

**An outline of a joint working programme**  
**of the German, Portuguese and Slovenian**  
**Presidencies**  
**from January 2007 to June 2008**  
**in the fields of**  
**Asylum, Immigration, Borders and Visa Policy**

## **Introduction**

The strengthening of the area of freedom, security and justice will be one main focus of the German, Portuguese and Slovenian Presidencies. Safeguarding freedom and justice within the Union, strengthening internal security and the Community's refugee policy as well as the protection of common external borders, in particular to prevent illegal migration, and combating international terrorism are intrinsically tied to each other. A coherent approach is required for any European initiative or measure in the field of asylum, immigration and borders. On the basis of The Hague Programme for Strengthening the Area of Freedom, Security and Justice endorsed by the European Council in November 2004, this approach has to adequately address the freedom and security concerns of the Community and its citizens.

Great priority should be given to the second –generation of Schengen information System (SIS II) which is expected to be put into operation in 2007<sup>1</sup> and will also be applied in the countries acceding the Union on the 1<sup>st</sup> of May 2004. Germany, Portugal and Slovenia are resolved to achieve the prerequisites for a complete implementation of the Schengen Acquis in the new Member States and for the fast abolition of internal border controls - safeguarding the quality of the security arrangements at the external borders.

A common asylum and migration policy has to focus on a closer partnership and cooperation with third countries – especially with countries of origin and transit. In this context, Germany, Portugal and Slovenia will resolutely stand up for carrying on the Commission's approach to set up regional protection programmes and will give special attention to the results of the first report given by the Commission and the Secretariat General of the Council by December 2006 in the framework of the EU Strategy for External Dimension of JHA.

Further harmonization of European visa policy and visa procedures plays a central role in combating illegal migration and trafficking in human beings as well as in countering international terrorism. Thus, the start-up and ongoing evaluation of the European Visa

---

<sup>1</sup> European Council conclusion (15th and 16th of June) refer to April 2007. The European Commission will issue a progress report on SIS II, presumably by mid July 2006. The paragraph will be amended in accordance with the findings.

Information System (VIS) will be a core project of the German, Portuguese and Slovenian Presidencies.

Regarding third-country nationals who are staying illegally on the territory of a Member State, Germany, Portugal and Slovenia will seek intensified cooperation in return policy. In this respect, fast negotiation and adoption of readmission agreements in the Community, cooperation in return operations – in particular under the lead of FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders) – and mutual support are of particular importance.

Due to the necessity of protecting the EU external borders – which will further grow with the accession of Romania and Bulgaria to the EU – and of maintaining and improving border control quality standards, Germany, Portugal and Slovenia will promote the evaluation of the European Border Agency (FRONTEX), the results of which have to be submitted by the European Commission by the end of 2007, and analyse whether and to what extent new tasks can be assigned to the agency.

2007 will be the European Year of Equal Opportunities, and a vast number of activities are proposed in the Policy Plan on Legal Migration which need to be discussed and evaluated through the period of the German, Portuguese and Slovenian Presidencies of the EU. The issues of the launch of information campaigns in third countries and their regions with the highest threat of migration flows explaining the EU policies on immigration and the adaptation of the EURES portal are among the measures to be address.

Following the conclusions of the European Council of December 2005, which recall that migration issues are a central element in the EU relations with the broad range of neighbouring third countries (eastern and south eastern Europe and the Mediterranean), and its decision to initiate priority actions with a focus on Africa and the Mediterranean countries, it was agreed to launch in the short term broad-ranging concrete actions, which would form part of an ongoing work to ensure that migration works to the benefit of all countries concerned. Actions should be taken to reduce illegal migration flows and the loss of lives, ensure safe return of illegal migrants, strengthen durable solutions for refugees, and build capacity to better manage migration, including through maximising the benefits to all partners of legal migration, while fully respecting human rights and the individual's right to seek asylum. Germany, Portugal and Slovenia assume the full compromise of doing the necessary efforts to advance as much as possible in that goal.

## **1. Asylum and refugee policy**

Germany, Portugal and Slovenia will make joint efforts to bring about a thorough-going evaluation of the first phase of the harmonization of European asylum policy. In this respect it will be important to assess the implementation of the legal instruments in order to draw conclusions for the second phase of harmonization.

Germany, Portugal and Slovenia will also focus their attention on the effective implementation of the second phase of the Common Asylum System based on solidarity.

The legal instruments already being applied have to be evaluated also in the interest of improving practical cooperation in the field of asylum policy. Germany, Portugal and Slovenia will pay a special attention to development of the Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application (Dublin II) the evaluation of which will probably be finalized at the end of 2006.

All in all, emphasis will be on improving the practical cooperation of the Member States' asylum authorities. To this end, Germany, Portugal and Slovenia will promote practical measures such as instruction and training programmes. In addition, Germany, Portugal and Slovenia will deal with the Commission's considerations to introduce a uniform mechanism for the assessment of applications for international protection.

