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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**

**(FIRST 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.

As on the previous occasion, a summary listing the main achievements since Tampere has been added in order to help the reader to interpret the tabular presentation.

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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 October 2001. Progress is detailed in the tables below.

The pre-Laeken issue of the Scoreboard included a mid-term review by the Commission of progress made in carrying out the Tampere programme. As was stated there, the detail of the measures to be taken is now well known and most of them have been tabled. But the Commission's assessment was rather less optimistic in areas where common policies and legislative proposals were still awaited and emphasised that certain proposals already under discussion were being used to test the Member States' keenness to press ahead as they had said they would.

The progress made these last six months, and in particular the decisions on the proposals concerning the European arrest warrant and the framework decision on terrorism, which are expected to be formally adopted in the near future, suggest that the Union is capable of taking practical action on the objectives set by the Amsterdam Treaty where the need for action conjoins with the will to act.

But this progress, however real, has to be assessed in the light of the timetable set at Tampere and of the progress that still needs to be made to achieve the Tampere programme within the time allowed, and also of the need for actual application in the Member States.

It should be remembered here that the Laeken European Council reasserted the Council's commitment to the Tampere guidelines and noted that, despite the progress that had been made, "there is a need for new impetus and guidelines to make up for delays in some areas". Moreover it stressed the importance of decisions taken by the European Union being rapidly transposed and/or implemented by the Member States<sup>1</sup> and of conventions concluded under the Maastricht Treaty being ratified without delay.<sup>2</sup>

The tables below provide a more detailed snapshot of the work that has been done and of the Commission's priorities for the next six months 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**

The objectives set at Tampere were reaffirmed at the Laeken European Council on 14 and 15 December 2001; a common policy on asylum and immigration is to be adopted "as soon as possible".

Regarding asylum, the Council is continuing work on the proposals before it for the attainment of the first stage of establishment of the policy decided on at Tampere. In April

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<sup>1</sup> It should be noted that on 28 February the Council adopted its first report on the framework decision introducing criminal penalties to boost the protection of the euro against counterfeiting. This report is the first exercise to evaluate an instrument enacted under Title VI of the Union Treaty.

<sup>2</sup> The situation regarding ratifications set out in this Scoreboard is based on Member States' notifications to the Council General Secretariat.

2002 the Council signified its agreement to the proposal for a Directive laying down minimum common standards for the reception of asylum-seekers.

In accordance with the conclusions of the Laeken European Council, the Commission will shortly be presenting an amended proposal for common minimum standards concerning the procedure for granting or withdrawing refugee status. As for the proposal for a Dublin II Regulation, the Commission and the Council, following consultations, have agreed to continue working on the basis of the Commission proposal.

The importance of Eurodac, the system to compare the fingerprints of asylum-seekers, for a genuine common policy on asylum and immigration was reiterated at Laeken, and development works continues. In February 2002 the Council adopted a Regulation laying down certain rules for the application of the Regulation of December 2000 setting up the system.

As regards immigration, the Commission presented an amended proposal on family reunification in May 2002, in accordance with the conclusions of the Laeken European Council.

The Tampere European Council stated that one of the objectives of the harmonisation of the conditions for admission and residence of third-country nationals should be a policy for integration based inter alia on resistance to all forms of discrimination. The Commission presented a proposal for a framework decision on racism and xenophobia in November 2001 to amplify the existing legislative arsenal. The Council meeting (Justice and Home Affairs) in April 2002 adopted conclusions on the fight against racism, anti-semitism and xenophobia.

The fight against illegal immigration has also been a priority matter these last few months. In November 2001 the Commission presented a communication on the subject, which was also covered in the recent communication on the management of external borders (see below). To boost the means of combating this kind of trafficking, 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 was presented by the Commission in February 2002.

In February 2002, in accordance with the conclusions of the Laeken European Council, the Council adopted a plan of action to combat illegal immigration and trafficking in human beings in the Union.

Regarding aid to countries of origin and transit, the Commission is planning to present a proposal before the end of the year for a legal basis for implementing the new budgetary instrument for cooperation with third countries, set up on the basis of the Resolution of the European Parliament of March 2000. Regarding readmission, the Council and the Commission, following the line set at Laeken, adopted a new list of priorities for the negotiation and conclusion of European readmission agreements. An agreement has been concluded with Hong Kong, and negotiations continued with Russia, Pakistan, Sri Lanka, Morocco and Macao. The Commission has also presented the Council with a negotiating brief for an agreement with Ukraine.

In April 2002 the Commission presented a Green Paper on a common policy on repatriation of persons residing unlawfully.

As for the implementation of the measures provided for by the Plan of Action against terrorism, a Commission working paper evaluated all its proposals in terms of the need to safeguard domestic security and to respect international protection obligations and instruments.<sup>3</sup>

### **Policy on borders, visas, implementation of Article 62 CE and conversion of the Schengen acquis**

Apart from the adoption of technical decisions by the Council as regards consular instructions or standard visa formats, thought is now being given to establishing a common visa identification system (the Commission is shortly to launch a feasibility study) and, at the request of the Laeken European Council, the possibility of common consular offices.

Turning to the management of external borders, the Laeken European Council asked for arrangements for cooperation between services responsible for external border control to be worked out and for the conditions in which a mechanism or common services to control external borders could be created to be studied. In May 2002 the Commission presented a communication on the management of external borders in which it examines among other things possible ways of enhancing cooperation between national services and the conditions for establishing common machinery or even common services for border checks.

In December 2001 the Commission presented a communication on the development of the second-generation Schengen Information System to supersede the current system between now and 2006, allowing new Member States to join it, updating the technology and integrating new functions currently under discussion in the Council. The Council also adopted a legal basis enabling the Commission to assume responsibility for managing the technical development project from January 2002 with the assistance of a committee of experts from the Member States.

### **A Genuine European Area of Justice**

In the two priority areas where the Tampere European Council called for practical measures to be taken – better access to justice and mutual recognition of judgments – progress has been made these last six months.

Regarding access to justice, the Commission presented a proposal for a Council Regulation in November 2001 establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters, which the Council adopted in April 2002. Regarding another essential aspect of access to justice, the Commission presented a proposal for a Directive on legal aid and financial aspects of litigation in January 2002.

Continuing its work on alternative dispute resolution after setting up the extra-judicial network for consumers (EEJ-Net) in October 2001, the Commission presented a Green Paper on the preparation of minimum quality standards for the out-of-court settlement of disputes in April 2002.

In April 2002, the Commission also presented a proposal for a Regulation to establish a European enforcement order for uncontested claims, which will make it possible to abolish all intermediate measures prior to enforcement. It is also considering presenting a Green Paper on further harmonisation of procedural rules relating to uncontested and small claims.

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<sup>3</sup> COM(2001)743, 5.12.2001.

The Commission and the Member States have begun preparatory work for the operation of the European Judicial Network in civil matters set up in 2001, which will operate from December 2002.

Regarding the mutual recognition of judgments, which, as the Laeken European Council restated, should be continued in order to “surmount the problems arising from differences between legal systems”, work progressed on both the civil and the criminal sides.

The mutual recognition programme adopted by the Council in November 2000 is the framework for gradually establishing the principle of mutual recognition.

In family matters, the Commission presented a proposal in May 2002 to merge its proposal for a Regulation on parental responsibility presented in September 2001 and the French initiative on children’s visiting rights with Regulation (EC) No 1347/2000 (the Brussels II Regulation”).

The establishment of the European enforcement order, mentioned above, would be real progress in implementing the mutual recognition principle on the civil side.

In March 2002, in conjunction with the international negotiations on jurisdiction and the recognition of judgments in civil and commercial matters, the Council adopted a Commission proposal for new negotiating directives for the negotiations in the Hague for an international Convention. In March 2002 the Commission presented a proposal for a negotiating brief to enable the Community to negotiate an agreement with the States parties to the Lugano Convention.

In criminal matters, the formal adoption of the proposal for a framework decision establishing a European arrest warrant and providing a procedure for surrender between Member States following the agreement of the Laeken European Council to the principle is definite progress, since it would replace existing extradition procedures. It also neatly illustrates the mutual recognition principle in practice on the criminal side.

Concerning the application of the mutual recognition principle to pre-trial orders, the Council also agreed in February 2002 to the principle of a framework Decision on enforcement in the Union of decisions freezing assets and evidence, which is now to be formally adopted. Following on from its July 2000 communication on the mutual recognition of final criminal judgments, the Commission is preparing a communication on grounds for jurisdiction in criminal matters for presentation in the second half of 2002. To extend its mutual recognition programme, the Commission is planning to present a communication shortly to propose minimum standards for pour certain aspects of criminal procedure. It has also begun analysing standards for the protection of individual rights in criminal proceedings in order to boost mutual trust that is essential to facilitate the application of the mutual recognition principle.

The convergence of legal systems is to back up the progress in mutual recognition. In connection with the debate on the harmonisation of penalties, where the Council adopted conclusions in April 2002 on the approach to be followed to the harmonisation of penalties which should facilitate discussion of present and future proposals and initiatives (see next section), the Commission launched a preparatory study on the control of custodial sentences in the Member States in the spring of 2002.

## **Union-wide Fight against Crime, including Terrorism**

The fight against crime, including terrorism, is a Union priority on which substantial progress was made both in operational cooperation and in the European-level legislative basis to promote and facilitate such cooperation.

In the fight against terrorism, the Union takes various forms of action on the basis of the plan of action adopted by the European Council on 21 September 2001. Action here is reported on in the Council Presidency's monthly review.<sup>4</sup>

Eurojust, a unit consisting of prosecutors, judges and police officers having equivalent prerogatives, has existed in provisional form since March 2001 and was set up in its final form on the basis of a Council Decision taken on 28 February 2002. Its establishment, scheduled to take place no later than September 2003, is an important part of ensuring proper coordination between the national prosecuting authorities and providing assistance in the investigation of cases of organised crime.

Following an initiative by several Member States and an Opinion from Parliament, the Council agreed in December 2001 to the principle of the establishment of joint investigation teams, provided for by the Convention on mutual judicial assistance in criminal matters adopted in May 2000. The new framework decision to be formally adopted soon should make it possible to anticipate the entry into force of the 2000 Convention on judicial assistance, which has been ratified so far only by Portugal.

The role of Europol was also reinforced when in December 2001 the Council approved an extension of its powers to all the forms of international crime mentioned in the Europol Convention. The Council also agreed in April 2002 to the principle of amending the Europol Convention so that Europol can participate in joint investigation teams and call on national authorities to conduct or coordinate inquiries in accordance with the Amsterdam Treaty (Article 30(2) of the Union Treaty).

The Council agreed in April 2002 on a provisional location in Copenhagen of the secretariat of the European Police College.

In parallel with this development, the Commission presented a communication on the democratic control of Europol in February 2002.

To strengthen judicial and police cooperation, in particular with partners outside the Union, the Council adopted an amendment to the Act on rules for the transmission of personal data by Europol to third countries and outside bodies in February 2002.

At the same time, to simplify transfers while guaranteeing a high level of protection of personal data, the Commission is shortly planning to present a proposal on guarantees in transfers of personal data in the context of police and judicial cooperation in criminal matters.

