to the Council and the European Parliament on the common asylum policy, introducing an open coordination method (COM(2001)710, 28.11.2001).

<sup>25</sup> Communication from the Commission to the Council and the European Parliament on the common asylum policy and the agenda for protection (Second Commission report on the implementation of communication COM(2000) 755 final of 22 November 2000 (COM(2003)152, 26.3.2003).

**Objective: Uniform status throughout the Union for those who are granted asylum**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
As a follow-up to the Commission communication, a legislative instrument may be needed	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>▪ Commission Communication in November 2000 (see previous point)</li> <li>▪ Commission progress report (see previous point)</li> </ul>				
Approximation of rules on the recognition and content of refugee status (directive)	Council, on the basis of a proposal by the Commission	April 2004	<ul style="list-style-type: none"> <li>▪ Commission proposal for a Directive in September 2001.<sup>26</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in October 2002<sup>27</sup></li> <li>▪ Work in progress in the Council.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Adoption by Council scheduled for June 2003, as requested by Seville European Council.</b></li> </ul>		

<sup>26</sup> Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (COM(2001) 510, 12.9.2001).

<sup>27</sup> A5-0333/02, 21.10.2002.



**Objective: Adoption of measures for refugees and displaced persons providing an appropriate status to any person in need of international protection**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Temporary protection in the event of mass influx of displaced persons in need of international protection (directive)	Council, on the basis of a proposal by the Commission	As soon as possible	<ul style="list-style-type: none"> <li>▪ Commission proposal for a Directive in May 2000.<sup>28</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in March 2001.<sup>29</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in July 2001.<sup>30</sup></li> </ul>		Deadline for implementation: 31.12.2002
Subsidiary forms of protection (directive)	Council, on the basis of a proposal by the Commission	April 2004	<ul style="list-style-type: none"> <li>▪ Commission proposal for a Directive in September 2001<sup>31</sup> (see preceding objective).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in October 2002<sup>32</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Adoption by Council scheduled for June 2003, as requested by Seville European Council.</b></li> </ul>		

<sup>28</sup> Draft Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (COM(2000) 303, 24.5.2000).

<sup>29</sup> A5- 0077/2001, 13.3.2001.

<sup>30</sup> OJ L 212, 7.8.2001.

<sup>31</sup> Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (COM(2001) 510, 12.9.2001).

<sup>32</sup> A5-0333/02, 21.10.2002.

**Objective: To ensure a balance of effort between Member States in receiving refugees and displaced persons and bearing the consequences of such intake**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition	
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament		Actions planned and progress made
Setting up a European Refugee Fund (decision)	Council, on the basis of a proposal by the Commission	As soon as possible	<ul style="list-style-type: none"> <li>▪ Commission proposal for a Council directive in December 1999.<sup>33</sup></li>   <li>▪ In March 2003 the Commission presented its programme of work on ERF.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2000<sup>34</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Decision adopted by the Council in September 2000<sup>35</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ In the second half of 2003 the Commission is planning to present a proposal for a decision on the implementation of the European Refugee Fund for 2005-2009.</li> </ul>	2000-2003 exercises under way.
Making a financial reserve available in the event of mass influx of refugees	Council and EP, possibly on the basis of a Commission proposal		<ul style="list-style-type: none"> <li>▪ The European Refugee Fund now has an annual reserve of 10 million to deal with emergency and massive influx situations.</li> </ul>				

<sup>33</sup> Proposal for a Council Decision on the European Refugee Fund (COM(1999) 686, 14.12.1999).

<sup>34</sup> OJ C 40, 7.2.2001.

<sup>35</sup> OJ L 252, 6.10.2000.

### 2.3. Fair treatment of third country nationals

The conditions for admission and residence of third-country nationals will be approximated, on the basis of a shared assessment of economic and demographic developments within the Union, as well as of the situation in the countries of origin.

An integration policy should aim at granting third-country nationals who reside legally on the territory of Member States (and in particular long-term residents), rights and obligations comparable to those of European Union citizens, as well as enhancing non-discrimination and the fight against racism and xenophobia.

**Objective: To fight against all forms of discrimination, especially racism and xenophobia<sup>36</sup>**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Implementation of the principle of equal treatment between persons irrespective of race or ethnic origin (directive)	Council, on the basis of a proposal by the Commission	June-December 2000	<ul style="list-style-type: none"> <li>▪ Commission proposal for a Council directive in November 1999.<sup>37</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in May 2000.<sup>38</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in June 2000.<sup>39</sup></li> </ul>		Implementation deadline: 19.07.2003.
Establishment of a general framework for equal treatment in employment and occupation (directive)	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>▪ Commission proposal for a Council directive in November 1999,<sup>40</sup> amended in October 2000.<sup>41</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in October 2000<sup>42</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in November 2000.<sup>43</sup></li> </ul>		Implementation deadline: 2.02.2003.

<sup>36</sup> Measures aimed at enhancing non-discrimination and at fighting racism and xenophobia apply generally to all persons residing in the territory of the European Union; they are particularly relevant with regard to third-country nationals.

<sup>37</sup> Commission proposal for a Council Directive on the implementation of the principle of equal treatment of all persons without distinction as to race or ethnic origin (COM(1999)566, 25.11.1999).

<sup>38</sup> A5- 0136/1999, 18.5.2000.

<sup>39</sup> OJ L 180, 19.7.2000, p. 22.

<sup>40</sup> Proposal for a Council Directive establishing a general framework for equal treatment in employment and occupation (COM(1999)565, 25.11.1999).

<sup>41</sup> Proposal for a Council Directive establishing a general framework for equal treatment in employment and occupation (COM(2000)652, 12.10.2000).

<sup>42</sup> OJ C 178, 22.6.2001.

<sup>43</sup> OJ L 303, 2.12.2000.

Programmes drawing upon best practices and experiences (decision)	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>Commission proposal in November 1999 for a Council Decision establishing a programme to support the Member States' efforts,<sup>44</sup> amended in October 2000.<sup>45</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion October 2000.</li> </ul>	<ul style="list-style-type: none"> <li>Decision adopted by the Council in November 2000.<sup>46</sup></li> </ul>		Programme runs from 1.1.2000 to 31.12.2006
Strengthening of cooperation with the European Monitoring Centre on Racism and Xenophobia and the Council of Europe	Council / Commission		<ul style="list-style-type: none"> <li>Official opening of the Centre on 7 April 2000. Fourth annual report published in December 2002.</li> </ul>			<ul style="list-style-type: none"> <li><b>At the end of the first half of 2003, the Commission is planning to present a communication on the Observatory's results and a recasting of Regulation No 1035/97.</b></li> </ul>	
Enhancing police and judicial cooperation in preventing and combating racism and xenophobia - common charges for racism and xenophobia (framework decision) <sup>47</sup>	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>Commission proposal for a Framework Decision in November 2001.<sup>48</sup></li> <li>Council conclusions on the fight against racism, anti-Semitism and xenophobia adopted in April 2002.</li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in July 2002<sup>49</sup></li> <li><b>Work in progress in the Council.</b></li> </ul>			

<sup>44</sup> Proposal for a Council decision establishing a Community Action Programme to combat discrimination (2001-2006) (COM(1999)567, 25.11.1999).

<sup>45</sup> Amended proposal for a Council decision establishing a Community Action Programme to combat discrimination (2000-2006) (COM(1999)649, 10.10.2000).

<sup>46</sup> OJ L 303, 2.12.2000.

<sup>47</sup> See also table on "Fight against certain forms of crime".

<sup>48</sup> Proposal for a Council Framework Decision on combating racism and xenophobia (COM(2001) 664, 28.11.2001).

<sup>49</sup> A5-189/02, 24.5.2002.

**Objective: Approximation of national legislation on the conditions for admission and residence of third-country nationals**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	
Assessment of present and future migration flows into the EU, with regard to demographic changes, the situation of labour market, as well as migration pressures from countries and regions of origin	Council / Commission / Member States		<ul style="list-style-type: none"> <li>Commission communication on combating illegal immigration in November 2000.<sup>50</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in October 2001.<sup>51</sup></li> </ul>		<ul style="list-style-type: none"> <li>The Commission contributed to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum and immigration, following on from its communication of July 2001 (<b>Asylum and Immigration Committee</b>).</li> </ul>
Conditions of entry and residence for the purpose of (a) family reunification, (b) study or vocational training, (c) paid employment and self-employed economic activity (directives)	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>Communication on the implementation of an open coordination policy.<sup>52</sup></li> <li>Commission proposal for a Council directive on family reunification in December 1999,<sup>53</sup> amended in October 2000<sup>54</sup> and May 2002,<sup>55</sup> in accordance with the conclusions of the Laeken European Council.</li> <li>The Commission presented a proposal for a directive on admission for employment in July 2001.<sup>58</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion expected in <b>September 2003</b></li> <li>Parliament opinion in September 2000<sup>56</sup> and fresh opinion expected in <b>April 2003</b>.<sup>57</sup></li> <li>Parliament opinion in <b>February 2003</b>.<sup>59</sup></li> </ul>	<ul style="list-style-type: none"> <li><b>Council discussions scheduled before June 2003.</b></li> <li><b>Agreement in principle in February 2003.</b></li> <li><b>Work in progress in the Council.</b></li> </ul>	<ul style="list-style-type: none"> <li>The Commission is planning to present a communication in the second half of 2003 on conditions for entry and residence of research workers from third-countries.</li> </ul>

<sup>50</sup> Communication from the Commission to the Council and the European Parliament on a Community immigration policy (COM(2000) 757, 22.11.2000).

<sup>51</sup> A5-305/2001, 3.10.2001.

<sup>52</sup> Communication from the Commission to the Council and the European Parliament on an open method of coordination for the Community immigration policy (COM(2001) 387, 11.7.2001).

<sup>53</sup> Proposal for a Council Directive on the right to family reunification (COM(1999) 638, 1.12.1999).

<sup>54</sup> Amended proposal for a Council Directive on the right to family reunification presented by the Commission under Article 250(2) of the EC Treaty (COM(2000) 624, 10.10.2000).

<sup>55</sup> Amended proposal for a Council Directive on the right to family reunification (COM(2002)225, 2.5.2002).

<sup>56</sup> A5-0201/2000, 6.9.2000.

<sup>57</sup> A5- 0086/03, 9.4.2003.

<sup>58</sup> Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (COM(2001) 386, 11.7.2001).

<sup>59</sup> A5- 0010/2003, 12.2.2003.

			<ul style="list-style-type: none"> <li>▪ The Commission presented a proposal for a directive on admission for the purposes of studies, vocational training and voluntary service in October 2002.<sup>60</sup></li> </ul>	<b>Parliament opinion expected in June 2003.</b>	<b>Work in progress in the Council</b>		
Standards and procedures for the issue of long-term visas and residence permits (directive)	Council, on the basis of a proposal by the Commission		See below.				

**Objective: Approximation of the legal status of third-country nationals**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Definition of a set of uniform rights (e.g. the right to reside, receive education and work as an employee or a self-employed person) to be granted to third-country nationals who have resided legally in a Member State for a period of time to be determined (directive)	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>▪ Council conclusions adopted in November 2000</li> <li>▪ Commission proposal for a Directive in March 2001.<sup>61</sup></li> <li>▪ Following the adoption of Council conclusions in December 2001 on the coordination of national social security systems for third-country nationals residing lawfully in the territory of a Member State, the aim being to give them a set of uniform rights as close as possible to those enjoyed by Union citizens, the Commission presented in February 2002 a proposal for a Council Regulation to extend Regulation (EEC) No 1408/71 to third-country nationals not covered by these provisions solely by reason of their nationality.<sup>63</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in February 2002.<sup>62</sup></li> <li>▪ Parliament opinion in November 2002.<sup>64</sup></li> <li>▪ <b>Agreed in principle</b> by the Council in February 2002</li> </ul>	<ul style="list-style-type: none"> <li>▪ Adoption by the Council expected before June 2003.</li> </ul>		

<sup>60</sup> Proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purpose of studies, vocational training or voluntary service (COM(2002)548, 7.10.2002).

<sup>61</sup> Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127, 13.3.2001).

<sup>62</sup> A5- 0436/2001, 5.2.2002.

<sup>63</sup> Proposal for a Council Regulation extending the provisions of Regulation (EEC) N° 1408/71 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality (COM(2002) 59, 6.2.2002).

<sup>64</sup> A5-0369/02 du 21.11.2002

<p>Determination of the criteria and of the conditions under which, like Community nationals and their families, third-country nationals could be allowed to settle and work in any Member State of the Union, taking account of the consequences for social equilibrium and the labour market (directive)</p>	<p>Council, on the basis of a proposal by the Commission</p>		<ul style="list-style-type: none"> <li>▪ Commission communication on implementing an open coordination policy on immigration in July 2001 (see above).<sup>65</sup></li>   <li>▪ Commission proposal for a directive on long-term resident status in March 2001.<sup>66</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion expected in September 2003</li>   <li>▪ <b>Parliament opinion in February 2002.</b><sup>67</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Council discussions scheduled before June 2003.</li>   <li>▪ <b>In June 2003 the Commission is planning to present a communication on immigration, integration and employment.</b></li> </ul>		
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<sup>65</sup> Communication from the Commission to the Council and the European Parliament on an open method of coordination for the Community immigration policy (COM(2001) 387, 11.7.2001).

<sup>66</sup> Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127, 13.3.2001).

<sup>67</sup> A5-0436/2001, 5.2.2002..

## 2.4. Management of migration flows

Management of migration flows should be improved at every stage through close cooperation with countries of origin and transit. The Laeken European Council recalled the importance of incorporating policy on migratory flows in the Union's external relations policy, of stepping up the fight against illegal immigration by combating the criminal organisations involved while guaranteeing victims' rights, and asked for a plan of action to developed on the basis of the Commission's communication on illegal immigration and trafficking in human beings. The Seville European Council confirmed this and asked for measures to respect a fair balance between (a) a policy of integration of legal immigrants and an asylum policy complying with international conventions and chiefly the Geneva Convention of 1951 and (b) a resolute fight against illegal immigration and trafficking in human beings. The Council has also requested that the Commission present a report on the effectiveness of the financial resources available at community level as regards repatriation of immigrants and those with rejected asylum claims, of management of external borders and asylum and migration projects in third countries, and the report will be made at the Thessaloniki European Council.

**Objective: To improve the exchange of statistics and information on asylum and immigration (this exchange should include statistics as well as information on national legislation and policies)**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Further implementation of the action plan adopted by the Council in April 1998	Commission, in cooperation with Member States		<ul style="list-style-type: none"> <li>Commission Communication in April 2003, presenting a plan of action for gathering and analysing Community statistics on migration.<sup>68</sup></li> </ul>				
Setting up of a European Migration Observatory / Network	Commission		<ul style="list-style-type: none"> <li>Preparatory actions (on the basis of previous feasibility study) financed by ODYSSEUS programme; Commission staff working document presented to the experts from the Member States in July 2002</li> </ul>	<ul style="list-style-type: none"> <li>Action launched by establishing national contact points in December 2002.</li> </ul>		<ul style="list-style-type: none"> <li>Work plan to be established in 2003. Meeting with national contact points in May 2003.</li> </ul>	

<sup>68</sup> COM(2003)179, 15.4.2003: Communication from the Commission to the Council and the European Parliament to present an action plan for the collection and analysis of Community statistics in the field of immigration.



**Objective: To enhance the fight against traffickers and trafficking in human beings and economic exploitation of migrants**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Adoption of measures establishing minimum rules on what constitutes a criminal act and what penalties should apply to organised crime linked with trafficking of human beings (framework decision) <sup>69</sup>	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>▪ The Commission tabled a proposal for a Council framework decision on combating trafficking in human beings in December 2000.<sup>70</sup></li> <li>▪ The French Presidency presented two initiatives, one for a directive and one for a framework decision, on the liability of traffickers.<sup>73</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in March 2001.<sup>71</sup></li> <li>▪ Parliament opinion (rejection) in February 2001.<sup>74</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in July 2002.<sup>72</sup></li> <li>▪ Adopted by the Council in November 2002.<sup>75</sup></li> </ul>		<ul style="list-style-type: none"> <li>- Deadline for implementation: 1.8.2004</li> <li><b>Deadline for Implementation 5.12.004</b></li> </ul>
Detecting and dismantling the criminal networks involved by making the fight against illegal immigration one of the priorities of operational cooperation	Member States /Commission/ Europol		<ul style="list-style-type: none"> <li>▪ Commission communication on combating illegal immigration in November 2001.<sup>76</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ Decision establishing Eurojust adopted by the Council in February 2002.<sup>77</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Implementation of Council action plan. Report to the Thessaloniki European Council (see Introduction).</b></li> </ul>	<ul style="list-style-type: none"> <li>- One year for short-term measures;</li> <li>- Three years for medium-term measures;</li> </ul>

<sup>69</sup> See also table on “Fight against certain forms of crime”.

<sup>70</sup> Proposal for a Framework Decision on combating sexual exploitation of children and child pornography (COM(2000) 854, 21.12.2000).

<sup>71</sup> OJ C 53E, 28.2.2002, p. 121.

<sup>72</sup> OJ L 203, 1.8.2002, p. 1.

<sup>73</sup> Initiative of the French Republic with a view to the adoption of a Council Directive defining the facilitation of unauthorised entry, movement and residence and a Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of authorised entry and residence (OJ C 253, 4.9.2000).

<sup>74</sup> A5- 0315/2001, 15.2.2001.

<sup>75</sup> OJ L 328, 5.12.2002

<sup>76</sup> Communication from the Commission to the Council and the European Parliament on a common policy on illegal immigration (COM(2001) 672).

<sup>77</sup> Plan to combat illegal immigration and trafficking in human beings in the European Union (JAI 30 rev1 – 6621/1/02).

			<ul style="list-style-type: none"> <li>Commission proposal for a directive on a residence permit issued to victims of trafficking in human beings.<sup>78</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in October 2002<sup>79</sup></li> </ul>	<ul style="list-style-type: none"> <li>Council conclusions on the fight against illegal immigration and trafficking in human beings by sea adopted in April 2002.</li> <li><b>Council adoption in May 2003 of the Brussels Declaration on prevention of trafficking in human beings and combating the phenomenon.</b></li> </ul>	<ul style="list-style-type: none"> <li>Setting up of cooperation frameworks to combat illegal immigration from China and the western Balkans, organised in November 2000 and March 2001 respectively</li> </ul>	
Exploring possibilities for establishing common standards and pooling resources for investigations into illegal immigration networks				<ul style="list-style-type: none"> <li>Work in progress in the Council (CIREFI[REF]) on improving information exchanges and action against illegal immigration networks (see above).</li> </ul>		<ul style="list-style-type: none"> <li><b>In June 2003 the Commission is planning to present a proposal for a decision establishing an information and coordination network (in conjunction with the Iconet early warning system).</b></li> </ul>	
Further harmonisation of Member States laws on carrier's liability (directive)	Council, on the basis of a Commission proposal or a Member State initiative		<ul style="list-style-type: none"> <li>Initiative by the French Presidency in July 2000 for a Council directive.<sup>80</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion (rejection) in March 2001.<sup>81</sup></li> </ul>	<ul style="list-style-type: none"> <li>Adopted by the Council in June 2001.<sup>82</sup></li> </ul>	<ul style="list-style-type: none"> <li>Organisation by professional bodies, with the Commission's support, of a round table on general issues relating to hauliers' liability in November 2001</li> </ul>	Implementation deadline: no later than 11.2.2003.