Germany, Portugal and Slovenia wish to give greater priority to asylum and migration policy within the framework of the Community's external relations and to place much weight on the dialogue particularly with countries of origin and transit, based on a flexible and differentiated approach to individual third countries and regions. Together with the European Commission, Germany, Portugal and Slovenia will jointly promote the development of EU Regional Protection Programmes (including associated pilot projects). This requires a coherent policy approach that takes account of the root causes why people flee their countries, includes cooperation in development policy, the fight against poverty, humanitarian aid and the consolidation of administrative infrastructures, and that takes account of the existing human rights standards in the countries of origin and transit as much as of the necessary obligations of these countries. Improving cooperation with the countries of origin and transit also implies urging these countries to comply with obligations under international law related to the readmission of own nationals.

## **2. Fighting against illegal migration; visa policy**

The European Visa Information System (VIS) has to be transformed into a central element of European cooperation in the fight against illegal migration and "visa shopping" and an instrument to support measures against organized crime, in particular smuggling and trafficking in human beings, and international terrorism. In this regard Presidencies will enhance possible interaction between VIS, SIS and EURODAC databases. Key issues on which the German, Portuguese and Slovenian Presidencies will concentrate, include putting the VIS central unit in Strasbourg into operation, granting all Member States access to it as soon as possible and making arrangements to connect the EU Member States' diplomatic missions in third countries as well as EU Member States' border control authorities in the near future ("roll-out"), including the possibility to feed alphanumeric data, photographs and fingerprints into the system. Once the VIS has gone into full operation, Germany, Portugal and Slovenia will start evaluating the system. At the same time Germany, Portugal and Slovenia will focus on establishing central connectivity between SIS II and VIS as soon as the systems are operational and stabilized.

Germany, Portugal and Slovenia will vigorously work towards reforming Community law on visas. It is envisaged to adopt a Community regulation ("visa code") that should consolidate and to a certain extent reform the existing Community Acquis governing the granting of Schengen visas. In addition it is planned to draw up guidelines containing specific instructions for local consular officials at Community level. These instruments should then replace the

existing provisions applicable in this area so far, especially the Common Consular Instructions and the relevant sections of the Convention Implementing the Schengen Agreement. With regard to regulations (especially on the issues of the filling of visa applications by travel agencies, health insurance, outsourcing, inviting parties, exit controls and sanctioning mechanisms), Germany, Portugal and Slovenia will try to assure that due attention is paid to security requirements of Member States.

Germany, Portugal and Slovenia will regularly check the list of those countries whose nationals are required to have a visa (“negative list”) and the list of third-country nationals whose nationals are exempt from visa requirements (“positive list”). Germany, Portugal and Slovenia will work together to enable the Candidate Countries to harmonize their visa regime with the EU standards as soon as possible.

The interests of the Member States concerning illegal immigration and public order and security have to be taken into account as much as the interests of the European Union concerning its external relations, regional coherence and the principle of reciprocity.

To ensure a uniform policy is applied with regard to issuing visas, Germany, Portugal and Slovenia will actively promote closer cooperation between consulates of Member States making full use of synergy effects. This includes, in particular, the establishment of joint posts where visa applications can be filed and the building of shared technical infrastructures.

Based on a feasibility study of the Commission, Germany, Portugal and Slovenia will analyse the option of a system for registering third-country nationals upon entry to and exit from the territory of those Member States parties to the Schengen Acquis. If feasible, the combined use of existing and the aforementioned new systems could yield a significant amount of information relevant in the fight against illegal migration, organized crime and international terrorism for it would allow, for example, identifying who enters or exits a Member State and when.

A cornerstone of the European security architecture is the use of biometric features in visas, residence titles, passports and other identification documents. Germany, Portugal and Slovenia will drive forward harmonization efforts in this area in order to achieve common standards also with partner countries outside the European Union.

### **3. Return policy**

During their Presidencies, Germany, Portugal and Slovenia will conduct an evaluation of the progress and the achievements of the EU’s negotiations on readmission agreements held so far with third countries on one hand and an evaluation of the implementation of already existing agreements on the other. This evaluation will have to point out ways to conclude pending negotiations in a more targeted and less time-consuming manner.

Taking into account the results of the ongoing negotiation the Presidencies will focus their attention on granting a new negotiation mandate to the Commission due to return problems with individual countries. In this regard the Presidencies will be working closely with the Commission special representative for the readmission policies.

Moreover, Germany, Portugal and Slovenia will focus, among other things, on improving practical cooperation in returning third-country nationals residing illegally in the territory of a Member State. This will include the sharing among Member States of information about the situation in the countries to which third-country nationals are returned as well as of information on obtaining travel documents and on joint return measures. Germany, Portugal and Slovenia will vigorously support the European Borders Agency (FRONTEX) to ensure that it can fully live up to its role as supporter and promoter of joint return measures. Germany, Portugal and Slovenia will endorse that FRONTEX is assigned a key role in this area.

