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TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

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

(SECOND HALF OF 2002)

FOREWORD

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

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

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

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1. SUMMARY

This Part sets out the main progress made in implementing the conclusions of the Tampere European Council since the last version of the Scoreboard was presented by the Commission on 30 May 2002 and work planned by the Commission for 2003 in its work programme. Progress is detailed in the tables below.

The progress made in the last six months confirms that the impetus given at the Laeken European Council is continuing to bear fruit. Major decisions on which the principle had been agreed have now been formally confirmed. An example is the adoption of the European arrest warrant and the framework decision on terrorism. Important progress was also made with judicial cooperation in civil matters in the application of the mutual recognition principle.

But this progress must be seen in the light of what remains to be done to complete the Tampere programme on schedule.

The backlog referred to by the Laeken European Council has not been cleared in some areas, notably as regards the common policies on asylum and immigration, though the necessary proposals are all before the Council. The Seville European Council nevertheless felt the need to give a fresh impetus by declaring its determination to speed up every aspect of the implementation of the programme adopted at Tampere for the creation of an area of freedom, security and justice in the European Union. New priority has accordingly been given to measures to combat illegal immigration and to progress in establishing common management of external borders.

But the fact remains that, despite the efforts made and the undeniable progress achieved, the difficulties raised by the Commission in the 30 October 2001 Scoreboard for the Laeken European Council's mid-term review of the implementation of the Tampere programme have not gone away. They lie in particular in the problems of adjusting national approaches to these admittedly tricky matters, which the Union's current institutional set-up and decision-making mechanisms provide no means of obviating. The Union is faced with imminent enlargement on an unprecedented scale. And 2003 will be the last year of the run-up to the deadlines set by the Amsterdam Treaty and the Tampere programme. At a time when the Convention of the future of Europe is coming up to a crucial stage in its proceedings, thought must be given to ways of avoiding all dispersal of initiatives if the measures that have been given priority are to be taken on time.

The tables below provide a more detailed snapshot of the work that has been done and of the Commission's priorities for the next year in such key areas for the attainment of an area of freedom, security and justice as asylum, immigration, justice, the fight against crime, external borders, citizenship and the enhancement of external action.

A common EU asylum and migration policy

Eighteen months ahead of the deadline set by the Amsterdam Treaty, only a few of the objectives defined for the establishment of a common asylum and immigration policy have been met. The Seville European Council did endeavour to accentuate the dynamism flowing from the Laeken European Council.

Significant progress should be made on the asylum front with the expected adoption in December of the Dublin II Regulation laying down criteria and mechanisms for determining the Member State responsible for examining an asylum application presented in another Member State, as requested by the Seville European Council.

In June the Commission, in accordance with the conclusions of the Laeken European Council, presented an amended proposal for common minimum standards concerning the procedure for granting or withdrawing refugee status. In July, following the decision by the Permanent Representatives Committee to close the CIREA (Centre of Information, Reflection and Exchange on Asylum), the Commission set up a European Union network for asylum practitioners (EURASIL).

Early in 2003 the Commission is planning a progress report on work on the common asylum procedure and the uniform status, and on the implementation of the first-stage instruments. Late in 2003 it will follow this with two communications concerning the examination of asylum applications outside the EU and the establishment of a single procedure for examining applications for protection in the Member States.

On the immigration front, the proposal for a directive on family reunification, amended by the Commission in May at the Laeken European Council's request, is still under examination. The rules on admission of third-country nationals, laid down in particular in the proposal for a directive on admission for the purposes of employment of July 2001, were supplemented by a new proposal for a directive presented by the Commission in October on the conditions for entry and residence for the purposes of studies, vocational training and voluntary service.

In the first half of 2003 the Commission is planning a communication on the integration of third-country nationals, a matter regarded as important by the Seville European Council.

Regarding the evaluation of migratory flows, following its communication of July 2001 on the implementation of an open coordination method, the Commission presented a communication in December on the implementation of the Council Action Plan of April 1998 on the exchange and analysis of statistics to help set up an information exchange system on asylum, migration and countries of origin. The Council, acting on a Commission proposal, adopted a Decision establishing an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (the ARGO Programme).

Turning to the fight against illegal immigration, in July the Council adopted, in accordance with the conclusions of the Seville European Council, a framework decision on the fight against trafficking in human beings and in November, a framework decision on the liability of people smugglers and a directive defining assistance for illegal entry, transit and residence. In 2003 the Commission will present a White Paper on Reinforcement of the provisions governing the liability of carriers.

Concerning aid for countries of origin and transit, the Seville European Council confirmed that the Union was ready to provide the necessary technical and financial assistance, so the Commission intends to present a proposal in 2003 with the aim of establishing a multi-annual programme of cooperation with third countries in the field of migration. The intention is to respond in a specific and complimentary way to the needs of third countries in their efforts to ensure better management of all aspects of migratory flows and, in particular, to stimulate third countries in their preparation to implement the readmission agreements or to assist them with the implementation itself. This programme will be implemented in conformity with the global coherence of the Community's external action plan and in complement to the other community cooperation and development instruments.

The conclusion of readmission agreements with third countries is an aspect of the management of migratory flows to which great importance was attached at Seville, where the European Council asked for the conclusion of agreements currently being negotiated to be accelerated and for the new mandates for the Commission to negotiate with other countries to be approved.

An agreement was signed by the Commission with Hong Kong on 27 November. This will be the first Community readmission agreement to enter into force. It should be followed by agreements with Sri Lanka, initialled on 30 May, and Macao, initialled on 18 October 2002, which are in the process of being ratified. Negotiations began in November with Ukraine, and informal negotiations are continuing with Morocco.

The Seville European Council called for a clause on the joint management of migratory flows and compulsory readmission in the event of illegal immigration to be inserted in all future cooperation, association and equivalent agreements concluded by the European Union or the European Community (see conclusions of the General Affairs Council of 18.11.2002). The Council gave the Commission new mandates to open negotiations with Albania, Algeria, China and Turkey and adopted conclusions on closer cooperation with third countries in the management of migratory flows.

The policy on the return of illegal residents in Union territory is another facet of the policy on management of migratory flows in the Union. Following its April Green Paper and the conclusions of the Seville European Council calling for the basics of a repatriation policy to be put into place by the end of the year, the Commission presented a communication in October outlining its first thoughts on a programme of action on returns. On this basis, the Council adopted Action plan on returns in November and also indicated its agreement on the plan for returns to Afghanistan. Moreover, and at the European Council's request, the Commission transmitted a report in December to the Council on the financial resources available at community level for the repatriation of refugees and asylum-seekers whose applications are rejected, on the management of external borders and on asylum and migration projects in third countries. The Commission adopted this report jointly with a Communication on migration and development.

European Law-enforcement Area

As regards civil matters

Useful progress was made in the last six months. The Member States and the Commission completed the preparatory work for the Network, which has been operational since 1 December.

The Council should be able to adopt the directive on judicial aid in December. Following its proposal of payment of uncontested claims presented in April, the Commission intends to present a Green Paper in December 2002 on closer approximation of the rules of procedure for uncontested claims and small claims, and in 2003 it is planning a proposal for a European injunctions-to-pay procedure.

To improve the protection of victims' rights and assistance to victims, the Commission presented a proposal for a directive on victim compensation in October to follow up the Green Paper presented in September 2001, which has been widely debated since then.

Numerous initiatives were taken to inform the public about judicial cooperation in civil matters in the Union: a joint conference with the Council of Europe on access to justice in October; a campaign to be launched in 2003; and initiatives to improve familiarity with the European Judicial Network in civil and commercial law among the judiciary and the general public.

In October the Council adopted negotiating directives for an agreement between the Community and the Lugano Convention States to facilitate the mutual recognition of judgments in civil and commercial matters.

As for the law applicable to non-contractual obligations (Rome II Convention), the Commission launched a public consultation on a preliminary draft Regulation and is expecting to present its definitive proposal in the first half of 2003.

The Commission intends to adopt a Green Paper in December 2002 on the question of revision of the Rome Convention with a view to modernising it and possibly converting it into a Community instrument.

Both the Council and the Commission launched studies on the law applicable to divorce. The results of the Commission study were made available in the third quarter, and the Commission is planning to present a White Paper on that basis in 2003.

Finally, in November the Council reached agreement in principle on an essential aspect of the draft Council regulation on the competence, recognition and execution of decisions in the areas of marital and parental responsibility, namely the settlement of questions of jurisdiction in cases where children are removed. An agreement could also be reached on the Council Decision authorizing Member States to sign, in the interest of the European Community, the 1996 Hague Convention.

As regards criminal matters

The adoption by the Council of the Framework Decision on the European arrest warrant and surrender procedures in June (based on a Commission proposal) constitutes the first, and without doubt one of the most important achievements in the implementation of the programme of mutual recognition in criminal matters. It replaces a complex system, which

required a combined reading of several conventions on extradition, with a single system of surrender based upon the European arrest warrant and in particular removing the need for intervention at governmental level from the procedures. Moreover, it constitutes a significant advance in removing the dual criminality requirement in cooperation between Member States in respect of 32 categories of serious offences. It also constitutes progress on other aspects (e.g. surrender of own nationals). The deadline for implementing the framework decision is 31.12.2003, although five Member States have already agreed to apply it from 1 January 2003.

In addition, by way of complement to the mutual recognition programme, the Commission is planning to present, in the first half of 2003, a Green Paper on the procedural guarantees enjoyed by suspects and a communication on criteria for determining jurisdiction in criminal matters.

Regarding the mutual recognition of decisions at the pre-trial stage, the Council must still formally adopt the framework decision on the freezing of assets and evidence, following the Opinion of the European Parliament. The Commission intends to present, in 2003, a proposal for a framework decision on the mutual recognition of measures relating to evidence.

In November the Council made progress on a framework decision on the application of mutual recognition to financial penalties. In June, Denmark presented a draft framework decision on the enforcement of confiscation orders in the Union. In 2003 the Commission is planning to present a communication on the approximation of criminal penalties.

On the exchange of information on criminal records, the Commission is planning to present a proposal for a decision establishing a standard-form request for details of criminal records in the first half of 2003.

Union-wide Fight against Crime

The fight against the most serious forms of crime, including terrorism, is more than ever a high Union priority.

Regarding Europol, the Council adopted an Act of Council on the 28 and 29 November carrying a protocol which amends the 'Europol' Convention in order to clarify the role and degree of participation of those responsible at Europol with Joint Investigation Teams as well as the requests of Europol to initiate criminal investigations.

In addition, a series of negotiations about the exchange of information are underway between Europol and third countries including in particular candidate countries but also countries like the United States, Canada, Norway and Iceland.

The purpose of the AGIS programme for police and judicial cooperation in criminal matters, adopted by the Council in July for the period 2003-2007, is to reinforce cooperation between the police and judicial authorities of the Member States. AGIS takes over the activities of the former Title VI cooperation programmes OISIN, FALCONE, GROTIUS, STOP and HIPPOKRATES and the budget heading to implement the Union action plan against drugs.

The first annual report of the European crime-prevention network on crime prevention in the Union will be out shortly. The Forum for the prevention of organised crime pursued its activities with workshops on money-laundering, studies on the impact of crime,

counterfeiting and piracy, and trafficking in cultural goods. In 2003 the Commission is planning a communication on crime prevention to follow up its initial communication of December 2000.

To combat organised crime, the Council adopted a framework decision on joint inspection teams in June, approved the Rules of Procedure and appointed the president of Eurojust to help combat organised crime. In December, the Eurojust unit moved to the Hague (the provisional seat decided by the Laeken European Council).

Progress was made on the harmonisation of definitions, offences and penalties for certain serious forms of crime. In June the Council adopted the framework decision on terrorism, followed in July by a framework decision on the fight against trafficking in human beings. In October the Council agreed to the principle of a framework decision on the fight against sexual exploitation of children and child pornography.

Now that the first framework decisions have been adopted, the question of proper transposal is of great importance for their effectiveness. In February 2002, the Council adopted its first report on the framework decision strengthening the protection of the Euro through criminal penalties. In January 2003 the Commission will present its second report on the implementation of this framework decision and at the end of 2003 it will present a report on the transposal of the framework decision of June 2002 on the fight against terrorism.

Regarding the reinforcement of the protection of the Community's financial interests, the Commission presented an amended proposal in October, following the opinion of the European Parliament. In January 2003 the Commission will submit an evaluation report on the activities of OLAF, who will tackle in particular the questions relating to the legal follow up of the investigations of OLAF. In March 2003, the Commission will present a Communication on the follow-up of the Green Paper relating to the European Prosecutor.

Regarding money-laundering, which finances both organised crime and terrorism, the Presidency presented draft framework decisions on confiscation orders and their enforcement in the European Union. In 2003 the Commission is planning a proposal for a framework decision to combat money laundering through payments in cash. It will also present a communication evaluating the action undertaken to combat financial crime under the third pillar.

Policy on internal and external borders and visas, and Schengen

The Seville European Council stressed the priority to be given to establishing common management of the Union's external borders. In June, following the Commission communication of 7 May, as well as the feasibility study commissioned by Italy on the development of joint actions and a study on police and security at borders, the Council adopted a plan for the management of the Union Member States' external borders.

Following the Seville European Council, work continued on improving coordination between immigration liaison officers in the Member States. Joint operations at external borders are in preparation, and several pilot projects have been launched. These include a working party to devise a common model for risk analysis, which the European Council highlighted as a priority. Work will continue in 2003 on the various aspects of common management of borders, including the possible establishment of a European corps of border police.

The European Council also asked the Commission to consolidate the Community rules on external border controls and surveillance, and in the first half of 2003 the Commission is planning to present a proposal for restructuring the Common Manual for external borders.

In the framework of developing a common policy on visas, the Commission presented a proposal in October amending the common consular instructions. In September it launched a feasibility study on the introduction of a common visa identification system, the results of which will be available at the end of the first quarter of 2003 and will lay the basis for a proposal for a Regulation that the Commission is planning to present to develop such a system.

The European Council asked the Council and the Commission to give top priority to reviewing the list of third countries whose nationals must be in possession of a visa and those that are exempt from that requirement, under the Union's plan of action against illegal immigration, in November the Commission adopted a proposal to modify regulation No 539/01, based on the responses to a questionnaire addressed to Member States.

In June, among the measures to combat false documents, the Council adopted a Regulation to communitise the uniform format for residence permits for third-country nationals, the necessary technical specifications having been adopted in August.

Finally, work continued on developing the second-generation Schengen Information System, the Commission having launched a feasibility study in July 2002.

Citizenship of the Union

The Council discussed the proposal for a directive on the right of Union citizens and members of their families to move and reside freely in the territory of the Member States, thus completing the rules on Union citizens' rights of entry, movement and residence.

In addition, the Commission intends to present a proposal in 2003 for a Regulation on a uniform format for residence cards for Union citizens and members of their families.

Cooperation Against Drugs

The Commission made its mid-term review of the implementation of the European Union Plan of Action against drugs (2000-2004) adopted at the Feira European Council in June 2000, presenting a communication in November. The guidelines set out in the communication were approved at the Copenhagen European Council.

The Laeken European Council had requested that the Council adopt the framework decision establishing minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking before the end of May 2002. The Council is still discussing this instrument which is on the agenda for the JHA Council in December.

Stronger External Action

The negotiations with the applicant countries of Chapter 24 on justice and home affairs are provisionally closed as regards ten of these countries. They are continuing with Bulgaria and Romania. In October the Council had a discussion with the Ministers of Justice and Home Affairs of the applicant countries on questions relating to the Schengen evaluation process and mutual recognition.

Given the importance of pursuing cooperation with the applicant countries, it must be stressed that the Community still provides support even though the negotiations are completed. The October European Council supported the insertion of safeguard clauses in future accession treaties.

Regarding the non-applicant countries in the Balkans, association and stabilisation agreements containing a major Justice and Home Affairs chapter were signed with Croatia and FYROM. The Council gave a mandate for negotiations with Albania and exploratory discussions are going on with the Federal Republic of Yugoslavia.

Cooperation with the United States also features as a priority the Union's agenda. On the basis of the mandate given by the Council in April, an agreement on judicial cooperation in criminal matters is being negotiated under Articles 24 and 38 of the Union Treaty.