In the fight against terrorism, the Council agreed in December to the principle of the proposal for a framework Decision presented by the Commission in September. The adoption of this proposal, once parliamentary reservations have been lifted, would be a significant step forward towards the emergence of a more integrated Union approach to

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<sup>4</sup> Where measures taken on the basis of the Tampere conclusions also appear in the Plan of Action against terrorism, a footnote cross refers to the Plan of Action of 21.9.2001.



criminal law in the fight against particularly serious and transnational crime. It should give a boost to other priority areas of the fight against serious or organised crime currently under examination, such as drugs and the sexual exploitation of children, where proposals are already before the Council.

In the fight against attacks on information systems, the Commission followed up its communication on cybercrime of January 2001 with a proposal for a framework Decision in April 2002.

With the fight against criminal gangs involved in trafficking in human beings and illegal immigration (see above), the fight against financial crime and money-laundering continues to rank high on the European institutions' agenda. In December 2001 the Council and the European Parliament adopted the Commission proposal to amend the money-laundering Directive, and in February 2002 the Council agreed to the principle of an initiative concerning the freezing of assets and evidence presented by France, Belgium and Sweden (see under mutual recognition), which is to be formally adopted in the near future once the remaining parliamentary reservations have been lifted.

Regarding the criminal protection of the Community's financial interests, the Commission adopted a Green Paper on the criminal protection of the Community's financial interests and the establishment of a European Public Prosecutor in December 2001, initiative which should be linked to the general context of the Tampere initiatives, particularly the mutual recognition principle, the European arrest warrant and cooperation with Eurojust and Europol. The Laeken European Council called on the Member States to examine it rapidly. The Commission proposal of spring 2001 for a Directive to boost the criminal protection of the Community's financial interests received favourable opinions in November 2001 from the European Parliament and the Court of Auditors.

The Union also continued working for international cooperation against organised crime in international bodies. In April 2002 the Commission presented a recommendation to the Council for a negotiating brief for the draft United Nations Convention against Corruption now being negotiated. As regards the United Nations Convention against organised crime and the three Protocols to it, the Community has now signed them all (the Firearms Protocol was the last to be signed), and the Commission is now planning a proposal for their conclusion by the Community on matters within its powers.

Europol is also an instrument for international cooperation that provides it with the means of supporting and enhancing efforts by the international community to combat crime. In December 2001 the Council adopted a decision authorising the director of Europol to enter into negotiations with third countries and bodies not linked to the European Union and amended the Act of 12 Mar 1999 on rules for the transmission of personal data by Europol to third countries and outside bodies.

### **Citizenship of the Union**

The Commission proposal for a Directive to increase transparency and flexibility in certain aspects of the current rules governing movement and residence was welcomed by the Committee of the Regions and the Economic and Social Committee. It is now under discussion in the Council, and the European Parliament is working on its first opinion in the codecision procedure.

The Commission will soon be presenting a proposal for a Regulation on a uniform format for residence permits for Union citizens and members of their families

## **Cooperation Against Drugs**

Implementing the European Union Drugs Action Plan (2000-2004), the Commission is evaluating progress made by the Union and the Member States.

In the fight against synthetic drugs and trafficking in chemical precursors, it is also evaluating Community legislation on the international control of chemical precursors and intra-Community surveillance of them. It also launched an evaluation of the implementation of the Council Joint Action on the control of new synthetic drugs. The results of all these evaluations are expected by the end of the year. In February 2002 the Council adopted a Commission proposal for a decision defining PMMA as a new synthetic drug subject to controls and criminal penalties, and in April 2002 there was a recommendation on the need to reinforce cooperation and information exchanges between operational units in the Member States specialising in combating trafficking in chemical precursors.

The proposal for a Framework Decision on minimum standards for the definition of offences and the penalties applicable to them in the field of illicit trafficking in drugs enjoys the highest priority in the Council and the European Parliament, in accordance with the conclusions of the Laeken European Council, which asked that it be adopted before the end of May 2002. Parliament adopted its opinion on the Commission proposal in April 2002.

## **Stronger External Action**

The reinforcement of the Union's external action and the dimension relating to the establishment of an area of freedom, security and justice is a priority asserted at the Feira European Council that current international circumstances have further boosted. The importance of this was restated at Laeken.

Action has been built up in a variety of processes.

First, enlargement, where efforts to integrate justice and home affairs have continued and support has been given to the effort made by the applicant countries regarding their administrative and judicial systems. Examination of the Justice and Home Affairs Chapter (Chapter 24) has now been completed with seven of the applicant countries – Hungary, the Czech Republic, Slovenia, Cyprus, Malta, Estonia and Lithuania.

Then the stabilisation of the Balkans, with the preparation of a regional and a country-by-country strategy under the CARDS programme (Community Assistance for Reconstruction, Development, and Stabilisation) and preparation for the negotiation of Stabilisation and Association Agreements with Albania and the Federal Republic of Yugoslavia.

Lastly, the Euromed dialogue, with measures to amplify the justice and home affairs dimension in the Meda programme.

Cooperation with third countries was also stepped up, notably with the United States in accordance with the conclusions of the Council of 20 September 2001 (in April 2002 the Council indicated its agreement to a negotiating brief for an agreement between the European Community and the United States for cooperation in criminal matters), with Russia under the Cooperation and Partnership Agreement and the Common Action Plan against organised crime, and with Ukraine under the new Justice and Home Affairs Action Plan.

## **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.

In the context of these priorities, the Laeken European Council undertook to see that a common policy on asylum and immigration was adopted at the earliest possible opportunity.

### **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.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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. <b>The High-Level Group has decided for the moment to launch no new action plans.</b>	
Implementation of a new budgetary instrument for cooperation with third countries of origin and transit <sup>5</sup>	Council and Commission	As soon as possible	<b>The Commission has committed the €10 million entered in the 2001 budget. It is preparing the commitment of the €12.5 million appropriated by the budgetary authority in 2002.</b>			<b>The Commission</b> will put forward a proposal <b>by the end of 2002</b> for the legal basis underpinning implementation of this new budgetary instrument. <sup>6</sup>	

<sup>5</sup> Follow-up to EP resolution of 30 March 2000.

<sup>6</sup> See also table on "Management of migration flows".

## 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.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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. <sup>7</sup>				
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. <sup>8</sup>  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. <sup>9</sup>	<b>Parliament opinion in April 2002.</b> <sup>10</sup>			

<sup>7</sup> SEC(2001)756, 13.6.2001.

Finalise work on EURODAC	Council and Commission		In May 1999 the Commission presented a proposal for a Council Regulation on the establishment of the Eurodac system to compare the fingerprints of asylum-seekers and certain other foreign nationals, <sup>11</sup> followed by an amended proposal in March 2000 <sup>12</sup>	Parliament opinion November 1999 <sup>13</sup>	Adoption of the Eurodac regulation by the Council in December 2000 <sup>14</sup>  <b>Regulation laying down certain detailed rules for the application of Regulation No 2725/2000 concerning the establishment of Eurodac adopted by the Council in February 2002</b>	Development of the central unit by the Commission, in contact with the experts from the Member States.	
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**Objective: A fair and efficient asylum procedure**

Action needed	Responsibility	Timetable for adoption	State of play			Transposal
			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	
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	The Commission presented a proposal in September 2000 <sup>15</sup>	Parliament opinion in September 2001 <sup>16</sup>	Council conclusions adopted in December 2001 <sup>17</sup>	<b>In accordance with the conclusions of the Laeken European Council, the Commission is planning to present an amended proposal by the end of the first half of 2002.</b>

8 SEC(2000)522, 21.3.2000.  
9 COM(2001)447, 26.7.2001.  
10 A5- 0081/2002, 8 April 2002.  
11 COM(1999)260, 26.5.1999.  
12 COM(2000)100, 15.3.2000.  
13 A5- 0059/1999, 11.11.1999.  
14 OJ L 316, 15.12.2000.  
15 COM(2000)578, 20.9.2000.

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	<p>Council conclusions adopted in November 2000 on the basis of a French Presidency working document</p> <p>Commission presented a proposal for a directive in April 2001<sup>18</sup></p>	<p><b>Parliament opinion in April 2002.</b><sup>19</sup></p> <p><b>To be adopted by the Council before the end of the first half of 2002</b></p>			
Common asylum procedure	Commission (in part)		<p>The Commission presented a communication in November 2000,<sup>20</sup> proposing an approach in two stages <b>to establish a common European asylum system based on a common procedure and a uniform status.</b></p> <p>The Commission presented a progress report on the implementation of the first phase instruments and recommendations on the implementation of an open coordination policy in the asylum field in November 2001.<sup>21</sup></p>	Parliament opinion on a common procedure and uniform status throughout the Union adopted in October 2001 <sup>22</sup>		<p><b>The Commission, as stated in its communication of November 2001, is planning to contribute to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum, migration and countries of origin.</b></p>	

<sup>16</sup> A5- 0291/2001, 20.9.2001.

<sup>17</sup> 14581/01 (presse 444).

<sup>18</sup> COM(2001)181, 3.4.2001.

<sup>19</sup> A5-112/2001, 25.4.2002.

<sup>20</sup> COM(2000)755, 22.11.2000.

<sup>21</sup> COM(2001)710, 28.11.2001.

<sup>22</sup> A5- 304/2001, 3.10.2001.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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		The Commission presented a communication in November 2000 (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 presented a proposal for a directive in September 2001 <sup>23</sup>	<b>Work currently under way.</b>			

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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 presented a proposal for a directive in May 2000 <sup>24</sup>	Parliament opinion in March 2001 <sup>25</sup>	Adopted by the Council in July 2001 <sup>26</sup>		<b>Entry into force: 7.8.2001</b> <b>Deadline for implementation : 31.12.2002</b>
Subsidiary forms of protection (directive)	Council, on the basis of a proposal by the Commission	April 2004	The Commission presented a proposal for a directive in September 2001 <sup>27</sup> (cf. previous objective)	<b>The Laeken European Council called on the Council to consider this subject.</b>			

<sup>23</sup> COM(2001)510, 12.9.2001.

<sup>24</sup> COM(2000)303, 24.5.2000.

<sup>25</sup> A5- 0077/2001, 13.3.2001.

<sup>26</sup> OJ L 212, 7.8.2001.

<sup>27</sup> COM(2001)510, 12.9.2001.



**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	Responsibility	Timetable for adoption	State of play				Transposal
			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	In December 1999, the Commission presented a proposal for a Council Decision establishing a European Refugee Fund. <sup>28</sup>	<b>Parliament opinion in April 2000</b>	Decision adopted by the Council in September 2000 <sup>29</sup>	<b>For 2002, requests for co-financing are now being presented by the Member States</b>	2000 and 2001 exercises 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		<b>The European Refugee Fund now has an annual reserve of €10 million to deal with emergency and massive influx situations.</b>				

<sup>28</sup> COM(1999)686, 14.12.1999.

<sup>29</sup> 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 xenophobia<sup>30</sup>**

Action needed	Responsibility	Timetable for adoption	State of play			Transposal
			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	
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	In November 1999 the Commission presented a 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 <sup>31</sup>	Parliament opinion in May 2000 <sup>32</sup>	Adopted by the Council in June 2000. <sup>33</sup>	Entry into force: 19.7.2000  Implementation deadline: 19.07.2003.

<sup>30</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.

<sup>31</sup> COM(1999)566, 25.11.1999.

<sup>32</sup> A5- 0136/1999, 18.5.2000.