#### **4. External border protection**

Germany, Portugal and Slovenia will closely follow the work of FRONTEX and assist the Commission in conducting the evaluation of FRONTEX, present the results and create possibilities to discuss them. It could be necessary to discuss amending the Regulation establishing a European Agency for the Management of Operational Co-operation at the External Borders, with the aim of evaluation the Agency's mandate according to the Hague programme. Based upon that evaluation, this may include the transfer of certain responsibilities from some Council working groups to FRONTEX.

Germany, Portugal and Slovenia advocate the granting of certain executive powers to police officers of the EU Member States for the purpose of joint border controls and joint return measures. As far as still relevant, the Presidencies will foster negotiations on a Draft Regulation to be submitted by the Commission to create favourable conditions for improving operational cooperation between Member States in this area.

Dependent on the experience achieved so far, it will probably be necessary to discuss on a proposal to be presented by the Commission after the abolition of internal borders control that will complement the existing Schengen evaluation mechanism and should also provide for the possibility to carry out no-advance-notice inspections.

#### **5. Legal migration; integration**

Germany, Portugal and Slovenia will continue work on a European strategy for legal immigration based on the proposals of the European Commission. When filling up the Community framework with content, full flexibility has to be guaranteed in the area of economic migration, so as to be able to take account of the different situation at labour markets in the various Member States. Uncontested requirements should include the national competence for defining the specific need for economic migrants and the prioritization of the European Union's own labour force.

Germany, Portugal and Slovenia will continue work begun during the Dutch Presidency in the second term of 2004 aimed at developing Principles for a coherent approach to immigration and integration policy. To this effect, meetings of all EU Ministers responsible for integration policy will be planned, which should primarily facilitate the exchange of views and experience. The Presidencies endeavour to implement the conclusions on the communication of the Commission "A joint integration agenda", which has been adopted at the JHA Council on 1/2 December 2005. Integration is an interdisciplinary task that requires an overall

strategy. Migration and integration are two sides of the same coin. The relation between migration and integration should be clarified both with regard to the admission of new immigrants and the status of foreign nationals already residing in a Member State.

## CATS joint working programme

The European Union is responsible, among other things, for making policy that actually enhances the security of its citizens by effectively fighting terrorism and organized and general cross-border crime.

Security cooperation has been intensified significantly by implementing the **Tampere multi-annual working programme**. We agreed priority targets for greater cooperation when we adopted the **Hague Programme**, the EU Strategy and the **EU Action Plan on Combating Terrorism**, the **EU Action Plan on Drugs** and the Action Plan on Cooperation between Customs Administrations. Concerning the EU's external relations, the European Security Strategy of 12 December 2003 includes important strategic objectives for a safe Europe, which in the field of justice and home affairs were amended by the "Strategy for the External Dimension of JHA".

Our main aim is to take concrete measures to improve the operational cooperation between the EU Member States and with EU structures, in particular Europol. This includes legal and practical measures to intensify cooperation between all competent authorities named in Title VI of the EU Treaty, including customs and other specialized law enforcement authorities. Our police and security authorities need quicker and easier access to relevant information. Cross-border cooperation needs to be optimized and to be governed by the same principles as cooperation at home. The European institutions need to be tied into this cooperation without duplicating efforts.

For these reasons we seek to

- expand the **European information network** in a sustainable manner by giving our police and security authorities the best access to information, thus creating a basis of comprehensive and current information. This is essential to fight terrorism and cross-border crime;
- further the second-generation Schengen Information System (**SIS II**) as one of the prerequisites for scrapping checks at the internal borders with the new Member States, and to assess the SIS-related aspects of the Schengen Acquis in the new Member States;
- strengthen the role of **Europol** by taking its legal framework further in order to enable Europol to assist the Member States in combating serious international crimes to an even higher degree than to date;
- deepen cooperation between Member States and competent EU bodies even further to counteract the persistent terrorist threat;

- further improve the **operational cooperation between EU Member States and competent EU bodies** using concrete measures, with a focus being placed on **prevention** as an important element of fighting crime;
- to ensure that JHA requirements are given a high priority also in the **EU's external relations**.

Specifically:

## **I. Expanding the European information network**

A European information network is needed to implement the principle of availability and make sure our police and security authorities have an optimum supply of all necessary information. The "Communication from the Commission to the Council and the European Parliament on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs" contains proposals which need to be taken into account when expanding the European information network. We have to ensure that EU information systems (e.g. SIS, VIS and EURODAC) for countering terrorism and organized crime are available to all relevant police and security authorities concerned as needed to fulfil their tasks. Furthermore, Member States need to give one another access to their national information systems to the necessary extent. Access must also be granted to Europol and Eurojust as needed for discharging their duties.

### **1. Improving the functionalities of the EU information systems**

#### **a) Schengen Information System (SIS)**

SIS needs to be upgraded to SIS II by 2007, improving the possibilities of police search measures. The launch of SIS II is currently scheduled for March 2007. The new Member States, the United Kingdom, Ireland and Switzerland are to be connected to SIS II as soon as possible.

We intend to bring about the following measures:

- Concluding the discussions on the Commission's proposals for legal instruments concerning SIS II, provided they have not been concluded in 2006;
- Launching SIS II; giving new Member States access to SIS II before scrapping checks at the internal borders with these states.

