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**COMMUNICATION FROM THE COMMISSION  
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 2000)**

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**TABLE OF CONTENTS**

1.	Introduction .....	3
2.	A common eu asylum and migration policy.....	4
2.1.	Partnership with countries of origin.....	5
2.2.	A Common european asylum system.....	5
2.3.	Fair treatment of third country nationals.....	8
2.4.	Management of migration flows.....	10
3.	A genuine european area of justice.....	12
3.1.	Better access to justice in Europe .....	12
3.2.	Mutual recognition of judicial decisions.....	14
3.3.	Greater convergence in civil law .....	18
4.	Union-wide fight against crime .....	20
4.1.	Preventing crime at the level of the Union.....	20
4.2.	Stepping up cooperation in the fight against crime .....	21
4.3.	Fight against certain forms of crime .....	26
4.4.	Special action against money laundering .....	30
5.	Issues related to internal and external borders and visa policy, Implementation of Art. 62 EC and converting the Schengen Acquis .....	32
6.	Citizenship of the Union .....	36
7.	Cooperation against drugs.....	36
8.	Stronger external action .....	38

## 1. INTRODUCTION

The European Council meeting in Tampere on 15 and 16 October 1999 invited the Commission to make a proposal for an “appropriate **Scoreboard** mechanism” whose purpose would be to “keep under constant review progress made towards implementing the necessary measures and meeting the deadlines” set by the Treaty of Amsterdam, the Vienna Action Plan and the Tampere conclusions for the creation of an “area of freedom, security and justice”. In response to this invitation, the Commission presented in March 2000 a communication to the Council and the European Parliament (COM(2000)167 of 24 March 2000) entitled “Scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union”. A consolidated version was made available on 29 May 2000, incorporating a number of clarifications resulting from comments made by certain Member States either during the Council session of 27 March 2000 or subsequently.

The present version is the first biannual update of the scoreboard in accordance with the Commission's undertaking to review it once per Presidency. It is intended to underline the progress made during the French Presidency. The format, and of course the aims and scope of the scoreboard, have not been changed. The main changes are to be found in the “state of play” column, which represents the “moving target” that the conclusions of Tampere set for all institutions and the Member States, enabling progress to be monitored in relation to the objective of creating and developing the European Union as an area of freedom, security and justice.

The considerable progress achieved since the presentation of the first version of the scoreboard can be summarised as follows:

The **Commission** has presented or finalised proposals for legislative acts and/or communications in a number of the fields covered in the scoreboard, namely:

- Two proposals and two communications in the field of asylum and migration:
  - proposal for a directive on temporary protection;
  - proposal for a directive on minimum asylum standards;
  - communication on common asylum procedures;
  - communication on a Community migration policy;
  
- One proposal in the field of judicial cooperation on civil and commercial matters:
  - proposal for a European Judicial Network;
  
- Five communications in the field of cooperation on crime prevention:
  - communication on protection of the Community's financial interests;
  - communication on mutual recognition of final decisions in criminal matters;
  - communication on Eurojust;
  - communication on crime prevention;
  - communication on cybercrime;

- One amended draft proposal for a Regulation in the field of visa policy was submitted to Council and Parliament following the opinion of the European Parliament.

Furthermore, the Council and the Commission have completed the drawing up of a joint programme of measures on mutual recognition in civil and criminal matters.

The **Council**, building upon proposals from the Commission or on the basis of Member State initiatives, has adopted or is scheduled to adopt at its November session a number of legislative acts, including:

- the decision on the creation of the European Refugee Fund;
- two directives on the equal treatment of persons (irrespective of race or ethnic origin and in employment);
- the Convention on mutual assistance in criminal matters;
- the framework decision on the protection of the euro;
- the decision on cooperation between financial intelligence units;
- the Eurodac Regulation;
- the decision on the provisional Eurojust unit.

With regard to non-legislative measures, the Council has also adopted conclusions in a number of areas covered in the scoreboard (fight against financial crime, alternative dispute resolution and conditions for the reception of asylum seekers). It has also adopted some negotiating directives authorising the Commission to negotiate readmission agreements with four non-EU countries.

The **European Parliament** has also been active. It has delivered opinions on or is actively examining a number of proposals submitted by the Commission, as well as several initiatives tabled by Member States, including:

- the Convention on improving mutual assistance in criminal matters;
- the establishment of the European Police College;
- the extension of Europol's mandate to cover money laundering;
- the framework decision reformatting the joint action on money laundering;
- the regulation on jurisdiction and recognition and enforcement of judgments in civil and commercial matters;
- the regulation on mutual enforcement of rights of access to children;
- the establishment of a secretariat for the joint supervisory data protection bodies;
- the fight against environmental crime;
- the security of non-cash means of payment.

Lastly, in June the Feira European Council adopted the action plan against drugs as well as a report concerning external relations in the field of justice and home affairs.

The Commission intends to present its second update of the scoreboard at the end of the Swedish Presidency.

## 2. A COMMON EU ASYLUM AND MIGRATION POLICY

The separate but closely related issues of asylum and migration call for the development of a common EU policy to include the following elements:

### 2.1. Partnership with countries of origin

A comprehensive approach to migration will be developed, addressing political, human rights and development issues in countries and regions of origin and transit based on a partnership with those countries and regions with a view to promoting co-development.