<sup>78</sup> Commission proposal for a directive on short-term residence permits for victims of trafficking in human beings and trafficking in migrants who cooperate with the authorities (COM(2002) 71, 11.2.2002).

<sup>79</sup> A5-0397/02, 5.12.2002.

<sup>80</sup> Initiative of the French Republic with a view to the adoption of a Council Directive concerning the harmonisation of financial penalties imposed on carriers transporting into the territory of the Member States third-country nationals lacking the documents necessary for admission (OJ C 269, 20.9.2000).

<sup>81</sup> A5-0069/2001, 13.3.2001.

<sup>82</sup> OJ L 187, 10.7.2001; Directive supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement.

**Objective: To assist countries of origin and transit**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Development of information campaigns on the actual possibilities for legal immigration and prevention of all forms of trafficking in human beings	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>▪ The Commission has committed the 10 million entered in the 2001 budget and the 12.5 million allocated by the budgetary authority in 2002.</li> <li>▪ The Commission has adopted a Communication on integration of the migration policy in relations between the EU and third countries.<sup>83</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ <b>Conclusions on intensive cooperation in the management of migratory flows adopted by Council in November 2002. Conclusions adopted by the Council in May 2003</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ In June 2003 the Commission is planning to present a proposal for a decision establishing a cooperation programme with third countries as regards migration.<sup>84</sup></li> </ul>	
Promotion of voluntary return			1. Migration and development				
Strengthening the ability of the authorities in those countries to combat effectively trafficking in human beings			2. report on the effectiveness of the financial resources available at community level as regards repatriation of immigrants and those with rejected asylum claims, of management of external borders and asylum and migration projects in third countries.				
Helping third countries to cope with their readmission obligations towards the Union and the Member States							

<sup>83</sup> COM(2002)703, 3.12.2002.

<sup>84</sup> See also table on "Partnership with countries of origin".

**Objective: To establish a coherent European Union policy on readmission and return**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
To conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries	Council, on the basis of a proposal by the Commission		<ul style="list-style-type: none"> <li>▪ Presentation of draft negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia in February 2000, Hong Kong and Macao in March 2001, Ukraine March 2002 and Albania, Algeria, China and Turkey in October 2002.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in October 2002<sup>85</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia adopted by Council in September 2000, with Hong Kong and Macao in May 2001, with Ukraine in June 2002 and with Albania, Algeria, China and Turkey in November 2002.</li> <li>▪ The Seville European Council (June 2002) asked for the conclusion of readmission agreements being negotiated to be speeded up and for new negotiating mandates to be approved.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Readmission agreement signed with Hong Kong on 27 November 2002, conclusion and entry into force scheduled for first half of 2003.</li> <li>▪ Readmission agreement initialled with Sri Lanka on 30 May and Macao on 18 October 2002. Under discussion in the Council.</li> <li>▪ Negotiations under way for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco, Macao and Ukraine. Negotiations with Albania to be opened in May 2003; draft text transmitted to Turkey.</li> </ul>	

<sup>85</sup> A5-0382/02, 19.12.2002.

Development of common minimum standards on repatriation	Council / Commission / Member States		<ul style="list-style-type: none"> <li>▪ Initiative by the French Presidency in July 2000 for a Council directive.<sup>86</sup></li>   <li>▪ In April 2002 the Commission presented a Green Paper,<sup>89</sup> and a communication adopted in October 2002 set out its initial thinking on a programme of action concerning returns.<sup>90</sup></li>   <li>▪ Commission proposal in February 2003 for a Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from expulsion decisions.<sup>91</sup>.</li>   <li>▪ DE initiative in January 2003 a Council Directive on assistance in cases of transit for the purposes of removal by air.<sup>92</sup>.</li>   <li>▪ Initiative of the Kingdom of Spain with a view to adopting a Council Directive on the obligation of carriers to communicate passenger data.<sup>94</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion (rejection) in March 2001.<sup>87</sup></li>   <li>▪ <b>Work in progress in the Council.</b></li>   <li>▪ Parliament opinion expected in July 2003</li>   <li>▪ Parliament opinion (rejection) in April 2003.<sup>88</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in May 2001.<sup>88</sup></li>   <li>▪ In November 2002, as requested by the Seville European Council, the Council adopted a returns programme on the basis of the Commission Green Paper and a programme for the return of refugees to Afghanistan.</li> </ul>	<ul style="list-style-type: none"> <li>▪ At the end of 2003 the Commission is planning to present a proposal for a directive on minimum standards for return procedures.</li> </ul>	Implementation: before 2.12.2002
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<sup>86</sup> Draft directive on the mutual recognition of expulsion orders (OJ C 243, 24.8.2000).

<sup>87</sup> A5-0065/2001, 13.3.2001.

<sup>88</sup> OJ L 149, 2.6.2001.

<sup>89</sup> Commission communication on a Community return policy on illegal residents (COM(2002) 175, 10.4.2002).

<sup>90</sup> Commission communication on a Community return policy on illegal residents (COM(2002) 564, 14.10.2002).

<sup>91</sup> Proposal for a Council Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals (COM(2003)49 du 3.2.2003).

<sup>92</sup> Initiative of the Federal Republic of Germany with a view to adopting a Council Directive on assistance in cases of transit for the purposes of removal by air (OJ C 4, 9.1.2003).

<sup>93</sup> A5-0104/03.

<sup>94</sup> Initiative of the Kingdom of Spain with a view to adopting a Council Directive on the obligation of carriers to communicate passenger data (OJ C 82, 5.4.2003).

### 3. A GENUINE EUROPEAN AREA OF JUSTICE

#### The Tampere priorities:

The aim is to give the general public a shared sense of justice throughout the European Union, seen as a means of facilitating the daily life of persons and the possibility of calling to account those who threaten the freedom and security of individuals and society. This includes both better access to justice and full judicial cooperation among Member States.

The Tampere Summit called for practical steps to be taken to improve access to justice in Europe and for mechanisms to be put in place to protect victims' rights. It also advocated developing machinery for the mutual recognition of judicial decisions.

#### 3.1. Better access to justice in Europe

A genuine area of justice must ensure that individuals and businesses can approach courts and authorities in any Member State as easily as in their own and not be prevented or discouraged from exercising their rights by the complexity of the legal and administrative systems in the Member States.

#### **Objective: To ensure legal certainty and equal access to justice**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition	
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament		Actions planned and progress made
Information campaign and publication of "user guides" on judicial cooperation within the Union	Commission		<ul style="list-style-type: none"> <li>▪ In October 2002, to improve users' information, the Commission organised a joint Conference with the Council of European public information and access to justice;</li> <li>▪ Comparable information sheets on legal aid have been prepared with the Council of Europe</li> <li>▪ Practical initiatives to improve the familiarity of judges and the general public with the European Judicial Network in civil and commercial matters have also been launched.</li> </ul>			<ul style="list-style-type: none"> <li>▪ An information campaign has been launched for 2003.</li> </ul>	

Establishment of a permanent information system by a network of national authorities (the European Judicial Network for Civil Matters)	Council, on the basis of a proposal by the Commission	2001	<ul style="list-style-type: none"> <li>▪ Commission proposal for a Council decision setting up a network.<sup>95</sup></li> <li>▪ Commission proposal for a Council Regulation establishing a general framework for Community activities,<sup>98</sup> amended in November 2001.<sup>99</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2001<sup>96</sup></li> <li>▪ EP Opinions in October 2001<sup>100</sup> and September 2002.<sup>101</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council at the end of May 2001.<sup>97</sup></li> <li>▪ Regulation adopted by the Council in April 2002.<sup>102</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ The Network has been in operation since 1.12.2002. It held its inaugural meeting on 4.12.2002.</li> <li>▪ <b>The website came on line in March 2003.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Implementation date: 1.12.2002 (Article 2 and 20: before 1.6.2002)</li> </ul>
Proposal to establish minimum standards of legal aid	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	<ul style="list-style-type: none"> <li>▪ Following presentation of its Green Paper in February 2000,<sup>103</sup> the Commission organised a hearing in February 2001 and presented a proposal for a directive on legal aid in January 2002.<sup>104</sup></li> <li>▪ <b>The adoption of a decision creating a legal applications transmission form is expected in May 2003.</b></li> </ul>	Parliament opinion in September 2002 <sup>105</sup>	<ul style="list-style-type: none"> <li>▪ <b>Adopted by the Council in February 2003<sup>106</sup></b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The Commission is embarking on preparatory work for the establishment of an additional form for legal aid applications.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Implementation : no later than 30.11.04, except Art. 3(2)(a): 30.5.06.</b></li> </ul>

<sup>95</sup> Proposal for a Council Decision establishing a European Judicial Network in civil and commercial matters (COM(2000) 592, 22.9.2000).

<sup>96</sup> A5- 0091/2001, 5.4.2001.

<sup>97</sup> OJ L 174, 27.6.2001.

<sup>98</sup> Proposal for a Council regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters (COM(2001) 221, 25.5.2001).

<sup>99</sup> Amended proposal for a Council regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters (COM(2001) 705, 20.11.2001).

<sup>100</sup> A5- 0339/2001, 15.10.2001.

<sup>101</sup> C5- 0021/2002, 12.3.2002.

<sup>102</sup> OJ L 115, 1.5.2002.

<sup>103</sup> Commission Green paper - Legal aid in civil matters: the problems confronting the cross - border litigant (COM(2000) 51, 9.2.2000).

<sup>104</sup> Proposal for a Directive to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid and other financial aspects of civil proceedings (COM(2002) 13, 18.1.2002).

<sup>105</sup> A5-312/02 du 25.9.2002.

<sup>106</sup> OJ L 126, 31.1.2003

<p>Proposal on common procedural rules for small civil and commercial claims, uncontested claims and maintenance claims</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2004</p>	<ul style="list-style-type: none"> <li>▪ Commission proposal in April 2002 for a regulation on uncontested claims.<sup>107</sup> Preliminary draft discussed with the Member States in October 2001. <b>Commission amended proposal presented in May 2003.</b></li>   <li>▪ <b>Commission Green Paper in December 2002 on a European order for payment procedure and on measures to simplify and speed up small claims litigation.</b><sup>109</sup></li>   <li>▪ Regarding alimony claims, the Commission launched a preparatory study in the spring of 2002. <b>In April 2003 it asked for authorisation to negotiate a Convention on maintenance obligations at the Hague Conference on Private International Law.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Parliament opinion in April 2003</b><sup>108</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Work in progress in the Council</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>In June 2003 the Commission is planning to present an amended proposal following the Opinion of Parliament</b></li>   <li>▪ <b>In the second half of 2003 the Commission is planning a proposal for a Regulation to establish a European order for payment procedure, to be followed in 2004 by a proposal for legislation on small claims.</b></li>   <li>▪ In 2004 the Commission is planning to present a Green Paper on maintenance claims.</li> </ul>	
<p>Proposal to establish minimum standards of quality for ADR</p>	<p>Member States to set up the extra-judicial procedures</p>	<p>April 2004</p>	<ul style="list-style-type: none"> <li>▪ In May 2000 the Council adopted conclusions on alternative dispute resolution.</li> </ul>			<ul style="list-style-type: none"> <li>▪ <b>Work will be started in 2003 to develop a European plan for best practice in mediation.</b></li>   <li>▪ <b>In 2004 the Commission is planning to present a proposal for a directive to promote mediation.</b></li> </ul>	

<sup>107</sup> Proposal for a Council Regulation creating a European enforcement order for uncontested claims (COM(2002)159, 18.4.2002).

<sup>108</sup> A5- 0108/03, 8.4.2003.

<sup>109</sup> Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation (COM(2002) 746, 20.12.2002).



			<ul style="list-style-type: none"> <li>▪ European Extra-Judicial Network (EEJ Net) for consumers launched by the Commission in October 2001.<sup>110</sup></li> <li>▪ The Commission has launched the FIN-NET for the extra-judicial settlement of disputes in the field of financial services. There has been greater publicity for FIN-NET in spring 2002, with among other things a brochure for the general public.</li> </ul> <p>Commission Green Paper on minimum quality standards presented in April 2002.<sup>111</sup> <b>The Commission organised a public hearing on the Green Paper in February 2003.</b></p> <ul style="list-style-type: none"> <li>▪ SOLVIT network for the resolution of problems of poor application of the internal market rules by national administrations launched by the Commission in July 2002.<sup>113</sup><sup>114</sup> The March 2002 Internal Market Council gave a favourable reception to this.<sup>115</sup></li> </ul>			<ul style="list-style-type: none"> <li>▪ A conference is planned for June 2003 in order to evaluate the pilot phase of the EEJ-Net. The Commission will then present a report to the Council and Parliament in the third quarter of 2003. The number of systems in FIN-NET will be extended as far as can be.</li> </ul>	
Creation of multilingual forms mutually accepted as valid documents in cross-border legal proceedings	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	<ul style="list-style-type: none"> <li>▪ This issue is dealt with in part in the Green Paper on small claims and will be addressed generally in the context of the various projects on harmonisation of certain rules for civil proceedings.</li> <li>▪ <b>Commission Decision expected in May 2003 establishing a legal aid applications transmission form.</b></li> <li>▪ The proposal for a Regulation on uncontested claims and the proposal for a Regulation on parental responsibility contain harmonised forms.</li> </ul>			<ul style="list-style-type: none"> <li>▪ <b>In 2003 the Commission is embarking on preparatory work for the establishment of an additional form for legal aid applications.</b></li> <li>▪ The proposal for a European injunction to pay procedure to be presented in 2003 will contain harmonised forms.</li> <li>▪ <b>The European Judicial Atlas (civil), will also contain all the forms used in judicial cooperation in civil matters.</b></li> </ul>	

<sup>110</sup> This network is based on Recommendations 98/257/EEC and 2001/310/EEC.  
<sup>111</sup> Green Paper on alternative dispute resolution in civil and commercial law (COM(2002) 196, 19.4.2002).  
<sup>112</sup> A5-0058/03, 12.3.2003.  
<sup>113</sup> Commission Communication - Effective Problem Solving in the Internal Market ("SOLVIT") (COM(2001)702, 27.11.2001).  
<sup>114</sup> OJ L331, 15.12.2001, p. 39.  
<sup>115</sup> Doc. 6503/02, 1.3.2002.

**Objective: To protect rights to compensation and provide assistance to victims**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Drawing up of minimum standards for protection of victims	Council, on the basis of a Commission proposal or a Member State initiative	2002	<ul style="list-style-type: none"> <li>▪ Commission Communication presented in July 1999.<sup>116</sup></li> <li>▪ Initiative by the Portuguese Presidency for a Framework Decision on the status of victims.<sup>117</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ EP opinion in December 2000<sup>118</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Framework Decision adopted by the Council in March 2001.<sup>119</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ The joint programme of measures to implement the principle of mutual recognition of decisions in criminal matters also incorporates, among those parameters, mechanisms to protect victims' rights</li> </ul>	<p>Implementation deadline: 22.03.02, 22.03.04 or 22.03.06, depending on the Article.</p> <p><b>First Commission, on Art. 18 of the Framework Decision in June 2003.</b></p>
Further instruments on approximation of compensation arrangements for victims	Council, on the basis of a Commission proposal or a Member State initiative	2004	<ul style="list-style-type: none"> <li>▪ Commission Green Paper on compensation for victims presented in September 2001<sup>120</sup> and followed by a public hearing on 21 March 2002.</li> <li>▪ Commission proposal for a directive on compensation in October 2002.<sup>122</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Parliament opinion in September 2002<sup>121</sup></b></li> <li>▪ <b>Parliament opinion expected in July 2003</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Work in progress in the Council</b></li> </ul>		
Examining the possibility of recognising decisions taken in the interests of victims of crime			<ul style="list-style-type: none"> <li>▪ Covered by Article 1(b)(iv) of the draft framework Decision on the application of the mutual recognition principle to pecuniary penalties and Council Regulation No 44/2001 of</li> </ul>			<ul style="list-style-type: none"> <li>▪ Included in the mutual recognition programme in</li> </ul>	

<sup>116</sup> Commission Communication on Crime victims in the European Union (COM(1999) 349, 14.7.1999).

<sup>117</sup> Draft framework decision on the status of the victim in criminal proceedings (OJ C 243, 24.8.2000).

<sup>118</sup> A5-0355/2001, 12.12.2000.

<sup>119</sup> OJ L 82, 22.3.2001.

<sup>120</sup> Green paper - Compensation to crime victims (COM(2001) 536, 28.9.2001).

<sup>121</sup> A5-0309/02 du 24.9.2002

<sup>122</sup> Proposal for a directive - Compensation to crime victims (COM(2002) 562, 16.10.2002).

where such decisions are incorporated into sentencing decisions			22.12.2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. <sup>123</sup>			criminal matters.	
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<sup>123</sup> OJ L 12, 16.01.2001.

### 3.2. Mutual recognition of judicial decisions

A genuine area of justice must provide legal certainty to individuals and to economic operators. To that end, judgments and decisions should be respected and enforced throughout the Union.

Enhanced mutual recognition of judicial decisions and judgments and the necessary approximation of legislation would facilitate cooperation between authorities and the judicial protection of individual rights and will make it possible to respond to the call made at the Laeken European Council for “efforts to surmount the problems arising from differences between legal systems”. The principle of mutual recognition should become the cornerstone of judicial cooperation in both civil and criminal matters within the European Union.

As regards civil matters:

**Objective: Enhanced mutual recognition of judicial decisions and judgments, and the necessary approximation of legislation, to facilitate cooperation between authorities and the judicial protection of individual rights<sup>124</sup>**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Programme of measures on mutual recognition of civil and commercial decisions (containing measures required for mutual recognition and enforcement; abolishing obstacles for small claims and family litigation).	Council and Commission	End 2000	The mutual recognition programme was adopted by the Council in November 2000. <sup>125</sup> It covers four areas:				
			<ul style="list-style-type: none"> <li>▪ for the first area, pilot projects are being launched (see 3.1.4 above);</li> <li>▪ for the second area,</li> </ul> - Commission working paper in March 2001 on Mutual recognition of decisions on parental responsibility; <sup>126</sup>				

<sup>124</sup> See also table on "Greater convergence in civil law".

<sup>125</sup> OJ C 12, 15.1.2001.

<sup>126</sup> Commission working document - Mutual recognition of decisions on parental responsibility (COM(2001) 166, 27.3.2001).

		<p>- Commission proposal in September 2001 for a Regulation to complement the Regulation matrimonial matters and in matters of parental responsibility .<sup>127</sup></p> <p>- Commission proposal in October 2001 for a decision authorising the Member States to sign the Hague Convention of 1996<sup>128</sup> <b>and proposal expected in May 2003 for a Decision authorising the Member States to ratify the Convention.</b></p> <p>- French Initiative in July 2000 for a Regulation on rights of access to children.<sup>130</sup></p> <p>- Commission proposal in May 2002 to merge the French initiative, the Commission proposal for a regulation of September 2001 and Regulation (EC) No 1347/2000 (Brussels II ).<sup>132</sup></p> <p>Commission proposal in October 2000 for a Council Decision on the signing by the European Community of the Council of Europe Convention on contact concerning children.<sup>134</sup></p>	<p>▪ <b>Parliament opinion in December 2000.</b><sup>131</sup></p> <p>Parliament opinion in November 2002.<sup>133</sup></p>	<p>▪ <b>Decision adopted by the Council in December 2002.</b><sup>129</sup></p> <p>▪ <b>Work in progress in the Council</b></p> <p><b>Work in progress in the Council</b></p>	
				<p>▪ <b>Adoption of a Council Recommendation authorising the Commission to open negotiations with Denmark on Regulations Nos 44/2001 and 1348/2000.</b></p>	<p>▪ <b>In the second half of 2003 the Commission is planning to present a decision authorising the Community to sign and conclude two agreements extending to Denmark the provisions of Regulations Nos 44/2001 et 1348/2000.</b></p>

<sup>127</sup> Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in matters of parental responsibility (COM(2001) 505, 30.8.2001).

