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The Stockholm Program: An open and secure Europe serving the citizen

The Challenges Ahead Towards a Citizens Europe in the Area of freedom, security and justice

The European Council endorses the Stockholm Program, which sets out the priority actions for the next five years and beyond in the area of Freedom, Security and Justice.

With the entry into force of the Lisbon Treaty, the Union will become more open, more efficient and more democratic. The Institutions will have increased opportunities for achieving the ambitious goals set out in the program, while increasing the possibilities that efficient implementation is made in the member states.

The Lisbon Treaty should be used to the fullest extent possible.

The Union is an area of shared values and common fundamental rights which are incompatible with the crimes of totalitarian regimes. In the interests of reconciliation, the memory of crimes against humanity must be a collective memory, shared by us all.

Building on the achievements of the Tampere and the Hague Programs, as well as the European Pact on Immigration and Asylum, the Stockholm Program focuses on the citizens' interests and needs and the added value that the Union brings to the citizens.

Its objective is therefore to provide the citizens with a geographic and legal space in which Freedom, Security and Justice are assured as a stable, lasting and accessible reality.

Progress to date in this area has been significant.

The internal border controls have disappeared in the Schengen area, and the external borders of the EU are managed now in a more coherent manner. Europe is working towards a Common European Asylum Policy. The European Arrest Warrant has simplified the procedures and timelines for surrender between Member States. European Agencies, such as Europol, Eurojust, the Fundamental Rights Agency or Frontex have reached their operational maturity and are helping the policy-making in their respective field of activity. Cooperation in civil law is facilitating the lives of citizens on a daily basis and police cooperation helps make Europe more secure.

In spite of these and other important achievements in the area of freedom, security and justice, Europe still faces continued security threats and new challenges which are more diverse and less predictable.

The development of technology has brought freedom to the peoples of Europe. But it has also brought challenges such as the balance between privacy and efficiency and in the fight against new crimes such as cybercrime.

On a global level, millions of people have left their homes as a result of conflict in war zones or failed States. In the developing world, poverty, disease and conflict give rise to new immigration flows and recurrent waves of asylum seekers in the world, and in particular to Europe.

Managing southern maritime and eastern and south eastern land borders will require common efforts. Europe has a special responsibility to show solidarity to asylum seekers but also to those Member States facing specific and disproportionate migratory pressures, as well as with third countries and people in need of protection.

A genuine and determined European response based on solidarity and shared responsibility, in line with the European Pact on Immigration and Asylum, is essential.

The successful enlargement of the Schengen area will become a priority in the years to come.

New types of drugs and new trafficking routes and patterns appear to emerge as alternatives to the ones previously known. Trafficking in Human Beings is a scourge for victims that are mostly vulnerable. Organized crime flourishes in parts of the member states.

The Union cannot put down its guard against terrorists in spite of the successful work on preventing serious terrorist attacks in the past years.

The EU's capacity to deal with all kind of disasters, man-made and natural is another element for our internal security. The solidarity clause under Article 222 of the Lisbon Treaty will be the legal basis for determined action to meet this challenge.

The financial and economic crisis has also meant new challenges for the Union and the Member States to handle. Cooperation in Justice and Home Affairs has to respond to that challenge as well. Economic crime, confiscation, cooperation between Financial Intelligence Units and Asset Recovery Offices needs to be stepped up.

The Union and its Member States must therefore be better prepared and equipped to face the multiple challenges that arise from a rapidly changing global scenario.

At the same time, the responsibility of the Union and the Member States to protect the citizens must be exercised while fully respecting individual rights, civil liberties and assuring the highest standards of guarantees. Striking the right balance between law enforcement measures and measures to safeguard individual rights is of paramount importance.

The European Council considers that the attached Program constitutes a sufficiently detailed and flexible Program for it to be implemented in accordance with the provisions of the Lisbon Treaty.

The legislative program of the Commission and the priorities of the Trio Presidency should give sufficient guidance to enable the Program to be implemented without a detailed Action Plan.

1.1 Priorities of the Stockholm Program

The European Council considers that a clear priority in the Stockholm Program must be the interests and needs of the citizens and improving their freedom and enjoyment of individual and human rights. Accession of the Union to the European Convention on Human Rights should become a top priority.

In spite of the achievements in the area of judicial cooperation in civil matters, efforts will be needed to reduce the legal constraints that still remain at trans-national level regarding for example marriages, divorces, successions, matrimonial property regimes, certification of authentic acts, etc. In this area progress is also needed in the safety of personal communications and on data privacy.

In a more integrated and multicultural society, the European Council rejects all forms of racism and discrimination in Europe and condemn totalitarian regimes wherever they are.

The European Council draws particular attention to the security of citizens and wider European interests, taking into account the changing nature of the threats and the development of new technologies. Police cooperation, based on the principle of availability, needs to be stepped up. Civil protection cooperation and solidarity takes on a new dimension with the advent of the Lisbon Treaty.

Fighting illegal immigration is another priority of the Stockholm Program.

The EU should better coordinate its efforts and have an active partnership with the countries of origin and of transit in order to encourage the synergy between migration and development. The Union should also contribute to assisting member states in developing legal migration and support of integration measures. Visa policies should be better coordinated and the full use of all the Union's capacities promoted.

The focus on citizens will translate also into the area of Justice.

The Stockholm Program contains actions to move decisively towards elimination of legislative and procedural obstacles for a more effective, speedy and fair resolution of civil and criminal justice matters with a cross-border dimension. These actions will have a direct bearing on the daily life of the citizens in Europe.

The long term objective should be to create a real Area of justice where no border exists for judicial decisions.

1.2 E-Law

The Stockholm Program also takes into account the need to transpose technological progress in the Area of Justice. E-justice and E-law will play a significant role to speed up the exchange of information and to reduce costs at trans-national level, but also to promote a transition from material to "on-line" legal documents throughout the EU.

1.3 Mutual trust

Trust between authorities and services in the different Member States as well as decision-makers is the basis for an effective and efficient cooperation in the Area. The principle of mutual recognition, the cornerstone of judicial cooperation that should be extended to the whole area, is dependent on reliance on each others legal and administrative systems.

Thus ensuring trust and finding new ways to increase reliance on and mutual understanding between the different systems in the Member States will be one of the main challenges for the future. In this context, regional cooperation in judicial cooperation should be promoted by the Union.

1.4 Implementation and evaluation

Consecutive scoreboards from the Commission show insufficient implementation of EU legislation in the Member States. Increased attention therefore needs to be paid in the coming years to the full and effective implementation and enforcement of already existing instruments.

The European Council recalls in this respect that article 70 of the Treaty introduces an evaluation mechanism whereby Member States in collaboration with the Commission, should conduct objective and impartial evaluations of the policies in the area. The European Parliament and the national parliaments should be informed of the result of the evaluation.

1.5 New legislation

New legislation should only be pursued where it will add value for the citizens. New legislation should be evidence-based. Non-legislative solutions should be chosen if more appropriate. New legislative initiatives should in general be tabled only after a thorough preparation, including prior impact assessments, also involving Member States, identifying need and financial consequences. Reaction time to citizens and businesses' needs must also be shorter in the future. Considering the results of the evaluation of existing legislation the areas should be defined in which supplementary legislation is needed.

1.6 Consolidation and Quality of legislation

The European Council considers that the development of legislation in the Justice and Home affairs area is indeed impressive, but it has also its shortcomings with overlapping and a certain lack of coherence in specific areas. At the same time the quality of the legislation and the language used in some of the legal acts could be improved. Legislative acts in particular must be concise and their contents must be as consistent as possible, in spite of the challenges posed by inter-institutional negotiations. Efforts should be made by all Institutions to have, at the end of the process, texts which are clearly, simply and precisely drafted. Openness and transparency within the public administration can be greatly improved if official documents are written in clear and user-friendly language, so that they can be understood by the citizens. The principle of public access to documents functions less well if documents are difficult to understand.

The European Council therefore stresses the following:

- In the drafting phase of new legislation more attention should be paid to analyzing the existing law as well as new initiatives with the aim to consolidate, where possible, instruments with similar content and therefore avoid over-legislation. The aim should be to simplify regulation by harmonizing procedures included in the existing provisions and by streamlining fragmented legislation. Legislation should be of the highest quality, easily accessed and understood by citizens as well as practitioners. The drawing up of handbooks could help achieve that goal.
- A horizontal review of the instruments adopted should be considered, in appropriate cases, in order to emphasize consistency and consolidation of legislation. In specific areas, such as in police cooperation and migration, consolidation should be promoted. Conceptual and legal coherence should be the aim.
- Better regulation and lawmaking principles should be strengthened throughout the entire decision making procedure. The inter-institutional agreement on simplification reached between the EU Institutions should be fully applied.
- Efforts should be made by all Institutions at all stages of the inter-institutional procedure so that EU legislation is drafted in clear language comprehensible to the citizens.

1.7 Communication

The achievements in the Justice and Home Affairs area are generally of great importance for citizens, businesses and professionals. The European Council therefore calls on all Institutions, and in particular on the Commission, and the Member States to enter into discussions on ways to better communicate the concrete results of Justice and Home Affairs policy to the citizens and to practitioners. New tools and legal instruments should be explained. It asks the Commission to devise a strategy on how best to communicate with citizens and to explain to them the added value of the work of the Union and the contents

of the Stockholm Program.

1.8 Dialogue with civil society

The European Council encourages the Union's institutions, within the framework of their competences, to have an open, transparent and regular dialogue with representative associations and civil society. In the area of justice, this dialogue could take place within the Justice Forum. In other areas, the Commission could put in place specific mechanisms to increase dialogue.

1.9 A new institutional framework

The Lisbon Treaty abolishes the pillar structure and creates a more comprehensive institutional framework for the Justice and Home Affairs area. The Commission and the Court of Justice have now in principle the same role and competence in the whole area of Justice and Home Affairs e.g. when it comes to securing an effective and uniform implementation and respect of Union law. The democratic elements in the decision-making procedure will also be strengthened via the enhanced role of the European Parliament.

National parliaments will have a central role when evaluating the compatibility of new proposals with the principle of subsidiarity. The national parliaments will also participate alongside the European Parliament in political control and oversight over Europol and Eurojust activities and it shall also be informed of the content and results of evaluations of the implementation of the policies in the area. Through citizens' initiatives also the individuals have the possibility to become more active in the process. All these measures contained in the Lisbon Treaty will contribute to making the Union more efficient, transparent, accountable and democratic.

1.10 Financial Resources

The European Council notes that the current financial perspective expires at the end of 2013. It underlines its intention to examine the new financial perspectives in the light of the goals set up in the Stockholm Program.

1.11 Evaluation

The European Council invites the Commission to submit to it an evaluation of the implementation of the Stockholm Program in June 2012.

2. Promoting citizen's rights: a Europe of rights

2.1 Europe built on Fundamental rights

The European Union is strongly based on common values and the respect for fundamental rights. After the entry into force of the Lisbon Treaty, the **rapid accession of the EU to the European Convention on Human Rights** is of key importance.

Rather than being a merely symbolic gesture, accession will show a firm commitment of the European Union to the protection of fundamental and human rights.

The Union, including its institutions, will be placed under a legal obligation to ensure that in all its areas of activity, fundamental and human rights are not only respected but also actively promoted. The case law of the Court of Justice of the European Union and the European Court of Human Rights will be able to develop in step, reinforcing the creation of a uniform European fundamental and human rights system, based on the European Convention and the Charter as incorporated into the legal framework of the Union.

The European Council calls upon the Institutions to make most of the expertise of the European Union Agency for Fundamental Rights at every stage of the legislative process and in all EU policies that have an impact on fundamental rights. It stresses that greater knowledge of, and broader awareness of, fundamental and human rights issues in the Union are conducive to ensuring full respect of these rights.