With regard to non-candidate countries, the Commission has tried to integrate in a specific manner the themes related to justice and home affairs in their cooperation programmes with third countries. A significant amount of aid has been programmed, mainly for the period 2002-2004, in order to support third countries directly in their efforts- initially those in the areas of the Mediterranean (e.g. MEDA), the Balkans, Eastern Europe and Central Asia- directly in their efforts.

2. A COMMON EU ASYLUM AND MIGRATION POLICY

The Tampere priorities:

The separate but closely related issues of asylum and migration call for the development of a common EU policy. **The Seville European Council formally restated the need for this and set precise deadlines for the adoption of legislative instruments¹.**

2.1. Partnership with countries of origin

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

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

¹ Council Decision 2002/463/EC of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO) (OJ L 161, 19.6.2002, p. 11).

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Continuation of the mandate of the High Level Working Group on Asylum and Migration	Council and Commission				The report on the implementation of the action plans already adopted was presented to the Nice European Council in December 2000		
Assessment of other countries and regions in view of drawing up new action plans	Council and Commission	April 2001				Following this report adopted by the Council, new action plans should be drawn up on the basis of the experience acquired in implementing the action plans adopted so far. Criteria must be defined before choosing the countries or regions for which new action plans will be made. The High-Level Group has decided for the moment to launch no new action plans.	
Implementation of a new budgetary instrument for cooperation with third countries of origin and transit ²	Council and Commission	As soon as possible	The Commission has committed the €10 million entered in the 2001 budget and the €12.5 million allocated by the budgetary authority in 2002.			At the beginning of 2003, the Commission is planning to present a proposal for a regulation establishing a legal base regarding cooperation with third countries in the area of migration. ³	

2.2. A common European asylum system

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

In the long term, a common asylum procedure and a uniform status for refugees must be established, to be valid throughout the Union.

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

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

² Follow-up to EP resolution of 30 March 2000.

³ See also table on "Management of migration flows".

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Examination of the effectiveness of the Dublin Convention	Evaluation to be conducted by the Commission	2000	Final evaluation report presented in April 2001 ⁴				
Adoption of criteria and mechanisms (regulation)	Council, on the basis of a proposal by the Commission	April 2001	Commission staff working document presented in March 2000. ⁵ Commission proposal for a Regulation in July 2001 ⁶ .	Parliament opinion in April 2002 ⁷ Work in progress in the Council.	The Seville European Council asked the Council to approve the Dublin II Regulation by December 2002.		
Finalise work on EURODAC	Council and Commission		Commission proposal in May 1999 ⁸ , for a Council Regulation establishing the Eurodac system, amended in March 2000 ⁹ .	EP Opinions in November 1999 ¹⁰ - and September 2000 ¹¹	Regulation adopted by the Council in December 2000 ¹² and implementing regulation in February 2002 ¹³ .	<ul style="list-style-type: none"> Development of the central unit by the Commission, in contact with the experts from the Member States. Implementation of a communal control authority on 28 November 2002 	

⁴ SEC(2001) 756, 13.6.200: Commission staff working paper – Evaluation of the Dublin Convention.

⁵ Commission working paper – “Revisiting the Dublin Convention: developing Community legislation for determining which Member State is responsible for considering an asylum application submitted in one of the Member States” (SEC(2000)522, 21 March 2000).

⁶ In July 2001 the Commission presented a proposal for a regulation laying down the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (COM(2001) 447, 26.7.2001).

⁷ A5- 0081/2002, 8 April 2002.

⁸ Proposal for a Council Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints of applicants for asylum and certain other aliens (COM(1999) 260, 26.5.1999).

⁹ Amended proposal for a Council Regulation concerning the establishment of "Eurodac" for the comparison of the fingerprints of applicants for asylum and certain other third-country nationals to facilitate the implementation of the Dublin Convention (COM(2000) 100, 15.3.2000).

¹⁰ A5- 0081/1999, 11.11.1999.

¹¹ OJ C 146, 17.5.2001.

¹² OJ L 316, 15.12.2000.

Objective: A fair and efficient asylum procedure

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Adoption of common minimum standards on procedures for granting or withdrawing refugee status with a view, inter alia, to reducing the duration of asylum procedures, and with special reference to the situation of children (directive)	Council, on the basis of a proposal by the Commission	April 2001	Commission proposal for a directive in September 2000, ¹⁴ amended in June 2002,¹⁵ in accordance with the conclusions of the Laeken European Council.	Parliament opinion in September 2001 ¹⁶ Work in progress in the Council.	Council conclusions adopted in December 2001 ¹⁷ The Seville European Council asked the Council to approve the Directive by 2003.		
Definition of common minimum conditions for reception of asylum seekers (with particular attention to the situation of children) (directive)	Council, on the basis of a proposal by the Commission	April 2001	Council conclusions adopted in November 2000 on the basis of a French Presidency working document Commission proposal for a Council directive in April 2001 ¹⁸ .	Parliament opinion in April 2002 ¹⁹ Work in progress in the Council.			

¹³ Regulation laying down certain detailed rules for the application of Regulation No 2725/2000 concerning the establishment of Eurodac (OJ L 62, 5.3.2002, p.1).
¹⁴ Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2000) 578, 20.9.2000).
¹⁵ Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2002) 326, 18.6.2002).
¹⁶ A5- 0291/2001, 20.9.2001.
¹⁷ 14581/01 (presse 444).
¹⁸ Proposal for a Directive on minimum standards for the reception of applicants for asylum in Member States (COM(2001) 181, 3.4.2001).
¹⁹ A5-112/02, 25.4.2002.

Common asylum procedure	Commission (in part)		<p>Commission communication in November 2000, proposing an approach in two stages to establish a common European asylum system based on a common procedure and a uniform status.²⁰</p> <p>First Commission progress report on the common asylum policy, introducing an open coordination method.²¹</p>	Parliament opinion in September 2001 ²²		<p>The Commission, as stated in its communication of November 2001, wishes to contribute to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum, migration and countries of origin. In July 2002 it set up an EU network for practitioners of asylum (EURASIL). The Commission is planning to present a second progress report early in 2003.</p> <p>In the second half of 2003 the Commission is planning to present a communication on the examination of asylum applications outside the EU, on the establishment of a single procedure for examining applications for protection in the Member States and the establishment of resettlement schemes in the EU.</p>	
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²⁰ Commission Communication to the Council and the European Parliament "Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum" (COM (2000) 755 final, 22.11.2000)

²¹ Commission Communication to the Council and the European Parliament on the common asylum policy, introducing an open coordination method (COM(2001) 710, 28.11.2001).

²² A5-304/2001, 3.10.2001.

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
As a follow-up to the Commission communication, a legislative instrument may be needed	Council, on the basis of a proposal by the Commission		Commission Communication in November 2000 (see previous point) Commission progress report (see previous point)				
Approximation of rules on the recognition and content of refugee status (directive)	Council, on the basis of a proposal by the Commission	April 2004	Commission proposal for a Directive in September 2001 ²³ .	Parliament opinion in October 2002²⁴ Work in progress in the Council.	The Seville European Council asked the Council to approve the Directive by mid-2003.		

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Temporary protection in the event of mass influx of displaced persons in need of international protection (directive)	Council, on the basis of a proposal by the Commission	As soon as possible	Commission proposal for a Directive in May 2000 ²⁵ .	Parliament opinion in March 2001 ²⁶	Adopted by the Council in July 2001 ²⁷		Deadline for implementation: 31.12.2002

²³ Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (COM(2001) 510, 12.9.2001).

²⁴ A5-0333/02, 21.10.2002.

²⁵ Draft Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (COM(2000) 303, 24.5.2000).

²⁶ A5-0077/2001, 13.3.2001.

Subsidiary forms of protection (directive)	Council, on the basis of a proposal by the Commission	April 2004	Commission proposal for a Directive in September 2001 ²⁸ (see preceding objective).	Parliament opinion in October 2002 ²⁹	The Seville European Council asked the Council to approve the Directive by mid-2003.		
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Objective: To ensure a balance of effort between Member States in receiving refugees and displaced persons and bearing the consequences of such intake

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Setting up a European Refugee Fund (decision)	Council, on the basis of a proposal by the Commission	As soon as possible	Commission proposal for a Council directive in December 1999. ³⁰	Parliament opinion in April 2000 ³¹	Decision adopted by the Council in September 2000 ³²	For 2002, requests for co-financing are now being presented by the Member States	Exercises 2000 and 2001 under way.
Making a financial reserve available in the event of mass influx of refugees	Council and EP, possibly on the basis of a Commission proposal		The European Refugee Fund now has an annual reserve of €10 million to deal with emergency and massive influx situations.				

²⁷ OJ L 212, 7.8.2001.

²⁸ Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (COM(2001) 510, 12.9.2001).

²⁹ A5-0333/02, 21.10.2002.

³⁰ Proposal for a Council Decision on the European Refugee Fund (COM(1999) 686, 14.12.1999).

³¹ JO C 40, 7.2.2001.

³² OJ L 252, 6.10.2000.

2.3. Fair treatment of third country nationals

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

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

Objective: To fight against all forms of discrimination, especially racism and xenophobia³³

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Implementation of the principle of equal treatment between persons irrespective of race or ethnic origin (directive)	Council, on the basis of a proposal by the Commission	June-December 2000	Commission proposal for a Council directive in November 1999. ³⁴	Parliament opinion in March 2000 ³⁵	Adopted by the Council in June 2000. ³⁶		Implementation deadline: 19.07.2003.
Establishment of a general framework for equal treatment in employment and occupation (directive)	Council, on the basis of a proposal by the Commission		Commission proposal for a Council directive in November 1999, ³⁷ amended in October 2000. ³⁸	Parliament opinion in October 2000 ³⁹	Adopted by the Council in November 2000. ⁴⁰		Implementation deadline: 2.02.2003.

³³ Measures aimed at enhancing non-discrimination and at fighting racism and xenophobia apply generally to all persons residing in the territory of the European Union; they are particularly relevant with regard to third-country nationals.

³⁴ Commission proposal for a Council Directive on the implementation of the principle of equal treatment of all persons without distinction as to race or ethnic origin (COM(1999)566, 25.11.1999).

³⁵ A5 0136/00, 18.5.2000.

³⁶ OJ L 180, 19.7.2000, p. 22.

³⁷ Proposal for a Council Directive establishing a general framework for equal treatment in employment and occupation (COM(1999)565, 25.11.1999).

³⁸ Proposal for a Council Directive establishing a general framework for equal treatment in employment and occupation (COM(2000)652, 12.10.2000).

³⁹ OJ C 178, 22.6.2001.

⁴⁰ OJ L 303, 2.12.2000.

Programmes drawing upon best practices and experiences (decision)	Council, on the basis of a proposal by the Commission		Commission proposal in November 1999 ⁴¹ for a Council Decision establishing a programme to support the Member States' efforts, amended in October 2000 ⁴² .	Parliament opinion October 2000.	Decision adopted by the Council in November 2000 ⁴³		Programme runs from 1.1.2000 to 31.12.2006
Strengthening of cooperation with the European Monitoring Centre on Racism and Xenophobia and the Council of Europe	Council / Commission		Official opening of the Centre on 7 April 2000. Fourth annual report published in December 2002 .				
Enhancing police and judicial cooperation in preventing and combating racism and xenophobia - common charges for racism and xenophobia (framework decision) ⁴⁴	Council, on the basis of a proposal by the Commission		Commission proposal for a Framework Decision in November 2001. ⁴⁵ Council conclusions on the fight against racism, anti-semitism and xenophobia adopted in April 2002.	Parliament opinion in July 2002 ⁴⁶			

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	

⁴¹ Proposal for a Council decision establishing a Community Action Programme to combat discrimination (2001-2006) (COM(1999)567, 25.11.1999).

⁴² Amended proposal for a Council decision establishing a Community Action Programme to combat discrimination (2000-2006) (COM(2000)649, 10.10.2000).

⁴³ OJ L 303, 2.12.2000.

⁴⁴ See also table on "Fight against certain forms of crime".

⁴⁵ Proposal for a Council Framework Decision on combating racism and xenophobia (COM(2001) 664, 28.11.2001).

⁴⁶ A5-189/02, 24.5.2002.

Assessment of present and future migration flows into the EU, with regard to demographic changes, the situation of labour market, as well as migration pressures from countries and regions of origin	Council / Commission / Member States		In November 2000 the Commission presented a communication on a Community immigration policy ⁴⁷ followed in July 2001 by a communication on an open method of coordination for the Community immigration policy ⁴⁸ covering this aspect.	Parliament opinion in October 2001 ⁴⁹ Parliament opinion in January 2003	Adoption by the Council expected in June 2003.	The Commission contributed to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum, migration and countries of origin (Eurasil), following on from its communication of July 2001.	
Conditions of entry and residence for the purpose of (a) family reunification, (b) study or vocational training, (c) paid employment and self-employed economic activity (directives)	Council, on the basis of a proposal by the Commission		Commission proposal for a Council directive on family reunification in December 1999, ⁵⁰ amended in October 2000 ⁵¹ and May 2002 ⁵² in accordance with the conclusions of the Laeken European Council. The Commission presented a proposal for a directive on admission for employment in July 2001. ⁵³ The Commission presented a proposal for a directive on admission for employment in July 2002. ⁵⁴	Parliament opinion in September 2000 ⁵⁵ and fresh opinion expected in 2003. Parliament opinion expected in January 2003			
Standards and procedures for the issue of long-term visas and residence permits (directive)	Council, on the basis of a proposal by the Commission		See below.				

⁴⁷ Communication from the Commission to the Council and the European Parliament on a Community immigration policy (COM(2000) 757, 22.11.2000).

⁴⁸ Communication from the Commission to the Council and the European Parliament on an open method of coordination for the Community immigration policy (COM(2001) 387, 11.7.2001).

⁴⁹ A5-305/2001, 3.10.2001.

⁵⁰ Proposal for a Council Directive on the right to family reunification (COM(1999) 638, 1.12.1999).

⁵¹ Amended proposal for a Council Directive on the right to family reunification presented by the Commission under Article 250(2) of the EC Treaty (COM(2000) 624, 10.10.2000).

⁵² Amended proposal for a Council Directive on the right to family reunification (COM(2002) 225, 2.5.2002).

⁵³ Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (COM(2001) 386, 11.7.2001).

⁵⁴ Proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purpose of studies, vocational training or voluntary service (COM(2002)548, 7.10.2002).

⁵⁵ A5-0201/2000, 6.9.2000.

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Definition of a set of uniform rights (e.g. the right to reside, receive education and work as an employee or a self-employed person) to be granted to third-country nationals who have resided legally in a Member State for a period of time to be determined (directive)	Council, on the basis of a proposal by the Commission		<p>Council conclusions adopted in November 2000</p> <p>Commission proposal for a Directive in March 2001⁵⁶.</p> <p>Following the adoption of Council conclusions in December 2001 on the coordination of national social security systems for third-country nationals residing lawfully in the territory of a Member State, the aim being to give them a set of uniform rights as close as possible to those enjoyed by Union citizens, the Commission presented in February 2002 a proposal for a Council Regulation to extend Regulation (EEC) No 1408/71 to third-country nationals not covered by these provisions solely by reason of their nationality.⁵⁷</p>	<p>Parliament opinion in February 2002⁵⁸</p> <p>Parliament opinion in November 2002</p>	<p>Adoption by the Council expected before June 2003.</p> <p>Adoption by the Council in December 2002.</p>		
Determination of the criteria and of the conditions under which, like Community nationals and their families, third-country nationals could be allowed to settle and work in any Member State of the Union, taking account of the consequences for social equilibrium and the labour market (directive)	Council, on the basis of a proposal by the Commission		<p>Commission communication on implementing an open coordination policy on immigration in July 2001 (see above).⁵⁹</p> <p>Commission proposal for a directive on long-term resident status in March 2001.⁶⁰</p>	<p>Parliament opinion expected in January 2003</p> <p>See above</p>		<p>In the first half of 2003 the Commission is planning to present a communication on the integration of third-country nationals.</p>	

⁵⁶ Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127, 13.3.2001).

⁵⁷ Proposal for a Council Regulation extending the provisions of Regulation (EEC) N° 1408/71 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality (COM(2002) 59, 6.2.2002).

⁵⁸ A5- 0436/2001, 5.2.2002.

