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**COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

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

(SECOND HALF OF 2003)

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1. SUMMARY

The European Council of Tampere of 15-16 October 1999 invited the Commission to prepare a Scoreboard to keep under constant review progress made towards implementing the necessary measures and meeting the deadlines set by the Amsterdam Treaty, the Vienna Action Plan and the Tampere conclusions for the creation of an area of freedom, security and justice.

In response to this invitation, the Commission produced its first Scoreboard in March 2000. The first Scoreboard has been followed by regular biannual updates, which progressively also took into account the objectives set by the European Councils of Laeken (2001), Seville (2002) and Thessaloniki (June 2003).

Given the deadline of May 2004 set by the Amsterdam Treaty in view of the completion of the first stage of the creation of an area of freedom, security and justice, this is the penultimate biannual update of the Scoreboard based on the initial Tampere agenda.

In June 2004, the Commission intends to present a Communication that will provide a global and objective assessment of the achievements and eventual failures in implementing the Tampere agenda and meeting the obligations set by the Amsterdam Treaty. The assessment will take into account the outcome of an on-line consultation of the EU citizens and interested parties, which is going to be launched shortly, as well as the position of other institutions, such as the European Parliament. This Communication will be accompanied by a final update of the Tampere Scoreboard.

The Communication will also suggest first orientations for the second phase of the development of an area of freedom, security and justice, the "Tampere II" agenda. The benchmark for this will be the text of the Constitutional Treaty.

This penultimate update of the Scoreboard, like its predecessors, examines the main progress made in implementing the conclusions of the Tampere European Council as well as the delays in the legislative process and what remains to be achieved.

In this respect, a list of the key Commission proposals and Member States' initiatives awaiting action in other EU institutions is included as an annex to the introduction. Moreover, this Scoreboard includes the key proposals foreseen for presentation in 2004 in the sector of justice and home affairs, as planned by the Commission in its Legislative and Work Programme for 2004.

The second semester 2003 has been a key period for the future development of the area of freedom, security and justice, in particular in view of its second phase.

This period has been marked by the conclusion of the work of the Convention on the future of Europe and the beginning of the Inter-Governmental Conference in Rome on 4 October 2003. The Convention carried out very detailed and positive work on the provisions of the draft Constitutional Treaties related to justice and home affairs. The Commission welcomes the draft provisions presented by the Convention, as expressed in its opinion of 17 September 2003 pursuant to article 48 of the Treaty on the European Union.

These provisions would lead to more efficient, transparent and democratic decision-making methods as well as to a welcome reinforcement of the policy objectives themselves.

In the context of the current Tampere agenda, the development process towards an area of freedom, security and justice has been boosted by the European Council of Thessaloniki of June 2003, whose conclusions confirmed the orientations given one year earlier at Seville and also reinforced the Union's strategic priorities, namely in the fields of immigration, asylum and management of the external borders. Among the priorities, a specific reference is made to the integration of third-country nationals who are legally resident in the European Union, and also to the need to further foster the external dimension of migration policy. Some of these orientations are destined to pave the way for future actions that will go beyond the deadline of the Amsterdam Treaty of May 2004. Separate paragraphs of the introduction to this Communication refer to these measures.

The European Council of Brussels on 16 and 17 October 2003 devoted one chapter of its conclusions to the strengthening of freedom, security and justice. The chapter focuses on the follow-up to Seville and Thessaloniki, with a particular reference to the management of the Union's common borders and the control of migratory flows. But it also calls for continued efforts towards closer police, judicial and customs co-operation and a strengthening of law enforcement co-operation, particularly as concerns the operational aspects of the fight against serious crime and terrorism.

In short, it is clear that at the eve of the European Union's biggest enlargement and six months ahead of the deadline set by the Amsterdam Treaty, the creation of the first stage of an area of freedom, security and justice, as well as its development, are more than ever at the top of the political agenda of the Heads of State and Government. Work has progressed on all fronts since the Commission's last update of the Scoreboard on 22 May 2003, but there is a risk that certain important pieces of legislation will not be in place by next year's deadline. The Commission again therefore urges the Council to reinforce its efforts in the coming months and expects Member States to lift their national reservations on a number of files.