<sup>128</sup> Proposal for a Council Decision authorising the Member States to sign in the interest of the European Community the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Hague Convention) (COM(2001) 680, 20.11.2001).

<sup>129</sup> OJ L 48, 21.2.2003.

<sup>130</sup> French Initiative for a Council Regulation on the mutual enforcement of judgments on rights of access to children (OJ C 234 of 15.8.2000).

<sup>131</sup> A5-0311/2000 du 17.11.2000.

<sup>132</sup> Proposal for a Council Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001 in matters relating to maintenance (COM(2002)222, 3.5.2002).

<sup>133</sup> A5-0385/2002.

<sup>134</sup> COM(2002) 520 du 2.10.2002 :

			<ul style="list-style-type: none"> <li>For the third and fourth areas, the Commission launched preparatory studies in 2001, the results of which became available at the end of this year. <b>The results of the study on successions were released at the end of 2002.</b></li> </ul>			<ul style="list-style-type: none"> <li>For the fourth area, the Commission organised a conference on successions in conjunction with the Council of Europe in October 2002. <b>The results of the study on matrimonial property regimes will be available in 2003.</b></li> </ul>	
Proposal on minimum standards for specific aspects of civil procedure (new procedural legislation on money payments)	Council, on the basis of a Commission proposal or a Member State initiative		<ul style="list-style-type: none"> <li><b>In December 2002 the Commission presented a Green Paper on further harmonisation of procedural rules relating to uncontested and small claims (European order to pay) (see above, point 3.1.4).</b></li> </ul>			<ul style="list-style-type: none"> <li>In the <b>second half of 2003</b> the Commission is planning to present a proposal for a regulation to establish a European order to pay procedure. <b>In 2004 it is planning to present a legislative proposal on small claims</b> (cf. supra, 3.1.4.).</li> </ul>	
Launching of work on the European Enforcement Order	Council, on the basis of a Commission proposal or a Member State initiative		<ul style="list-style-type: none"> <li>This action has been included in the programme of measures to implement the principle of mutual recognition.</li> <li>Commission proposal in April 2002 for a regulation (see above, point 3.1) to establish a European enforcement order.<sup>135</sup></li> </ul>	<ul style="list-style-type: none"> <li><b>Parliament opinion in April 2003</b><sup>136</sup></li> </ul>	<ul style="list-style-type: none"> <li><b>Council Common position expected in September 2003.</b></li> </ul>		
			<ul style="list-style-type: none"> <li>Presentation by the Commission of the new proposal for a regulation on rights of access to children will enable the work on abolition of the exequatur procedure to be followed up (see point 3.2 above).</li> </ul>				

<sup>135</sup> Proposal for a Council Regulation creating a European enforcement order for uncontested claims (COM(2002)159, 18.4.2002).

<sup>136</sup> A5-0108/03, 8.4.2003.

## As regards criminal matters

### **Objective: To make sure criminals have no safe havens**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Ratification of the 1995 and 1996 EU Conventions on extradition. <sup>137/138</sup>	Member State	April 2001	.				<ul style="list-style-type: none"> <li>▪ All the Member States have ratified the 1996 Convention except I and F.</li> <li>▪ All the Member States have ratified the 1996 Convention except I and F.</li> </ul>
Study on abolition of formal extradition procedures concerning persons fleeing from justice after having been sentenced. <sup>139</sup>	Council, on the basis of a proposal by the Commission	End 2001	<ul style="list-style-type: none"> <li>▪ Commission proposal in September 2001 for a Framework Decision on the European arrest warrant.<sup>140</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in February 2002.<sup>141</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in June 2002.<sup>142</sup></li> </ul>		Deadline for implementation: 31.12.2003
Providing for fast-track extradition procedures	Council, on the basis of a proposal by the Commission	End 2001	Included in the Commission proposal (see above)	<ul style="list-style-type: none"> <li>▪ see above</li> </ul>			
Examine the issue of extradition in relation to procedures in absentia	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Included in the Commission proposal (see above)	<ul style="list-style-type: none"> <li>▪ see above</li> </ul>			

<sup>137</sup> These two measures are included in the EU Plan of Action against terrorism (periodic review).

<sup>138</sup> Following the initiative presented by Sweden (OJ C 195, 11.7.2001), Council Decision 2003/169/JHA of 27.2.2003 laying down arrangements for the 1995 Convention on simplified extradition procedures between the Member States of the EU the 1996 Convention relating to extradition between Member States of the EU builds on the Schengen arrangements in accordance with the agreement associating the Republic of Iceland and the Kingdom of Norway with the application, implementation and development of the Schengen arrangements (OJ L 67, 12.3.2003).

<sup>139</sup> These two measures are included in the EU Plan of Action against terrorism (periodic review).

<sup>140</sup> Commission proposal for a Council framework decision on the European arrest warrant and surrender procedures between Member States (OJ C 332 E, 27.11.2001).

<sup>141</sup> A5-0003/2002, 6.2.2002.

<sup>142</sup> OJ L 190, 18.7.2002.

**Objective: To ensure that decisions taken in one Member State have effect throughout the Union**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Programme of measures on the application of the principle of mutual recognition to be followed by specific instruments	Council / Commission	End 2000	<ul style="list-style-type: none"> <li>▪ Commission Communication in July 2000.<sup>143</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in May 2001.<sup>144</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Joint Council/Commission programme adopted in November 2000</li> </ul>	Most of the top-priority measures are indicated in other scoreboard tables. The programme's aim is to record achievable progress in making the reservations and declarations concerning the coercive measures contained in Article 5 of the 1959 European Convention on Mutual Assistance in Criminal Matters non-invocable between MS and to examine ways of recognising decisions taken in the interests of victims of crime where they are incorporated into sentencing decisions.	
			<ul style="list-style-type: none"> <li>▪ Commission Green Paper in February 2003 on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union.<sup>145</sup></li> </ul>			The Commission, by way of complement to the mutual recognition programme, is planning to present, in the first half of 2003, a <b>communication on criteria for determining jurisdiction in criminal matters and in the second half of 2003, a Framework Decision on procedural guarantees.</b>	

<sup>143</sup> Commission Communication on Mutual recognition of Final Decisions in criminal matters (COM(2000) 495, 28.7.2000).

<sup>144</sup> A5-0145/2001, 17.5.2001.

<sup>145</sup> Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union (COM(2003)75, 19.2.2003).



			<ul style="list-style-type: none"> <li>▪ DK initiative for a Council Decision on the reinforcement of cooperation between Member States of the EU as regards disqualification decisions.<sup>146</sup></li> <li>▪ EL initiative in February 2003 for a Framework Decision on the application of the “<i>non bis in idem</i>” principle.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion [rejection] in December 2002</li> </ul>		<p>The Commission is planning to present, in the second half of 2003, a communication on withdrawals of rights.</p>	
Application of mutual recognition to pre-trial orders. <sup>147</sup>	Council, on the basis of a Commission proposal or a Member State initiative		<ul style="list-style-type: none"> <li>▪ Initiative by F, B and SU in February 2001 for a Framework Decision on the freezing of assets and evidence.<sup>148</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ EP Opinions in September 2001<sup>149</sup> and June 2002.<sup>150</sup></li> <li>▪ Council agreement in principle in February 2002</li> </ul>	<ul style="list-style-type: none"> <li>▪ Formal adoption by Council awaited after parliamentary reservations have been lifted (I, DK, S).<sup>151</sup></li> </ul>		
						<ul style="list-style-type: none"> <li>▪ Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 6 and 7).</li> <li>▪ <b>The Commission is planning to present a Framework Decision in June 2003 on the documents and data for use in criminal proceedings.</b></li> <li>▪ During the second half of 2003, The Commission is also planning to present a Green Paper on mutual recognition and immediate enforcement of non-custodial pre-trial supervision measures,</li> </ul>	

<sup>146</sup> Council Decision on the reinforcement of cooperation between Member States of the EU as regards disqualification decisions (OJ C 23, 19.9.2002).

<sup>147</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>148</sup> Draft Council Framework Decision on the execution in the European Union of orders freezing assets or evidence (OJ C 75, 7.3.2001).

<sup>149</sup> OJ C 77E, 28.3.2002, p. 91.

<sup>150</sup> A5-0172/02, 16.5.2002.

<sup>151</sup> Latest situation report, following Coreper on 24.3.2003.

<p>Examine the feasibility of improved cross-border cooperation on the transfer of proceedings and the enforcement of sentences</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2004</p>	<ul style="list-style-type: none"> <li>▪ Initiative by F, S and UK for a Framework Decision on financial penalties.<sup>152</sup></li>   <li>▪ German initiative establishing, in accordance with Article 34 of the Treaty on European Union, the Agreement on Co-operation in Proceedings for Road Traffic Offences and the Enforcement of Financial Penalties Imposed in respect thereof</li>   <li>▪ Initiative by Denmark in June 2002 for a draft framework decision on the enforcement of confiscation orders in the Union.<sup>154</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in January 2002.<sup>153</sup></li>   <li>▪ <b>Parliament opinion in November 2002.</b><sup>155</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Agreement in principle in May 2003.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Included in the joint programme for the mutual recognition of decisions in criminal matters (see also measures 17, 18, 20 and 21)</li> </ul>	
<p>Study the feasibility of extending and possibly formalising the exchange of information on criminal records</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2004</p>				<p>Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 3 and 4).</p> <p><b>Request for criminal record included in the Commission proposal planned for June 2003 for a Framework Decision on obtaining documents and information for use in criminal proceedings.</b></p>	

<sup>152</sup> Draft framework decision on the application of the principle of mutual recognition to financial penalties (OJ C 278, 2.10.2001).

<sup>153</sup> A5-0444/2001, 17.1.2002.

<sup>154</sup> Initiative of the Kingdom of Denmark with a view to the adoption of a Council Framework Decision on the execution in the European Union of confiscation orders (OJ C 184, 2.8.2002).

<sup>155</sup> A5-0383/02, 7.11.2002.

### 3.3. Greater convergence in civil law

In order to smooth judicial cooperation and enhance access to law, better compatibility and more convergence between the legal systems must be achieved.

#### **Objective: Eliminate obstacles created by disparities in law and procedures**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	
New procedural legislation in cross-border cases (e.g. provisional measures, taking of evidence, time limits)	Council, on the basis of a Commission proposal or a Member State initiative.	April 2004	<ul style="list-style-type: none"> <li>▪ Initiative by Germany in September 2000 on the taking of evidence.<sup>156</sup> The issue of procedural law is partly included in the mutual recognition programme.</li> <li>▪ In April 2002 the Commission launched a preparatory study on the improvement of the enforcement of judgments in the Member States.<sup>159</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in March 2001.<sup>157</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council at the end of May 2001.<sup>158</sup></li> </ul>	<p>Deadline for implementation: 1.7.2004 except</p> <p>Art.19-21 and 22:1.7.2001</p>
General study to identify and eliminate obstacles to the smooth functioning of civil proceedings	Council to prepare a report	End 2001	<ul style="list-style-type: none"> <li>▪ Commission communication in July 2001 on European contract law, with a view to launching a broad debate on the need for, possibilities and methods of harmonisation in certain areas of substantive private law.<sup>160</sup> The replies, to be collected by 15 October 2001, have been summarised by the Commission and published on its website.<sup>161</sup></li> <li>▪ <b>Following the communication of July 2001 and the reactions of those concerned to this document, the Commission presented a communication in February 2003 entitled A more coherent European contract law; an action plan.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in November 2001.<sup>162</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ The report provided for by the Council was presented to the Laeken European Council.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>In 2004 the Commission is planning to present a Green Paper on improvements to the effectiveness of enforcement procedures.</b></li> </ul>

<sup>156</sup> OJ C 314, 3.11.2001.

<sup>157</sup> 15-0073, 14.3.2001.

<sup>158</sup> OJ L 174, 27.6.2001.

<sup>159</sup> OJ S 67, 5.4.2002.

<sup>160</sup> Communication from the Commission to the Council and the European Parliament on contract law in the Community (COM(2001) 398, 11.7.2001).

<p>Finalising the Brussels and the Lugano Conventions.<sup>163</sup></p>	<p>Council, on the basis of a proposal by the Commission</p>	<p>April 2001</p>	<ul style="list-style-type: none"> <li>▪ The diplomatic conference with a view to a world convention on jurisdiction and the recognition of judgments in civil and commercial matters took place in June 2001. The Commission launched public consultations on the Internet and organised a hearing in October 2001 in the context of the ongoing negotiations.</li> </ul>		<ul style="list-style-type: none"> <li>▪ The Council adopted the Regulation replacing the Brussels Convention in December 2000.<sup>164</sup></li> <li>▪ In May 2001 the Council adopted a decision, further to a Commission proposal, on the launch of negotiations as part of the Hague Convention with a view to a world convention on jurisdiction and the recognition of judgments in civil and commercial matters</li> <li>▪ In March 2002 the Council, on a proposal from the Commission, adopted a new negotiating brief for a meeting to be held in the Hague in April 2002.</li> </ul>	<p>Entry into force: 1.3.2002</p>
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<sup>161</sup> [http://europa.eu.int/comm/consumers/policy/developments/contract\\_law/index\\_en.html](http://europa.eu.int/comm/consumers/policy/developments/contract_law/index_en.html)

<sup>162</sup> A5- 0384/2001, 15.11.2001.

<sup>163</sup> See also table on "Mutual recognition of judicial decisions".

<sup>164</sup> OJ L 12, 16.1.2001.

			<ul style="list-style-type: none"> <li>▪ Commission proposal in March 2002 for a recommendation for a negotiating brief for an agreement between the Community and the Lugano countries.<sup>165</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ In October 2002 the Council adopted a negotiating brief for an agreement between the Community and the Lugano States.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The negotiations conducted by the Commission cannot be concluded before the Court of Justice has given the Opinion requested by the Council on the question of Community powers.</b></li> </ul>	
Drawing up a legal instrument on the law applicable to non-contractual obligations (Rome II).	Council, on the basis of a Commission proposal or a Member State initiative	April 2001				<ul style="list-style-type: none"> <li>▪ <b>Following the public consultation on a preliminary draft Regulation which included a public hearing in January 2003, the Commission is planning a proposal for a Rome II Regulation in the second half of 2003.</b></li> </ul>	
Revising, where necessary, the 1980 Rome Convention (Rome I).	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<ul style="list-style-type: none"> <li>▪ The Commission organised a preparatory meeting of national experts in April 2002.</li> <li>▪ <b>Commission Green Paper in January 2003 on the conversion of the Convention into a Community instrument and its modernisation.</b><sup>166</sup></li> </ul>			<ul style="list-style-type: none"> <li>▪ <b>The Commission will organise a public hearing towards the end of 2003..</b></li> </ul>	
Preliminary study on the possibility of drawing up a legal instrument on the law applicable to divorce	Council / Commission	April 2004	<ul style="list-style-type: none"> <li>▪ In May 2000 the Council produced a comparative study on national legislation and the position of the Member States.</li> <li>▪ The Commission launched a complementary study in 2001, the results of which will be available in the third quarter of 2002.</li> </ul>			<ul style="list-style-type: none"> <li>▪ <b>The Commission organised a meeting of experts in March 2003.</b></li> <li>▪ The Commission is planning to present a White Paper on the law applicable to divorce in the second half of 2003.</li> </ul>	

<sup>165</sup> Recommendation for a Council Decision authorising the Commission to open negotiations for a Convention between the Community and, having regard to the Protocol on its position, Denmark, and Iceland, Norway, Switzerland and Poland (SEC(2002) 298, 22.3.2002).

<sup>166</sup> Green Paper on the conversion of the Rome Convention of 1980 on the law applicable to contractual obligations into a Community instrument and its modernisation (COM(2002)654, 14.1.2003).

<p>Elaboration of a preliminary study on jurisdiction and the law applicable to matrimonial property and successions</p>	<p>Council / Commission</p>	<p>April 2004</p>	<ul style="list-style-type: none"> <li>▪ The issue of court jurisdiction and recognition of rulings is included in the mutual recognition programme (see 3.2 above).</li> <li>▪ The Commission has launched large-scale preparatory studies, and the results of the study on successions will be available by the end of 2002. <b>The results of the study on matrimonial property regimes will be available in 2003.</b></li> <li>▪ In addition, the Commission is to organise a conference on successions in conjunction with the Council of Europe in October 2002.</li> </ul>			<ul style="list-style-type: none"> <li>▪ <b>In 2004 the Commission is planning to present Green Papers on the property consequences of the separation of married and unmarried couples and successions (cf. supra, 3.2).</b></li> </ul>	
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#### 4. UNION-WIDE FIGHT AGAINST CRIME

##### **Tampere priorities and EU strategy against organised crime at the beginning of the new millennium**

The Tampere European Council called for a balanced development of Union-wide measures against all forms of crime, including serious organised and transnational crime, should be achieved while protecting the freedom and legal rights of individuals and economic operators. In this context, particular attention is drawn to the "European Union Strategy for the beginning of the new Millennium" on prevention and control of organised crime. Some complementary actions, going beyond the Tampere conclusions and called for by the recommendations in this strategy have been introduced in this chapter.

##### **4.1. Preventing crime at the level of the Union**

Any efficient policy in the fight against all types of crime, organised or otherwise, must include also preventive measures of a multidisciplinary nature.

Crime prevention aspects must be incorporated into actions and programmes against crime at Union and Member State level.

Cooperation between national prevention organisations should be encouraged and certain priority areas should be identified.

**Objective: To prevent crime through reduction of opportunities**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
<p>Identification and development of common priorities – political guidelines - to be taken into account when preparing new legislation; assessment of new legislation's impact on crime prevention.</p> <p>Prevention of infiltration by organised crime of lawful economic activities</p>	<p>Council / Commission / Member States</p>		<ul style="list-style-type: none"> <li>▪ Commission communication in November 2000 on crime prevention in the European Union which established a Forum and proposed a financial programme (Hippokrates) in the crime prevention field.<sup>167</sup></li> <li>▪ Following the Council Resolution of December 1998, the Commission and Europol presented jointly, in March 2001, a report on a European strategy on the prevention of organised crime.<sup>168</sup> The next report will also take prevention aspects into account.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion on the Hippokrates programme in April 2001.<sup>169</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in June 2001.<sup>170</sup></li> </ul>	<p>The Forum on Prevention of Organised Crime met in 2001 and 2002 and organised a number of workshops. <b>In January 2003, a workshop was organised on the fight against counterfeiting and piracy. Other workshops are planned on regional development and the structural funds, money-laundering, trafficking in human beings, prevention of corruption in public administrations, product proofing, illicit trafficking in cultural goods and arms, prevention of abuse of charities to finance terrorism, conservation of communications data for public order purposes.</b></p>	<p>Deadline for implementation: 31.12.2002</p>
						<ul style="list-style-type: none"> <li>▪ In the second half of 2003 the Commission is planning to present a follow-up communication on the general crime-prevention policy (priorities for the five years ahead).</li> </ul>	

<sup>167</sup> Proposal for a Council Decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippokrates) (COM(2000) 786, 29.11.2000).