#### **b) EU visa information system (VIS)**

The visa information system (VIS) is intended to make the common visa policy more efficient and to contribute to internal security including counter-terrorism. All Member States are

agreed that the authorities responsible for internal security in the Member States should have access to the VIS. For this reason, the Council invited the Commission on 7 March 2005 “to make a proposal guaranteeing.... access to the VIS, for the purpose of consultation, for the authorities of the Member States responsible for internal security”.

The following measures have to be implemented by 2007 at the latest:

- Launching VIS;
- Concluding the negotiations on the Commission proposal of November 2005 concerning the Council Decision on VIS access for police and security authorities.

### **c) EURODAC**

Frequently, asylum-seekers and foreigners who are staying in the EU unlawfully are involved in the preparation of terrorist crimes, as was shown not least in the investigations of suspects in the Madrid bombings and those of terrorist organizations in Germany and other Member States. (E.g. two of the five accused in German proceedings against the terrorist group “Al Tawhid”, which prepared attacks against Jewish institutions in Berlin and Düsseldorf, were asylum-seekers.)

Since January 2003, the fingerprints of asylum-seekers and persons who have entered the EU illegally have been stored in EURODAC. The police and security authorities therefore need greater access to EURODAC, because in many cases this is the only way of identifying suspected terrorists or other major offenders or to detect aliases of suspects. Access to EURODAC can help provide the police and security authorities of the Member States with new investigative leads to prevent or clear up serious crimes.

The German Federal Criminal Police Office (BKA) has been given access to the German fingerprint database, where the fingerprints of asylum-seekers are recorded, and has found numerous matches. (For example: The database contains fingerprints of approx. 3,200,000 persons, approx. 900,000 of them asylum-seekers. In 2004, the BKA used the fingerprint data to conduct searches on 257,194 persons. In 18,859 cases – i.e. 7.3% - they found a match, meaning that a person had already been entered under a different name; 7,193 of the 18,859 matches - i.e. 38.1% - were found in the database of asylum-seekers.)

We intend to amend the EURODAC Regulation and to bring about a fresh Council Decision to grant police and law enforcement authorities greater access to this database, because this would help to identify suspected terrorists or other offenders and to detect the aliases used by suspects, thus making a decisive contribution to preventing or clearing up serious crimes.

**d) Modernizing the functionalities of the Customs Information System (CIS)**

CIS supports cooperation between the Member States' customs administrations both in the field of the first and the third pillar. The use of CIS has already noticeably improved the operational results of customs cooperation; the planned operation of the customs investigation database FIDE will add another significant possibility for information retrieval to this cooperation.

We want to improve the third pillar CIS functions and functionalities in line with the development of the first pillar CIS in cooperation with OLAF. Our aim is to further develop its possible uses and to simplify the technical approach. In particular we want to examine whether a new function allowing integrated risk analysis in the field of EU customs can be developed.

**2. Making national data systems available to all Member States and Europol**

Law enforcement and judicial authorities of the Member States have numerous databases to which the law enforcement and judicial authorities of other Member States as well as Europol in accordance with its mandate need access. Such access could be granted in the form of a read-only online access or a hit/no hit access on the model of the Prüm Convention, or possibly by transferring national data stocks into information systems that already exist or are to be created at EU level.

- We intend to conclude the discussions on the acts concerning the principle of availability in the following areas, and subsequently promote their implementation in a sustainable manner: DNA, fingerprints, motor vehicle registration and ballistic data.
- Furthermore we wish to examine whether there is the need, and a possibility, to make the data stocks on criminal records available in the Member States accessible to other Member States in an appropriate way on a mutual basis.

**II. Strengthening the role of Europol**

The increasingly pan-European and international nature of crime requires **strengthening the role of Europol**. This holds good irrespective of the further development of the Treaty Establishing a Constitution for Europe. Europol's capacities for sharing and analysing information must be expanded and intensified. The added value that Europol presents in operational terms needs to be highlighted. To this end, we need to take its legal framework further.

When drafting the respective proposals we will take into consideration the conclusions of the JHA Council debate on the Future of Europol, avoiding the impression, though, that we might be anticipating the provisions of the Treaty on the EU Constitution.

## **1. Expanding Europol's mandate**

As it is the Union's objective to provide citizens with a higher level of safety, Article 29 requires the relevant authorities of the Member States to cooperate more closely, also through Europol, to prevent and combat organized crime *as well as other types of crime*. For this reason, Europol's scope must be expanded to include also serious offences which do not come under the heading of *organized* crime and are committed on a cross-border scale (such as dissemination of child pornography via the Internet, major disruptions of public security by travelling violent offenders, hooligans etc.)

Expanding Europol's responsibilities would be useful also because doing so would enable Europol to advise and assist Member States also on *preventing non-organized* serious offences. This is needed above all during major European events.

We wish to expand Europol's responsibilities beyond the field of organized crime to include all types of serious international crime (e. g. with regard to child pornography, travelling violent offenders, hooligans etc.)