A COMMON EU ASYLUM AND MIGRATION POLICY

In the previous version of the Scoreboard, related to the first semester of 2003, a globally positive assessment was given on the progressive finalisation of the first phase of the common European asylum system. This positive assessment was based on the putting in place of the temporary protection mechanism, the adoption of an instrument on standards on reception conditions for asylum seekers, the adoption of the Regulation to replace the Dublin Convention which determines responsibility for examining asylum applications and the fact that the Eurodac system has been up and running since the beginning of the year.

In order to complete this first phase of the common European asylum system – as the European Council of Thessaloniki recalled – it is imperative to agree on two key remaining elements of this system. The first proposal concerns the common definition of refugee status and a common approach to subsidiary protection. The second proposal, for which the Italian Presidency has pressed ahead with the necessary vigour, in view of an adoption, concerns asylum procedures, including a common list of safe countries of origin. Despite the deadline set by the European Council for an agreement by the end of 2003 and the

positive efforts of the Italian Presidency, the Council was not able to reach an agreement on the two proposals yet.

The Commission will present at the beginning of 2004 a Council Decision on the next generation European Refugee Fund covering the period 2005-2010.

On the immigration front, one of the main achievements of the second semester 2003 is the adoption of the directive on the long-term resident status for third country nationals. Among the main steps forward delivered by this directive, there is the possibility to access long-term resident status after five years of legal residence and the recognition of equality of treatment in a series of aspects of the social and economic life. Moreover, this directive opens the possibility for long-term residents to move to another Member State in order to work or study, under harmonised conditions.

Following the Commission's Communication of 3 June on Immigration, Integration and Employment, the European Council of Thessaloniki stressed the need for Member States to develop integration policies within a coherent EU framework, invited the Commission to prepare annual reports on integration and stressed the importance of developing co-operation and exchange of information within the framework of the newly-established national contact points on integration. While the work of the national contact points is progressing, the Commission put in place during summer a pilot project, Integration of third country nationals, which received a very positive response from civil society. In addition, the Commission has accelerated the work of the EU Migration Network (initiated in 2002 as a pilot project).

Moreover, the directive on family reunification was formally adopted on 22 September 2003.

Given the constructive efforts of the Italian Presidency, it has been possible for the Council of 6 November 2003 to reach a political agreement on the directive on the short-term residence permits issued to victims of trafficking in human beings who co-operate with the competent authorities.

However, progress has been slow on the proposal for a directive on the admission of labour migrants of July 2001, as noted by the Council on 27 November 2003. The proposal for a directive on the admission of students will shortly be complemented by a further Commission proposal for a directive on the admission of researchers.

The European Council of Thessaloniki stressed the need for exploring legal means for third-country nationals to migrate to the Union, taking into account the reception capacity of the Member States, within the framework of an enhanced co-operation with the countries of origin which will prove beneficial to both sides. In this context, the European Council of Brussels of October took note of the Commission's initiation of a study on the relationship between legal and illegal immigration inviting Member States, Acceding States and Candidate States to cooperate fully with the Commission to this end. In the Commission's planning, the study is due to be finalised in Spring 2004.

The fight against illegal immigration remains high on the political agenda and the global approach proposed in the Commission's Communication of 3 June on the development of a common policy on illegal immigration, smuggling and trafficking of human beings,

external borders and the return of illegal residents, has been endorsed by the European Council of Thessaloniki. Recent discussions have focused on the setting up of a strategy for the management of external borders (this specific aspect will be dealt with under the paragraph «policy on internal and external borders, visas and Schengen» of this introduction).

In response to the request of the European Council of Thessaloniki, the instrument establishing the Immigration Liaison Officers (ILOs) network was agreed in principle by the Council on 3 October 2003 and formal adoption is expected by the end of the year.