<sup>33</sup> OJ L 180, 19.7.2000, p. 22.

Establishment of a general framework for equal treatment in employment and occupation (directive)	Council, on the basis of a proposal by the Commission		In November 1999 the Commission presented a proposal for a Council Directive establishing a general framework for equal treatment as regards employment and work. <sup>34</sup>	Parliament opinion October 2000.	In November 2000 the Council adopted Directive 2000/78/EC <b>establishing a general framework for equal treatment in employment and occupation.</b> <sup>35</sup>		<b>Entry into force: 2.12.2003</b>  <b>Implementation deadline: 2.02.2003.</b>
Programmes drawing upon best practices and experiences (decision)	Council, on the basis of a proposal by the Commission		In November 1999 the Commission presented a proposal for a Council Directive establishing a programme of Community action to combat discrimination (2001 – 2006). <sup>36</sup>	Parliament opinion October 2000.	Decision adopted by the Council in November 2000 on the Community action programme (2001-06) to support Member States' efforts. <sup>37</sup>		<b>Programme runs from 1.1.2001 to 31.12.2006</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. Second annual report published in December 2000.				
Enhancing police and judicial cooperation in preventing and combating racism and xenophobia - common charges for racism and xenophobia (framework decision) <sup>38</sup>	Council, on the basis of a proposal by the Commission		<b>The Commission presented a proposal for a framework decision on racism and xenophobia in November 2001.</b> <sup>39</sup>		<b>Council conclusions on the fight against racism, anti-semitism and xenophobia adopted in April 2002.</b>		

<sup>34</sup> COM(1999)565, 25.11.1999.

<sup>35</sup> OJ L 303, 2.12.2000.

<sup>36</sup> COM(1999)567, 25.11.1999.

<sup>37</sup> OJ L 303, 2.12.2000.

<sup>38</sup> See also table on "Fight against certain forms of crime".

<sup>39</sup> COM(2001)664, 28.11.2001.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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	
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		The Commission communication of November 2000 covers this aspect. <sup>40</sup>  The Commission presented in July 2001 a communication on implementing an open coordination policy on immigration. <sup>41</sup>	Parliament opinion adopted in October 2001 <sup>42</sup>		The Commission is planning to contribute to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum, migration and countries of origin, 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		The Commission presented an amended proposal on the right to family reunification in December 1999. <sup>43</sup>  <b>The Commission presented an amended proposal on family reunification in October 2000<sup>44</sup></b>  The Commission presented a proposal for a directive on admission for employment in July 2001 <sup>45</sup>	Parliament opinion in September 2000 <sup>46</sup>  <b>Parliament opinion awaited before the end of the first half of 2002.</b>		In accordance with the conclusions of the Laeken European Council, the Commission presented an amended proposal on family reunification in May 2002.  The Commission plans to present proposals for directives on admission for study, vocational training or other purposes before the end of the first half of 2002	

<sup>40</sup> COM(2000)757, 22.11.2000.

<sup>41</sup> COM(2001)387, 11.7.2001.

<sup>42</sup> A5-305/2001, 3.10.2001.

<sup>43</sup> COM(1999)638, 1.12.1999.

<sup>44</sup> COM(2000) 624 du 10.10.2000

<sup>45</sup> COM(2001)386, 11.7.2001.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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>The Commission presented a proposal for a directive on long-term resident status in March 2001<sup>47</sup></p> <p><b>After 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<sup>48</sup></b></p>	<b>Parliament opinion in February 2002<sup>49</sup></b>			

<sup>46</sup> A5-0201/2000, 6.9.2000.  
<sup>47</sup> COM(2001)127, 13.3.2001.  
<sup>48</sup> COM(2002)59, 6.2.2002.  
<sup>49</sup> A5- 0436/2001, 5.2.2002.

<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)</p>	<p>Council, on the basis of a proposal by the Commission</p>		<p>The Commission presented a communication on implementing an open coordination policy on immigration in July 2001<sup>50</sup> (see above).</p>				
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COM(2001)387, 11.7.2001.

## 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 restated the importance of integrating policy on migratory flows into the Union's external policy. The fight against illegal immigration will be enhanced by combating the criminal networks involved while securing the rights of victims. The Laeken European Council asked for a plan of action based on the Commission communication on illegal immigration and trafficking in human beings to be developed.

**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	Responsibility	Timetable for adoption	State of play				Transposal
			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					Preparation by the Commission of proposals for a new action plan <b>to be presented before the end of the first semester of 2002.</b>	
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 presented to the experts from the Member States in June 2000			Preparation of an initial phase for the establishment of a "virtual" observatory, based inter alia on a contribution from Greece	

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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) <sup>51</sup>	Council, on the basis of a proposal by the Commission		<p>The Commission tabled a proposal for a Council framework decision on combating trafficking in human beings in December 2000.<sup>52</sup></p> <p>The French Presidency presented two initiatives in July 2000, one for a directive and one for a framework decision, on the liability of traffickers.<sup>53</sup></p>	<p>Agreed in principle by the Council in September 2001</p> <p>Parliament Opinion (rejection) in February 2001.<sup>54</sup></p> <p>Council agreement in principle in May 2001.</p>	<p><b>Formal adoption by the Council once the remaining parliamentary reservations have been lifted (DK, D, NL, UK)</b></p> <p><b>Formal adoption by the Council once the remaining parliamentary reservations have been lifted (DK, UK)</b></p>		
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		<p><b>The Commission presented a communication on combating illegal immigration in November 2001.<sup>55</sup></b></p> <p><b>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.<sup>56</sup></b></p>		<p><b>On 28 February 2002, the Council adopted a comprehensive plan to combat illegal immigration and trafficking in human beings in the European Union.</b></p> <p><b>Council conclusions on the fight against illegal immigration and trafficking in human beings by sea adopted in April 2002.</b></p>	Setting up of cooperation frameworks to combat illegal immigration from China and the western Balkans, organised in November 2000 and March 2001 respectively	

<sup>51</sup> See also table on "Fight against certain forms of crime".

<sup>52</sup> COM(2000)854, 21.12.2000.

<sup>53</sup> OJ C 253, 4.9.2000.

<sup>54</sup> A5- 0315/2001, 15.2.2001.



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		The French Presidency tabled a directive in July 2000 <sup>57</sup>	Parliament opinion [rejection] in March 2001 <sup>58</sup>	Adoption by the Council in June 2001 of a directive supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 <sup>59</sup>	Organisation by professional bodies, with the Commission's support, of a round table on general issues relating to hauliers' liability in November 2001	<b>Entry into force: 10.10.2001</b> <b>Implementation deadline: no later than 11.2.2003.</b>

<sup>55</sup> COM(2001)672, 15.11.2001.

<sup>56</sup> COM(2002)71, 11.2.2002.

<sup>57</sup> OJ C 269, 20.9.2000.

<sup>58</sup> A5- 0069/2001, 13 Mar 2001.

<sup>59</sup> OJ L 187, 10.7.2001.

**Objective: To assist countries of origin and transit**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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	<p><b>The Commission has committed the €10 million entered in the 2001 budget for preparatory measures. It is preparing the commitment of the €12.5 million appropriated by the budgetary authority in 2002, also for preparatory measures.</b></p>			<p><b>The Commission will put forward a proposal by the end of 2002</b> for the legal basis underpinning implementation of this new budgetary instrument.<sup>60</sup></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							

<sup>60</sup> See also table on "Partnership with countries of origin".

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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				Adoption of negotiating brief with Ukraine planned by the Council before the end of the first half of 2002.	<p>Readmission agreement signed with Hong Kong on 21 November 2001. To be ratified by the Community before the end of the first half of 2002.</p> <p>Negotiations for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco and Macao.</p> <p>The Council and the Commission, in accordance with the conclusions of the Laeken European Council, adopted a new list of priorities for the negotiation and conclusion of European readmission agreements.</p>	
Development of common minimum standards on repatriation	Council / Commission / Member States		<p>French Presidency presented a draft directive in July 2000 on the mutual recognition of expulsion orders<sup>61</sup></p> <p>In April 2002 the Commission presented a Green Paper on a Community policy on returning persons residing unlawfully<sup>62</sup></p>	Parliament opinion [rejection] in March 2001 <sup>63</sup>	Adoption by the Council end May 2001 <sup>64</sup>		<p>Entry into force: 2.6.2001</p> <p>Implementation : before 2.12.2002</p>

<sup>61</sup> OJ C 243, 24.8.2000.

<sup>62</sup> COM(2002)175, 10.4.2002.

### **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.

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<sup>63</sup> A5- 0065/2001, 13.3.2001.

<sup>64</sup> OJ L 149, 2.6.2001.

**Objective: To ensure legal certainty and equal access to justice**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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					<p>To improve users' information, the Commission is planning practical initiatives in 2002, a joint Conference with the Council of European public information and access to justice.</p> <p>The Commission has also begun preparatory work on an information campaign, securing synergy with the future European Judicial Network and work being done in the Council of Europe.</p>	
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>The Commission presented a proposal in September 2000<sup>65</sup></p> <p>To facilitate implementation of the European judicial area in civil matters (2002-2006), the Commission presented a proposal for a Council Regulation in May 2001 establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters<sup>66</sup></p>	<p>Parliament opinion in April 2001.<sup>68</sup></p> <p>Parliament opinion October 2001<sup>69</sup></p>	Adoption by the Council end May 2001 of the decision establishing a European judicial network in civil and commercial matters <sup>71</sup>	<p>The Commission, together with the Member States, has begun preparatory work (notably identification of members of the Network, opening of an Intranet for it and development of a website).</p> <p>The Network will operate from 1.12.2002.</p>	Implementation date: 1.12.2002 (Article 2 and 20: before 1.6.2002)

<sup>65</sup> COM(2000) 592, 22.9.2000.

<sup>66</sup> COM(2001)221, 25.5.2001.

			In November 2001 the Commission presented an amended proposal for a Regulation. <sup>67</sup>	Parliament opinion in March 2002 <sup>70</sup>	Adoption in April 2002 of a Council Regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters.		Entry into force: date of publication
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, <sup>72</sup> the Commission organised a hearing in February 2001 and presented a proposal for a directive on legal aid and financial aspects of proceedings in January 2002. <sup>73</sup>				
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	<b>The Commission presented in April 2002 a proposal for the creation of a European enforcement order for uncontested claims<sup>74</sup> based on the adoption of minimum rules which will enable any interim enforcement measures to be abolished.</b> The preliminary draft was discussed with the Member States in October 2001.  <b>Regarding alimony claims, the Commission launched a preparatory study in the spring of 2002.</b>			The Commission will present a Green Paper <b>before the end of 2002</b> with a view to further approximation of the rules of procedure on uncontested claims and small claims.	
Proposal to establish minimum standards of quality for ADR	Member States to set up the extra-judicial procedures	April 2004	In May 2000 the Council adopted conclusions on alternative dispute resolution.  European Extra Judicial net (EEJ net) for consumers launched in October 2001. It is based on the Recommendations adopted by the Commission (98/257/EC and 2001/310/EC).				

<sup>67</sup> COM(2001)705, 20.11.2001.

<sup>68</sup> A5- 0091/2001, 5.4.2001.

<sup>69</sup> A5-0339/2001, 23.10.2001.

<sup>70</sup> C5-0021/2002, 12.3.2002.

