



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING DOCUMENT**

***Annex to the***

**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE  
EUROPEAN PARLIAMENT**

**Report on the implementation of The Hague programme for 2006**

**Follow-up of the implementation of legal instruments in the fields of justice, freedom  
and security at national level**

**2006 Implementation Scoreboard – Table 2**

{COM(2007) 373 final}  
{SEC(2007) 896}

## COMMUNICATION

### Follow-up of implementation of legal instruments in the fields of justice, freedom and security at national level

**2006 implementation scoreboard – Table 2**

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
<b>1. GENERAL ORIENTATIONS<sup>4</sup></b>				
<b>1.2. Respect for and active promotion of fundamental rights</b>				
<b>– Protection of personal data</b>				
Directive 95/46/EC of the European Parliament and of the Council of 24 October	<b>24 October 1998</b>	Report from the Commission on the implementation of	All Member States have adopted and communicated legislation under the	Even though all Member States have now transposed the Directive, some of them have failed to incorporate a number of its important

<sup>1</sup> Taking into account only the instruments for which the deadlines for implementation or for entry into force had passed by the date of adoption of this Communication.

<sup>2</sup> Excluding correspondence, complaints and petitions to the European Parliament and to the Commission.

<sup>3</sup> At the cut-off date of 31 March 2006.

<sup>4</sup> This table uses the same classification/titles as provided for under the Hague Action Plan.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>5</sup>		the Directive of 15.5.2003 <sup>6</sup> , report prepared on behalf of the Commission on the economic evaluation of the Directive dated May 2005 <sup>7</sup> as well as the Communication of 7.3.2007 on the follow-up of the Work Programme <sup>8</sup> .	Directive.	provisions. In other cases, transposition or practice has not been conducted in line with the Directive or has fallen outside the margin of manoeuvre left to Member States. This has resulted in a number of infringement proceedings. On 15 December 2006 <b>Germany</b> was sent a reasoned opinion for incorrect application of the Directive.
<b>1.4. European strategy on drugs</b>				
The Drugs Action Plan (2005-2008) in the framework of the EU Drugs	<b>2008</b>	Commission annual progress review on implementation of the Action Plan by	Not applicable: there is no formal communication obligation to the Commission under the Action Plan, although there are regular reporting	2006 Progress Review reports on progress achieved by all stakeholders (Member States, Commission, OEDT, Europol) and on the

<sup>5</sup> OJ L 281, 23.11.1995, p. 31.

<sup>6</sup> First report on the implementation of the Data Protection Directive 95/46/EC - COM(2003) 265.

<sup>7</sup> [http://europa.eu.int/comm/justice\\_home/fsj/privacy/studies/index\\_en.htm](http://europa.eu.int/comm/justice_home/fsj/privacy/studies/index_en.htm).

<sup>8</sup> Communication from the Commission to the European Parliament and the Council on the follow-up of the Work Programme for better implementation of the Data Protection Directive – COM(2007) 87 final.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Strategy 2005-2012		all stakeholders (Member States, Commission, OEDT, Europol). The first progress review was presented in December 2006. Final evaluation is due in 2008. <sup>9</sup>	activities from Member States to the Commission (mainly on precursor chemicals), the EMCDDA (through the Reitox network) and Europol.	shortcomings.  More information will be available with the 2007 Progress Review and with the Final Evaluation in 2008.
Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. <sup>10</sup>	<b>12 May 2006</b>	A report from the Commission is due by 12 May 2009 under the Framework Decision, which should serve as a basis for the report from the Council, due by 12 November 2009.	Belgium, Czech Republic, Denmark, Estonia, Spain, France, Lithuania, Luxembourg, Hungary, Netherlands, Poland, Portugal, Slovakia, Finland and Sweden have communicated their transposition measures.  <b>Germany, Greece, Ireland, Italy, Cyprus, Latvia, Malta, Austria, Slovenia and UK</b> have not yet fulfilled their communication obligation.	No information on transposition is available so far. Details will be provided in the Commission's report, due by 12 May 2009.

<sup>9</sup>

In addition, an annual matrix of EU drugs projects in third countries is established on the basis of which policy conclusions are adopted.

<sup>10</sup>

OJ L 335, 11.11.2004, p. 8.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk assessment and control of new psychoactive substances. <sup>11</sup>	<i>21 May 2005</i>	The EMCDDA and Europol must report annually to the European Parliament, the Council and the Commission on implementation of this Decision.	If the Council decides to submit a new psychoactive substance to control measures, Member States shall report the measures taken to the Council and the Commission.	The 2006 report from the EMCDDA and Europol analysed the first months of implementation. The 2007 Report reflected on the implementation of the instrument in 2006: 7 new substances were notified. The EMCDDA and Europol produced a Joint Report on one of them, called BZP.
<b>2. STRENGTHENING FREEDOM</b>				
<b>2.1. Citizenship of the Union</b>				
Article 22 of the EC Treaty: reports from the Commission to the European Parliament, to the Council and to the		Four Commission reports on Citizenship of the Union, dated 20.12.1993 <sup>12</sup> ,	Not applicable.	The four Commission reports make the general point that on the whole the provisions of Part Two of the EC Treaty related to the rights of Union citizens are being applied

<sup>11</sup> OJ L 127, 20.5.2005, p. 32.

<sup>12</sup> COM(1993) 702.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Economic and Social Committee every three years on the application of the provisions of Part Two of the Treaty on “citizenship of the Union”		27.5.1997 <sup>13</sup> , 7.9.2001 <sup>14</sup> and 26.10.2004 (from 1.5.2001 to 30.4.2004) <sup>15</sup> . A fifth report will be issued during 2 <sup>nd</sup> half 2007.		correctly and without serious problems.
Directives 90/364 of 28 June 1990 <sup>16</sup> , 90/365 of 28 June 1990 <sup>17</sup> and 93/96 of 29 October 1993 <sup>18</sup> on the right of residence of inactive	<i>Expired</i> <sup>19</sup>	Two Commission reports were adopted on 17.3.1999 <sup>20</sup> (period 1992-1999) and 5.3.2003 <sup>21</sup>	All Member States have adopted and communicated national transposing measures.	Application is basically satisfactory, as the declining number of complaints received by the Commission shows. Nevertheless, there are still individual cases of non-compliance or

<sup>13</sup> COM(1997) 230.

<sup>14</sup> COM(2001) 506.

<sup>15</sup> COM(2004) 695.

<sup>16</sup> OJ L 180, 13.7.1990, p. 26.

<sup>17</sup> OJ L 180, 13.7.1990, p. 28.

<sup>18</sup> OJ L 317, 18.12.1993, p. 59.

<sup>19</sup> The three Directives were repealed with effect from 30 April 2006 by Directive 2004/38/EC of 29 April 2004.

<sup>20</sup> Report from the Commission to the Council and the European Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (right of residence): COM(1999) 127.

