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TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

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

(SECOND HALF OF 2001)

PREFACE

This edition of the Scoreboard itself follows the same format as its three previous editions. It presents in detail the many objectives and deadlines set by Tampere; the instruments needed to achieve them; the responsibilities attributed in each case by Tampere to get the process started, progressed and completed; and where the next move must come from if the momentum created by Tampere is to be maintained. On this occasion, a summary listing the main achievements since Tampere has been added in order to help the reader to interpret the tabular presentation.

This immediately pre-Laeken edition of the “Scoreboard”, however, also provides the occasion to extend the analysis beyond the purely mechanical measuring of progress in terms of the tabling and adoption (or non-adoption) of the various instruments needed. It therefore seeks also to provide the Commission’s own evaluation of progress as a contribution to the European Council’s debate.

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INTRODUCTION

THE LAEKEN MID-TERM REVIEW

The Presidency's conclusions from the Tampere European Council of 15-16 October 1999 put on record, in paragraph 3 of its introductory page, the clearly stated wish of Heads of State and Government that their far reaching objectives for the creation of an area of freedom, security and justice should be achieved in accordance with the ambitious timetable fixed by the Amsterdam Treaty, as further refined at Tampere. They also made clear their determination to be kept personally informed on the extent and pace at which their agreed programme was being implemented. To this end, they envisaged a double mechanism:

- a "Scoreboard", to be produced at regular intervals by the Commission, monitoring progress in the adoption and implementation of the impressive range of measures needed to meet the targets set by the Treaty and the European Council ;
- a rendez-vous, fixed for December 2001, when Heads of State and Government would hold an in-depth debate to assess the progress achieved.

If ever there was any doubt about this commitment at the highest level, it was forcefully eliminated by the language of the conclusions of the special European Council on 21 September called in response to tragic events of 11 September. Not only did Heads of State of Government on that occasion restate the importance of the Tampere programme and its timetable: they also went so far as to give "instructions" that it should be implemented in its entirety as quickly as possible. The message to the Union's institutions and Member States could not be clearer.

The two mechanisms mentioned above come together in a very concrete way in the preparations for Laeken. The Laeken meeting of the European Council will constitute the rendez-vous envisaged at Tampere: the attached edition of the Commission's "Scoreboard" provides Heads of State and Government with an up-to-date account of the state of progress in implementing the programme which they set for themselves two years ago.

OVERALL ASSESSMENT

The Scoreboard's message to the European Council is generally positive: provided that efforts are maintained and strengthened, the prospects for delivering the Tampere objectives remain good. The initiative taken at Tampere has undoubtedly borne fruit and concrete examples of the progress already achieved are given later in this introduction. By devoting a full meeting to the implementation of the key relevant provisions of the Amsterdam Treaty, Heads of State and Government sent out the clear signal that they were determined to pursue a global long-term strategy with well-defined and structured objectives. Since Tampere, all three institutions have worked together, in a Union spirit, with a single goal in mind: the creation of an area of freedom, security and justice.

There is indeed a widespread recognition (both public and political) that the most challenging issues facing our society, such as migration and crime, can only be usefully addressed at the level of the Union rather than by Member States acting alone. In addition, the establishment of networks have led to a new culture of European co-operation at both the political and operational level.

Furthermore, since Tampere, the Union has established itself as a significant player on the international stage in the field of justice and home affairs as a component of the external policies of the Union in general. The Union's response to the events of 11 September 2001 both internally and on the external scene has demonstrated its capacity to take joint action.

Finally, Tampere marked an important moment in the development of the draft Charter of Fundamental Rights of the European Union by laying down the mechanisms by which it would be drawn up. By ensuring that these fundamental principles are respected, the Charter proclaimed in December 2000 on the occasion of the Nice European Council, has become an essential component of the area of freedom, security and justice.

Two years after Tampere, it can be said that the questions put by the European Council are clearly on the table in all their detail. As a result of initiatives taken by the Commission and/or Member States, there is no further doubt possible about what is involved if the objectives set by Tampere are to be met. Laeken will provide the opportunity, programmed by Heads of State and Governments themselves, to reaffirm that they meant what they said at Tampere, and ringingly confirmed in Brussels on 21 September 2001, so that the necessary sense of urgency will be injected into the execution of their instructions.

Such a message can count on the full support of the Commission. No one would understand if Laeken were to lower the level of ambitions set at Tampere, either in their content or their timetable, as this would suggest an acceptance that the admittedly real difficulties of adjusting national approaches to these sensitive issues imply a need to slow down and/or dilute the common objectives set by the Treaty. On the contrary, anything less than the speeding up of the Tampere milestones would profoundly disappoint public opinion which has consistently called for further achievements in this area.

Taking the key areas in turn:

- **Mutual recognition**

A major advance since Tampere has been the general acceptance of the concept of the mutual recognition of Court judgements as a practical way of overcoming the deeply embedded differences in Member States' judicial traditions and structures. The principle having been accepted, for both the civil and the penal areas, Member States' willingness to pursue to a successful conclusion the detailed implementation is now being tested.

In the civil area, this principle has already crystallised in two landmark Community instruments: the so-called "Brussels I" and "Brussels II" regulations. These instruments, together with other pieces of legislation already adopted (e.g. regulations on the service of documents and taking of evidence), constitute a solid base towards more advanced degrees of mutual recognition and the long term objective of completely suppressing "exequatur".

In the penal area, a key indicator of the Member States' commitment to this aspect of judicial cooperation will be the extent to which the Council is able to meet the instruction from the European Council to adopt within two months the proposals for a European Arrest Warrant.

- **Criminal legislation**

As regards criminal law, difficulties have been encountered in the implementation of the Tampere requests relating to common definitions, incriminations and sanctions for several priority areas. The main problems are linked to the level of sanctions. This has not,

however, prevented the Council from reaching an agreement on the penalties for counterfeiting the Euro, nor to adopt legal instruments on the liability of smugglers. Another encouraging recent development has been the agreement by the 28 September Justice and Home Affairs Council on the framework decision concerning the crime of trafficking in human beings. The Council's response to the insistence of the 21 September European Council on the swift adoption of the Commission's recent proposal for a common definition of terrorist acts will be an important indicator in this area. It should anyway be hoped that, with that kind of message from the highest level, all the priority areas identified in paragraph 48 of the Tampere conclusions (e.g. in the area of fight against drugs trafficking, sexual exploitation of children and high tech crimes) should benefit from this new momentum which Laeken could usefully confirm.

- **Legislation in other areas**

More disappointing has been the failure to meet the Tampere deadlines in certain areas involving legislation. The Tampere conclusions unambiguously call for common policies in a number of clearly identified areas. In making such a call, Heads of State and Government were certainly aware that common policies cannot be constructed without a minimum of adjustment of national policies. Yet the thrust of discussion in the Council on a number of individual legislative proposals reveals a continuing determination by Member States to ensure that any common policies should involve the least possible adjustment to each one's existing national approaches. Such an attitude is understandable up to a point and for a limited time, but unworkable in practice, especially when tight deadlines have been set. The longer it takes to agree on a common policy, the greater the danger of one or other Member State constructing its own policy with mainly national considerations in mind and without reference to European context in which it will be set. If this happens, the more people will question the added value of European-wide policies in areas which feature so high on their list of daily concerns.

- **Immigration and asylum**

The areas of immigration and asylum provide a particular example of this phenomenon. The decision taken at Amsterdam to move these subjects from the third to the first "pillar" of the Treaty was in part intended to enable them to benefit from the more dynamic Community decision-making process, including its full involvement of the European Parliament and the Court of Justice. Furthermore, the Tampere conclusions listed very precisely the measures which were considered essential for the purposes of building up the common policies in these related areas. The necessary proposals, some of them representing a reformatting in Amsterdam language of elements already under discussion for some time under the Maastricht rules, have been tabled by the Commission and set in the framework of a general approach spelled out in two communications to the Council and Parliament.