<sup>168</sup> Joint report by the Commission and EUROPOL - Towards a European strategy for the prevention of organised crime (SEC(2001)433, 13.3.2001).

<sup>169</sup> A5-0094/2001, 5.4.2001.

<sup>170</sup> OJ L 186, 7.7.2001.



Crime proofing						The Commission is planning to embark on a legislative crime-proofing exercise in 2003 and has undertaken to present a communication in 2004 on crime proofing – legislative and product aspects.	
Integration of crime prevention aspects in actions and programmes against crime at the Union and Member State level - policy guidelines to be adopted by Council	Council / Commission / Member States		<ul style="list-style-type: none"> <li>▪ <b>Prevention and control of organised crime: a European Union strategy for the beginning of the new millennium.</b><sup>171</sup></li> <li>▪ <b>Commission Staff working paper in March 2003 on implementation of the European Union strategy for the beginning of the new millennium.</b><sup>172</sup></li> </ul>				

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<sup>171</sup> OJ C 124, 3.4.2000

<sup>172</sup> Commission Staff working paper concerning measures to give effect to the recommendations in “Prevention and control of organised crime: a European Union strategy for the beginning of the new millennium” (SEC(2003)378, 21.3.2003).

**Objective: To facilitate cooperation between Member States**

Exchange of best practices and cooperation between national crime prevention authorities in priority areas, possibly by setting up a Community-funded programme addressing such matters as juvenile, urban and drug-related crime.	Council / Commission / Member States	2001	<ul style="list-style-type: none"> <li>▪ French and Swedish joint initiative in November 2002 for a Council decision establishing a crime prevention network.<sup>173</sup></li>   <li>▪ The Commission has proposed a financial instrument (Hippokrates programme, see supra).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in March 2001.<sup>174</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Framework Decision adopted by the Council at end of May 2001.<sup>175</sup></li>   <li>▪ Adoption by the Council in June 2002 of draft conclusions on the first annual report on the European crime prevention network.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The network met in October 2001 and in January, April, <b>September</b>, October and December 2002.</li> <li>▪ <b>A conference to establish an inventory of good practices was held in October 2002 (Aalborg – DK).</b></li> <li>▪ <b>The Network’s website was formally put into operation in November 2002.</b></li> <li>▪ <b>The subgroup on Crime and victimisation was set up in September 2002.</b></li> </ul>	Entry into force: 28.5.2001
Reinforcement of cooperation between judicial and law enforcement authorities and between practitioners in police and judicial cooperation in criminal matters	Council/ Commission/ Member States		Commission proposal for a Council Decision renewing the Title VI programmes that are expiring. Implementation of AGIS programme 2003-07 taking over from the former Oisin, Grotius, Stop, Falcone and Hippokrates programmes and the budget heading to implement the drugs action plan 2000-04. <sup>176</sup>	Parliament opinion in April 2002	AGIS programme adopted by the Council in July 2002. <sup>177</sup>	First annual exercise launched in December 2002; projects received in March 2003; preselection in progress	Entry into force: 22.7.2002

<sup>173</sup> Draft Council Decision setting up a European crime prevention network (OJ C 362, 16.12.2000).

<sup>174</sup> A5-0070/2001, 14.3.2001.

<sup>175</sup> OJ L 153, 8.6.2001.

<sup>176</sup> COM(2001)646, 9.11.2001: Proposal for a Council Decision to establish a framework programme on the basis of Title IV of the Treaty on European Union-police and judicial cooperation in criminal matters.

<sup>177</sup> OJ L 203, 1.8.2002.

## 4.2. Stepping up cooperation in the fight against crime

In a genuine area of justice, criminals must not find ways of exploiting differences in the judicial systems of Member States. In its work on the protection of the Community's financial interests, the Laeken European Council took note of the Green Paper adopted by the Commission on a European Public Prosecutor and asked the Council to examine it quickly.

Giving citizens a high level of protection implies greater cooperation between the authorities responsible for applying the law. To this end, maximum benefit should be derived from cooperation between authorities in the Member States when investigating cross-border cases.

The Treaty of Amsterdam, by conferring additional powers on Europol, recognised the latter's essential and central role in facilitating European cooperation in preventing and combating organised crime.

### **Objective: To coordinate and, where appropriate, centralise proceedings**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	
Set up joint investigative teams, as a first step, to combat trafficking in drugs and human beings as well as terrorism - when investigating cross-border crime. <sup>178</sup>			<ul style="list-style-type: none"> <li>▪ Portuguese Presidency initiative in March 2000 on anticipating application of Article 13 of the Convention - discussions on which have been suspended.</li> <li>▪ In September 2001 Belgium, France, Spain and the United Kingdom presented an initiative on a draft framework decision on joint investigation teams.<sup>180</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in November 2001.<sup>181</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ The Council adopted the Mutual Legal Assistance Convention in May 2000, Article 13 of which provides for joint teams to be set up (see point 4.2).<sup>179</sup></li> <li>▪ Adopted by the Council in June 2002.<sup>182</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Ratification by PT, DK and ES.</li> <li>▪ Deadline for implementation: 1.1.2003</li> </ul>
			<ul style="list-style-type: none"> <li>▪ EL initiative presented in January 2003 for a Council recommendation on a model agreement for setting up joint investigation teams.</li> </ul>		<ul style="list-style-type: none"> <li>▪ Adopted by the Council in May 2003.</li> </ul>	

<sup>178</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>179</sup> OJ C 197, 12.7.2000.

<sup>180</sup> Draft Council Framework Decision on joint investigation teams (OJ C 295, 20.10.2001).

<sup>181</sup> A5-0369/2001, 13.11.2001.

<sup>182</sup> OJ L 162, 20.6.2002.

<p>Setting up a unit composed of national prosecutors, magistrates or police officers of equivalent competence – EUROJUST.<sup>183</sup></p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>End 2001</p>	<ul style="list-style-type: none"> <li>▪ Portugal, France, Sweden and Belgium have presented an initiative with a view to the adoption of a Council decision setting up a Provisional Judicial Cooperation Unit.<sup>184</sup></li>   <li>▪ Portugal, France, Sweden and Belgium<sup>186</sup> and Germany<sup>187</sup> have presented initiatives with a view to the adoption of a Council decision setting up Eurojust.</li>   <li>▪ Commission communication in November 2000 concerning the creation of Eurojust.<sup>188</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ EP Opinions in May 2001<sup>189</sup> and November 2001 (reconsultation).<sup>190</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adoption by Council in December 2000 of a decision to create a provisional unit in January 2001.<sup>185</sup></li>   <li>▪ Decision establishing Eurojust adopted by the Council in February 2002.<sup>191</sup></li>   <li>▪ Approval of Eurodac Rules of Procedure and appointment of its President by the Council in June 2002</li>   <li>▪ Removal of Eurojust to the Hague.</li> </ul>	<p>Provisional unit put in place March 2001.</p> <p>Implementation: no later than 6.9.2003.</p>
<p>Implement and, where appropriate, further develop the European judicial network.<sup>192</sup></p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2001</p>				<ul style="list-style-type: none"> <li>▪ Pilot stage of a telecommunications network launched in August 2001 continues.</li> </ul>

<sup>183</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>184</sup> Draft Decision setting up a Provisional Judicial Cooperation Unit (OJ C 243, 24.8.2000).

<sup>185</sup> OJ L 324, 21.12.2000.

<sup>186</sup> Draft Council Decision setting up Eurojust with a view to reinforcing the fight against serious organised crime (OJ C 243, 24.8.2000, p. 15).

<sup>187</sup> Draft Council Decision setting up a Eurojust team (OJ C 206, 19.7.2000).

<sup>188</sup> COM(746) du 22.11.2000:Communication de la Commission concernant la création d'Eurojust.

<sup>189</sup> A5-0153/2001, 17.5.2001.

<sup>190</sup> A5-0398/2001, 29.11.2001.

<sup>191</sup> OJ L 63, 6.3.2002.

<sup>192</sup> This measure is included in the EU Plan of Action against terrorism.

Prevent conflicts of jurisdiction by examining the possibility of registering proceedings pending in different Member States	Council, on the basis of a Commission proposal or a Member State initiative	April 2004				<ul style="list-style-type: none"> <li>▪ Included in the joint mutual recognition programme for decisions in criminal matters (see measure No 12).</li>   <li>▪ The Commission intends to present, in 2003, a communication on jurisdiction in the context of mutual recognition of judgments in criminal matters to prevent positive conflicts of jurisdiction between Member States (see supra).</li> </ul>	
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**Objective: To provide mutual assistance to the fullest extent possible**

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Adoption, ratification and implementation of the Convention on Mutual Assistance in Criminal Matters. <sup>193</sup>	Council / Member States	April 2001	<ul style="list-style-type: none"> <li>▪ Initiative by France for the adoption of a Protocol to the Convention on judicial assistance in criminal matters between the Member States of the European Union (concerning the exchange of information on bank accounts and transactions).<sup>194</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ Convention adopted by the Council on 29 May 2000.<sup>195</sup></li> <li>▪ Protocol to the Convention adopted by the Council in October 2001.<sup>196</sup></li> <li>▪ Explanatory report adopted by the Council in October 2002.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Deadline for Member States to initiate ratification procedures: before January 2001, and July 2002 for the Protocol.<sup>197</sup></li> <li>▪ Convention ratified by PT, DK and ES.</li> <li>▪ The entry into force and the implementation of the Protocol are subject to the entry into force and the implementation of the Convention.</li> </ul>	

<sup>193</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>194</sup> Initiative of the French Republic with a view to adopting a Convention on improving mutual assistance in criminal matters, in particular in the area of combating organised crime, laundering of the proceeds from crime and financial crime (OJ C 243, 24.8.2000, p. 11).

<sup>195</sup> OJ C 197, 12.7.2000.

<sup>196</sup> OJ C 326, 21.11.2001.

<sup>197</sup> See also table on "Mutual recognition of judicial decisions".

Consider arrangements under which authorities may operate in the territory of another Member State	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<ul style="list-style-type: none"> <li>▪ Arrangements governing interception and joint investigation teams, controlled deliveries and covert investigations are governed by the Convention of 29 May 2000.</li> <li>▪ Initiative by Belgium, France, Spain and the United Kingdom in September 2001 on a draft framework decision on joint investigation teams.<sup>198</sup></li> <li>▪ Initiative by Belgium, Spain and France concerning a draft decision of the Council modifying article 40, paragraphs 1 &amp; 7 of the implementing the convention of the Schengen agreement of June 14, 1985 concerning the gradual removal of common border checks</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Parliament opinion in November 2001.</b><sup>199</sup></li> <li>▪ Parliament opinion in April 2002</li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in June 2002.<sup>200</sup></li> <li>▪ Agreement of principle in the Council in June 2002 (reservations by D/DK/S)</li> </ul>		<b>Implementation: before 1.1.2003</b>
Examine the possibilities for harmonised rules on data protection	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<ul style="list-style-type: none"> <li>▪ Draft Resolution on the initiative of the French Presidency (based on a Portuguese Presidency initiative establishing a secretariat for the Data Protection Supervisory Bodies.)<sup>201</sup></li> <li>▪ Initiative by S concerning the rules governing the transmission of personal data.<sup>203</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2001.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Decision adopted by the Council in October 2000.<sup>202</sup></li> <li>▪ Adopted by the Council in February 2002.<sup>204</sup></li> <li>▪ Council Decision authorising the Director of Europol to conduct negotiations with third States and bodies not related to the European Union adopted in December 2001.<sup>205</sup></li> </ul>		Implementation: 1.3.2002  Implementation: 7.12.2001

<sup>198</sup> Draft Council Framework Decision on joint investigation teams (OJ C 295, 20.10.2001).

<sup>199</sup> A5-0369/01, 13.11.2001.

<sup>200</sup> OJ C 162, 20.6.2002.

<sup>201</sup> Initiative of the Portuguese Republic with a view to the adoption of a Council Decision establishing a secretariat for the Joint Supervisory Data Protection Bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ C 141, 19.5.2000).

<sup>202</sup> OJ L 271, 24.10.2000.

<sup>203</sup> Initiative amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies (OJ C 163, 6.6.2001).

<sup>204</sup> OJ C 76, 27.3.2002.

<sup>205</sup> OJ C 358, 15.12.2001.

<p>Establishment of the European Judicial Training Network</p>			<ul style="list-style-type: none"> <li>▪ France has presented an initiative for a Decision setting up a European judicial training network.<sup>206</sup></li> <li>▪ Commission staff working document taking stock of the situation.<sup>207</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in September 2002<sup>208</sup></li> <li>▪ <b>The Laeken European Council confirmed the priority attached to establishing a European network.</b><sup>209</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The network came to a consensus on acquiring legal personality in the form of an association governed by Belgian law (Act of 1919) at the General Meeting in Thessaloniki (March 2003).</b></li> </ul>		
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<sup>206</sup> OJ C 18, 19.1.2001.

<sup>207</sup> SEC(2002) 635, 13.6.200: Commission staff working paper of the European Judicial Training Network – Stock-taking.

<sup>208</sup> A5-0276/02, 24.9.2002.

<sup>209</sup> Laeken Conclusions, point 43 – 14-15.12.2001.



**Objective: To protect rights of victims and provide assistance**

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Drawing up minimum standards	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<ul style="list-style-type: none"> <li>▪ Portuguese Presidency initiative in August 2001 for adoption of a framework Decision on the status of victims in criminal proceedings.<sup>210</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in December 2000.<sup>211</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in March 2001<sup>212</sup> (see point 3.1).</li> </ul>	<ul style="list-style-type: none"> <li>▪ The joint programme of measures to implement the principle of mutual recognition of decisions in criminal matters also incorporates, among those parameters, mechanisms to protect victims' rights</li> <li>▪ <b>First Commission, on implementation of the Framework Decision in April 2003.</b></li> </ul>	Implementation: no later than 22.3.2002, except Article 10 (22.3.2006) and Article 5-6 (22.3.2004).

<sup>210</sup> Draft framework decision on the status of the victim in criminal proceedings (OJ C 243, 24.8.2000).

<sup>211</sup> A5-0355/2000, 12.12.2000.

<sup>212</sup> OJ L 82, 22.3.2001.

**Objective: To develop operational police cooperation and law enforcement training at EU level**

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Establishment of a European Police Chiefs' Task Force	Council, on the basis of a Commission proposal or a Member State initiative	2001				<ul style="list-style-type: none"> <li>Creation in October 2000 of the Police Chiefs' Task Force. In April 2002, the TFCP set up a supervisory committee (past, present and future presidencies of Europol, Council and Commission SGs) to improve preparation and follow-up of meetings.<sup>213</sup></li> </ul>	
Establishment of compatible criminal intelligence systems among Member States	Council		<ul style="list-style-type: none"> <li>DK initiative in July 2002 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States.<sup>214</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in November 2002.<sup>215</sup></li> </ul>	<ul style="list-style-type: none"> <li>Adopted by the Council in February 2003.<sup>216</sup></li> </ul>	<ul style="list-style-type: none"> <li>Since 11 September 2001, the heads of anti-terrorist units in Member States' intelligence services have been meeting regularly.<sup>217</sup></li> </ul>	

<sup>213</sup> See also EU Plan of Action against terrorism.

<sup>214</sup> Initiative of the Kingdom of Denmark with a view to adopting a Council Decision on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States (OJ C 176, 24.7.2002).  
<sup>215</sup> A5-374/02, 20.11.2002.

<sup>216</sup> OJ L 67, 12.3.2003

<sup>217</sup> See also EU Plan of Action against terrorism.

<p>Setting up the European Police College - starting as a network of existing national training institutes - open to applicant countries</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>2001</p>	<ul style="list-style-type: none"> <li>▪ Portuguese Initiative for the provisional establishment of the European Police College.<sup>218</sup></li>   <li>▪ France, Germany and Sweden have launched common training projects starting in 2001 within the framework prefiguring the definitive structure of the European Police College, with cofinancing of the OISIN II Programme.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in November 2000.<sup>219</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adoption by the Council in December 2000 of the decision to set up, in 2001, the European Police College, CEPOL, which has functioned as a network of national police colleges since 1 January 2001.<sup>220</sup></li>   <li>▪ Cepol annual report for 2001 adopted by Council in July 2002.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ongoing examination of the way in which Cepol will function: Council agreement in February 2002 on a provisional location of the secretariat (Copenhagen) and on the financing of Cepol. Temporary director designated.</li> </ul>	
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<sup>218</sup> Portuguese Initiative for a Council Decision on the provisional establishment of the European Police College (OJ C 206, 19.7.2000).

<sup>219</sup> A5-0316/2000, 17.11.2000.

<sup>220</sup> OJ L 336, 30.12.2000.

**Objective: To enhance customs cooperation in the fight against crime and regarding the use of information technology**

Action needed	Responsibility	Timetable for adoption	State of progress			Transposition	
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament		Actions planned and progress made
Implementation of the CIS (Customs Information System) Convention of 26.7.1995 <sup>221</sup> and the Naples II Convention of 19.12.1997. <sup>222</sup>	Member State	Ongoing	<ul style="list-style-type: none"> <li>In November 2001, Germany, France and the Belgian Presidency presented a proposal for a Protocol to the SID Convention concerning investigation files of customs officials (FIDE).<sup>223</sup></li> </ul>	<ul style="list-style-type: none"> <li>EP opinion in December 2002.<sup>224</sup></li> </ul>	<ul style="list-style-type: none"> <li>To be adopted by the Council in April 2003.</li> </ul>	<ul style="list-style-type: none"> <li>A guide for applying the provisions of the Naples II Convention will be prepared at the start of 2003.</li> </ul>	<p>CIS Convention ratified by all Member States except B and D. The agreement on the provisional entry into force of the Convention<sup>225</sup> has been ratified by all the Member States except B and D. It has been applied among those Member States which have ratified it since November 2000. Naples II Convention ratified by Greece, Spain, France, Sweden, Netherlands, Luxembourg, UK, Ireland, Denmark and Germany. Several of these Member States have agreed to apply it between themselves.</p>
To strengthen law enforcement cooperation against smuggling			<ul style="list-style-type: none"> <li>In the second half of 2001, Italy submitted a working paper for a Union strategy against smuggling.</li> </ul>	<ul style="list-style-type: none"> <li>Work currently under way.</li> </ul>		<ul style="list-style-type: none"> <li>The Commission is planning to present a communication in the second half of 2003 on improving cooperation between police and customs services in the Union.</li> </ul>	

<sup>221</sup> OJ C 316, 27.11.1995, p. 34.

<sup>222</sup> OJ C 24, 23.1.1998.

<sup>223</sup> Initiative of Germany, Belgium and France to adopt the Council Act drawing up the protocol modifying the convention on the use of data processing in the field of the customs with regard to the creation of a database of the investigation files of the customs officials (OJ C 328, 23.11.2001).

<sup>224</sup> A5-0450/02, 18.12.2002.

<sup>225</sup> OJ C 316, 27.11.1995, p. 58.