<sup>21</sup> Second Commission report to the Council and Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (right of residence) - COM(2003) 101.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
persons, pensioners and students		(period 1999-2002). A third and last report has been adopted by the Commission on 5.4.2006 <sup>22</sup> (period 2003-2005).		<p>incorrect application.</p> <p>The Commission referred <b>Netherlands</b> to the Court for non-compliance with the Directive 90/364 on 25 September 2006 (case C-2006/398).</p> <p>The Commission sent a reasoned opinion to <b>Italy</b> for non-compliance with Directives 90/364, 90/365 and 93/96 on 19 December 2006.</p> <p>The Commission sent a reasoned opinion to <b>France</b> for non-compliance with Directives 90/364, 90/365 and 93/96 on 18 October 2006.</p> <p><b>Belgium</b> was ruled against by the Court for non-compliance notably with Directive 90/364 on 23 March 2006 (case C-408/03) and has not yet complied with the judgment. On 25 October 2006 the Commission sent a</p>

<sup>22</sup> Third Commission report to the Council and Parliament on the application of Directives 93/96, 90/364, 90/365 on the right of residence for students, economically inactive and retired Union citizens – COM(2006) 156 final.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
				<p>letter of formal notice under Article 228 EC Treaty non-compliance with the judgement of the Court.</p> <p>The Commission sent a reasoned opinion to <b>Spain</b> for non-compliance with the Directive 90/365 on 3 January 2007.</p>
<p>Directive 64/221 of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health<sup>23</sup>; Directive 72/194 of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State after having</p>	<i>Expired<sup>28</sup></i>	<p>A Commission report on Directive 64/221 was adopted on 19 July 1999<sup>29</sup>.</p>	<p>Communication of measures transposing Directives 72/194, 73/148, 75/34, 75/35 and 64/221 is completed.</p>	<p>Application of these directives is basically satisfactory, as the declining number of complaints received by the Commission shows. Nevertheless, there are still individual cases of non-compliance or incorrect application.</p> <p>The Commission referred <b>Netherlands</b> to the Court for two cases of incorrect application of Directive 64/221 in expulsion cases, on 30 January 2006 (joint cases C-2006/050).</p> <p><b>Belgium</b> was ruled against by the Court for non-compliance notably with Directive 64/221 (73/148) on 23 March 2006 (case C-</p>

<sup>23</sup> OJ 56, 4.4.1964, p. 850, English special edition Series I Chapter 1963-1964, p. 117.



Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
been employed in that State the scope of the Directive of 25 February 1964 <sup>24</sup> ; Directive 73/148 of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services <sup>25</sup> ; Directive 75/34 of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity				2003/408) and has not yet complied with the judgment. On 25 October 2006 the Commission sent a letter of formal notice under Article 228 EC Treaty for non-compliance with the judgement of the Court.  The Commission sent a reasoned opinion to <b>France</b> for non-compliance with the Directive 73/148 on 18 October 2006.

<sup>24</sup> OJ L 121, 26.5.1972, p. 32, English special edition Series I Chapter 1972(II), p. 474.

<sup>25</sup> OJ L 172, 28.6.1973, p. 14.

<sup>26</sup> OJ L 14, 20.1.1975, p. 10.

<sup>27</sup> OJ L 14, 20.1.1975, p. 14.

<sup>28</sup> The three Directives were repealed with effect from 30 April 2006 by Directive 2004/38/EC of 29 April 2004.

<sup>29</sup> COM(1999) 372 final.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
in a self-employed capacity <sup>26</sup> ; Directive 75/35 of 17 December 1974 extending the scope of Directive 64/221 to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity <sup>27</sup>				
Directive 2004/38 of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and	<b>Implementation due by 30 April 2006</b>	Report from the Commission expected on 30 April 2008 under the Directive.	By now Czech Republic, Denmark, Germany, Estonia, Spain, Ireland, France, Italy, Cyprus, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden and United Kingdom have adopted and communicated national transposing measures, most of which are being examined by the Commission.	

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
repealing Directives 64/221, 68/360, 72/194, 73/148, 75/34, 75/35, 90/364, 90/365 and 93/96 <sup>30</sup>			<p><b>Belgium</b> has adopted legislation which partially implements the Directive, but requires additional measures.</p> <p><b>Greece, Luxembourg and Malta</b>, have not yet fulfilled their obligation<sup>31</sup>.</p>	
Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State	<b>Implementation due by 1 February 1994</b>	Two Commission reports on its application were adopted on 7 January 1998 <sup>33</sup> and on 18 December 2000 <sup>34</sup> . On 12 December 2006 the Commission adopted	Communication of national measures is considered satisfactory.	The report of 2006 (on 2004 European elections) identifies general trends regarding participation in the European elections of 2004, on the basis of statistics supplied by the Member States. Whereas the general tendency is a drop in participation of European citizens in the European elections (45,6% in 2004, 49,8% in 1999 and 56,8% in 1994), an increase of participation of EU citizens living

<sup>30</sup> OJ L 158, 30.4.2004, p.77.

<sup>31</sup> Belgium, Czech Republic, Germany, Greece, Spain, France, Italy, Cyprus, Luxembourg, Hungary, Malta, Finland and UK were sent a reasoned opinion for non-communication on 15 December 2006.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
of which they are not nationals <sup>32</sup>		a third report: Communication on European elections 2004 <sup>35</sup> .		<p>in another Member State than their State of origin was noted. Although more and more EU non-nationals are voting in elections fewer of them are standing as candidates: 62 in 1999 versus 57 in 2004 (of whom three were elected).</p> <p>The report identified two problems:</p> <ul style="list-style-type: none"> <li>- the exchange of information between Member States before each election to prevent individuals from voting more than once or standing as candidates in more than one Member State; and</li> <li>- the requirement for non-national candidates to submit a certificate issued in their home</li> </ul>

<sup>32</sup> OJ L 329, 30.12.1993, p. 34.

<sup>33</sup> COM(1997) 731.

<sup>34</sup> COM(2000) 843.

<sup>35</sup> Commission report on the participation of European Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral arrangements (Decision 76/787/EC as amended by Decision 2002/772/EC, Euratom) – COM(2006) 790 final.

<sup>36</sup> Proposal for a Council Directive amending Directive 93/109/EC of 6 December 1993 as regards certain detailed arrangements for the exercise of the 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 – COM(2006) 791 final.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
				<p>Member State proving that they have not been disqualified from standing as a candidate when they file their candidacy in the Member State of residence.</p> <p>In an effort to solve the problems identified in the report, the Commission is proposing to amend the Directive 93/109 by introducing measures that lighten the burden on candidates and Member States while providing the necessary guarantees against abuses<sup>36</sup>.</p> <p>Implementation by the 12 new Member States is currently being assessed by the Commission.</p>
Council Directive 94/80 of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal	<b>Implementation due by 1 January 1996</b>	A Commission report was adopted on 30 May 2002 <sup>38</sup> , together with two reports, dated 22 November 1999 and	.Communication of national measures can be considered satisfactory for the EU-25 Member States.	<p>Legal implementation can be considered satisfactory for the 13 Member States covered by the report<sup>40</sup>.</p> <p>Results in practice have not been so successful, since the proportion of non-</p>

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
elections by citizens of the Union residing in a Member State of which they are not nationals <sup>37</sup>		22 August 2005, on granting derogation pursuant to Article 19(1) of the EC Treaty, presented under Article 12(4) of Directive 94/80 <sup>39</sup> .  A second Commission report is due in 2008.		national EU citizens entered on the electoral rolls is generally rather low.  Implementation by the 12 new Member States is currently being assessed by the Commission.
<b>2.2. Asylum, immigration, Frontiers</b>				
Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December	<b>Entry into force:</b> <b>17 January 2007</b>	Two years after SIS II is brought into operation and every two years thereafter	Not applicable.	