⁵⁹ Communication from the Commission to the Council and the European Parliament on an open method of coordination for the Community immigration policy (COM(2001) 387, 11.7.2001).

⁶⁰ Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127, 13.3.2001).

2.4. Management of migration flows

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

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Further implementation of the action plan adopted by the Council in April 1998	Commission, in cooperation with Member States					In January 2003 the Commission is planning to present a communication to launch the implementation of a plan of action to develop and improve Community statistics and their analysis as regards asylum and international migration.	
Setting up of a European Migration Observatory / Network	Commission		Preparatory actions (on the basis of previous feasibility study) financed by ODYSSEUS programme; Commission's staff working document presented to the experts from the Member States in July 2002	Action launched by establishing national contact points in December 2002.			

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Adoption of measures establishing minimum rules on what constitutes a criminal act and what penalties should apply to organised crime linked with trafficking of human beings (framework decision) ⁶¹	Council, on the basis of a proposal by the Commission		The Commission tabled a proposal for a Council framework decision on combating trafficking in human beings in December 2000. ⁶² The French Presidency presented two initiatives, one for a directive and one for a framework decision, on the liability of traffickers. ⁶³	Parliament opinion in June 2001 ⁶⁴ Parliament opinion (rejection) in February 2001 ⁶⁵	Adopted by the Council in July 2002 ⁶⁶ Adoption by Council expected in November 2002		Deadline for implementation : 1.8.2004 Entry into force: The day of its publication in the Official Journal
Detecting and dismantling the criminal networks involved by making the fight against illegal immigration one of the priorities of operational cooperation	Member States /Commission/ Europol		Commission communication on combating illegal immigration in November 2001. ⁶⁷ Commission proposal for a directive on a residence permit issued to victims of trafficking in human beings. ⁶⁸	Parliament opinion in December 2002	Decision establishing Eurojust adopted by the Council in February 2002. ⁶⁹ Council conclusions on the fight against illegal immigration and trafficking in human beings by sea adopted in April 2002.	Setting up of cooperation frameworks to combat illegal immigration from China and the western Balkans, organised in November 2000 and March 2001 respectively	

⁶¹ See also table on "Fight against certain forms of crime".

⁶² Proposal for a Framework Decision on combating sexual exploitation of children and child pornography (COM(2000) 854, 21.12.2000).

⁶³ Initiative of the French Republic with a view to the adoption of a Council Directive defining the facilitation of unauthorised entry, movement and residence and a Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of authorised entry and residence (OJ C 253, 4.9.2000).

⁶⁴ OJ C 53E, 28.2.2002, p. 121.

⁶⁵ A5- 0315/2001, 15.2.2001.

⁶⁶ OJ L 203, 1.8.2002, p. 1.

⁶⁷ Communication from the Commission to the Council and the European Parliament on a common policy on illegal immigration (COM(2001) 672, 15.11.2001).

⁶⁸ The Commission presented in February 2002 a proposal for a directive on short-term residence permits for victims of trafficking in human beings and trafficking in migrants who cooperate with the authorities (COM(2002) 71, 11.2.2002).

⁶⁹ Plan to combat illegal immigration and trafficking in human beings in the European Union (JAI 30 rev1 – 6621/1/02).

Exploring possibilities for establishing common standards and pooling resources for investigations into illegal immigration networks				Work in progress in the Council (CIREFI) on improving action against illegal immigration networks (see above).			
Further harmonisation of Member States laws on carrier's liability (directive)	Council, on the basis of a Commission proposal or a Member State initiative		Initiative by the French Presidency in July 2000 for a Council directive ⁷⁰ .	Parliament opinion (rejection) in March 2001 ⁷¹	Adopted by the Council in June 2001. ⁷²	Organisation by professional bodies, with the Commission's support, of a round table on general issues relating to hauliers' liability in November 2001 In 2003 the Commission is planning to present a White Paper on Reinforcement of the provisions governing the liability of carriers.	Implementation deadline: no later than 11.2.2003.

⁷⁰ The Council held an exchange of views on outstanding issues as regards a draft Directive on the harmonisation of penalties imposed on carriers transporting into the territory of the Member States third-country nationals lacking the documents necessary for their admission (OJ C 269, 20.9.2000).

⁷¹ A5- 0069/2001, 13.3.2001.

⁷² OJ L 187, 10.7.2001; Directive supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement.

Objective: To assist countries of origin and transit

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Development of information campaigns on the actual possibilities for legal immigration and prevention of all forms of trafficking in human beings	Council, on the basis of a proposal by the Commission	April 2001	<ul style="list-style-type: none"> ▪ The Commission has committed the €10 million entered in the 2001 budget and the €12.5 million allocated by the budgetary authority in 2002. ▪ The Commission has adopted a Communication on integration of the migration policy in relations between the EU and third countries. <ol style="list-style-type: none"> 1. Migration and development 2. report on the effectiveness of the financial resources available at community level as regards repatriation of immigrants and those with rejected asylum claims, of management of external borders and asylum and migration projects in third countries. 			<p>In 2003 the Commission is planning to present a proposal for a decision establishing a cooperation programme with third countries as regards migration⁷³.</p>	
Promotion of voluntary return							
Strengthening the ability of the authorities in those countries to combat effectively trafficking in human beings							
Helping third countries to cope with their readmission obligations towards the Union and the Member States							

⁷³ See also table on “Partnership with countries of origin”.

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
To conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries	Council, on the basis of a proposal by the Commission		In October 2002 the Commission presented draft negotiating mandates for readmission agreements with Albania, Algeria, China and Turkey.		Negotiating mandates adopted by the Council [in November 2002]	Readmission agreements signed with Hong Kong on 27 November 2002, initialled with Macao on 30 May and on 18 October 2002 with Sri Lanka. Negotiations underway for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco, Macao and Ukraine. The Seville European Council asked for the conclusion of readmission agreements being negotiated to be speeded up and for new negotiating mandates to be approved.	
Development of common minimum standards on repatriation	Council / Commission / Member States		Initiative by the French Presidency in July 2000 for a Council directive ⁷⁴ . In April 2002 the Commission presented ⁷⁵ a Green Paper, and a communication adopted in October 2002 set out its initial thinking on a programme of action concerning returns ⁷⁶	Parliament opinion (rejection) in March 2001 ⁷⁷	Adopted by the Council in May 2001. ⁷⁸ In November 2002, as requested by the Seville European Council, the Council adopted a repatriation programme on the basis of the Commission Green Paper and a programme for the return of refugees to Afghanistan.	In December 2003 the Commission is planning to present a proposal for a directive on minimum standards for return procedures.	Implementation: before 2.12.2002

⁷⁴ Draft directive on the mutual recognition of expulsion orders (OJ C 243, 24.8.2000).

⁷⁵ Commission communication on a Community return policy on illegal residents (COM(2002) 175, 10.4.2002).

⁷⁶ Commission communication on a Community return policy on illegal residents (COM(2002) 564, 14.10.2002).

⁷⁷ A5- 0065/2001, 13.3.2001.

⁷⁸ OJ L 149, 2.6.2001.

3. A GENUINE EUROPEAN AREA OF JUSTICE

The Tampere priorities:

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

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

3.1 Better access to justice in Europe

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

Objective: To ensure legal certainty and equal access to justice

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Information campaign and publication of "user guides" on judicial cooperation within the Union	Commission					In October 2002, to improve users' information, the Commission organised a joint Conference with the Council of European public information and access to justice. comparable information sheets on legal aid have been developed jointly with the Council of Europe, and an information campaign has been launched for 2003. Practical initiatives to improve the familiarity of judges and the general public with the European Judicial Network in civil and commercial matters have also been launched.	

Establishment of a permanent information system by a network of national authorities (the European Judicial Network for Civil Matters)	Council, on the basis of a proposal by the Commission	2001	<p>Commission proposal for a Council decision setting up a network.⁷⁹</p> <p>Commission proposal for a Council Regulation establishing a general framework for Community activities, ⁸⁰ amended in November 2001.⁸¹</p>	<p>Parliament opinion in April 2001⁸²</p> <p>EP Opinions in October 2001⁸³ and September 2002⁸⁴</p>	<p>Adopted by the Council at the end of May 2001.⁸⁵</p> <p>Regulation adopted by the Council in April 2002.⁸⁶</p>	<p>The Commission, together with the Member States, has completed the preparatory work (notably identification of members of the Network, opening of an Intranet for it and development of a website).</p> <p>The Network has been in operation since 1.12.2002. It held its inaugural meeting on 4.12.2002.</p>	Implementation date: 1.12.2002 (Article 2 and 20: before 1.6.2002)
Proposal to establish minimum standards of legal aid	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Following presentation of its Green Paper in February 2000, ⁸⁷ the Commission organised a hearing in February 2001 and presented a proposal for a directive on legal aid in January 2002. ⁸⁸	Parliament opinion in September 2002⁸⁹			

⁷⁹ Proposal for a Council Decision establishing a European Judicial Network in civil and commercial matters (COM(2000) 592, 22.9.2000).

⁸⁰ Proposal for a Council regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters (COM(2001) 221, 25.5.2001).

⁸¹ Amended proposal for a Council regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters (COM(2001) 705, 20.11.2001).

⁸² A5- 0091/2001, 5.4.2001.

⁸³ A5- 0339/2001, 23.10.2001.

⁸⁴ C5-0021/2002, 12.3. 2002.

⁸⁵ OJ L 174, 27.6.2001.

⁸⁶ OJ L 115, 1.5.2002.

⁸⁷ Commission Green paper – Legal aid in civil matters: the problems confronting the cross - border litigant (COM(2000) 51, 9.2.2000).

⁸⁸ Proposal for a Directive to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid and other financial aspects of civil proceedings (COM(2002) 13, 18.1.2002).

⁸⁹ A5-312/02, 25.9.2002.

<p>Proposal on common procedural rules for small civil and commercial claims, uncontested claims and maintenance claims</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2004</p>	<p>Commission proposal in April 2002 for a regulation on uncontested claims.⁹⁰ Preliminary draft discussed with the Member States in October 2001.</p> <p>Regarding alimony claims, the Commission launched a preparatory study in the spring of 2002.</p>			<ul style="list-style-type: none"> ■ The Commission is planning to present in December 2002, a Green Paper to bring together more exhaustive rules and procedures relating to uncontested credits and requests of low importance ■ In 2003 the Commission intends to present legislative proposal to establish a European injunction-to-pay procedure. 	
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⁹⁰ Proposal for a Council Regulation creating a European enforcement order for uncontested claims (COM(2002)159, 18.4.2002).

Proposal to establish minimum standards of quality for ADR	Member States to set up the extra-judicial procedures	April 2004	<ul style="list-style-type: none"> ▪ In May 2000 the Council adopted conclusions on alternative dispute resolution. ▪ European Extra-Judicial Network (EEJ Net) for consumers launched by the Commission in October 2001.⁹¹ ▪ The Commission has launched the FIN-NET for the extra-judicial settlement of disputes in the field of financial services. There has been greater publicity for FIN-NET in spring 2002, with among other things a brochure for the general public. ▪ Commission Green Paper on minimum quality standards presented in April 2002.⁹² ▪ Launch by the Commission in July 2002 of the SOLVIT network for the resolution of problems of poor application of the internal market rules by national administrations^{93, 94}. The March 2002 Internal Market Council gave a favourable reception to this.⁹⁵ 			<ul style="list-style-type: none"> ▪ In 2003 the Commission will organise a public hearing on the ADR Green Paper. ▪ A conference is planned for April 2003 in order to evaluate the pilot phase of the EEJ-Net. Following that the Commission will present a report to the Council and the Parliament. ▪ The number of systems in FIN-NET (currently 37) will be increased where possible. 	
Creation of multilingual forms mutually accepted as valid documents in cross-border legal proceedings	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	<p>This issue is dealt with in part in the Green Paper on small claims and will be addressed generally in the context of the various projects on harmonisation of certain rules for civil proceedings.</p> <p>The proposal for a Regulation on uncontested claims and the proposal for a Regulation on parental responsibility contain harmonised forms.</p>			<p>The legal aid directive provides for the establishment of such a form for legal assistance applications. In 2003 the Commission will launch the necessary work.</p> <p>The proposal for a European injunction to pay procedure to be presented in 2003 will contain harmonised forms.</p>	

⁹¹ This network is based on the recommendations 98/257/CEE and 2001/310/CEE
⁹² Green Paper on alternative dispute resolution in civil and commercial law (COM(2002) 196, 19.4.2002).
⁹³ Commission Communication - Effective Problem Solving in the Internal Market ("SOLVIT") (COM(2001)702, 27.11.2001).
⁹⁴ OJ L331/39 of 15.12.2001
⁹⁵ Doc. 6503/02, 1.3.2002.

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Drawing up of minimum standards for protection of victims	Council, on the basis of a Commission proposal or a Member State initiative	2002	Commission Communication presented in July 1999. ⁹⁶ Initiative by the Portuguese Presidency for a Framework Decision on the status of victims. ⁹⁷	Parliament opinion in December 2000 ⁹⁸	Framework Decision adopted by the Council in March 2001 ⁹⁹	The joint programme of measures to implement the principle of mutual recognition of decisions in criminal matters also incorporates, among those parameters, mechanisms to protect victims' rights	Implementation deadline: 22.03.02, 22.03.04 or 22.03.06, depending on the Article. The Commission will present a report on transposition in the first half of 2003.
Further instruments on approximation of compensation arrangements for victims	Council, on the basis of a Commission proposal or a Member State initiative	2004	Commission Green Paper on compensation for victims presented in September 2001 ¹⁰⁰ and followed by a public hearing on 21 March 2002. Commission proposal for a directive on compensation in October 2002. ¹⁰¹				
Examining the possibility of recognising decisions taken in the interests of victims of crime where such decisions are incorporated into sentencing decisions			Covered by the draft framework Decision on the application of the mutual recognition principle to pecuniary penalties or Council Regulation No 44/2001 of 22.12.2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. ¹⁰²			Included in the mutual recognition programme in criminal matters.	

⁹⁶ Commission Communication on Crime victims in the European Union (COM(1999) 349, 14.7.1999).

⁹⁷ Draft framework decision on the status of the victim in criminal proceedings (OJ C 243, 24.8.2000).

⁹⁸ A5- 0355/2001, 12.12.2000.

⁹⁹ OJ L 82, 22.3.2001.

¹⁰⁰ Green paper - Compensation to crime victims (COM(2001) 536, 28.9.2001).

¹⁰¹ Proposal for a directive - Compensation to crime victims (COM(2002) 562, 16.10.2002).

¹⁰² OJ L 12, 16.01.2001.

3.2. Mutual recognition of judicial decisions

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

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

As regards civil matters:

Objective: Enhanced mutual recognition of judicial decisions and judgments, and the necessary approximation of legislation, to facilitate cooperation between authorities and the judicial protection of individual rights¹⁰³

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Programme of measures on mutual recognition of civil and commercial decisions (containing measures required for mutual recognition and enforcement; abolishing obstacles for small claims and family litigation).	Council and Commission	End 2000	The mutual recognition programme was adopted by the Council in November 2000. ¹⁰⁴ It covers four areas: for the first area, pilot projects are being launched (see 3.1.4 above); for the second area, - Commission working paper in March 2001 ¹⁰⁵ on Mutual recognition of decisions on parental responsibility; - Commission proposal in September 2001 for a Regulation to complement the Regulation matrimonial matters and in matters of parental responsibility ¹⁰⁶ .				

¹⁰³ See also table on "Greater convergence in civil law".

¹⁰⁴ OJ C 12, 15.1.2001.

¹⁰⁵ Commission working document - Mutual recognition of decisions on parental responsibility (COM(2001) 166, 27.3.2001).

¹⁰⁶ Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in matters of parental responsibility (COM(2001) 505, 30.8.2001).