<sup>71</sup> OJ L 174, 27.6.2001.

<sup>72</sup> COM(2000)51, 9.2.2000.

<sup>73</sup> COM(2002)13, 18.1.2002.

<sup>74</sup> COM(2002)159, 18.4.2002.

<sup>75</sup> COM(2002)196, 19.4.2002.

<sup>76</sup> COM(2001)702, 27.11.2001.

			<p>The Commission has launched the FIN-NET for the extra-judicial settlement of disputes in the field of financial services.</p> <p><b>The Commission presented a Green Paper in April 2002 with a view to preparing for the establishment of minimum quality standards.<sup>75</sup></b></p> <p><b>The Commission has adopted a communication calling for the establishment of a European on-line network to facilitate the monitoring and resolution of problems encountered by citizens and firms as regards cases where national authorities misapply the rules on free movement in the internal market (SOLVIT network).<sup>76</sup> It has also adopted a recommendation to the Member States laying down a number of principles to be applied by bodies in charge of such cases.<sup>77</sup> The March 2002 Internal Market Council encouraged this.<sup>78</sup></b></p>			<p>There will be greater publicity for FIN-NET in spring 2002, with among other things a brochure for the general public. The number of systems (currently 37) will be increased where possible.</p>	
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	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.				

<sup>77</sup> OJ L331, 15.12.2001, p. 39.

<sup>78</sup> Doc. 6503/02, 1.3.2002.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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	The Commission presented a communication in July 1999. <sup>79</sup>  Initiative by the Portuguese Presidency for adoption of a framework Decision on the status of victims in criminal proceedings. <sup>80</sup>	Parliament opinion in December 2000 <sup>81</sup> in	<b>Adoption by the Council in March 2001<sup>82</sup> of a framework decision on victim's status in criminal proceedings</b>	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	<b>Entry into force : 22.03.2001 Implementation deadline: 22.03.02, 22.03.04 or 22.03.06, depending on the Article.</b>
Further instruments on approximation of compensation arrangements for victims	Council, on the basis of a Commission proposal or a Member State initiative	2004	The Commission presented a Green Paper on victim compensation in September 2001 with a view to preparing appropriate legislative initiatives <sup>83</sup>  <b>The Commission organised a public hearing on 21 March 2002.</b>			<b>The Commission plans to present a proposal for a directive before the end of 2002.</b>	
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. <sup>84</sup>			Included in the mutual recognition programme in criminal matters.	

<sup>79</sup> COM(1999)349, 14.7.1999.

<sup>80</sup> OJ C 243, 24.8.2000.

<sup>81</sup> A5- 0355/2001, 12.12.2000.

<sup>82</sup> OJ L 82, 22.3.2001

<sup>83</sup> COM(2001)536, 28.9.2001.

<sup>84</sup> 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 rights<sup>85</sup>**

Action needed	Responsibility	Timetable for adoption	State of play			Transposal	
			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. <sup>86</sup> It covers four areas:  for the first area, pilot projects are being launched (see 3.1.4 above);  for the second area, in March 2001 the Commission presented a working paper on mutual recognition in family matters, <sup>87</sup> followed in September 2001 by a proposal for a				

<sup>85</sup> See also table on "Greater convergence in civil law".

<sup>86</sup> OJ C 12, 15.1.2001.

<sup>87</sup> COM(2001)166, 27.3.2001.

			<p>Regulation to supplement the regulation on matrimonial matters and parental responsibility.<sup>88</sup></p> <p>In October 2001 the Commission also presented a proposal on signature of the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children.<sup>89</sup></p> <p>In July 2000 France presented an initiative for the adoption of a Regulation on the mutual enforcement of judgments on rights of access to children<sup>90</sup></p> <p><b>In May 2002, the Commission presented a new proposal to merge the French initiative on children's visiting rights, the Commission proposal for a Regulation on parental responsibility presented in September 2001 and Regulation (EC) No 1347/2000 (the Brussels II Regulation").<sup>91</sup></b></p> <p>for the third and fourth areas, the Commission launched preparatory studies in 2001, <b>the results of which should be available at the end of this year.</b></p>	<p>Parliament opinion in December 2000<sup>92</sup></p>			<p><b>For the fourth area, the Commission is to organise a conference on successions in conjunction with the Council of Europe in October 2002.</b></p>
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<sup>88</sup> COM(2001)505, 30.8.2001.  
<sup>89</sup> COM(2001)680, 20.11.2001.  
<sup>90</sup> OJ C 234, 15.8.2000.  
<sup>91</sup> COM(2002)222, 3.5.2002.  
<sup>92</sup> A5- 0311/2000, 17.11.2000.

<p>Proposal on minimum standards for specific aspects of civil procedure (new procedural legislation on money payments)</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>					<p>The Commission intends to present a Green Paper before the end of 2002 to prepare a legislative initiative (see point 3.1.4 above).</p>	
<p>Launching of work on the European Enforcement Order</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>		<p>This action has been included in the programme of measures to implement the principle of mutual recognition. <b>The Commission presented in April 2002 a proposal for the creation of a European enforcement order for uncontested claims<sup>93</sup> based on the adoption of minimum rules which will enable any interim enforcement measures to be abolished</b> (see point 3.1.4 above).</p> <p>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).</p>				

<sup>93</sup>

COM(2002)159, 18.4.2002.

**As regards criminal matters:**

**Objective: To make sure criminals have no safe havens**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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 <sup>94</sup>	Member State	April 2001	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 and the 1996 Convention relating to extradition between Member States of the EU which 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. <sup>95</sup>	<b>Parliament opinion November 2001</b> <sup>96</sup>			A, FIN, NL, S, EL, D, DK, E, P, <b>UK and Lux</b> have ratified the 1995 Convention  FIN, NL, P, EL, D, DK, E, A, B, <b>S, UK and Lux</b> have ratified the 1996 Convention
Study on abolition of formal extradition procedures concerning persons fleeing from justice after having been sentenced <sup>97</sup>	Council, on the basis of a proposal by the Commission	End 2001	In September 2001, the Commission presented a proposal for a Council framework decision on the European arrest warrant and surrender procedures between Member States. <sup>98</sup>	<b>Council agreement in principle in December 2001.</b>  <b>Parliament opinion in February 2002</b> <sup>99</sup>	<b>Formal adoption by the Council once the remaining parliamentary reservations have been lifted (foreseen by DK/S/IRL before JHA Council of June 2002 )</b>		

<sup>94</sup> These two measures are included in the EU Plan of Action against terrorism (periodic review).

<sup>95</sup> OJ C 195, 11.7.2001.

<sup>96</sup> A5- 0371/2001, 13.11.2001.

<sup>97</sup> These two measures are included in the EU Plan of Action against terrorism (periodic review).

<sup>98</sup> OJ C 332 E, 27.11.2001.

<sup>99</sup> A5- 0003/2002, 6.2.2002.

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	Responsibility	Timetable for adoption	State of play				Transposal
			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	In July 2000 Commission presented a communication on mutual recognition of final decisions in criminal matters <sup>100</sup>	Parliament opinion in May 2001 <sup>101</sup>	Joint Council/Commission programme adopted in November 2000	<p>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 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><b>To supplement the mutual recognition programme, the Commission is planning a communication by the end of the first half of 2002, proposing minimum standards for certain aspects of criminal procedure and, in the second half of 2002, a communication on criteria for jurisdiction in criminal matters.</b></p>	

<sup>100</sup> COM(2000)495, 28.7.2000.

<sup>101</sup> A5- 0145/2001, 17.5.2001.

Application of mutual recognition to pre-trial orders <sup>102</sup>	Council, on the basis of a Commission proposal or a Member State initiative		France, Belgium and Sweden presented an initiative <sup>103</sup> for a <b>Council Framework Decision on the enforcement in the Union of judgments</b> freezing of assets and evidence in February 2001 <sup>104</sup>	<b>Parliament opinion in September 2001</b>  <b>Council agreement in principle in February 2002</b>  <b>Reconsultation of Parliament in progress.</b>	<b>Formal adoption by the Council once the remaining parliamentary reservations have been lifted (I, DK, S, IRL, UK, NL)<sup>105</sup></b>	Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 6 and 7).  <b>The Commission intends to present, in the second half of 2002, a proposal for a framework decision on the mutual recognition of measures relating to evidence.</b>	
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	France, Sweden and the UK presented an initiative for a framework decision on the application of the principle of mutual recognition to financial penalties <sup>106</sup>  Germany announced an 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	<b>Parliament opinion in January 2002<sup>107</sup></b>		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)  <b>In the second half of 2002 the Commission is planning to present a decision establishing a standard form for requesting the criminal record.</b>	

<sup>102</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>103</sup> OJ C 75, 7.3.2001.

<sup>104</sup> See the table entitled "special action against money laundering"

<sup>105</sup> Latest situation report, following Coreper on 15.5.2002.

<sup>106</sup> OJ C 278, 2.10.2001.

<sup>107</sup> A5- 0444/2001, 171.2002.

### 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	Responsibility	Timetable for adoption	State of play				Transposal
			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	Germany tabled an initiative on taking of evidence in September 2000. <sup>108</sup> The issue of procedural law is partly included in the mutual recognition programme.  <b>In April 2002 the Commission launched a preparatory study on the improvement of the enforcement of judgments in the Member States<sup>109</sup>.</b>	Parliament opinion in March 2001 <sup>110</sup>	Adoption par le Conseil fin mai 2001 <sup>111</sup>		<b>Entry into force: 1.7.01</b>  <b>Implementation : 1.7.2004 except Articles 19-21 and 22: 1.7.2001</b>
General study to identify and eliminate obstacles to the smooth functioning of civil proceedings	Council to prepare a report	End 2001	The Commission presented, in July 2001, a communication 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. <sup>112</sup> <b>The replies, to be collected by 15 October 2001, have been summarised by the Commission and published on its website.<sup>113</sup></b>	<b>Parliament opinion November 2001<sup>114</sup></b>	<b>The report provided for by the Council was presented to the Laeken European Council.</b>		

<sup>108</sup> OJ C 314, 3.11.2001.

<sup>109</sup> OJ S 67, 5.4.2002.

<sup>110</sup> A5-0073, 14.3.2001.

<sup>111</sup> JO L 174 du 27.6.2001

<sup>112</sup> COM(2001)398, 11.7.2001.

<sup>113</sup> [http://europa.eu.int/comm/consumers/policy/developments/contract\\_law/index\\_en.html](http://europa.eu.int/comm/consumers/policy/developments/contract_law/index_en.html)

<sup>114</sup> A5- 0384/2001, 15.11.2001.



Finalising the Brussels and the Lugano Conventions <sup>115</sup>	Council, on the basis of a proposal by the Commission	April 2001	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.  <b>In March 2002 the Commission presented a proposal for a recommendation for a negotiating brief for an agreement between the Community and the Lugano countries.</b> <sup>116</sup>		The Council adopted the Regulation replacing the Brussels Convention in December 2000. <sup>117</sup>  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  <b>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.</b>	<b>Entry into force: 1.3.2002</b>  <b>Implementation : 22.12.2000</b>
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				<b>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 before the end of 2002.</b>
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 plans to present a Green Paper <b>in the second half</b> of 2002, followed, if need be, by a draft regulation <b>The Commission organised a preparatory meeting of national experts in April 2002.</b>

<sup>115</sup> See also table on "Mutual recognition of judicial decisions".