<sup>37</sup> OJ L 368, 31.12.1994, p. 38. Directive as last amended by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003, p. 33).

<sup>38</sup> COM(2002) 260.

<sup>39</sup> COM(1999) 597 and COM(2005) 382.

<sup>40</sup> Luxemburg and Belgium benefit from derogations permitted under the Directive.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) <sup>41</sup>		<p>the Commission or, when it is established, the management authority is to produce a report on the technical functioning of SIS II and the communication infrastructure.</p> <p>Three years after SIS II is brought into operation and every four years thereafter, the Commission is to produce a report on an overall evaluation of SIS II.</p>		

<sup>41</sup> OJ L 381, 28.12.2006, p. 4. This Regulation, as well as Regulation 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1) form a package with a Decision that is due to be adopted in 2007 (COM(2005) 230 final).

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
<b>2.3. Common European Asylum System</b>				
Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of the Dublin Convention <sup>42</sup>	<b>Entry into force: 15 December 2000</b>	Annual Commission reports were adopted on 5 May 2004 <sup>43</sup> , 20 June 2005 <sup>44</sup> and 15 September 2006 <sup>45</sup> .	Not applicable.	The Commission reports show very satisfactory results on the activities of EURODAC, although certain difficulties were detected on a case-by-case basis
Council Directive 2001/55 of 20 July 2001 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	<b>Implementation due by 31 December 2002</b>	A Commission report was due by 31 December 2004, but because of its specific nature this Directive has not been applied and no report has been	All EU-25 Member States have adopted and communicated national transposing measures.	.

<sup>42</sup> OJ L 316, 15.12.2000, p. 1.

<sup>43</sup> SEC(2004) 557.

<sup>44</sup> SEC(2005) 839.

<sup>45</sup> SEC(2006) 1170.



Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Member States in receiving such persons and bearing the consequences thereof <sup>46</sup>		drafted.		
Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers <sup>47</sup>	<b>Implementation due by 6 February 2005</b>	<b>Implementation due by 6 February 2005</b>	A report from the Commission is planned to be adopted in June 2007.	All EU-25 Member States have adopted and communicated national transposing measures <sup>48</sup> <b>Germany</b> <sup>49</sup> and <b>Greece</b> <sup>50</sup> .  <b>Belgium</b> <sup>51</sup> and <b>Austria</b> <sup>52</sup> have partially fulfilled their obligation.
Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms	<b>Entry into force: 17 March 2003</b>	An evaluation report is planned to be adopted in 2 <sup>nd</sup>	Not applicable.	

<sup>46</sup> OJ L 212, 7.8.2001, p. 12.

<sup>47</sup> OJ L 31, 6.2.2003, p. 18.

<sup>48</sup> Denmark and Ireland are not bound by this Directive.

<sup>49</sup> The Commission referred Germany to the Court for non-communication on 4 December 2006 (case C-2006/496).

<sup>50</sup> The Commission referred Greece to the Court for non-communication on 7 February 2006 (case C-2006/072).

<sup>51</sup> The Commission referred Belgium to the Court for non-communication on 20 September 2006 (case C-2006/389).

<sup>52</sup> Austria was ruled against by the Court for non-communication of transposing measures on 26 October 2006 (case C-2006/102) and has not yet complied with the judgment. On 21 March 2007 the Commission decided to send a letter of formal notice under Article 228 EC Treaty.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national <sup>53</sup>		quarter 2007.		
Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted <sup>54</sup>	<b>Implementation and communication due by 10 October 2006</b>	A Commission report will be presented by 10 April 2008. After the first report the Commission has a reporting obligation every five years.	<p>Czech Republic, Estonia, France, Ireland, Latvia, Luxembourg, Hungary, Slovakia and Slovenia have adopted and communicated national transposing measures.</p> <p><b>Belgium, Lithuania, Austria and UK</b> have partially fulfilled their obligation.</p> <p><b>Germany, Greece, Spain, Italy, Cyprus, Malta, Netherlands, Poland, Portugal, Finland and Sweden</b><sup>55</sup> have not yet fulfilled their obligation.</p>	

<sup>53</sup> OJ L 50, 25.2.2003, p. 1.

<sup>54</sup> OJ L 304, 30.9.2004, p. 12.

<sup>55</sup> Denmark is not bound by this Directive.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
<b>2.4. Legal Migration Including Admission Procedures</b>				
Council Directive 2003/86 of 22 September 2003 on the right to family reunification <sup>56</sup>	<b>Implementation and communication due by 3 October 2005</b>	First report from the Commission due on 3 October 2007 under the Directive.	<p>Czech Republic, Greece, Spain, Italy, Cyprus, Latvia, Lithuania, Hungary, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden and UK have adopted and communicated national transposing measures<sup>57</sup>.</p> <p><b>Belgium, Germany<sup>58</sup>, Estonia and France</b> have partially fulfilled their obligation.</p> <p><b>Luxembourg and Malta<sup>59</sup></b> have not yet fulfilled their obligation.</p>	
Council Directive 2003/109 of 25 November 2003 concerning the status of	<b>Implementation and communication</b>	Report from the Commission due by 23 January 2011	Czech Republic, Estonia, Greece, Italy, Cyprus, Latvia, Malta, Netherlands, Austria, Poland, Slovenia, Slovakia, and	

<sup>56</sup> OJ L 251, 3.10.2003, p. 12.

<sup>57</sup> Denmark, Ireland and UK are not bound by this Directive.

<sup>58</sup> The Commission decided to refer Germany to the Court for non-communication on 12 December 2006.

<sup>59</sup> The Commission referred Luxemburg and Malta to the Court for non-communication on, respectively, 12 and 15 December 2006 (cases C-2007/057 and C-2007/087 respectively).

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
third-country nationals who are long-term residents <sup>60</sup>	<i>by 23 January 2006</i>	under the Directive.	Sweden have adopted and communicated national transposing measures <sup>61</sup> .  <b>Belgium</b> <sup>62</sup> , <b>Lithuania</b> , <b>Hungary</b> , <b>Portugal</b> <sup>63</sup> and <b>Finland</b> <sup>64</sup> have partially fulfilled their obligation.  <b>Germany</b> <sup>65</sup> , <b>Spain</b> , <b>France</b> and <b>Luxembourg</b> <sup>66</sup> have not yet fulfilled their obligation.	
Council Directive 2004/114 of 13 December 2004 on the conditions of admission of third-country nationals for the purpose of studies,	<i>Implementation and communication by 11 January</i>	A Commission report will be presented by 12 January 2010. After the first report the	Belgium, Czech Republic, Latvia, Lithuania, Hungary, Netherlands, Austria and Slovenia have adopted and communicated national transposing	

<sup>60</sup> OJ L 16, 23.1.2004, p. 44.