## **2. Further developments in data processing**

### **a) Extension of access rights to the Europol Information System (IS)**

Pursuant to Art. 4 para. 2 of the Europol Convention the national unit is the only liaison body between Europol and the competent national authorities of the Member States. Even the third amending protocol does not allow other national police or judicial authorities direct access to the IS.

In order to improve information-sharing between the various law enforcement agencies we deem it necessary to grant additional national law enforcement authorities direct access to the IS; the national unit should be informed of such fact.

### **b) Technical improvement of the IS**

After the system has gone into operation and has been approved for use by the Member States, we should **seek to introduce a new version of the IS**, to improve existing functions and integrate new ones that had been envisaged for the then EIS but have not been

implemented in the IS. We should pursue a policy of gradual development with short development cycles to reduce development risks and make improved functions available more rapidly.

For these reasons, we will submit the following proposals:

- creating the possibility to check data against the SIS when storing them in the IS;
- creating additional links to data objects in the IS;
- enhancing the quality of data by introducing automatic control mechanisms used when entering data and through technical improvements making it easier to detect multiple spellings (of names, places of birth etc.) during queries;
- enhancing the possibility to visualise the information in the IS so as to make contexts more apparent;
- examining ways to improve connections between the IS and the national systems.

### **c) Bureaucracy reduction and transition to flexible internal rules and procedures at Europol**

Basically, internal organization of Europol is the director's task. But the director's scope of action is of course limited by the rules on internal management of Europol. In some cases these rules have proved to be too restrictive, e.g. there are too narrow constraints for re-assigning staff within the organization in order to meet new operational priorities.

We want to scrutinise the rules on internal administration of Europol and change them where necessary in order to make the organization more flexible and effective.

## **III. Specific measures to intensify cooperation in counter-terrorism**

The London bombings have again made clear that the terrorist threat persists. Therefore, resolute and targeted action is needed to break up terrorist networks. In this context, it is essential to expand the European information network. Apart from giving the numerous initiatives at European level a clear structure as part of a coherent strategy, we recommend the following specific measures in addition to the measures already taken at EU level; they may have effects already before terrorist attacks are launched, possibly preventing such attacks:

### **1. Sharing and analysis of information about potential terrorists**

The international activities of terrorists require comprehensive sharing of information in the possession of Member States' police and security authorities concerning the Islamist threat potential, in particular concerning potential terrorists. Sharing lists of potential terrorists is

crucial to fight terrorism effectively. Such information-sharing could focus for example on persons who spent time in training camps in North Africa and Afghanistan.

In addition, the Council should assign Europol to collect and analyse information on potential terrorists. Storing and analysing data on potential terrorists does not require amending the Europol Convention.

- The JHA Council should adopt a decision for sharing information on potential terrorists in order to detect planned attacks ahead of time by analysing the networks and structures used by terrorists.
- Furthermore, the JHA Council should give Europol the mandate to collect and analyse information which concerns potential terrorists and terrorist offences and stems from findings made by Member States' police and security authorities, in order to assess terrorist networks and structures (within the framework of the AWF on Islamist terrorism). The role of the national unit as the only liaison body delivering information to Europol should however remain untouched.

## **2. Shared analysis, with Europol's assistance, of websites with a terrorist dimension**

Internet sites of extremist and terrorist organizations are increasingly used to distribute propaganda and coded insider information. The police and intelligence agencies of the Member States have reacted by implementing a system for analysing such Internet publications. Given the huge amount of information and the great number of languages involved, such analysis requires a lot of resources. It is nearly impossible for individual Member States to monitor all suspicious activities on the Internet. Therefore, analysis of Internet publications should be intensified by sharing this task among the Member States, taking advantage of the various language and technical skills available in each state.

So as to detect terrorist activities on the Internet at an early stage, we intend to develop a new form of analysing Internet content based on sharing responsibilities between all security authorities of the Member States concerned and involving Europol. To this end, we intend to submit a draft Council recommendation focusing on the following:

- voluntary consultation on the focus of the analysis carried out by the individual Member States (i.e. analysis of homepages, newsgroups and chat rooms);
- Transfer of results from the Member States to Europol for analysis and forwarding to other Member States.

### **3. Prevent the Internet publication of instructions for making bombs**

Publication on the Internet of instructions for making explosive and incendiary devices significantly facilitates attacks and poses a serious threat. Due to the trans-frontier nature of the Internet, national measures are not sufficient even if national legislation provides for appropriate punishment. For this reason, concerted action at European level and a uniform legal basis are urgently needed. We therefore need to improve the current European legislation for more efficient prosecution of those who publish such instructions on the Internet. Websites containing criminal material must be shut down. Providers must be held responsible to a greater extent in the future, taking the E-Commerce Directive into account.