It would be satisfying to be able to report to the European Council that the "pillar switch" has led to a greater sense of urgency and flexibility than was the case before the Amsterdam Treaty came into force, particularly in the light of the clear deadlines set at the highest level. Unfortunately, that is not yet the case. To be sure, some positive developments can be reported as for instance the creation of the European Refugee Fund, the adoption of the directive on Temporary Protection and the setting up of the Eurodac system. Nevertheless, discussions in the Council on several other draft proposals, reveal the familiar phenomenon of one or more Member States being more than reluctant to contemplate adjusting their national policy to enable agreement to be reached on a common policy is still reminiscent of pre-Amsterdam days. In an area where nearly all decisions are still taken by unanimity,

there is an absence of effective pressure to make essential concessions. This is something on which, if the necessary political will does not filter down to the detailed negotiations, the Commission invites Heads of State and Government to reflect carefully on whether they are taking full advantage of the possibilities of the existing Treaties; on how they will use the improvements offered by Nice; and what future institutional and decision-making changes may be needed in the future Treaty including possible moves away from the unanimity rule in blocked areas.

- **Existing and new bodies/structures**

Satisfaction can be drawn from the momentum generated in implementing the European Council's wish to see improvements to or the creation of a number of cooperation structures they singled for mention at Tampere. Although at this stage of their existence, these various structures differ considerably in the state of their development, their basis within the Treaty and the clarity of their respective mandates, all of them either already have or can look forward to playing the role envisaged for them at Tampere. Attention must continue to be directed towards building up an effective, Treaty-based capacity for each of these different bodies. No less important, however, will be the task of ensuring coordination between them, so that each has a clearly defined role, thus ensuring their complementarity and avoiding any risk of duplication or contradiction of effort. Their response, even in these early days of the existence of some of them, to the events of 11 September, will already provide a first test of this necessary coordination. The bodies concerned are:

- **EUROPOL:** Both Amsterdam and Tampere foresee an enhanced role and capacity for Europol. This was forcefully reiterated at the European Council's special meeting on 21 September, which emphasised, inter alia, the need for Europol to be provided rapidly and systematically with the information it needs on terrorism and to be reinforced with specialists on anti-terrorism.
- **EUROJUST:** Eurojust has got off to an impressively quick start with the early establishment of its provisional formation. It should move into its second, and more complete, phase in 2002.
- **The Task Force of Chiefs of Police:** This has now met once in each Presidency since Tampere. Its operational role and its relationship with Europol still needs to be defined, but the first ground work has been laid.
- **The European Police College:** Initial discussions have confirmed the enthusiasm of the practitioners themselves, even if there remain some (surmountable) arguments of a budgetary and institutional nature, including the question of the creation of its Secretariat.

To these can be added:

- The 20 September Justice and Home Affairs Council's call for regular meetings of heads of Member States' Security and Intelligence Services;
- A possible new structure related to border management, in particular to provide for shared training, exchanges and coordination of border controls between the services concerned in Member States, perhaps with a view to the establishment, in the longer term, of a common border control institution.

- **External dimension, including enlargement**

The coincidence of the Tampere timetable and that of the enlargement process means that the two are intrinsically linked. In putting in place the necessary legislative and cooperation measures foreseen by Tampere, the Union is in effect creating a new and constantly evolving *acquis* with potentially significant consequences for the candidate countries. They will have to work hard to understand and be ready for these changes. As the Union covers new ground, new challenges will inevitably arise. New concepts, such as a mutual recognition, may require special attention in the context of enlargement.

International developments since Tampere have demonstrated the wisdom of the European Council's call for strengthening the Union's external action on Justice and Home Affairs. This has been particularly highlighted by the events of 11 September which have not only mobilised the Transatlantic Dialogue but have also clearly demonstrated the need to develop the Union's relationship with a range of other third countries.

KEY MESSAGES

The Commission's assessment for Laeken of progress since Tampere can be summarised as follows:

- the process launched by Tampere has been globally positive, leading to wide understanding of and support for the programme set out there by the European Council;
- the ultimate success of the Tampere project will depend on the level of continuing public support which it enjoys; this in turn requires that it be pursued with a maximum degree of visibility and transparency so that citizens can identify with it as a response to their daily concerns;
- in some areas, concrete advances can be pointed to, notably the general willingness in principle of Member States to adopt a mutual recognition approach in order to overcome the obvious difficulties of full harmonisation;
- the move of certain subjects, especially immigration and asylum, to the Community pillar of the Treaty has not, however, produced the hoped results for increase in flexibility and urgency. This reluctance to make progress should be surmountable by the injection of a major new dose of political will;
- the new bodies envisaged by Tampere for improving cooperation (EUROJUST; the Police Chiefs Task Force; the European Police College) are to varying degrees on the way to being set up. These successes should be followed up by examining the possibility of setting up a comparable new body to manage training and exchanges for those (including in the candidate countries) involved in the management of the external frontier. By contrast, the progress towards enabling EUROPOL to play the enhanced role envisaged for it by Amsterdam and Tampere has been slow, even if it can be hoped that the 11 September events may speed up the necessary decisions;
- sight must not be lost of the read-across between the implementation of Tampere and the enlargement process. On the one hand, there is every advantage in having the area of freedom, security and justice as completely in place as possible in time for enlargement: on the other, the constantly evolving *acquis* will introduce potentially challenging new elements to which the candidate countries will have to adjust at the same time as the enlargement negotiations proceed;

- above all, the Laeken European Council will need both to maintain and strengthen the momentum of Tampere, and also to make the link with its separate debate on the future of Europe so that the next Intergovernmental Conference can introduce any necessary institutional and decision-making changes to effectively build the area of freedom, security and justice.

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EXECUTIVE SUMMARY

1. This section provides a summary listing of the main achievements since Tampere, as set out in detail in the tables which follow.

A common European policy on asylum and migration

In the asylum field, the Council has now received all the legislative proposals necessary to implement the first phase, covering the establishment of minimum standards for asylum procedures and reception conditions for applicants, criteria for determining which Member State is responsible for examining an asylum application, the definition of what is meant by "refugee" and the alignment of additional forms of protection.

In November 2000 the Commission presented a communication in which it put forward objectives, options and a methodology for the transition to the second phase of the common European policy on asylum, characterised by the introduction of a common procedure and uniform status.

The Council paved the way for Community management of international protection when, on the basis of proposals from the Commission, it adopted: the European Refugee Fund, which was operative in 2000 and 2001, the EURODAC system, which is currently being developed and, lastly, the Directive on temporary protection, which provides the Community and its Member States with a common framework in the event of a mass influx of displaced persons.

As regards immigration, the Commission set out its proposed method of contributing to the formulation of a common policy in its November 2000 communication. This approach entails, on the one hand, creating a legislative framework laying down the conditions of entry and residence for third-country nationals and, on the other, an open coordination mechanism designed to promote the gradual convergence of the Member States' policies. The necessary legislative proposals on family reunification, the rights of third-country nationals who are long-term residents and admission for employment purposes have been submitted to the Council. The Council has already adopted a package of anti-discrimination measures proposed by the Commission and ensured that the struggle against social exclusion has been placed on the European social agenda.

The struggle against illegal immigration is another important aspect of a common policy on the management of migratory flows. Various advances have been made in terms of operational cooperation, and the first legislative instruments have been adopted to prevent the facilitation of unauthorised entry and residence and to ensure the mutual recognition of expulsion decisions.

Other initiatives designed to consolidate the foundations of this common policy are in the pipeline, especially as regards improving knowledge of the migration phenomenon, through the preparation of a new action plan on statistics and the creation of a (virtual) migration observatory, and administrative cooperation, which should be stepped up as part of the new ARGO programme.

Lastly, cooperation with third countries of origin and transit has continued, in particular through the gradual integration of migration and asylum questions into the political dialogue and cooperation with non-member countries, for instance with ASEM, the Mediterranean (Barcelona Process and MEDA Programme), China, the western Balkans and certain countries for which action plans have been established on the initiative of the High Level Group on Immigration and Asylum. The creation of a new financial instrument by the budgetary authority should help, together with the actions of the Member States, to facilitate this process.