			<p>- Commission proposal in October 2001 for a decision authorising the Member States to sign the Hague Convention of 1996.¹⁰⁷</p> <p>- French Initiative in July 2000 for a Regulation on rights of access to children.¹⁰⁸</p> <p>-Commission proposal in May 2002¹⁰⁹ to merge the French initiative, the Commission proposal for a regulation of September 2001 and Regulation (EC) No 1347/2000 (Brussels II).</p> <p>Commission proposal in October 2002¹¹⁰ for a Council Decision concerning the signature by the European Community of the Council of Europe convention on personal relations concerning children.</p> <p>For the third and fourth areas, the Commission launched preparatory studies in 2001, the results of which became available at the end of this year.</p>	<p>Parliament opinion in December 2000¹¹¹</p> <p>Parliament opinion expected in November 2002¹¹²</p>			<p>For the fourth area, the Commission organised a conference on successions in conjunction with the Council of Europe in October 2002.</p>
Proposal on minimum standards for specific aspects of civil procedure (new procedural legislation on money payments)	Council, on the basis of a Commission proposal or a Member State initiative						<p>In December 2002, the Commission intends to present a Green Paper to bring together more exhaustive rules and procedures relating to uncontested credits and requests of low importance</p> <p>In 2003 the Commission is planning to present a proposal for a regulation to establish a European injunction-to-pay procedure (see above, point 3.1.4).</p>
Launching of work on the	Council, on the basis of a		This action has been included in the programme of measures				

¹⁰⁷ Proposal for a Council Decision authorising the Member States to sign in the interest of the European Community the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Hague Convention) (COM(2001) 680, 20.11.2001).

¹⁰⁸ French Initiative for a Council Regulation on the mutual enforcement of judgments on rights of access to children (OJ C 234 of 15.8.2000).

¹⁰⁹ Proposal for a Council Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001 in matters relating to maintenance (COM(2002)222, 3.5.2002).

¹¹⁰ COM(2002) 520, 02.10.2002

¹¹¹ A5- 0311/2000, 17.11.2000.

¹¹² A5- 0385/2002.

European Enforcement Order	Commission proposal or a Member State initiative		to implement the principle of mutual recognition. Commission proposal in April 2002 for a regulation ¹¹³ (see above, point 3.1.4) to establish a European enforcement order. Presentation by the Commission of the new proposal for a regulation on rights of access to children will enable the work on abolition of the exequatur procedure to be followed up (see point 3.2.1 above).				
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As regards criminal matters

Objective: To make sure criminals have no safe havens

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Ratification of the 1995 and 1996 EU Conventions on extradition ¹¹⁴¹¹⁵	Member State	April 2001					All the Member States have ratified the 1996 Convention except I and F . All the Member States have ratified the 1996 Convention except I and F .

¹¹³ Proposal for a Council Regulation creating a European enforcement order for uncontested claims (COM(2002)159, 18.4.2002).

¹¹⁴ These two measures are included in the EU Plan of Action against terrorism (periodic review).

¹¹⁵ In July 2001 Sweden presented an initiative concerning a decision laying down arrangements for the 1995 Convention on simplified extradition procedures between the Member States of the EU the 1996 Convention relating to extradition between Member States of the EU builds on the Schengen arrangements in accordance with the agreement associating the Republic of Iceland and the Kingdom of Norway with the application, implementation and development of the Schengen arrangements (OJ C 195, 11.7.2001).

Study on abolition of formal extradition procedures concerning persons fleeing from justice after having been sentenced ¹¹⁶	Council, on the basis of a proposal by the Commission	End 2001	Commission proposal in September 2001 for a Framework Decision on the European arrest warrant. ¹¹⁷	Parliament opinion in February 2002 ¹¹⁸	Adopted by the Council in June 2002. ¹¹⁹		Deadline for implementation: 31.12.2003
Providing for fast-track extradition procedures	Council, on the basis of a proposal by the Commission	End 2001	Included in the Commission proposal (see above)	see above			
Examine the issue of extradition in relation to procedures in absentia	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Included in the Commission proposal (see above)	see above			

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Programme of measures on the application of the principle of mutual recognition to be followed by specific instruments	Council / Commission	End 2000	Commission Communication in July 2000. ¹²⁰	Parliament opinion in May 2001 ¹²¹	Joint Council/Commission programme adopted in November 2000	Most of the top-priority measures are indicated in other scoreboard tables. The programme's aim is to record achievable progress in making the reservations and declarations concerning the coercive measures	

¹¹⁶ These two measures are included in the EU Plan of Action against terrorism (periodic review).

¹¹⁷ Commission proposal for a Council framework decision on the European arrest warrant and surrender procedures between Member States (OJ C 332 E, 27.11.2001).

¹¹⁸ A5- 0003/2002, 6.2.2002.

¹¹⁹ OJ L 190, 18.7.2002.

¹²⁰ Commission Communication on Mutual recognition of Final Decisions in criminal matters (COM(2000) 495, 28.7.2000).

¹²¹ A5- 0145/2001, 17.5.2001.

						<p>contained in Article 5 of the 1959 European Convention on Mutual Assistance in Criminal Matters non-invocable between Member States and to examine ways of recognising decisions taken in the interests of victims of crime where they are incorporated into sentencing decisions</p> <p>The Commission, by way of complement to the mutual recognition programme, is planning to present, in the first half of 2003, a Green Paper on the procedural guarantees enjoyed by suspects and persons rendered potentially liable in criminal proceedings in the EU and a communication on criteria for determining jurisdiction in criminal matters.</p> <p>At the end of 2003, the Commission will also present a communication on the forfeiture of rights.</p>	
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Application of mutual recognition to pre-trial orders ¹²²	Council, on the basis of a Commission proposal or a Member State initiative		Initiative by F, B and SU in February 2001 ¹²³ for a Framework Decision on the freezing of assets and evidence.	EP Opinions in September 2001 ¹²⁴ and June 2002 ¹²⁵ Council agreement in principle in February 2002	Formal adoption by the Council once the remaining parliamentary reservations have been lifted (I, DK, S, IRL, NL) ¹²⁶	Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 6 and 7). The Commission intends to present, in the first half of 2003 , a proposal for a framework decision on the mutual recognition of measures relating to evidence. During the first half of 2003, The Commission will also present a Green Paper on mutual recognition and immediate enforcement of non-custodial pre-trial supervision measures,	
Examine the feasibility of improved cross-border cooperation on the transfer of proceedings and the enforcement of sentences	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Initiative by F, S and UK for a Framework Decision on financial penalties. ¹²⁷ German initiative establishing, in accordance with Article 34 of the Treaty on European Union, the Agreement on Co-operation in Proceedings for Road Traffic Offences and the Enforcement of Financial Penalties Imposed in respect thereof Initiative by Denmark in June 2002 for a draft framework decision on the enforcement of confiscation orders in the Union. ¹²⁸	Parliament opinion in January 2002 ¹²⁹ Agreement by the Council expected in November 2002		Included in the joint programme for the mutual recognition of decisions in criminal matters (see also measures 17, 18, 20 and 21)	
Study the feasibility of extending and possibly formalising the exchange of information on criminal records	Council, on the basis of a Commission proposal or a Member State initiative	April 2004				Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 3 and 4).	

¹²² This measure is included in the EU Plan of Action against terrorism.
¹²³ Draft Council Framework Decision on the execution in the European Union of orders freezing assets or evidence (OJ C 75, 7.3.2001).
¹²⁴ OJ C 77E, 28.3.2002, p. 91.
¹²⁵ A5-0172/02, 16.5.2002.
¹²⁶ Latest situation report, following Coreper on 15.5.2002.
¹²⁷ Draft framework decision on the application of the principle of mutual recognition to financial penalties (OJ C 278, 2.10.2001).
¹²⁸ Draft Council Framework Decision on the execution of confiscation orders in the European Union (OJ C 184, 2.8.2002).
¹²⁹ A5- 0444/2001, 17.1.2002.

							In the first half of 2003 the Commission is planning to present a decision establishing a standard form for requesting the criminal record.	
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3.3. Greater convergence in civil law

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

Objective: Eliminate obstacles created by disparities in law and procedures

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
New procedural legislation in cross-border cases (e.g. provisional measures, taking of evidence, time limits)	Council, on the basis of a Commission proposal or a Member State initiative.	April 2004	Initiative by Germany in September 2000 on the taking of evidence. ¹³⁰ The issue of procedural law is partly included in the mutual recognition programme. In April 2002 the Commission launched a preparatory study on the improvement of the enforcement of judgments in the Member States. ¹³¹	Parliament opinion in March 2001 ¹³²	Adopted by the Council at the end of May 2001. ¹³³		Deadline for implementation: 1.7.2004 except art.19-21 and 22:1.7.2001

¹³⁰ OJ C 314, 3.11.2001.

¹³¹ OJ S 67, 5.4.2002.

¹³² 15-0073, 14.3.2001.

¹³³ OJ L 174, 27.6.2001.

General study to identify and eliminate obstacles to the smooth functioning of civil proceedings	Council to prepare a report	End 2001	Commission communication in July 2001 on European contract law, with a view to launching a broad debate on the need for, possibilities and methods of harmonisation in certain areas of substantive private law. ¹³⁴ The replies, to be collected by 15 October 2001, have been summarised by the Commission and published on its website. ¹³⁵	Parliament opinion in April 2001 ¹³⁶	The report provided for by the Council was presented to the Laeken European Council.	The Commission is planning to present its conclusions on the current action in the form of a communication, which will also cover other aspects.	
Finalising the Brussels and the Lugano Conventions ¹³⁷	Council, on the basis of a proposal by the Commission	April 2001	<p>The diplomatic conference with a view to a world convention on jurisdiction and the recognition of judgments in civil and commercial matters took place in June 2001. The Commission launched public consultations on the Internet and organised a hearing in October 2001 in the context of the ongoing negotiations.</p> <p>Commission proposal in March 2002 for a recommendation for a negotiating brief for an agreement between the Community and the Lugano countries.¹³⁸</p>		<p>The Council adopted the Regulation replacing the Brussels Convention in December 2000.¹³⁹</p> <p>In May 2001 the Council adopted a decision, further to a Commission proposal, on the launch of negotiations as part of the Hague Convention with a view to a world convention on jurisdiction and the recognition of judgments in civil and commercial matters</p> <p>In March 2002 the Council, on a proposal from the Commission, adopted a new negotiating brief for a meeting to be held in the Hague in April 2002.</p> <p>In October 2002 the Council adopted a negotiating brief for an agreement between the Community and the Lugano States.</p>		Entry into force: 1.3.2002

¹³⁴ Communication from the Commission to the Council and the European Parliament on contract law in the Community (COM(2001) 398, 11.7.2001).

¹³⁵ http://europa.eu.int/comm/consumers/policy/developments/contract_law/index_en.html

¹³⁶ A5- 0384/2001, 15.11.2001.

¹³⁷ See also table on "Mutual recognition of judicial decisions".

¹³⁸ Recommendation for a Council Decision authorising the Commission to open negotiations for a Convention between the Community and, having regard to the Protocol on its position, Denmark, and Iceland, Norway, Switzerland and Poland (SEC(2002) 298, 22.3.2002).

¹³⁹ OJ L 12, 16.1.2001.

Drawing up a legal instrument on the law applicable to non-contractual obligations (Rome II).	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<p>The Commission launched public consultation on a preliminary draft proposal for a Regulation between May and September 2002.</p> <p>The Commission will organise a public hearing at the beginning of 2003</p>			The Commission, following consultations on a preliminary draft Regulation, is planning to submit a proposal for a Regulation on the law applicable to non-contractual obligations in April 2003.	
Revising, where necessary, the 1980 Rome Convention (Rome I).	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	The Commission organised a preparatory meeting of national experts in April 2002.			In December 2002 the Commission is planning to present a paper on the modernisation of the Convention and possibly its conversion into a Community instrument.	
Preliminary study on the possibility of drawing up a legal instrument on the law applicable to divorce	Council / Commission	April 2004	<p>In May 2000 the Council produced a comparative study on national legislation and the position of the Member States.</p> <p>The Commission launched a complementary study in 2001, the results of which will be available in the third quarter of 2002.</p>			The Commission is planning to present a White Paper on the law applicable to divorce in 2003.	
Elaboration of a preliminary study on jurisdiction and the law applicable to matrimonial property and successions	Council / Commission	April 2004	<p>The issue of court jurisdiction and recognition of rulings is included in the mutual recognition programme (see 3.2.1 above).</p> <p>The Commission has launched large-scale preparatory studies, the results of which will be available by the end of 2002.</p> <p>In addition, the Commission is to organise a conference on successions in conjunction with the Council of Europe in October 2002.</p>				

4. Union-wide Fight against Crime

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

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

4.1. Preventing crime at the level of the Union

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

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

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

Objective: To prevent crime through reduction of opportunities

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
<p>Identification and development of common priorities - political guidelines - to be taken into account when preparing new legislation; assessment of new legislation's impact on crime prevention.</p> <p>Prevention of infiltration by organised crime of lawful economic activities</p>	Council / Commission / Member States		<p>Commission communication in November 2000 on crime prevention in the European Union which established a Forum and proposed a financial programme (Hippokrates) in the crime prevention field.¹⁴⁰</p> <p>Following the Council Resolution of December 1998, the Commission and Europol presented jointly, in March 2001, a report on a European strategy on the prevention of organised crime.¹⁴¹ The next report will also take prevention aspects into account.</p>	<p>Parliament opinion on the Hippokrates programme in April 2001.¹⁴²</p>	<p>Adopted by the Council in June 2001.¹⁴³</p>	<p>The Forum on the prevention of organised crime met on 17-18 May 2001 (trafficking in human beings, credit cards, business crime, trafficking in cultural goods), on 24 et 30 October 2001 (trafficking in human beings, role of the private sector in prevention of economic and financial crime, training for police forces in prevention of payment card fraud); in 2002 , workshops were organised on money-laundering (1 October), crime proofing (30 October), trafficking in human beings (15 November), counterfeiting and piracy (2 December) and trafficking in cultural goods (9 December).</p> <p>The Commission is planning to present a follow-up communication in the second half of 2003.</p>	<p>Deadline for implementation: 31.12.2002</p>

¹⁴⁰ Proposal for a Council Decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippokrates) (COM(2000) 786, 29.11.2000).

¹⁴¹ Joint report by the Commission and EUROPOL - Towards a European strategy for the prevention of organised crime (SEC(2001)433, 13.3.2001).

¹⁴² A5- 0094/2001, 5.4.2001.

¹⁴³ OJ L 186, 7.7.2001.

Crime proofing						The Commission is examining the findings of a study on crime proofing.	
Integration of crime prevention aspects in actions and programmes against crime at the Union and Member State level - policy guidelines to be adopted by Council	Council / Commission / Member States						

Objective: To facilitate cooperation between Member States

Exchange of best practices and cooperation between national crime prevention authorities in priority areas, possibly by setting up a Community-funded programme addressing such matters as juvenile, urban and drug-related crime.	Council / Commission / Member States	2001	French and Swedish joint initiative in November 2002 for a Council decision establishing a crime prevention network. ¹⁴⁴ The Commission has proposed a financial instrument (Hippocrates programme, see supra).	Parliament opinion in March 2001 ¹⁴⁵	Framework Decision adopted by the Council at end of May 2001 ¹⁴⁶ Adoption by the Council in June 2002 of draft conclusions on the first annual report on the European crime prevention network.	National representatives met in June, September and October 2001 and April and September 2002. The network met in October 2001 and in April and October 2002. The first annual report is about to be available.	Entry into force: 28.5.2001
Reinforcement of cooperation between judicial and law enforcement authorities and between practitioners in police and judicial cooperation in criminal matters	Council/ Commission/ Member States		Commission proposal for a Council Decision renewing the Title VI programmes that are expiring. Implementation of AGIS programme 2003-07 taking over from the former Oisin, Grotius, Stop, Falcone and Hippocrates programmes and the budget heading to implement the drugs action plan 2000-04. ¹⁴⁷	Parliament opinion in April 2002	Adopted by the Council in July 2002 ¹⁴⁸		

¹⁴⁴ Draft Council Decision setting up a European crime prevention network (OJ C 362, 16.12.2000).

¹⁴⁵ A5- 0070/2001, 14.3.2001.

¹⁴⁶ OJ L 153, 8.6.2001.

¹⁴⁷ COM(2001)646, 9.11.2001: Proposal for a Council Decision to establish a framework programme on the basis of Title IV of the Treaty on European Union-police and judicial cooperation in criminal matters.

¹⁴⁸ OJ L 203, 1.8.2002.