<sup>61</sup> Denmark, Ireland and UK are not bound by this Directive.

<sup>62</sup> Belgium was sent a reasoned opinion for non-communication on 15 December 2006.

<sup>63</sup> The Commission referred Hungary and Portugal to the Court for non-communication (cases C-2007/059, C-2007/037, C-2007/030, C-2007/034 and C-2007/005 respectively).

<sup>64</sup> Finland was sent a reasoned opinion for non-communication on 18 October 2006.

<sup>65</sup> The Commission decided to refer Germany to the Court for non-communication on 12 December 2006.

<sup>66</sup> The Commission referred Spain, France, Hungary, Luxemburg and Portugal to the Court for non-communication (cases C-2007/059, C-2007/037, C-2007/030, C-2007/034 and C-2007/005 respectively).

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
pupil exchange, unremunerated training or voluntary service <sup>67</sup>	<b>2007.</b>	Commission has a periodically reporting obligation.	measures <sup>68</sup> . <b>Slovakia</b> has partially fulfilled its communication obligation.  <b>Germany, Estonia, Greece, Spain, France, Italy, Cyprus, Luxembourg, Hungary, Malta, Poland, Portugal, Finland</b> and <b>Sweden</b> have not yet fulfilled their obligation.	
Council Directive 2004/81 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate	<b>Implementation and communication by 5 August 2006.</b>	A Commission report will be presented by 6 August 2008. After the first report the Commission has a reporting obligation every three years.	Estonia, Greece, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Slovenia, Slovakia and Finland have adopted and communicated national transposing measures.  <b>Belgium</b> and <b>Czech Republic</b> have partially fulfilled their obligation.  <b>Germany, Spain, France, Italy,</b>	

<sup>67</sup> OJ L 375, 23.12.2004, p. 12.

<sup>68</sup> Denmark, Ireland and UK are not bound by this Directive.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
with the competent authorities <sup>69</sup>			<b>Cyprus, Luxembourg, Malta, Portugal and Sweden<sup>70</sup></b> have not yet fulfilled their obligation.	
<b>2.6. Fight Against Illegal Immigration</b>				
Council Directive 2001/40 of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals <sup>71</sup>	<b>Implementation and communication due by 2 December 2002</b>	No report provided for under the Directive.	All the EU-15 Member States <sup>72</sup> have adopted and communicated national transposing measures.	
Council Directive 2001/51 of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen	<b>Implementation and communication due by 11 February 2003</b>	No report provided for under the Directive.	All EU-25 Member States have adopted and communicated national transposing measures.	

<sup>69</sup> OJ L 261, 6.8.2004, p. 19.

<sup>70</sup> Denmark, Ireland and UK are not bound by this Directive.

<sup>71</sup> OJ L 149, 2.6.2001, p. 34.

<sup>72</sup> The EU-10 "new" Member States are not bound to transpose Directive 2001/40/EC before the date when the Schengen *acquis* will fully apply to them.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Agreement of 14 June 1985 <sup>73</sup>				
Council Directive 2002/90 of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence <sup>74</sup>	<b>Implementation and communication due by 5 December 2004</b>	No report provided for under the Directive. Evaluation of impact, possible shortcomings and recast has been announced by the Commission <sup>75</sup> .	Belgium, Czech Republic, Estonia, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden and UK <sup>76</sup> have adopted and communicated national transposing measures.  <b>Germany<sup>77</sup></b> has partially fulfilled its obligation.	
Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit	<b>Implementation and communication due by 6</b>	No report provided for under the Directive.	Czech Republic, France, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Netherland, Austria, Poland, Slovenia, Slovakia, Finland and Sweden and have	

<sup>73</sup> OJ L 187, 10.7.2001, p. 45.

<sup>74</sup> OJ L 328, 5.12.2002, p. 17.

<sup>75</sup> Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals – COM(2006) 402 final.

<sup>76</sup> Denmark and Ireland are not bound by this Directive.

<sup>77</sup> The Commission referred Germany to the Court for non-communication on 24 November 2006 (case C-2006/485).

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
for the purposes of removal by air <sup>78</sup>	<b>December 2005</b>		<p>adopted and communicated national transposing measures<sup>79</sup>. Communications by Malta and Portugal are being examined.</p> <p><b>Belgium</b> and <b>Estonia</b> have partially fulfilled their obligation.</p> <p><b>Germany</b><sup>80</sup>, <b>Greece</b>, <b>Italy</b> and <b>Spain</b> have not yet fulfilled their obligation<sup>81</sup>.</p>	
Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data <sup>82</sup>	<b>Implementation and communication due by 5 September 2006</b>	No reporting obligation under the Directive.	Belgium, Czech Republic, Ireland, Estonia, France, Latvia, Lithuania, Luxembourg, Hungary, Austria, Portugal, Slovenia Slovakia, Finland, Sweden and UK have adopted and communicated national transposing	

<sup>78</sup> OJ L 321, 6.12.2003, p. 26.

<sup>79</sup> Denmark, Ireland and UK are not bound by this Directive.

<sup>80</sup> On 12 December 2006 the Commission decided to refer Germany to the Court for non-communication.

<sup>81</sup> The Commission has also referred Belgium, Greece, Spain, Italy, Malta and Portugal to the Court for non-communication (cases C-2007/003, C-2007/029, C-2007/058, C-2007/086, C-2007/079 and C-2007/004 respectively).

<sup>82</sup> OJ L 261, 6.8.2004, p. 24.

<sup>83</sup> Denmark is not bound by this Directive.



Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
			measures. <b>Germany, Greece, Spain, Italy, Cyprus, Malta, Netherlands and Poland<sup>83</sup></b> have not yet fulfilled their obligation.	
<b>3. STRENGTHENING SECURITY</b>				
<b>3.2. Terrorism<sup>84</sup></b>				
Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences <sup>85</sup>	<b>Implementation due by 30 June 2006</b>	No report provided for under the Decision.	Not applicable: there is no obligation to communicate national measures under the Decision.	Not known: no data available (no reports, no infringement procedures possible).
<b>3.3. Prevention of and Fight Against Organised Crime</b>				

<sup>84</sup> Other legislative instruments relevant to the fight against terrorism are examined in section 4.2 “Judicial cooperation in criminal matters” (such as the Framework Decision on terrorism and the European arrest warrant).

<sup>85</sup> OJ L 253, 29.9.2005, p. 22. Council Decision 2005/671/JHA repealed Council Decision 2003/48/JHA of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP (OJ L 16, 22.1.2003, p. 68).