A genuine European area of justice

In civil and commercial matters, a Civil European Judicial network has been set up whose purpose is to ensure ongoing exchanges of information between national authorities. A European extra-judicial network has also been established to provide support to consumers involved in disputes. As regards the mutual recognition of judicial decisions in civil matters, a programme has been adopted which is based on the Brussels I and II Regulations (these Regulations deal with the recognition and enforcement of judgments in civil and commercial matters and in family law matters respectively); it is designed, in the long term, to abolish the "exequatur" requirement for enforcing decisions in civil and commercial matters in another Member State. This programme, which focuses on judicial decisions, is to be extended to include the recognition of certain administrative procedures and documents which, in addition to judicial procedures themselves, currently pose problems for the citizens concerned.

A European Judicial Network has also been established in the criminal-law field. In line with the commitments entered into at Tampere, the Council and the Commission have adopted a programme of measures to put the principle of mutual recognition into practice in respect of criminal-law decisions. Mutual recognition must be sought in all phases of the criminal-law procedure whether prior to, during or after the sentence ruling. As part of its contribution to the priority measures in this field, the Commission has presented a proposal for a Council framework decision on the European arrest warrant and surrender procedures between Member States. The Extraordinary European Council of 21 September 2001 endorsed the creation of a European arrest warrant allowing wanted persons to be handed direct from one judicial authority to another, which will replace the current extradition system between Member States.

As regards the protection of victims, a framework decision has been adopted by the Council. The Commission has also launched public consultations via publication of a Green Paper concerning victim compensation.

Union-wide fight against crime

An important aspect of the Tampere action plan concerns the alignment of criminal law in a number of priority sectors, for each of which the establishment of common definitions, charges and penalties is required. The Council has adopted the initiatives

presented by France on smuggling of migrants (directive and framework decision). The Council meeting of 27 and 28 September also reached agreement in principle on the Commission's proposal for a framework decision on combating trafficking in human beings. Work is continuing in the Council on the proposal for a framework decision to combat the sexual exploitation of children and child pornography and cybercrime. The Commission has also put forward a proposal for a framework decision on the fight against terrorism and will present a proposal on racism and xenophobia. The decisions necessary to ensure effective protection of the euro, particularly against counterfeiting, are currently being finalised.

The Council has decided to set up a crime prevention network. Its action programme incorporates the priority areas for crime prevention identified at Tampere: juvenile delinquency, urban crime and drug-related crime.

As regards cooperation on criminal law enforcement, the decision to set up the definitive Eurojust unit is expected by the end of 2001. Its establishment will be an important part of ensuring proper coordination between the national prosecuting authorities and providing assistance in the investigation of cases of organised crime. Regarding customs cooperation, the ratification process for the CIS and Naples II conventions is still under way.

With regard to police cooperation, a joint Belgo-Swedish proposal was put forward on extending Europol's powers to include all types of crime. An initiative was also presented in September 2001 by four Member States on the setting-up of joint investigation teams. This type of cooperation has had a much higher profile since the Extraordinary European Council of 21 September on terrorism. In addition, the creation in October 2000 of the Task Force of Police Chiefs will enable operational cooperation between police forces to be improved, while the establishment of the European Police College (CEPOL) will promote police training.

Tampere also called for the development of measures to combat money-laundering to be stepped up significantly in view of their importance in the struggle against organised crime. This is also true of the struggle against terrorism and its funding, as reiterated in the conclusions of the Extraordinary European Council of 21 September. Looking at the fight against financial crime more generally, the October 2001 Council signified its agreement to a Directive modifying the 1991 Directive on preventing the use of the financial system for the purposes of money-laundering that should be formally adopted by the end of the year; furthermore the Member States have signed the draft Protocol to the Convention of May 2000 on mutual judicial assistance in criminal matters, which they have undertaken to ratify by the end of 2002. As regards the protection of the financial interests of the Community, the Member States have still to ratify a variety of Third Pillar legislative instruments. The Commission therefore presented a proposal for a Directive in this field in May 2001. In addition, by the end of 2001, the Commission will present a Green Paper on the protection under criminal law of the financial interests of the Community and the creation of a European Public Prosecutor. Finally, the framework decision on the freezing of assets should be adopted by the end of the year.

At multilateral level, an important milestone was passed when the Member States and the Community signed the United Nations Convention on Transnational Organised Crime and its additional protocols.

Questions concerning policy on the Union's internal and external borders and on visas, the implementation of Article 62 of the EC Treaty and the conversion of the Schengen acquis

The Incorporation of the Schengen acquis has had a significant impact on the Union's work. Proposals have been put forward by the Member States and the Commission on certain legislative measures necessary either for the transposition of Schengen into ordinary Community law or for its development. These different proposals are currently being discussed in the Council. The development of common practice, particularly as regards visas and controls at external borders, needs to be taken further.

Citizenship of the Union

The Commission has presented a proposal for a directive designed to launch a comprehensive reform of all existing Community legislation on the right of free movement and residence. These provisions aim to ensure greater transparency and make certain aspects of the current arrangements more flexible.

Cooperation in the fight against drugs

In June 2001 the Commission presented a communication on the implementation of the Action Plan on Drugs (2000-2004). With a view to contributing to the delivery of the Action Plan's specific objectives, the Commission has also presented a proposal for a framework decision on minimum rules governing the illegal trade in drugs and penalties.

Stronger external action

The adoption by the Feira European Council in June 2000 of the report prepared by the Council and Commission on external relations in the JHA field enabled a series of priorities and policy objectives to be identified. Negotiations on JHA aspects are ongoing as part of the enlargement process. The Community has also supported the applicant countries via specific projects under the Phare programme, partnership agreements and participation in the JHA programmes. The Stabilisation and Association Agreements between the Union and the countries of the western Balkans all contain a substantial JHA component (e.g. the CARDS Programme) At international level, the Member States and the Community have signed the United Nations Convention on organised crime and the protocols on smuggling of migrants and trafficking in human beings. These instruments are currently in the process of being ratified. Also under the aegis of the United Nations, the Member States and the Community are planning to sign the protocol against firearms and are taking part in preparatory work for the convention against corruption. The Member States and the Community are also involved in the final phase of work on the Council of Europe Convention on Cybercrime.

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.

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
Continuation of the mandate of the High Level Working Group on Asylum and Migration	Council and Commission		Ongoing work within the HLG, notably as regards the utility of extending its term of office and its working methods. Action plan for Albania and the neighbouring regions adopted by the Council in June 2000. The report on the implementation of the action plans already adopted was presented to the Nice European Council in December 2000 Adoption by the Council end May 2001 of the report on the activities undertaken during the Swedish presidency

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.
Implementation of a new budgetary instrument for cooperation with third countries of origin and transit ¹	Council and Commission	As quickly as possible	In accordance with the decision by the Budgetary Authority, the Commission ensures that the operations planned in the 2001 budget (EUR 10 million) are implemented via preparatory actions. To that end, it adopted the implementing framework for these actions in August 2001. It will put forward a proposal for the legal basis underpinning implementation of this new budgetary instrument at a later stage if possible in the course of 2002. ²

¹ Follow-up to EP resolution of 30 March 2000.

² 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
Examination of the effectiveness of the Dublin Convention	Evaluation to be conducted by the Commission	2000	Questionnaire sent by the Commission to the Member States in June 2000 Final evaluation report presented in April 2001
Adoption of criteria and mechanisms (regulation)	Council, on the basis of a Commission proposal	April 2001	Commission's staff working document presented in March 2000 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
Finalise work on EURODAC	Council and Commission		Adoption of the Eurodac regulation by the Council in December 2000 Development of the central unit by the Commission, in contact with the experts from the Member States.