**Objective: To foster international cooperation in the fight against transnational organised crime**

Adoption and ratification of the United Nations' Convention on transnational organised crime and the additional Protocols	Council / Commission / Member States	End of 2000 for signature	<ul style="list-style-type: none"> <li>▪ Signature and opening for ratification in December 2000 of the United Nations Convention against transnational organised crime and its Protocols on trafficking in human beings and the smuggling of migrants, to be ratified as soon as possible.</li> <li>▪ United Nations Protocol on firearms signed by the Commission for the European Community (cf. Point 8).</li> </ul>			<ul style="list-style-type: none"> <li>▪ <b>In the second half of 2003</b> the Commission is planning to present an instrument concluding the Convention and its <b>two</b> Protocols (<b>trafficking in human beings and migrants</b>), and will present a proposition for a Council decision when it has the texts in all the official languages.</li> </ul>	
UN Convention on corruption.	Council / Commission / Member States		<ul style="list-style-type: none"> <li>▪ Union participation in the preparatory work of the UN (see point 8).</li> <li>▪ In April 2002 the Commission presented a proposal for a Commission negotiating brief for a UN Convention against corruption.<sup>226</sup></li> <li>▪ Danish initiative relating to a third common position project concerning the negotiations within the United Nations for the development of the convention of the United Nations against corruption</li> </ul>		<ul style="list-style-type: none"> <li>▪ <b>Adoption by the Council in September 2002.</b></li> <li>▪ <b>Second and third common positions on negotiations in the United Nations for a UN Convention against corruption adopted by Council in June and September 2002.</b></li> </ul>		

<sup>226</sup> Proposal for a Commission negotiating brief for a UN Convention against corruption (SEC(2002) 431, 23.4.2002).

**Objective: To reinforce the role of Europol in facilitating European cooperation in preventing and combating crime with the necessary support and resources**

Action needed	Responsibility	Timetable for adoption	State of progress			Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	
Extend the competence of Europol to cover money-laundering in general regardless of the offence from which the proceeds originate	Council, on the basis of an initiative by a Member State		<ul style="list-style-type: none"> <li>Portuguese initiative in July 2000 to amend the Europol Convention.<sup>227</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in November 2000.<sup>228</sup></li> </ul>	<ul style="list-style-type: none"> <li>Adopted by the Council in November 2000.<sup>229</sup></li> </ul>	Ratification: F, P, ES, EL, S and D
Examine on the feasibility of setting up a database of pending cases	Europol / Council				<ul style="list-style-type: none"> <li>Europol is exploring with the Member States the possibilities of setting up a system.</li> </ul>	
Enable Europol to facilitate the preparation of specific investigative actions by the competent authorities of the Member States, including operational actions of joint investigative teams	Appropriate decision by Council needed	April 2004, without delay for certain areas	<ul style="list-style-type: none"> <li>First step - adoption by the Council in November 2000 of a recommendation concerning support by Europol for joint investigative teams.<sup>230</sup></li> </ul>			

<sup>227</sup> Initiative with a view to the adoption of a Council Act on the drawing up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) of a Protocol amending Article 2 and the Annex to that Convention (OJ C 200, 13.7.2000).

<sup>228</sup> A5-0312/2000, 14.11.2000.

<sup>229</sup> OJ C 358, 13.12.2000.

<sup>230</sup> Council recommendation of 30 November 2000 to Member States in respect of Europol's assistance to joint investigative teams set up by the Member States (OJ C 357, 13.12.2000).

			<ul style="list-style-type: none"> <li>Joint initiative by Belgium and Spain in January 2002 to amend the Europol Convention along these lines; the initiative includes a proposal to simplify the procedures for amending the Convention.<sup>231</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion [rejection] in May 2002</li> </ul>	<ul style="list-style-type: none"> <li>Adopted by the Council in June 2002</li> </ul>		
To provide Europol with the support and means necessary for its work			<ul style="list-style-type: none"> <li>proposal for a decision presented by the Commission in September 2002, concerning the financing of certain activities of Europol within the framework of the fight against terrorism.<sup>232</sup></li> <li>Initiative B, LUX and NL in June 2002 modifying the staff regulations of Europol.<sup>233</sup></li> <li>Danish initiative in November 2002 modifying the staff regulations of Europol.<sup>235</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament Opinion in December 2002.</li> <li>Parliament opinion in April 2003.<sup>236</sup></li> </ul>	<ul style="list-style-type: none"> <li><b>In December 2002, the Council decided not to adopt the proposal.</b></li> <li>Agreement by the Council in October 2002 on the procedure of selection of the management of Europol. Adopted in December 2002.<sup>234</sup></li> </ul>		
Allow Europol to ask the competent authorities of the Member States to conduct and co-ordinate their investigations in specific cases and to develop specific expertise which may be out at the disposal of M-S to assist them in investigating cases of organised crime	Council on the basis of an initiative by a Member State	April 2004	<ul style="list-style-type: none"> <li>As a first step, the Council adopted a recommendation in September 2000, calling on Member States to give consideration to requests from Europol to conduct investigations or to coordinate their investigations in specific areas.</li> <li>Initiative by Belgium and Spain in January 2002 (see above).</li> </ul>		<ul style="list-style-type: none"> <li>See above.</li> </ul>		

<sup>231</sup> Initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (OJ 42, 15.2.2002).

<sup>232</sup> Proposal for a Council decision on the financing of certain activities implemented within the framework of the co-operation in the area of the fight against terrorism (COM(2002)439 - 31.7.2002).

<sup>233</sup> OJ C 161- 5.07.2002: Initiative of Belgium, Luxembourg and the Netherlands for the adoption of an act of Council modifying the staff regulations at Europol.

<sup>234</sup> OJ C 24, 31.1.2003.

<sup>235</sup> OJ C 286- 22.11.2002: Initiative of Denmark concerning the adoption of an act of Council modifying the staff regulations of Europol.

<sup>236</sup> A5-0107/03, 9.4.2003.

<p>Consideration to be given to the possible need to revise Europol Convention in order to:</p> <p>cover new competences</p> <p>deal with the question of democratic and judicial control</p>	<p>Council / Commission</p>		<ul style="list-style-type: none"> <li>▪ In June 2001 Belgium and Sweden presented an initiative for a Decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention.<sup>237</sup></li> <li>▪ The initiative by Belgium and Spain mentioned above includes a proposal to simplify the procedures for amending the Europol Convention.<sup>240</sup></li> <li>▪ Initiative by Denmark in July 2002 for many amendments to the Europol Convention (see point 4.4).<sup>241</sup></li> <li>▪ Commission Communication in February 2002 concerning democratic control of Europol.<sup>243</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in November 2001.<sup>238</sup></li> <li>▪ Parliament opinion [rejection] in May 2002</li> <li>▪ <b>Parliament opinion in April 2003</b><sup>242</sup></li> <li>▪ EP Recommendation in May 2002 on the future development of Europol and its full integration in the EU institutional system.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in December 2001.<sup>239</sup></li> <li>▪ Adopted by the Council in June 2002</li> <li>▪ <b>Agreement of principle in the Council in December 2002 (reservations by DK/UK/FR)</b></li> </ul>	<p>Deadline for implementation: 1.1.2002.</p>
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<sup>237</sup> Initiative of the Kingdom of Belgium and the Kingdom of Sweden with a view to adopting a Council decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention (OJ C 176, 21.6.2001).

<sup>238</sup> A5-0370, 24.10.2001.

<sup>239</sup> OJ C 362, 18.12.2001.

<sup>240</sup> OJ C 42, 15.2.2002.

<sup>241</sup> Initiative of the Kingdom of Denmark with a view to adopting a Council Act drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), of a Protocol amending that Convention (OJ C 172 du 18.7.2002, p. 15).

<sup>242</sup> A5-0391/03, 10.4.2003.

<sup>243</sup> Communication from the Commission to the European Parliament and the Council - Democratic Control over Europol (COM(2002) 95, 26.2.2002).



### 4.3. Fight against certain specific forms of crime

With regard to national criminal law, efforts to agree on common definitions, changes and penalties should be focused in the first instance on a limited number of sectors of particular relevance. Agreements on common definitions, charges and penalties regarding serious organised and transnational crime need to be established in order to protect the freedom and legal rights of individual and economic operators. At its meeting of 27-28/9/01, the Council stated that it would make progress without delay on the general methodology to be followed in the harmonisation of penalties, and on 25-26 April 2002 it adopted conclusions on the approach to be followed for harmonisation of penalties.

#### **Objective: To adopt a common approach throughout the EU on cross-border crimes**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition	
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament		Actions planned and progress made
To examine the general coherence of the actions of approximation in criminal matters	Council, on the basis of a proposal by the Commission		<b>Commission communication on the approximation of criminal penalties [May 2003].</b>			<ul style="list-style-type: none"> <li>The Commission is planning to present a <b>Green Paper on the approximation of criminal penalties at the beginning of the first half of 2003, and a draft framework Decision at the end of 2003.</b></li> </ul>	
Criminalisation of trafficking in human beings and sexual exploitation of children, <sup>244</sup> with particular reference to child pornography on the Internet <sup>245</sup>	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>In December 2000 the Commission presented two proposals for framework decisions on: <ul style="list-style-type: none"> <li>the fight against trafficking in human beings; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in June 2001.<sup>246</sup></li> </ul>	<ul style="list-style-type: none"> <li>Adopted by the Council in July 2002.<sup>247</sup></li> </ul>		Deadline for implementation: 1.8.2004

<sup>244</sup> See also table on "Management of migration flows".

<sup>245</sup> See also table on "Mutual recognition of judicial decisions".

<sup>246</sup> A5-0206/2001, 12.6.2001.

<sup>247</sup> OJ L 203, 1.9.2002.

			<ul style="list-style-type: none"> <li>▪ the fight against the sexual exploitation of children and child pornography.<sup>248</sup></li> <li>▪ In the context of detecting and breaking up the criminal gangs involved (see point 2.4), Commission proposal in February 2002 for a directive on a on the short-term residence permit issued to victims of trafficking in human beings.<sup>250</sup></li> <li>▪ <b>Commission Decision setting up a consultative group on trafficking human beings.</b><sup>251</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Council agreement in principle in October 2002.</li> <li>▪ Parliament opinion in October 2002<sup>249</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Formal adoption by Council after parliamentary reservations have been lifted (S, NL, DK)</li> <li>▪ <b>Work in progress in the Council</b></li> <li><b>Council adoption in May 2003 of the Brussels Declaration on prevention of trafficking in human beings and combating the phenomenon.</b></li> </ul>		
Common definitions, charges and penalties <sup>252</sup> in the field of drug trafficking. <sup>253</sup>	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>▪ The Commission study on the legislation and regulations on drug trafficking in the EU Member States was finalised in March 2001.</li> <li>Commission proposal for a Framework Decision in June 2001.<sup>254</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2002<sup>255</sup></li> <li><b>The Laeken European Council asked that this Framework Decision be adopted by the end of May 2002. Work continues in the Council.</b></li> </ul>			

<sup>248</sup> Proposal for a Framework Decision on combating sexual exploitation of children and child pornography (COM(2000) 854, 21.12.2000).

<sup>249</sup> A5-0397/02, 5.12.2002.

<sup>250</sup> Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities (COM(2002) 71, 11.2.2002).

<sup>251</sup> Commission Decision setting up a consultative committee, to be known as experts group on trafficking human beings (C(2003)827, 25.3.2003).

<sup>252</sup> See also table on "cooperation against drugs".

<sup>253</sup> See also table on "Mutual recognition of judicial decisions".

<sup>254</sup> Proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking (COM(2001) 259, 23.5.2001).

<sup>255</sup> A5-0460/02, 25.4.2002.

Common definitions, charges and penalties in the field of environmental crime	Council	April 2001	<ul style="list-style-type: none"> <li>▪ Denmark presented an initiative for a framework decision in January 2000.<sup>256</sup></li> <li>▪ Commission proposal for a Directive in March 2001.<sup>260</sup> Amended proposal presented on 30 September 2002 in response to EP opinion.<sup>261</sup></li> <li>▪ <b>Proposal (March 2003) for a directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences<sup>262</sup> and proposal (May 2003) for a Framework Decision to strengthen the criminal-law framework for enforcement of the law against ship-source pollution.<sup>263</sup></b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2002<sup>257</sup></li> <li>▪ Parliament opinion in April 2002<sup>264</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Framework Decision adopted by the Council in January 2003.<sup>258</sup></b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Action in the Court of Justice: Commission Decision of 24.3.2003 to take action against the Council of the EU to review the legality of the Framework Decision.<sup>259</sup></b></li> </ul>	
Proposal on common charges for hooliganism	Council on the basis of an initiative by a Member State		<ul style="list-style-type: none"> <li>▪ The Oisin programme financed a project evaluating cooperation between the relevant departments during Euro 2000.</li> <li>▪ The Belgian Presidency presented a proposal for a decision on safety at international football matches.<sup>265</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2002<sup>266</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adoption by the Council in April 2002.<sup>267</sup></li> </ul>		Entry into force: day following publication

<sup>256</sup> Initiative of the Kingdom of Denmark with a view to adopting a Council framework Decision on combating serious environmental crime (OJ C 39, 11.2.2000).

<sup>257</sup> A5-0080/02, 8.4.2002.

<sup>258</sup> OJ L 29, 5.2.2003

<sup>259</sup> C/2003/834, 24.3.2003.

<sup>260</sup> Proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law (COM(2001) 139, 13.3.2001).

<sup>261</sup> Amended proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law (COM(2002) 544, 13.3.2001).

<sup>262</sup> COM(2003) 92, 5.3.2003.

<sup>263</sup> COM(2003) 227, 2.5.2003.

<sup>264</sup> A5-0099/02, 8.4.2002.

<sup>265</sup> Enfopol 103 – 26.9.2001.

<sup>266</sup> A5-0047/02, 9.4.2002.

<sup>267</sup> OJ L 121, 8.5.2002

<p>Common definitions, offences and penalties in the field of racism and xenophobia  (framework decision).</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2004</p>	<ul style="list-style-type: none"> <li>▪ In November 2001 the Commission presented a proposal for a Council framework decision on racism and xenophobia.<sup>268</sup></li> <li>▪ Council conclusions on the fight against racism, anti-Semitism and xenophobia adopted in April 2002.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in July 2002<sup>269</sup></li> <li>▪ <b>Work in progress in the Council.</b></li> </ul>			
<p>Common definitions in the field of preventing and combating cybercrime, including common charges and penalties for high-tech crime</p>	<p>Council, on the basis of a proposal by the Commission</p>	<p>April 2001</p>	<ul style="list-style-type: none"> <li>▪ Commission Communication in January 2001 on creating a safer information society.<sup>270</sup></li> <li>▪ Commission Communication and proposal for a Framework Decision presented in March 2002 on safer use of the Internet.<sup>273</sup></li> <li>▪ Commission proposal in April 2002 for a Framework Decision on attacks against information systems.<sup>276</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in September 2001<sup>271</sup></li> <li>▪ EP Opinions in October 2002<sup>274</sup> and <b>March 2003</b><sup>275</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ In June 2001 the Council adopted a recommendation on contact points to combat crime linked to high technology and cybercrime.<sup>272</sup></li> <li>▪ <b>Work in progress in the Council.</b></li> <li>▪ <b>Adoption by the Council expected in May 2003</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The European Forum on cybercrime has been set up. The first plenary meeting of the Forum was held at the end of November 2001.</li> </ul>	

<sup>268</sup> Communication - Proposal for a Council Framework Decision on combating racism and xenophobia (COM(2001) 664, 28.11.2001).

<sup>269</sup> A5-0189/02, 24.5.2002.

<sup>270</sup> Commission communication to the Council and the European Parliament on creating a safer information society by improving the security of information infrastructures and combating computer-related crime (COM(2000) 890, 26.1.2001).

<sup>271</sup> A5-0284/2001, 6.9.2001.

<sup>272</sup> OJ C 187, 25.6.2001.

<sup>273</sup> Communication and proposal for a Framework Decision adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (COM(2002)152, 22.3.2002).

<sup>274</sup> A5-328/02, 2.10.2002.

<sup>275</sup> A5-0029/03, 11.3.2003.

<sup>276</sup> This measure is included in the EU Plan of Action against terrorism (COM(2002)173, 19.4.2002).

						<ul style="list-style-type: none"> <li>▪ In June 2003 the Commission is planning to present a Framework Decision on documents and information for use in criminal proceedings.</li> </ul>	
Common definitions, charges and penalties in the field of corruption	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>▪ Initiative by Denmark for a Council Framework Decision on combating corruption in the private sector.<sup>277</sup></li> <li>▪ Commission communication on a common policy against corruption in May 2003.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion November 2002</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agreement of principle in December 2002.</li> </ul>		

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<sup>277</sup> OJ C 184, 2.8.2002.

**Objective: To adopt a common approach throughout the EU on cross-border crimes**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Criminalisation of fraud to non-cash means of payment	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>Commission proposal for a Framework Decision in September 1999.<sup>278</sup></li> <li>In February 2001 the Commission presented an action plan for 2001-2003 comprising preventive measures, and it is continuing its work in partnership with the relevant bodies in the European Crime Prevention Forum.</li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in July 2000.<sup>279</sup></li> </ul>	<ul style="list-style-type: none"> <li>Adopted by the Council in May 2001.<sup>280</sup></li> </ul>	<ul style="list-style-type: none"> <li>The 11 actions in the Plan are in hand.</li> </ul>	<p>Implementation deadline: 2.6.2003.</p> <p>In 2004 the Commission will present a report on implementation.</p>
Common definitions, charges and penalties as regards counterfeiting of the euro	Council/Commission/ Member States.	April 2001	<ul style="list-style-type: none"> <li>Initiative by Germany in November 1999 for a Framework Decision on criminal penalties.<sup>281</sup></li> <li>Swedish initiative in August 2001 for a framework decision amending the framework decision of May 2000.<sup>284</sup></li> <li>Initiative by France in March 2001 for a Framework Decision on protection of the euro against counterfeiting.<sup>286</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion October 2001.</li> </ul>	<ul style="list-style-type: none"> <li>Decision adopted by the Council in May 2000.<sup>282</sup></li> <li>Adoption by the Council in June 2001 of the regulations defining the measures needed to protect the euro from counterfeiting.<sup>283</sup></li> <li>Decision adopted by the Council in May 2001.<sup>285</sup></li> <li>Decision adopted by the Council in September 2001.<sup>287</sup></li> </ul>	<ul style="list-style-type: none"> <li>In July 2003 the Commission plans to present a second report on the implementation of the framework decision.</li> </ul>	<p>Entry into force of the two framework decisions and the decision: date of publication</p> <p>On 28.2.2002 the Council adopted its first report on the framework decision, which was the first evaluation exercise on an instrument enacted under Title VI of the Union Treaty.</p> <p>Deadline for transposal of 2nd Framework Decision</p>

<sup>278</sup> Proposal for a Council framework Decision on combating fraud and counterfeiting of non-cash means of payment (OJ C 376E, 28.12.1999).

<sup>279</sup> OJ C 121, 24.4.2001.

<sup>280</sup> OJ L 149, 2.6.2001.

<sup>281</sup> Initiative for the adoption of a Council Framework Decision on increasing protection by penal sanctions against counterfeiting in connection with the introduction of the euro OJ C 322, 10.11.1999).

<sup>282</sup> OJ L 140, 14.6.2000.

<sup>283</sup> OJ L 181, 4.7.2001.

<sup>284</sup> Initiative for the adoption of a Council Framework Decision amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ C 225, 10.08.2001).

<sup>285</sup> OJ L 329, 14.12.2001.

<sup>286</sup> OJ C 75, 7.3.2001.

<sup>287</sup> OJ L 329, 14.12.2001.