Objective	Action needed	Responsibility	Timetable for adoption	State of play
Assessment of countries and regions of origin and transit in order to formulate specific integrated approaches	Continuation of the mandate of the High Level Working Group on Asylum and Migration	Council and Commission		Ongoing work within the HLWG – the <b>report</b> on the implementation of the action plans already adopted <b>will be drawn up</b> in <u>December 2000</u>  <b>Action plan for Albania and the neighbouring regions adopted by the Council in June 2000</b>
	Assessment of other countries and regions in view of drawing up new action plans	Council and Commission	April 2001	No decision yet taken on which further countries need to be assessed
	<b>Implementation of a new budgetary instrument for cooperation with third countries of origin and transit<sup>1</sup></b>	<b>Council and Commission</b>	<b>As quickly as possible</b>	<b>The Commission intends to present a proposal for a legal basis in the first quarter of 2001<sup>2</sup></b>

### 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 granting asylum valid throughout the Union must be established.

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.

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<sup>1</sup> Follow-up to EP resolution of 30 March 2000.

<sup>2</sup> See also table on “management of migration flows”.

Objective	Action needed	Responsibility	Timetable for adoption	State of play
Determination of the State responsible for the examination of an asylum application	Examination of the effectiveness of the Dublin Convention	Evaluation to be conducted by the Commission	2000	<b>Questionnaire sent by the Commission to the Member States in June 2000</b> <b>Final evaluation report in January 2001</b>
	Adoption of criteria and mechanisms (regulation)	Council, on the basis of a Commission proposal	April 2001	<b>Commission's staff working document presented in March 2000</b> <b>Commission intends to present a proposal in March 2001</b>
	Finalise work on EURODAC	Council and Commission		Commission proposal submitted in 1999 (an <b>amended proposal was submitted in March 2000</b> )  Parliament <b>opinion in September 2000 (following reconsultation)</b>  <b>Formal adoption of the legal basis in November 2000</b>  Ongoing preparatory work for the setting up of the System, under the responsibility of the Commission
A fair and efficient asylum procedure	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 Commission proposal	April 2001	Commission <b>presented</b> a proposal in <b>September 2000</b>
	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 Commission proposal	April 2001	Preliminary study <b>under the auspices of the Commission, completed</b>  <b>Council conclusions adopted in November 2000 on the basis of a French Presidency working document</b>  Commission <b>plans</b> to present a proposal in <b>February 2001</b>
	Common asylum procedure	Commission (in part)		<b>Presentation</b> of a Commission communication <b>in November 2000</b>
Uniform status throughout the Union for those who	As a follow-up to the Commission	Council, on the basis of a		<b>Presentation</b> of a <b>Commission</b>

are granted asylum	communication, a legislative instrument may be needed	Commission proposal		<b>communication in November 2000 (see previous point)</b>
	Approximation of rules on the recognition and content of refugee status (directive)	Council, on the basis of a Commission proposal	April 2004	<b>Commission intends to present a proposal for a directive in the second half of 2001</b>

Adoption of measures on refugees and displaced persons, aimed at giving an appropriate status to any person in need of international protection	Temporary protection in the event of mass influx of displaced persons in need of international protection (directive)	Council, on the basis of a Commission proposal	As quickly as possible	<b>Commission presented a proposal for a directive in May 2000</b>
	Subsidiary forms of protection (directive)	Council, on the basis of a Commission proposal	April 2004	<b>Commission plans to present a proposal for a directive in the second half of 2001</b>
Ensuring a balance of effort between Member States in receiving refugees and displaced persons and bearing the consequences of such intake	Setting up a European Refugee Fund (decision)	Council, on the basis of a Commission proposal	As quickly as possible	<b>Decision adopted by the Council in September 2000</b>  <b>Commission in process of implementation for 2000 and 2001</b>
	Securing a financial reserve available in the event of mass influx of refugees	Council and EP, <b>possibly on the basis of a Commission proposal</b>		Commission is exploring possibilities

### 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	Action needed	Responsibility	Timetable for adoption	State of play
Fight against all forms of discrimination, especially racism and xenophobia <sup>3</sup>	Implementation of the principle of equal treatment between persons irrespective of race or ethnic origin (directive)	Council, on the basis of a Commission proposal	June-December 2000	<b>Directive adopted by the Council in June 2000</b>
	Establishment of a general framework for equal treatment in employment and occupation (directive)	Council, on the basis of a Commission proposal		<b>Directive adopted by the Council in October 2000</b>
	Programmes drawing upon best practices and experiences (decision)	Council, on the basis of a Commission proposal		<b>Agreement in the Council on the Community action programme (2001-2006) to support Member States' efforts - October 2000</b>
	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

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<sup>3</sup> 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.



