



## Statewatch Briefing

### European Commission: Action Plan on the Stockholm Programme

Comments by  
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#### 1) Legislation planned (by category and date)

##### EU citizenship

- data protection - general framework (2010)
- regulation on hotlines for missing children - 2012
- consular protection - 2 proposals - 2011
- proposal on EP elections - 2011

##### Criminal law

- legislation on crime victims, including European protection order (2011)
- proposal on information rights for criminal suspects - 2010
- proposal on legal aid, for criminal suspects - 2011
- proposal on vulnerable criminal suspects - 2013
- proposal on communication rights for criminal suspects - 2012
- two proposals on criminal evidence - 2011
- regulation on Eurojust - 2012
- proposal on financial penalties - 2011
- proposal on disqualification - 2013
- legislation on customs and criminal law - 2012
- amendments to environmental crime directives - 2012
- proposal on criminal records register for TCNs - 2011
- proposal on attacks on information systems - 2010
- proposal on cybercrime jurisdiction - 2013
- proposal on asset recovery - 2011
- proposal on criminal law and IP - 2011 [linked to ACTA?]
- proposal on customs law enforcement - 2010 [linked to ACTA?]
- legislation on money laundering, trusts - 2012
- proposal on synthetic drugs - 2010
- proposal on drug precursors - 2011

- proposals on evaluations of corruption, criminal justice policies - 2011/12

## **Civil law**

- proposal to amend civil jurisdiction reg - 2010
- proposals on marital property - 2010
- possible proposals re service of documents, evidence, parental responsibility - common standards - 2012-13
- legislation on civil procedure law, consistency - 2014
- regulation on road traffic accidents - 2013
- two proposals on enforcement of judgments - 2010 and 2013
- two proposals on recognition of civil status docs - 2013
- amendment of rules on insolvency proceedings - 2013
- proposal on common frame of reference - 2011
- amendments to 4 consumer law measures - 2011/12

## **Policing**

- PNR proposal - 2010
- possible proposal on data retention - 2012
- police code - 2014
- firearms legislation - 2010
- Europol - 2014
- proposal on information exchange re Europol, Eurojust, Frontex - 2011
- proposal on crime observatory - 2013
- proposal on explosives precursors - 2010
- security vetting re chemical weapons, etc - 2011-12
- two to three proposals on civil protection - 2010-11

## **Immigration/asylum**

- three proposals re borders code, entry-exit system, registered travellers - 2010-11
- Eurosur surveillance - 2011
- two proposals on migration - intra-corporate transferees, seasonal workers - 2010
- proposal to amend directive on students, etc - 2011
- proposal to amend family reunion directive - 2012
- immigration code - 2013
- amendment of legislation on unauthorized entry - 2012

## **2) Already proposed**

- EU accession to ECHR (negotiation mandate)
- European protection order - initiative of MS
- proposal on translation, for criminal suspects

- proposal on citizens' initiative
- Rome III proposal (choice of law in divorce)
- consumer rights proposal
- Directive on trafficking in persons
- Directive on sexual offences v children
- Frontex - amendments

It should be noted that several other planned measures in the Action Plan are already mentioned as objectives in the Commission's 2010 work programme, including in the annex to that work programme, which also lists the main proposals for the Commission's entire term (2010-14).

### **3) Amendments to third pillar acts**

The background to this is that the Treaty of Lisbon set out a special system for third pillar acts adopted before its entry into force ('pre-existing third pillar acts'). The jurisdiction of the ECJ remains restricted on these acts for 5 years, ie to 1 Dec 2014, unless they are amended in the meantime. Also their legal effect remains limited indefinitely, until they are amended. A declaration to the Treaty of Lisbon called for the consideration of amendment of these pre-existing acts during the transitional period, and the Stockholm programme stated expressly that the action plan should contain a timetable for amendment of these measures. In fact the proposed action plan contains no such timetable, but the following is a list of all of the pre-existing measures that would probably be amended (or most likely replaced) according to the Commission's plans.

- Framework Decision on data protection - amended by general data protection law
- perhaps some other measures with data protection provisions, also be amended by general data protection law?
- proposal on crime victims - will amend FD on crime victims, possibly other measures with provisions on victims' rights (ie FD on terrorism)
- mutual assistance convention and protocol; FD evidence warrant; possibly FD on freezing orders - to be replaced by proposal on transferring evidence between MS
- Eurojust decision - to be replaced by proposed Regulation
- FD on recognition of financial penalties - replaced by proposal on same subject
- police code, including access to information measures - would replace policing parts of Schengen acquis, presumably also Prum Decision, Swedish framework decision - but proposal is due near the end of the transition period (2014)

- Europol Regulation - but again, this would come in 2014, near the end of the transition period
- proposal on information exchange re Europol - 2011 - would it amend the Europol Decision?
- proposal on crime observatory - possible amendment to decision on crime prevention network?
- proposal on attacks on information systems - will amend FD on this issue
- proposal on cybercrime jurisdiction - possibly amending rules on ne bis in idem, FD on conflicts of jurisdiction?
- proposal on asset recovery - will amend FD on freezing of assets, mutual assistance convention, decision on this issue, 2 FDs on confiscation of assets?
- legislation on money laundering - amendment of FD and Joint Action on this issue?
- proposal on synthetic drugs - will amend decision on this issue
- possible amendment to FD on unauthorized entry (from 2002)
- proposals for amendment of pre-existing measures made already - replacement of FD on trafficking in persons, amendment of decision on migration of SIS II, replacement of FD on sexual exploitation of children

#### **4) Other comments**

- FR Agency to extend to police and criminal law - they seem to be assuming this will not need a proposal to amend the existing Reg establishing the FRA, but just a change in the multiannual framework;
- most of the reports on legislation referred to are already legal requirements set out in the relevant legislation;
- there are no proposals for legislation on asylum, and most of the discussion papers, etc are some years away - there are some overdue reports on asylum legislation which are not mentioned
- fairly limited commitments as regards new legislation on irregular immigration
- perhaps half of the pre-existing third pillar measures would be amended during this period - most importantly the legislation on Europol, Eurojust, data protection, policing generally, and about 40-50% of prior criminal law measures - note there is not a commitment to amend the flagship legislation on the European arrest warrant or terrorism though

- however, there are clearly more plans for criminal law legislation than in any other area
- it is still possible for a group of MS to propose criminal law or policing legislation

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