			<ul style="list-style-type: none"> <li>▪ Initiative by the Greek and German Presidencies for a Recommendation on protection of the euro against counterfeiting.</li> </ul>			
Criminalisation of fraud in public tender	<p>Council on the basis of an initiative by a Member State</p> <p>EP and Council on the basis of Commission initiatives</p>	April 2001	<ul style="list-style-type: none"> <li>▪ Initiative by Germany in March 1999 for a Framework Decision.<sup>288</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion (rejection) in June 2001.<sup>289</sup></li> </ul>		
			<ul style="list-style-type: none"> <li>▪ Commission proposal in May 2002 for a Directive on public procurement which, among other things, provides for excluding tenderers who have been convicted of serious offences (corruption, participation in a criminal organisation, money-laundering or fraud against the Community's financial interests).<sup>290</sup> <b>amended proposal in May 2002.</b><sup>291</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ EP first reading in 2002.</li> <li>▪ EP second reading scheduled for July 2003</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Common position adopted by the Council in March 2003.</b></li> </ul>	
Reinforcing the legal framework for the protection of the Community's financial interests	Council and EP, on the basis of a Commission proposal		<ul style="list-style-type: none"> <li>▪ Commission communication on an overall fraud prevention strategy in June 2000.</li> <li>▪ The 2001-03 Action Plan presented in May 2001.</li> <li>▪ Commission proposal in May 2001 for an EP and Council directive,<sup>292</sup> amended in October 2002 in response to EP opinion.<sup>293</sup></li> </ul>			<ul style="list-style-type: none"> <li>▪ In the second half of 2003 the Commission is planning to present a proposal for a Regulation on mutual assistance and the exchange of information between the Member States and the Commission as regards fraud and money-laundering.</li> </ul>

<sup>288</sup> Initiative of the Federal Republic of Germany with a view to the adoption of a Council Framework Decision on criminal law protection against fraudulent or other unfair anti-competitive conduct in relation to the award of public contracts in the common market (CJ C 253, 4.9.2000).

<sup>289</sup> A5-0184/02, 24.5.2002.

<sup>290</sup> Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of public supply contracts, public service contracts and public works contracts (COM (2000) 275 and 276 final, 10.05.2000).

<sup>291</sup> Amended proposal for a European Parliament and Council Directive concerning the coordination of procedures for the award of public supply contracts, public service contracts and public works contracts (COM(2002)236, 6.5.2002).

<sup>292</sup> OJ C 240E, 28.8.2001.

<sup>293</sup> Amended proposal for a Directive of the European Parliament and of the Council on the criminal-law protection of the Community's financial interests (COM (2002) 577 final).

			<ul style="list-style-type: none"> <li>▪ Commission Green Paper on the protection under criminal law of the Communities' financial interests and the establishment of a European Public Prosecutor<sup>294</sup> and <b>follow-up report presented in March 2003</b><sup>295</sup>.</li> <li>▪ <b>Evaluation report presented by the Commission in April 2003 on the activities of OLAF.</b><sup>296</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ EP Opinions in November 2001<sup>297</sup> and <b>March 2003.</b></li> </ul>			
Common definitions, charges and penalties for offences linked with terrorism <sup>298,299</sup>	Council, on a Commission proposal		<ul style="list-style-type: none"> <li>▪ Commission proposal in September 2001 for a Council framework decision on terrorism<sup>300</sup> (see also the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament own initiative resolution in September 2001 on the role of the Union in the fight against terrorism<sup>301</sup></li> <li>EP Opinions in November 2001 and February 2002 (reconsultation).<sup>302</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in June 2002.</li> </ul>		<p>Implementation deadline: 31.12.02.</p> <p>The Commission will present a report on transposal at the end of 2003.</p>
Common definitions, charges and penalties in the field of tax fraud	Council, on the basis of a Commission proposal or an initiative by a Member State						

<sup>294</sup> Green Paper on the criminal law protection of the financial interests of the Community and the establishment of a European Public Prosecutor (COM(2001) 715, 11.12.2001).  
<sup>295</sup> Green Paper on the criminal law protection of the financial interests of the Community and the establishment of a European Public Prosecutor (COM(2003) 128, 19.3.2003).  
<sup>296</sup> Evaluation of the activities of the European Anti-Fraud Office - Parliament and Council Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999 (Article 15)  
<sup>297</sup> A5-0390, 29.11.2001.  
<sup>298</sup> See also table on "Mutual recognition of judicial decisions".  
<sup>299</sup> This measure is included in the EU Plan of Action against terrorism.  
<sup>300</sup> Communication - Proposal for a Council Framework Decision on racism (Article 34(2) of the Union Treaty) (COM(2001) 521, 19.9.2001).  
<sup>301</sup> A5-0273/2001, 5.9.2001.  
<sup>302</sup> A5-0003/2002, 6.2.2002.



#### 4.4. Special action against money-laundering

Money-laundering is at the very heart of organised crime. For that reason measures must be taken to root it out wherever it occurs and to ensure that concrete steps are taken to trace, freeze, seize and confiscate the proceeds of crime. The special European Council held on 21 September 2001 also stressed the importance of the fight against the financing of terrorism.

#### **Objective: to deprive criminals of the proceeds of crime**

Action needed	Responsibility	Timetable for adoption	State of play			Transposition	
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament		Actions planned and progress made
Convention (Framework Decision) on financial crime and money-laundering. <sup>303</sup>	Council, on the basis of an initiative by France		<ul style="list-style-type: none"> <li>▪ Initiative by France in August 2000 for a Council Framework Decision.<sup>304</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in November 2000.<sup>305</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in June 2001.<sup>306</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ In <b>June 2003</b> the Commission is planning to present a communication evaluating third-pillar action against financial crime.</li> </ul>	Implementation deadline: 31.12.02.

<sup>303</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>304</sup> Initiative of the French Republic with a view to adopting a Council Framework Decision on money-laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ C 243, 24.8.2000).

<sup>305</sup> PE.297.757.

<sup>306</sup> OJ L 182, 5.7.2001.

		<ul style="list-style-type: none"> <li>▪ Initiative by France for a proposal for a Convention or a Protocol to the Convention on mutual judicial assistance in criminal matters dealing specifically with financial crime.<sup>307</sup></li> <li>▪ Danish initiative in August 2002 for a Council Framework Decision on confiscation.<sup>310</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in November 2001.<sup>308</sup></li> <li>▪ Parliament opinion in April 2002.</li> <li>▪ <b>Agreed in principle by the Council in December 2002.</b></li> </ul>	<p>Adoption by the joint ECOFIN/JAI Council in October 2001 of the protocol to the convention on mutual assistance in judicial matters of 29 May 2000 in the fight against crime, in particular organised crime, money-laundering and financial crime (cf. point 4.2).<sup>309</sup></p> <p>▪ <b>Formal adoption by the Council once reservations have been lifted (IRL/NL/S/UK)</b></p>		
Concrete steps to trace, freeze, seize and confiscate the proceeds of crime <sup>311</sup>		<ul style="list-style-type: none"> <li>▪ France, Belgium and Sweden presented, in February 2001, an initiative on the freezing of assets and evidence.<sup>312</sup></li> <li>▪ Initiative by Denmark in June 2002 for a draft framework decision on the enforcement of confiscation orders.<sup>314</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ EP Opinions in September 2001 and June 2002.<sup>313</sup></li> <li>▪ Agreed in principle by the Council in February 2002</li> <li>▪ Parliament opinion in November 2002.<sup>315</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Formal adoption by the Council once the remaining parliamentary reservations have been lifted (I, DK, S, IRL, NL).</li> </ul>		

<sup>307</sup> Initiative of the French Republic with a view to adopting a Convention on improving mutual assistance in criminal matters, in particular in the area of combating organised crime, laundering of the proceeds from crime and financial crime (OJ C 243, 24.8.2000).

<sup>308</sup> PE.297.757.

<sup>309</sup> OJ C 326, 21.11.2001.

<sup>310</sup> Initiative for a Council Framework Decision on Confiscation of Crime-related Proceeds, Instrumentalities and Property (OJ C 184, 2.8.2002, p. 3).

<sup>311</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>312</sup> Initiative by the Governments of the French Republic, the Kingdom of Sweden and the Kingdom of Belgium for the adoption by the Council of a Framework Decision on the execution in the European Union of orders freezing assets or evidence (OJ C 75, 7.3.2001).

<sup>313</sup> A5-0172/02, 16.5.2002.

<sup>314</sup> Draft Council Framework Decision on the execution of confiscation orders in the European Union (OJ C 184, 2.8.2002, p. 8).

<sup>315</sup> A5-0383/02, 20.11.2002.

**Objective: to enhance knowledge and the capacity to fight money-laundering activities**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Implement fully the provisions of the Money-laundering Directive, the 1990 Strasbourg Convention and the Financial Action Task Force recommendations, including implementation in all dependent territories  (See also the first part of measure 19 of the joint programme on the mutual recognition of criminal convictions)	Member States		Conclusions adopted by Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000.				All the Member States have ratified the Strasbourg Convention.
To adopt the draft directive amending the Money-laundering Directive <sup>316</sup>	Council and Parliament	As soon as possible		<ul style="list-style-type: none"> <li>Parliament opinion in April 2001.</li> </ul>	<ul style="list-style-type: none"> <li>Adoption by the Council and Parliament in December 2001.<sup>317</sup></li> </ul>		Implementation deadline: 15.6.03
More rapid exchange of information between the existing financial intelligence units (FIUs), entitling judicial authorities and FIU to receive information regardless of secrecy provisions. <sup>318</sup>	Council, on the basis of an initiative by Finland  Council/  Commission/  Member States		<ul style="list-style-type: none"> <li>Initiative by Finland for a Decision on cooperation between financial intelligence units in the Member States for the exchange of information.</li> <li>Conclusions of the joint Ecofin/JAI Council in October 2001 asking the Member States to strengthen the existing arrangements and to consider the possibility of devising an automatic system for the exchange of relevant financial information and asking the Commission to consider the possibilities for Community financing for such an automatic information system</li> </ul>		<ul style="list-style-type: none"> <li>Decision adopted by the Council in October 2000.<sup>319</sup></li> </ul>	<ul style="list-style-type: none"> <li>Work on FIU-NET continues.</li> <li>The Commission is willing to contribute to financing it.</li> </ul>	Entry into force: 17.10.2000

<sup>316</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>317</sup> Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money-laundering - Commission Declaration (OJ L 344, 28.12.2001).

<sup>318</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>319</sup> OJ L 271, 24.10.2000.

Community rules must be drawn up to prevent use of non-EU companies and organisations to launder the proceeds of crime. <sup>320</sup>	Commission/ Council/ Member States					<ul style="list-style-type: none"> <li>▪ The Commission is exploring possibilities for priority measures.</li> </ul>	
Draw up a report identifying provisions in national banking, financial and corporate legislation which obstruct international cooperation	Commission		<ul style="list-style-type: none"> <li>▪ Conclusions adopted by the Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000 called on the Commission to produce a report.<sup>321</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ Conclusions adopted by the joint JAI/ECOFIN Council in October 2001 called on the Commission and the Member States to determine priorities and measures to be taken.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Commission plans to present a report imminently.</li> </ul>	
Prevent the excessive use of cash payments and study the role of casinos and gambling houses	Commission to initiate study	December 2003				<ul style="list-style-type: none"> <li>▪ In the second half of 2003 the Commission is planning a proposal for a framework decision to combat money-laundering through payments in cash.</li> </ul>	
Ensure the transparency of financial transactions by electronic means	Council / Commission	December 2001					
Extend the competence of Europol to cover money-laundering in general, regardless of the offence from which the proceeds originate <sup>322</sup>	Council, on the basis of a Commission proposal or a Member State initiative		<ul style="list-style-type: none"> <li>▪ Portuguese initiative in July 2000 for amendment to the Europol Convention (see above).<sup>323</sup></li> <li>▪ Danish initiative in July 2002 for amendment to the Europol Convention (see point 4.2).<sup>325</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in November 2000.</li> <li>▪ <b>Parliament opinion in April 2003</b><sup>326</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Protocol adopted by the Council in November 2000.<sup>324</sup></li> </ul>		Ratification: F, P, ES, GR, S and D

<sup>320</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>321</sup> Working document of the Commission's services: The transparency of legal entities and measures intended to increase transparency in the financial and bank fields in the framework of the fight against money-laundering SEC (2001)1645 of 16.10.2001

<sup>322</sup> See also table on "Stepping up cooperation in the fight against crime".

<sup>323</sup> Initiative with a view to the adoption of a Council Act on the drawing up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) of a Protocol amending Article 2 and the Annex to that Convention (OJ C 200, 13.7.2000).

<sup>324</sup> OJ C 358, 13.12.2000.

<sup>325</sup> Initiative of the Kingdom of Denmark with a view to adopting a Council Act drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), of a Protocol amending that Convention (OJ C 172 du 18.7.2002, p. 15).

<sup>326</sup> A5-0391, 10.4.2003.

<p>Improve the legal provisions against money-laundering with off-shore and on-shore financial centres and tax havens.</p> <p>Support international action with regard to off-shore countries.</p>	<p>Council / Commission / Member States</p>				<ul style="list-style-type: none"> <li>▪ The Joint Council (Economic and Financial Affairs, Justice and Home Affairs) adopted conclusions in October 2000 on immediate and coordinated implementation of FATF counter-measures.</li> <li>▪ Conclusions of the joint JHA/Ecofin Council in October 2001 in accordance with the conclusions of the extraordinary European Council held on 21 September 2001 on the immediate and concomitant implementation of the countermeasures decided by the FATF.<sup>327</sup></li> </ul>		
<p>Prepare a model agreement for negotiations with off-shore and on-shore financial centres and tax havens</p>		<p>December 2001</p>			<ul style="list-style-type: none"> <li>▪ The Joint Council (JHA/Ecofin) adopted conclusions in October 2000 envisaging that agreements could be concluded in the long term.</li> </ul>		
<p>Examine possibilities: for strengthening and making more consistent existing national provisions on controlling cross-border movements of money, for making it easier for Member States to adopt such provisions and for organising exchanges of information between Member States.</p>	<p>Commission</p>	<p>July 2001</p>	<ul style="list-style-type: none"> <li>▪ In line with the Joint Council (JHA/Ecofin) conclusions of October 2000, the Commission is examining the usefulness and feasibility of a European instrument.</li> <li>▪ Preliminary report by the Commission on the surveillance of cross-border cash flows presented at the joint ECOFIN/JAI Council in October 2001.</li> <li>▪ Commission report and proposal for a Council regulation in June 2002.<sup>328</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Parliament opinion in May 2003</b><sup>329</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ <b>In the second half of 2003 the Commission is planning to present a communication on measures to combat the financing of terrorism and a proposal for a decision on the exchange of information on terrorism.</b></li> </ul>	

<sup>327</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>328</sup> Report on controls on cross-border cash movements and proposal for a Regulation on the prevention of money-laundering by means of customs co-operation (COM(2002)328, 25.6.2002).

<sup>329</sup> A5-0073/03.

## 5. POLICY ON INTERNAL AND EXTERNAL BORDERS; VISAS; IMPLEMENTATION OF ARTICLE 62 OF THE EC TREATY; CONVERTING THE SCHENGEN ACQUIS

### *Objective: to develop a common visa policy*

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Regulation on countries whose nationals are respectively exempt from or subject to the visa requirement for crossing external borders	Commission / Council	April 2001	<ul style="list-style-type: none"> <li>▪ Commission proposal for a Council Regulation in January 2000.<sup>330</sup></li> <li>▪ In accordance with Article 8 of the Regulation, the Commission presented a report on Romania.</li> <li>▪ Commission proposal In October 2001 for a Council regulation amending Regulation No 539/2001,<sup>332</sup> <b>amended in November 2002.</b><sup>333</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in July 2000.</li> <li>▪ EP Opinions in November 2001<sup>334</sup> and February 2003<sup>335</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adopted by the Council in March 2001.<sup>331</sup></li> <li>▪ Adopted by the Council in December 2001.<sup>336</sup></li> <li>▪ Adopted by the Council in March 2003.<sup>337</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ In June 2003 the Commission is planning to present a report on the implications of reciprocity in visa matters.</li> </ul>	<p>Entry into force: 10/4/2001.</p> <p><b>Entry into force: 1.6.2003</b></p>
Procedure and conditions for issuing visas by Member States	Commission / Council / Member States	April 2003	<ul style="list-style-type: none"> <li>▪ Initiative by Finland in June 2000 on measures for implementing the common consular instruction.<sup>338</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion (rejection) in March 2001.<sup>339</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Regulation No 789/2001 adopted by the Council in April 2001.<sup>340</sup></li> </ul>	<p>Entry into force: 24.4.2001</p>	

<sup>330</sup> Proposal for a Council Regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders and those who are exempt from that requirement (OJ C 177, 27.6.2000, p. 66).

<sup>331</sup> OJ L 81, 21.3.2001.

<sup>332</sup> Proposal for a Council Regulation amending Regulation No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (COM(2001) 570, 8.10.2001).

<sup>333</sup> COM(2002)679, 28.11.2002: Proposal for a Council Regulation amending regulation No. 539/2001 listing the third countries whose nationals must be in the possession of visas when crossing external borders and those whose nationals are exempt from that requirement.

<sup>334</sup> C5-0505/2001, 29.11.2001.

<sup>335</sup> A5-0005/03, 11.2.2003.

<sup>336</sup> OJ L 327, 12.12.2001.

<sup>337</sup> OJ L 69, 13.3.2003.

<sup>338</sup> Initiative of the Republic of Finland with a view to the adoption of a Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ C 164, 14.6.2000).

		<ul style="list-style-type: none"> <li>▪ French initiative for a Council decision on the visa conditions applied by the Member States.</li> <li>▪ Belgian initiative relating to the amendment of Part VII and Annex 12 to the common consular instruction (visa rights).</li> <li>▪ Belgian initiative relating to the amendment of Part III and Annex 16 to the common consular instruction (uniform visa application form).</li> <li>▪ <b>Commission proposal in February 2003 for a Regulation establishing a specific Facilitated Transit Documents FTD and FRTD and amending the Common Consular Instructions and the Common Manual, and for a Regulation on uniform formats for FTD and FRTD.</b><sup>344</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Parliament opinion in April 2003</b><sup>345</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Decision adopted by the Council in April 2001.<sup>341</sup></li> <li>▪ Decision 2002/44/EC adopted by the Council in December 2001.<sup>342</sup></li> <li>▪ Decision adopted by the Council in April 2002.<sup>343</sup></li> <li>▪ <b>Adoption by the Council in April 2003.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Before the end of the first half of 2003 the Commission is planning to present a proposal for a financial Decision to offset the additional costs for Lithuania of implementing the FTD/FRTD.</b></li> </ul>	<p>Implementation: 27.4.2001</p> <p>Implementation: no later than from 1.7.2004.</p> <p>Implementation: from 1.7.2003</p>
		<ul style="list-style-type: none"> <li>▪ <b>Proposal for a Council Decision on collective transit visas for sailors.</b><sup>346</sup></li> <li>▪ <b>Commission proposition in April 2003 for a regulation to facilitate the issuance of visas to the Olympic family</b><sup>349</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Parliament opinion in February 2003.</b><sup>347</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Adopted by the Council in February 2003.</b><sup>348</sup></li> </ul>		

<sup>339</sup> A5-0066/2001, 13.3.2001.

<sup>340</sup> Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ C 116, 26.4.2001).

<sup>341</sup> Council Decision of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (OJ L 116, 26.4.2001, p. 32).

<sup>342</sup> Council Decision of 20 December 2001 amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual (OJ L 20, 23.1.2002).

<sup>343</sup> OJ L 123, 9.5.2002, p. 50.

<sup>344</sup> Proposal for a Council Regulation establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual and Proposal for a Council Regulation on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No.... (COM(2003) 60, 5.2.2003).  
A5-0075/03.