To this end, the European Council invites the Commission to submit a proposal on the accession of the EU to the European Convention on Human Rights as a matter of urgency;

- ensure that every legal initiative is consistent with fundamental rights by way of strengthening the methodology for a systematic and rigorous monitoring of compliance with the Convention and the Charter of Fundamental Rights;

In addition, the European Council invites the EU Institutions to make full use of the expertise of the European Union Agency for Fundamental Rights and to closely consult with the Agency along the various phases of the policy cycle of legislative proposals with fundamental a rights' implications.

2.2. Full exercise of the right to free movement

The European Council recalls that the right to free movement of citizens within the European Union is one of the main principles on which the Union is based. The exercise of that right equally entails obligations on those that benefit from it, including respect for the rule of law in the state where they are staying or residing.

The European Council therefore invites the Council and the Commission to keep implementation of the rules of free movement of persons under review in order that citizens continue to benefit from this fundamental right in a manner which minimizes the risk or abuse of the rights concerned.

With this aim, Member States should closely monitor the possible abuse and fraud of the fundamental right of free movement of persons and exchange information and statistics on such abuse.

If the monitoring indicates systematic trends of abuse and fraud of the free movement rules Member States should report to the Commission and the Commission will consider how these trends might be addressed through the most appropriate means.

2.3. Living together in an area that respects diversity and protects those who are the most vulnerable or in most exposed situations

Diversity enriches the Union. The EU must provide a safe environment where differences are respected and the most vulnerable protected. Measures to tackle discrimination, racism, anti-Semitism, xenophobia and homophobia must be vigorously pursued.

The European Council therefore invites the Commission to report during the period of the Stockholm Program on the transposition of the Framework Decision on racism and xenophobia of 2008.

The European Council calls upon the Commission to make full use of the existing instruments, in particular the financial programs to combat racism and xenophobia. The Member States should implement the Framework Decision as soon as possible.

Child protection

The rights of the child - i.e. the principle of the primacy of the interests of the child, the child's right to life, survival and development, non-discrimination and respect for the child's opinions - as proclaimed in the Charter and the United Nations Convention on the Rights of the Child, potentially concern all EU policies. They must be systematically taken into account. Measures therefore need to be identified to which the Union can contribute added value. Children in particularly vulnerable situations will receive special attention, notably in the context of immigration policy (unaccompanied minors, victims of trafficking, etc.).

Vulnerable groups

The EU and the Member States must make a concerted effort to fully integrate vulnerable groups, in particular the Roma community, into society by promoting their inclusion in the education system and labour market and by taking action to prevent violence against them. The EU will target aid from the European Social Fund for this purpose and ensure that the existing legislation is properly applied to tackle potential discrimination against Roma. Civil society will have a special role to play.

More generally, those who are most vulnerable, e.g. women victims of violence and dependent persons must have greater protection, including legal protection. Appropriate financial support will be provided through the Daphne Program in particular. The EU will also act in this direction in its external policy.

Vulnerable adults, particularly persons who become incapacitated in a Member State of which they are not nationals, are also in need of special legal protection. More generally, those who are most vulnerable or find themselves in specifically exposed situations, as children or women subjected to repeated domestic violence, or persons who fall victim to crime or are incapacitated in a Member State of which they are not nationals or residents, are in need of special legal protection.

The need for additional proposals in this area should be assessed in light of the experience gathered from the application of the 2000 Hague Convention on the International Protection of Adults.

Victims

As a logical consequence, the EU and its Member States should examine how to improve legislation on the protection of victims and its implementation, and how to offer better support to victims, possibly through European networks that provide practical help.

The Commission is invited to reflect on whether it would be possible at European level to establish a fund for persons who have fallen victim to crime with serious consequences and for organizations and associations to be able to receive funding from it. Increased use of the financing programs should be made in accordance with their respective legal frameworks.

2.4 Rights of the individual in criminal procedure

Protection of individuals' rights in criminal proceedings is a fundamental value of the Union, vital in order to maintain mutual trust between the Member States and public confidence in the European Union. The European Council therefore welcomes [the adoption] by the Council of the Roadmap on the individuals rights in criminal procedure.

That Roadmap will henceforth form part of the present multiannual program and the European Council requests the Commission to come forward with the appropriate proposals for its swift implementation.

2.5. Protection of personal data and privacy

The rights to privacy and the protection of personal data are guaranteed by the Charter. The Union must therefore respond to the challenge posed by the increasing exchange of personal data and the need for respect for the protection of privacy. The Union must secure a comprehensive strategy to protect citizens' data within the EU and in its relations with other countries.

It must also foresee and regulate the circumstances in which public authorities might need to restrict the application of these rules in the exercise of their lawful duties.

The Union must strike the right balance between demands of increased exchange of personal data, and the utmost respect for the protection of privacy. The European Council is convinced that the technological developments pose not only new challenges to the protection of personal data, but also offer new possibilities to better protect personal data.

In order to establish a comprehensive protection scheme, the European Council invites the Commission to:

- consider, in the context of the report it will draw up by 27 November 2014 on the evaluation of Member States' transposition of the Data Protection Framework Decision of 27 November 2008, whether further legislative measures are required to guarantee full protection of personal data of citizens, while taking into

account the experience of the application of the existing instruments;

- propose, by 1 January 2011, a Recommendation for the negotiation of a data protection and data sharing agreement with the United States of America. This Recommendation should be based on the work carried out by the EU-US High Level Contact group on data protection and data sharing;
- propose, by 1 January 2012 a legal instrument laying down the data protection principles regarding the transfer of privately held data to third states for law enforcement purposes;
- propose by 1 January 2012 a legal instrument aimed at the introduction of a European certification scheme for "privacy-aware" technologies, products and services.
- launch information campaigns to raise awareness of the rights and the risks regarding personal data on the Internet, especially among the most vulnerable.

2.6. Participation in the democratic life of the Union

To vote and to be able to be a candidate in the election to the European Parliament in their Member State of residence is a corner stone of the EU citizenship. But so far the application of this right has been far from satisfactory.

The overall turnout of the European Parliament elections has also fallen from 63 % 1979 to 45 % in 2004 and to 43 % in 2009. This downward trend must be stopped.

With a view to the European elections of 2014, careful consideration should be given of how to encourage citizens to vote. Measures such as making it more easy to register on the electoral roll should be explored. **In addition, the European Council decides that 9 May should become a common election day for elections to the European Parliament.**

This day should, to meet the constitutional requirements of a member state, become a public holiday.

2.7 Entitlement to protection in non-member countries

Of 166 countries outside the EU, there are only three where all 27 Member States are represented. 8.7% of European citizens, i.e. seven million people, travel in a country where their own is not represented.

A Union citizen travelling to or living in a non-EU country where his or her Member State is not represented is entitled to protection by the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State.

This fundamental right, enshrined in the Treaties, remains widely misunderstood, and its application is neglected. Targeted communication campaigns should be conducted on this right.

To make consular protection effective, the existing framework of coordination and cooperation has to be strengthened. Three key strands of this reform will include clarifying the concept of the lead state in crisis situations, establishing common criteria for the definition of an 'unrepresented' Member State, and covering the cost of repatriation on the basis of existing Community instruments. Crisis emergency exercises will also be organized.

3. Making people's lives easier: a Europe of law and justice

The European Council declared at its meeting in Tampere in 1999 that judgments and decisions should be mutually respected and enforced throughout the Union. It laid at the same time down the principle of mutual recognition as the cornerstone of judicial cooperation in both civil and criminal matters.

This principle has now been laid down expressly in articles 81 and 82 of the Lisbon Treaty. In the Hague Program, adopted in 2004, the European Council noted that in order for the principle of mutual recognition to become effective mutual trust needed to be strengthened by progressively developing a European Judicial Culture based on the diversity of legal systems and unity through European law

The substantial progress in the justice field in past years needs to be consolidated and rigorously implemented.

The EU should continue to enhance mutual trust in the legal systems of the Member States by establishing minimum rights as necessary for the development of the principle of mutual recognition.

The Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings is

an important part of this framework. The European Council further considers that priority should be given to the development and promotion of a European judicial area for citizens by removing the remaining restrictions to the exercise of their rights.

Judgments must be recognized and easily enforced from one Member State to another. The judicial systems of the Member States should be able to work together coherently and effectively in accordance with their national legal traditions.

The European judicial area must also allow citizens to assert their rights anywhere in the Union by facilitating their access to justice.

The European Council emphasizes the horizontal importance of e-Justice in this respect, which is not confined to specific areas of law. It should be integrated into all areas of civil, criminal and administrative law in order to ensure better access to justice and reinforced cooperation between administrative and judicial authorities.

3.1. Furthering the implementation of mutual recognition

Mutual recognition must extend to all types of judgments, civil, criminal or administrative. It must also apply to all stages of the procedure. The European Council notes with satisfaction that considerable progress has been achieved in implementing the two programs on mutual recognition adopted by the Council in 2000 and emphasizes that the Member States should take all necessary measures to transpose at national level the rules agreed at European level. In this context the European Council emphasizes the necessity of evaluation of the implementation of these measures.

Criminal and administrative law

Faced with cross-border crime, the administration of justice must not be impeded by differences between the Member States' judicial systems.

Mutual recognition must extend to all types of judgments, which may be criminal or administrative depending on the Member State. Witnesses or victims of crime can, for example, be offered special protection measures which must apply from one Member State to another. Similarly, it should be possible to implement certain fines, which can be criminal or administrative according to the Member State with a view to ensuring compliance with EU policies in general and, more specifically, improving road safety.

The European Council considers that the ongoing construction of a comprehensive system for obtaining evidence, based on the principle of mutual recognition, in cross-border cases should be further pursued. To this end, the European Council invites the Commission to make an assessment on whether the traditional system of mutual legal assistance in criminal matters is sufficient in an area of freedom, security and justice and, where appropriate, to propose

- a legal instrument laying down uniform European rules on the collection of evidence, and in particular electronic evidence;
- '- a legal instrument containing minimum principles to facilitate the mutual admissibility of evidence between countries, including scientific evidence;
- a comprehensive instrument to replace the Framework Decision on the European evidence warrant, covering all types of evidence, including orders to hear persons by way of videoconferences, and containing deadlines for enforcement and limiting as far as possible the grounds for refusal.

The Union must aim for mutual recognition of judgments imposing some kind of disqualification and encourage the systematic exchange of information between Member States to this end. The European Council invites the Commission to make a study of the use of disqualification in the Member States and to propose to the Council a Program of measures, by adopting a step by step approach which may go beyond the time span of the Stockholm Program.

Civil law

As regards civil matters, the European Council considers that the process of abolishing all intermediate measures (the *exequatur*), should be carried forth in the period covered by the Stockholm Program.

The abolition of *exequatur* needs to be accompanied by a series of safeguards, which may be measures in respect of procedural as well as of conflict of law rules.

The European Council invites the Commission to assess whether such safeguards need to be streamlined and whether there is basis for a simplification. Mutual recognition could, moreover, be extended to fields that are not yet covered but essential to everyday life as well as in the family area e.g. succession and wills, matrimonial property rights and the property consequences of the separation of couples, while taking into consideration the Member States' national traditions in this area.

The European Council also invites the Commission to launch a study in order to gather evidence as to the kind of problems encountered with regard to civil status documents and access to registers of such documents. In the light of the findings the Commission could submit appropriate proposals taking into account the different legal systems and traditions in the Member States.

In the short term a system allowing citizens to obtain civil status documents easily and free of charge could be envisaged. In the long term, it could be considered whether mutual recognition of the effects of civil status documents could be appropriate, at least in certain areas.

The European Council considers that the process of harmonizing conflict of law rules at Community level should where necessary also continue.

The European Council also highlights the importance of starting work on codification of the instruments adopted so far in the area of judicial cooperation in civil matters.

Such a codification would greatly improve the accessibility and the visibility of the instruments concerned, thus ensuring a more efficient and uniform application thereof.

Work on codification of private international law should begin as soon as possible.