In the context of the implementation of a common policy on return of illegal immigrants, the Thessaloniki conclusions noted that greater efficiency could be achieved by reinforcing existing co-operation. Political agreement was reached in November on the Italian initiative on the organisation of joint flights for removals of third-country nationals illegally present in the territory of two or more Member States. The Council also adopted in November a Council Directive on assistance in cases of transit for the purposes of removal by air.

A political agreement was also reached at the Council of 6 November on the Council Decision setting out criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of the Council Directive 2001/40/EC on the mutual recognition of decisions on expulsion of third-country nationals.

The Thessaloniki European Council conclusions also mentioned the need to set up mechanisms in respect to return policy, including a financial component. Consequently, the European Council of Brussels in October welcomed the Commission's intention to present a proposal, taking into account the financial perspectives, to provide financial support for repatriation. It is in this context that the Commission is about to propose the creation of a financial instrument for return management in the area of migration.

Furthermore, in 2004 the Commission will present a proposal for a Council Directive on minimum standards for return procedures and mutual recognition of return decisions.

With regard to integration of migration issues in the Union's relations with third-countries, the global approach as defined at Tampere and confirmed at Seville, Thessaloniki and at the European Council of Brussels of October 2003 needs to be further implemented.

The Commission has continued to integrate migration related issues in the Community regional cooperation programmes with third countries.

In addition, in June 2003, the Commission presented a proposal to establish a programme of financial and technical assistance to third countries in the area of migration and asylum. The work in the Council and the European Parliament is proceeding speedily with a view to adoption at the beginning of next year.

Furthermore, with a view to give concrete expression to the Thessaloniki conclusions, an evaluation mechanism for monitoring relations with third-countries in the field of the fight against illegal immigration is due to be adopted by the Council by the end of the year.

Finally, it is clear that for the Community to be efficient and achieve timely results in the negotiation of readmission agreements with third countries, and therefore improve the control of immigration flows, it is essential that the Community speaks with one voice based on a multidisciplinary approach covering various policies of the EU.

Recent progress has been made with the signature of a readmission agreement with Macao in October 2003 and the signature of the agreement with Sri Lanka will follow very soon. The agreement with Hong Kong, which was signed in November 2002, and that with Macao, are expected to enter into force early 2004. Furthermore, an agreement has been reached in negotiations with Albania at the beginning of November. It is therefore envisaged to initial the readmission agreement in December 2003.

Concerning China, a Memorandum of Understanding on Agreed Destination Status has been initialled during the EU-China Summit of 30 October and is expected to be signed before the end of the year. This Memorandum to facilitate group tourism into Europe contains a readmission clause which features a state obligation of China to take back overstayers in the context of the Agreement and includes provisions needed for a swift repatriation of overstayers. Furthermore, during the High Level Consultations on Illegal Immigration and Trafficking in Human Beings, China signalled readiness to discuss the issue of return in the context of a dedicated meeting of the High Level Consultations on return and legal migration to be held in the first semester of 2004. The Commission will provide a draft text for a future readmission agreement to the Chinese side as soon as possible and hopes that shortly after the dedicated meeting on return, the first round of formal negotiations on a readmission agreement can be held.

With reference to Russia and Ukraine, three rounds of negotiations on readmission took place. The Joint Statement adopted by the EU-Russia Summit of 6 November recorded the agreement to continue to work towards its timely conclusion. The Commission is determined to seek an early conclusion with both countries. Preparatory technical talks on readmission were held with Pakistan in October 2003 and it is anticipated that negotiations of an agreement could be launched in early 2004.

The Commission will present a report on the common readmission policy at the beginning of 2004, as requested by the European Council of Brussels in October.