	Enhancing police and judicial cooperation in preventing and combating racism and xenophobia – common charges for racism and xenophobia (framework decision) <sup>4</sup>	Council, on the basis of a Commission proposal		<b>In the light of the second Council report on the implementation of the Joint Action of 15 July 1996, expected end-2000, the Commission will assess in 2001 whether a new initiative is appropriate and what its scope should be</b>
Approximation of national legislation on the conditions for admission and residence of third country nationals	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		Commission <b>communication presented in November 2000</b>
	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 Commission proposals		Commission proposal for a directive on the right to family reunification submitted to Parliament and Council on 1 December 1999  <b>Parliament opinion in September 2000</b>  <b>Commission plans to present proposals for directives in the first half of 2001</b>
	Standards and procedures for the issue of long term visas and residence permits (directive)	Council, on the basis of Commission proposals		
Approximation of the legal status of third country nationals	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 Commission proposals		<b>Study sponsored by the Commission on the legal status of third country nationals who are long-term residents in a Member State of the European Union completed in July 2000</b>  <b>Council conclusions adopted in November 2000</b>  <b>Commission plans to present a proposal for a directive in January 2001</b>

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<sup>4</sup> See also table on “fight against certain forms of crime”.

	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 Commission proposals		
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## 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 fight against illegal immigration will be enhanced by combating the criminal networks involved while securing the rights of victims.

Objective	Action needed	Responsibility	Timetable for adoption	State of play
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)	Further implementation of the action plan adopted by the Council in April 1998	Commission, in cooperation with Member States		Data collection started in October 1998 ; second phase (extension to candidate countries, Norway and Iceland) to be launched during the second half of 2000 (after evaluation of the initial phase)
	Setting up of a (virtual) European Migration Observatory	Commission		Preparatory actions (on the basis of previous feasibility study) financed by ODYSSEUS programme; Commission's staff working document <b>presented to the experts from the Member States in June 2000</b>
To enhance the fight against trafficking in human beings and economic exploitation of migrants	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 <sup>5</sup> (framework decision)	Council on the basis of Commission proposals		<b>Commission plans to table a proposal by the end of 2000</b>  <b>French Presidency presented two initiatives in July 2000, one for a directive and one for a framework decision, on the responsibility of smugglers</b>

<sup>5</sup> See also table on "fight against certain forms of crime".

	Detecting and dismantling the criminal networks involved by making the fight against illegal immigration one of the priorities of operational cooperation	Member States / Europol		
	<b>Exploring possibilities for establishing common standards and pooling resources for investigations into illegal immigration networks<sup>6</sup></b>			<b>Work in progress in the Council (CIREFI) on improving action against illegal immigration networks</b>
	Further harmonisation of Member States laws on carrier's liability (directive)	Council on the basis of a Commission proposal or a Member State initiative		<b>French Presidency tabled a directive in July 2000</b>
To assist countries of origin and transit	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 Commission proposals	April 2001	<b>Commission intends to present a proposal for a legal basis for implementing a new budgetary instrument<sup>7</sup></b>
	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			
To establish a coherent European Union policy on readmission and return	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 Commission proposals		<b>Council adopted negotiating mandates in September 2000 authorising the Commission to negotiate readmission agreements with four third countries</b>
	<b>Development of common minimum standards on repatriation</b>	<b>Council Commission Member States</b>		<b>French Presidency presented a draft directive in July 2000 on the mutual recognition of expulsion orders</b>

<sup>6</sup> Transferred from table on "stepping up cooperation in the fight against crime".

<sup>7</sup> See also table on "partnership with countries of origin".

### 3. A GENUINE EUROPEAN AREA OF JUSTICE

The ambition is to give citizens a common sense of justice throughout the Union. Justice must be seen as facilitating the day-to-day life of people and bringing to justice 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.

#### 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	Action needed	Responsibility	Timetable for adoption	State of play
Ensure legal certainty and equal access to justice	Information campaign and publication of "user guides" on judicial cooperation within the Union	Commission		Commission will prepare specific initiatives during 2001, ensuring synergy with the future European Judicial Network and with the work of the Council of Europe
	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	Commission proposal presented to the Council in September 2000
	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, the Commission has started work with a view to presenting a proposal for a directive on legal aid in 2001. In addition, it is preparing a discussion paper on recovery of legal costs and lawyer's fees
	Proposal on common procedural rules for small civil and commercial claims, uncontested claims and maintenance claims	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	The Commission sent a questionnaire on small claims to the Member States in September 2000 and will present a comparative study in the spring of 2001. It will launch a consultation process in 2001 with a view to presenting a proposal in 2002.  The Commission will launch a study in 2001 on uncontested claims with a view to presenting a proposal in 2002.
	Proposal to establish minimum standards of quality for ADR	Member States to set up the extra-judicial procedures	April 2004	Commission launched the European Extra Judicial net (EEJ net) for consumers. In May 2000 the Council adopted conclusions on alternative dispute resolution. The Commission intends to present

				a Green Paper in October 2001 with a view to preparing for the establishment of minimum quality standards.
Ensure legal certainty and equal access to justice	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	<b>This issue is dealt with in part in the questionnaire on small claims and will be addressed generally in the context of the various projects on harmonisation of certain rules for civil proceedings.</b>
Protect rights to compensation and provide assistance to victims	Drawing up of minimum standards for protection of victims	<b>Council, on the basis of a Commission proposal or a Member State initiative</b>	<b>2002</b>	Commission transmitted a communication in July 1999.  <b>Portuguese Presidency presented an initiative for a framework decision on the status of victims in criminal proceedings</b>  <b>Parliament opinion expected in December 2000</b>  <b>Commission to launch complementary measures in 2001</b>
	Further instruments on approximation of compensation arrangements for victims	<b>Council, on the basis of a Commission proposal or a Member State initiative</b>	2004	<b>Commission to launch a consultation process by presenting a Green Paper in 2001</b>