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Joint Action of 21 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union <sup>86</sup>	<b>29 December 1998</b>	No report provided for under the Joint Action.	Not applicable: there is no obligation to communicate national measures under the Joint Action.	Not known: no data available (no reports, no infringement procedures possible).
Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging	<b>17 October 2000</b>	Under the Decision only the Council has a reporting obligation (the deadline was 17 October 2004), but the Council asked the Commission to	Not applicable, but on 24 May 2006 the Commission asked Member States to communicate transposition measures.  Belgium, Czech Republic, Denmark, Germany, Greece, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Poland, Portugal, Slovenia	No data available yet. More information will be available in the report by the Commission.

<sup>86</sup> OJ L 351, 29.12.1998, p. 1. On 19 January 2005 the Commission presented a proposal for a Council Framework Decision on the fight against organised crime [COM(2005) 6] aimed at repealing the Joint Action. The Council reached a political agreement on this draft Framework Decision on 27 April 2006.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
information (2000/642/JHA) <sup>87</sup>		prepare a report, planned for the 3 <sup>rd</sup> quarter 2007.	and Sweden have communicated their transposition measures.  <b>Ireland, Austria, Slovakia and UK</b> have not yet fulfilled their communication obligation.	
<b>3.4. Police and customs cooperation</b>				
Convention of 18 December 1997 on Mutual Assistance and Cooperation between customs administrations: (Naples II-Convention) <sup>88</sup>	Subject to adoption by the Member States in accordance with their respective constitutional requirements. The Convention has been ratified by 23 Member States so far <sup>89</sup>	The Customs Cooperation Working Group agreed on a number of recommendations based on a comprehensive evaluation, setting out the main findings of the questionnaire. These are partly to	Not applicable: there is no obligation to communicate national measures under the Convention.	The Convention has still not been fully implemented.

<sup>87</sup> OJ L 271, 24.10.2000, p. 4.

<sup>88</sup> OJ C 24, 23.1.1998, p. 1.

<sup>89</sup> Italy and Malta have not ratified so far.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
	and is applicable to 19 of them <sup>90</sup> .	be implemented at national level and partly to be taken into account in the future work of the CCWG <sup>91</sup> . A new evaluation is planned for 2007-2008 <sup>92</sup> .		
Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol <sup>93</sup>	<b>Implementation due by December 2005</b>	The Commission's first report on the operation of Council Common Position was adopted on 21 April 2006 <sup>94</sup> . It should be followed	Seven Member States did not answer the questionnaire that was sent out by the Commission in order to gather information to be provided by the Member States according to Article 4 of the Council Common Position: <b>Denmark, France, Ireland, Sweden,</b>	According to the Commission report, the general level of transposition is still incomplete and further efforts are required on the part of the Member States, but a majority have largely entered into the spirit of the Common Position, mainly by feeding the Interpol STD database <sup>95</sup> .

<sup>90</sup> Austria, the Czech Republic, Germany, Denmark, Estonia, Spain, France, United Kingdom, Hungary, Ireland, Lithuania, Luxemburg, the Netherlands, Portugal, Sweden, Finland, Poland, Slovakia and Slovenia.

<sup>91</sup> Document 7863/05 LIMITE ENFOCUSTOM 21, dated 11 April 2005.

<sup>92</sup> Document 13424/2/06 LIMITE ENFOCUSTOM 64 (*action 8 of the new action plan*)

<sup>93</sup> Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).

<sup>94</sup> COM(2006) 167 final and SEC (2006) 502.

<sup>95</sup> According to November 2005 figures from Interpol provided by the report, the number of data supplied from EU Member States to Interpol has risen from about 4.5 million to about 6.4 million.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		<p>by a Council report.</p> <p>A second report from the Commission is planned for the 4<sup>th</sup> quarter 2007.</p>	<b>Cyprus, Hungary and Malta. Greece</b> answered too late (June 2006).	

### 3.5. Management of crisis within the European Union

## 4. STRENGTHENING JUSTICE

### 4.2. Judicial cooperation in criminal matters

#### – Mutual recognition principle

Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between	<b><i>Implementation due by 31 December 2003</i></b>	Reports from the Commission of 23 February 2005 <sup>97</sup> and of 24 January 2006 (revised version	At this stage, all the Member States have communicated their implementing measures.	In spite of an initial delay in transposition on the part of half of the Member States (only Belgium, Denmark, Spain, Cyprus, Lithuania, Hungary, Poland, Portugal, Slovenia, Finland and the United Kingdom complied with the
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Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Member States (2002/584/JHA) <sup>96</sup>		<p>concerning Italian legislation)<sup>98</sup>. An updating report is planned to be adopted in 2<sup>nd</sup> quarter 2007.</p> <p>A round of mutual evaluations (peer review) on practical implementation of the European arrest warrant, based on the Joint Action of 5 December 1997, was launched by the Council in 2005 and</p>		<p>deadline), the European arrest warrant was operational throughout the Union at the time of the revised report from the Commission.</p> <p>According to the latest Commission report, efforts remain to be agreed on the part of certain Member States in order to comply fully with the Framework Decision, in particular by <b>Ireland, Italy, Poland and United Kingdom.</b></p>

<sup>96</sup> OJ L 190, 18.7.2002, p. 1.

<sup>97</sup> Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - COM(2005) 63 and SEC(2005) 267.

<sup>98</sup> Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (revised version) - COM(2006) 8 final and SEC(2006) 79.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		is conducted in the 25 Member States from 2006 to 2009. In mid-2007 the Council is to publish a report summarizing the key findings in the 10 Member States visited so far.		
Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence <sup>99</sup>	<b>Implementation due by 2 August 2005</b>	A report from the Commission is expected in the 3rd quarter 2007. According to the Framework Decision, the report from the Council, based on the Commission's report, was due by 2 August 2006.	Czech Republic, Denmark, Spain, France, Netherlands, Austria, Poland, Slovenia, Finland and Sweden have communicated their transposition measures.  <b>Cyprus</b> and <b>UK</b> have partially fulfilled their communication obligation.  <b>Belgium, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, Malta</b> and <b>Portugal</b> have not yet fulfilled their	Since the date of implementation (2 August 2005), no information on legal transposition is available. Details will be given in the Commission's report, expected in 3 <sup>rd</sup> quarter 2007.

<sup>99</sup> OJ L 196, 2.8.2003, p. 45.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
			communication obligation.	
Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties <sup>100</sup>	<b>Implementation due by 22 March 2007</b>	The Council is to assess the extent to which Member States have complied with this Framework Decision by 22 March 2008, on the basis of a report established by the Commission.	No information is available yet.	
<b>– Approximation</b>				
Convention on the protection of the European Communities' financial	The PFI Convention, the 1st Protocol and	The Commission took the initiative of adopting a report, on	All EU-15 Member States, as well as Estonia, Latvia, Lithuania, Cyprus and Slovakia, have fulfilled their obligation	Although the level of effective criminal-law protection of the EC's financial interests has increased, gaps and loopholes in the law

<sup>100</sup> OJ L 076, 22.3.2005, p. 16.



Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
interests (PFI) of 26 July 1995 <sup>101</sup> and its protocols <sup>102</sup>	the ECJ Protocol entered into force on 17 October 2002 following ratification by the then 15 Member States <sup>103</sup> . Ratification of the 2nd Protocol by Italy is still awaited <sup>104</sup> .	25 October 2004, on implementation by Member States of the Convention on the protection of the European Communities' financial interests and its protocols <sup>105</sup> .	to transmit to the Commission, in accordance with Article 10 of the PFI Convention (as also referred to in Article 7(2) of the 1st Protocol and Article 12(1) of the 2nd Protocol), the texts of the provisions transposing into domestic law the obligations imposed on Member States under the PFI instruments by Member States.	which allow offences to go unpunished remain possible.
Council Framework Decision of 29 May 2000	<b>Implementation due by 31</b>	Two Commission reports, dated	By now all EU-25 Member States have finally provided the information to the	According to the latest Commission report, legal implementation of the Framework

<sup>101</sup> OJ C 316, 27.11.1995, p. 49.

<sup>102</sup> Protocol to the Convention on the protection of the European Communities' financial interests of 27 September 1996 (OJ C 313, 23.10.1996, p. 2); protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests of 29 November 1996 (OJ C 151, 20.5.1997, p. 2); and second protocol to the Convention on the protection of the European Communities' financial interests of 19 June 1997 (OJ C 221, 19.7.1997, p. 12).

<sup>103</sup> The Convention and the 1<sup>st</sup> Protocol have also entered into force for Estonia, Cyprus, Latvia, Lithuania and Slovakia, while the ECJ Protocol – for Cyprus, Latvia, Lithuania and Slovakia.

<sup>104</sup> In addition to the EU-15 Member States, Estonia, Cyprus, Latvia, Lithuania and Slovakia have also ratified the 2<sup>nd</sup> Protocol.

<sup>105</sup> COM(2004) 709 and SEC(2004) 1299.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (2000/383/JHA) <sup>106</sup>	<b>December 2000 (Article 5a) and 29 May 2001 (other Articles)</b> <sup>107</sup>	13 December 2001 <sup>108</sup> and 3 September 2003 <sup>109</sup> , served as a basis for the Council reports, the latest one being dated 25 October 2004 <sup>110</sup> . The third report from the Commission is expected to be adopted during the second quarter of	Commission.	Decision is still incomplete. When all the amendments still being drafted or adopted ( <b>Austria, France, Luxembourg, Portugal and Spain</b> ) enter into force, the Framework Decision will have been transposed in full into national law by all the Member States, with the exception of at least one provision which does not seem to have been completely transposed by certain Member States. Austria, France, Luxemburg and to some extent Spain have made considerable progress towards full transposition since the adoption of the last report. According to the Commission report, this concerns <b>Finland and Sweden</b> (Article

<sup>106</sup> OJ L 140, 14.6.2000, p. 1. Amended by the Council Framework Decision of 6 December 2001 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 (2001/888/JAI) - OJ L 329, 14.12.2001, p. 3.

<sup>107</sup> 31 December 2002 for the Council Framework Decision of 6 December 2001.

<sup>108</sup> Report from the Commission based on Article 11 of the Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro - COM(2001) 771, 13.12.2001 and SEC(2001) 1999.

<sup>109</sup> Second Commission report based on Article 11 of the Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro - COM(2003) 532, 3.9.2003 and SEC(2003) 936. This report does not cover the new Article 9a of the Framework Decision on recognition of previous convictions, as inserted by Council Framework Decision 2001/888/JHA of 6 December 2001. The Member States had provided no data on this subject by the date of this report.

<sup>110</sup> DROIPEN 25, rev.2.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		2007.		6(2)). Further clarification might also be needed on the full implementation of certain provisions, such as the liability of legal persons in the law of the <b>United Kingdom</b> .
Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) <sup>111</sup>	<b>Implementation due by 22 March 2002, 22 March 2004 (Articles 5 and 6) and 22 March 2006 (Article 10)</b>	The Commission's first report on implementation of all the Articles (except Articles 5, 6 and 10) was adopted on 16 February 2004 <sup>112</sup> . The Council report, dated 24 February 2005 <sup>113</sup> , endorses in substance the Commission's	Belgium, Denmark, Germany, Estonia, Spain, France, Italy, Lithuania, Slovakia and Finland have communicated their transposition measures.  Netherlands and Sweden have sent a résumé.  <b>Greece, Ireland, Latvia, Luxembourg, Hungary, Malta, Austria, Poland, Portugal, Slovenia</b> and <b>UK</b> have not yet fulfilled their communication obligation.	The Commission report shows that, because the Commission had received no or only incomplete contributions from the Member States, it had been able to acquire only a superficial impression of the state of transposition. Nevertheless, this superficial impression does make it possible to conclude that the current state of transposition is unsatisfactory.  Despite the shortcomings it can be recognised that in certain Member States, such as France and Luxembourg, the transposition process is

<sup>111</sup> OJ L 82, 22.3.2001, p. 1.

<sup>112</sup> Report from the Commission on the basis of Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings of 16 February 2004 - COM(2004) 54 final/2 and SEC(2004) 102.

<sup>113</sup> COPEN 137, REV 2.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		<p>conclusions.</p> <p>A supplementary report is planned for the EU-10 Member States. The second report (on the implementation of Articles 5 and 6), due in the last quarter of 2004, was not completed in time due to delays in answers from the Member States.</p> <p>A third report on Article 10, for which the deadline for transposition is 22 March 2006, should also be adopted.</p> <p>The Commission</p>		<p>already in hand for some of the provisions which remain to be transposed. In addition, it must be acknowledged that some of the provisions set general aims leaving the Member States considerable room for manoeuvre. This makes it difficult for the Commission to check that the Framework Decision has been properly transposed.</p>

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		plans to present a single report combining these two reports during the 4 <sup>th</sup> quarter of 2007.		
Council Framework Decision of 28 May 2001 on combating fraud and counterfeiting of non-cash means of payment (2001/413/JHA) <sup>114</sup>	<b>Implementation due by 2 June 2003</b>	The report from the Commission of 30 April 2004 <sup>115</sup> served as a basis for the Council's report of 25 October 2004 <sup>116</sup> . The Commission adopted a second report on 20 February 2006 <sup>117</sup> .	<b>Luxembourg, Greece<sup>118</sup>, Cyprus<sup>119</sup>, Estonia, Hungary, Malta and Slovenia</b> had not yet fully fulfilled their communication obligation.	The second Commission report showed that most of the Member States which had communicated their national transposition measures to the Commission were complying explicitly or, in some cases, implicitly with the Framework Decision.
Council Framework	<b>Implementation</b>	The report from the	At the date of adoption of the	The latest Commission report showed that

<sup>114</sup> OJ L 149, 2.6.2001, p. 1.

<sup>115</sup> COM(2004) 346 and SEC(2004) 532.

<sup>116</sup> DROIPEN 38, rev.2.

<sup>117</sup> COM(2006) 65 and SEC(2006) 188.

<sup>118</sup> Greece and Luxemburg reported that their transposition legislation is before their Parliament.