### **4. Improve the monitoring regime to control the manufacturing of primary substances used in the production of explosives**

It is necessary to intensify controls of primary substances used for the production of explosives to prevent or at least noticeably impede access to certain chemicals which so far have been very easily or even freely available. The use of such substances cannot be monitored completely. However, EU Member States have to monitor in particular the routes of primary substances for certain frequently used improvised explosive devices more strictly throughout Europe (e.g. potassium and ammonium nitrate and chemicals used for the production of explosives based on peroxide; in addition, Member States should envisage or increase monitoring of substances used for the production of explosives based on chlorate, perchlorate and black powder). To this end, a monitoring regime of the competent authorities and all actors in the industry involved should be set up, possibly modelled on the established cooperation in place to monitor drug precursors.

### **5. Harmonize the collection of data on stolen or lost firearms**

Due to the huge number of crimes committed in the EU in connection with firearms, we have to strengthen and harmonize monitoring mechanisms. At the initiative of Sweden, the Manual for Firearms Tracing, Identification and Analysis (Doc. 7329/05 ENFOPOL 27) has been drawn up to harmonize the collection of data on stolen or lost firearms by using standardized forms throughout the European Union. The aim is to create a reliable basis for analysing the routes of arms trafficking by using the standardized forms specified in the manual throughout the European Union. So far, Member States may decide for themselves whether to use the forms provided in the manual.

We intend to improve weapons and explosives controls - and thus ultimately clamp down on terrorism - through the following measures:

- Improved monitoring regime to control certain primary substances used for the production of explosives;
- Preventing bomb-making instructions from being published on the Internet;
- Obligatory use of the forms provided in the Manual for Firearms Tracing, Identification and Analysis by all Member States;
- joint operations at European and regional level to control firearms and explosives transportation and production activities with a view to the traceability of any arms or explosives that may have been diverted.

#### **IV. Improving operational police and judicial cooperation between EU Member States**

##### **1. Developing the Convention Implementing the Schengen Agreement**

In an area of freedom, security and justice, criminals must not be allowed to go unpunished because of obstacles hampering cooperation between the police forces of EU Member States. Cooperation in preventing crime and threats to public safety and order has to be intensified as well, in particular by enabling Member States to request police assistance from other Member States in case of disasters and other large-scale emergencies.

The proposal of the Commission for a Council Decision on the improvement of police cooperation, especially at internal borders, of 20 July 2005 aims at improving the existing mechanisms, e.g. by facilitating cross-border surveillance and pursuit. However, it clearly falls short of the practical requirements and the more recent bilateral police and justice agreements concluded by Member States and the forms of cross-border cooperation agreed therein.

To improve cross-border police cooperation, we intend to use the following measures to take matters further:

- Allowing Member States to request assistance from other Member States in the case of major events, large-scale disasters and serious emergencies;
- Facilitating cross-border controlled deliveries by harmonizing the requirements and modalities to be met for such deliveries, aiming above all to clamp down on international trafficking in drugs and weapons.
- Allowing officers to pursue across national borders also those persons who disregard checkpoints in border areas;
- Use of technical tools to assist in surveillance, e.g. location or tracking technology, taking into account, where necessary, the Commission proposal contained in the

Action Plan to the Hague Programme concerning minimum standards for the cross-border use of investigation technology;

- Exempting officers from certain traffic rules when using land, air, or water vehicles during surveillance or pursuit operations;
- Allowing officers on observation or pursuit missions to enter publicly accessible business premises during working hours.
- Facilitating undercover investigation and cross-border observation to prevent criminal offences;
- Deploying undercover investigators who act on request and under the supervision of the competent authorities of the host state and are granted the same rights as undercover investigators of the host state.

## **2. Specific customs measures**

Cooperation in the field of customs between the Member States' competent authorities needs to be developed and improved. To prevent and fight crime, a cross-pillar and inter-agency approach including persons and goods is of central significance. In this respect, carrying out the new Action Plan on Customs Cooperation which enters into force on 1 January 2007 and consistently implementing the recommendations of the previous Action Plan on Customs Cooperation 2004-2006 are of high priority.

We want to improve customs cooperation in particular through the following measures:

- Carrying out joint customs operations within the framework of a modernized and simplified procedure;
- Drawing up further comprehensive analyses of threats in the field of customs;
- Developing integrated risk management;
- Strengthening cooperation between customs and police authorities as well as with the competent EU authorities (OLAF, Europol and Eurojust), e.g. by involving police authorities more often in joint customs operations and through a joint meeting of the Council Working Groups Customs Cooperation and Police Cooperation;
- Practical cooperation between the Member States in the framework of joint investigation teams in the field of customs, with support from Eurojust and Europol; elaborating best practice conclusions;
- In the context of the evaluation of FRONTEX (European border management agency), examining whether and to what extent the work of European customs authorities needs to be coordinated more intensively than it has been up to now.

## **3. Evaluation of the Naples II Convention**

The 1997 Naples II Convention is the essential legal basis for law enforcement cooperation of the Member States' competent customs authorities. The Convention provides for numerous

important instruments and special forms of bilateral and multilateral cooperation which are indispensable for fighting cross-border crime. Thus, priority has to be given to concluding the ratification process as soon as possible.

In compliance with the Hague Programme's objectives, a project group of the Council Working Group on Customs Cooperation will evaluate the application of the Naples II Convention, draw up a report and present recommendations to the Council.