<sup>116</sup> SEC(2002)298, 22.3.2002.

<sup>117</sup> OJ L 12, 16.1.2001.

Preliminary study on the possibility of drawing up a legal instrument on the law applicable to divorce	Council / Commission	April 2004	In May 2000 the Council produced, on the basis of a questionnaire, a comparative study on national legislation and the position of the Member States.			The Commission launched a complementary study in 2001, the results of which should be available in the third quarter of 2002.	
Elaboration of a preliminary study on jurisdiction and the law applicable to matrimonial property and successions	Council / Commission	April 2004	The issue of court jurisdiction and recognition of rulings is included in the mutual recognition programme (see 3.2.1 above).			The Commission has launched large-scale preparatory studies, the results of which should be available by the end of 2002. In addition, the Commission is to organise a conference on successions in conjunction with the Council of Europe in October 2002.	

#### 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	Responsibility	Timetable for adoption	State of play				Transposal
			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> <p>Crime proofing</p>	<p>Council / Commission / Member States</p>		<p>In November 2000 the Commission presented a communication on crime prevention in the European Union which established a Forum and proposed a financial programme (Hippokrates) in the crime prevention field.<sup>118</sup></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. The next report will also take prevention aspects into account.<sup>119</sup></p>	<p>Parliament opinion on the Hippokrates programme in April 2001.<sup>120</sup></p>	<p>In June 2001 the Council adopted a decision to improve exchange of information.<sup>121</sup></p>	<p>The first meeting of the Forum on the prevention of organised crime was held on 17 and 18 May 2001 (first workshops: trafficking in human beings, credit cards, crime affecting the world of business, trafficking in cultural goods). <b>there was a second meeting of the Forum's workshops on trafficking in human beings, the role of the private sector in the prevention of economic and financial crime, and training for police forces in the prevention of credit-card fraud on 24 and 30 October 2001.</b></p> <p>The Commission is examining the findings of a study on crime proofing.</p>	<p><b>Entry into force: 7.7.2001 until 31.12.2002</b></p>

<sup>118</sup> COM(2000)786, 29.11.2000.

<sup>119</sup> SEC(2001)433, 13.3.2001.

<sup>120</sup> A5- 0094/2001, 5.4.2001.

<sup>121</sup> OJ L 186, 7.7.2001.

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						
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**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	France and Sweden presented an initiative in November 2000 for a Council decision establishing a crime prevention network. <sup>122</sup>  The Commission has proposed a financial instrument (Hippokrates programme – see supra).	Parliament opinion in March 2001 <sup>123</sup>	At the end of May 2001 the Council adopted a decision establishing a European crime-prevention network. <sup>124</sup>	<b>National representatives met in June, September, October 2001 and April 2002. The first plenary meeting of the EUCPN took place in October 2001 and the second in April 2002. The first annual report is about to be available.</b>	<b>Entry into force: 28.5.2001</b>
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<sup>122</sup> OJ C 362, 16.12.2000.

<sup>123</sup> A5- 0070/2001, 14.3.2001.

<sup>124</sup> OJ L 153, 8.6.2001.

## **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	Responsibility	Timetable for adoption	State of play			Transposal
			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	
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. <sup>125</sup>		Without delay	<p>The Portuguese Presidency presented an 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<sup>126</sup>.</p>	<p>Parliament opinion November 2001<sup>127</sup></p> <p>Council agreement in principle in December 2001.</p>	<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).<sup>128</sup></p> <p>Formal adoption once the remaining parliamentary reservation has been lifted (DK).</p>	

<sup>125</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>126</sup> OJ C 295, 20.10.2001

<sup>127</sup> A5- 0369/2001, 13.11.2001.

<sup>128</sup> OJ C 197, 12.7.2000.

<p>Setting up a unit composed of national prosecutors, magistrates or police officers of equivalent competence – EUROJUST.<sup>129</sup></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<sup>130</sup>, and Germany<sup>131</sup> have presented an initiative with a view to the adoption of a Council decision setting up a Provisional Judicial Cooperation Unit.</p> <p>Portugal, France, Sweden and Belgium, and Germany have presented an initiative with a view to the adoption of a Council decision establishing Eurojust in order to strengthen the fight against serious forms of organised crime<sup>132</sup></p> <p>The Commission presented a communication in November 2000 concerning the creation of Eurojust.<sup>133</sup></p>	<p>EP Opinions in May 2001<sup>134</sup> – <b>and November 2001 (reconsultation)</b><sup>135</sup></p>	<p>Adoption by Council in December 2000 of a decision to create a provisional unit in January 2001.<sup>136</sup></p> <p><b>Decision establishing Eurojust adopted by the Council in February 2002.</b><sup>137</sup></p>		<p>Provisional unit put in place March 2001.</p> <p><b>Entry into force: 6.3.2002</b></p> <p><b>Implementation : no later than 6.9.2003.</b></p>
<p>Implement and, where appropriate, further develop the European judicial network.<sup>138</sup></p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2001</p>	<p><b>Pilot stage of a telecommunications network launched in August 2001 continues.</b></p>				

<sup>129</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>130</sup> OJ C 243, 24.8.2000, p. 21.

<sup>131</sup> OJ C 206, 19.7.2000.

<sup>132</sup> OJ C 243, 24.8.2000, p.15

<sup>133</sup> COM(2000)746, 22.11.2000.

<sup>134</sup> A5- 0153/2001, 17.5.2001.

<sup>135</sup> A5- 0398/2001, 29.11.2001.

<sup>136</sup> OJ L 324, 21.12.2000.

<sup>137</sup> OJ L 63, 6.3.2002.

<sup>138</sup> 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><b>The Commission intends to present, before the end of the first half of 2002, a communication on determining criteria for jurisdiction in criminal matters (see above).</b></p>	
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**Objective: To provide mutual assistance to the fullest extent possible**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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. <sup>139</sup>	Council / Member States	April 2001	France has presented an initiative for the adoption of a Protocol to the Convention on judicial assistance in criminal matters between the Member States of the European Union <sup>140</sup> (concerning the exchange of information on bank accounts and transactions).		The Council adopted the Convention on 29 May 2000. <sup>141</sup>  <b>In October 2001 the Council adopted the Protocol to the Convention on judicial assistance in criminal matters between the Member States of the European Union in accordance with Article 34 of the Treaty on the European Community.</b> <sup>142</sup>		Deadline for Member States to initiate ratification procedures: before January 2001, and July 2002 for the Protocol. <sup>143</sup>  <b>Convention ratified by Portugal</b>  The entry into force and the implementation of the Protocol are subject to the entry into force and the implementation of the Convention.

<sup>139</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>140</sup> OJ C 243, 24.8.2000.

<sup>141</sup> OJ C 197, 12.7.2000.

<sup>142</sup> OJ C 326, 21.11.2001.

<sup>143</sup> 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, <b>controlled deliveries and covert investigations</b> are governed by the Convention of 29 May 2000.</p> <p>In September 2001 Belgium, France, Spain and the United Kingdom presented an initiative on a draft framework decision on joint investigation teams.<sup>144</sup></p>	<b>Council agreement in principle in December 2001 (see above).</b>	<b>Formal adoption once the remaining parliamentary reservation has been lifted (DK).</b>	
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>Proposal for a resolution on the initiative of the French Presidency (based on a previous Portuguese initiative).<sup>145</sup></p> <p>Sweden has presented an 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.<sup>146</sup></p>	<b>Parliament opinion November 2001</b>	<p>In October 2000 the Council adopted a decision establishing a joint secretariat for data protection bodies (Europol, CIS, SIS).<sup>147</sup></p> <p><b>Adopted by the Council in February 2002<sup>148</sup></b></p> <p><b>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.<sup>149</sup></b></p>	<p><b>Entry into force: 1 September 2001.</b></p> <p><b>Implementation : 1.3.2002</b></p> <p><b>Implementation : 7.12.2001</b></p> <p>In June 2002 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>

<sup>144</sup> OJ C 295, 20.10.2001.

<sup>145</sup> OJ C 141, 19.5.2000.

<sup>146</sup> OJ C 163, 6.6.2001.

Establishment of the European Judicial Training Network			France has presented an initiative for a Decision setting up a European judicial training network. <sup>150</sup>	Parliament opinion expected in May 2002.		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	Responsibility	Timetable for adoption	State of play				Transposal
			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	In August 2001 the Portuguese Presidency presented an initiative for adoption of a framework Decision on the status of victims in criminal proceedings. <sup>151</sup>	Parliament opinion in December 2000. <sup>152</sup>	Adoption by the Council in March 2001 of a framework decision on victim's status in criminal proceedings (cf. point 3.1). <sup>153</sup>	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	Entry into force: 22.3.2001  Implementation : no later than 22.3.2002, except Article 10 (22.3.2006) and Article 5-6 (22.3.2004).

<sup>147</sup> OJ L 271, 24.10.2000.

<sup>148</sup> OJ C 76, 27.3.2002.

<sup>149</sup> OJ C 358, 15.12.2001.

<sup>150</sup> OJ C 18, 19.1.01.

<sup>151</sup> OJ C 243, 24.8.2000.

<sup>152</sup> A5- 0355/2000, 12.12.2000.

<sup>153</sup> OJ L 82, 22.3.2001.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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. At least one meeting is organised for each presidency. <b>The Council, on the basis of options put forward by the Presidency, is considering ways of making the Task Force fully operational.</b> <sup>154</sup>	
Establishment of compatible criminal intelligence systems among Member States	Appropriate decision by Council needed					<b>Since 11 September 2001, the heads of anti-terrorist units in Member States' intelligence services have been meeting regularly.</b> <sup>155</sup>	

<sup>154</sup> See also EU Plan of Action against terrorism.

<sup>155</sup> See also EU Plan of Action against terrorism.

Setting up the European Police College - starting as a network of existing national training institutes - open to applicant countries	Council on the basis of a Commission proposal or a Member State initiative	2001	Portuguese Initiative for a Council Decision on the provisional establishment of the European Police College. <sup>156</sup>  France, Germany and Sweden have launched common training projects starting in 2001 within the framework prefiguring the definitive structure of the European Police College, <b>with cofinancing of the OISIN II Programme.</b>	Parliament opinion November 2000. <sup>157</sup>	Adoption by the Council in December 2000 of the decision to set up, in 2001, the European Police College, CEPOL, <sup>158</sup> which has functioned as a network of national police colleges since 1 January 2001.	Ongoing examination of the way in which Cepol will function: <b>Council agreement in February 2002 on a provisional location of the secretariat (Copenhagen) and on the financing of Cepol. A temporary Director has been appointed.</b>	
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**Objective: To enhance customs cooperation in the fight against crime and regarding the use of information technology**

Action needed	Responsibility	Timetable for adoption	State of play			Transposal
			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	

<sup>156</sup> OJ C 206, 19.7.2000.

<sup>157</sup> A5- 0316/2000, 17.11.2000.

<sup>158</sup> OJ L 336, 30.12.2000.