<sup>119</sup> Cyprus has not given the Commission adequate information for a full evaluation of the conformity of its legislation with the Framework Decision.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Decision of 26 June 2001 relating to money laundering, the identification, tracing, freezing or seizing and confiscation of the instrumentalities and proceeds from crime (2001/500/JHA) <sup>120</sup>	<i>due by 31 December 2002</i>	Commission of 5 April 2004 <sup>121</sup> served as a basis for the report from the Council dated 25 October 2004 <sup>122</sup> .  A second report was released on 21 February 2006 <sup>123</sup> . It focused on transposition in the 10 new EU Member States.  Further details are given in the regular review of	Commission's second report (21 February 2006), all EU Member States had communicated their transposition measures, with the exception of <b>Malta</b> <sup>125</sup> .	overall transposition is satisfactory in the 24 Member States assessed.  Nevertheless, no further information gave any reason to revise the unfavourable assessment in the first report concerning <b>Luxembourg</b> . Communication transmitted by Greece are to be evaluated.  Minor flaws also seem to exist in Austria, Hungary and Latvia.

<sup>120</sup> OJ L 182, 5.7.2001, p. 1.

<sup>121</sup> COM(2004) 230 and SEC(2004) 383.

<sup>122</sup> DROIPEN 24, REV 2.

<sup>123</sup> COM(2006) 72 and SEC(2006) 219.

<sup>124</sup> Last version dated 24 May 2006, SEC(2006) 686.

<sup>125</sup> The information provided by Greece was incomplete but Greece fulfilled its communication obligation in August 2006.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		implementation of the Action Plan to combat terrorism <sup>124</sup> .		
Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA) <sup>126</sup>	<b>Implementation due by 31 December 2002</b>	The first report from the Commission of 8 June 2004 <sup>127</sup> served as a basis for the Council's report dated 25 October 2004 <sup>128</sup> .  Adoption of a second report was due in the 4th quarter of 2005, but had to be postponed due to lack of information and legislative texts	At the current stage, all Member States have communicated their transposition measures, although they are not always complete.	A second report is under elaboration, covering both Member States already evaluated and Member States that will be evaluated for the first time, including, in particular, the new Member States.

<sup>126</sup> OJ L 164, 22.6.2002, p. 3.

<sup>127</sup> Report from the Commission based on Article 11 of the Council Framework Decision of 13 June 2002 on combating terrorism: COM(2004) 409, 8.6.2004 and SEC(2004) 688.

<sup>128</sup> DROIPEN 40, rev.2.

<sup>129</sup> Last version dated 24 May 2006, SEC(2006) 686.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		<p>from Member States. It is now planned for mid-2007.</p> <p>Further details are given in the regular review of implementation of the Action Plan to combat terrorism<sup>129</sup>.</p>		
Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA) <sup>130</sup>	<b>Implementation due by 1 August 2004</b>	A report from the Commission's based on Article 10 of the Council Framework Decision was adopted on 2 May 2006 <sup>131</sup> . The report from the Council, based on the Commission's	<b>Luxembourg<sup>132</sup>, Portugal, Lithuania and Ireland</b> have not yet fulfilled their communication obligation.	Subject to the missing notifications from four Member States, the Commission report suggests that the general level of implementation is quite satisfactory, although some improvements are still needed on some provisions.

<sup>130</sup> OJ L 203, 1.8.2002, p. 1.

<sup>131</sup> COM(2006) 187 final and SEC(2006) 525.

<sup>132</sup> Luxemburg stated that it was awaiting finalisation of the discussion within the Council of Europe before implementing the Framework Decision.



Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		report, was due on 1 August 2005.		
Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (2002/946/JHA) <sup>133</sup>	<b>Implementation due by 5 December 2004</b>	A report from the Commission based on Article 9 of the Council Framework Decision was adopted on 6 December 2006 <sup>134</sup> . Evaluation of impact, possible shortcomings and recast has been announced <sup>135</sup> .	<b>Greece, Cyprus, Luxembourg, Austria and Portugal</b> had not yet fulfilled their communication obligation.  <b>Estonia, Spain, Malta and Sweden</b> had only partially fulfilled their communication obligation.	According to the Commission's report, not all Member States have transmitted to the Commission in a timely manner all the relevant texts of their implementing provisions. Further evaluation on the basis of more reliable information may be necessary.
Council Framework Decision 2003/568/JHA of 22 July 2003 on combating	<b>Implementation due by 22 July 2005</b>	A report from the Commission is expected in 2 <sup>nd</sup>	Belgium, France, Italy, Luxemburg, Hungary, Austria, Portugal, Slovenia, Slovakia, Finland, Sweden and UK have	Since the date of implementation (22 July 2005), no information on legal transposition is available. Details will be given in the

<sup>133</sup> OJ L 328, 5.12.2002, p. 1.

<sup>134</sup> Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence: COM(2006) 770 final, 6.12.2006 and SEC(2006) 1591.

<sup>135</sup> COM(2006) 402 final.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
corruption in the private sector <sup>136</sup>		quarter 2007. According to the Framework Decision, the report from the Council, to be based on the Commission's report, was due by 22 October 2005.	communicated their transposition measures. <b>Greece, Spain, Cyprus and Malta</b> have not yet fulfilled their communication obligation <sup>137</sup> .	Commission's report.
Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography <sup>138</sup>	<b>Implementation due by 20 January 2006</b>	A report from the Commission is expected in 3 <sup>rd</sup> quarter 2007. The report from the Council, based on the Commission's report, is due by 20 January 2008.	Belgium, Czech Republic, Denmark, Germany, Estonia, Spain, France, Ireland, Italy, Latvia, Lithuania, Luxembourg, Hungary, Netherlands, Austria, Poland, Slovakia, Finland and Sweden have communicated their transposition measures. <b>Greece, Cyprus, Malta, Portugal, Slovenia and UK</b> have not yet fulfilled	Since the date of implementation (20 January 2006), no information on legal transposition is available. Details will be given in the Commission's report.

<sup>136</sup> OJ L 192, 31.7.2003, p. 54.

<sup>137</sup> Although Greece and Spain have indicated that legislation is being prepared.

<sup>138</sup> OJ L 13, 20.1.2004, p. 44.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
			their communication obligation.	
Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property <sup>139</sup>	<b>Implementation due by 15 March 2007</b>	The Council is to assess the extent to which Member States have complied with this Framework Decision by 15 June 2007, on the basis of a report established by the Commission. A report from the Commission is expected in the 4 <sup>th</sup> quarter 2007.	No information is available yet.	
Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems <sup>140</sup>	<b>Implementation due by 16 March 2007</b>	The Council is to assess the extent to which Member States have complied with this Framework	No information is available yet.	

<sup>139</sup> OL L 068, 15.3.2005, p. 49.