### 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. 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	Action needed	Responsibility	Timetable for adoption	State of play
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 rights <sup>8</sup>	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 to adopt a programme	Programme to be adopted by the end of 2000	<b>Programme adopted by the Council in November 2000</b>
	Proposal on minimum standards for specific aspects of civil procedure (new procedural legislation on money payments) <sup>9*</sup>	<b>Council on the basis of a Commission proposal or a Member State initiative</b>		<b>The Commission will carry out a study in 2001 on procedural laws governing payment orders (cf.</b>

<sup>8</sup> See also table on “greater convergence in civil law”.

<sup>9</sup> \*Order of action was changed.

			<b>3.1.4 above)</b>
Launching of work on the European Enforcement Order <sup>10*</sup>	Council on the basis of a Commission proposal or a Member State initiative		<b>This action has been included in the programme of measures to implement the principle of mutual recognition (see in particular the previous point).</b>

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<sup>10</sup>

\*Order of action was changed.

As regards criminal matters;

Objective	Action needed	Responsibility	Timetable for adoption	State of play
Make sure criminals have no safe havens	Ratification of the 1995 and 1996 EU Conventions on extradition	Member States	April 2001	<b>Austria, Finland, Netherlands, Sweden, Greece, Germany, Denmark, Spain and Portugal</b> ratified the 1995 Convention  <b>FIN, Netherlands, P, EL, D, Denmark and E</b> ratified the 1996 Convention
	Study on abolition of formal extradition procedures concerning persons fleeing from justice after having been sentenced	Council, on the basis of a Commission proposal	End 2001	Commission to prepare proposal
	Providing for fast-track extradition procedures	Council, on the basis of a Commission proposal	End 2001	Commission to prepare proposal
	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	<b>To be included in Commission proposal (see above)</b>
Ensure that decisions taken in one Member State have effect throughout the Union <sup>11</sup>	Programme of measures on the application of the principle of mutual recognition to be followed by specific instruments	Council / Commission	Programme to be adopted by the end 2000	<b>In July 2000 Commission presented a communication on mutual recognition of final decisions in criminal matters</b>  <b>Programme adopted by the Council in November 2000</b>
	Application of mutual recognition to pre-trial orders	Council, on the basis of a Commission proposal or a Member State initiative		<b>French Presidency announced an initiative on the freezing of assets and evidence<sup>12</sup></b>
	Examine the feasibility of improved cross-	Council, on the basis of a	April 2004	<b>Included in the programme on mutual</b>

<sup>11</sup> See also table on “fight against certain forms of crime” (e.g. trafficking in human beings, drug trafficking and terrorism).

<sup>12</sup> See also table on “special action against money laundering”.



	border cooperation on the transfer of proceedings and the enforcement of sentences	Commission proposal or a Member State initiative		<b>recognition (see above)</b>
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	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	<b>Included in the programme on mutual recognition (see above)</b>
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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.

Objectives	Action needed	Responsibility	Timetable for adoption	State of play
Eliminate obstacles created by disparities in law and procedures	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	<b>Germany tabled an initiative on taking of evidence in September 2000. The issue of procedural law is partly included in the mutual recognition programme.</b>
	General study to identify and eliminate obstacles to the smooth functioning of civil proceedings	Council to prepare a report	End 2001	<b>Commission is preparing a communication</b>
	Finalising the Brussels and the Lugano Conventions <sup>13</sup>	Council, on the basis of a Commission proposal	April 2001	<b>Council regulation replacing the Brussels Convention is being finalised.</b>  <b>Once it is adopted, the Commission will submit to the Council a recommendation for a negotiating brief for an agreement between the Community and the Lugano countries.</b>
	Drawing up a legal instrument on the law applicable to non-contractual obligations.	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<b>Commission to issue a Green Paper by end 2000, followed, if need be, by a draft regulation</b>
	Revising, where necessary, the 1980 Rome Convention.	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<b>Commission to prepare a Green Paper for 2001, followed, if need be by a draft regulation</b>

<sup>13</sup> See also table on “mutual recognition of judicial decisions”.

<p>Preliminary study on the possibility of drawing up a legal instrument on the law applicable to divorce</p>	<p>Council/ Commission</p>	<p>April 2004</p>	<p><b>In May 2000 Council produced a comparative study on national legislation and the position of the Member States on the basis of a questionnaire</b></p> <p><b>Commission may initiate a complementary study</b></p>
<p>Elaboration of a preliminary study on jurisdiction and the law applicable to matrimonial property and successions</p>	<p><b>Council/ Commission</b></p>	<p>April 2004</p>	<p><b>The issue of court jurisdiction and recognition of rulings is included in the mutual recognition programme.</b></p>

#### 4. UNION-WIDE FIGHT AGAINST CRIME

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 introduced 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 whilst identifying certain areas of priority.