Implementation of the CIS (Customs Information System) Convention of 26.7.1995 <sup>159</sup> and the Naples II Convention of 19.12.1997. <sup>160</sup>	Member State	Ongoing process	<b>In November 2001, Germany, France and the Belgium Presidency presented a proposal for a Protocol to the SID Convention concerning a Fichier d'Identification des Dossiers d'Enquêtes Douanières (FIDE).</b>			A guide for applying the provisions of the Naples II Convention <b>is being prepared.</b>	CIS Convention ratified by all Member States except B, D and L.  The agreement on the provisional entry into force of the Convention <sup>161</sup> has been ratified by all the Member States except B, D and L. 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 and Ireland. Several Member States have agreed to apply it between themselves.
To strengthen law enforcement cooperation against smuggling			<b>In November 2001, Italy initiated the work on an EU anti-smuggling strategy.</b>	<b>Work currently under way.</b>			

<sup>159</sup> JO C 316, 27.11.1995, p. 34.

<sup>160</sup> JO C 24, 23.1.1998.

<sup>161</sup> JO C 316, 27.11.1995, p. 58.

**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.  <b>United Nations Protocol on firearms signed by the Commission for the European Community. (cf. Point 8)</b>			The Commission intends to present a proposal to <b>conclude</b> the Convention and the three Protocols before the end of <b>the first half</b> of 2002.	
UN Convention on corruption.	Council / Commission / Member States		Union participation in the preparatory work of the UN (see point 8).  <b>In April 2002 the Commission presented a proposal for a Commission negotiating brief for a UN Convention against corruption.</b> <sup>162</sup>				

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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	Council, on the basis of an initiative by a		Portugal has presented an 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	Parliament opinion November 2000 <sup>164</sup>	Adopted by the Council in June 2000 <sup>165</sup>		<b>Ratification: France, Portugal</b>

<sup>162</sup> SEC(2002)431, 23.4.2002.

of the offence from which the proceeds originate	Member State		European Police Office (Europol Convention) of a Protocol amending Article 2 and the Annex to that Convention. <sup>163</sup>				
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	Adoption by the Council in November 2000 of a draft recommendation concerning support by Europol for joint investigative teams. <sup>166</sup>  <b>Belgium and Spain presented a joint initiative in January 2002 amending the Europol Convention (see below).</b>		<b>In April 2002 the Council signified its agreement to the amendment of the Europol Convention to allow Europol to participate in joint investigate teams and ask the competent authorities of the relevant Member States to conduct or coordinate investigations.</b>		

<sup>163</sup> OJ C 200, 13.7.2000.

<sup>164</sup> A5-0312/2000, 14.11.2000.

<sup>165</sup> OJ C 358, 13.12.2000.

<sup>166</sup> OJ C 357, 13.12.2000.



<p>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</p>	<p>Council, on the basis of an initiative by a Member State</p>	<p>April 2004</p>	<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><b>Belgium and Spain presented a joint initiative in January 2002 (see below).</b></p>		<p>See above.</p>		
<p>Consideration to be given to the possible need to revise Europol Convention in order to:</p> <ul style="list-style-type: none"> <li>– cover new competences</li> <li>– deal with the question of democratic and judicial control</li> </ul>	<p>Council / Commission</p>		<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.<sup>167</sup></p> <p><b>In January 2002 Belgium and Spain presented an initiative for the adoption of a Council Act establishing a Protocol amending the Europol convention and the Joint Protocols (see below). The initiative also includes simplification of the procedure for amending the Europol Convention, being examined by the Council.</b></p> <p><b>In February 2002 the Commission presented a communication on the democratic control of Europol.<sup>168</sup></b></p>	<p><b>Parliament opinion November 2001<sup>169</sup></b></p>	<p><b>Adoption by the Council in December 2001.<sup>170</sup></b></p>		<p><b>Deadline for implementation : 1.1.2002.</b></p>

<sup>167</sup> OJ C 176, 21.6.2001.

<sup>168</sup> COM(2002)95, 26.2.2002.

<sup>169</sup> A5-0370, 24.10.2001.

<sup>170</sup> 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	Responsibility	Timetable for adoption	State of play			Transposal
			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	
Criminalisation of trafficking in human beings and sexual exploitation of children <sup>171</sup> with particular reference to child pornography on the Internet <sup>172</sup>	Council, on the basis of a proposal by the Commission	April 2001	<p>In December 2000 the Commission presented two proposals for framework decisions on:</p> <ul style="list-style-type: none"> <li>- the fight against trafficking in human beings; and</li> <li>- the fight against the sexual exploitation of children and child pornography.<sup>173</sup></li> </ul> <p><b>In February 2002</b> the Commission, in connection with detecting and dismantling the criminal networks involved (see Point 2.4), <b>presented</b> a proposal for a directive on short-term residence documents for victims of trafficking in human beings</p>	<p>Following Parliament's opinion in June 2001<sup>175</sup>, the Council agreed to the principle of the framework decision on the fight against trafficking in human beings in September 2001.</p> <p>Work continues in the Council.</p>	<p><b>Adoption by the Council expected once the last parliamentary reservation has been lifted (DK, D, NL, UK).</b></p>	

<sup>171</sup> See also table on "management of migration flows".

<sup>172</sup> See also table on "mutual recognition of judicial decisions".

<sup>173</sup> COM(2000)854, 21.12.2000.

			and of assistance to illegal immigration who cooperate in the fight against traffickers and smugglers of migrants. <sup>174</sup>				
Common definitions, offences and penalties <sup>176</sup> in the field of drug trafficking. <sup>177</sup>	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  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. <sup>178</sup>	<b>Parliament opinion in April 2002.</b> <sup>179</sup>		<b>The Laeken European Council asked that this proposal for a Framework Decision be adopted by the end of May 2002</b>	
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. <sup>180</sup>  The Council agreed in September 2000 that it was appropriate to draw up common legislation at European level. A significant body of relevant Community legislation is already in force.  In March 2001, the Commission presented a proposal for a directive on the protection of the environment through criminal law, which might be supplemented by a framework decision. <sup>181</sup>	<b>A finalised version of the draft Framework Decision was approved by Coreper in December 2001.</b>  <b>Parliament opinion on the two instruments in April 2002.</b> <sup>182</sup>			

<sup>174</sup> COM(2002)71, 11.2.2002.

<sup>175</sup> A5-0206/2001, 12.6.2001

<sup>176</sup> See also table on "cooperation against drugs".

<sup>177</sup> See also table on "mutual recognition of judicial decisions".

<sup>178</sup> COM(2001)259, 23.5.2001.

<sup>179</sup> A5-0460/2001, 25.4.2002.

<sup>180</sup> OJ C 39, 11.2.2000.

<sup>181</sup> COM(2001)139, 13.3.2001.

<sup>182</sup> 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		The Oisin programme financed a project evaluating cooperation between the relevant departments during Euro 2000.  The Belgian Presidency has presented a proposal for a decision on safety at international football matches. <sup>183</sup>	Parliament opinion in April 2002. <sup>184</sup>	Adoption by the Council in April 2002		Entry into force: date of 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	<b>[In November 2001] the Commission presented a proposal for a Council framework decision on racism and xenophobia.</b> <sup>185</sup>  <b>Council conclusions on the fight against racism, anti-semitism and xenophobia adopted in April 2002.</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 by the Commission	April 2001	In January 2001, the Commission presented a communication on creating a safer information society by improving the security of information infrastructures and combating computer-related crime. <sup>186</sup>  <b>In April 2002 the Commission presented a proposal for a framework decision on serious attacks against information systems.</b> <sup>187</sup>	Parliament opinion in September 2001 <sup>188</sup>	In June 2001 the Council adopted a recommendation on contact points to combat crime linked to high technology and cybercrime. <sup>189</sup>	<b>The European Forum on cybercrime has been set up. The first plenary meeting of the Forum was held at the end of November 2001.</b>	

<sup>183</sup> Enfopol 103 – 26.9.2001.

<sup>184</sup> A5-0047/2002, 9.4.2002.

<sup>185</sup> COM(2001)664, 28.11.2001.

<sup>186</sup> COM(2000)894, 26.1.2001.

<sup>187</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>188</sup> A5-0284/2001, 6.9.2001.

<sup>189</sup> OJ C 187, 25.6.2001.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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>In September 1999 the Commission presented a proposal for a Framework Decision to combat fraud and counterfeiting of non-cash means of payment.<sup>190</sup></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. <sup>191</sup>	Adopted by the Council in July 2001. <sup>192</sup>	The 11 actions in the Plan are in hand.	<b>Date of entry into force: 2.6.2001 Implementati on deadline: 2.6.2003.</b>

<sup>190</sup> OJ C 376, 28.12.1999.

<sup>191</sup> OJ C 121, 24.4.2001.

<sup>192</sup> OJ L 149, 2.6.2001.

Common definitions, charges and penalties as regards counterfeiting of the euro	Council/  Commission/ Member States.	April 2001	<p>In August 2001 Sweden presented an initiative for a Framework Decision amending the Framework Decision of May 2000.<sup>193</sup></p> <p>In March 2001 France presented an initiative for a Framework Decision on protection of the euro against counterfeiting.<sup>194</sup></p>	Parliament opinion October 2001	<p>Framework decision on penal sanctions on counterfeiting Euro adopted by the Council in May 2000.<sup>195</sup></p> <p>Adoption by the Council in June 2001 of the regulations defining the measures needed to protect the euro from counterfeiting.<sup>196</sup></p> <p>The Council adopted the Framework Decision in December 2001.<sup>197</sup></p> <p>Adoption by the Council in December 2001.<sup>198</sup></p>		<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 report on the framework decision, which was the first evaluation exercise on an instrument enacted under Title VI of the Union Treaty.</p>
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<sup>193</sup> OJ C 225, 10.08.2001.

<sup>194</sup> OJ C 75, 7.3.2001.

<sup>195</sup> OJ L 140, 14.6.2000.

<sup>196</sup> OJ L 181, 4.7.2001.

<sup>197</sup> OJ L 329, 14.12.2001.

<sup>198</sup> OJ L 329, 14.12.2001.

Criminalisation of fraud in public tender	Council, on the basis of an initiative by a Member State  <b>Parliament and Council on the basis of Commission initiatives</b>	April 2001	Germany presented an initiative for a Framework Decision in March 1999 <sup>199</sup>  In May 2002 the Commission presented a proposal for a Directive on public procurement which, among other things, provides for excluding tenderers who have been convicted of crime, corruption or fraud against the Community's financial interests. <sup>200</sup>	<b>EP first reading in 2002.</b>			
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<sup>199</sup>

OJ C 253, 4.9.2000.

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COM(2000)275 and 276 final, 10.5.2000.

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>In May 2001 the Commission presented a proposal for a Council and Parliament Directive on the protection under criminal law of the Communities' financial interests<sup>201</sup></p> <p><b>In December 2001</b> the Commission <b>presented</b> a Green Paper on the protection under criminal law of the Communities' financial interests and the establishment of a European Public Prosecutor.<sup>202</sup> <b>The Laeken European Council asked that it be examined very quickly.</b></p>	<p><b>Parliament opinion November 2001</b><sup>203</sup></p>		<p>The Commission will submit a follow-up contribution by early 2003</p>	
Common definitions, charges and penalties for offences linked with terrorism <sup>204205</sup>	Council, on a Commission proposal		<p>In September 2001 the Commission presented a proposal for a Council framework decision on terrorism<sup>206</sup> (see <b>also</b> the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States.</p>	<p>Parliament own initiative resolution in September 2001 on the role of the Union in the fight against terrorism.<sup>207</sup></p> <p><b>EP Opinions in November 2001 – and February 2002 (reconsultation).</b><sup>208</sup></p> <p><b>Council agreement in principle in December 2001.</b></p>	<p><b>Formal adoption by the Council once the remaining parliamentary reservations have been lifted (foreseen by DK and S before JHA Council of June 2002)</b></p>		

<sup>201</sup> OJ C 240E, 28.8.2001.