<sup>140</sup> OJ L 069, 16.3.2005, p. 67.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		Decision by 16 September 2007, on the basis of a report established by the Commission. A report from the Commission is expected in the 3 <sup>rd</sup> quarter 2007.		
<b>– Other instruments in the field of judicial cooperation in criminal matters</b>				
Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams <sup>141</sup>	<b>Implementation due by 1 January 2003</b>	The Commission adopted a report on 7 January 2005 <sup>142</sup> , which should serve as a basis for the Council's report.	After the adoption of the Commission's report, Belgium, Czech Republic, Ireland, Cyprus, Poland and Slovakia communicated national transposing measures. Lithuania and Hungary sent further legislation. <b>Greece, Italy</b> and	Legal implementation of the Framework Decision is very unsatisfactory.  At the date of adoption of the Commission's report <sup>144</sup> , Spain was the only Member State fully complying (the remaining then <b>24 EU</b>

<sup>141</sup> OJ L 162, 20.6.2002, p. 1.

<sup>142</sup> Report from the Commission on national measures taken to comply with the Council Framework Decision of 13 June 2002 on Joint Investigation Teams: COM(2004) 858, 7.1.2005 and SEC(2004) 1725 – mentioned in OJ C 64, 16.3.2005.

<sup>143</sup> Last version dated 24 May 2006, SEC(2006) 686.

<sup>144</sup> Required information was forwarded by Denmark, Germany, Spain, France, Latvia, Lithuania, Hungary, Malta, Netherlands, Austria, Portugal, Finland, Sweden and UK.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		Further details are given in the regular review of implementation of the Action Plan to combat terrorism <sup>143</sup> .	<b>Luxembourg</b> informed that draft bill were to be discussed.	<b>Member States</b> were not). The other legislation assessed by the Commission in its report has been considered as not, or not fully, compliant with the Framework Decision.
<b>– Eurojust</b>				
Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA) <sup>145</sup>	<b>Implementation and communication are due by 6 September 2003</b>	A report from the Commission, although not provided for under the Decision, was adopted on 6 July 2004 <sup>146</sup> .  A Communication	Not applicable: there is no obligation to communicate national measures under the Decision.	The Commission's report states that, at the cut-off date of 31 March 2004 chosen for this report, the level of implementation of the Eurojust Decision was far from satisfactory.  <b>Greece</b> had none of the implementing legislation necessary under its national law <sup>147</sup> .  The remaining Member States concluded that

<sup>145</sup> OJ L 63, 6.3.2002, p. 1.

<sup>146</sup> Report from the Commission on the Legal Transposition of the Council Decision of 28 February 2002 setting up Eurojust with a view to Reinforcing the Fight Against Serious Crime: COM(2004) 457 and SEC(2004) 884 – mentioned in OJ C 313, 18.12.2004.

<sup>147</sup> As at 9 December 2005 Greece indicated that an *ad hoc* committee of the Ministry of Justice had drafted laws to implement the Framework Decision on Joint Investigation Teams, the Eurojust Decision, the 2000 Mutual Legal Assistance Convention and the 2001 Protocol thereto as well as the Framework Decision on freezing orders. They were about to be submitted to the Greek Parliament.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		from the Commission on the future of Eurojust, comprising the second report and a draft proposal for amendment of the Decision, is planned for the 3 <sup>rd</sup> quarter 2007.		they had enacted legislation or, in their view, were complying with the Decision.

#### 4.3. Judicial cooperation in civil matters

##### – Mutual recognition of decisions and elimination of obstacles to the proper functioning of proceedings

Council Directive 2003/8 of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to	<b><i>Implementation due by 30 November 2004 (all Articles except Article 3(2)(a)) or by no</i></b>	No report from the Commission is provided for under the Directive.	All EU-25 Member States have adopted and communicated national transposing measures.	
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Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
legal aid for such disputes <sup>148</sup>	<i>later than 30 May 2006 (Article 3(2)(a))</i>			
Council Directive 2004/80 of 29 April 2004 relating to compensation to crime victims <sup>149</sup>	<i>Implementation due by 1 January 2006</i>	A report from the Commission is due by 1 January 2009 under the Directive.	All EU- 25 Member States have adopted and communicated national transposing measures, except <b>Greece, Italy</b> <sup>150</sup> . <b>Malta</b> <sup>151</sup> has partially fulfilled its communication obligation.	
Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters <sup>152</sup>	<i>Entry into force: 1 July 2001. Application from 1 January 2004, except for Articles 19, 21 and 22, which will apply from 1</i>	First five-yearly report is due from the Commission by 1 January 2007.  A study on application of this Regulation has been	Not applicable.	

<sup>148</sup> OJ L 26, 31.1.2003, p. 41.

<sup>149</sup> OJ L 261, 6.8.2004, p. 15.

<sup>150</sup> The Commission has referred Greece and Italy to the Court for non-communication (cases C-2007/026 and C-2007/112 respectively).

<sup>151</sup> Malta was sent a reasoned opinion for non-communication on 4 July 2006.

<sup>152</sup> OJ L 174, 27.6.2001, p. 1.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
	<i>July 2001</i>	launched in 2006. Final report of the study is expected in mid-2007. Draft report of the Commission is expected in May 2007.		
Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters <sup>153</sup>	<i>Entry into force on 1 March 2002</i>	<p>A report from the Commission is due five years after the entry into force of this Regulation, i.e. in 2007.</p> <p>An evaluation study of application of Regulation 44/2001 was launched in 2005. It is expected to be delivered by</p>	Not applicable.	This Regulation reformatted and updated the 1968 Brussels Convention in a Community instrument: after years of application of this Convention, and subject to the results of the study expected in March 2007, the general level of application of the Regulation can be considered satisfactory.

<sup>153</sup> OJ L 12, 16.1.2001, p. 1.



Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
		the end 2007.		
Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters <sup>154</sup>	<b>Entry into force on 31 May 2001</b>	The first five-yearly report from the Commission was adopted on 1 October 2004 <sup>155</sup> .  A second report is expected in 2008.	Not applicable.	The Commission's report shows that application is satisfactory as the Regulation has generally improved and expedited the transmission and service of documents between Member States.
Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing	Entry into force on 1 March 2005, with the exception of Articles 67, 68, 69 and 70, which will apply from 1 August 2004.	No later than 1 January 2012, and every five years thereafter, the Commission will present a report on application of the Regulation.	All Member States have communicated information relating to courts and redress procedures.	It seems necessary to improve knowledge of the instrument and training for practitioners and central authorities <sup>157</sup> . A Practise Guide conceived by the Commission has been disseminated in 2006 among the EU judges; an information campaign is foreseen in 2007.

<sup>154</sup> OJ L 160, 30.6.2000, p. 37. On 7 July 2005 the Commission adopted a proposal to improve the current provisions on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. The purpose of these amendments is to speed up and streamline the procedures - COM(2005) 305.

<sup>155</sup> COM(2004) 603 and SEC(2004) 1145.

Legal instrument <sup>1</sup>	Deadline for implementation/entry into force	Reports and other in-depth analysis <sup>2</sup>	Current state of play <sup>3</sup>	
			Communication of national measures to the Commission	Compliance/application
Regulation (EC) No 1347/2000 ("Brussels II bis Regulation") <sup>156</sup>				

<sup>156</sup> OJ L 338, 23.12.2003, p. 1.

<sup>157</sup> For this purpose, in 2005 the Commission published a practical guide to application of the Brussels II bis Regulation.