TOWARDS AN EUROPEAN AREA OF JUSTICE AND SECURITY

As regards civil matters

In the field of judicial co-operation in civil matters, positive progress has been made under the mutual recognition programme. The recent approval of the Regulation on parental responsibility and matrimonial matters will have a direct impact on the daily life of citizens, in particular, as underlined by the European Council of Brussels on 16-17 October 2003, by allowing the recognition and enforcement throughout the Community of national judgements, thus greatly enhancing citizen's access to justice. This Regulation represents an important step towards ensuring EU-wide recognition and enforcement of decisions on the custody and protection of minors and the Commission also welcomes the fact that in parallel good progress was achieved in view of the ratification by Member States of the 1996 Hague Convention on parental responsibility. Also in the field of family law, the Commission intends to focus, in the near future, on patrimonial family law.

Another important instrument is the Directive on State compensation to victims of crime, including the victims of terrorism, for which substantial progress has been made under the Italian Presidency. In the Commission's views, this proposal represents an important first step by setting minimum standards and therefore guaranteeing the fair treatment of victims of crimes.

In order to improve public awareness on equal access to justice, an information campaign on judicial co-operation in civil and commercial matters has been launched. In addition, in conjunction with the Council of Europe, the Commission designated 25 October as the European Day of Civil Justice and organised public events to promote it.

Following the adoption in January 2003 of the Directive on legal aid, the Commission took, as announced, the necessary implementing measures by adopting a decision establishing a form for transmission requests in June 2003. A proposal aiming at establishing a European order to-payment procedure will be presented before the end of the year and it will also contain harmonised forms.

As for the Commission's proposal on uncontested claims, a common position is expected to be adopted in the Council by the end of December 2003 in view of the transmission to the European Parliament and final adoption before the end of the current parliamentary legislature.

Finally, on 22 July 2003, the Commission adopted a proposal for a Regulation on the law applicable to non contractual obligations (Rome II). This proposal, which is the result of extensive consultations, aims at ensuring that courts in all Member States apply the same rules to determine the substantive law applicable to disputes involving torts liability. It will therefore contribute to better transparency and predictability of how these types of disputes are resolved.

As regards criminal matters

Following the presentation in February 2003 of the Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union, a public hearing on 16 June 2003 and the opinion of the European Parliament in November 2003, the Commission is about to present a proposal for a Framework-Decision on procedural safeguards. This measure is regarded as a first step and will be followed by other measures implementing the mutual recognition programme. In particular, the Commission will soon present two Green Papers, covering respectively pre-trial detention and recognition and enforcement of alternative measures to detention; and approximation, recognition and enforcement of criminal penalties in the European Union. Furthermore, the Council has continued discussions on the Greek initiative on the "ne bis in idem" principle. The Commission has been asked, in this context, to present further initiatives with regard to preventing conflicts of jurisdiction.

Concerning the status of victims in the framework of criminal proceedings, the Commission will present in December 2003 its first report on the implementation of the framework decision.

As for the application of mutual recognition to pre-trial orders, in July 2003 the Council adopted the Framework-Decision on the freezing of assets and evidence. In November 2003

the Commission presented a proposal for a Framework-Decision on the European Evidence Warrant for obtaining objects, documents and data for use in proceedings in criminal matters. The underlying idea is that the European Warrant is an order that would be issued by a judicial authority in one Member State and which would be directly recognised and enforced by a judicial authority in another Member State.

One of the Tampere objectives is that criminals should no longer benefit from safe havens created by differences in national law. In this context, and also in relation to the fight against terrorism, it is important to note that Member States will have to implement the Framework Decision on the EU Arrest Warrant by 31 December 2003. So far only a few Member States have taken the required measures. In 2004 the Commission will present a report on the national implementations of this Framework Decision.

Union-wide Fight against Crime

The European Council meeting in Brussels in October 2003 called for continuous efforts towards closer police, judicial and customs co-operation and a strengthening of law-enforcement co-operation, particularly as concerns the operational aspects of the fight against serious crime and terrorism.

Concerning the fight against terrorism, the Commission is about to present a report on the implementation of the Framework Decision on combating terrorism, which was adopted in December 2002. In addition, by the end of the year, the Commission plans to present a Communication on the fight against the financing of terrorism accompanied by a proposal for a decision on the exchange of information concerning terrorism.