4.2. Stepping up cooperation in the fight against crime

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

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

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

Objective: To coordinate and, where appropriate, centralise proceedings

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Set up joint investigative teams, as a first step, to combat trafficking in drugs and human beings as well as terrorism - when investigating cross-border crime. ¹⁴⁹			<p>Portuguese Presidency initiative in March 2000 on anticipating application of Article 13 of the Convention - discussions on which have been suspended.</p> <p>In September 2001 Belgium, France, Spain and the United Kingdom presented an initiative on a draft framework decision on joint investigation teams.¹⁵⁰</p>	Parliament opinion in April 2001 ¹⁵¹	<p>The Council adopted the Mutual Legal Assistance Convention in May 2000, Article 13 of which provides for joint teams to be set up (see point 4.2).¹⁵²</p> <p>Adopted by the Council in June 2002.¹⁵³</p>		<p>Ratification by Portugal</p> <p>Deadline for implementation:</p> <p>1.1.2003</p>

¹⁴⁹ This measure is included in the EU Plan of Action against terrorism.

¹⁵⁰ Draft Council Framework Decision on joint investigation teams (OJ C 295, 20.10.2001).

¹⁵¹ A5- 0369/2001, 13.11.2001.

¹⁵² OJ C 197, 12.7.2000.

¹⁵³ OJ L 162, 20.6.2002.

<p>Setting up a unit composed of national prosecutors, magistrates or police officers of equivalent competence - EUROJUST.¹⁵⁴</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>End 2001</p>	<p>Portugal, France, Sweden and Belgium, and Germany have presented an initiative with a view to the adoption of a Council decision setting up a Provisional Judicial Cooperation Unit.¹⁵⁵</p> <p>Portugal, France, Sweden and Belgium¹⁵⁶ and Germany¹⁵⁷ have presented initiatives with a view to the adoption of a Council decision setting up Eurojust.</p> <p>Commission communication in November 2000 concerning the creation of Eurojust.¹⁵⁸</p>	<p>EP Opinions in May 2001¹⁵⁹ and November 2001 (reconsultation).¹⁶⁰</p>	<p>Adoption by Council in December 2000 of a decision to create a provisional unit in January 2001.¹⁶¹</p> <p>Decision establishing Eurojust adopted by the Council in February 2002.¹⁶²</p> <p>Approval of Eurodac Rules of Procedure and appointment of its President by the Council in June 2002</p> <p>The moving of Eurojust to the Hague</p>		<p>Provisional unit put in place March 2001.</p> <p>Implementation: no later than 6.9.2003.</p>
<p>Implement and, where appropriate, further develop the European judicial network.¹⁶³</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2001</p>	<p>Pilot stage of a telecommunications network launched in August 2001 continues.</p>				

¹⁵⁴ This measure is included in the EU Plan of Action against terrorism.
¹⁵⁵ Draft Decision setting up a Provisional Judicial Cooperation Unit (OJ C 243, 24.8.2000 p. 0021).
¹⁵⁶ Draft Council Decision setting up Eurojust with a view to reinforcing the fight against serious organised crime (OJ C 243, 24.8.2000, p. 15).
¹⁵⁷ Draft Council Decision setting up a Eurojust team (OJ C 206, 19.7.2000).
¹⁵⁸ Communication from the Commission on the establishment of Eurojust (COM(746), 22.11.2000).
¹⁵⁹ A5- 0153/2001, 17.5.2001.
¹⁶⁰ A5- 0398/2001, 29.11.2001.
¹⁶¹ OJ L 324, 21.12.2000.
¹⁶² OJ L 63, 6.3.2002.
¹⁶³ This measure is included in the EU Plan of Action against terrorism.

Prevent conflicts of jurisdiction by examining the possibility of registering proceedings pending in different Member States	Council, on the basis of a Commission proposal or a Member State initiative	April 2004				<p>Included in the joint mutual recognition programme for decisions in criminal matters (see measure No 12).</p> <p>The Commission intends to present, in the first half of 2003, a communication on determining criteria for jurisdiction in criminal matters (see supra).</p>	
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Objective: To provide mutual assistance to the fullest extent possible

Action needed	Jurisdiction	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Adoption, ratification and implementation of the Convention on Mutual Assistance in Criminal Matters. ¹⁶⁴	Council / Member States	April 2001	Initiative by France for the adoption of a Protocol to the Convention on judicial assistance in criminal matters between the Member States of the European Union (concerning the exchange of information on bank accounts and transactions). ¹⁶⁵		<p>Convention adopted by the Council on 29 May 2000.¹⁶⁶</p> <p>Protocol to the Convention adopted by the Council in October 2001.¹⁶⁷</p> <p>Explanatory report adopted by the Council in October 2002.</p>	<p>Deadline for Member States to initiate ratification procedures: before January 2001, and July 2002 for the Protocol.¹⁶⁸</p> <p>Convention ratified by Portugal</p> <p>The entry into force and the implementation of the Protocol are subject to the entry into force and the implementation of the Convention.</p>	

¹⁶⁴ This measure is included in the EU Plan of Action against terrorism.

¹⁶⁵ Initiative of the French Republic with a view to adopting a Convention on improving mutual assistance in criminal matters, in particular in the area of combating organised crime, laundering of the proceeds from crime and financial crime (OJ C 243, 24.8.2000, p.11).

¹⁶⁶ OJ C 197, 12.7.2000.

¹⁶⁷ OJ C 326, 21.11.2001.

¹⁶⁸ See also table on "Mutual recognition of judicial decisions".

Consider arrangements under which authorities may operate in the territory of another Member State	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<p>Arrangements governing interception and joint investigation teams, controlled deliveries and covert investigations are governed by the Convention of 29 May 2000.</p> <p>Initiative by Belgium, France, Spain and the United Kingdom in September 2001 on a draft framework decision on joint investigation teams.¹⁶⁹</p> <p>Initiative by Belgium, Spain and France concerning a draft decision of the Council modifying article 40, paragraphs 1 & 7 of the implementing the convention of the Schengen agreement of June 14, 1985 concerning the gradual removal of common border checks</p>	Parliament Opinion in April 2002	<p>Adopted by the Council in June 2002.</p> <p>General approach agreed by the Council in June 2002 (reserves D/DK/NL/S/UK)</p>		
Examine the possibilities for harmonised rules on data protection	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<p>Draft Resolution on the initiative of the French Presidency (based on a Portuguese Presidency initiative establishing a secretariat for the Data Protection Supervisory Bodies.¹⁷⁰)</p> <p>Initiative by S concerning the rules governing the transmission of personal data.¹⁷¹</p>	Parliament opinion in November 2001.	<p>Decision adopted by the Council in October 2000.¹⁷²</p> <p>Adopted by the Council in February 2002¹⁷³</p> <p>Council Decision authorising the Director of Europol to conduct negotiations with third States and bodies not related to the European Union adopted in December 2001.¹⁷⁴</p>	<p>The Commission is planning to present a proposal on guarantees regarding the transfer of personal data in the context of judicial and police cooperation in criminal matters.</p>	<p>Implementation: 1.3.2002</p> <p>Implementation: 7.12.2001</p>

¹⁶⁹

Draft Council Framework Decision on joint investigation teams (OJ C 295, 20.10.2001).

Establishment of the European Judicial Training Network			France has presented an initiative for a Decision setting up a European judicial training network. ¹⁷⁵ Commission staff working document taking stock of the situation. ¹⁷⁶	Parliament opinion in September 2002 ¹⁷⁷	On 27.6.2002 COREPER agreed to maintain the network in its present form and boost its support facilities without creating a new network by Council decision.	The European Council called for the rapid establishment of a European network to encourage the training of the judiciary, which will serve to develop trust between those involved in judicial cooperation.	
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Objective: To protect rights of victims and provide assistance

Action needed	Jurisdiction	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Drawing up minimum standards	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	Portuguese Presidency initiative in August 2001 for adoption of a framework Decision on the status of victims in criminal proceedings. ¹⁷⁸	Parliament opinion in December 2000 ¹⁷⁹	Adopted by the Council in March 2001 (see point 3.1). ¹⁸⁰	The joint programme of measures to implement the principle of mutual recognition of decisions in criminal matters also incorporates, among those parameters, mechanisms to protect victims' rights	Implementation: no later than 22.3.2002, except Article 10 (22.3.2006) and Article 5-6 (22.3.2004).

¹⁷⁰ Initiative of the Portuguese Republic with a view to the adoption of a Council Decision establishing a secretariat for the Joint Supervisory Data Protection Bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ C 141, 19.5.2000).

¹⁷¹ Initiative amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies (OJ C 163, 6.6.2001).

¹⁷² OJ L 271, 24.10.2000.

¹⁷³ OJ C 76, 27.3.2002.

¹⁷⁴ OJ C 358, 15.12.2001.

¹⁷⁵ OJ C 18, 19.1.2001.

¹⁷⁶ SEC(2002) 635, 3.5.2002: Commission staff working paper of the European Judicial Training Network – Stock-taking.

¹⁷⁷ A5-0276/02, 24.9.2002.

¹⁷⁸ Draft framework decision on the status of the victim in criminal proceedings (OJ C 243, 24.8.2000).

¹⁷⁹ A5-0355/2000, 12.12.2000.

¹⁸⁰ OJ L 82, 22.3.2001.

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

Action needed	Jurisdiction	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Establishment of a European Police Chiefs' Task Force	Council, on the basis of a Commission proposal or a Member State initiative	2001				Creation in October 2000 of the Police Chiefs' Task Force. In April 2002, the TFCEP set up a supervisory committee (past, present and future presidencies of Europol, Council and Commission SGs) to improve preparation and follow-up of meetings. ¹⁸¹	
Establishment of compatible criminal intelligence systems among Member States	Appropriate decision by Council needed					Since 11 September 2001, the heads of anti-terrorist units in Member States' intelligence services have been meeting regularly. ¹⁸² The Commission is planning to present a communication in the second half of 2003 on cooperation between law-enforcement and security services in the EU.	

¹⁸¹ See also EU Plan of Action against terrorism.

¹⁸² See also EU Plan of Action against terrorism.

<p>Setting up the European Police College - starting as a network of existing national training institutes - open to applicant countries</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>2001</p>	<p>Portuguese Initiative for the provisional establishment of the European Police College.¹⁸³</p> <p>France, Germany and Sweden have launched common training projects starting in 2001 within the framework prefiguring the definitive structure of the European Police College, with cofinancing of the OISIN II Programme.</p>	<p>Parliament opinion in April 2000¹⁸⁴</p>	<p>Adoption by the Council in December 2000 of the decision to set up, in 2001,¹⁸⁵ the European Police College, CEPOL, which has functioned as a network of national police colleges since 1 January 2001.</p> <p>Cepol annual report for 2001 adopted by Council in July 2002.</p>	<p>Ongoing examination of the way in which Cepol will function: Council agreement in February 2002 on a provisional location of the secretariat (Copenhagen) and on the financing of Cepol. Temporary director designated.</p>	
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¹⁸³ Portuguese Initiative for a Council Decision on the provisional establishment of the European Police College (OJ C 206, 19.7.2000).

¹⁸⁴ A5- 0316/2000, 17.11.2000.

¹⁸⁵ OJ L 336, 30.12.2000.

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

Action needed	Jurisdiction	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Implementation of the CIS (Customs Information System) Convention of 26.7.1995 ¹⁸⁶ and the Naples II Convention of 19.12.1997. ¹⁸⁷	Member State	Ongoing	In November 2001, Germany, France and the Belgian Presidency presented a proposal for a Protocol to the SID Convention concerning a Fichier d'Identification des Dossiers d'Enquêtes Douanières (FIDE) ¹⁸⁸ .	Parliament opinion expected in January 2003		A guide for applying the provisions of the Naples II Convention will be prepared at the start of 2003.	CIS Convention ratified by all Member States except B, D and L. The agreement on the provisional entry into force of the Convention has been ratified by all the Member States except B, D and L. ¹⁸⁹ It has been applied among those Member States which have ratified it since November 2000. Naples II Convention ratified by Greece, Spain, France, Sweden, Netherlands, Luxembourg, UK, Ireland and Denmark. Several of these Member States have agreed to apply it between themselves.

¹⁸⁶ OJ C 316, 27.11.1995, p. 34.

¹⁸⁷ OJ C 24, 23.1.1998.

¹⁸⁸ JOC 328, 23.11.2001: Initiative of Germany, Belgium and France to adopt the Council Act drawing up the protocol modifying the convention on the use of data processing in the field of the customs with regard to the creation of a database of the investigation files of the customs officials.

¹⁸⁹ OJ C 316, 27.11.1995, p. 58.

To strengthen law enforcement cooperation against smuggling			In the second half of 2001, Italy submitted a working paper for a Union strategy against smuggling.	Work currently under way.			
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Objective: To foster international cooperation in the fight against transnational organised crime

Adoption and ratification of the United Nations' Convention on transnational organised crime and the additional Protocols	Council / Commission / Member States	End of 2000 for signature	Signature and opening for ratification in December 2000 of the United Nations Convention against transnational organised crime and its Protocols on trafficking in human beings and the smuggling of migrants, to be ratified as soon as possible. United Nations Protocol on firearms signed by the Commission for the European Community. (see point 8).			The Commission is planning to present an instrument concluding the Convention and its Protocols, and will present a proposition for a Council decision when it has the texts in all the official languages.	
UN Convention on corruption.	Council / Commission / Member States		Union participation in the preparatory work of the UN (see point 8). In April 2002 the Commission presented a proposal for a Commission negotiating brief for a UN Convention against corruption. ¹⁹⁰ Danish initiative relating to a third common position project concerning the negotiations within the United Nations for the development of the convention of the United Nations against corruption	Adoption by the Council in September 2002. Second and third common positions on negotiations in the United Nations for a UN Convention against corruption adopted by Council in June and September 2002.			

¹⁹⁰ Proposal for a Commission negotiating brief for a UN Convention against corruption (SEC(2002) 431, 23.4.2002).

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

Action needed	Jurisdiction	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Extend the competence of Europol to cover money laundering in general regardless of the offence from which the proceeds originate	Council, on the basis of an initiative by a Member State		Portuguese initiative in July 2000 to amend the Europol Convention. ¹⁹¹	Parliament opinion in April 2000 ¹⁹²	Adopted by the Council in November 2000. ¹⁹³		Ratification: F, P, ES, EL, S
Examine on the feasibility of setting up a database of pending cases	Europol / Council					Europol is exploring with the Member States the possibilities of setting up a system.	
Enable Europol to facilitate the preparation of specific investigative actions by the competent authorities of the Member States, including operational actions of joint investigative teams	Appropriate decision by Council needed	April 2004, without delay for certain areas	First step - adoption by the Council in November 2000 of a recommendation concerning support by Europol for joint investigative teams. ¹⁹⁴ Joint initiative by Belgium and Spain in January 2002 to amend the Europol Convention along these lines; the initiative includes a proposal to simplify the procedures for amending the Convention. ¹⁹⁵	Parliament opinion [rejection] in May 2002	Adoption by the Council in November 2002.		
To provide Europol with the support and means necessary			▪ proposal for a decision presented by the Commission in September 2002, concerning the financing of certain	Parliament Opinion in	Agreement by the Council in October 2002 on the		

¹⁹¹ Initiative with a view to the adoption of a Council Act on the drawing up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) of a Protocol amending Article 2 and the Annex to that Convention (OJ C 200, 13.7.2000).

¹⁹² A5- 0312/2000, 14.11.2000.

¹⁹³ OJ C 358, 13.12.2000.

¹⁹⁴ Council recommendation of 30 November 2000 to Member States in respect of Europol's assistance to joint investigative teams set up by the Member States (OJ C 357, 13.12.2000).