#### **4. European Police College (CEPOL)**

CEPOL was set up to deepen the knowledge of the European police officers about EU structures and instruments for cross-border police cooperation and to enable them to make optimum use of these structures and instruments in their daily police work.

We want to place emphasis on:

- Consolidating the role of CEPOL as the European body linking national training institutes in charge of the basic and further training of senior police officers;
- Elaborating and developing joint curricula for the basic and further training of European police officers in the field of cross-border police cooperation; supporting the Member States in implementing this measure;
- Reinforcing the basic and further training activities aiming at implementing the priorities identified by the Council, the ECPTF, Europol and other relevant structures;
- Increasing systematic exchange programmes for police authorities;
- Courses/seminars involving Europol and Eurojust to deepen the police forces' knowledge about EU cooperation structures;
- Further developing the approach of a European police science and police-related research;
- Setting up and expanding the electronic network to support information exchange, documentation and to extend and support police training measures in Europe.

#### **5. Prevention**

The Hague programme rightly stresses that crime prevention is vital for an area of freedom, security and justice. Thus, both repressive and preventive aspects have to be taken into account for all crime-specific measures of crime control.

- We will intensify the Member States' exchange of experience regarding efficient prevention methods and in this context focus in particular on the prevention of petty and mass crime and on their relation to organized crime and terrorism.
- We will propose to draw up a European strategy on community policing, respecting the principle of subsidiarity and the need to find local solutions for local problems.

This strategy will underline the need to replicate best practices, projects and training aiming at the improvement of the relationship between communities, citizens and police.

- We also want to use the planned evaluation of the European Crime Prevention Network (EUCPN) to develop even better prevention strategies, in particular towards a more effective EUCPN.

## **V. Disaster control, civil protection**

Natural disasters, terrorist attacks and other large-scale damage events can have devastating impacts extending beyond national borders. In order to protect persons, material assets and the environment, EU cooperation in coping with cross-border crises has to be improved. In the Hague Programme, the Council and the Commission were therefore asked to develop – within their existing structures and while absolutely respecting national responsibilities – integrated and coordinated EU crisis management provisions for cross-border crises within the EU. In addition, the Commission monitoring and information centre has to assume a more active role in providing resources in case of shortage, and cooperation with international organizations, in particular the United Nations, has to be improved.

- On the basis of the Council Decision of 23 October 2001 we will promote further development of civil protection taking into account the subsidiarity principle.
- We will continue work in developing integrated EU crisis management.

## **VI. External relations**

As organized and serious crime often has an international dimension, many types of crime posing a threat to the safety of EU citizens have their causes or roots outside the EU. With this in mind, the Justice and Home Affairs Council adopted “A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice” in December 2005. This strategy is rightly based on the assumption that the EU’s foreign policies have not always attached enough importance to justice and home affairs. It therefore calls upon the EU to make justice and home affairs a key priority in its external relations, and to ensure that the political dialogue with countries seeking a closer partnership covers the whole spectrum of issues in the area of freedom, security and justice (e.g. human rights, combating terrorism, organized crime, corruption, drugs). Furthermore, the strategy requires the Council to draft action oriented papers with regard to specific countries, regions or subjects – taking into account a report to be submitted by the Commission and the Council Secretariat in December 2006.

- We intend to ensure that the EU acts in a coordinated and coherent cross-pillar manner in its relations to third countries.
  
- With regard to the implementation of the “Strategy for the External Dimension of JHA” we will build on the preparatory work of the Austrian and Finnish Presidencies and focus in particular on the following issues:
  - extending cooperation with North Africa and the Mediterranean countries fighting illegal migration, drug and arms trafficking and terrorism;
  - improving cooperation between the EU, the Western Balkan states, the ENP countries, notably Ukraine and Moldova, and the Gulf states with regard to organized crime, corruption, illegal immigration and terrorism;
  - fighting the opium poppy cultivation in Afghanistan, and combating the smuggling of drugs from Afghanistan and along the transit routes;
  - implementing a common area of freedom, security and justice with Russia.

Overview

D-P-SLO 18-Month-Programme

| DOSSIER  | GERMANY  | PORTUGAL             | SLOVENIA |
|--|--|----------------------|----------|
| <b>A. Strengthening Civil Rights</b>   |  |                      |          |
| FD on certain procedural rights in criminal proceedings  | Approval   |                      |          |
| FD on the presumption of innocence (2007)  | ---  | Begin of discussions |          |
| FD on judgments rendered in absentia (2007)  | ---  | Begin of discussions |          |
| FD on minimum standards relating to the taking of evidence with a view to mutual admissibility (2007)      | ---  |                      |          |
| Horizontal approach in relation to certain issue list offences, follow-up to the European Evidence Warrant | Discussion in the Council about outcome of questions to members states |                      |          |

| DOSSIER  | GERMANY                                     | PORTUGAL | SLOVENIA                                   |
|--|---|----------|--|
| FD on combating racism and xenophobia  | Approval                                    |          |  |
| Proposal on the wilful destruction of documentary evidence (2007)              | ---   |          |  |
| Proposal on the protection of witnesses and collaborators with justice (2007)  | ---   |          |  |
| <b>B. Increasing Legal Certainty for Citizens and the Business Sector</b>      |   |          |  |
| Rome II<br>(Regulation on the law applicable to non-contractual obligations)   | Approval                                    |          | ==   |
| Rome I<br>(Regulation on the law applicable to contractual obligations)        | Agreement on specific questions or Approval |          | Common position (if not reached by D or P) |
| Rome III<br>(Regulation on applicable law and jurisdiction in divorce matters) | Agreement on specific questions             |          | Common position (if not reached by D or P) |