<sup>202</sup> COM(2001)715, 11.12.2001.

<sup>203</sup> A5-0390, 29.11.2001.

<sup>204</sup> See also table on "mutual recognition of judicial decisions".

<sup>205</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>206</sup> COM(2001)521, 19.9.2001.

<sup>207</sup> A5-0273/2001, 5.9.2001.

<sup>208</sup> A5- 0003/2002, 6.2.2002.



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						
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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 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	Responsibility	Timetable for adoption	State of play				Transposal
			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. <sup>209</sup>	Council, on the basis of an initiative by France		France has presented an initiative for a draft Council framework decision concerning money-laundering and the identification, tracing, freezing and seizing and confiscation of instrumentalities and the proceeds from crime. <sup>210</sup>		Adopted by the Council in June 2001. <sup>211</sup>		<b>Entry into force: 5.7.2001 Implementation deadline: 31.12.02.</b>
Concrete steps to trace, freeze, seize and confiscate the proceeds of crime <sup>213</sup>			France, Belgium and Sweden presented, in February 2001, an initiative on the freezing of assets and evidence <sup>214</sup> .	Parliament opinion in September 2001 <b>Reconsultation of</b>	<b>Formal adoption by the Council once the remaining parliamentary</b>		

<sup>209</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>210</sup> JO C 243, 24.8.2000.

<sup>211</sup> OJ L 182, 5.7.2001.

<sup>212</sup> JO C 326 du 21.11.2001

<sup>213</sup> This measure is included in the EU Plan of Action against terrorism.

				Parliament in progress. Agreed in principle by the Council in February 2002	reservations have been lifted ((I, DK, S, IRL, UK, NL)		
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**Objective: to enhance knowledge and the capacity to fight money-laundering activities**

Action needed	Responsibility	Timetable for adoption	State of play			Transposal	
			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.
To adopt the draft directive amending the Money Laundering Directive <sup>215</sup>	Council and Parliament	As soon as possible		Parliament opinion November 2001	Adoption by the Council and Parliament in December 2001. <sup>216</sup>		Entry into force: 28.12.01 Implementation deadline: 15.6.03.

<sup>214</sup> OJ C 75, 7.3.2001

<sup>215</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>216</sup> OJ L 344, 28.12.01.

More rapid exchange of information between the existing financial intelligence units (FIUs), entitling judicial authorities and FIU to receive information regardless of secrecy provisions. <sup>217</sup>	Council, on the basis of an initiative by Finland  Council/ Commission/ Member States		Finland has presented an initiative 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 <sup>218</sup>	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. <sup>219</sup>	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.		Report presented to the joint JAI/ECOFIN Council on 16 October 2001. <sup>220</sup>	Conclusions adopted by the joint JAI/ECOFIN Council in October 2001 called on the Commission to speed up its work here so as to determine priorities and measures to be taken.	
Prevent 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	Council, on the		Portugal has presented an initiative with a view to the	Parliament opinion in	Protocol adopted by the		Ratification:

<sup>217</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>218</sup> OJ L 271, 24.10.2000.

<sup>219</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>220</sup> SEC(2001)1645, 16.10.2001.

Europol to cover money laundering in general, <sup>221</sup> regardless of the offence from which the proceeds originate	basis of a Commission proposal or a Member State initiative		adoption, 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. <sup>222</sup>	November 2000.	Council in June 2000. <sup>223</sup>		<b>France, Portugal</b>
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 JAI/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 <sup>224</sup>		
Prepare a model agreement for negotiations with off-shore and on-shore financial centres and tax havens		December 2001			The Joint Council (Economic and Financial Affairs, Justice and Home Affairs) adopted conclusions in October 2000 envisaging that agreements could be concluded in the long term.		

<sup>221</sup> See also table on "stepping up cooperation in the fight against crime".

<sup>222</sup> OJ C 200, 13.7.2000.

<sup>223</sup> OJ C 358, 13.12.2000.

<sup>224</sup> This measure is included in the EU Plan of Action against terrorism.

<p>Examine possibilities:</p> <p>– 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.</p>	<p>Commission</p>	<p>July 2001</p>	<p>In line with the Joint Council (Economic and Financial Affairs, JHA) conclusions of October 2000, the Commission is examining the usefulness and feasibility of a European instrument</p> <p>Preliminary report by the Commission on the surveillance of cross-border cash flows presented at the joint ECOFIN/JAI Council in October 2001.</p>			<p><b>The final report and a draft regulation are being prepared for adoption by the Council before the end of the first half of 2002.</b></p>	
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**5. ISSUES RELATED TO INTERNAL AND EXTERNAL BORDERS AND VISA POLICY, IMPLEMENTATION OF ART. 62 EC AND CONVERTING THE SCHENGEN ACQUIS**

**Objective: to develop a common visa policy**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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>In January 2000 the Commission presented a 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.<sup>225</sup></p> <p>In October 2001 the Commission presented a 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 (application of the visa exemption to Romanian nationals from 1 January 2002).<sup>226</sup></p>	<p>Parliament opinion in July 2000</p> <p><b>Parliament November 2001<sup>227</sup> opinion</b></p>	<p>Regulation adopted by the Council in March 2001.<sup>228</sup> In accordance with Article 8, the Commission reported on Romania. Adoption of negotiating briefs for readmission agreements with Hong Kong and Macao (see point 2.4).</p> <p><b>Adoption by the Council in December 2001.<sup>229</sup></b></p>		<p><b>Entry into force: 10/4/2001.</b></p> <p><b>Entry into force: 1.1.2002</b></p>

<sup>225</sup> OJ C 177, 27.6.2000.

<sup>226</sup> COM(2001)570, 8.10.2001.

<sup>227</sup> C5-0505/2001, 29.11.2001.

<p>Procedure and conditions for issuing visas by Member States</p>	<p>Commission / Council / Member States</p>	<p>April 2003</p>	<p>In June 2000 Finland presented an initiative on measures for implementing the common consular instruction.<sup>230</sup></p> <p>France has presented an initiative on a proposal for a Council decision on the visa conditions applied by the Member States.</p> <p>Belgium has presented an initiative relating to the amendment of Part VII and Annex 12 to the common consular instruction (<b>visa rights</b>).</p> <p>Belgium has presented an initiative relating to the amendment of Part III and Annex 16 to the common consular instruction (uniform visa application form).</p>	<p>Parliament opinion [rejection] in March 2001<sup>231</sup></p>	<p>– Adoption by the Council, in April 2001, of Regulation No 789/2001 on measures for implementing certain detailed provisions and practical procedures for examining visa applications.<sup>232</sup></p> <p>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 (adaptation to take account of application of Schengen in the Nordic countries) adopted by the Council.<sup>233</sup></p> <p><b>Decision 2002/44/EC<sup>234</sup> amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual adopted by the Council in December 2001.</b></p> <p><b>Decision amending Part III and adding Annex 16 to the Common Consular Instruction adopted by the Council in April 2002.</b></p>		<p><b>Entry into force: 24.4.2001</b></p> <p><b>Implementation: 27.4.2001</b></p> <p><b>Implementation: no later than from 1.7.2004.</b></p>
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<sup>228</sup> OJ L 81, 21.3.2001.  
<sup>229</sup> OJ L 327, 12.12.2001.  
<sup>230</sup> OJ C 164, 14.6.2000.  
<sup>231</sup> A5- 0066/2001, 13.3.2001.  
<sup>232</sup> OJ L 116, 26.4.2001, p. 2.  
<sup>233</sup> OJ L 116, 26.4.2001, p. 32.  
<sup>234</sup> OJ L 20, 23.1.2002.



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	In October 2001 the Commission presented a proposal for amending Regulation 1683/95 on a uniform format for visas. <sup>235</sup>	<b>Parliament opinion in December 2001.</b> <sup>236</sup>	<b>Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation 1683/95 on a uniform format for visas.</b> <sup>237</sup>		<b>Entry into force: 24.2.2002</b>
Uniform format for forms for affixing the visa to travel documents which are not recognised	Commission / Council / Member States	2001	In March 2001 the Commission presented a proposal on the use by the Member States of a secure, uniform format for forms. <sup>238</sup>	<b>Parliament opinion in December 2001.</b> <sup>239</sup>	<b>Council Regulation (EC) No 333/2002 of 18 February 2002 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.</b> <sup>240</sup>		<b>Entry into force: 23.2.2002</b>

<sup>235</sup> COM(2001)577, 9.10.2001.

<sup>236</sup> A5-0445, 12.12.2001.

<sup>237</sup> OJ L 53, 23.2.2002.

<sup>238</sup> COM(2001)157, 23.3.2001.

<sup>239</sup> A5-0445, 12.12.2001.

<sup>240</sup> OJ L 53, 23.2.2002.

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.	
<b>Measures to set up a common system for identifying visas<sup>241</sup></b>	<b>Council / Member States</b>	<b>Short-term action</b>  <b>Long term measures 2005-2006</b>				<b>Feasibility study to be launched in July 2002.</b>  <b>To be seen in the context of the development of SIS II (see below)</b>	
Closer cooperation between EU consulates in third countries	Member States	Ongoing process	See point VIII of the common consular instruction and Recommendation of 4 March 1996.		<b>The Laeken European Council asked that the possibility of establishing joint consular offices be considered.</b>		
Measures on the freedom to travel within the territory of Member States	Commission / Council / Member States	April 2001	In June 2000 the Portuguese Presidency presented an initiative on travel by nationals exempt from the visa requirement. <sup>242</sup>  In July 2000 the French Presidency presented an initiative on travel on a long-stay visa. <sup>243</sup>  The Commission presented, in July 2001, a proposal for a directive on the conditions in which third-country nationals may move freely in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and laying down the conditions for entry for a maximum of six months. <sup>244</sup>	Parliament opinion [rejection] in March 2001 <sup>245</sup>  Parliament opinion (rejection) in January 2001 <sup>246</sup>  <b>Parliament opinion in February 2002</b>	Adoption by the Council end May 2001 <sup>247</sup>		<b>Entry into force: 7.6.2001</b>

<sup>241</sup> This measure is included in the EU Plan of Action against terrorism.

<sup>242</sup> JO C164, 14.6.2000.

<sup>243</sup> OJ C 200, 13.7.2000.

<sup>244</sup> COM(2001)388, 10.7.2001.

<sup>245</sup> A5- 0075/2001, 13.3.2001.

<sup>246</sup> A5- 0388/2001, 18.1.2001.

<sup>247</sup> OJ L 150, 6.6.2001.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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	In March 2001, the Commission presented a proposal on the communitisation of the uniform format for residence permits granted to third-country nationals. <sup>248</sup>	<b>Parliament opinion in December 2001</b>  <b>Work in progress in the Council</b>			
To facilitate the detection of false documents and to provide appropriate training and equipment	Commission / Council / Member States	Ongoing process		Council Recommendation of 29 April 1999 on provision of staff and equipment	In March 2000 the Council adopted a decision to improve exchange of information. <sup>249</sup>	Training programme financed by <b>ARGO</b> programme <b>adopted by the Council in April 2002.</b>	<b>Entry into force: 1.7.2000</b>

<sup>248</sup> COM(2001)157, 23.3.2001.