Objectives	Action needed	Responsibility	Timetable for adoption	State of play
Prevent crime through reduction of opportunities	Identification and development of common priorities – political guidelines – to be taken into account when preparing new legislation; assessment of impact on crime prevention of new legislation	Council/ Commission/ Member States		<p>The Portuguese Presidency organised a high-level conference in May 2000</p> <p><b>Commission to present a communication on crime prevention in November 2000, focusing in particular on implementing Community policies and instruments, criminality tests and the establishment of a multidisciplinary European Forum for the prevention of organised crime</b></p> <p><b>In addition, following the request made by the Council in December 1998, the Commission and Europol will submit a working paper on</b></p>

				<b>preventing organised crime before end 2000.</b>
	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		
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  Prevention of penetration of organised crime in legitimate economic sectors	Council / Commission/ Member States	2001	<b>Commission communication (see above) to include a proposal for a financial instrument to support cooperation between departments and bodies responsible for crime prevention.</b>  <b>French and Swedish initiative before end of year for a Council decision establishing a crime prevention network.</b>

#### **4.2. Stepping up cooperation in the fight against crime**

In a genuine area of justice, criminals must find no ways of exploiting differences in the judicial systems of Members States

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 providing further competencies to Europol, recognised its essential and central role in facilitating European cooperation in preventing and combating organised crime.

Objective	Action needed	Responsibility	Timetable for adoption	State of Play
Coordinate and, where appropriate, centralise proceedings	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		Without delay	<p><b>Council adopted Mutual Legal Assistance Convention in May 2000</b></p> <p><b>Portuguese Presidency presented an initiative on anticipating application of Article 13 of the Convention - discussion pending</b></p>
	Setting up a unit composed of national prosecutors, magistrates or police officers of equivalent competence – EUROJUST	Council, on the basis of a Commission proposal or a Member State initiative	End 2001	<p><b>Adoption by Council in November 2000 of a decision to create a provisional unit in January 2001 (on the basis of a French initiative)</b></p> <p><b>Preliminary discussions in progress on the definitive unit on the basis of Member State initiatives (France, Portugal, Sweden, Belgium and Germany).</b></p> <p><b>Presentation of Commission communication in November 2000</b></p>
	Implement and, where appropriate, further develop the European judicial network	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<b>Pilot project on a telecommunications network to be launched before end 2000</b>
	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	<b>Included in the mutual recognition programme (see point 3.2)</b>
Provide mutual assistance to the fullest extent possible	Adoption, ratification and implementation of the Convention on Mutual Assistance in Criminal Matters	Council / Member States	April 2001	<p><b>Council adopted Convention in May 2000</b></p> <p><b>Ratification process to begin in January 2001<sup>14</sup></b></p>
	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><sup>14</sup> See also</p>	table on “mutual recognition of judicial decisions”.			

	Examine the possibilities for harmonised rules on data protection	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<b>In October 2000 Council adopted a decision establishing a joint secretariat for data protection bodies (Europol, CIS, SIS).</b>  <b>The Council is discussing a resolution proposed on the initiative of the French Presidency (based on a previous Portuguese initiative).</b>
Protect rights of victims and provide assistance	Drawing up minimum standards	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	Portuguese Presidency <b>presented</b> draft framework decision on victim's situation in criminal proceedings  <b>Parliament opinion expected December 2000</b>
Develop operational police cooperation and law enforcement training at EU level	Establishment of a European Police Chiefs operational Task Force	Council on the basis of a Commission proposal or a Member State initiative	2001	<b>The first meeting of the European Chiefs of Police took place in April, and was followed by a second meeting in September.</b>
	Establishment of compatible criminal intelligence systems among Member States	Appropriate decision by Council needed		
	Setting up the European Police College – starting as a network of existing national training institutes – open to candidate countries	Council, on the basis of a Commission proposal or a Member State initiative	2001	<b>The Council is discussing a Council decision (Portuguese initiative) to be adopted end 2000 on setting up the European Police College in 2001. According to the draft decision, the College should function as a network for the first three years. The first course prefiguring the network was inaugurated in November 2000 in Lyon.</b>

Enhance customs cooperation in the fight against crime and regarding the use of information technology	Implementation of the CIS ( <b>Customs Information System</b> ) and Naples II Conventions.	Member States	Ongoing	<p><b>Naples II Convention ratified by France and Greece only; they could agree, if necessary, to apply it between themselves.</b></p> <p><b>French Presidency is preparing a guide for applying the provisions of the Naples II Convention.</b></p> <p><b>CIS Convention (third pillar) has been ratified by Denmark, Greece, Italy, Germany, Portugal, France, Spain, Sweden, Finland and UK. The Protocol on the provisional entry into force of the Convention has been ratified by all the above except Italy and Portugal. It will be applied among those Member States which have ratified it from November 2000.</b></p>
	To strengthen law enforcement cooperation against smuggling			<b>Italy announced an initiative in the field of smuggling in March 2000</b>
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, Member States/ Commission	End of 2000 for signature	<p><b>Work has been completed on the United Nations' Convention on transnational organised crime and on the Protocols on trafficking in human beings and the smuggling of migrants. In November 2000 the Council adopted a decision authorising the Commission to sign the three instruments on behalf of the Community alongside the signatures of the Member States.</b></p> <p><b>The Convention will be signed in December 2000.</b></p> <p><b>Negotiations need to continue on the Firearms Protocol.</b></p>
Reinforce the role of Europol in facilitating European cooperation in preventing and combating crime with the necessary support and resources	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		<p><b>Council agreement in principle in September 2000.</b></p> <p><b>Parliament opinion in November 2000.</b></p>