<sup>345</sup> Initiative of the Kingdom of Spain with a view to adopting a Council Regulation on the issue of visas at the border, including the issue of such visas to seamen in transit (OJ C 139, 12.6.2002, p. 6).

<sup>346</sup> A5-0006/03, 11.2.2003.

<sup>347</sup> OJ L 64, 7.3.2003.

<sup>348</sup> Proposal for a Council Regulation relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic and/or Paralympic Games in Athens (COM(2003) 172, 8.4.2003).

Rules on a uniform visa	Commission / Council / Member States	April 2001	<ul style="list-style-type: none"> <li>The rules are taken into consideration under the existing framework of the Schengen acquis and in connection with the proposal on the movement of persons within the territory of the Member States.</li> </ul>				
Further development of the technical specifications of the uniform format for visas	Commission/ Council	Short term measures 2000-2002 - long term measures 2004	<ul style="list-style-type: none"> <li>Commission proposal in October 2001 for a Council regulation amending Regulation No 1683/95.<sup>350</sup></li> </ul>	<ul style="list-style-type: none"> <li>EP opinion in December 2001<sup>351</sup></li> </ul>	<ul style="list-style-type: none"> <li>Regulation No 1683/95 adopted by the Council.<sup>352</sup></li> </ul>		<ul style="list-style-type: none"> <li>Entry into force: 24.2.2002</li> <li>Adoption of specifications required for its application 3.6.2002</li> </ul>
Uniform format for forms for affixing the visa to travel documents which are not recognised	Commission / Council / Member States	2001	<ul style="list-style-type: none"> <li>Commission proposal for a Regulation in March 2001.<sup>353</sup></li> </ul>	<ul style="list-style-type: none"> <li>EP opinion in December 2001<sup>354</sup></li> </ul>	<ul style="list-style-type: none"> <li>Regulation (EC) No 333/2002 adopted by the Council in February 2002.<sup>355</sup></li> </ul>		<ul style="list-style-type: none"> <li>Entry into force: 23.2.2002</li> <li>Adoption of specifications required for its application 12.8.2002</li> </ul>
Proposal for a regulation on an airport transit visa	Commission / Council / Member States	April 2001				<ul style="list-style-type: none"> <li>Airport transit arrangements are currently covered by a joint action and by the Schengen acquis.</li> </ul>	
Measures to set up a common system for identifying visas <sup>356</sup>	Council / Member States	Short-term action  Long term measures 2005-2006	<ul style="list-style-type: none"> <li><b>Oral presentation of the Commission report in May 2003 on the feasibility study launched in September 2002 on a visa identification system.</b></li> </ul>			<ul style="list-style-type: none"> <li>In the <b>second half</b> of 2003 the Commission is planning to present a proposal for a regulation on the development of the common visa information system (VIS).</li> </ul>	

<sup>350</sup> Proposal for a Council Regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas (COM(2001) 577, 9.10.2001).

<sup>351</sup> A5-0445/01, 12.12.2001.

<sup>352</sup> OJ L 53, 23.2.2002.

<sup>353</sup> Proposal for a Council Regulation laying down a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157, 23.3.2001).

<sup>354</sup> A5-0445/01, 12.12.2001.

<sup>355</sup> OJ L 53, 23.2.2002.

<sup>356</sup> This measure is included in the EU Plan of Action against terrorism.



<p>Closer cooperation between EU consulates in third countries</p>	<p>Member States</p>	<p>Ongoing</p>	<p>See point VIII of the common consular instruction and Recommendation of 4 March 1996.</p> <ul style="list-style-type: none"> <li>▪ Initiatives by Belgium and Spain, in April 2002, for a draft Council decision concerning the adaptation of part VIII of the common consular instruction.</li> </ul>		<ul style="list-style-type: none"> <li>▪ The Laeken European Council asked that the possibility of establishing joint consular offices be considered.</li> <li>▪ <b>Decision adopted by the Council in September 2002</b><sup>357</sup></li> </ul>		<p><b>Implementation</b></p> <p><b>16.7.2002</b></p>
<p>Measures on the freedom to travel within the territory of Member States</p>	<p>Commission / Council / Member States</p>	<p>April 2001</p>	<ul style="list-style-type: none"> <li>▪ Portuguese Presidency initiative in June 2000 on travel by nationals exempt from the visa requirement.<sup>358</sup></li> <li>▪ French Presidency initiative in July 2000 on travel on a long-stay visa.<sup>360</sup></li> <li>▪ The Commission presented a proposal for a directive on conditions for movement in the Member States in July 2001.<sup>363</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion (rejection) in March 2001.<sup>359</sup></li> <li>▪ Parliament opinion (rejection) in January 2001<sup>361</sup></li> <li>▪ Parliament opinion in February 2002</li> </ul>	<p>Adopted by the Council at the end of May 2001.<sup>362</sup></p> <p><b>Work in progress in the Council</b></p>		<p><b>Entry into force: 7.6.2001</b></p>

<sup>357</sup> OJ L 187, 16.7.2002, p. 44.

<sup>358</sup> Initiative of the Portuguese Republic with a view to adopting the Council Regulation on the period during which third-country nationals exempt from visa requirements are free to travel within the territory of the Member States (OJ C 164, 14.6.2000).

<sup>359</sup> A5- 0075/2001, 13.3.2001.

<sup>360</sup> Initiative of the French Republic with a view to adopting a Council Regulation on freedom of movement with a long-stay visa (OJ C 200, 13.7.2000).

<sup>361</sup> A5-0388/2001, 18.1.2001.

<sup>362</sup> OJ L 150, 6.6.2001.

<sup>363</sup> Proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and determining the conditions of entry and movement for periods not exceeding six months (COM(2001) 388, 10.7.2001).

**Objective: Further development of a common policy related to false documents**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
To render documents more secure, introducing minimum standards for travel documents and residence permits	Commission / Council / Member States	April 2001	<ul style="list-style-type: none"> <li>Commission proposal in March 2001 on the communitisation of the uniform format for residence permits granted to third-country nationals.<sup>364</sup></li> </ul>	<ul style="list-style-type: none"> <li>Parliament opinion in December 2001</li> </ul>	<ul style="list-style-type: none"> <li>Adopted by the Council in June 2002.<sup>365</sup></li> </ul>		<p>Entry into force: 14.6.2002</p> <p>Adoption of specifications required for its application 14.8.2002</p>
To facilitate the detection of false documents and to provide appropriate training and equipment	Commission / Council / Member States	Ongoing		<ul style="list-style-type: none"> <li>Council Recommendation of 29 April 1999 on provision of staff and equipment.</li> </ul>	<ul style="list-style-type: none"> <li>Council adopted in March 2000 a decision to improve exchange of information.<sup>366</sup></li> </ul>		<p>Entry into force: 1.7.2000</p>

<sup>364</sup> Proposal for a Council regulation laying down a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157, 23.3.2001).

<sup>365</sup> OJ L 157, 15.6.2002, p 1

<sup>366</sup> OJ L 81, 1.4.2000.

**Objective: Control at the external borders of the Union**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Close cooperation between the Member States border control services, such as exchange programmes and technology transfer <sup>367</sup>	Commission / Council / Member States	May 2002	<ul style="list-style-type: none"> <li>In October 2001 the Belgian Presidency, with Odysseus co-financing, organised a joint operation for controls at the Union's future external borders in cooperation with Europol, the Member States and the applicant countries.</li> </ul>			<ul style="list-style-type: none"> <li>The Seville European Council asked that by the end of 2002 there should be joint operations at external borders, pilot projects and a network of liaison immigration officers. It also asked that by the end of June 2003 a common risk-analysis model and a common scheme for training border guards be worked out, that European rules on borders be consolidated and that a study be carried out by the Commission on burden-sharing between Member States and the EU as regards the management of external borders. <b>A report is scheduled for September 2003 on the feasibility study on maritime borders.</b></li> </ul>	

<sup>367</sup> This measure is included in the EU Plan of Action against terrorism (periodic review).

			<ul style="list-style-type: none"> <li>▪ The Laeken European Council asked for arrangements for cooperation between services responsible for external border checks to be worked out and for the conditions in which a mechanism or common services to check external borders could be created to be studied. Italy presented the conclusions of the feasibility study on the development of joint actions co-financed by Odysseus/ARGO; a study on border police and security was cofinanced by OISIN.</li> <li>▪ A Commission Communication has been presented in May 2002 on external borders.<sup>368</sup></li> <li>▪ <b>In February 2003 the Commission orally presented a study on burden-sharing between the EU and the Member States and a feasibility study on improving maritime border controls.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Parliament opinion in January 2003.</b><sup>369</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ In June 2002 the Council adopted a plan for the management of the external borders of the Member States of the European Union.</li> <li>▪ <b>Council Decision 2002/463/EC of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration.</b><sup>370</sup></li> </ul>	<p>In June 2003 the Commission is planning to present a proposal for a regulation laying down common rules on small-scale frontier traffic.</p> <p><b>By the end of 2003 the Commission is planning to present the first evaluation report on the implementation of the ARGO programme.</b></p>	
Procedure for adopting certain measures implementing the Common Manual	Commission / Council / Member States		<ul style="list-style-type: none"> <li>▪ Portuguese initiative in March 2001 on measures implementing the provisions in the Common Manual.<sup>371</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion (rejection) in March 2001.<sup>372</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Adoption by the Council in April 2001.<sup>373</sup></li> <li>▪ Adoption by the Council in November 2000 of the decision to downgrade parts of the Common Manual.<sup>374</sup></li> </ul>		<p>Entry into force: 24.4.2001</p> <p>Entry into force: 1.12.2000</p>

<sup>368</sup> COM(2002)233 du 7.5.2002: Communication de la Commission au Conseil et au Parlement Européen vers une gestion intégrée des frontières extérieures des Etats membres de l'Union européenne.

<sup>369</sup> A5-0449/02.

<sup>370</sup> OJ L 161, 19.6.2001

<sup>371</sup> OJ C 73, 6.3.2001.

<sup>372</sup> A5-0066/2001, 13.2.2001.

<sup>373</sup> OJ L 116, 26.4.2001, p. 5; Regulation on implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance.

<sup>374</sup> OJ L 303, 1.12.2000, p. 29.

			<ul style="list-style-type: none"> <li>▪ Initiative by Sweden in March 2001 for updating the Common Manual.<sup>375</sup></li>   <li>▪ Initiative by Belgium in December 2001 for the updating the Common Manual<sup>377</sup></li>   <li>▪ Initiative by Belgium and Sweden in April 2002 for the revision of the Common Manual.</li>   <li>▪ <b>Commission proposal for a Council Regulation establishing a specific Facilitated Transit Documents FTD and FRTD and amending the Common Consular Instructions and the Common Manual<sup>381</sup></b></li> </ul>		<ul style="list-style-type: none"> <li>▪ Decision updating the Common Manual adopted by the Council in April 2001.<sup>376</sup></li>   <li>▪ Decisions declassifying the Common Manual<sup>378</sup> <b>and revising the Common Manual<sup>379</sup></b> adopted by the Council in April 2002.<sup>380</sup></li>   <li>▪ <b>Adoption by the Council in April 2003.</b></li> </ul>	<p>Following the Seville European Council, the Commission is planning in June 2003 to present a proposal for a regulation restructuring the Common Manual.</p>	Implementation: 27.4.2001
Rapid inclusion of the applicant States in this cooperation	Commission/  Council / Member States	Ongoing		<ul style="list-style-type: none"> <li>▪ These issues were discussed at the ministerial meeting with the applicant countries on the sidelines of the Council in March 2001.</li> </ul>		<ul style="list-style-type: none"> <li>▪ Work ongoing in the context of accession negotiations.</li> </ul>	

<sup>375</sup> Swedish initiative for a Council decision updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual.

<sup>376</sup> OJ L 116, 26.4.2001, p. 32; Council Decision updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual.

<sup>377</sup> Belgian initiative for the updating of part III and the creation of an annex 16 of the Common Consular Instructions

<sup>378</sup> Council Decision declassifying Part II of the Common Manual (OJ L 123, 9.5.2002, p. 49).

<sup>379</sup> Council Decision revising Part I of the Common Manual (OJ L 123, 9.5.2002, p. 47).

<sup>380</sup> Council Decision of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions (OJ L 123, 9.5.2002, p. 50).

<sup>381</sup> Proposal for a Council Regulation establishing a specific Facilitated Transit Document (FTD) and a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (COM(2003) 60, ...).

<sup>382</sup> A5-0075/03.

**Objective: To convert and develop the Schengen acquis**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Communitisation of Article 2 of the Schengen Convention. <sup>383</sup>	Commission / Council / Member States	2001				<ul style="list-style-type: none"> <li>The Commission intends to present a proposal in 2003.</li> </ul>	
Development of SIS II	Commission / Council / Member States	2001	<ul style="list-style-type: none"> <li>Initiative by Belgium and Sweden for the development of SIS II.<sup>384</sup></li> <li>Commission communication in December 2001 on the development of the Schengen II information system to take account of the prospect of enlargement and of technical progress.<sup>386</sup></li> <li>Spanish Initiatives relating to specific new functions of the SIS, in particular in the framework of the fight against terrorism.<sup>387</sup></li> <li><b>First Commission report on Art. 18 of the Framework Decision in April 2003.</b><sup>388</sup></li> <li><b>In April 2003 the Commission finalised the results of the feasibility study launched in July 2002.</b></li> </ul>	<ul style="list-style-type: none"> <li>Discussion of new functions in SIS II are in progress. Political agreement on the Spanish initiatives expected in December 2002.</li> <li>EP Opinion on the Spanish Initiatives in December 2002.<sup>389</sup></li> <li>Discussion of new functions in SIS II are in progress. Political agreement on the Spanish initiatives expected in June 2003.</li> </ul>	<ul style="list-style-type: none"> <li>Regulation and Decision adopted by the Council in December 2001.<sup>385</sup></li> </ul>	<ul style="list-style-type: none"> <li><b>Commission proposal expected in May 2003 for a Regulation on access to the SIS for the registration of vehicles.</b></li> </ul>	<p>Deadline for implementation: 14.12.2001.</p> <p>Expiry date: 31.12.2006</p>

<sup>383</sup> This measure is included in the EU Plan of Action against terrorism (periodic review).

<sup>384</sup> Initiative of the Kingdom of Belgium and of the Kingdom of Sweden with a view to the adoption of a Council Regulation on the development of the second generation Schengen information system (SIS II) (OJ C 183, 29.6.2001, p. 12).

<sup>385</sup> OJ L 328, 13.12.2001.

<sup>386</sup> Communication from the Commission to the European Parliament and the Council - Development of the Schengen Information System II (COM(2001) 720, 18.12.2001).

<sup>387</sup> OJ C 160, 4.7.2001: Spanish Initiative with a view to the adoption of a Council Regulation on the allocation of specific new functions to the SIS, in particular in the framework of the fight against terrorism.

<sup>388</sup> Commission staff working paper "On the development of the second generation Schengen information system (SEC(2003)206, 19.2.2003).

<sup>389</sup> A5-0436/02, 17.12.2002.

## 6. CITIZENSHIP OF THE UNION

**Objective: To further facilitate the right of citizens to move and reside freely**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Directive updating and revising of rules on the right of entry, movement and residence of citizens of the Union	Commission/ Council/ EP	2001	<ul style="list-style-type: none"> <li>▪ Commission proposal in May 2001 for an EP and Council directive,<sup>390</sup> amended in April 2003.<sup>391</sup></li>   <li>▪ Second Commission report en mars 2003, on the application of Directives 90/364, 90/365 and 93/96 on the right of residence to be presented in March 2003.<sup>393</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in February 2003.<sup>392</sup></li>   <li>▪ Work in progress in the Council.</li> </ul>			
Regulation on security of travel documents	Commission/ Council/ EP	2001	<ul style="list-style-type: none"> <li>▪ Member States' attention is drawn to the need to consider a possible Community instrument to make travel documents more secure.</li> </ul>				
Regulation on a uniform format for residence permits for Union citizens and members of their families	Commission / Council / Parliament	2001				<ul style="list-style-type: none"> <li>▪ The Commission will consider whether an initiative should be taken here after the adoption of the directive revising the rules on the right of residence.</li> </ul>	

<sup>390</sup> Proposal for a European Parliament and Council directive on the right of Union citizens and members of their families to travel and reside freely on the territory of the Member States (COM(2001) 257, 23.5.2001).

<sup>391</sup> Amended proposal for a Directive of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (COM(2003) 1999).

<sup>392</sup> A5-0009/03, 11.2.2003.

<sup>393</sup> COM(2003)101, 5.3.2003: Second Commission report to the council and the European Parliament on the application of directives 90/364/EEC, 90/365/EEC and 93/96/EEC (right of residence).

**Objective: Information on exercise of rights attached to Union citizenship**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Communication on results of elections to EP	Commission	2000	<ul style="list-style-type: none"> <li>▪ Commission Communication presented in December 2000.<sup>394</sup></li> <li>▪ Commission report on a derogation from directive 93/109/EC presented in January 2003.<sup>395</sup></li> <li>▪ Commission Communication in April 2003 on measures to be taken to ensure participation of all citizens of the Union to the 2004 elections to the European Parliament in an enlarged Union.<sup>396</sup></li> </ul>				
First report on municipal elections	Commission	2001	<ul style="list-style-type: none"> <li>▪ Commission report presented in May 2002.<sup>397</sup></li> </ul>				
Third report on the citizenship of the Union	Commission	By the end of 2000	<ul style="list-style-type: none"> <li>▪ Third report prepared by the Commission in September 2001.<sup>398</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in September 2002.<sup>399</sup></li> </ul>			

<sup>394</sup> COM(2000)843, 18.12.2000; Communication on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament: right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

<sup>395</sup> Report from the Commission to the European Parliament and to the Council on granting a derogation pursuant to Article 19(2) of the EC Treaty, presented under Article 14(3) of Directive 93/109/EC on the right to vote and to stand as a candidate in elections to the European Parliament (COM(2003)31, 27.1.2003).

<sup>396</sup> Commission communication on measures to be taken by Member States to ensure participation of all citizens of the Union in the 2004 elections to the European Parliament in an enlarged Union (COM(2003)174, 8.4.2003).

<sup>397</sup> Commission report on the application of Council Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections (COM(2002)260, 30.5.2002).

<sup>398</sup> Third Report from the Commission on Citizenship of the Union (COM(2001) 506, 7.9.2001).

<sup>399</sup> A5-0241/02, 5.9.2002.



## 7. COOPERATION AGAINST DRUGS

### Priorities of the EU drugs strategy

As a collective and individual threat, the drugs problem needs to be addressed in a global, multidisciplinary and integrated manner. **In its Communication of November 2002 the Commission gave a** mid-term review of the European Union Drugs Action Plan (2000-2004), which was approved by the Copenhagen European Council. The final evaluation will be undertaken with the help of the Member States, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol.