Objective: A fair and efficient asylum procedure

<p>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)</p>	<p>Council, on the basis of a Commission proposal</p>	<p>April 2001</p>	<p>The Commission presented a proposal in September 2000 - Parliament opinion in September 2001</p> <p>The Commission plans to present an amended proposal before the end of 2001</p> <p>Orientation debate in the Council in September 2001</p>
<p>Definition of common minimum conditions for reception of asylum seekers (with particular attention to the situation of children) (directive)</p>	<p>Council, on the basis of a Commission proposal</p>	<p>April 2001</p>	<p>Council conclusions adopted in November 2000 on the basis of a French Presidency working document The Commission presented a proposal in April 2001 - Work in progress in the Council</p>
<p>Common asylum procedure</p>	<p>Commission (in part)</p>		<p>The Commission presented a communication in November 2000, proposing a two-phase approach.</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 early in November 2001.</p> <p>Parliament opinion on a common procedure and uniform status throughout the Union adopted in October 2001</p> <p>Possible agreement in principle on the recommendations at the Laeken European Summit</p>

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

As a follow-up to the Commission communication, a legislative instrument may be needed	Council, on the basis of a Commission proposal		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 Commission proposal	April 2004	The Commission presented a proposal for a directive in September 2001

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

Temporary protection in the event of mass influx of displaced persons in need of international protection (directive)	Council, on the basis of a Commission proposal	As quickly as possible	The Commission proposal for a directive presented in May 2000 Parliament opinion in March 2001 Adopted by the Council in July 2001
Subsidiary forms of protection (directive)	Council, on the basis of a Commission proposal	April 2004	The Commission presented a proposal for a directive in September 2001 (cf. previous objective)

Objective: To ensure a balance of effort between Member States in receiving refugees and displaced persons and bearing the consequences of such intake

Setting up a European Refugee Fund (decision)	Council, on the basis of a Commission proposal	As quickly as possible	Decision adopted by the Council in September 2000 Exercises 2000 and 2001 under way. For 2002, presentation of outstanding requests for co-financing by the Member States The Member States have selected, on the basis of their respective situations and priorities, proposals and projects for the reception, integration and voluntary repatriation of persons identified by the European Refugee Fund. Project implementation has already started in most Member States under the 2000 and 2001 programmes
Making a financial reserve	Council and EP, possibly on		The Commission is exploring possibilities

available in the event of mass influx of refugees	the basis of a Commission proposal		
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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 xenophobia³

Action needed	Responsibility	Timetable for adoption	State of play
Implementation of the principle of equal treatment between persons irrespective of race or ethnic origin (directive)	Council, on the basis of a Commission proposal	June-December 2000	Directive adopted by the Council in June 2000. Implementation deadline: 19 July 2003.
Establishment of a general framework for equal treatment in employment and occupation (directive)	Council, on the basis of a Commission proposal		Directive adopted by the Council in November 2000. Implementation deadline: 2 December 2003.
Programmes drawing upon best practice and experience (decision)	Council, on the basis of a Commission proposal		Decision adopted by the Council in November 2000 on the Community action programme (2001-06) to support Member States' efforts. Programme launched 1 January 2001.
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.

³ Measures aimed at enhancing non-discrimination and at fighting racism and xenophobia apply generally to all persons residing in the territory of the European Union; they are particularly relevant with regard to third-country nationals.

Enhancing police and judicial cooperation in preventing and combating racism and xenophobia – common charges for racism and xenophobia (framework decision) ⁴	Council, on the basis of a Commission proposal		<p>The second report on the implementation of the Joint Action of 15 July 1996 is expected in 2001</p> <p>The Commission presented a proposal for a framework decision on racism and xenophobia in November 2001</p>
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Objective: Approximation of national legislation on the conditions for admission and residence of third-country nationals

Assessment of present and future migration flows into the EU, with regard to demographic changes, the situation of labour market, as well as migration pressures from countries and regions of origin	Council / Commission / Member States		<p>The Commission communication of November 2000 covers this aspect.</p> <p>The Commission presented in July 2001 a communication on implementing an open coordination policy on immigration.</p> <ul style="list-style-type: none"> - Parliament opinion adopted in October 2001 - Possible agreement in principle at the Laeken European Council on the implementing mechanism for immigration policy
Conditions of entry and residence for the purpose of (a) family reunification, (b) study or vocational training, (c) paid employment and self-employed economic activity (directives)	Council, on the basis of Commission proposals		<ul style="list-style-type: none"> • Commission proposal for a directive on the right to family reunification submitted to Parliament and Council on 1 December 1999 - Parliament opinion in September 2000. <p>The Commission presented an amended proposal on family reunification in October 2000</p> <ul style="list-style-type: none"> - Agreement in principle in the Council expected in December 2001 <ul style="list-style-type: none"> • The Commission presented a proposal for a directive on admission for employment in July 2001 • The Commission plans to present proposals for directives on admission for study, vocational training or other purposes in the first half of 2002
Standards and procedures for the issue of long-term visas and residence permits (directive)	Council, on the basis of Commission proposals		

⁴ See also table on “Fight against certain forms of crime”.

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

<p>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)</p>	<p>Council, on the basis of Commission proposals</p>		<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</p> <p>Parliament opinion scheduled for November 2001</p>
<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 Commission proposals</p>		<p>The Commission presented a communication on implementing an open coordination policy on immigration in July 2001 (see above).</p>

2.4. Management of migration flows

Management of migration flows should be improved at every stage through close cooperation with countries of origin and transit.

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

Objective: 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
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 end 2001/early 2002
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 <i>inter alia</i> on a contribution from Greece

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

<p>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)⁵</p>	<p>Council on the basis of Commission proposals</p>		<p>The Commission tabled a proposal for a Council framework decision on combating trafficking in human beings in December 2000. Agreed in principle by the Council in September 2001</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.</p> <p>- Parliament opinion (rejection) in February 2001</p> <p>- Adopted by the Council in September 2001</p>
<p>Detecting and dismantling the criminal networks involved by making the fight against illegal immigration one of the priorities of operational cooperation</p>	<p>Member States /Commission/ Europol</p>		<p>The Commission intends to present a communication on combating illegal immigration in November 2001.</p> <p>Possible agreement in principle at the Laeken European Summit</p> <p>The Commission intends to present early in 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</p> <p>Setting up of cooperation frameworks to combat illegal immigration from China and the western Balkans, organised in November 2000 and March 2001 respectively</p>
<p>Exploring possibilities for establishing common standards and pooling resources for investigations into illegal immigration networks⁶</p>			<p>Work in progress in the Council (CIREFI) on improving action against illegal immigration networks (see above).</p>
<p>Further harmonisation of Member States laws on carrier's liability (directive)</p>	<p>Council on the basis of a Commission proposal or a Member State initiative</p>		<p>The French Presidency tabled a directive in July 2000</p> <p>- Parliament opinion (rejection) in March 2001</p> <p>Adopted by the Council (end May 2001)</p> <p>Adoption by the Council on 27 June 2001 of a directive supplementing the provisions of</p>

⁵ See also table on "Fight against certain forms of crime".

⁶ Transferred from table on "Stepping up cooperation in the fight against crime".

			<p>Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985</p> <p>Organisation by professional bodies, with the Commission's support, of a round table on general issues relating to hauliers' liability in November 2001</p>
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Objective: To assist countries of origin and transit

Development of information campaigns on the actual possibilities for legal immigration and prevention of all forms of trafficking in human beings	Council on the basis of Commission proposals	April 2001	<p>In accordance with the decision by the Budgetary Authority, the Commission ensures that the operations planned in the 2001 budget (EUR 10 million) are implemented via preparatory actions. To that end, it adopted the implementing framework for these actions in August 2001. It will put forward a proposal for the legal basis underpinning implementation of this new budgetary instrument at a later stage.⁷</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			

⁷ See also table on "Partnership with countries of origin".

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

<p>To conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries</p>	<p>Council, on the basis of Commission proposals</p>		<p>Negotiations under way for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco, Hong Kong and Macao</p>
<p>Development of common minimum standards on repatriation</p>	<p>Council/Commission/Member States</p>		<p>The French Presidency presented a draft directive in July 2000 on the mutual recognition of expulsion orders.</p> <p>Parliament opinion (rejection) in March 2001.</p> <p>Adoption by the Council end May 2001</p> <p>The Commission intends to present a communication on a common policy on repatriation in the second half of 2001.</p>

3. A GENUINE EUROPEAN AREA OF JUSTICE

The Tampere priorities

The ambition is to give citizens a common sense of justice throughout the Union. Justice must be seen as facilitating the day-to-day life of people and bringing to justice those who threaten the freedom and security of individuals and society. This includes both better access to justice and full judicial cooperation among Member States.

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 setting up systems for the mutual recognition of judicial decisions.