Examination on the feasibility of setting up a database of pending cases	Europol / Council		
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	
Adopt measures allowing 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	<b>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.</b>

	Consideration to be given to the possible need to revise Europol Convention to cover new competencies and the question of democratic and judicial control	Council / Commission		<p><b>Commission is examining possibility of presenting a communication on the amendment of the Europol Convention as regards:</b></p> <ul style="list-style-type: none"> <li>- setting up joint investigation teams, and</li> <li>- democratic control of Europol.</li> </ul> <p><b>The matter of judicial control must be considered in the context of setting up Eurojust.</b></p>
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### 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.

Objective	Action needed	Responsibility	Timetable for adoption	State of play
Adopt a common approach throughout the EU on cross border crimes	Criminalisation of trafficking in human beings and sexual exploitation of children <sup>15</sup> with particular reference to child pornography on the Internet <sup>16</sup>	Council, on the basis of a Commission proposal	April 2001	Commission <b>plans to adopt a communication before end 2000</b>
	Common definitions, charges and penalties <sup>17</sup> in the field of drug trafficking <sup>18</sup>	Council, on the basis of a Commission proposal	April 2001	Commission <b>launched study in July 2000, to be completed end 2000</b>
	Common definitions, charges and penalties in the field of corruption	Council, on the basis of a Commission proposal	April 2001	Commission <b>plans to prepare a working document for the first quarter of 2001</b>
	Common definitions, charges and penalties in the field of environmental crime	Council	April 2001	Denmark tabled an <b>initiative</b> in January 2000.  <b>The Council agreed in September 2000 that it was appropriate to draw up common legislation at European level. A significant body of relevant Community</b>

<sup>15</sup> See also table on “management of migration flows”.

<sup>16</sup> See also table on “mutual recognition of judicial decisions”.

<sup>17</sup> See also table on “cooperation against drugs”.

<sup>18</sup> See also table on “mutual recognition of judicial decisions”.

			legislation is already in force
	Proposal on common charges for hooliganism	Council, on the basis of an initiative by a Member State	<p><b>Oisin programme financed a project to evaluate cooperation between the relevant services during Euro 2000. Findings expected end 2000.</b></p> <p><b>Initiatives on possible European measures expected from Belgium and/or Netherlands</b></p>

	Common definitions, charges 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	Second report on the implementation of the Joint Action of 15 July 1996 <b>expected<sup>19</sup> end 2000</b>  <b>Commission to evaluate in 2001 whether a new initiative is needed and what its scope should be</b>
	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 of the Commission	April 2001	Commission <b>expects to present a communication in December 2000</b>
	Criminalisation of fraud to non-cash means of payment	Council, on the basis of a proposal of the Commission	April 2001	<b>Council agreement in principle in May 2000</b>  <b>Parliament opinion in July 2000</b>  <b>Commission to present an action plan comprising preventive measures before end 2000</b>
	Common definitions, charges and penalties as regards counterfeiting of the euro	Council to adopt a Framework Decision – complementary measures should follow <sup>20</sup>	April 2001	<b>Framework Decision on criminal penalties for counterfeiting the euro adopted by the Council in May 2000.</b>
	Criminalisation of fraud in public tender	Council on the basis of an initiative by a Member State	April 2001	Germany presented an initiative in March 1999
	Reinforcing the legal framework for the protection of the Community's financial interests	Council and EP on the basis of a Commission proposal		<b>Commission communication on an overall fraud prevention strategy in June 2000 and additional contribution to IGC in September 2000 on creating a European Public Prosecutor</b>
	Common definitions, charges and penalties for offences linked with terrorism <sup>21</sup>	Council on the basis of an initiative by a Member State		
	Common definitions, charges and penalties in the field of tax	Council on the basis of a Commission proposal or an		

<sup>19</sup> See also table on “fair treatment of third country nationals”.

<sup>20</sup> Discussions underway on the Commission proposal of July 2000 for a Council Regulation on the protection of the euro against counterfeiting

<sup>21</sup> See also table on “mutual recognition of judicial decisions”.

	fraud	initiative by a Member State		
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#### 4.4. Special action against money laundering

Money laundering is at the very heart of organised crime. For that reason measures must be taken in order to root it out wherever it occurs to ensure that concrete steps are taken to trace, freeze, seize and confiscate the proceeds of crime.