**Objective: To implement the EU Drugs Strategy for 2000-04 endorsed by the European Council in Helsinki and the Plan of Action against Drugs (2000-2004) endorsed by the European Council in Feira**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Implementation of the European Union action plan on drugs (2000-2004)		June 2000	<ul style="list-style-type: none"> <li>▪ Commission communication in June 2001 on the implementation of the Action Plan.<sup>400</sup></li>   <li>▪ Commission communication in November 2002 on the mid-term review of the Action Plan.<sup>401</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ A Joint Declaration on the implementation of the Drugs Action Plan was adopted in February 2002 by the Council in association with the Commission and the applicant countries. The Declaration refers to the launching of negotiations for the applicant countries to participate in the EMCDDA.</li>   <li>The Copenhagen European Council had expected to approve the guidelines in the Commission communication.</li>   <li>▪ Resolution on the treatment of drug addicts in prison adopted in February 2003.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The ten countries that have signed accession treaties will be involved in EMCDDA work as observers from July 2003 and as members from 1 May 2004. The negotiations with Romania, Bulgaria and Turkey should be pursued with the aim of associating them with the EMCDDA from 1 January 2004</li>   <li>▪ The Commission is planning to present a communication in the second half of 2003 on European and national machinery for drugs coordination.</li> </ul>	
			<ul style="list-style-type: none"> <li>▪ In the implementation of the Plan of action, initiative by the UK and the Greek Presidency in February 2003 for a plan for implementation of priority measures linked to the objectives of the EU Drugs Action Plan.</li> </ul>	Work currently under way.			

<sup>400</sup> Communication from the Commission to the Council and the European Parliament on the implementation of the EU Action Plan on Drugs (2000-2004) (COM(2001) 301, 8.6.2001).

<sup>401</sup> Communication from the Commission to the Council and the European Parliament on the mid-term evaluation of the EU Action Plan on Drugs (2000-2004) (COM(2002)599, 4.11.2002).

			<ul style="list-style-type: none"> <li>▪ <b>Proposal for a Council Recommendation on the prevention and reduction of risks associated with drug dependence.</b><sup>402</sup></li> </ul>	<p><b>Parliament opinion in February 2003</b></p> <p><b>Adopted by the Council on 26 March 2003.</b><sup>403</sup></p>			
Strengthening of cooperation with the European Monitoring Centre on Drugs and Drug Addiction and Europol in particular as regards synthetic drugs and precursors	Council / Commission / Member States		<ul style="list-style-type: none"> <li>▪ The Commission has presented two reports (GHB and Ketamine) to the Council under the Joint Action on new synthetic drugs. On that basis, in March 2001 the Council adopted conclusions in line with the Commission's reports. As requested by the Council, a report by the EMCDDA and Europol was presented to the Council's Horizontal Working Party on Drugs at the beginning of 2002.</li> <li>▪ On the basis of the EMCDDA's risk analysis, the Commission presented a proposal for a Council Decision in December 2001, defining PMMA as a new synthetic drug.<sup>404</sup></li> <li>▪ Swedish Initiatives in January 2001 for a Council Decision on the determination of the profiles of synthetic drugs and the transmission of samples.<sup>406</sup></li> <li>▪ Spanish initiative for a Council recommendation on the need to reinforce cooperation and information exchanges between the Member States' operational units specialising in combating trafficking in chemical precursors.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in May 2001.<sup>407</sup></li> <li>▪ The Council is continuing to work on aspects relating to determination of the profile of synthetic drugs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Decision adopted by the Council in February 2002.<sup>405</sup></li> <li>▪ Adoption by the Council in May 2001 of the decision concerning the transmission of samples.<sup>408</sup></li> <li>▪ Adoption by the Council in April 2002.</li> </ul>		<b>Entry into force: 1.7.2001</b>
			<ul style="list-style-type: none"> <li>▪ Danish Initiative in July 2002, for a Council Resolution on the generic classification of new synthetic drugs.</li> <li>▪ <b>Commission report in May 2003 suggesting that TM2-2, 2C-1, 2C-T-2 and 2C-T-7 should not be subject to controls and criminal penalties.</b><sup>409</sup></li> </ul>		<ul style="list-style-type: none"> <li>▪ Adopted by the Council in June 2002</li> </ul>		

<sup>402</sup> Proposal for a Council Recommendation on the prevention and reduction of risks associated with drug dependence (COM(2002) 201, 8.5.2002).

<sup>403</sup> OJ C 73, p. 5.

<sup>404</sup> Proposal for a Council Decision defining PMMA as a new synthetic drug which is to be made subject to control measures and criminal provisions (COM(2001) 734, 6.12.2001).

<sup>405</sup> OJ L 63/14 of 6.3.2002.

<sup>406</sup> Initiatives of the Kingdom of Sweden for a Council decision establishing a system of special forensic profiling analysis of synthetic drugs and a Council decision on the transmission of samples of illegal narcotic substances (OJ C 10, 12.1.2001).

<sup>407</sup> A5- 0121/2001, 3.5.2001.

<sup>408</sup> OJ L 150, 6.6.2001.

<sup>409</sup> COM(2003) 258, 13.5.2003. Commission Reports to the Council under Joint Action 97/396 on TM2-2, 2C-1, 2C-T-2 and 2C-T-7.

						<ul style="list-style-type: none"> <li>▪ In September 2003 the Commission is planning to propose a Council Decision amending and replacing the Joint Action of 16.6.1997 on synthetic drugs. Acting on the basis of a risk analysis of 2C-T-7, 2C-T-2, 2C-I and TMA-2, the Commission will analyse whether there should be proposals in June 2003.</li> </ul>	
Development of a methodology for the evaluation of the EU Drugs Strategy for 2000-2004	Council and Parliament on the basis of proposals of the Commission		<ul style="list-style-type: none"> <li>▪ <b>The Commission has set up a Steering Group of members of the presidencies concerned by the evaluation and representatives of the EP, EMCDDA and Europol.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Work currently under way.</li> </ul>	<ul style="list-style-type: none"> <li>▪ On 10 December 2001 the Council adopted a Resolution on the national implementation of these epidemiological indicators.</li> </ul>		
Common definitions, charges and penalties in the field of drug trafficking. <sup>410</sup>	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> <li>▪ Having received a study of national laws and regulations on drug trafficking, the Commission presented, in June 2001, a proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking.<sup>411</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Parliament opinion in April 2002<sup>412</sup></li> <li>▪ <b>The Laeken European Council asked that this Framework Decision be adopted by the end of May 2002. Work continues in the Council.</b></li> </ul>			
Financial instrument for combating drug trafficking	Council, on the basis of a Commission proposal or a Member State initiative		<ul style="list-style-type: none"> <li>▪ In 2002 the Commission implemented the budget line introduced at the European Parliament's request to finance a preparatory programme to combat drug trafficking.</li> </ul>			<ul style="list-style-type: none"> <li>▪ This preparatory programme was integrated in the AGIS programme in 2003.</li> </ul>	

<sup>410</sup> See also table on "Fight against certain forms of crime".

<sup>411</sup> Proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking (COM(2001) 259, 23.5.2001).

<sup>412</sup> A5-0460/02, 25.4.2002.

## 8. STRONGER EXTERNAL ACTION

### **Priorities of the European Council meetings in Tampere and Feira**

The European Union underlines that all powers and instruments at the disposal of the Union, in particular in external relations, must be used in an integrated and consistent way to build the area of freedom, security and justice. Justice and Home Affairs concerns must be integrated in the definition and implementation of other Union policies and activities.

**With respect to non-candidate countries, the Commission has made an effort to integrate in a specific manner (and in accordance with a multi-annual programme), those aspects relating justice and home affairs in its cooperation programmes with third countries.**

**Objective: All the powers and instruments at the disposal of the Union, particularly in external relations, must be used in an integrated and consistent way. Justice and Home Affairs concerns must be integrated into the definition and implementation of other Union policies and activities**

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Enlargement: ensure that justice and home affairs are consistently integrated into the enlargement process				<ul style="list-style-type: none"> <li>Discussion with applicant countries at Council meeting in March 2001 on combating organised crime and asylum and immigration policy. in September 2001 on trafficking in human beings; Discussion with the applicant countries at the Council meeting on 28 February 2002 on external borders, drugs and questions of judicial capacity; on the Schengen evaluation process and mutual recognition at the Council meeting of 14 October 2002.</li> </ul>	<ul style="list-style-type: none"> <li>Adoption in September 2001 by Member States and applicant countries of 12 undertakings on combating trafficking in human beings.</li> </ul>	<ul style="list-style-type: none"> <li>Negotiations on Chapter 24 are continuing with Bulgaria and Romania. Community support is going to JHA through the Phare programme, twinning schemes, partnership agreements and participation in JHA programmes.</li> <li>For the seven countries that have signed accession treaties (16.4.2003), specific additional financing (Schengen facility) has been earmarked for 2004-2006 in a Protocol annexed to the accession treaty.</li> <li>The October European Council agreed on the insertion of JHA safeguard clauses (mutual recognition in civil and criminal matters) in future accession treaties.</li> </ul>	
The Feira European Council was to agree on clear priorities, policy objectives and measures for the Union's external action in Justice and Home Affairs	The Council, in close co-operation with the Commission, is to draw up specific recommendations	June 2000	<ul style="list-style-type: none"> <li>In June 2000 the Feira European Council adopted a report drawn up by the Council and Commission on external relations in the JHA field, in order to integrate them into the Union's overall strategy and thus to contribute to establishing the AFSJ; update for the Laeken European Council in December 2001.</li> </ul>				

Implementation of priorities identified for the progress report requested by the Feira European Council:							
Negotiations with non-applicant Balkan countries of stabilisation and association agreements			<ul style="list-style-type: none"> <li>Negotiating brief accepted for Albania, and exploratory extending to JHA matters have been held with the FRY. The CARDS programme (2002-06) includes a country-by-country JHA strategy for applying especially to asylum, immigration, organised crime, judicial matters, border management and maintenance of a regional dynamic for the reform of JHA institutions.</li> </ul>			<ul style="list-style-type: none"> <li>Agreements have been signed with Croatia and the FYROM and are in process of ratification.</li> </ul>	
Continuation of the Barcelona Process			<ul style="list-style-type: none"> <li>Implement the JHA dimension of the Meda regional programme (adoption of a framework document on 22 April 2002); implementation of the action plan of the High Level Working Group on Asylum and Immigration for Morocco.</li> </ul>				
Concluding of readmission agreements			<ul style="list-style-type: none"> <li><b>Presentation of draft negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia in February 2000, Hong Kong and Macao in March 2001, Ukraine March 2002 and Albania, Algeria, China and Turkey in October 2002.</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Parliament opinion in October 2002<sup>413</sup></b></li> </ul>	<ul style="list-style-type: none"> <li><b>Negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia adopted by Council in September 2000, with Hong Kong and Macao in May 2001, with Ukraine in June 2002 and with Albania, Algeria, China and Turkey in November 2002.</b></li> <li><b>The Seville European Council (June 2002) asked for the conclusion of readmission agreements being negotiated to be speeded up and for new negotiating mandates to be approved.</b></li> </ul>	<ul style="list-style-type: none"> <li><b>An agreement was signed with Hong Kong on 27 November; conclusion and entry into force expected in the first half of 2003.</b></li> <li><b>Readmission agreement initialled with Sri Lanka on 30 May and Macao on 18 October 2002. Under discussion in the Council.</b></li> <li><b>Negotiations under way for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco, Macao and Ukraine. Negotiations with Albania to be opened in May 2003; draft text transmitted to Turkey.</b></li> </ul>	

<sup>413</sup>

A5-0104/03.

<p>Cooperation on justice and home affairs</p>			<ul style="list-style-type: none"> <li>▪ In July 2001 Sweden presented an initiative concerning a decision laying down arrangements for the 1995 Convention on simplified extradition procedures between the Member States of the EU the 1996 Convention relating to extradition between Member States of the EU builds on the Schengen arrangements in accordance with the agreement associating the Republic of Iceland and the Kingdom of Norway with the application, implementation and development of the Schengen arrangements.<sup>415</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Central Asia: Action Plan against drugs for Central Asia (CADAP) formally approved by Kazakhstan, Kurdistan, Tajikistan and Uzbekistan on 2 October 2002.</li> <li>▪ Russia: implementation of the action plan to combat organised crime.</li> <li>▪ Ukraine: implementation of the JHA action plan.</li> <li>▪ United States: negotiation of an agreement for cooperation in criminal matters on the basis of Articles 38 and 24 of the Union Treaty (Council agreed to a negotiating brief in April 2002);<sup>414</sup> Negotiations in progress since June 2002. <b>Adoption of agreement expected in June 2003.</b></li> </ul> <p><b>Adopted by the Council in February 2003.</b><sup>416</sup></p> <ul style="list-style-type: none"> <li>▪ <b>Negotiating directives for an agreement with Iceland and Norway on extradition and mutual assistance adopted by the Council on 19.12.2002.</b></li> </ul>	<p><b>Parliament opinion expected in June 2003.</b></p>		
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<sup>414</sup> This measure is included in the EU Plan of Action against terrorism (periodic review).

<sup>415</sup> Proposal for a Council Decision laying down arrangements for the 1995 Convention on simplified extradition procedures between the Member States of the EU the 1996 Convention relating to extradition between Member States of the EU builds on the Schengen arrangements in accordance with the agreement associating the Republic of Iceland and the Kingdom of Norway with the application, implementation and development of the Schengen arrangements (OJ C 195, 11.7.2001).

<sup>416</sup> OJ L 67 du 12.3.2003



Negotiation of multilateral instruments		<ul style="list-style-type: none"> <li>▪ Council of Europe: <ul style="list-style-type: none"> <li>- Cybercrime Convention; open for signature in <b>November 2001</b>;</li> <li>- <b>Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems: opened for signing in January 2003.</b></li> <li>- 2nd Protocol to the 1959 Convention: Adoption by the Council of Europe on 20.09.2001 and open for signature on 8.11.2001;</li> <li>Community accession to Convention 108 and the additional protocol on data protection: ratification under way by the contracting countries, prior to accession to the Community.</li> <li>- <b>Protocol amending the European Convention against terrorism of 1977: open for signing in May 2003</b></li> </ul> </li> </ul> <p>In May 2003 the Commission presented a proposal for a common position on notification to the Council of Europe under Article 28(3) of the Extradition Convention of 1957.<sup>417</sup>.</p>				
		<ul style="list-style-type: none"> <li>▪ United Nations Conventions: <ul style="list-style-type: none"> <li>United Nations Protocol on firearms signed by the Commission for the European Community.</li> <li>- Corruption: three common negotiating positions were adopted in November 2001, June 2002, September 2002. In April 2002 the Commission presented a recommendation for a Council Decision authorising it to take part in the negotiations on behalf of the European Community.</li> <li>- Terrorism: constant European Union support for the second stage of the negotiations for a convention against international terrorism.</li> </ul> </li> </ul>			<ul style="list-style-type: none"> <li>▪ Organised crime: see above. The Commission will present a proposal for conclusion of the UN Convention and its Protocols by the Community.</li> </ul>	

<sup>417</sup> COM(2003) 253, 6.5.2003, Proposal for a Council Common Position on notifying the Council of Europe, pursuant to Article 28(3) of the European Convention on Extradition of 13 December 1957, of the application by the Member States, between themselves, of the European Arrest Warrant.

## 9. OTHER CURRENT INITIATIVES

MEMBER STATES	TITLE	CONNECTION State of progress	WITH	TAMPERE/VIENNA
Finland	Council Regulation on obligations between the Member States for the readmission of third-country nationals	See "Management of migration flows"  Parliament opinion [rejection] May 2000  Discussion in the Council suspended		
Finland	Council Recommendation on the exchange of DNA	Adoption by the Council in June 2001 of a resolution on the exchange of results of DNA analyses		
Sweden	Council Decision amending the staff regulations applicable to Europol employees	Adoption by the Council in March 2001 of a Decision amending the staff regulations applicable to Europol employees		
Sweden	Council Decision amending the remuneration of Europol employees and the allowances paid to them	Adopted by the Council (end May 2001)		
France	Council Recommendation regarding the assessment of terrorist threats against VIPs	Adoption by the Council in December 2001		
Belgium	Draft Resolution on the contribution of civil society in the search for missing and sexually exploited children	Adoption by the Council in September 2001		
Netherlands	Draft Council Decision setting up a European network of contact points as regards persons responsible for genocide, crimes against humanity and war crimes.	Parliament opinion in April 2002  Adopted by the Council in June 2002. <sup>418</sup>		
Spain	Draft Council Decision setting up a European network of contact points as regards national authorities with responsibility in matters of private security.	EP opinion in May 2002 (A5-0168/02) on the draft decision  Adoption by the Council of a recommendation in June 2002		
Spain	Draft Council Decision establishing a European Police Studies Institute.	Presentation to the Council in January 2002; work in progress.  EP opinion in May 2002 (A5-0166/02)		
Spain	Draft Council Act establishing, in accordance with article 34 of the treaty on the European Union, the convention on the suppression by customs authorities of illicit drug trafficking on the High Seas.	<b>Under discussion in the Council Working Party (Customs cooperation).</b>		

<sup>418</sup> OJ L 167, 26.6.2002

Spain	Draft Resolution of the council and of the Representatives of the Member States meeting in the Council on the prevention of the recreational use of drugs.	Adoption by the Council in April 2002  (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Proposal for a Resolution of the council and of the Representatives of the Member States meeting in the Council on the prevention of drug addiction in school curricula	Adopted by the Council in June 2002.  (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Draft Council Recommendation on the improvement of operational investigation methods in the fight against crime related to organised drug trafficking	Adoption by the Council in April 2002  (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Draft Council Recommendation on the constitution of ad hoc multinational investigation teams to gather information on terrorists	Adoption by the Council in April 2002
Spain	Draft decision establishing a mechanism for the evaluation of legal provisions for the fight against terrorism and their national implementation	Adoption by the Council in November 2002
Spain	Draft Council Decision on the implementation of specific police and judicial cooperation measures to combat terrorism, in accordance with Article 4 of common position 2001/931/CFSP	EP opinion in September 2002.  <b>Adopted by the Council in December 2002.</b> <sup>419</sup>
Spain	Council Decision establishing a European network for the protection of VIPs. <sup>420</sup>	EP Opinion in May 2002  Adopted by the Council in November 2002. <sup>421</sup>
Denmark	Draft decision concerning criminal investigations and prosecutions of genocide, crimes against humanity and war crimes	Adopted by the Council in May 2003.  Parliament Opinion in December 2002.
Spain	Recommendation for establishment of a standard form for the exchange of information on terrorists	Adopted by the Council in June 2002
Belgium	Council Decision establishing a European network of national contact points for compensatory justice	Work in progress in Council – EP Opinion <b>in April 2003</b>
Denmark	Council conclusions on the relevant measures for information technology justified by investigations and prosecutions dealing with criminal matters.	Work ongoing in the Council.

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<sup>419</sup> OJ L 16, 22.1.2003

<sup>420</sup> OJ C 42, 15.2.2002.

<sup>421</sup> OJ L 333, 10.12.2002

Denmark	Council recommendation on protective measures against aggression with violence suffered by professional drivers in the export trade.	Adoption by the Council in October 2002
Denmark	Council Act amending the Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information	Work ongoing in the Council. Parliament opinion in <b>April 2003</b> <sup>422</sup>
Netherlands	<b>Regulation amending Regulation (EC) No 44/2001 on jurisdiction and recognition and enforcement of judgments in civil and commercial matters.</b> <sup>423</sup>	<b>Work ongoing in the Council.</b>
Greece	<b>Council Decision on procedures for amending the Sirene Manual and Council Regulation on procedures for amending the Sirene Manual.</b> <sup>424</sup>	<b>Transmitted to the Council and Parliament in March 2003.</b>
Greece	<b>Council Framework Decision to prevent and combat trafficking in human organs and tissues.</b>	<b>Work ongoing in the Council.</b>

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<sup>422</sup> A5-0107/03.

<sup>423</sup> OJ C 311, 14.12.2002.

<sup>424</sup> OJ C 82, 5.4.2003.