3.1. Better access to justice in Europe

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

Objective: To ensure legal certainty and equal access to justice

Action needed	Responsibility	Timetable for adoption	State of play
Information campaign and publication of "user guides" on judicial cooperation within the Union	Commission		With a view to facilitating the provision of information to users, the Commission will launch specific initiatives during 2002 , based on the outcome of dialogue with citizens and business; and in synergy with the future European Judicial Network and with the work of the Council of Europe
Establishment of a permanent information system by a network of national authorities (the European Judicial Network for Civil Matters)	Council, on the basis of a proposal by the Commission	2001	<p>The Commission presented a proposal in September 2000</p> <p>Parliament opinion in April 2001</p> <p>Adoption by the Council end May 2001 of the decision establishing a European judicial network in civil and commercial matters</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</p> <p>Parliament opinion adopted in October 2001</p> <p>To be adopted by the Council before end 2001</p>
Proposal to establish minimum standards of legal aid	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Following presentation of its Green Paper in February 2000, the Commission organised a hearing in February 2001 and will present a proposal for a directive on legal aid and financial aspects of proceedings.
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	<p>The Commission intends to present a proposal at the end of 2001/beginning of 2002 for the creation of a European enforcement order for uncontested claims based on the adoption of minimum rules which will enable any interim enforcement measures to be abolished. The preliminary draft was discussed with the Member States in October 2001.</p> <p>The Commission will present a Green Paper in 2002 with a view to further approximation of the rules of procedure on uncontested claims and small claims.</p>
Proposal to establish minimum standards of quality for ADR	Member States to set up the extra-judicial procedures	April 2004	European Extra Judicial net (EEJ net) for consumers launched in October 2001. It is based on two Recommendations adopted by the Commission (98/257/EC and 2001/310/EC). The Commission has also launched the FIN-NET for the extra-judicial settlement of disputes in the field of financial services.

			<p>In May 2000 the Council adopted conclusions on alternative dispute resolution.</p> <p>The Commission intends to present a Green Paper in November 2001 with a view to preparing for the establishment of minimum quality standards.</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 in the overall context of the various projects on harmonisation of certain rules for civil proceedings.

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

Drawing up of minimum standards for protection of victims	Council, on the basis of a Commission proposal or a Member State initiative	2002	<p>The Commission presented a communication in July 1999.</p> <p>In March 2001, the Council adopted a framework decision on the status of victims in criminal proceedings (Portuguese initiative) following Parliament's opinion in December 2000</p> <p>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</p>
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
Examining the possibility of recognising decisions taken in the interests of victims of crime where such decisions are incorporated into sentencing decisions			Included in the programme for the mutual recognition of decisions in criminal matters (see part two of measure 19)

3.2. Mutual recognition of judicial decisions

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

Enhanced mutual recognition of judicial decisions and judgments and the necessary approximation of legislation would facilitate cooperation between authorities and the judicial protection of individual rights. The principle of mutual recognition should become the cornerstone of judicial cooperation in both civil and criminal matters within the European Union.

As regards civil matters:

Objective: 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 rights⁸

Action needed	Responsibility	Timetable for adoption	State of play
Programme of measures on mutual recognition of civil and commercial decisions (containing measures required for mutual recognition and enforcement; abolishing obstacles for small claims and family litigation)	Council and Commission to adopt a programme	Programme to be adopted by the end of 2000	<p>The mutual recognition programme was adopted by the Council in November 2000. It covers four areas:</p> <ul style="list-style-type: none"> - 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, followed in September 2001 by a proposal for legislation to supplement the regulation on matrimonial matters and parental responsibility. In October 2001 the Commission also presented a proposal on ratification 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. Presentation by the Commission of the new proposal for a regulation on parental responsibility will enable the negotiations on rights of access to children [French initiative] to be followed up. - for the third and fourth areas, the Commission launched preparatory studies in 2001.

⁸ See also table on "Greater convergence in civil law".

<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 in 2002 to prepare a legislative initiative (see 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.</p> <p>The Commission intends to present by the end of 2001/beginning of 2002, a proposal for a regulation a European enforcement order for uncontested claims, based on the adoption of minimum rules which will enable any interim enforcement measures to be abolished (see first paragraph of 3.1.4 above).</p> <p>Presentation by the Commission of the aforementioned proposal for a regulation will enable negotiations on the current French initiative on rights of access to children (see 3.2.1 above) to be followed up.</p>

As regards criminal matters:

Objective: To make sure criminals have no safe havens

Action needed	Responsibility	Timetable for adoption	State of play
Ratification of the 1995 and 1996 EU Conventions on extradition	Member States	April 2001	<p>A, FIN, NL, S, EL, D, DK, E, P and B have ratified the 1995 Convention</p> <p>FIN, NL, P, EL, D, DK, E, A and B have ratified the 1996 Convention</p> <p>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</p>
Study on abolition of formal extradition procedures concerning persons fleeing from justice after having been sentenced	Council, on the basis of a Commission proposal	End 2001	In September 2001, the Commission presented a proposal for a Council framework decision on the European arrest warrant and surrender procedures between Member States
Providing for fast-track extradition procedures	Council, on the basis of a Commission proposal	End 2001	<p>Included in the Commission proposal (see above)</p> <p>See also measure 8 of the joint programme on mutual recognition of decisions in criminal matters</p>
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 Commission proposal (see above)

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

<p>Programme of measures on the application of the principle of mutual recognition to be followed by specific instruments</p>	<p>Council / Commission</p>	<p>Programme to be adopted by the end 2000</p>	<p>In July 2000 Commission presented a communication on mutual recognition of final decisions in criminal matters</p> <p>Parliament opinion in May 2001</p> <p>Joint Council/Commission programme adopted in November 2000</p> <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>Application of mutual recognition to pre-trial orders</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>		<p>France, Belgium and Sweden presented an initiative on the freezing of assets and evidence⁹ in February 2001</p> <p>The Commission intends to present, in December 2001, a proposal for a framework decision on the mutual recognition of pre-trial orders in investigations into computer crime</p> <p>Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 6 and 7)</p>
<p>Examine the feasibility of improved cross-border cooperation on the transfer of proceedings and the enforcement of sentences</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2004</p>	<p>Included in the joint programme for the mutual recognition of decisions in criminal matters (see also measures 17, 18, 20 and 21)</p> <p>France, Sweden and the UK presented an initiative for a framework decision on the application of the principle of mutual recognition to financial penalties</p> <p>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</p>
<p>Study the feasibility of extending and possibly formalising the exchange of information on criminal records</p>	<p>Council, on the basis of a Commission proposal or a Member State initiative</p>	<p>April 2004</p>	<p>Included in the joint programme for mutual recognition of decisions in criminal matters (see measures 3 and 4)</p>

⁹ See also table on “Special action against money laundering”.

3.3. Greater convergence in civil law

In order to ensure 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
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. The issue of procedural law is partly included in the mutual recognition programme. - Parliament opinion in March 2001 - Adopted by the Council end May 2001
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. The replies, to be collected by 15 October 2001, will be summarised by the Commission and transmitted to the Council. The Commission will take the appropriate initiatives on the basis of the results of the consultation
Finalising the Brussels and the Lugano Conventions ¹⁰	Council, on the basis of a Commission proposal	April 2001	The Council adopted the Regulation replacing the Brussels Convention in December 2000. At the end of 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 The diplomatic conference took place in June 2001: negotiations are still ongoing. The Commission launched public consultations on the Internet and organised a hearing in October 2001. The Commission intends to present a proposal recommending a negotiating brief for an agreement between the Community and the Lugano countries before the end of 2001

¹⁰ See also table on “Mutual recognition of judicial decisions”.

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	The Commission is carrying out the necessary preparatory work
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 in 2002, followed, if need be, by a draft regulation
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
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).

4. UNION-WIDE FIGHT AGAINST CRIME

Tampere priorities and strategy for a new millennium

A balanced development of Union-wide measures against all forms of crime, including serious organised and transnational crime, should be achieved while protecting the freedom and legal rights of individuals and economic operators.

In this context, particular attention is drawn to the “European Union Strategy for the beginning of the new Millennium” on prevention and control of organised crime. Some complementary actions, going beyond the Tampere conclusions and called for by the recommendations in this strategy have been introduced in this chapter.