Deleted: 26  
Deleted: october

Deleted: Rom

| DOSSIER  | GERMANY  | PORTUGAL | SLOVENIA                                |
|--|--|----------|---|
| Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations  | Agreement on specific questions                  |          | General approach or political agreement |
| Proposal on the conflict of laws in matters concerning matrimonial property regimes, including the questions of jurisdiction and mutual recognition (2009 or 2010? – after Green Paper 2006) | ---  |          | ==                                      |
| Regulation on Small Claims   | Approval - if not approved during FIN Presidency |          | ==                                      |
| Proposal on the effective enforcement of judicial decisions (2007 - after 3 Green Papers in 2006, 2008 and 2009/10)  | ---  |          | ==                                      |
| Proposal on succession and wills (2008 – after Green Paper 2005)   |  |          | Begin discussion                        |
| Proposal for the amended Brussels I Regulation (2008 – after the report in 2007)   |  |          | Begin discussion                        |

Deleted: 26

Deleted: october

Deleted: 7

| DOSSIER  | GERMANY  | PORTUGAL | SLOVENIA |
|--|--|----------|----------|
| Directive on criminal measures aimed at ensuring the enforcement of intellectual property rights | Discussions / Agreement on specific questions  |          |          |
| (poss.) Directive on the protection of the environment through criminal law (2007)               | Begin discussions  |          |          |
| (poss.) Directive on criminal sanctions on ship-source pollution (2006)                          | Begin discussions  |          |          |
| Directive on shareholder's rights  | Approval – if not approved during FIN Presidency   |          |          |
| 14 <sup>th</sup> Directive on the transfer of registered offices                                 | Begin discussions  |          |          |
| Proposal on the Statute of the European Private Company (2007)                                   | ---  |          |          |
| Improvement of the European Patent System  | Begin discussions on the Commission's Communication on the European Patent Policy (2006) |          |          |

Deleted: 26

Deleted: october

| DOSSIER  | GERMANY                          | PORTUGAL              | SLOVENIA                    |
|--|----------------------------------|-----------------------|-----------------------------|
| Consumer Credit Directive  | Approval                         |                       |                             |
| Coherence in the area of civil and criminal law  | TOP on JHA Council               |                       |                             |
| Comprehensive review of the contractual consumer protection law  | Begin discussions                |                       |                             |
| Time Sharing-Directive (2007)  | ---                              | Begin discussions (?) |                             |
| Common Frame of Reference for European Contract Law  | Conference / Council conclusions |                       | <u>No definite plan yet</u> |
| <b>C. Strengthening the Justice System and practical Cooperation</b>                                   |                                  |                       |                             |
| FD on cross-border supervision of sentences of probation and conditional sentences (German initiative) | Agreement on specific questions  |                       |                             |
| FD on the European Supervision Order in pre-trial procedures between MS of the EU (COM-Initiative)     | Begin discussions                |                       |                             |

Deleted: 28

Deleted: october

| DOSSIER   | GERMANY  | PORTUGAL | SLOVENIA |
|---|--|----------|----------|
| FD on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the EU (European Enforcement Order) | Approval - if not approved during FIN-Presidency |          |          |
| FD completing the European Evidence Warrant (2007/2008)   | ---  |          |          |
| FD on the organisation and content of the exchange of information extracted from criminal records   | Approval   |          |          |
| Proposal on the creation of an index of non EU nationals convicted in an EU Member State (2006)   | Begin discussions                                |          |          |
| FD on taking into account of convictions in the Member States of the EU in the course of new proceedings  | Approval, if not approved during FIN-Presidency  |          |          |
| Proposal on conflicts of jurisdiction and the "ne bis in idem" principle  | Begin discussions                                |          |          |

Deleted: 26  
Deleted: october

Deleted: 1

| DOSSIER<br>(end of 2006))  | GERMANY                                    | PORTUGAL | SLOVENIA          |
|--|--|----------|-------------------|
| Communication on Eurojust (2007 ?)   | ---  |          |                   |
| Promoting electronic communication on legal matters ("E-Justice")                            | E-Justice Conference / Council Conclusions |          |                   |
| Proposal on the Strengthening of the European Judicial Network (2007 or 2008)                | ---  |          | <u>Discussion</u> |
| Improve training of judicial professionals on EU law in the area of judicial cooperation (?) | ---  |          |                   |

|                  |
|------------------|
| Deleted: 28      |
| Deleted: october |