¹⁹⁵ Initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (OJ 42, 15.2.2002).

for its work			<p>activities of Europol within the framework of the fight against terrorism¹⁹⁶</p> <ul style="list-style-type: none"> ▪ Initiative B, LUX and NL in June 2002 modifying the staff regulations of Europol¹⁹⁷ ▪ Danish initiative in November 2002 modifying the staff regulations of Europol.¹⁹⁸ 	December 2002	procedure of selection of the management of Europol. Formal adoption expected in December 2002	
Allow Europol to ask the competent authorities of the Member States to conduct and co-ordinate their investigations in specific cases and to develop specific expertise which may be out at the disposal of M-S to assist them in investigating cases of organised crime	Council on the basis of an initiative by a Member State	April 2004	<p>As a first step, the Council adopted a recommendation in September 2000, calling on Member States to give consideration to requests from Europol to conduct investigations or to coordinate their investigations in specific areas.</p> <p>Initiative by Belgium and Spain in January 2002 (see above).</p>		See above.	
<p>Consideration to be given to the possible need to revise Europol Convention in order to:</p> <p>cover new competences</p> <p>deal with the question of democratic and judicial control</p>	Council / Commission		<p>In June 2001 Belgium and Sweden presented an initiative for a Decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention.¹⁹⁹</p> <p>The initiative by Belgium and Spain mentioned above includes a proposal to simplify the procedures for amending the Europol Convention.²⁰⁰</p> <p>Initiative by Denmark in July 2002 for many amendments to the Europol Convention (see point 4.4).²⁰¹</p> <p>Commission Communication in February 2002 concerning democratic control of Europol.²⁰²</p>	<p>Parliament opinion in November 2001²⁰³</p> <p>Parliament opinion [rejection] in May 2002</p> <p>EP Recommendation in May 2002 on the future development of Europol and its full integration in the EU institutional system.</p>	Adopted by the Council in December 2001 ²⁰⁴	Deadline for implementation: 1.1.2002.

196

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

197

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

198

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

199

Initiative of the Kingdom of Belgium and the Kingdom of Sweden with a view to adopting a Council decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention (OJ C 176, 21.6.2001.)

200

OJ C 42, 15.2.2002.

201

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

202

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

203

A5-0370, 24.10.2001.

204

OJ C 362, 18.12.2001.

4.3. Fight against certain forms of crime

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

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
To examine the general coherence of the actions of approximation in criminal matters	Council, on the basis of a proposal by the Commission					In the coming months the Commission plans to present a communication on the approximation of sanctions in criminal law.	
Criminalisation of trafficking in human beings and sexual exploitation of children ²⁰⁵ with particular reference to child pornography on the Internet ²⁰⁶	Council, on the basis of a proposal by the Commission	April 2001	In December 2000 the Commission presented two proposals for framework decisions on: the fight against trafficking in human beings; and the fight against the sexual exploitation of children and child pornography ²⁰⁷ . In the context of detecting and breaking up the criminal gangs involved (see point 2.4), Commission proposal in February 2002 for a directive on a on the short-term residence permit issued to victims of trafficking in human beings. ²⁰⁸	Parliament opinion in June 2001. ²⁰⁹ Council agreement in principle in October 2002. Parliament Opinion in December 2002.	Adopted by the Council in July 2002. ²¹⁰ Formal adoption by Council after parliamentary reservations have been lifted (S, NL, DK; IRL, P)		Deadline for implementation: 1.8.2004

²⁰⁵ See also table on "Management of migration flows".

²⁰⁶ See also table on "Mutual recognition of judicial decisions".

²⁰⁷ Proposal for a Framework Decision on combating sexual exploitation of children and child pornography (COM(2000) 854, 21.12.2000).

²⁰⁸ Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities (COM(2002) 71, 11.2.2002).

Common definitions, charges and penalties ²¹¹ in the field of drug trafficking ²¹²	Council, on the basis of a proposal by the Commission	April 2001	The Commission study on the legislation and regulations on drug trafficking in the EU Member States was finalised in March 2001. Commission proposal for a Framework Decision in June 2001. ²¹³	Parliament opinion in April 2002 ²¹⁴		The Laeken European Council asked that this proposal for a Framework Decision be adopted by the end of May 2002.	
Common definitions, charges and penalties in the field of environmental crime	Council	April 2001	Denmark presented an initiative for a framework decision in January 2000. ²¹⁵ The Council agreed in September 2000 that it was appropriate to draw up common legislation at European level. A significant body of Community legislation in the area of protecting the environment is already in force. Commission proposal for a directive presented in March 2001, which might be complemented by a Framework Decision. ²¹⁶ Amended proposal presented on 30 September 2002 in response to EP opinion .²¹⁷	Council agree in principle on the initiative for a Framework Decision in March 2002. Parliament opinion on the two instruments in April 2002. ²¹⁸	Parliamentary reservations in IRL, S and NL Commission reservation (conflict of legal basis).		

²⁰⁹ A5- 0206/2001, 12.6.2001.

²¹⁰ OJ L 203, 1.9.2002.p. 1

²¹¹ See also table on "cooperation against drugs".

²¹² See also table on "Mutual recognition of judicial decisions".

²¹³ Proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking (COM(2001) 259, 23.5.2001).

²¹⁴ A5-0460/02, 25.4.2002.

²¹⁵ Initiative of the Kingdom of Denmark with a view to adopting a Council framework Decision on combating serious environmental crime (OJ C 39 du 11.2.2000).

²¹⁶ Proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law (COM(2001) 139, 13.3.2001).

²¹⁷ Amended proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law (COM(2002) 544).

²¹⁸ A5-0080/02 and A5-0099/02, 8.4.2002.

Proposal on common charges for hooliganism	Council on the basis of an initiative by a Member State		<p>The Oisín programme financed a project evaluating cooperation between the relevant departments during Euro 2000.</p> <p>The Belgian Presidency has presented a proposal for a decision on safety at international football matches.²¹⁹</p>	Parliament opinion in April 2002 ²²⁰	Adoption by the Council in April 2002.		Entry into force: day following publication
Common definitions, offences and penalties in the field of racism and xenophobia (framework decision).	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	<p>In November 2001 the Commission presented a proposal for a Council framework decision on racism and xenophobia.²²¹</p> <p>Council conclusions on the fight against racism, anti-semitism and xenophobia adopted in April 2002.</p>	Parliament opinion in July 2002 ²²²			
Common definitions in the field of preventing and combating cybercrime, including common charges and penalties for high-tech crime	Council, on the basis of a proposal by the Commission	April 2001	<p>Commission Communication in January 2001²²³ on creating a safer information society.</p> <p>Commission Communication and proposal for a Framework Decision presented in March 2002 on safer use of the Internet.²²⁴</p> <p>Commission proposal in April 2002 for a Framework Decision on attacks against information systems.²²⁵</p>	<p>Parliament opinion in September 2001.²²⁶</p> <p>Parliament opinion in October 2002²²⁷</p>	In June 2001 the Council adopted a recommendation on contact points to combat crime linked to high technology and cybercrime. ²²⁸	The European Forum on cybercrime has been set up. The first plenary meeting of the Forum was held at the end of November 2001.	

²¹⁹ Enfopol 103 – 26.9.2001.

²²⁰ A5-0047/02, 9.4.2002.

²²¹ Communication - Proposal for a Council Framework Decision on combating racism and xenophobia (COM(2001) 664, 28.11.2001).

²²² A5-0189/02, 24.5.2002.

²²³ Commission communication to the Council and the European Parliament on creating a safer information society by improving the security of information infrastructures and combating computer-related crime (COM(2000) 890, 26.1.2001).

²²⁴ Communication and proposal for a Framework Decision adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (COM(2002)152, 22.3.2002).

²²⁵ This measure is included in the EU Plan of Action against terrorism (COM(2002)173, 19.4.2002).

²²⁶ A5- 0284/2001, 6.9.2001.

²²⁷ A5-328/02, 2.10.2002.

²²⁸ OJ C 187, 25.6.2001.

Common definitions, charges and penalties in the field of corruption	Council, on the basis of a proposal by the Commission	April 2001	Initiative by Denmark for a Council Framework Decision on combating corruption in the private sector. ²²⁹	Parliament opinion November 2002		In December 2002 the Commission is planning to present a communication on a European policy against corruption	
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Objective: To adopt a common approach throughout the EU on cross-border crimes

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Criminalisation of fraud to non-cash means of payment	Council, on the basis of a proposal by the Commission	April 2001	<p>Commission proposal for a Framework Decision in September 1999.²³⁰</p> <p>In February 2001 the Commission presented an action plan for 2001-2003 comprising preventive measures, and it is continuing its work in partnership with the relevant bodies in the European Crime Prevention Forum.</p>	Parliament opinion in July 2000 ²³¹	Adopted by the Council in May 2001. ²³²	The 11 actions in the Plan are in hand.	<p>Implementation deadline: 2.6.2003.</p> <p>In the second half of 2003 the Commission will present a report on the transposition.</p>
Common definitions, charges and penalties as regards counterfeiting of the euro	Council/ Commission/ Member States.	April 2001	Initiative by Germany in November 1999 for a Framework Decision on criminal penalties. ²³³		<p>Decision adopted by the Council in May 2000²³⁶</p> <p>Adoption by the Council in June 2001 of the regulations defining the measures needed to protect the euro</p>	In January 2003 the Commission plans to present a second report on the implementation of the framework decision.	<p>Entry into force of the two framework decisions and the decision: date of publication</p> <p>On 28.2.2002 the Council adopted its first report on the</p>

²²⁹ OJ C 184, 2.8.2002.

²³⁰ Proposal for a Council framework Decision on combating fraud and counterfeiting of non-cash means of payment (OJ C 376E, 28.12.1999).

²³¹ OJ C 121, 24.4.2001.

²³² OJ L 149, 2.6.2001.

²³³ Initiative for the adoption of a Council Framework Decision on increasing protection by penal sanctions against counterfeiting in connection with the introduction of the euro OJ C 322, 10.11.1999).

			<p>Swedish initiative in August 2001 for a framework decision amending the framework decision of May 2000.²³⁴</p> <p>Initiative by France in March 2001 for a Framework Decision on protection of the euro against counterfeiting.²³⁵</p>	<p>Parliament opinion October 2001.</p>	<p>from counterfeiting.²³⁷</p> <p>The Council adopted the second Framework Decision in December 2001.²³⁸</p> <p>Decision adopted by the Council in September 2001²³⁹</p>	<p>framework decision, which was the first evaluation exercise on an instrument enacted under Title VI of the Union Treaty.</p> <p>Deadline for transposal of 2nd Framework Decision 31.12.2002</p>
Criminalisation of fraud in public tender	<p>Council on the basis of an initiative by a Member State</p> <p>Parliament and Council on the basis of Commission initiatives</p>	April 2001	<p>Initiative by Germany in March 1999 for a Framework Decision.²⁴⁰</p> <p>Commission proposal in May 2002 for a Directive on public procurement which, among other things, provides for excluding tenderers who have been convicted of serious offences (corruption, participation in a criminal organisation, money laundering, or fraud against the Community's financial interests).²⁴¹</p>	<p>Parliament opinion (rejection) in June 2001.²⁴²</p> <p>EP first reading in 2002.</p>	<p>Political agreement by the Council in May 2002; Common Council Position expected at the end of December 2002 or at the beginning of 2003.</p>	
Reinforcing the legal framework for the protection of the Community's financial interests	Council and EP, on the basis of a Commission proposal		<p>Commission communication on an overall fraud prevention strategy in June 2000.</p> <p>The 2001-03 Action Plan presented in May 2001.</p> <p>Commission proposal in May 2001 for an EP and Council</p>			<p>The Commission is planning to submit a follow-up contribution by early 2003</p>

²³⁴ Initiative for the adoption of a Council Framework Decision amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ C 225, 10.08.2001).

²³⁵ OJ C 75, 7.3.2001.

²³⁶ OJ L 140, 14.6.2000.

²³⁷ OJ L 181, 4.7.2001.

²³⁸ OJ L 329, 14.12.2001.

²³⁹ OJ L 329, 14.12.2001.

²⁴⁰ Initiative of the Federal Republic of Germany with a view to the adoption of a Council Framework Decision on criminal law protection against fraudulent or other unfair anti-competitive conduct in relation to the award of public contracts in the common market (OJ C 253, 4.9.2000).

²⁴¹ Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of public supply contracts, public service contracts and public works contracts (COM (2000) 275 and 276 final, 10.05.2000).

²⁴² A5-0184/02, 24.5.2002.

			directive, ²⁴³ amended in October 2002 in response to EP opinion. ²⁴⁴ In December 2001 the Commission presented a Green Paper on the protection under criminal law of the Communities' financial interests and the establishment of a European Public Prosecutor. ²⁴⁵ The Laeken European Council asked that it be examined very quickly.	Parliament opinion in April 2001 ²⁴⁶			
Common definitions, charges and penalties for offences linked with terrorism ^{247,248}	Council, on a Commission proposal		Commission proposal in September 2001 for a Council framework decision on terrorism ²⁴⁹ (see also the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States.	Parliament own initiative resolution in September 2001 on the role of the Union in the fight against terrorism ²⁵⁰ EP Opinions in November 2001 and February 2002 (reconsultation). ²⁵¹	Adopted by the Council in June 2002.		Deadline for transposal 31.12.02 The Commission will present a report on transposal at the end of 2003.
Common definitions, charges and penalties in the field of tax fraud	Council, on the basis of a Commission proposal or an initiative by a Member State						

²⁴³ OJ C 240E, 28.8.2001.

²⁴⁴ Amended proposal for a Directive of the European Parliament and of the Council on the criminal-law protection of the Community's financial interests (COM (2002) 577 final).

²⁴⁵ Green Paper on the criminal law protection of the financial interests of the Community and the establishment of a European Public Prosecutor (COM(2001) 715, 11.12.2001).

²⁴⁶ A5-0390, 29.11.2001.

²⁴⁷ See also table on "Mutual recognition of judicial decisions".

²⁴⁸ This measure is included in the EU Plan of Action against terrorism.

²⁴⁹ Communication - Proposal for a Council Framework Decision on racism (Article 34(2) of the Union Treaty) (COM(2001) 521, 19.9.2001).

²⁵⁰ A5- 0273/2001, 5.9.2001.

²⁵¹ A5- 0003/2002, 6.2.2002.

4.4. Special action against money laundering

Money laundering is at the very heart of organised crime. For that reason measures must be taken to root it out wherever it occurs and to ensure that concrete steps are taken to trace, freeze, seize and confiscate the proceeds of crime. The special European Council held on 21 September 2001 also stressed the importance of the fight against the financing of terrorism and asked that a report be prepared on it by June 2002.

Objective: to deprive criminals of the proceeds of crime

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Convention or framework decision on financial crime, money laundering. ²⁵²	Council, on the basis of an initiative by France		<p>Initiative by France in August 2000 for a Council Framework Decision.²⁵³</p> <p>Initiative by France for a proposal for a Convention or a Protocol to the Convention on mutual judicial assistance in criminal matters dealing specifically with financial crime.²⁵⁴</p> <p>Danish initiative in August 2002 for a Council Framework Decision on confiscation.²⁵⁵</p>	<p>EP opinion in November 2000.²⁵⁶</p> <p>EP opinion in November 2001.²⁵⁷</p> <p>EP opinion in November 2002.</p>	<p>Adopted by the Council in June 2001.²⁵⁸</p> <p>Adoption by the joint ECOFIN/JAI Council in October 2001 of the protocol to the convention on mutual assistance in judicial matters of 29 May 2000 in the fight against crime, in particular organised crime, money-</p>	<p>In 2003 the Commission is planning to present a communication evaluating third-pillar action against financial crime.</p>	<p>Implementation deadline: 31.12.02.</p> <p>In the second half of 2003 the Commission will present a report on transposition.</p>

²⁵² This measure is included in the EU Plan of Action against terrorism.

²⁵³ Initiative of the French Republic with a view to adopting a Council Framework Decision on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ C 243, 24.8.2000).

²⁵⁴ Initiative of the French Republic with a view to adopting a Convention on improving mutual assistance in criminal matters, in particular in the area of combating organised crime, laundering of the proceeds from crime and financial crime (OJ C 243, 24.8.2000).

²⁵⁵ Initiative for a Council Framework Decision on Confiscation of Crime-related Proceeds, Instrumentalities and Property (OJ C 184, 2.8.2002, p.3).

²⁵⁶ PE.297.757.

²⁵⁷ PE.297.761.

²⁵⁸ OJ L 182, 5.7.2001.

					laundrying and financial crime (cf. point 4.2). ²⁵⁹		
Concrete steps to trace, freeze, seize and confiscate the proceeds of crime ²⁶⁰			France, Belgium and Sweden presented, in February 2001, an initiative on the freezing of assets and evidence. ²⁶¹ Initiative by Denmark in June 2002 for a draft framework decision on the enforcement of confiscation orders. ²⁶²	EP Opinions in September 2001 and June 2002 ²⁶³ Agreed in principle by the Council in February 2002 Parliament Opinion in November 2002	Formal adoption by the Council once the remaining parliamentary reservations have been lifted (I, DK, S, IRL, NL).		