4.1. Preventing crime at the level of the Union

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

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

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

Objective: To prevent crime through reduction of opportunities

Action needed	Responsibility	Timetable for adoption	State of play
<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 programme (Hippocrates) in the crime prevention field</p> <p>Parliament opinion on the Hippocrates programme in April 2001</p> <p>Adoption by the Council in June 2001 of a decision on the creation of a two-year programme in the crime prevention field.</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.</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)</p> <p>The Commission is examining the findings of a study on crime proofing.</p>
<p>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</p>	<p>Council/ Commission/ Member States</p>		

Objective: To facilitate cooperation between Member States

<p>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</p>	<p>Council / Commission/ Member States</p>	<p>2001</p>	<p>1) France and Sweden presented an initiative in November 2000 for a Council decision establishing a crime prevention network</p> <ul style="list-style-type: none"> - Parliament opinion in March 2001 - Adoption by the Council end May 2001 <p>The prevention network started operating and adopted its work programme</p> <p>The first formal meeting of the network was held on 9 and 10 October 2001</p> <p>2) Commission communication includes a proposal for a financial instrument (Hippocrates programme - see above)</p> <p>First year of Hippocrates programme operation, including the priorities identified at Tampere (see above)</p>
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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.

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
Set up joint investigative teams, as a first step, to combat trafficking in drugs and human beings as well as terrorism – when investigating cross-border crime		Without delay	<p>The Council adopted the Mutual Legal Assistance Convention in May 2000, Article 13 of which provides for joint teams to be set up.</p> <p>Political agreement in the Council on the first articles of the Convention under which Eurojust may ask for joint investigation teams to be set up</p> <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</p>
Setting up a unit composed of national prosecutors, magistrates or police officers of equivalent competence – EUROJUST	Council, on the basis of a Commission proposal or a Member State initiative	End 2001	<p>Adoption by Council in December 2000 of a decision to create a provisional unit in January 2001 (French initiative). Provisional unit put in place March 2001.</p> <p>Preliminary discussions in progress on the definitive unit on the basis of Member State initiatives (France, Portugal, Sweden, Belgium and Germany). The Commission presented a Communication in November 2000</p> <ul style="list-style-type: none"> - Parliament opinion May 2001 - Work progressed in the Council in September 2001; final adoption expected by end 2001.
Implement and, where appropriate, further develop the European judicial network	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	Pilot project on a telecommunications network to be launched in August 2001

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	Included in the joint mutual recognition programme for decisions in criminal matters (see measure no 12) The Commission intends to present, before the end of 2001, a communication on determining criteria for jurisdiction in criminal matters
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Objective: To provide mutual assistance to the fullest extent possible

Adoption, ratification and implementation of the Convention on Mutual Assistance in Criminal Matters	Council / Member States	April 2001	The Council adopted the Convention in May 2000 Deadline for Member States to initiate applicable procedures: before January 2001 ¹¹ Agreement in principle reached in the Council on the protocol end May 2001
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	Arrangements governing interception and joint investigation teams governed by the Convention of 29 May 2000
Examine the possibilities for harmonised rules on data protection	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	In October 2000 the Council adopted a decision establishing a joint secretariat for data protection bodies (Europol, CIS, SIS). Decision on the joint secretariat (entered into force on 1 September 2001) Proposal for a resolution on the initiative of the French Presidency (based on a previous Portuguese initiative) In June 2001 Sweden 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

¹¹ See also table on “Mutual recognition of judicial decisions”.

Objective: To protect rights of victims and provide assistance

Drawing up minimum standards	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	<p>Parliament opinion in December 2000</p> <p>Adoption by the Council in March 2001 of a framework decision on victim's status in criminal proceedings (Portuguese initiative) - (cf. point 3.1)</p> <p>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</p>
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Objective: To develop operational police cooperation and law enforcement training at EU level

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. The meeting of October 2001 examined ways of making the Task Force more operational
Establishment of compatible criminal intelligence systems among Member States	Appropriate decision by Council needed		
Setting up the European Police College – starting as a network of existing national training institutes – open to applicant countries	Council, on the basis of a Commission proposal or a Member State initiative	2001	<p>Adoption by the Council in December 2000 of the decision to set up, in 2001, the European Police College, CEPOL (Portuguese initiative), which has functioned as a network of national police colleges since 1 January 2001. France, Germany and Sweden have launched common training projects starting in 2001 within the framework prefiguring the definitive structure of the European Police College.</p> <p>Ongoing examination of the way in which Cepol will function</p>

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

Implementation of the CIS (Customs Information System) and Naples II Conventions.	Member States	Ongoing	<p>Naples II Convention ratified by Greece, Spain, France, Sweden and the Netherlands; the last four agreed to apply it between themselves. The French Presidency is preparing a guide for applying the provisions of the Naples II Convention.</p> <p>The CIS Convention (third pillar) has been ratified by Denmark, Greece, Italy, Germany, Portugal, France, Spain, Sweden, Finland and UK. The Protocol on the provisional entry into force of the Convention has been ratified by all the above except Italy and Portugal. It will be applied among those Member States which have ratified it from November 2000.</p>
Strengthen law enforcement cooperation against smuggling			In March 2000, Italy announced an initiative in the field of smuggling

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/Member States/ Commission	End of 2000 for signature	<p>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.</p> <p>Negotiations on the Firearms Protocol completed in February 2001 and opening for signature in June 2001.</p> <p>The Commission presented a proposal for a Council Decision on the signature of the United Nations Firearms Protocol</p> <p>The Commission intends to present a proposal to ratify the Convention and the three Protocols before the end of 2001.</p>
UN Convention on corruption	Council/Member States/Commission		<p>Union participation in the preparatory work of the UN (see point 8).</p>

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

Extend the competence of Europol to cover money laundering in general regardless of the offence from which the proceeds originate	Council, on the basis of an initiative by a Member State		Adoption by the Council in November 2000 of the instrument extending the competence of Europol to cover money laundering (Portuguese initiative).
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 Belgium intends to present an initiative to convert the recommendation into a mandatory legal instrument.
Adopt measures allowing Europol to ask the competent authorities of the Member States to conduct and co-ordinate their investigations in specific cases and to develop specific expertise which may be out at the disposal of M-S to assist them in investigating cases of organised crime	Council on the basis of an initiative by a Member State	April 2004	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. Belgium intends to present an initiative to convert the recommendation into a mandatory legal instrument.
Consideration to be given to the possible need to revise Europol Convention in order to: – deal with the question of democratic and judicial control – cover new competences	Council / Commission		The Commission intends to present, before the end of the 4th quarter 2001, a communication on democratic and judicial review and, if necessary , a proposal for a Council Decision on the amendment of the Europol Convention (see above). The question of judicial review must be considered in the context of setting up Eurojust. The Swedish and Belgian Presidencies presented a formal initiative in June 2001 on extending Europol's powers to all forms of crime referred to in the Annex to the Europol Convention. Council agreement in principle in September 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.

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

Action needed	Responsibility	Timetable for adoption	State of play
Criminalisation of trafficking in human beings and sexual exploitation of children ¹² with particular reference to child pornography on the Internet ¹³	Council, on the basis of a Commission proposal	April 2001	<p>In December 2000 the Commission presented two proposals for framework decisions on the fight against trafficking in human beings, the sexual exploitation of children and child pornography</p> <ul style="list-style-type: none"> – Parliament opinion in June 2001 – Council agreement in principle on the framework decision on the fight against trafficking in human beings in September 2001 – Ongoing work within the Council on the proposed framework decision to combat the sexual exploitation of children and child pornography. <p>The Commission intends, in connection with detecting and dismantling the criminal networks involved (see Point 2.4), to present a proposal for a directive on short-term residence documents for victims of trafficking in human beings and of assistance to illegal immigration who cooperate in the fight against traffickers and</p>

¹² See also table on “Management of migration flows”.