3.2. Strengthening mutual trust Eurojustice Barometer

European integration in the field of justice has to respect the diversity of national systems. But that diversity must not give rise to mutual misunderstanding.

In order to measure the trust that citizens have in judicial systems, the European Council recommends that accurate and regular surveys of public opinion on the development of confidence through a EUROJUSTICE Barometer be made.

It also recommends that guidelines on ethical and professional standards to be followed by judges in all Member States be drawn up by the judges' professional organizations and that the European Community gives assistance and support to that Endeavour.

Improving the tools

The European Council calls for the enhancement of the practical capabilities and tools for judges, prosecutors and all other involved in justice.

To that end, the European Council calls upon a more active involvement of Eurojust and the European Judicial Networks in civil and criminal law to participate in improving the effective application of EU law by all practitioners. Work should be continued on improving the electronic tools that have so far been developed and necessary resources should be provided for pursuing this work.

Implementation

The European Council agrees that the priority of work of the Union should be given to implementation of already taken decisions. This should be done in several ways: by better

accompanying implementation of Union legislation, by using the financial instruments better, by an increased training of judges and other professionals and by enhancing evaluation mechanisms of the EU.

Implementation is primarily a matter for the Member States, but as mutual recognition instruments are common tools, the Union should better accompany implementation of them by enabling sharing of experiences and best practices and exchanges of information on how Member States intend to solve certain practical issues.

The Commission is invited to pursue work on such sharing of best practices.

The European Council invites the Commission, in close cooperation with the Presidency and the General Secretariat of the Council, to develop Handbooks together with experts, for instance from Eurojust and the European Judicial Networks in civil and criminal law, on how to use mutual recognition instruments, in the same manner as the Handbook on the European Arrest Warrant.

The goal should be to have a handbook for each of the instruments that have so far been adopted at the end of the five year period.

The European Council considers further that all modern means of electronic communication should be used to the full, and that the judicial authorities of the European Judicial Networks should be given a secure communications network so that they may correspond with each other safely. The Community should also place emphasis on videoconferencing and on assisting the development of translation tools so that judicial authorities may communicate more easily with one another within the Area of justice. These developments should be accompanied by and form part of the implementation of the e-justice plan.

Financial programs

The financial programs "Criminal Justice", "Civil Justice" and "Fundamental Rights and Citizenship" have together with Daphne III and Drugs prevention and Information a total of 542.90 Million Euro. This General Program "Fundamental Rights and Justice" expires in 2013.

The European Council agrees that the Union should continue to support the activities contained in these programs when the next financial perspectives are adopted. A Community program should be set up that could be used to finance pilot schemes in the Member States testing alternatives to imprisonment.

The European Council considers that procedures for application to the financing programs should be streamlined and made more easily accessible for NGOs, private organizations, research institutes, institutions and Universities and requests the Commission to examine appropriate means to achieve that goal.

European Forum for Justice

The European Council invites the Commission to further improve the working of the European Forum for Justice as a privileged partner for debate on all matters relating to justice, including as a place for examining future proposals on legislation and on examining whether already existing legislation works. The Forum should also be a place for exchange of views with the Institutions and the Member States.

Training

Judicial training is vital for the development of the European Judicial Culture, for creating mutual trust and for guaranteeing the homogenous implementation of EC/EU law.

The national judge is also the first Union judge.

They therefore have to have a thorough knowledge of Union instruments but must also be able to apply foreign law where Union instruments require this. Judges need to be as familiar and knowledgeable of Union law as with national law. Training must not only be given to judges but to all professionals involved in the application of Union instruments, such as prosecutors, notaries, military judges, justices of peace, judges in commercial courts, prison officials, etc.

Wherever possible, lawyers should also be able to accede to training offered by the Union. Training should encompass personal skills, fundamental understanding of the general principles of EU law and be practical and directly applicable. Training could also be IT and web-based. Training should be carried out on a voluntary basis.

As requested by the European Parliament, the European Council decides therefore to set up a European Training Institute for Training of legal professionals (EUROTRAIN) and requests the Commission to make a proposal under articles 81 and 82 of the Lisbon Treaty.

EUROTRAIN should be set up so as to guarantee independence of the judiciary and should establish training programs in partnership with national and European Training institutions, organize additional training seminars and European classes to supplement other programs.

The proposal should be ready to be adopted by the end of 2011.

EUROTRAIN should be able to offer training also to candidate countries and countries with whom the Union has Partnership and Cooperation Agreements. It should also be able to train trainers, and should set up programs for e-learning.

Institutes in Member States that offer judicial training such as ERA or EIPA should continue to receive support from the Union. EUROTRAIN should however become the Union's own training institute.

The European Council invites the Commission to examine if and how the activities of the European Judicial Training Network could be transferred to EUROTRAIN and to make proposals to that end.

Evaluation

The Lisbon Treaty provides in its article 70 that measures may be taken so that the Member States in cooperation with the Commission shall undertake an objective and impartial evaluation of the policies under the Title V, in particular to promote the full application of the principle of mutual evaluation.

In the long term therefore, evaluation should encompass all policies within the Area.

The European Council decides to set up a system of evaluation on the policies of the EU under Title V TFUE and invites the Commission to make a proposal to that end.

The proposal should be made by the end of 2010 and be set up by the end of 2011.

It should be able to cover all policies concerning Title V but the first evaluations should concern the application of mutual recognition instruments and asylum systems in the Member States.

An efficient system of follow-up of evaluations involving the Council should be proposed.

Objectiveness and impartiality of evaluations should be guaranteed by enabling the professional organizations for judges, prosecutors and lawyers to be able to have an influence on evaluations and on methodology and follow up where the Council should have a deciding role.

The Commission is asked to reflect on the best manner to ensure this, including whether it would be appropriate to set up a special Evaluation Agency (EVA).

Duplication in particular of work in the Council of Europe should be avoided in evaluations but synergies should be researched.

The Union should join appropriate evaluation mechanisms such as GRECO and MONEYVAL and should take an active part in, and contribute, to the work of CEPEJ of the Council of Europe

Use of financial programs.

The Union should use its financial programs:

- to provide judicial authorities with support tools, particularly those that use electronic means (translation aids, creation of a secure communication space, videoconferencing, etc.);
- to make possible that by 2014 half of the Union's judges and prosecutors having started their career after 2004 should have participated in a European training scheme at national or European level or an exchange with another Member State. Participation in a European training scheme must become a systematic part of the training of all new judges and prosecutors;
- to actively offer financial support to legal training conducted by Member States for all other judicial staff such as assistants, law-clerks and registrars, through the support for the development for E-Learning programs and common training materials covering the European mechanisms.

The European Council invites the Council, the Commission and the Member States to create effective conditions to enable the parties to communicate with courts by electronic means in the context of legal proceedings.

For that purpose standard forms should be made available through the e-justice portal as regards certain European procedures, such as the European order for payment procedure and the European Small Claims procedure.

During this phase, electronic communication between judicial authorities should be improved decisively in the area of application of e-Justice.

Developing networks

The European Council considers that contacts between senior officials of the Member States in areas covered by Justice and Home affairs are valuable and should be promoted by the Union in so far as possible. Such areas could be senior police chiefs (PCTF), prosecutors general (EUROJUSTICE), heads of training institutes in justice and police, heads of prison administrations and general directors of customs administration (GDISC). Where appropriate, these networks should also be informed about, and be able if possible to contribute to, the work of the Internal Security Committee, the Organized Crime Threat Assessment (OCTA) and other strategic documents of the Union. In so far as possible, such networks should meet using existing structures and facilities such as Europol, Frontex and Eurojust.

3.3. Developing a core of common standards

The Lisbon Treaty provides that, where necessary to facilitate mutual recognition, the Union may adopt common minimum standards. The European Council considers that a certain level of approximation of laws is necessary to enable the principle of mutual recognition to work properly. The more approximated the legislation is, the easier it is for judges and prosecutors to have a common understanding of the issues. In this context, the European Council considers that the limited number of grounds for refusal which could be kept in mutual recognition instruments should be systematized, going towards the notion of a European Public Order meant to guarantee the respect of common fundamental principles.

Criminal law

In criminal law, certain offences having a typically cross border dimension should become the object of common incriminations and common minimum levels of maximum sanctions. Those are the serious offences mentioned in article 83 (1) of the Lisbon Treaty having a cross-border dimension where priority should be given to trafficking in human beings, terrorism, drugs trafficking, sexual exploitation of children and child pornography and cybercrime.

The European Council invites the Commission to examine whether the level of approximation is sufficient in relation to the framework decisions that have already been adopted in these areas and to make a report to the European Council before December 2011 on the necessity to continue work in this area and on the need to establish common definitions and penalties.

The report should further elaborate on the need for establishing common penalties and offences in order to ensure the effectiveness of the implementation of EU policies.

To combat serious, cross-border crime, minimum rules concerning the definition of criminal offences and sanctions may be considered. The European Council underlines that this should be done with full respect for national criminal law traditions and coherence of criminal law. Criminal law provisions should only be used when they are considered necessary for the interest to be protected and when all other means to protect them prove to be insufficient. Within the Council, the Council (JHA Ministers) are responsible for defining criminal offences and determining penalties in general.

The European Council stresses the importance of coherence of criminal law provisions in various EU instruments and invites the Commission together with the Council to launch preparatory work on model standard provisions in criminal law.

These should include general criminalizing principles, which would guide preparatory work and decision making in the Commission and the Council, including whether to use criminal law or other measures to achieve the intended objectives.

Civil law

The abolition of exequatur needs to be accompanied by a series of safeguards, which may be measures in respect of procedural as well as of conflict of laws rules. The main policy objective in the area of civil procedural law is that borders between countries in Europe should not constitute an obstacle to the settlement of civil law matters or to initiating court proceedings and the enforcement of decisions in civil

matters. With the Tampere conclusions and Hague program major steps have been taken to reach this goal. However, the European Council notices that the effectiveness of community instruments in this field needs still to be improved. First and foremost the consistency of community legislation should be enhanced by streamlining the existing instruments.

The aim should be to ensure the coherence and user-friendliness of the instruments. Reducing the number of instruments and integrating different approaches would help practitioners and citizens in applying the legislation and thus promote access to justice.

The European Council underlines the need for further development in this area and invites the Commission as a first step to submit a report on the functioning as a whole of the present EU regime on civil procedural law across borders and to put forward a proposal aimed at improving the consistency of existing community legislation and to examine whether there is a need of further minimum standards on specific aspects of civil procedural law and specifically in relation to the recognition of decisions on parental responsibility including those on custody rights.

The Commission should furthermore assess, also in the course of upcoming reviews of existing Regulations, the need to establish a set of standard rules of civil procedure on matters such as service of documents, taking of evidence, review procedures and enforcement and, where appropriate, submit proposals to the Council and the European Parliament.)

3.4. The benefits for citizens of a European judicial area 3.4.1. Providing easier access to justice

The access to justice in the European judicial area must be made easier, particularly in cross-border proceedings. To achieve this, the existing measures on legal aid need to be strengthened. At the same time efforts must continue on improving alternative methods of settling disputes, particularly in consumer law.

Action is needed to help people overcome the language barriers that obstruct their access to justice.

The European Council considers that e-Justice presents an excellent opportunity to provide easier access to justice. The European e-Justice portal will be a way of keeping people better informed of their rights and giving them access to a range of information and services on the various judicial systems. Better use should be made of videoconferences, for example to spare victims the effort of needless travel and the stress of participating in court proceedings. In the medium term some European and national cross-border procedures could be dealt with on-line (e.g. the European payment order, the European small claims procedure or mediation litigations).

In accordance with data protection rules, some national registers will be gradually interconnected (e.g. insolvency registers for individuals and companies).