<sup>249</sup> OJ L 81, 1.4.2000.

**Objective: Control at the external borders of the Union**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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 <sup>250</sup>	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><b>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.</b></p> <p>In May 2002 the Commission presented a communication on external borders.</p>			Italy will present the conclusions of a feasibility study on the development of joint actions cofinanced by Odysseus (ARGO).	

<sup>250</sup>

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

<p>Procedure for adopting certain measures implementing the Common Manual</p>	<p>Commission / Council / Member States</p>		<p>Portugal tabled an initiative on measures implementing the provisions in the Common Manual.<sup>251</sup></p>	<p>Parliament opinion [rejection] in March 2001<sup>252</sup></p>	<p>Regulation on implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance adopted by the Council in April 2001.<sup>253</sup></p> <p>Adoption by the Council in November 2000 of the decision to downgrade parts of the Common Manual.<sup>254</sup></p> <p><b>Decision updating part VI and Annexes 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (adaptation to take account of application of Schengen in the Nordic countries) adopted by the Council in April 2001.<sup>255</sup></b></p> <p><b>Decision declassifying Part II of the Common Handbook adopted by the Council in April 2002.</b></p> <p><b>Decision revising Part I of the Common Handbook adopted by the Council in April 2002.</b></p>	<p><b>Entry into force: 24.4.2001</b></p> <p><b>Entry into force: 1.12.2000</b></p> <p><b>Implementation: 27.4.2001</b></p>
<p>Rapid inclusion of the applicant States in this cooperation</p>	<p>Commission/ Council / Member States</p>	<p>Ongoing process</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>

<sup>251</sup> OJ C 73, 6.3.2001.  
<sup>252</sup> A5-0066/2001, 13.2.2001.  
<sup>253</sup> OJ L 116, 26.4.2001, p. 5.  
<sup>254</sup> OJ L 303, 1.12.2000.  
<sup>255</sup> OJ L 166, 26.4.2001, p. 32.

**Objective: To convert and develop the Schengen acquis**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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. <sup>256</sup>	Commission / Council / Member States	2001	<b>The Commission intends to present a proposal in 2003.</b>				
Development of SIS II	Commission / Council / Member States	2001	Initiative by Belgium and Sweden on the development of the second generation Schengen information system (SIS II). <sup>257</sup>  In December 2001 the Commission presented a communication on the development of the Schengen II information system (to take account of the prospect of enlargement and of technical progress). <sup>258</sup>	<b>Discussion of new functions in SIS II are in progress.</b>	<b>Regulation and Decision on the development of SIS II adopted by the Council in December 2001.</b> <sup>259</sup>	<b>The Commission issued an initial invitation to tender on 2 January 2002 for a feasibility study on the future system.</b>	<b>Deadline for implementation: 14.12.2001.</b>  <b>Expiry date: 31.12.2006</b>

<sup>256</sup> This measure is included in the EU Plan of Action against terrorism (periodic review).

<sup>257</sup> OJ C 183, 29.6.2001.

<sup>258</sup> COM(2001)720, 18.12.2001.

<sup>259</sup> 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	Responsibility	Timetable for adoption	State of play				Transposal
			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	In May 2001 the Commission presented a 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 <sup>260</sup>	<b>Parliament opinion awaited before the end of the first half of 2002.</b>  <b>Work in progress in the Council.</b>			
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	<b>The Commission intends to present a proposal before the end of the first half of 2002.</b>				

<sup>260</sup>

COM(2001)257, 23.5.2001.

**Objective: Information on exercise of rights attached to Union citizenship**

Action needed	Responsibility	Timetable for adoption	State of play				Transposal
			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	In December 2000 the Commission presented a 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. <sup>261</sup>				
First report on municipal elections	Commission	2001	A questionnaire was sent to Member States.			Once the results have been consolidated by the Commission, it will present the report on municipal elections before the end of the first half of 2002.	
Third report on the citizenship of the Union	Commission	By the end of 2000	The Commission drew up its third report in September 2001. <sup>262</sup>	Parliament opinion awaited before the end of the first half of 2002.			

<sup>261</sup> COM(2000)843, 18.12.2000.

<sup>262</sup> COM(2001)506, 7.9.2001.



## 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. The EU Plan of Action against Drugs (2000-2004) will be assessed at mid-term and at completion, 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	Responsibility	Timetable for adoption	State of play				Transposal
			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	In June 2001 the Commission presented a communication on the implementation of the Action Plan. <sup>263</sup>		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	The Commission is currently conducting the mid-term review of its implementation in Europe and the Member States (finalisation expected before the end of 2002).  The negotiations were launched on 7 March 2002.	

<sup>263</sup>

COM(2001)301, 8.6.2001.

					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.	It is planned that the applicant countries will participate in the EMCDDA from 2003.	
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. It has asked the EMCDDA and Europol to maintain surveillance of GHB and Ketamine and to report to it before the end of 2001.</p> <p><b>In December 2001, on the basis of a risk analysis on PMMA, the Commission presented a proposal for a Council Decision defining PMMA as a new synthetic drug which is to be made subject to control measures and criminal provisions.<sup>264</sup></b></p> <p>Sweden presented an initiative for a Council decision establishing a system of special forensic profiling analysis of synthetic drugs and an initiative for a Council decision on the transmission of samples of illegal narcotic substances.<sup>265</sup></p> <p><b>Spain has presented 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.</b></p>	<p>Parliament opinion in May 2001<sup>266</sup></p> <p><b>Report now being examined in the Council.</b></p> <p><b>The Council is continuing to work on aspects relating to determination of the profile of synthetic drugs.</b></p>	<p>Decision concerning control measures and criminal sanctions in respect of the new synthetic drug PMMA adopted by the Council in February 2002.<sup>267</sup></p> <p>Adoption by the Council in May 2001 of the decision concerning the transmission of samples.<sup>268</sup></p> <p>Adoption by the Council in April 2002.</p>		<p>The Member States have three months to transpose the decision.</p>

<sup>264</sup> COM(2001)734, 6.12.2001.

<sup>265</sup> OJ C 10, 12.1.2001.

<sup>266</sup> A5-0121/2001, 3.5.2001.

<sup>267</sup> OJ L 63, 6.3.2002, p. 14.

<sup>268</sup> OJ L 150, 6.6.2001.

							<b>Entry into force: 1.7.2001</b>
Development of a methodology for the evaluation of the EU Drugs Strategy for 2000-2004	<b>Council and Parliament on the basis of proposals of the Commission</b>		<b>Development by the EMCDDA and Europol in 2001 and 2002 of methodological instruments to evaluate anti-drug measures.</b>		<b>On 10 December 2001 the Council adopted a Resolution on the national implementation of these epidemiological indicators.</b>		
Common definitions, offences and penalties in the field of drug trafficking. <sup>269</sup>	Council, on the basis of a proposal by the Commission	April 2001	<b>Having received a study of national laws and regulations on drug trafficking</b> , 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. <sup>270</sup>	<b>Parliament opinion in April 2002.</b> <sup>271</sup>		The Laeken European Council restated the urgency of this proposal being adopted before May 2002.	
Financial instrument for combating drug trafficking	Council, on the basis of a Commission proposal or a Member State initiative		In 2001 the Commission implemented the budget line introduced at the European Parliament's request to finance a preparatory programme to combat drug trafficking.			<b>In 2002 the Commission will implement this financial instrument for the second year running.</b>	

<sup>269</sup> See also table on "Fight against certain forms of crime".

<sup>270</sup> COM(2001)259, 23.5.2001.

<sup>271</sup> A5-0460/2001, 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 in the definition and implementation of other Union policies and activities.

**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	Responsibility	Timetable for adoption	State of play				Transposal
			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; <b>on 28 February 2002 on external borders, drugs and questions of judicial capacity.</b>	Adoption in September 2001 by Member States and applicant countries of 12 undertakings on combating trafficking in human beings.	Ongoing negotiations on Chapter 24 (Justice and Home Affairs) and further Community support to JHA through the Phare programme, twinning schemes, partnership agreements and participation in JHA programmes.	
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; <b>update for the Laeken European Council in December 2001.</b>				

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			Signing of agreements, including the JHA chapter, with Croatia and FYROM, and negotiations <b>now being prepared</b> with Albania <b>and the FRY</b> extending to JHA matters. <b>Establishment of a regional and country-by-country</b> JHA strategy for the CARDS programme (2002-06) applying especially to asylum, immigration, organised crime, <b>judicial matters, border management</b> and maintenance of a regional dynamic for the reform of JHA institutions.				
Continuation of the Barcelona Process			Reinforce the JHA dimension of the Meda programme; <b>(adoption of a framework document on 22 April 2002)</b> ; implementation of the action plan of the High Level Working Group on Asylum and Immigration <b>for Morocco</b> .				

<p>– Concluding of readmission agreements</p>			<p>Negotiations under way for readmission agreements with Macao, Russia, Pakistan, Sri Lanka and Morocco.</p>	<p><b>Agreement signed</b> with Hong Kong.</p> <p><b>A negotiating brief for a readmission agreement with Ukraine is being discussed in the Council.</b></p>			
<p>– Cooperation on justice and home affairs</p>				<p><b>Russia: implementation of the action plan to combat organise crime.</b></p> <p><b>Ukraine: implementation of the JHA action plan.</b></p> <p><b>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.<sup>272</sup></b></p>			

<sup>272</sup>

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

<p>- Negotiation of multilateral instruments</p>			<p>Council of Europe:</p> <ul style="list-style-type: none"> <li>- Cybercrime Convention; <b>open for signature;</b></li> <li>- 2<sup>nd</sup> Protocol to the 1959 Convention: <b>Adoption by the Council of Europe on 20.09.2001 and open for signature on 8.11.2001;</b></li> </ul> <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><b>United Nations Protocol on firearms signed by the Commission for the European Community.</b></p> <ul style="list-style-type: none"> <li>- <b>Corruption: common negotiating position adopted in November 2001. 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.<sup>273</sup> New common negotiating position in preparation.</b></li> <li>- <b>Terrorism: constant European Union support for the second stage of the negotiations for a convention against international terrorism.</b></li> </ul>			<p><b>Organised crime: the Commission will present a proposal for conclusion of the UN Convention and its Protocols by the Community before the end of the first half of 2002.</b></p>	

<sup>273</sup>

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	Adoption by the Council end May 2001
France	Council Recommendation regarding the assessment of terrorist threats against VIPs	<b>Adoption by the Council in December 2001</b>
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
Belgium, Spain and France	Draft Council Decision amending Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders	Work ongoing in the Council.  <b>Parliament opinion in April 2002</b>
Netherlands	Draft Council Decision setting up a European network of contact points as regards persons responsible for genocide, crimes against humanity and war crimes.	Work ongoing in the Council.  <b>Parliament opinion in April 2002</b>



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).
Spain	Draft Council Decision establishing a European Police Studies Institute.	Presentation to the Council in January 2002.
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	Work ongoing in the Council. (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 (See implementation of the EU Action Plan on Drugs (2000-2004))
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	Work ongoing in the Council.
Spain	Council Decision establishing a European network for the protection of VIPs	Presentation to the Council in January 2002.