¹³ See also table on “Mutual recognition of judicial decisions”.

			smugglers of migrants.
Common definitions, charges and penalties ¹⁴ in the field of drug trafficking ¹⁵	Council, on the basis of a Commission proposal	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.
Common definitions, charges and penalties in the field of corruption	Council, on the basis of a Commission proposal	April 2001	The Commission plans to present a communication and a proposal for a framework decision on corruption in the private sector in the second half of 2001
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 . 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 .
Proposal on common charges for hooliganism	Council, on the basis of an initiative by a Member State		The Oisín 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.

¹⁴ See also table on “Cooperation against drugs”.

¹⁵ See also table on “Mutual recognition of judicial decisions”.

Common definitions, charges and penalties in the field of racism and xenophobia (framework decision)	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	The second report on the implementation of the Joint Action of 15 July 1996, planned for the end of 2000, is expected in 2001 ¹⁶ In November 2001 the Commission will present a proposal for a Council framework decision on racism and xenophobia.
Common definitions in the field of preventing and combating cybercrime, including common charges and penalties for high-tech crime	Council, on the basis of a proposal of the Commission	April 2001	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 Parliament opinion in September 2001 Work underway to set up a European forum on computer-related crime. The first plenary meeting of the Forum is to be held at the end of November 2001. The Commission intends to present, in November 2001 , a proposal for a framework decision on serious attacks against information systems .

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

Criminalisation of fraud involving non-cash means of payment	Council, on the basis of a proposal of the Commission	April 2001	Council agreement in principle in May 2000 Parliament opinion in July 2000 Adoption by the Council end May 2001 The Commission presented an action plan comprising preventive measures in February 2001 and is continuing its work in partnership with the relevant bodies in the European Crime Prevention Forum
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¹⁶ See also table on “Fair treatment of third-country nationals”.

Common definitions, charges and penalties as regards counterfeiting of the euro	Council/ Commission/ Member States	April 2001	<ul style="list-style-type: none"> - Framework decision on criminal penalties for counterfeiting the euro adopted by the Council in May 2000. - Swedish initiative for a framework decision amending the framework decision of May 2000. - Parliament opinion in October 2001. - Adoption by Council before end-2001. - Adoption by the Council in June 2001 of the regulations defining the measures needed to protect the euro from counterfeiting - Council agreement in principle on a French initiative for a draft decision on the protection of the euro against counterfeiting in May 2001 - Adoption by Council before end-2001.
Criminalisation of fraud in public tendering procedures	Council, on the basis of an initiative by a Member State	April 2001	Germany presented an initiative in March 1999
Reinforcing the legal framework for the protection of the Community's financial interests	Council and EP, on the basis of a Commission proposal		<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</p> <p>The Commission intends to present, before the end of 2001, a Green Paper on the protection under criminal law of the Communities' financial interests and the establishment of a European Public Prosecutor</p> <p>The Commission intends to present, before the end of 2001, a proposal for a regulation on a cooperation mechanism to combat criminal activities damaging the European Communities' financial interests</p>

Common definitions, charges and penalties for offences linked with terrorism ¹⁷	Council, on a Commission proposal		<p>In September 2001 the Commission presented a proposal for a Council framework decision on terrorism (see also the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States.</p> <p>- Parliament Opinion expected in November 2001</p> <p>Parliament own initiative resolution in September 2001 on the role of the Union in the fight against terrorism</p>
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		

¹⁷ See also table on “Mutual recognition of judicial decisions”.

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.

Objective: to deprive criminals of the proceeds of crime

Action needed	Responsibility	Timetable for adoption	State of play
Convention or framework decision on financial crime, money laundering	Council, on the basis of an initiative by France		<p>Adoption by the Council in June 2001 (French initiative) of a framework decision on money laundering.</p> <p>Adoption by the joint Ecofin/JAI Council in October 2001 of the protocol to the convention on mutual assistance in judicial matters of 29 May 2000 in the fight against organised crime</p>
Concrete steps to trace, freeze, seize and confiscate the proceeds of crime			<p>France, Belgium and Sweden presented, in February 2001, an initiative on the freezing of assets and evidence.</p> <p>- Parliament opinion in September 2001</p> <p>- Council decision expected before the end of 2001</p>

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

<p>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</p> <p>(See also the first part of measure 19 of the joint programme on the mutual recognition of criminal convictions)</p>	Member States		<p>1990 Convention to be ratified by Luxembourg.</p> <p>Conclusions adopted by Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000.</p>
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To adopt the draft directive amending the Money Laundering Directive	Council and Parliament	As soon as possible	<p>Joint position adopted by the Council in November 2000</p> <p>Parliament opinion on second reading in April 2001</p> <p>Parliament opinion (following conciliation) expected in November 2001</p> <p>Formal adoption by Council expected before end-2001.</p>
More rapid exchange of information between the existing financial intelligence units (FIUs), entitling judicial authorities and FIU to receive information regardless of secrecy provisions.	<p>Council, on the basis of an initiative by Finland</p> <p>Council/Commission/ Member States</p>		<p>Council decision in October 2000 on the basis of a Finnish initiative.</p> <p>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</p>
Community rules must be drawn up to prevent use of non-EU companies and organisations to launder the proceeds of crime	Commission / Council / Member States		
Draw up a report identifying provisions in national banking, financial and corporate legislation which obstruct international cooperation	Commission		<p>Conclusions adopted by the Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000 call on the Commission to produce a report. Report presented to the joint JAI/Ecofin Council on 16 October 2001.</p>
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 Europol to cover money laundering ¹⁸ in general, regardless of the offence	Council on the basis of a Commission proposal or a Member State initiative		<p>Parliament opinion in November 2000.</p> <p>In November 2000, the Council adopted a decision on widening the competence of</p>

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

from which the proceeds originate			Europol to cover money laundering in general (Portuguese initiative).
<p>Improve the legal provisions against money laundering with off-shore and on-shore financial centres and tax havens.</p> <p>Support international action with regard to off-shore countries.</p>	Council/ Commission/ Member States		<p>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.</p> <p>Conclusions of the joint Ecofin/JAI Council in October 2001 in accordance with the conclusions of the extraordinary European summit held on 21 September 2001 on the immediate and concomitant implementation of the countermeasures decided by the FATF</p>
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.
<p>Examine possibilities:</p> <ul style="list-style-type: none"> - 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 - for organising exchanges of information between Member States 	Commission	July 2001	<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. The Commission has been asked to present a final report before the end of 2001.</p>

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
Regulation on countries whose nationals are respectively exempt from or subject to the visa requirement for crossing external borders	Commission / Council	April 2001	<p>Council adoption in March 2001 of the regulation (Commission proposal) which came into force on 10 April 2001. 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>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. The purpose is to introduce the visa waiver for Romanian nationals from January 2002.</p>
Procedure and conditions for issuing visas by Member States	Commission/ Council/Member States	April 2003	<p>In June 2000 Finland presented an initiative on measures for implementing the common consular instruction</p> <ul style="list-style-type: none"> - Parliament opinion (rejection) in March 2001 - Adoption by the Council, in April 2001, of measures for implementing the common consular instruction. <p>France proposed an initiative on a proposal for a Council decision on the visa conditions applied by the Member States.</p> <p>Belgium proposed an initiative relating to the amendment of Part VII and Annex 12 to the common consular instruction.</p>
Rules on a uniform visa	Commission / Council / Member States	April 2001	<p>The rules are taken into consideration under the existing framework of the Schengen <i>acquis</i> and in connection with the proposal on the movement of persons within the territory of the Member States.</p>
Further development of the technical specifications of the uniform format for visas	Commission / Council	Short term measures 2000-2002 – long term measures 2004	<p>In October 2001 the Commission presented a proposal to amend Regulation 1683/95 on a uniform format for visas</p> <p>-Parliament opinion expected in February 2002.</p>

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. - Parliament opinion expected in February 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.
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.
Measures on the freedom to travel within the territory of Member States	Commission/ Council/Member States	April 2001	In July 2000 the French Presidency presented an initiative on travel on a long-stay visa. - Parliament opinion (rejection) in January 2001 - Adoption by the Council end May 2001 In June 2000 the Portuguese Presidency presented an initiative on travel by nationals exempt from the visa requirement. - Parliament opinion (rejection) in March 2001 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.