The European e-Justice action plan, adopted at the end of November 2008, sets the framework for developing European e-Justice activities until the end of 2013. The European Council encourages the EU institutions and the Member States to devote efforts to the full implementation of the action plan. Moreover, assessment of the implementation should take place in the first half of 2010, and subsequently before the end of 2012. As a result of that assessment, work should be launched on a plan on e-Justice for post- 2013. In that context the European Commission should make proposals in the framework of the financial perspectives for an adequate funding of e-Justice projects and in particular horizontal large scale IT-projects.

Certain formalities for the legalization of documents also represent an obstacle or an excessive burden. Given the possibilities offered by the use of new technologies, including digital signatures, the EU should consider abolishing all formalities for the legalization of authentic documents between Member States. Where appropriate, thought should be given to the possibility of creating authentic European documents.

The European Council invites the Commission to examine the possibility of putting in place a Community system dispensing with all legalization of public documents and to submit a proposal to the Council and to the European Parliament to this effect.

3.4.2. Supporting economic activity *Civil law*

With a view to promoting and facilitating Union-wide economic activity, the European Council invites the Commission to assess the need and the feasibility of providing for certain provisional, including protective, measures at Community level, to prevent e.g. disappearance of assets before the enforcement of a claim. Based on the 2006 and 2008 Green papers, the European Council invites the Commission to put forward the appropriate proposals on improving the efficiency of the enforcement of judgments in the EU regarding bank accounts and debtor's assets.

The European Council reaffirms that the common frame of reference for contract law should be a non-binding set of fundamental principles, definitions and model rules to be used by the lawmakers at Community level to ensure greater coherence and quality in the lawmaking process. The Commission is invited to submit a proposal on a common frame of reference as soon as possible.

Criminal law

Economic crime and corruption

The Union must reduce the opportunities offered to organized crime by a globalised economy, in particular during a crisis that exacerbates the vulnerability of the financial system, and allocate appropriate resources to meet these challenges effectively.

The European Council calls upon the Member States to and where appropriate the Commission to:

- enhance the capacity for financial investigations and to combine all available instruments in fiscal, civil and criminal law. Forensic financial analysis must be developed by pooling resources, in particular for training; confiscation of assets of criminals should be made more efficient and cooperation between Asset Recovery Offices made stronger;
- provide for better coordination between the Financial Intelligence Units (FIU's), in the fight against money laundering. Within the framework of the European Information Management System, their analyses could feed a database on suspicious transactions, for example within Europol;
- mobilize and coordinate all available sources of information to identify suspicious cash transactions and to confiscate the proceeds of crime by for instance legislate on proof of the legitimate origin of proceeds;
- improve the prosecution of tax evasion and private corruption and the early detection of fraudulent market abuse (such as insider dealing and market manipulation), as well as misappropriation of funds
- to facilitate the exchange of good practices on prevention and law enforcement, in particular within the framework of the network on asset recovery offices and the anti-corruption network,

The European Council invites the Commission to develop indicators, on the basis of existing systems and common criteria, to measure efforts in the fight against corruption, in particular in the areas of the *acquis* (public procurement, financial control, etc) and to develop a comprehensive anti-corruption policy.

Counterfeiting is a serious danger for consumers and economies. The Union must improve the study of this phenomenon and ensure that greater account is taken of law enforcement aspects in the work of the future European Observatory on Counterfeiting and Piracy. The European Council calls upon the Council and the Parliament to adopt by as soon as possible the Commission proposal for a Directive on criminal measures aimed at ensuring the enforcement of intellectual property rights. In addition, Europol's role in protecting the Euro should be strengthened.

3.5. Increasing the EU's international presence in the legal field *Civil law*

The European Council considers that clearly defining EU external interests and priorities in the area of judicial cooperation in civil matters is very important with a view to interacting in a secure legal environment with third countries.

The Community should use its membership of The Hague Conference actively to promote the widest possible accession to the most relevant Conventions and to offer as much assistance as possible to other States with a view to a proper implementation of the instruments.

The European Council invites the Council, the Commission and the Member States to encourage all partner countries to accede to those Hague Conventions which are of a particular interest to the Union.

The Lugano Convention is open for accession of other States and it should be assessed, in cooperation with the other Contracting Parties, which third countries could be invited to accede to it.

In cases where no legal framework is in place for the relations between the EU and partner countries, the option of bilateral agreements should be explored, case by case.

The European Council invites the Council and the Commission to explore the possibility of drawing up an international instrument in the area of recognition and enforcement to allow a thorough control, including on jurisdiction, of any judgment given in the third country concerned before such a judgment is recognized or enforced in a Member State.

Criminal law

As regards the criminal field the European Council calls upon the Commission and the Council to:

- develop a policy aimed at the establishment of agreements on international judicial cooperation with third countries of interest;
- sponsor exchanges of good practice and pooling experience with non-member countries and, in particular with regard to enlargement countries, make full use of the instruments the Union has at its disposal designed to promote justice reform and strengthen the rule of law, such as twinning schemes and peer reviews,
- offer steady support to the justice system in partner countries in order to promote the rule of law throughout the world; and
- pursue the EU's efforts to bring about the abolition of the death penalty, torture and other inhuman and degrading treatment.
- continue to support and promote Union action against impunity and fights against genocide, warcrimes and crimes against humanity; in that context to promote cooperation between the member states, third countries and the international tribunals in this field.

4. A Europe that protects Internal Security Strategy

The European Council is convinced that the enhancement of action at European level combined with a better coordination with action at regional and national levels are essential to protect people against transnational threats. Organised crime, drug trafficking and trafficking in human beings continue to challenge the internal security of the EU. Cross-border widespread crime have become an urgent challenge which requires a clear and comprehensive response.

To that end, the European Council calls upon the Council to define an EU internal security strategy, based on the following principles:

- division of tasks between the EU and the Member States, reflecting a shared vision of today's challenges;
- respect for fundamental rights and international protection;
- solidarity between Member States;
- ensuring that there is an integrated approach, promoting operational cooperation such as cross-border pursuit, controlled deliveries and cross-border surveillance, coherence and coordination. In this respect, the Council should take care that all existing and future policy products, also in the field of civil protection (strategies, action plans, Council conclusions setting priorities in the field of internal security) are aligned and coordinated, both on content and in timing;
- reflection of a proactive and intelligence-led approach;
- stringent cooperation between EU agencies;
- focus on implementation and streamlining as well as facilitation of preventive action;
- use of regional initiatives and regional cooperation;
- taking into account of the judicial dimension of the internal security strategy;
- inclusion of an evaluation methodology in accordance with article 70 TFUE.

The development of the Internal Security Strategy should become one of the priority tasks of the Internal Security Committee set up under Article 71 of the Treaty of the European Union (COSI).

The internal security strategy should take into account the external security strategy developed by the EU.

4.1. Upgrading the tools for the job

Security in the EU requires an integrated approach where security professionals share a common culture, pool information as effectively as possible and have the right technological infrastructure to support them.

4.1.1. Forging a common culture

The European Council stresses the need for enhancing greater mutual trust between all concerned professionals at national and EU level.

A genuine European law enforcement culture should be created.

To that end, the European Council calls upon the Council and the Commission to

- ensure that the exchange of experiences and good practice is intensified, and that joint training courses and exercises are enhanced so that European law enforcement personnel is trained in European affairs over the next five years; such training should be organized at national level but CEPOL should intensify its training activities with a view to ensuring a European dimension on training;
- set up specific, 'Erasmus'-style exchange programs, which could involve non-EU countries and in particular candidate countries and countries with which the Union has Partnership and Cooperation Agreements; and
- ensure that participation in joint courses, exercises and exchange programs is decided on the basis of tasks and is not depending on sectoral criteria.
- develop a Police Cooperation Code which would consolidate existing legislation and, where necessary, amend and simplify it.

The European Council considers that EU and international cooperation aspects should be part of national curricula. The European Council encourages Member States to devise national career mechanisms that reward officers for taking up duties related to cross-border cooperation and thereby favor the creation of an EU-reflex at all levels.

The European Council invites the Community to use its financial programs to support the above goals.

4.1.2. Managing the flow of information

The European Council notes with satisfaction that the developments over the past years in the EU have led to a wide choice and created an extensive toolbox for collecting, processing and sharing of information between national authorities and other European players in the area of Justice and Home Affairs. The principle of availability has given an important impetus to this work.

The European Council also acknowledges the need for coherence and consolidation in the area of information management. It therefore invites the Council to draw up and implement an EU information management strategy coherent with the priorities set for the JHA area, the internal security strategy and supporting the business vision for law enforcement and judicial cooperation.

The EU information management strategy will entail:

- a strong data protection regime;
- a better targeted data collection both to protect the rights of citizens and avoiding an information overflow for the competent authorities;
- the definition of guiding principles for a policy on the international transfer of data for security purposes, including a universal messaging format for the EU applying data-protection criteria to overcome the challenges of exchanging information with non-member countries;
- interoperability of IT systems in so far as possible;
- a rationalization of the different tools; including the adoption of a business plan for large IT systems,
- overall coordination, convergence and coherence, and
- exchange of information on violent extremist persons.

The necessary EU and national structures need to be in place to ensure the implementation and management of the different information management tools.

The European Council also calls upon the establishment of an agency, as proposed by the Commission, with a view to facilitating the implementation and development of the JHA information management strategy, through the management of systems such as SIS and VIS. It will also provide technical and project management support to Member States in the implementation of projects such as the "Prum" exchange of DNA and dactyloscopic data.

4.1.3. Mobilizing the necessary technological tools

The European Council stresses the need for new technologies to keep pace with and promote the current trends towards mobility, while ensuring that people are safe, secure and free.

The European Council invites the Council, the Commission and the Member States to

- draw up and implement policies to ensure a high level of network and information security throughout the European Union and improve security preparedness and resilience of critical infrastructure, including ICT and services infrastructure, and
- to promote legislation that ensure a very high level of network security and allow quicker reactions in the event of cyber attacks.

The European Council also invites the Council and the Commission to draw up a coherent strategy on research and development in the field of security ensuring that

- the priorities of the internal security strategy are tailored to the real needs of users and focus on improving interoperability,
- a mechanism is set up to identify needs and relevant technologies, to validate results and to develop appropriate standards, they are supported by public-private partnerships; e. g. a proactive and sustained dialogue with the private sector should be maintained. This could be initiated by a Summit meeting of representatives of the European security industry with the EU institutions and representatives of the member states and the resources available for research and technological development are harnessed to respond fully to users' expectations.

The European Council also invites the Commission to evaluate the exchange of information under the newly established European Criminal Records Information System (ECRIS). In the context of this evaluation the Commission should assess whether networking of criminal records makes it possible to prevent offences from being committed (e.g. through checks on access to certain jobs, particularly those relating to children). The European Council also calls on the Commission to propose a register of third country nationals that have been convicted by the Courts of the Member States.

4.2. Effective policies

4.2.1. More effective European law enforcement cooperation

The prime objective of a EU law enforcement cooperation is to combat forms of crime that are typically cross-border in their dimension. Europol should become a hub for information exchange between the law enforcement authorities of the Member States, a service provider and a platform for networks in the field of police and customs cooperation.

The European Council invites the Council and the Commission to elaborate a strategy promoting law enforcement without barriers which is based on the following principles:

- the principle of availability;
- a multidisciplinary approach;
- the principle of mutual recognition of competences and mutual support between law enforcement agencies and forensic institutions;
- enhanced coordination and facilitation of operational activities including use undercover investigations as well as cooperation on less serious crime that affect citizens in their daily life;
- an optimized use of the EU information management strategy;
- better use of the potential of Europol and Eurojust. In particular, Europol and Eurojust should be systematically involved in major cross-border operations and informed when joint investigative teams are set up.

Europol should step up its links with Eurojust to ensure its work is followed up at judicial level and

should expand its international dimension by forging closer links with the regions and countries neighboring the Union; Europol should work more closely with ESDP police missions and help promote standards and good practice for European police cooperation in countries outside the EU. The European Commission is invited to examine whether there are obstacles to cooperation between police missions and Europol and to make appropriate proposals to eliminate such obstacles.