Objective	Action needed	Responsibility	Timetable for adoption	State of play
Deprive criminals of the proceeds of crime	Convention or framework decision on financial crime, money laundering	Council, on the basis of an initiative by France		<p><b>French Presidency presented a draft framework decision on money laundering. Council agreement in principle in October 2000.</b></p> <p>Parliament opinion in November 2000.</p> <p>Discussions in progress on the draft (French initiative) convention on mutual judicial assistance in the fight against organised crime, money laundering and financial crime (advanced stage).</p>
	Concrete steps to trace, freeze, seize and confiscate the proceeds of crime			<p><b>French Presidency will present an initiative on the freezing of assets and evidence.</b></p>
Enhance knowledge and capacity to fight money laundering activities	Implement fully the provisions of the Money Laundering Directive, the 1990 Strasbourg Convention and the Financial Action Task Force recommendations also in all their dependent territories	Member States		<p><b>1990 Convention to be ratified by Luxembourg.</b></p> <p>Conclusions adopted by Joint Council (Economic and Financial Affairs and Justice and Home Affairs) in October 2000.</p>
	To adopt the draft revised directive on money laundering	Council and Parliament	As soon as possible	<p><b>Council agreement in principle in September 2000 (first reading)</b></p>
	More rapid exchange of information between the existing financial intelligence units (FIU), entitling judicial authorities and FIU to receive information regardless of secrecy provisions.	Council on the basis of an initiative by Finland		<p><b>Council decision in October 2000 on the basis of a Finnish initiative.</b></p>

Community rules must be drawn up to prevent use of non-EU companies and organisations to launder the proceeds of crime	Commission / Council / Member States		
Draw up a report identifying provisions in national banking, financial and corporate legislation which obstruct international cooperation	Commission		<b>Conclusions adopted by Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000 call on Commission to produce a report.</b>
Preventing the excessive use of cash payments and study the role of casinos and gambling houses	Commission to initiate study	December 2003	
Ensure the transparency of financial transactions by electronic means	Council/ Commission	December 2001	
Extend the competence of Europol to cover money laundering <sup>22</sup> in general regardless of the offence from which the proceeds originate	Council on the basis of a Commission proposal or a Member State initiative		<b>Council agreement in principle in September 2000 on widening the competence of Europol to cover money laundering in general (Portuguese initiative).</b>  <b>Parliament opinion in November 2000.</b>  <b>Decision adopted by Council in November 2000.</b>
Improve the legal provisions against money laundering with off-shore and on-shore financial centres and tax havens.  <b>Support international action with regard to off-shore countries.</b>	Council/ Commission/ Member States		<b>Joint Council (Economic and Financial Affairs, Justice and Home Affairs) adopted conclusions in October 2000 on immediate and coordinated implementation of FATF counter-measures. The measures could be decided on in June 2001.</b>
Prepare a model agreement for negotiation with off-shore and on-shore financial centres and tax havens		<b>December 2001</b>	<b>Joint Council (Economic and Financial Affairs, Justice and Home Affairs) adopted conclusions in October 2000</b>

<sup>22</sup>

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

				envisaging that agreements could be concluded in the long term.
	<p><b>Examine possibilities:</b></p> <ul style="list-style-type: none"> <li>- for strengthening and making more consistent existing national provisions on controlling cross-border movements of money</li> <li>- for making it easier for Member States to adopt such provisions</li> <li>- for organising exchanges of information between Member States</li> </ul>	<b>Commission</b>	<b>July 2001</b>	In line with Joint Council (Economic and Financial Affairs, JHA) conclusions of October 2000, Commission is examining the usefulness and feasibility of a European instrument

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

<b>Objective</b>	<b>Action needed</b>	<b>Responsibility</b>	<b>Timetable for adoption</b>	<b>State of Play</b>
Further development of a common visa policy	Regulation on countries whose nationals are respectively exempt from or subject to the visa requirement <b>for crossing external borders</b>	<b>Commission / Council</b>	April 2001	<p>Commission proposal in <b>January 2000</b>; <b>Parliament opinion in July</b> and amended proposal in <b>September 2000</b></p> <p>The <b>Commission is preparing negotiating briefs to conclude agreements between the Community and non-EU countries.</b></p>
	Procedure and conditions for issuing visas by Member States	Commission/ Council/Member States	April 2003	<b>In June 2000 Finland presented an initiative on measures for implementing the common consular instruction.</b>
	Rules on a uniform visa	<b>Commission / Council / Member States</b>	April 2001	<b>To be taken into consideration in connection with proposals on the right to</b>



			travel within the territory of the Member States.
Further development of the technical specifications of the uniform format for visas	<b>Commission / Council</b>	Short term measures 2000-2002 – long term measures 2004	<b>Commission intends to present a proposal for amending Regulation 1683/95 on a uniform format for visas before first quarter of 2001.</b>
<b>Uniform format for forms for affixing the visa to travel documents which are not recognised</b>	<b>Commission / Council / Member States</b>	<b>2001</b>	<b>Commission intends to present a proposal for a regulation before end of March 2001.</b>
Proposal on a regulation on an airport transit visa	Commission/ Council/Member States	April 2001	<b>Possible communitarisation of Joint Action of March 1996.</b>
Closer cooperation between EU consulates in third countries	Member States	Ongoing process	<b>See point VIII of the common consular instruction and Recommendation of 4 March 1996.</b>
Measures on the freedom to travel within the territory of MS	Commission/ Council/Member States	April 2001	<b>In July 2000 the French Presidency presented an initiative on travel on a long-stay visa.</b>  <b>In June 2000 the Portuguese Presidency presented an initiative on travel by nationals exempt from the visa requirement.</b>  <b>Commission in the process of drawing up proposals.</b>
Further development of a common policy related to false documents	To render documents more secure, introducing minimum standards for travel documents and residence permits  Commission/ Council/Member States	April 2001	<b>Commission intends to present a proposal before end March 2001 on the</b>