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

To render documents more secure, introducing minimum standards for travel documents and residence permits	Commission/ Council/Member States	April 2001	In March 2001, the Commission presented a proposal on the communitarisation of the uniform format for residence permits granted to third-country nationals. Adoption in October 2000 of a resolution of the representatives of the Governments meeting within the Council on minimum security standards for travel documents of EU Member States.
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.

			Training programme financed by Odysseus programme in March 1998.
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Objective: Control at the external borders of the Union

Close cooperation between the Member States border control services, such as exchange programmes and technology transfer	Commission/ Council/Member States	April 2001	Italy has presented a draft feasibility study on the development of joint actions cofinanced by Odysseus In October 2001 the B 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.
Procedure for adopting certain measures implementing the Common Manual	Commission / Council / Member States		Adoption by the Council in November 2000 of the decision to downgrade parts of the Common Manual (French initiative). Portugal tabled an initiative on measures implementing the provisions in the Common Manual. - Parliament opinion (rejection) in March 2001 - Adoption by the Council in April 2001
Rapid inclusion of the applicant States in this cooperation	Commission / Council / Member States	Ongoing process	Accession negotiations in progress These issues were discussed at the ministerial meeting with the applicant countries on the sidelines of the Council in March 2001

Objective: To convert and develop the Schengen acquis

Communitarisation of Article 2 of the Schengen Convention	Council / Commission / Member States	2001	The Commission intends to present a proposal in the second half of 2001.
Development of SIS II	Council / Commission / Member States	Second half of 2001	The Commission intends to present a communication on the development of the Schengen II information system in the second half of 2001.

6. CITIZENSHIP OF THE UNION

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

Actions needed	Responsibility	Timetable for adoption	State of play
Directive updating and revising the rules on the right of entry, movement and residence of citizens of the Union	Commission / Council / Parliament	2001	The Commission intends to present a proposal before the end of the first half of 2001. In May 2001 the Commission presented the 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
Regulation on security of travel documents	Commission / Council / Parliament	2001	Owing to the new Article 18(3) of the Nice Treaty, the Commission cannot present a legislative instrument. But the attention of the Member States is drawn to the need to implement the Resolution of 17 October 2000 of the representatives of the Governments on security standards for passports and other travel documents.
Regulation on a uniform format for residence permits for Union citizens and members of their families	Commission / Council / Parliament	2001	The Commission intends to present a proposal at the beginning of 2002.
Regulation to make it easier for school groups consisting of Union citizens and covered by Community law to travel between and through Member States	Commission / Council / Parliament	2001	Owing to the new Article 18(3) of the Nice Treaty concerning school groups consisting of Union citizens and variable geometry for nationals of third countries, the Commission does not intend to present a fresh proposal; but the Member States' attention is drawn to the need invited to implement the joint action of 30 November 1994.

Objective: Information on exercise of rights attached to Union citizenship

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
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 in December 2001
Third report on the citizenship of the Union	Commission	By the end of 2000	The Commission drew up its third report in September 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 drugs strategy for the period 2000-2004 will also 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

Action needed	Responsibility	Timetable for adoption	State of Play
Report to the European Council on an EU action plan on drugs (2000-2004)		June 2000	European Union Action Plan to combat drugs (2000-2004) adopted by the Feira European Council in June 2000. In June 2001 the Commission presented a communication on the implementation of the Action Plan
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		The Commission has presented two reports to the Council within the framework of the Joint Action on new synthetic drugs , one on GHB and one on Ketamine. On that basis, in March 2001 the Council adopted conclusions in line with the Commission's reports. On the basis of an analysis of the risks of PMMA, the Commission will present a report in December 2001. 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: – Parliament opinion May 2001 – Adoption by the Council in May 2001 of the initiative concerning the transmission of samples
Development of a methodology for the evaluation of the EU Drugs	Council and Parliament on the basis of proposals of the		Development by European Monitoring Centre for Drugs and Drug Addiction in 2001 of methodological instruments to evaluate anti-drug measures. Adoption in September 2001 by the EMCDDA Board of the guidelines for the harmonised

Strategy for 2000-2004	Commission		implementation of five key epidemiological indicators.
Common definitions, charges and penalties in the field of drug trafficking ¹⁹	Council on the basis of a Commission proposal	April 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 – Parliament opinion expected in February 2002
Financial instrument for combating drug trafficking	Council, on the basis of a Commission proposal or a Member State initiative		The Commission is considering including a chapter on the fight against drug trafficking in the future financial framework programme under Title VI.

¹⁹ See also table on “Fight against certain forms of crime”.

8. STRONGER EXTERNAL ACTION

Priorities of the European Council meetings in Tampere and Feira

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

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
Enlargement: ensure that justice and home affairs are consistently integrated into the enlargement process			<p>Discussion with applicant countries at Council meeting on 15 and 16 March 2001 on combating organised crime and asylum and immigration policy.</p> <p>Public debate in September 2001 with applicant countries on trafficking in human beings.</p> <p>Adoption in September 2001 by Member States and applicant countries of the 12 undertakings on combating trafficking in human beings.</p> <p>Ongoing negotiations on Chapter 24 (Justice and Home Affairs) and further Community support to JHA through the Phare programme, partnership agreements and participation in JHA programmes.</p>
<p>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</p> <p>Implementation of priorities identified for the progress report requested by the Feira European Council:</p> <ul style="list-style-type: none"> - Negotiations with non-applicant Balkan 	The Council, in close cooperation with the Commission, is to draw up specific recommendations	June 2000	<p>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.</p> <p>Signing of agreements, including the JHA chapter, with Croatia and FYROM and negotiations with the FRY and Albania extending to JHA matters. Follow-up to</p>

<p>countries of stabilisation and association agreements</p> <ul style="list-style-type: none"> - Continuation of Barcelona process - Concluding of readmission agreements - Cooperation on justice and home affairs - Negotiation of multilateral instruments 			<p>Zagreb summit through a regional JHA strategy for the CARDS programme (2002-06) applying especially to asylum and immigration, and maintenance of a regional dynamic for the reform of JHA institutions.</p> <p>Reinforce the JHA dimension of the Meda programme; implementation of the action plan of the High Level Working Group on Asylum and Immigration.</p> <p>Negotiations underway for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco, Hong Kong and Macao.</p> <p>Implementation of action plan with Russia on combating organised crime.</p> <p>Preparation of an overall action plan with Ukraine.</p> <p>Cooperation with the US: follow-up to the conclusions of the Gothenburg European Council.</p> <p>Council of Europe:</p> <ul style="list-style-type: none"> - Convention on cybercrime: finalising of negotiations and signature before end 2001 - 2nd protocol to 1959 convention: finalising of negotiations - Community accession to Convention 108 and the additional protocol on data protection: ratification underway by the contracting countries, prior to accession to the Community. <p>United Nations Convention:</p> <ul style="list-style-type: none"> - Organised crime: Proposed conclusions to be submitted by the Commission on the Convention and the protocols relating to immigration and trafficking in human beings and proposal presented on the signing of the "firearms" protocol.
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			<ul style="list-style-type: none">- Corruption: Preparation of a common negotiating stance and a mandate for the Commission on Community matters. - Terrorism: On 21 September 2001 the European Council declared that the European Union will support the Indian proposal to draw up, within the UN, a Community general convention on combating international terrorism.
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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
Germany	Council Resolution on the undertaking by the Member States to transmit information on illegal immigration and facilitator networks under the Cirefi early warning system	See "Management of migration flows"
France	Council Regulation (EC) on the mutual enforcement of judgments on rights of access to children	See "Mutual recognition of judicial decisions in civil matters". Parliament opinion in December 2000 Debate in the Council in November 2000 In parallel, Commission working document on family law adopted on 27 March 2001
Germany/Belgium/France	Council Decision on a customs investigations identification file	See "Stepping up cooperation in the fight against crime"
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
France	Framework Decision establishing a European judicial training network	- Discussion currently under way
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	See "Fight against certain forms of crime"
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 and Sweden	Proposal for a Council Regulation and Decision concerning the legal bases and financing of SIS II.	Work underway in Council with a view to adoption under Belgian Presidency before the end of 2001 (the Commission will contribute a communication in the second half of 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 in Council Parliament consulted; opinion expected mid-February 2002
Netherlands	Proposal for a 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.