- better use of financial instruments, including more flexibility and effectiveness, to foster operational law enforcement cooperation, including making equipment compatible.

The EU should conclude wherever necessary police cooperation agreements with appropriate third countries. The Commission is invited to propose a plan to the Council for how to achieve this. This plan should be examined by the Internal Security Committee set up under article 71 TFUE. Pilot projects in cross-border regional cooperation, dealing with joint operational activities and/or cross-border risk assessments such as Joint Police and Customs Centers, should be promoted by the Union, inter alia through financing programs.

The setting up of ad hoc cooperation centers for law enforcement cooperation at sporting events or large public gatherings (e.g. the 2012 Olympics, Euro 2012) should be implemented.

In the field of judicial cooperation, the European Council emphasizes the need for member states and Eurojust to implement thoroughly the recently taken decisions before a reflection is begun on increasing Eurojust's powers under the Lisbon Treaty in relation to initiating criminal investigations and resolving conflicts of jurisdiction. Cooperation in this area should follow a step-by-step approach and, before taking any further steps, the implementation should be carried out and evaluated.

4.2.2 Prevention and Statistics

In all the above areas, the best way to decrease the number of crimes and victims is to not only to repress criminality but also to prevent them from taking place. Knowledge on crime, its trends and causes as well as on methods for prevention should therefore become an area where the Union should place far greater emphasis in the future. Prevention is of importance in areas such as petty crime, street crime and youth crime but increasingly also in areas relating to serious and organized crime having a cross-border dimension, for instance in trafficking in arms where aspects such as marking are important.

Often, there are strong links between local crime and cross border crime and the methods for preventing crime are often the same. Preventing crime is reducing crime. With the Lisbon Treaty, this is also recognized further with a new legal basis.

The European Council therefore decides to set up an Observatory for the Prevention of crime (OPC), having as its tasks to collect, analyze and disseminate knowledge on crime and crime prevention to support and promote Member States when they take preventive measures and to exchange best practices. The Observatory should build on the work carried out in the framework of the EUCPN but it should have its Secretariat placed at Europol. The European Council invites the Commission to make a proposal at the latest in 2012 to that end.

Finally, the Commission is invited to create statistical tools to measure criminal activities with a view to assessing the impact of the EU work.

4.3. Protection against serious and organized crime

The Union can bring real added value to the fight against certain types of threat that require a high level of coordinated multi-disciplinary action. The development of a European judicial area also entails the establishment by the Union of a core of common standards, especially with a view to tackling certain forms of particularly serious cross-border crimes or ensuring effective implementation of EU policies. In the long term, it should be considered whether it is necessary to approximate all or most offences for which double criminality do not apply in the mutual recognition instruments.

4.3.1. Fight against serious and organized crime

The European Council calls upon the Council to set its priorities in crime policy by identifying the types of crime against which it will deploy the tools it has developed. The Council should continue to use the Organized Crime Threat Assessment Report (OCTA), to select criminal phenomena to be tackled by way of priority at a European level. In the fight against those crime phenomena, the Member State law enforcement authorities should systematically exchange information among themselves through the Europol Information System, make widespread use of Eurojust and European investigative tools and, where necessary, develop common investigative and prevention techniques. Control over sales of weapon over the Internet and improved registration of firearms licenses need to be made. The European Council considers that the following scourges of crime deserve special priority in the years to come.

Trafficking in Human Beings

Trafficking in human beings (THE) is a very serious crime involving violations of human rights and human dignity that the EU cannot condone. The European Council therefore agrees that strengthening and enhancing the prevention and combating of THE, both horizontally in the context of this program, including its external dimension, and by specific, targeted action, is a priority for the European Union.

The European Council agrees that in order to address THE effectively, an integrated and multidisciplinary approach is needed, having as its basis the respect for human rights and taking into account its global nature.

This approach calls for a coordinated and coherent policy response going beyond the area of freedom, security and justice and including external relations, development cooperation, social affairs and employment, gender equality and non-discrimination.

It should also benefit from a broad dialogue between all stakeholders, not least including civil society, and be guided by an improved understanding of THB at the level of the EU and international levels.

To this end, the European Council decides that the Council should establish an EU Anti Trafficking Coordinator, the ATC.

Without prejudice to the role of the European Commission, the ATC should contribute to the development of a consolidated EU-policy against trafficking aiming at further strengthening the commitment and efforts by the EU, and the Member States to prevent and fight trafficking committed for the purpose of all forms of exploitation and including sustainable preventive action, the protection, support and rehabilitation of its victims, in particular children, and the strengthening of the international law enforcement and judicial response to trafficking.

Building and strengthening partnerships with third countries and with mechanisms of the EU external dimension is an integral part of such a policy.

The ATC should monitor progress made and regularly report to COSI.

The fight against human trafficking must mobilize all means of action, bringing together prevention, law enforcement, and victim protection and be tailored to combating THB into, within and out of the EU. Therefore the European Council calls upon:

- the Council to adopt the Commission proposal on preventing combating trafficking of human beings, and protecting victims;
- Europol, with the support of the Member States, to step up intelligence gathering and strategic analysis, to be carried out in cooperation with the countries of origin and transit;
- Eurojust to step up its efforts to coordinate member states' authorities investigations on THB.
- the Commission:
 - o to propose further measures to protect and help victims through an array of measures including necessary regularization of their stay, development of compensation schemes, safe return and assistance with reintegration into society in the country of origin if they return voluntarily; the EU should establish partnership with important countries of origin;
 - o to propose measures to mobilize consular services in the countries of origin with a view to preventing the fraudulent issuing of visas. Information campaigns aimed at potential victims, especially women and children, must be conducted in the countries of origin in cooperation with the authorities there;

to propose measures to step up border checks to prevent human trafficking, in particular trafficking of children.

Sexual exploitation of children and child pornography

Protecting children against the danger of sexual abuse is an important element in the strategy of children's rights. The European Council calls upon:

- the Council to adopt the Commission proposal on combating sexual abuse, sexual exploitation of children and child pornography;
- the Commission
 - o to accompany this proposal, once adopted, by measures supported under the Safer Internet Program 2009-2013; and to make a study on how it could be made possible to put in place mechanisms to enable the revocation of the IP addresses of criminal Internet Service Providers, while taking into account freedom of expression, and to facilitate the rapid shutdown of websites outside Europe.

Cybercrime

The European Council considers that the Union should promote policies and legislation that ensure a very high level of network security and allow quicker reactions in the event of cyber attacks. Member States should as soon as possible ratify the 2001 Council of Europe Cybercrime Convention which should become the single legal framework for fighting cybercrime at universal level. Europol could play a role as a European resource centre by creating a European platform for identifying offences.

The European Council also calls upon the Member States to give its full support to the national alert platforms in charge of the fight against cybercrime and emphasizes the need for cooperation with countries outside the European Union. Cooperation should be stepped up in relation to sale of fake pharmaceuticals on the Internet.

Drugs strategy

The EU Drugs Strategy (2005-2012) advocates a global, balanced approach, based on the simultaneous reduction of supply and demand. This strategy will expire during the Stockholm Program. It must be renewed on the basis of a detailed evaluation of the Drugs Action Plan 2009-2012, carried out by the Commission with the support of the European Monitoring Centre for Drugs and Drug Addiction and Europol and monitored by COSI.

This Strategy should be founded on three principles:

- improving coordination and cooperation by using all available means under the Lisbon Treaty, and in particular in the Western Balkans, Latin America, Africa, Russia and the United States;
- mobilization of the civil society in particular by reinforcing initiatives such as the Alliance on Drugs;
- contributing to research and information in order to get access to reliable data.

The European Council invites the Council and the Commission to ensure that the new Drugs Strategy supports the EU's internal security strategy and dovetails with other related policy products such as the OCTA and the Council's conclusions in the fight against serious and organized crime.

4.3.2. Reducing the terrorist threat

The European Council considers that the threat from terrorists remains significant and it is constantly evolving both in response to our attempts at combating it, and to new opportunities that present themselves. We must not lift our guard against these heinous criminals.

The respect for fundamental rights and freedoms is one of the basis for the Union's overall counter-terrorism work. It is therefore all the more important that measures taken in the fight against terrorism cannot be challenged on ground of lack of legitimacy or for infringement of human rights.

The Union must ensure that in the fight against terrorism all tools are deployed. The European Council reaffirms its counter-terrorism strategy consisting of four strands of work (prevent, pursue, protect and respond) and calls upon a reinforcement of the prevention strand.

It calls upon:

- national authorities to develop prevention mechanisms especially to allow early detection of threats, including threats from violent, militant extremism- and the Commission, the Council and Member States to step up initiatives to counter radicalization in all vulnerable populations and in particular in prisons and education establishments, on the basis of an evaluation of the effectiveness of national policies; member states should identify best practices and concrete operational tools to be shared with other member states; new areas of work could be integration and the fight against discrimination;
- civil society, member states, government institutions and the Commission to enhance their efforts and cooperate, even closer, especially at local level, in order to understand all the factors underlying the phenomenon and to promote strategies that encourage people to give up terrorism. To that end a network of local professionals should be set up, and a European Handbook containing good practices of the Member States be drawn up.
- all concerned parties to avoid stigmatizing any particular community, and to develop intercultural and interfaith dialogue in order to promote awareness and understanding between different communities.
- the development of networks for exchanging practices on prevention.

The European Council stresses the importance of better surveying dissemination of terrorist propaganda, including on the Internet, and curtailing practical support for terrorist operations more easily identifying terrorist networks. Internet should be seen as an arena for propaganda and recruitment to terrorism where terrorists need to be tracked and monitored.

Therefore it calls upon Member States as well as the Commission and the Council to increase the operational capacity of the authorities responsible for monitoring by making available suitable technical resources, improving cooperation between the private and public sectors and between authorities of the member states, and organizing training of specialized units in charge of countering terrorism.

Work on aviation and maritime security need to be intensified, in close cooperation with transport operators in order to mitigate the impact on the travelling public. Potential targets such as urban mass transit and high speed rail needs to receive greater attention.

The European Council considers that the Union should contribute to further research in the area of counter-terrorism and that a genuine dialogue on future technology needs to be developed on the basis of the ESRIF report. The European Network of Internal Security Technology Departments should be reinforced and synergies in the field of research between defense and internal security should be sought.

The European Council deems that the instruments for combating the financing of terrorism must be adapted to the new potential vulnerabilities of the financial system and to the new payment methods used by terrorists.

The European Council calls upon the Commission to:

- propose legal standards for charitable organizations to increase their transparency and responsibility so as to ensure compatibility with Special Recommendation (SR) VIII of the FATF;
- take into account new payment methods in the elaboration/update of Counter Terrorist Financing measures;
- examine the need for the Union to set up its own Terrorist Tracking Financial Program (TFTP).
- present measures to improve the feedback to financial institutions regarding the result of their cooperation in the fight against terrorism financing.

The Union should ensure that its policies are in full compliance with international law, in particular human rights law and will play an active role in the fight against terrorism in different multilateral fora, and in particular in the United Nations where it will continue to work with partners towards a universal convention against terrorism and ensure that freezing decisions are taken while safeguarding

fundamental rights. Cooperation with third countries in general and within international organizations need to be strengthened.

In order to be able to analyze the threat at European level, a methodology based on common parameters should be established with Europol. Full use should be made of Eurojust in coordination of terrorist cases.

The European Union Action Plan on Explosives should be implemented and better information on the safety of explosives provided. A legislative framework to address the dangers associated with precursors should be developed.

4.3.3. A comprehensive and effective EU Disaster Management: reinforcing the EU's capacities to prevent, prepare for and respond to all kinds of disasters

Natural disasters such as forest fires, earthquakes, floods and storms inside and outside the European Union as well as terrorist attacks, including terrorist attacks using chemical, biological, radiological or nuclear (CBRN) materials, increasingly affect the safety and security of our citizens.