				<p>communitarisat ion of the uniform format for residence permits granted to third country nationals.</p> <p>Adoption in October 2000 of a resolution of the representatives of the Governments meeting within the Council.</p>
	To facilitate the detection of false documents, training and equipment	Commission/ Council/Member States	Ongoing process	<p><b>Council Recommendati on of 29 April 1999 on provision of staff and equipment</b></p> <p><b>Council adopted in March 2000 a decision to improve exchange of information.</b></p> <p><b>Training programme financed by Odysseus programme in March 1998.</b></p>
Control at the external borders of the Union	Close cooperation between the Member States border control services, such as exchange programmes and technology transfer	Commission/ Council/Member States	April 2001	
	<b>Procedure for adopting certain measures implementing the Common Manual</b>	<b>Commission / Council / Member States</b>		<p><b>Portugal tabled an initiative to update the Common Manual.</b></p> <p><b>French Presidency tabled an initiative to downgrade parts of the Common Manual</b></p>
	Rapid inclusion of the applicant States in this cooperation	<b>Commission / Council / Member States</b>	Ongoing process	<b>As the accession negotiations progress</b>
<b>Converting the</b>	Communitarisation of Article 2 of the Schengen Convention	<b>Council / Commission /</b>	<b>2001</b>	<b>Commission intends to</b>

Schengen acquis	(safeguarding clause allowing the temporary reintroduction of border controls)	<b>Member States</b>		<b>present a proposal in first quarter of 2001.</b>
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## 6. CITIZENSHIP OF THE UNION

Objective	Actions needed	Responsibility	Timetable for adoption	State of play
Further facilitation of citizens' right to move and reside freely	Regulation updating and revising of rules on the right of entry, movement and residence of citizens of the Union	Commission / Council / Parliament	2001	Commission intends to present a proposal before end March 2001.
	Regulation on uniform European passport	Commission / Council / Parliament	2001	Commission intends to present a proposal before end March 2001.
	Regulation on uniform format for identity card for Union citizens	Commission / Council / Parliament	2001	Commission intends to present a proposal before end March 2001.
	Regulation on uniform format for residence permit for Union citizens and members of their families	Commission / Council / Parliament	2001	Commission intends to present a proposal before end March 2001.
	Regulation to make it easier for school groups consisting of Union citizens and covered by Community law to travel between and through Member States	Commission / Council / Parliament	2001	Commission intends to present a proposal before end March 2001.
Information on exercise of rights attached to Union citizenship	Communication on results of elections to EP	Commission	2000	Commission intends to present a communication before end of year
	First report on municipal elections	Commission	2001	Commission intends to present a report on municipal elections
	Third report on the citizenship of the Union	Commission	By the end of 2000	Being prepared.

## 7. COOPERATION AGAINST DRUGS

As a collective and individual threat, the drugs problem needs to be addressed in a global, multidisciplinary and integrated manner. The EU drugs strategy for the years 2000-2004 will also be evaluated at mid-term and at completion, with the help of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol.

Objective	Action needed	Responsibility	Timetable for adoption	State of Play
Implementation of the EU Drugs Strategy for 2000-2004 endorsed by the European Council in Helsinki	Report to the European Council on an EU action plan on drugs (2000-2004)	Council to prepare report	June 2000	<b>European Union Action Plan to combat drugs (2000-2004) adopted by the Feira European Council in June 2000.</b>
	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		<b>GHB and Ketamine examined under the Joint Action on New Synthetic Drugs. Commission to launch evaluation of this Joint Action in 2001.</b>
	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		<b>Development by European Monitoring Centre for Drugs and Drug Addiction in 2001 of methodological instruments to evaluate anti-drug activities.</b>
	Common definitions, charges and penalties in the field of drug trafficking <sup>23</sup>	Council on the basis of a Commission proposal	April 2001	Commission <b>launched study in July 2000, to be completed end 2000.</b>

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<sup>23</sup> See also table on “fight against certain forms of crime”.

	Enhancement of police customs and judicial cooperation in preventing and combating drugs trafficking	Council on the basis of a Commission proposal or a Member State initiative		<b>In response to Parliament's request to create a new budget heading, the Commission proposed in the preliminary draft budget for 2001 a budget of €1 million for preparatory work on combating the trafficking of illegal drugs.</b>
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## 8. STRONGER EXTERNAL ACTION

The European Union underlines that all competencies and instrument at the disposal of the Union, and 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 in the definition and implementation of other Union policies and activities.

Objective	Action needed	Responsibility	Timetable for adoption	State of Play
All competencies and instrument at the disposal of the Union, and in particular, in external relations must be used in an integrated and consistent way Justice and Home Affairs concerns must be integrated in the definition and implementation of other Union policies and activities	The Feira European Council is to agree on clear priorities, policy objectives and measures for the Union's external action in Justice and Home Affairs	Council, in close cooperation with the Commission to draw up specific recommendations	June 2000	<b>In June 2000 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 in the Union's overall strategy and thus to contribute to establishing the AFSJ.</b>