On the operational co-operation front, under the Italian Presidency work on the project on multinational ad hoc teams for exchanging information on terrorists has progressed, namely with respect to the functioning of such teams.

As for Europol, the adoption of the Council Act amending the Europol Convention in a large number of areas in order to increase its efficiency took place in November 2003.

Concerning customs, in October 2003, a resolution on a strategy for customs cooperation has been adopted. For its part, the Commission intends to present shortly a Communication on the future of EU police and customs co-operation.

Regarding the fight against financial crime, the Commission is about to present a Communication on prevention and fighting against organised crime in the financial sector. Furthermore, a report has just been prepared and will be presented in January 2004 on the implementation of the Framework-Decision on combating fraud and counterfeiting of non-cash means of payment, which was due for implementation by the Member States in June 2003.

In addition, the Commission is about to adopt the report on the implementation of the Framework Decision on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime.

With respect to the fight against corruption, the Council adopted in July 2003 the Framework-Decision on corruption in the private sector. The Commission adopted its Communication for a common policy against corruption in May 2003. Furthermore, the Commission presented a proposal in December 2003 for a Council decision authorising the Community to sign the UN Convention on corruption.

Regarding remaining key instruments in the fight against crime, the Commission regrets that no progress has been made in the last months towards the adoption of the Framework Decision on racism and xenophobia.

A number of new initiatives were launched under Italian Presidency and quickly agreed by Council, namely in the fields of public order and hooliganism. The first resolution concerns security at European Council meetings and other comparable events and the second resolution is on the use by Member States of bans on access to venues of football matches with an international dimension.

The Commission will shortly adopt a Communication on crime prevention. As concerns the European Crime Prevention Network, a conference designed for exchanging best practice was held in Rome in November 2003.

The Forum on the prevention of organised crime has met a number of times. The subject matters which have been discussed are in particular: the fight against piracy and counterfeiting; the fight against corruption; the fight against trafficking in human beings; money laundering; the fight against illicit arms trafficking; proofing of products against crime; regional development and crime prevention; crime statistics.

POLICY ON INTERNAL AND EXTERNAL BORDERS AND VISAS, SCHENGEN

The European Council held in Seville in 2002 and Thessaloniki and Brussels in 2003 emphasised and recalled the common interest of all Member States in establishing a more effective management of external borders, in particular with a view to enhancing the security of citizens within the EU territory.

The Commission has played a very active role in this field, which culminated with the proposal for the creation of an External Border Management Agency on 11 November 2003. The Agency aims in particular to enhance operational co-operation between the national services responsible for the control and surveillance of the external borders of the Member States. This proposal draws on the experience of the Common Unit of External Practitioners. The Brussels European Council of October 2003 asked the Council to reach a political agreement on the main elements by the end of the year. The Council agreed on the main elements for the Agency in its conclusions of 27 November 2003.

Progress has also been made towards the setting up of an air border centre. As regards the maritime borders, two distinct centres are going to be set up, respectively in Greece for the Eastern Mediterranean area and in Spain for the Western Mediterranean and for all the other sea border areas.

Furthermore, on the basis of the Commission's study on maritime borders which was presented in September 2003, the Council agreed in November 2003 on a work programme on this issue.

In conjunction with that, work to implement the Council's Action Plan for the management of external borders is proceeding speedily also on the other fronts. The Commission is about to submit a proposal for a regulation on the Visa Information System (VIS) and has allocated financial resources to support the development of this information system, the management of external borders and the implementation of the return action programme, which were the three priorities identified by the European Council. Furthermore, the Commission, within the framework of the current financial perspectives, will pursue the examination of possibilities for further allocations in these fields up to 2006.

Other Commission proposals presented in the last semester to meet the requests of the European Council concern stamping of passports and local border traffic. A proposal on the recast of the Common Manual of External Borders is under preparation.