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Implement fully the provisions of the Money Laundering Directive, the 1990 Strasbourg Convention and the Financial Action Task Force recommendations, including implementation in all dependent territories (See also the first part of measure 19 of the joint programme on the mutual recognition of criminal convictions)	Member States		Conclusions adopted by Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000.				All the Member States have ratified the Strasbourg Convention.

²⁵⁹ OJ C 326, 21.11.2001.

This measure is included in the EU Plan of Action against terrorism.

²⁶⁰ Initiative by the Governments of the French Republic, the Kingdom of Sweden and the Kingdom of Belgium for the adoption by the Council of a Framework Decision on the execution in the European Union of orders freezing assets or evidence (OJ C 75, 7.3.2001).

²⁶¹ Draft Council Framework Decision on the execution of confiscation orders in the European Union (OJ C 184, 2.8.2002, p. 8).

²⁶² A5-0172/02, 16.5.2002.

To adopt the draft directive amending the Money Laundering Directive ²⁶⁴	Council and Parliament	As soon as possible		Parliament opinion in April 2001.	Adoption by the Council and Parliament in December 2001. ²⁶⁵		Implementation deadline: 15.6.03.
More rapid exchange of information between the existing financial intelligence units (FIUs), entitling judicial authorities and FIU to receive information regardless of secrecy provisions. ²⁶⁶	Council, on the basis of an initiative by Finland Council/ Commission/ Member States		Initiative by Finland for a Decision on cooperation between financial intelligence units in the Member States for the exchange of information. Conclusions of the joint Ecofin/JAI Council in October 2001 asking the Member States to strengthen the existing arrangements and to consider the possibility of devising an automatic system for the exchange of relevant financial information and asking the Commission to consider the possibilities for Community financing for such an automatic information system		Decision adopted by the Council in October 2000 ²⁶⁷	Work on FIU-NET continues. The Commission is willing to contribute to financing it.	Entry into force: 17.10.2000
Community rules must be drawn up to prevent use of non-EU companies and organisations to launder the proceeds of crime. ²⁶⁸	Commission/ Council/ Member States					The Commission is exploring possibilities for priority measures.	
Draw up a report identifying provisions in national banking, financial and corporate legislation which obstruct international cooperation	Commission		Conclusions adopted by the Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000 called on the Commission to produce a report ²⁶⁹ .		Conclusions adopted by the joint JAI/ECOFIN Council in October 2001 called on the Commission and the Member States to determine priorities and measures to be taken.	The Commission plans to present a report imminently.	
Prevent the excessive use of cash payments and study the role of casinos and gambling	Commission to initiate	December 2003				In the second half of 2003 the Commission is planning a proposal for a	

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This measure is included in the EU Plan of Action against terrorism.

265

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

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This measure is included in the EU Plan of Action against terrorism.

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OJ L 271, 24.10.2000.

268

This measure is included in the EU Plan of Action against terrorism.

269

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

houses	study					framework decision to combat money laundering through payments in cash.	
Ensure the transparency of financial transactions by electronic means	Council / Commission	December 2001					
Extend the competence of Europol to cover money laundering in general, regardless of the offence from which the proceeds originate ²⁷⁰	Council, on the basis of a Commission proposal or a Member State initiative		Portuguese initiative in July 2000 for amendment to the Europol Convention (see above). ²⁷¹ Danish initiative in July 2002 for amendment to the Europol Convention (see point 4.2). ²⁷²	Parliament opinion in November 2000.	Protocol adopted by the Council in November 2000. ²⁷³		Ratification: F, P, ES, GR, S
Improve the legal provisions against money laundering with off-shore and on-shore financial centres and tax havens. Support international action with regard to off-shore countries.	Council / Commission / Member States				The Joint Council (Economic and Financial Affairs, Justice and Home Affairs) adopted conclusions in October 2000 on immediate and coordinated implementation of FATF counter-measures. Conclusions of the joint JHA/Ecofin Council in October 2001 in accordance with the conclusions of the extraordinary European Council held on 21 September 2001 on the immediate and concomitant implementation of the countermeasures decided by the FATF. ²⁷⁴		

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See also table on “Stepping up cooperation in the fight against crime”.

²⁷¹

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

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

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OJ C 358, 13.12.2000.

²⁷⁴

This measure is included in the EU Plan of Action against terrorism.

Prepare a model agreement for negotiations with off-shore and on-shore financial centres and tax havens		December 2001			The Joint Council (JHA/Ecofin) adopted conclusions in October 2000 envisaging that agreements could be concluded in the long term.		
Examine possibilities: for strengthening and making more consistent existing national provisions on controlling cross-border movements of money, for making it easier for Member States to adopt such provisions and for organising exchanges of information between Member States.	Commission	July 2001	In line with the Joint Council (JHA/Ecofin) conclusions of October 2000, the Commission is examining the usefulness and feasibility of a European instrument. Preliminary report by the Commission on the surveillance of cross-border cash flows presented at the joint ECOFIN/JAI Council in October 2001. Commission report and proposal for a Council regulation in June 2002. ²⁷⁵				

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

5. ISSUES RELATED TO INTERNAL AND EXTERNAL BORDERS AND VISA POLICY, IMPLEMENTATION OF ART. 62 EC AND CONVERTING THE SCHENGEN

Objective: to develop a common visa policy

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Regulation on countries whose nationals are respectively exempt from or subject to the visa requirement for crossing external borders	Commission / Council	April 2001	<p>Commission proposal for a Council regulation in January 2000.²⁷⁶</p> <p>In accordance with Article 8 of the Regulation, the Commission presented a report on Romania.</p> <p>Commission proposal In October 2001 for a Council regulation amending Regulation No 539/2001.²⁷⁷</p> <p>New proposal by the Commission in November 2002, modifying regulation No. 549/2001²⁷⁸</p>	<p>Parliament opinion in July 2000.</p> <p>Parliament opinion in November 2001²⁷⁹</p>	<p>Adopted by the Council in March 2001.²⁸⁰</p> <p>Adopted by the Council in December 2001.²⁸¹</p>		<p>Entry into force: 10/4/2001.</p> <p>Entry into force: 1.1.2002</p>
Procedure and conditions for issuing visas by Member States	Commission / Council / Member States	April 2003	<p>Initiative by Finland in June 2000 on measures for implementing the common consular instruction.²⁸²</p>	<p>Parliament opinion (rejection) in March 2001²⁸³</p>	<p>Regulation No 789/2001 adopted by the Council in April 2001.²⁸⁴</p>	<p>In 2003 the Commission is planning to present a proposal for a regulation amending the common</p>	<p>Entry into force: 24.4.2001</p>

²⁷⁶ Proposal for a Council Regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders and those who are exempt from that requirement (JO C 177, 27.6.2000, p.66).

²⁷⁷ Proposal for a Council Regulation amending Regulation No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (COM(2001) 570, 8.10.2001).

²⁷⁸ COM(2002)679, 28.11.2002: Proposal for a Council Regulation amending regulation No. 539/2001 listing the third countries whose nationals must be in the possession of visas when crossing external borders and those whose nationals are exempt from that requirement.

²⁷⁹ C5-0505/2001, 29.11. 2001.

²⁸⁰ OJ L 81, 21.3.2001.

²⁸¹ OJ L 327, 12.12.2001.

²⁸² Initiative of the Republic of Finland with a view to the adoption of a Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ C 164, 14.6.2000).

			<p>French initiative for a Council decision on the visa conditions applied by the Member States.</p> <p>Belgian initiative relating to the amendment of Part VII and Annex 12 to the common consular instruction (visa rights).</p> <p>Belgian initiative relating to the amendment of Part III and Annex 16 to the common consular instruction (uniform visa application form).</p>		<p>Decision adopted by the Council in April 2001.²⁸⁵</p> <p>Decision 2002/44/EC adopted by the Council in December 2001.²⁸⁶</p> <p>Decision adopted by the Council in April 2002.</p>	consular instructions.	<p>Implementation: 27.4.2001</p> <p>Implementation: no later than from 1.7.2004.</p>
Rules on a uniform visa	Commission / Council / Member States	April 2001	The rules are taken into consideration under the existing framework of the Schengen acquis and in connection with the proposal on the movement of persons within the territory of the Member States.				
Further development of the technical specifications of the uniform format for visas	Commission/ Council	Short term measures 2000-2002 - long term measures 2004	Commission proposal in October 2001 for a Council regulation amending Regulation No 1683/95. ²⁸⁷	Parliament opinion in December 2001. ²⁸⁸	Regulation No 1683/95 adopted by the Council. ²⁸⁹		<p>Entry into force: 24.2.2002</p> <p>Adoption of specifications required for its application 3.6.2002</p>
Uniform format for forms for affixing the visa to travel documents which are not	Commission / Council / Member	2001	Commission proposal for a Regulation in March 2001 ²⁹⁰ .	Parliament opinion in December 2001 ²⁹¹	Regulation (EC) No 333/2002 adopted by the		Entry into force

283

A5-0066/2001, 13.3.2001.

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

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

286

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

287

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

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A5-0445, 12.12.2001.

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OJ L 53, 23.2.2002.

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

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A5-0445, 12.12.2001.

recognised	States				Council in February 2002. ²⁹²		23.2.2002 Adoption of specifications required for its application 12.8.2002
Proposal for a regulation on an airport transit visa	Commission / Council / Member States	April 2001				Airport transit arrangements are currently covered by a joint action and by the Schengen acquis.	
Measures to set up a common system for identifying visas ²⁹³	Council / Member States	Short-term action Long term measures 2005-2006	Feasibility study launched by the Commission in September 2002.			The be seen in the light of the results of the study (study ending in March/April 2003). In the first half of 2003 the Commission is planning to present a proposal for a regulation on the development of the common visa information system (VIS).	
Closer cooperation between EU consulates in third countries	Member States	Ongoing	See point VIII of the common consular instruction and Recommendation of 4 March 1996. Initiatives by Belgium and Spain, in April 2002, for a draft Council decision concerning the adaptation of part 8 of the common consular instruction.		The Laeken European Council asked that the possibility of establishing joint consular offices be considered.		
Measures on the freedom to travel within the territory of	Commission / Council /	April 2001	Portuguese Presidency initiative in June 2000 on travel by nationals exempt from the visa requirement. ²⁹⁴	Parliament opinion (rejection) in March 2001 ²⁹⁷			

²⁹² OJ L 53, 23.2.2002.

²⁹³ This measure is included in the EU Plan of Action against terrorism.

²⁹⁴ Initiative of the Portuguese Republic with a view to adopting the Council Regulation on the period during which third-country nationals exempt from visa requirements are free to travel within the territory of the Member States (OJ C 164, 14.6.2000).

²⁹⁵ Initiative of the French Republic with a view to adopting a Council Regulation on freedom of movement with a long-stay visa (OJ C 200, 13.7.2000).

Member States	Member States		<p>French Presidency initiative in July 2000 on travel on a long-stay visa.²⁹⁵</p> <p>The Commission presented a proposal for a directive on conditions for movement in the Member States in July 2001.²⁹⁶</p>	<p>Parliament (rejection) in January 2001²⁹⁸</p> <p>Parliament opinion in February 2002</p>	<p>Adopted by the Council at the end of May 2001.²⁹⁹</p>	<p>Entry into force: 7.6.2001</p>
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²⁹⁶ Proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and determining the conditions of entry and movement for periods not exceeding six months (COM(2001) 388, 10.7.2001).

²⁹⁷ A5- 0075/2001, 13.3.2001.

²⁹⁸ A5-0388/00, 18.1.2001.

²⁹⁹ OJ L 150, 6.6.2001.

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
To render documents more secure, introducing minimum standards for travel documents and residence permits	Commission / Council / Member States	April 2001	Commission proposal in March 2001 on the communitisation of the uniform format for residence permits granted to third-country nationals. ³⁰⁰	Parliament opinion in December 2001	Adopted by the Council in June 2002. ³⁰¹		Entry into force: 14.6.2002 Adoption of specifications required for its application 14.8.2002
To facilitate the detection of false documents and to provide appropriate training and equipment	Commission / Council / Member States	Ongoing		Council Recommendation of 29 April 1999 on provision of staff and equipment.	Council adopted in March 2000 a decision to improve exchange of information. ³⁰²	Training programme financed by ARGO programme adopted by the Council in June 2002.	Entry into force: 1.7.2000

³⁰⁰ Proposal for a Council regulation laying down a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157, 23.3.2001).

³⁰¹ OJ L 157/1, 15.6.2002.

³⁰² OJ L 81, 1.4.2000.

Objective: Control at the external borders of the Union

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Close cooperation between the Member States border control services, such as exchange programmes and technology transfer ³⁰³	Commission / Council / Member States	May 2002	<p>In October 2001 the Belgian Presidency, with Odysseus co-financing, organised a joint operation for controls at the Union's future external borders in cooperation with Europol, the Member States and the applicant countries.</p> <p>The Laeken European Council asked for arrangements for cooperation between services responsible for external border checks to be worked out and for the conditions in which a mechanism or common services to check external borders could be created to be studied. Italy presented the conclusions of the feasibility study on the development of joint actions co-financed by Odysseus/ARGO. a study on border police and security was cofinanced by OISIN, and Commission Communication in May 2002³⁰⁴ on external borders.</p>		In June 2002 the Council adopted a plan for the management of the external borders of the Member States of the European Union.	<p>The Seville European Council asked that by the end of 2002 there should be joint operations at external borders, pilot projects and a network of liaison immigration officers. It also asked that by the end of June 2003 a common risk-analysis model and a common scheme for training border guards be worked out, that European rules on borders be consolidated and that a study be carried out by the Commission on burden-sharing between Member States and the EU as regards the management of external borders.</p> <p>In June 2003 the Commission is planning to present a proposal for a regulation laying down common rules on small-scale frontier traffic.</p>	

³⁰³ This measure is included in the EU Plan of Action against terrorism (periodic review).

³⁰⁴ Commission communication to the Council and the European Parliament - Towards integrated management of the external borders of the Member States of the European Union (COM (2002) 233, 7.5.2002).

<p>Procedure for adopting certain measures implementing the Common Manual</p>	<p>Commission / Council / Member States</p>		<p>Portuguese initiative in March 2001 on measures implementing the provisions in the Common Manual.³⁰⁵</p> <p>Initiative by Sweden in March 2001 for updating the Common Manual.³⁰⁶</p> <p>Initiative by Belgium in December 2001 for the updating the Common Manual³⁰⁷</p> <p>Initiative by Belgium and Sweden in April 2002 for the revision of the Common Manual.</p>	<p>Parliament opinion (rejection) in March 2001³⁰⁸</p>	<p>Adopted by the Council in April 2001.³⁰⁹</p> <p>Adoption by the Council in November 2000 of the decision to downgrade parts of the Common Manual.³¹⁰</p> <p>Decision updating the Common Manual adopted by the Council in April 2001.³¹¹</p> <p>Decision declassifying the Common Manual adopted by the Council in April 2002.³¹² and on the revision of the Common Manual^{313 314}</p>	<p>Following the Seville European Council, the Commission is planning in the first half of 2003 to present a proposal for a regulation restructuring the Common Manual.</p>	<p>Entry into force: 24.4.2001</p> <p>Entry into force: 1.12.2000</p> <p>Implementation: 27.4.2001</p>
<p>Rapid inclusion of the applicant States in this cooperation</p>	<p>Commission/ Council / Member States</p>	<p>Ongoing</p>		<p>These issues were discussed at the ministerial meeting with the applicant countries on the sidelines of the Council in March 2001.</p>		<p>Work ongoing in the context of accession negotiations.</p>	

³⁰⁵ OJ C 73, 6.3.2001.

³⁰⁶ Swedish initiative for a Council decision updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual.

³⁰⁷ Belgian initiative for the updating of part III and the creation of an annex 16 of the Common Consular Instructions

³⁰⁸ A5- 0066/2001, 13.2.2001.

³⁰⁹ OJ L 116, 26.4.2001, p. 5; Regulation on implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance.

³¹⁰ OJ L 303, 1.12.2000, p. 29.

³¹¹ OJ L 116, 26.4.2001, p. 32; Council Decision updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual.