This requires continuous efforts to improve the capability of the EU as a whole, as well as the capability of each Member State to deal with major disasters. In line with repeated mandates from the European Council, EU action in disaster management is based on an all-hazard and integrated approach and covers the whole disaster cycle encompassing prevention, preparedness, response and recovery. It deals with disasters and complex emergencies both inside and outside the Union and uses all the instruments available, including military assets where necessary.

EU disaster management is based on two major principles: the responsibility of Member States to provide their citizens with the necessary protection in view of the existing risks and threats, and the solidarity amongst the Member States to prevent disasters from happening, but when they do happen assist each other where catastrophes overwhelm national capacities. This solidarity approach is further underlined in Article 222 of the Lisbon Treaty.

The European Council considers that future EU action should be guided by the objectives of reducing the vulnerability to disasters by developing a strategic approach to disaster prevention and by further improving preparedness and response while recognizing the national responsibility regarding safety and security of the citizens. Closer coordination between all concerned actors throughout the disaster cycle should help to assure the necessary coherence of action.

Civil protection action has in recent years focused on improving the EU's rapid response capacity. The European Council suggests that in the coming years, prevention aspects shall become an integral part of civil protection activities as well. At the same time, preparedness will need to be intensified in order to make EU action more rapid and more effective. The work on modules should be further developed as well as training in order to contribute to an effective response. Therefore the Commission is invited to submit proposals on the Complementary European Disaster Management Training Arrangements as well as necessary funding proposals as soon as possible.

Prevention is an essential horizontal element of comprehensive disaster management. The conclusions by the Council, based on the Commission communication on a Community approach on the prevention of natural and man-made disasters constitute a good basis for further progress. Cooperation should in particular be developed in the area of risk analysis, including regional aspects, so that common objectives and measures can be defined.

Reducing the vulnerability to attacks is one of the major objectives pursued with EU action concerning the protection of EU Critical Infrastructure. The Directive on Critical Infrastructure should be implemented, analyzed and reviewed in due time in order to consider the inclusion of additional policy sectors such as the financial sector and cyberspace.

The threat of terrorist groups using CBRN materials has caused actions at national and EU levels. The overall goal of the policy on CBRN security is to enhance the protection of the citizens of the EU from incidents involving CBRN materials. In order to achieve this goal the implementation of a prioritized, relevant and effective European strategy to prevent, detect, prepare and respond to larger CBRN incidents is central. The Action plan on CBRN forms part of the Stockholm Program.

The adoption of the Council Decision on the Community Mechanism for Civil Protection and the substantive work following its adoption represent a major step forward in disaster response. The consequences of terrorist attacks, or other man-made or natural disasters inside or outside the EU, require the generic emergency management methods of civil protection. Continued efforts are necessary to strengthen the Mechanism and to improve the civil protection instruments, including the availability, use and the coordination of assistance.

The Monitoring and Information Centre (MIC) should be reinforced in order to provide mapping and the necessary technical support to the Member States for the identification and registration of national and multinational civil protection modules.

Furthermore the MIC could also undertake risk assessments, assist the Member States through the organization of simulation exercises of civil protection modules and provide appropriate training for the experts identified by the Member States for reinforcing the MIC during major emergencies.

Increasingly research will be of importance to support all areas of disaster management. Possibilities for research within the seventh research Framework program and within the following framework program need to be analyzed and appropriate proposals should be made to support that goal. Close cooperation with international organizations, in particular the United Nations and NATO/Partnership for Peace should continue to be a priority for interventions in third countries, both on the ground as well as in preparedness (training, joint exercises).

Implementation of the EU Consensus on Humanitarian Aid as well as measures to strengthen the EU's Disaster Response and Disaster Risk Reduction in Developing Countries shall receive all necessary civil protection support.

The EU's safety and security requires continuous dialogue and cooperation with third countries, and in particular neighboring countries. The Union's increasing initiatives for strengthening regional cooperation e.g. for the Mediterranean, the Baltic Sea area and the Black Sea as well as the Eastern partnership are designed to contribute to this.

5. Promoting a more integrated society: a Europe that displays responsibility and solidarity in immigration and asylum matters

The European Council recognizes that the effective management of migratory flows will remain a key challenge facing the European Union in coming years. The European Council equally recognizes that immigration, in the context of an ageing population, will make an important contribution to the Union's economic development and performance in the longer term.

5.1. A dynamic immigration policy 5.1.1. Consolidating a global approach

The European Council has consistently underlined the need for migration issues to be an integral part of EU external policy. The Global Approach to Migration represents a comprehensive, integrated and innovative framework for this purpose. The European Council calls for the further development of this approach in partnership with countries of origin and transit outside the Union. This will require ensuring full account is taken of the links between immigration policy and other policies in the economic, trade and social fields. The principal focus should remain on the countries of Africa and Eastern and South-Eastern Europe. Dialogue and cooperation should now also be further developed with other regions, such as Latin America, the Caribbean and Asia.

The European Council believes that the focus for this purpose should now include:

- making use of all available instruments of migration policy - migration profiles, cooperation platforms,

mobility partnerships etc. - in order to provide a framework capable of enabling all dimensions of the Global Approach (controlling illegal migration, promoting mobility and legal migration, and optimizing the link between migration and development) to be applied in an appropriate way to the situation of particular third countries;

- developing solidarity-based mechanisms, by reference to the Mediterranean region in the first instance, in which Member States would participate on a voluntary basis and which would contribute to preventing illegal migration, improving cooperation in the area of legal migration and assisting migrants in need of protection and asylum;
- developing information on migration routes, promoting cooperation on surveillance and border controls, and facilitating readmission by promoting support measures for return, including voluntary return, and reintegration in order to combat illegal immigration and the fight against trafficking in human beings more effectively;
- reinforcing the link between migration and development by involving migrant communities in the development of their country or region of origin, adopting measures aimed at preventing and reducing brain drain and facilitating transfers of remittances; and making a more efficient use of the existing Union's cooperation instruments to increase the capacity of the central, regional and local authorities of third countries to manage migration issues, including improving their capacity to offer adequate protection.

5.1.2. A concerted policy in keeping with labor-market requirements

The European Council believes that the Union needs a common framework in the form of a flexible admission system which is capable of matching skills with the needs of the Member States' labor markets and is consistent with the Member States' powers to determine the numbers of third-country nationals admitted for employment purposes. Immigration policies implemented in the context of that framework should be based on an overall assessment of the skills Europe will need up to 2020 and have due regard to the *acquis communautaire* and the principle of Community preference as well as the reception capacities of Member States.

The European Council invites

- the Commission and Council to consider how existing information sources and networks can be used more effectively to ensure the availability of the comparable data on migration issues with a view to better informing policy choices; and the Commission to prepare a study on the possible establishment of a European platform for dialogue which would bring together employers, unions and employment agencies of the Member States, recruitment agencies and other stakeholders with a view to identifying how to manage the migration of labor better and what adjustments to legal and institutional frameworks are needed, including in the area of mutual recognition of qualifications and skills.

5.1.3. A proactive policy based on a European status for legal migrants

The European Council believes that the objective of granting third-country nationals legally resident in the Member States of the EU a uniform level of rights comparable with that of Community citizens should remain the objective of a common immigration policy. The European Council also believes it important that the Union is equipped with common rules in order to effectively manage family reunification. Moreover the successful integration of legally resident third country nationals remains the key to maximizing the benefits of legal migration and the Union must therefore continue to support Member States' integration efforts.

The European Council therefore invites the Commission to submit proposals for:

- an Immigration Code consolidating all legislation in the area of legal migration and which would include, where necessary, amendments needed to simplify or extend the existing provisions and improve their implementation;
- the revision of the directive on family reunification following a process of consultation; and
- to support Member States' integration efforts through the further development of a joint coordination mechanism using a common reference framework which would focus on the identification of joint practices and European modules to facilitate the integration process, the development of common indicators for evaluating integration policies, improved consultation with and involvement of civil society and ensure

account is taken of integration needs in other policy areas.

5.1.4. Better controls on illegal immigration

The European Council is convinced that effective action against illegal immigration remains an essential counterpart to the development of a common policy on legal immigration. The fight against human trafficking in particular must remain a key priority for this purpose. It will be important to ensure that the newly adopted instruments in the area of return and sanctions against employers, as well as the operation of readmission agreements, are closely monitored in order to ensure their effective application.

The European Council believes that the focus should now be on:

- concluding readmission agreements at EU or bilateral level with the principal countries of origin and transit;
- continuing to encourage voluntary return, including through the development of incentive systems and using the possibilities offered by existing financial instruments;
- ensuring effective application of the principle of mutual recognition of return decisions by recording entry bans in the SIS;
- improving the exchange of information on developments at national level in the area of regularization, with a view to the development of guidelines;
- developing an action plan on unaccompanied minors which would underpin and supplement the relevant legislative and financial instruments and strengthen forms of cooperation with the countries of origin, including cooperation to facilitate minors' return to their countries of origin; and
- examining, on the basis of a study to be undertaken by the Commission of national needs and practices, the scope for developing common rules for taking charge of illegal immigrants who cannot be returned.

5.2. Asylum: a common area of protection and solidarity

5.2.1. A common area of protection

The European Council remains committed to the establishment of a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection allied with effective procedures capable of countering abuse. The European Council equally believes it important to improve practical cooperation and looks forward to the early establishment of the European Asylum Support Office in this connection.

The European Council accordingly invites:

- the Council and Parliament intensify work on the legislative proposals linked to the establishment of the second phase of the Common European Asylum System with a view to their adoption as soon as possible and, in any case, no later than 2012;
- the Commission to consider putting in place an evaluation mechanisms to facilitate alignment of asylum systems in the Member States;
- the Commission to submit an evaluation of the European Asylum Support Office to the Council no later than five years after its establishment which should include a review of the tasks of the Office with reference in particular to whether those tasks need to be expanded to take account of progress in the area of solidarity and the sharing of responsibilities;
- the Commission, if considered appropriate in the light of an evaluation of the implementation of the second phase legislative instruments, to submit a proposal providing for mutual recognition of all individual decisions granting protection status taken by authorities ruling on asylum applications and thus permitting protection to be transferred.

5.2.2. Sharing of responsibilities and solidarity between the Member States

The European Council believes it necessary to promote solidarity with Member States facing particular pressures as well as with third countries faced with major inflows of refugees. The European Council considers that at the level of the Union a reinforced sharing of responsibility for hosting and

integrating refugees should be considered while preserving the main features of the Dublin system. Likewise the European Council believes that solidarity must be shown with third countries confronted with large flows of refugees or hosting large numbers of refugees and displaced persons. The measures taken for this purpose must continue to ensure access to protection and adherence to the principle of non refoulement.

The European Council invites the Council and Commission to focus work on:

- establishing a mechanism for an internal reallocation of beneficiaries of international protection on a voluntary basis with provision for the introduction, within the European Refugee Fund, of a systematic programming of allocation of financial means aimed at reinforcing internal solidarity and the possible establishment of permanent reception and transit platforms in some Member States as well as specific arrangements for partnership with the UNHCR;
- taking forward the analysis of the feasibility and legal and practical implications of joint processing of asylum applications inside and outside the Union;
- continuing to support the building of greater capacity in third countries so that they can develop their own systems of asylum and protection and, in this connection, examining the scope for new forms of responsibility for protection such as procedures for protected entry and the issuing of humanitarian visas;
- extending regional protection programs in partnership with the UNHCR and the countries concerned and having recourse to the European Asylum Support Office and the Community's external financial instruments the Council;
- promoting resettlement in order to provide permanent solutions for refugees;
- examining should be facilitated, including calling on the aid of diplomatic representations or any other structure set up within the framework of a global mobility management strategy;
- establishing in due course a more permanent solidarity mechanism building on the experience gained through the voluntary mechanism and the outcome of the studies on the joint processing of asylum applications.