In view of the need to ensure the security of documents, the European Council called upon the Council to reach a political agreement by the end of the year on the two Commission proposals presented in September 2003 introducing biometric identifiers in visas and residence permits for third-country nationals. On this basis, the next objective is to render the documents issued to EU citizens more secure. Following the positive response in the Council framework to the need to prioritise this area, the Commission has the intention of presenting shortly a further proposal for introducing biometric identifiers in passports. This work will also facilitate on-going discussions on this question at international level and co-operation with third countries.

Concerning the setting up of the new, second generation, Schengen Information System (SIS II), work is in progress.

In view of completing the arrangements needed to address the particular situation of the enclave of Kaliningrad in view of the future external borders of the EU, the Commission is about to adopt a decision on the compensation of any additional costs for Lithuania resulting from the implementation of the regulations establishing a specific Facilitated Transit Documents FTD and FRTD in accordance with Protocol No 5 on the transit by land between the region of Kaliningrad and other parts of the Russian Federation attached to the 2003 Act of Accession.

In view of enhancing security standards at the future external borders of the EU, for seven of the ten countries signing the accession treaties, a specific and additional financing mechanism is being set up to finance actions for the implementation of the Schengen acquis and external border control. The Commission is completing the necessary preparatory work and will shortly adopt a Decision on the management and implementation of the Schengen Facility.

Finally, as regards visas, the Council adopted in July 2003 the regulation in view of facilitating the issuance of visas to the Olympic family for the Games in Athens in 2004.

CITIZENSHIP OF THE UNION

Good progress has been made towards the adoption of the directive on the right of EU citizens and their families to free movement and stay in the territory of the European Union. Following the modified proposal of the Commission in April 2003, the Council reached a political agreement in September and is about to adopt the Common Position for transmission to the European Parliament in December 2003.

This measure recasts in a single instrument all existing EC legislation on free movement of people and will greatly simplify the administrative procedures that EU citizens and their families have to comply with when they decide to move to and reside in another EU Member State.

CO-OPERATION IN THE FIELD OF DRUGS

The European Council of Brussels in October 2003 reaffirmed the importance of the fight against drugs trafficking and called on the Council to adopt the Commission's proposal for a framework decision on this subject, if possible, by the end of 2003.

In fact, in November 2003, the Council reached a political agreement on this framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drugs trafficking. The Commission regards the adoption of this proposal as a key achievement in view of the completion of an area of freedom, security and justice.

In November 2003, the Commission presented a Communication on co-ordination on drugs in the European Union. Given that this is a complex, multifaceted problem involving a large number of players, effective coordination between all of them is essential. This implies an appropriate level of coordination both within and between the European Union institutions and the Member States. This is one of the key points of drugs policy, since coordination goes to the heart of national and European decision-making processes.

The implementation plan regarding reduction of demand and offer of drugs, linked to the implementation of the Plan of Action against Drugs (2000-2004), was adopted by the Council in June 2003. Member States, the Commission, the OEDT and Europol are currently implementing the actions scheduled in that plan. In June 2003, the Council adopted the recommendation concerning the prevention and reduction of risks linked to drug addiction.

In October 2003, the Commission presented a proposal for a Council decision modifying and replacing the Joint Action of 16 June 1997 on synthetic drugs.

Finally, in November 2003 the Council agreed on a Council Decision concerning control measures and criminal sanctions in respect to the new synthetic drugs 2C-I, 2C-T-2, 2C-T-7 and TMA 2.

STRONGER EXTERNAL ACTION

On 29 October 2003 the provisional closure of chapter 24 on justice and home affairs with Bulgaria took place. The monitoring process will be pursued until accession. Concerning Romania, the negotiations on chapter 24 continue and it could still be possible to submit a draft common position by the end of the year.

Relations with Turkey concerning the justice and home affairs matters are intensifying. A number of activities are on the way to strengthen the JAI dialogue, including twinnings, seminars and technical working groups.