³¹² Council Decision declassifying Part II of the Common Manual (JO L 123, 9.5.2002, p.49).

³¹³ OJ L 123, 09.05.2001 p.47: Council Decision updating part I of the Common Manual

³¹⁴ OJ L 123, 09.05.2001.p.50: Belgian Initiative for the adoption of a Council Decision updating part III and the creation of an annex 16 of the Common Consular Instructions.

³¹⁵ This measure is included in the EU Plan of Action against terrorism (periodic review).

³¹⁶ Initiative of the Kingdom of Belgium and of the Kingdom of Sweden with a view to the adoption of a Council Regulation on the development of the second generation Schengen information system (SIS II) (OJ C 183, 29.6.2001, p. 12).

Objective: To convert and develop the Schengen acquis

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Communitisation of Article 2 of the Schengen Convention ³¹⁵ .	Commission / Council / Member States	2001				The Commission intends to present a proposal in 2003.	
Development of SIS II	Commission / Council / Member States	2001	<p>Initiative by Belgium and Sweden for the development of SIS II³¹⁶</p> <p>Commission communication in December 2001 on the development of the Schengen II information system to take account of the prospect of enlargement and of technical progress³¹⁷</p> <p>Spanish Initiatives relating to specific new functions of the SIS, in particular in the framework of the fight against terrorism.³¹⁸</p>	<p>Discussion of new functions in SIS II are in progress. Political agreement on the Spanish initiatives expected in December 2002.</p> <p>EP Opinion on the Spanish Initiatives expected in December 2002.</p>	Regulation and Decision adopted by the Council in December 2001. ³¹⁹	<p>The feasibility study for the future system was launched by the Commission in July 2002 and is ongoing.</p> <p>In December, the Commission is planning to present a first report on the state of play in the development of SIS II.</p>	<p>Deadline for implementation: 14.12.2001.</p> <p>Expiry date: 31.12.2006</p>

³¹⁷ COM(2001)720 18.12.2001: Commission Communication to the Parliament and the Council on the development of the Schengen Information System II.

³¹⁸ JOC 160, 4.7.2001: Spanish Initiative with a view to the adoption of a Council Regulation on the allocation of specific new functions to the SIS, in particular in the framework of the fight against terrorism.

³¹⁹ OJ L 328, 13.12.2001.

6. CITIZENSHIP OF THE UNION

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Directive updating and revising of rules on the right of entry, movement and residence of citizens of the Union	Commission/ Council/ EP	2001	Commission proposal for a Council directive in May 2001. ³²⁰	Parliament opinion expected in February 2003 Work in progress in the Council.			
Regulation on security of travel documents	Commission/ Council/ EP	2001	Member States' attention is drawn to the need to consider a possible Community instrument to make travel documents more secure.				
Regulation on a uniform format for residence permits for Union citizens and members of their families	Commission / Council / Parliament	2001				The Commission intends to present a proposal in 2003.	

³²⁰

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

Objective: Information on exercise of rights attached to Union citizenship

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Communication on results of elections to EP	Commission	2000	Commission Communication presented in December 2000. ³²¹				
First report on municipal elections	Commission	2001	Commission report presented in May 2002. ³²²				
Third report on the citizenship of the Union	Commission	By the end of 2000	Third report prepared by the Commission in September 2001. ³²³	Parliament opinion in September 2002. ³²⁴			

³²¹ COM(2000)843, 18.12.2000; Communication on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament: right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

³²² Commission report on the application of Council Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections (COM(2002)260, 30.5.2002).

³²³ Third Report from the Commission on Citizenship of the Union (COM(2001) 506, 7.9.2001).

³²⁴ A5-0241/02, 5.9.2002.

7. COOPERATION AGAINST DRUGS

Priorities of the EU drugs strategy

As a collective and individual threat, the drugs problem needs to be addressed in a global, multidisciplinary and integrated manner. A mid-term evaluation of the EU Plan of Action against Drugs (2000-2004) was adopted by the Council in November 2002. The final evaluation will be undertaken with the help of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol.

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Implementation of the European Union action plan on drugs (2000-2004)		June 2000	Commission communication in June 2001 on the implementation of the Action Plan. ³²⁵		European Union Drugs Action Plan (2000-2004) adopted by the Feira European Council in June 2000. A Joint Declaration on the implementation of the Drugs Action Plan was adopted on 28 February 2002 by the EU Ministers in association with the Commission and the applicant countries. The Declaration refers to the launching of negotiations for the applicant countries to participate in the EMCDDA. The Copenhagen European Council had expected to approve the guidelines in the Commission	The negotiations were launched on 7 March 2002. It is planned that the applicant countries will participate in the EMCDDA from 2003.	

³²⁵

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

			Commission communication in November 2002 on the mid-term review of the Action Plan. ³²⁶		communication.		
Strengthening of cooperation with the European Monitoring Centre on Drugs and Drug Addiction and Europol in particular as regards synthetic drugs and precursors	Council / Commission / Member States		<p>The Commission has presented two reports (GHB and Ketamine) to the Council under the Joint Action on new synthetic drugs. On that basis, in March 2001 the Council adopted conclusions in line with the Commission's reports. As requested by the Council, a report by the EMCDDA and Europol was presented to the Council's Horizontal Working Party on Drugs at the beginning of 2002.</p> <p>On the basis of the EMCDDA's risk analysis, the Commission presented a proposal for a Council Decision in December 2001,³²⁷ defining PMMA as a new synthetic drug.</p> <p>Swedish Initiatives in January 2001 for a Council Decision on the determination of the profiles of synthetic drugs and the transmission of samples.³²⁸</p> <p>Spanish initiative for a Council recommendation on the need to reinforce cooperation and information exchanges between the Member States' operational units specialising in combating trafficking in chemical precursors.</p> <p>Danish Initiative in July 2002, for a Council Resolution on the generic classification of new synthetic drugs.</p>	<p>Parliament opinion in May 2001³²⁹</p> <p>Report now being examined in the Council.</p> <p>The Council is continuing to work on aspects relating to determination of the profile of synthetic drugs.</p>	<p>Decision adopted by the Council in February 2002.³³⁰</p> <p>Adoption by the Council in May 2001 of the decision concerning the transmission of samples.³³¹</p> <p>Adoption by the Council in April 2002.</p> <p>Adoption by the Council in November 2002.</p>		<p>The Member States have three months to transpose the decision.</p> <p>Entry into force: 1.7.2001</p>

³²⁶

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

³²⁷

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

³²⁸

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

³²⁹

A5- 0121/2001, 3.5.2001.

³³⁰

OJ L 63/14, 6.3.2002.

³³¹

OJ L 150, 6.6.2001.

Development of a methodology for the evaluation of the EU Drugs Strategy for 2000-2004	Council and Parliament on the basis of proposals of the Commission		Development by the EMCDDA and Europol in 2001 and 2002 of methodological instruments to evaluate anti-drug measures. Commission proposal for a Council recommendation. ³³²	Work in progress in the Council and the EP.	On 10 December 2001 the Council adopted a Resolution on the national implementation of these epidemiological indicators.		
Common definitions, charges and penalties in the field of drug trafficking ³³³	Council, on the basis of a proposal by the Commission	April 2001	Having received a study of national laws and regulations on drug trafficking, the Commission presented, in June 2001, a proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking. ³³⁴	Parliament opinion in April 2002 ³³⁵			
Financial instrument for combating drug trafficking	Council, on the basis of a Commission proposal or a Member State initiative		In 2002 the Commission implemented the budget line introduced at the European Parliament's request to finance a preparatory programme to combat drug trafficking.			This preparatory programme will be integrated in the AGIS programme in 2003.	

³³² Proposal for a Council Recommendation on the prevention and reduction of risks associated with drug dependence (COM(2002) 201, 8.5.2002).

³³³ See also table on "Fight against certain forms of crime".

³³⁴ Proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking (COM(2001) 259, 23.5.2001).

³³⁵ A5-0460/02, 25.4.2002.

8. STRONGER EXTERNAL ACTION

Priorities of the European Council meetings in Tampere and Feira

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

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

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

Action needed	Jurisdiction	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Work planned	
Enlargement: ensure that justice and home affairs are consistently integrated into the enlargement process				Discussion with applicant countries at Council meeting in March 2001 on combating organised crime and asylum and immigration policy. in September 2001 on trafficking in human beings; on 28 February 2002 on external borders, drugs and questions of judicial capacity; on the Schengen evaluation process and mutual recognition at the Council meeting of 14 October 2002.	Adoption in September 2001 by Member States and applicant countries of 12 undertakings on combating trafficking in human beings.	Negotiations on Chapter 24 (Justice and Home Affairs) are provisionally closed with ten applicant countries, they are continuing with Bulgaria and Romania, and further Community support is going to JHA through the Phare programme, twinning schemes, partnership agreements and participation in JHA programmes. The October European Council agreed on the insertion of JHA safeguard clauses (mutual recognition in civil and criminal matters) in future accession treaties.	
The Feira European Council was to agree on clear priorities, policy objectives and measures for the Union's external action in Justice and Home Affairs	The Council, in close cooperation with the Commission, is to draw up specific recommendations	June 2000	In June 2000 the Feira European Council adopted a report drawn up by the Council and Commission on external relations in the JHA field, in order to integrate them into the Union's overall strategy and thus to contribute to establishing the AFSJ; update for the Laeken European Council in December 2001.				

Implementation of priorities identified for the progress report requested by the Feira European Council:							
Negotiations with non-applicant Balkan countries of stabilisation and association agreements			Negotiating brief accepted for Albania, and exploratory extending to JHA matters have been held with the FRY. The CARDS programme (2002-06) includes a country-by-country JHA strategy for applying especially to asylum, immigration, organised crime, judicial matters, border management and maintenance of a regional dynamic for the reform of JHA institutions.		Agreements have been signed with Croatia and the FYROM and are in process of ratification.		
Continuation of the Barcelona Process			Implement the JHA dimension of the Meda programme; (adoption of a framework document on 22 April 2002); implementation of the action plan of the High Level Working Group on Asylum and Immigration for Morocco.				

Concluding of readmission agreements			Negotiations under way for readmission agreements with Macao (agreement initialled on 18 October), Russia, Pakistan, Sri Lanka, Morocco and Ukraine .	An agreement was signed with Hong Kong on 27 November. Negotiating briefs with Albania, Algeria, China and Turkey are under discussion in the Council.			
Cooperation on justice and home affairs				<p>Central Asia: Action Plan against drugs for Central Asia (CADAP) formally approved by Kazakhstan, Kurdistan, Tadjekistan and Uzbekistan on 2 October 2002.</p> <p>Russia: implementation of the action plan to combat organise crime.</p> <p>Ukraine: implementation of the JHA action plan.</p> <p>United States: follow-up to the Council conclusions of 20.09.2001, in particular negotiation with the-United States of an agreement for cooperation in criminal matters on the basis of Articles 38 and 24 of the Union Treaty (Council agreed to a negotiating brief in April 2002); follow-up to the conclusions of the Gothenburg European Council.³³⁶ Negotiations in progress since June 2002.</p>			

³³⁶

This measure is included in the EU Plan of Action against terrorism (periodic review).

Negotiation of multilateral instruments		<p>Council of Europe:</p> <ul style="list-style-type: none"> - Cybercrime Convention; open for signature; - 2nd Protocol to the 1959 Convention: Adoption by the Council of Europe on 20.09.2001 and open for signature on 8.11.2001; <p>Community accession to Convention 108 and the additional protocol on data protection: ratification under way by the contracting countries, prior to accession to the Community.</p>				
		<p>United Nations Convention:</p> <p>United Nations Protocol on firearms signed by the Commission for the European Community.</p> <ul style="list-style-type: none"> - Corruption: three common negotiating positions were adopted in November 2001, June 2002, September 2002. In April 2002 the Commission presented a recommendation for a Council Decision authorising it to take part in the negotiations on behalf of the European Community.³³⁷ - Terrorism: constant European Union support for the second stage of the negotiations for a convention against international terrorism. 			<p>Organised crime: see above. The Commission will present a proposal for conclusion of the UN Convention and its Protocols by the Community.</p>	

³³⁷

Recommendation for a Council Decision (SEC(2002) 431, 23.4.2002).

9. OTHER CURRENT INITIATIVES

MEMBER STATES	TITLE	CONNECTION WITH TAMPERE/VIENNA State of progress
Finland	Council Regulation on obligations between the Member States for the readmission of third-country nationals	See "Management of migration flows" Parliament opinion [rejection] May 2000 Discussion in the Council suspended
Finland	Council Recommendation on the exchange of DNA	Adoption by the Council in June 2001 of a resolution on the exchange of results of DNA analyses
Sweden	Council Decision amending the staff regulations applicable to Europol employees	Adoption by the Council in March 2001 of a Decision amending the staff regulations applicable to Europol employees
Sweden	Council Decision amending the remuneration of Europol employees and the allowances paid to them	Adopted by the Council (end May 2001)
France	Council Recommendation regarding the assessment of terrorist threats against VIPs	Adoption by the Council in December 2001
Belgium	Draft Resolution on the contribution of civil society in the search for missing and sexually exploited children	Adoption by the Council in September 2001
Netherlands	Draft Council Decision setting up a European network of contact points as regards persons responsible for genocide, crimes against humanity and war crimes.	Parliament opinion in April 2002 Adoption by the Council in June 2002
Spain	Draft Council Decision setting up a European network of contact points as regards national authorities with responsibility in matters of private security.	- Presentation to the Council in January 2002 (discussions in progress, notably as regards the legal basis). EP opinion in May 2002 (A5-0168/02) on the draft decision Adoption by the Council of a recommendation in June 2002

Spain	Draft Council Decision establishing a European Police Studies Institute.	Presentation to the Council in January 2002; work in progress EP opinion in May 2002 (A5-0166/02)
Spain	Draft Council Act establishing, in accordance with article 34 of the treaty on the European Union, the convention on the suppression by customs authorities of illicit drug trafficking on the High Seas.	
Spain	Proposal for a Council Decision on collective transit visas for sailors.	Discussions in progress in the Council, notably as regards the legal basis.
Spain	Draft Resolution of the council and of the Representatives of the Member States meeting in the Council on the prevention of the recreational use of drugs.	Adoption by the Council in April 2002 (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Proposal for a Resolution of the council and of the Representatives of the Member States meeting in the Council on the prevention of drug addiction in school curricula	Adopted by the Council in June 2002. (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Draft Council Recommendation on the improvement of operational investigation methods in the fight against crime related to organised drug trafficking	Adoption by the Council in April 2002 (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Draft Council Recommendation on the constitution of ad hoc multinational investigation teams to gather information on terrorists	Adoption by the Council in April 2002
Spain	Draft decision establishing a mechanism for the evaluation of legal provisions for the fight against terrorism and their national implementation	Adopted by the Council in November 2002
Spain	Draft Council Decision on the implementation of specific police and judicial cooperation measures to combat terrorism, in accordance with Article 4 of common position 2001/931/CFSP	Agreement of principle in the Council in June 2002 (reservations by IRL/NL) EP opinion in September 2002 (A5-0167/02)
Spain	Council Decision establishing a European network for the protection of VIPs ³³⁸	EP Opinion in May 2002 Adoption by the Council in November 2002

³³⁸

OJ C 42, 15.2.2002.

Denmark	Draft decision concerning criminal investigations and prosecutions of genocide, crimes against humanity and war crimes	Formal adoption by the Council once reservations have been lifted (F/IRL/NL/S/UK) EP Opinion expected in December 2002
Spain	Recommendation for establishment of a standard form for the exchange of information on terrorists	Adoption by the Council in November 2002
Belgium	Council Decision establishing a European network of national contact points for compensatory justice	Work in progress EP Opinion requested for the 20 December 2002
Denmark	Council Decision on the reinforcement of cooperation between Member States of the EU as regards disqualification decisions.	Work in progress EP Opinion expected in December 2002
Denmark	Council conclusions on the relevant measures for information technology justified by investigations and prosecutions dealing with criminal matters.	Work in progress
Denmark	Council Decision on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States	EP Opinion in November 2002 Work in progress
Denmark	Council recommendation on protective measures against aggression with violence suffered by professional drivers in the export trade.	Adoption by the Council in October 2002
Denmark	Council Act amending the Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information	Work in Progress EP Opinion requested before 15 March 2003