6. Europe in a Global world

6.1 Overall considerations

The European Council notes how much the importance of external relations in the area of Justice, Freedom and Security has grown in recent years. The external dimension is a crucial element to serve the main objectives of the Stockholm program as it reinforces the European area of freedom, security and justice and promotes the highest values of rule of law, security and justice abroad. It should also be seen as a part of, and therefore be fully coherent with, all other aspects of the EU's foreign policy.

Building onward on the Strategy for Justice and Home Affairs External relations adopted in 2005, the European Council considers that the EU external actions should focus on areas where the EU provides a valuable multiplier effect, and where it can be more effective than individual initiatives, in particular:

- *Immigration and asylum*; with a view to giving greater EU engagement with source and transit countries to improve their capacity to better manage migration flows;
- *public protection* by reducing harm to the EU through engaging with third countries to tackle serious and organized crime, drugs, trafficking in human beings, by focusing the EU's counter-terrorism action primarily on prevention and by protecting critical infrastructure;
- *Information exchange* that flows securely, efficiently and with adequate data protection standards between the EU and third countries; and *Justice*, to promote the rule of law and human rights, to fight corruption, to help build security and stability and to create a safe and solid environment for business to flourish.

The EU action in external relations should also focus on key partners, in particular:

- *countries with a European membership perspective* for which the main objective would be to prepare them to taking over the EU acquis, *neighbourhood partners*, with the aim to create mobility and security partnerships,
- *the United States, Russia and other priority countries* with whom the EU should cooperate on all issues linked to the area of freedom, security and justice, and *other key partners*, in terms of their contribution to strategic or geographic priorities, deliverable and specific to their needs, including cooperation within regional international organizations, special attention should be given

to areas in crisis (such as the Black Sea region, West Africa, or Africa as a whole).

The European Council notes that some states have an especially extensive relationship with the EU, notably the *EEA/Schengen states*.

The EEA agreement links these states to the internal market, including the right of free movement of persons. Through the Schengen Association Agreement border controls are abolished. This might necessitate a closer cooperation with these states, in all fields of the area of Justice, Freedom and Security, both to enhance the effects of the internal market and to secure the EU's own internal security. At the same time, this closer cooperation would also require greater solidarity from those states towards the Union.

The European Union should have the tools needed in order to give directions for the future, evaluate the policy implementation and define priority regions and themes. It is also important to promote transparency and accountability, in particular of the financial instruments for assistance.

The European Council invites the Council and the Commission to enhance the internal co-ordination in order to achieve greater coherence between external and internal elements of JHA work. The same need for coherence and improved coordination applies to the EU agencies (Europol, Eurojust, Frontex, CEPOL, the Lisbon Drugs Observatory, the European Asylum Support Office and the Fundamental Rights Agency). The Council should also exercise more political oversight over the agencies, by, for instance, drawing conclusions on annual reports.

The European Council underscores the need for complementarity between the EU and Member States' action. This will require a further commitment from the Union and the Member States.

Liaison officers outside the EU should be encouraged to cooperate and share information and best practices; the Council is invited to set up a common reporting system from the liaison officers to the COSI.

Actions undertaken in the external relations field should be based on objective reports clearly demonstrating a need for a specific type of activity through its collective leverage above and beyond what individual Member States or other non-EU actors can achieve.

They should also be based on the added value it brings to the everyday life of the European citizens. The European Union must thus act in accordance with the interests of its citizens by enhancing the feeling of internal security in Europe.

6.2 A reinforced strategy for the external dimension

The European Council notes that external relations in the area of Justice, Freedom and Security have grown exponentially over the past five years. The EU contributes to the successful building of the internal area of freedom, security and justice when engaging with third countries and international organizations. In a globalised world with migratory movements, great mobility of persons, big scale flow of capital, goods and information, including massive and real-time exchange of personal data, cross-border organized crime, terrorism and trafficking in human beings, drugs and arms, the Union must act in a coherent and determined way with third countries, especially strategic partners such as the USA and the Russian Federation, and in regional and international organizations.

It must do so by promoting the Rule of law, democracy, respect for fundamental rights and international obligations, while taking account of the fact that internal and external security are inseparable. As demonstrated by the terrorist attacks in Mumbai and the acts of piracy outside Somalia, European citizens are at risk far away from our continent.

The adoption of the Lisbon Treaty offers new possibilities for the European Union to act in external relations in a more coherent way, by using the double function of the High Representative to ensure coherence and complementarity, the new European External Action Service that in the medium term should

be given the resources to enable more efficient action in the JHA area and complementarity with Member States' diplomatic services, the legal personality of the Union which will enable the Union to act more forcefully in international organizations and the new Treaty basis for concluding international agreements which will ensure that the Union could negotiate more effectively with key partners. The European Council considers that all these avenues should be explored to the fullest extent possible.

6.3 Continuity in action with new tools

The European Council considers that the key thematic priorities identified previously, i.e. terrorism, organized crime, corruption, drugs, exchange of personal data in a secure environment and managing migration flows remain valid. The fight against trafficking in human beings, as part of the latter, needs to be stepped up. The European Council invites the Commission to examine whether ad hoc cooperation agreements with specific third countries to be identified by the Council could be a way to enhance fight against trafficking and to make proposals to that end. In particular, such agreements could involve full use of all leverage available to the Union, including use of financial programs, cooperation for the exchange of information, judicial cooperation and migration tools.

The threat of terrorism remains high. It is therefore necessary to work with key strategic partners to exchange information while continuing to work on longer term objectives such as radicalization and recruitment, as well as critical infrastructures' protection. Framework agreements should be entered into with the United States and the Russian Federation on exchange of information while ensuring that adequate data protection safeguards exist. Operational agreements by Eurojust, Europol, as well as well working arrangements with Frontex should be strengthened.

6.4 Principles on cooperation

Europe is not an island. It has to work in close cooperation with all its partners, with international organizations, non-governmental organizations and other stakeholders. The challenges may be new. The instruments with which we meet them may be new. But the values upon which the success depends - Democracy, the Rule of Law, Human Rights, Tolerance, Loyalty, Reciprocity - are old.

The European Council decides that the following principles should be guiding for European Union action in external relations in the Justice and Home Affairs in the future:

- There is one single external relations policy of the Union
- The Union and the Member States must work in partnership with third countries
- The Union and the Member States will promote international standards
- The Union and the Member States will have a differentiated and flexible approach
- The Union and the Member States will consider it important to work with its neighbors
- The Member States will increase further the exchange of information with the Union on multilateral and bilateral activities
- The Union and the Member States must act with solidarity, coherence and complementarity,
- The Union will make use of all ranges of instruments available to it
- The Member States should coordinate with the Union so as to maximize resources
- The Union will engage in information, monitoring and evaluation, including from the European Parliament

The European Council considers that there is a need for the Justice and Home affairs policies to be better integrated into the general policies of the Union.

The core principle above is that there is only one policy of the Union in external relations. The roles of the High Representative and the Commission as well as Coreper are crucial in that respect. The tool for achieving this aim should be the Support External Relations JHA Group (JAIEX) which should encompass coordination in particular among Ministries of Foreign Affairs, Interior and Justice as well as Development, where necessary, alike. This group should, on behalf to Coreper and reporting to it, ensure that the above mentioned principles are rigorously respected, that coherence is brought to this policy area and that the Union speaks with one voice in international fora. It should in addition ensure information sharing and strategic reflection.

The European Council underscores the need for complementarity between the EU and Member States' action. This will require a further commitment from the Community and the Member States. The European Council therefore asks the High Representative to submit a report to it on how best to ensure this complementarity. It decides to examine this question at the latest in December 2011.

6.5 More secure access to the territory

6.5.1 Control and surveillance of borders

The Union must continue to facilitate access to the territory of the Member States while guarding against illegal immigration, maintaining a high level of security and respecting the rights of persons in need of international protection. The European Council believes that this will require reinforcing the role of FRONTEX and the further development of the integrated management of the external borders approach. It also believes that surveillance will have an increasingly important role to play.

The European Council therefore:

- requests the Commission to bring forward proposals to reinforce the capacities of FRONTEX taking account of the results of the evaluation of the Agency and the role and responsibilities of the Member States in the area of border control;
- invites FRONTEX itself to proceed with the establishment of regional and/or specialized offices for this purpose while maintaining efficient use of resources.

These measures should be directed to reinforcing FRONTEX's operational capacities and include, in particular, provision for FRONTEX to take command over joint operations and enable it to acquire its own resources.

The European Council believes that surveillance of the external borders will have an important role to play. It looks forward to the continued development of the European Border Surveillance System (Eurosur) with a view to ensuring that the necessary cooperation is established between the Member States and with FRONTEX to share surveillance data relating to the eastern and southern borders no later than 2013.

The European Council also invites Member States and the Commission to explore how the different types of checks carried out at the external border (security, immigration and customs) can be better integrated and rationalized in view of the twin objective of facilitating access and improving security. The European Council likewise recalls the importance in this context of ensuring that the rights of persons who may be in need of international protection are fully respected, including in particular vulnerable groups and individuals, and calls for the development of close cooperation between the FRONTEX and the shortly to be established European Asylum Support Office.

6.5.2 Information systems

The European Council believes that technology can play a key role in improving and reinforcing the system of external border controls. The roll out of the SIS II and VIS systems therefore remains a key objective and the European Council calls on the Commission and Member States to ensure that they now become fully operational in keeping with the timetables established for this purpose.

The European Council believes that an electronic system for recording entry to and exit from Member States' could become a complement to the existing systems. It invites the Commission to examine this issue and to consider proposals for such a system alongside a fast track registered traveler program with a view to such a system becoming operational in 2015.

The Commission is also invited to prepare a study on the possibility and usefulness of developing a European system of travel authorization.

6.6.3. Visa policy

The European Council believes that entry into force of the Visa Code and the roll out of the VIS will create important new opportunities for further developing the common visa policy. That visa policy must also be part of a broader vision that takes account of relevant internal and external policy concerns. The European Council therefore encourages Member States to take advantage of these developments in

order to intensify regional consular cooperation including, in particular, by taking advantage of the possibility of establishing common visa application centers.

The European Council also invites:

- the Commission and Council to continue to explore the possibilities created by the conclusion of visa facilitation agreements with third countries in appropriate cases;
- the Commission to keep the list of third countries whose nationals are, or are not, subject to a visa requirement under regular review in accordance with appropriate criteria which take account of the Union's internal and external policy objectives.

The European Council, with a view to creating the possibility of moving to a new stage in the development of the common visa policy, invites the Commission to present a study on the possibility of establishing a common European Schengen visa which would be capable of being issued by a common consular authority. That study should also examine the possibility of supplementing the presumption of risk associated with the applicant's nationality with an assessment of individual risk, including the systems which would need to be put in place to facilitate this.

6.6. European External Action Service

The growing external dimension of the JHA area will also benefit from increasing involvement of the EEAS in JHA. The European Council considers that EEAS diplomats with specific knowledge in JHA should, to begin with, be placed in at least the key strategic partner's missions in USA, Russian Federation, India, China and Brazil; other missions such as Morocco and Afghanistan should also be contemplated. These persons should, apart from engaging in regular dialogue with local authorities as well as law enforcement authorities, also organize follow-up to initiatives and projects, in particular as regards training and regional networks such as in the Western Balkans and IberRed. They should also organize regular meetings of Member States liaison officers and magistrates and other interested EU bodies where they exist. They need to work in close coordination with Member States embassies and serve as a focal point for the information flow to and from the EU.

6.7. Bodies of the Union

Coherence and complementarity are also needed between the political and operational level. Therefore, all agencies of the Union working in this area need to follow the principles laid down by the European Council. This is relevant for Europol, Eurojust and Frontex as well as the Lisbon Drugs Observatory and the Fundamental Rights Agency and other bodies. The external relations priorities should therefore better inform and guide the prioritisation of the work of these agencies. The bodies should, whenever appropriate, be invited to participate in the work of the JAIEX group and to provide their operational knowledge and analysis to the Council in addition to annual reports. In doing so they should be able to contribute to the work of SitCen.

6.8 Human Rights

The Lisbon Treaty gives new opportunities to the Union in relation to the protection of fundamental rights and freedoms, including rights of minorities and children's rights, not only in relation to its internal aspects but also as regards its external aspects. The values of the Union should be promoted and the strict compliance with, and development of, international law, should be respected. The European Council therefore asks the High Representative to submit to it a Human Rights Action Plan in relation to the promotion of its values in its external relations. The Plan shall contain concrete measures in the short, medium and long term, and designate who is responsible for carrying out the actions.

6.9. Protection of personal data

Protection of personal data is among the core values of the Union. In addition, swift technological developments and the increasing transfer and exchange of personal data necessitate appropriate safeguards. At the same time law enforcement, border management and commercial interests require that

personal data is exchanged increasingly. Union bodies such as Europol and Eurojust also exchange personal data within their own respective legal environments.

There is therefore a need for a coherent legislative framework for the Union for personal data transfers to third countries. The European Council invites the Commission to submit as soon as possible, and at the latest by 2010, a proposal for a framework agreement on data protection principles with the United States and a further report on priority countries with whom such agreements should be negotiated.

6.10 Agreements with third countries

The Lisbon Treaty offers new and more efficient procedures for the conclusion of agreements with third countries. The European Council agrees therefore that such agreements, in particular as regards extradition and mutual legal assistance as well as in civil law should be used more frequently. It notes however that the Member States will maintain their possibility to enter into bilateral agreements that comply with Union law and that a legal framework has been created for certain bilateral agreements also in civil law.

6.11 Criminal law and law enforcement cooperation

Agreements have been concluded so far with the United States on extradition and on mutual legal assistance. An agreement on mutual legal assistance and on use of an arrest warrant similar to the European Arrest Warrant have also been signed with Norway and Iceland. [Negotiations on an agreement with Japan in the field of mutual legal assistance have recently led to the signature of a text.] For the conclusion of the latter agreements the procedure foreseen in the Lisbon Treaty should now be applied. The European Council consequently invites the Presidency to submit these agreements to the European Parliament in accordance with the provisions of the Lisbon Treaty.

The European Council further invites the Commission to submit to the Council in 2010 a full list of countries that have requested to have agreements on mutual legal assistance and on extradition with the Union as well as an assessment on the appropriateness and urgency of concluding such agreements with these or other countries

In particular the following criteria should be taken into account when deciding on priority countries:

- strategic relationship
- whether bilateral agreements already exist
- whether the country in question adheres to principles embodied in the Charter of Fundamental Rights
- priorities of law enforcement and judicial cooperation.

The European Union has concluded agreements on exchange of Passenger Name Records (PNR) with the USA, Australia and Canada. Negotiations should be commenced with South Korea. The European Council requests the Presidency to begin the approval procedures with the European Parliament on these agreements and, where necessary, to adapt the legal basis.

6.11. Civil law

As regards civil law, the European Council endorses the strategy on judicial cooperation in civil law matters with third countries adopted in 2006 and decides that this strategy should be integrated in the Stockholm Program.

6.12 The European Neighbors

The European Council considers that the European Neighborhood Policy gives future opportunities for the Union to strengthen capacity and institution building for an independent and impartial judiciary, law enforcement authorities and anti-corruption efforts, as well as increasing freedom of circulation in a secure environment. It invites the Commission to submit, before the end of 2010 a detailed plan, including how to make best use of resources available, so that the goals of creating a stable and peaceful neighborhood, respectful of democracy and the Rule of Law, may best be promoted by the Union. In the

Western Balkans, Stabilization and Association Agreements are progressively entering into force and notable progress has been made in the area of visa policy with visa facilitation and readmission agreements in place and a comprehensive visa liberalization dialogue achieved for some Countries and still under way for some others. Further efforts are needed to fight against organized crime and corruption, to guarantee fundamental rights and to build administrative capacities in border management, law enforcement and the judiciary in order to make the European perspective a reality.

The broad range of policy instruments at the Union's disposal needs to be used to the full. A Neighborhood Plan, comprising the JHA Chapters of the ENP Action Plans together with regional initiatives such as those in the context of SECI and the Baltic Sea, to be adopted by the European Council should be developed so that the Union can act while using fully its capabilities and the new opportunities offered by the new legal framework. The plan should at least encompass the Eastern Partnership and the actions to be taken in the framework of the Union for the Mediterranean and the Black Sea Synergy and should draw on all resources of the Union and the Member States.

As regards the Union for the Mediterranean it will be necessary to enhance the work under way in the context of the Barcelona process, notably regarding migration (maritime), border surveillance, preventing and fighting drug trafficking, law enforcement and judicial cooperation. The European Council asks the Commission to submit such a plan in 2010 and asks Coreper to prepare as soon as possible the decisions to be taken by the Council. The European Union decides to review the Plan by the end of 2012, and in particular to assess its impact on the ground.

The Union should continue to offer mobility of citizens with those neighbors which are willing to commit to ensure that the conditions for a well managed and secure mobility are in place, including by effectively implementing JHA sector reforms. The drawing up and implementation of Mobility and Security Pacts should become part of the Neighborhood Plan, and should build upon Mobility Partnerships and visa dialogues. The Commission in conjunction with the High Representative should give special attention to this in the years to come.

6.13 Strategic partners

The European Union should continue to work closely with its strategic partners USA and Russia. Over the next five years and beyond, new strategic partnerships need to be developed with other partners such as China, India, and Japan and existing partnerships like the one with Brazil need to be deepened in the area of justice and home affairs.

This will be facilitated by the entry into force of the Lisbon Treaty.

Cooperation has been intensified with the *USA* in the past 10 years. A comprehensive political dialogue is a reality on all matters relating to Justice and Home Affairs. Regular Ministerial Troika and Senior officials' meetings are held under each Presidency. This dialogue should continue and deepen in line with what has been laid down in the so-called "Washington Statement" [adopted at the Ministerial Troika meeting in October 2009.] It is crucial that both the U.S. government and the Union take advantage of the new possibilities for cooperation and use this opportunity to forge new and closer ties.

The European Council offers to the U.S. government a possibility to set a New Transatlantic Agenda by creating a Common Space for Freedom, Security and Justice, built on respect for Human Rights and international law and a reciprocal understanding of each others needs and constraints. Exchange of information needs to be intensified while safeguarding the protection of personal data.

Ongoing cooperation in the fight against terrorism and transnational crime, border security, visa policy, migration and judicial cooperation should be pursued.

The framework agreement on data protection principles needs to be negotiated and concluded rapidly. All Member States should as soon as possible become part of those that may enjoy access to the US Visa Waiver Program. Joint procedures should be set up for the implementation of the agreements on judicial cooperation and regular consultations need to take place.

Operational cooperation with Europol, Eurojust and Frontex should be further deepened. The posting of liaison officers of Eurojust and Frontex in their U.S. partner organizations should be considered in light of the development of cooperation.

The Common Space for Freedom, Security and Justice and the new agreement currently under negotiation will provide the framework for future intense cooperation with the *Russian Federation*.

A framework agreement on information exchange should be made within that context. The visa dialogue has to continue with the aim of having a visa free travel at the latest by the end of 2015. This will require that the Russian Federation continue to work towards upholding fundamental rights and the Rule of Law.

The dialogues with *China* and *India* which currently cover migration and counter-terrorism aspects should be broadened to cover notably all migration-related aspects. Agreements on judicial cooperation should be entered into, while taking care that the Union will continue to require that the death penalty is an issue where no compromises can be made. India is a source, transit point and a destination for migrants and the Union should therefore enter into a mobility and security pact with India. As to China it is necessary to continue with the dialogue on Human Rights.

The dialogue with *Brazil* will have to gain in depth and width over the coming years. The Strategic Partnership and the Joint Action Plan will need to be implemented more forcefully and more concrete measures should be considered such as entering into agreements on judicial cooperation and enhancing cooperation on migration-related issues.

The European Council notes that the 2007 *EU-Africa* Joint Strategy and Action Plan define the scope of cooperation in areas relating to migration, mobility, counter-terrorism, transnational crime and drug trafficking. Within the framework of the Global Approach on Migration the dialogue on migration will have to be intensified. Within the next 2 years, agreements on re-admission have to be concluded with *Libya, Morocco and Egypt*. The European Council agrees that it will examine this issue in December 2011 with a view to assessing whether measures should be taken if such agreements have not been satisfactorily concluded by that time.

6.14. Other countries and regions

With other countries and regions, the approach will have to be differentiated, i.e. thematic and problem solving, favoring notably the dialogue at regional level. With most Latin-American and Caribbean countries, the dialogue on migration, drugs trafficking and money laundering should be pursued in the regional framework (EU-LAC) and in the framework of the Financial Action Task Force (FATF). With Afghanistan, the implementation of the Action Oriented Paper on drugs trafficking will have to be pursued and work will have to continue with the Central Asian countries along the trafficking routes to Europe. West Africa has developed recently into a major hub for drugs trafficking from South America to Europe and will require enhanced attention and assistance to stem drugs trafficking as well as other transnational crime and terrorism (within Sahel).

As regards these countries and regions, the European Council asks the High Representative, together with the Commission to examine which regions or countries should be given special attention, financial or other assistance or for whom agreements, including on judicial cooperation, should be made. It asks the High Representative to report to it by December 2010 on the measures that should be taken by 2014 in relation to such regions or countries.

6.15 International organizations and promotion of international standards

The United Nations remains the most important international organization for the Union. With the new opportunities offered by the Lisbon Treaty, action within the UN must become even more coordinated and efficient. The representative of the High Representative shall coordinate, together with the Commission and the Representative of the Trio Presidency, the Union's action in the UN (New York, Geneva and Vienna) and

in the other international organizations.

The Union should continue to promote international standards and ratification of international conventions, in particular those developed under the auspices of the United Nations and the Council of Europe. In close cooperation with the Member States, the EU dimension should be used as a means of resourcing and legitimizing an extended geographical reach of European law enforcement efforts to respond to the challenges of organized crime and terrorism where they develop rather than to wait for them to reach our borders. In this respect careful consideration should be given to the creation of a focused JHA rapid reaction financing mechanism in the areas of migration, border management, fight against terrorism and transnational crime.

Such a special financial program, managed by the Commission, should be ready to give technical assistance to implementation of international conventions globally, to UN Member States on request, in a fast and efficient manner to those in need of assistance, in particular in matters of the Rule of Law, organized crime, corruption, terrorism and drugs and more generally in the fields of justice and law enforcement. The assistance should be made in relation to legislative advice practical implementation and follow up. Such a program should make the Union able to work with international organizations, and in particular the UNODC, The Hague Conference of Private International Law and the Council of Europe. Sufficient resources need to be able to allocated to this endeavor.

The importance of the work of the Council of Europe should not be underestimated. It is the hub of the European values of Democracy, Human Rights and the Rule of Law. The Union must continue to work together with the Council of Europe based on the Memorandum of Understanding signed in 2006. The European Council commends the work of the GRECO of the Council of Europe (the Group of States against Corruption). It notes that the United States is a member of GRECO. It decides that the Union shall become a member, as soon as possible, of Greco and invites the Commission to undertake necessary preparatory work to that end. The Commission should report to the Council by December 2010 on the results of its work.

6.16 Action Oriented Papers (AOP)

The European Council considers that the Action Oriented Papers are a useful tool to pursue some of the goals of the External Dimension Strategy. The focus on delivery of results with a particular emphasis on operational cooperation in which Member States' commitment and expertise is critical.

The implementation of the AOPs need however to be reinforced and follow-up and monitoring is essential. The European Council therefore tasks the Internal Security Committee (COSI) with this specific task and asks it to report to it once every second year, the first time in December 2011, on the follow-up to the AOPs adopted. Overall, COSI should be following and monitoring the AOPs closely.