Very positive progress has been made in view of the signature of the Agreement between the EU and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the 2000 Convention on Mutual Legal Assistance and the 2001 Protocol thereto, which is expected by the end of the year.

Concerning the Western Balkans, justice and home affairs is probably the single most important sector in the relations of the EU with these countries at the moment, as reflected in the conclusions of the European Council of Thessaloniki. The development of a strategy to fight against organised crime is at the top of the agenda and the Commission is preparing new institution building measures in response. Border management, judiciary and migration issues are also key priorities for technical assistance. A Justice and Home Affairs Ministerial Troika was held on 28 November 2003. In addition, an EU Action Plan against drugs for the Balkans was adopted by the Council in June 2003.

The six-monthly Summit with Russia took place on 6 November 2003. Among the issues under discussion figured the good progress made in 2003 in relation to the transit of persons through the enclave of Kaliningrad. Further progress is still needed on the implementation of the Action Plan to fight against organised crime. With Ukraine, progress has been made on the implementation of the JHA action plan and its scoreboard.

On 25 June 2003, agreements between the EU and the United States on extradition and judicial co-operation in criminal matters were signed.

Negotiations on readmission agreements are under way, and progress is reported above in the chapter "A common asylum and migration policy".

Concerning multilateral instruments, the Council adopted in October 2003 conclusions on the implementation of the European Arrest Warrant and its relations with the instruments of the Council of Europe in the field of extradition.

The UN Convention on transnational organised crime entered into force on 29 September 2003. On 22 August 2003, the Commission adopted a proposal for a Council Decision for the conclusion on behalf of the European Community of the UN Convention against transnational organised crime and its supplementing protocols on trafficking in persons and smuggling of migrants.

The UN Convention on corruption is expected to be signed by December 2003.

Adopted Commission proposals and Member States' initiatives in Justice and Home Affairs awaiting action in other EU institutions

This list aims to highlight the main Commission proposals and Member States' initiatives that await action in the other EU institutions or formal adoption following the lifting of national reservations.

Common asylum policy:

- Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugees status
- Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection

Common immigration policy and fight against illegal immigration:

- Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities
- Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who co-operate with the competent authorities (political agreement)
- Proposal for a Council Directive on the conditions of entry and residence of third country nationals for the purposes of studies, vocational training or voluntary service
- Proposal for a Council Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (political agreement)

Internal and external borders, common visa policy:

- Proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and determining the conditions of entry and movement for periods not exceeding six months
- Initiative of the Kingdom of Spain with a view to adopting a Council Directive on the obligation of carriers to communicate passenger data
- *Proposal for a Council Regulation amending Regulation (EC) 1683/95 laying down a uniform format for visas*
- *Proposal for a Council Regulation amending Regulation (EC) 1030/2002 laying down a uniform format for residence permits for third-country nationals*

- *Proposal for a Council Regulation laying down the requirements for the competent authorities of the Member States to stamp systematically the travel documents of third-country nationals when they cross the external borders of the Member States and amending the Convention implementing the Schengen Agreement and the Common Manual to this end*
- *Proposal for a Council Regulation on the establishment of a regime of local border traffic at the external land borders of the Member States*
- *Proposal for a Council Regulation on the establishment of a regime of local border traffic at the temporary external land borders between Member States*
- *Proposal for a Council Regulation establishing a European Agency for the management of operational co-operation at the external borders*

EU citizenship:

- Proposal for a Directive of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States

A genuine area of justice in civil law matters:

- Proposal for a Council Directive on compensation to crime victims
- Proposal for a Council Regulation creating a European enforcement order for uncontested claims

Fight against crime and a genuine area of justice in criminal matters:

- Proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography (political agreement)
- Proposal for a Directive of the European Parliament and of the Council on the criminal-law protection of the Community's financial interests
- Proposal for a Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drugs trafficking (political agreement)
- Proposal for a Council Decision on combating racism and xenophobia
- Proposal for a Council Framework Decision on attacks against information systems (political agreement)
- Proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law
- Proposal for a Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences
- Proposal for a Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution

- *Proposal for a Council Decision concerning the analysis and cooperation with regard to counterfeit euro coins*
- *Proposal for a Framework Decision on the European Evidence Warrant for obtaining objects, documents and data for use in proceedings in criminal matters*
- Initiative of the United Kingdom, the French Republic and the Kingdom of Sweden with a view to adopting a Council Framework Decision on the application of the principle of mutual recognition to financial penalties (political agreement)
- Initiative of the Kingdom of Denmark with a view to the adoption of a Council Framework Decision on Confiscation of Crime-related Proceeds, Instrumentalities and Property (political agreement)
- Initiative of the Kingdom of Denmark with a view to the adoption of a Council Framework Decision on the execution in the European Union of confiscation orders
- Initiative of the Kingdom of Denmark with a view to adopting a Council Decision on increasing cooperation between European Union Member States with regard to disqualifications
- Initiative of the Republic of Greece for the adoption of a Framework Decision on the application of the "ne bis in idem" principle.

2. A COMMON EU ASYLUM AND MIGRATION POLICY

The Tampere priorities:

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

2.1. Partnership with countries of origin

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

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

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				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Continuation of the mandate of the High Level Working Group on Asylum and Migration	Council and Commission				The report on the implementation of the action plans already adopted was presented to the Nice European Council in December 2000	Following this report adopted by the Council, the High-Level Group has decided for the moment to launch no new action plans.	
Assessment of other countries and regions in view of drawing up new action plans	Council and Commission	April 2001				As requested by the Thessaloniki European Council, an evaluation mechanism is in preparation to monitor relations with third countries on combating illegal immigration.	
Implementation of a new budgetary instrument for cooperation with third countries of origin and transit ¹	Council and Commission	As soon as possible	The Commission has committed the €10 million entered in the 2001 budget and the €12.5 million allocated by the budgetary authority in 2002 and €20 million in 2003. In June 2003 the Commission presented a proposal for a Regulation establishing a programme for financial and technical assistance to third countries in the area of migration and asylum²	Parliament Opinion in December 2003 Adoption by codecision scheduled for early 2004		Programming scheduled for first half of 2004	

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. A common asylum procedure and a uniform status for refugees must also 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.

¹ Follow-up to EP resolution of 30 March 2000. See also 2.4, Management of migration flows.

² COM(2003)355, 11.6.2003.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Examination of the effectiveness of the Dublin Convention	Evaluation to be conducted by the Commission	2000	Final evaluation report presented in April 2001 ³				
Adoption of criteria and mechanisms (regulation)	Council, on the basis of a proposal by the Commission	April 2001	Commission staff working document presented in March 2000. ⁴ Commission proposal of July 2001 for a Regulation determining the Member State responsible for examining an asylum application ⁵ and Commission Regulation of September 2003 laying down rules for the implementation of Regulation No 343/2003. ⁶	Parliament opinion in April 2002 ⁷	Adopted by the Council in February 2003 ⁸ . Adoption by the Council in May 2003 of a Decision authorising the Commission to negotiate with Denmark. ⁹		Entry into force: 17.3.2003 Directly applicable

³ SEC(2001) 756, 13.6.2000: Commission staff working paper - Evaluation of the Dublin Convention.

⁴ Commission working paper - "Revisiting the Dublin Convention: developing Community legislation for determining which Member State is responsible for considering an asylum application submitted in one of the Member States" (SEC(2000)522, 21 March 2000).

⁵ Commission proposal for a regulation laying down the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (COM(2001) 447, 26.7.2001).

⁶ Commission Regulation No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing 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 (OJ L 222, 5.9.2003).

⁷ A5- 0081/2002, 8 April 2002.

⁸ OJ L 50, 25.2.2003

⁹ Council Decision authorising the Commission to negotiate with Denmark the conclusion of an agreement concerning the criteria and mechanisms for establishing the state responsible for examining a request for asylum lodged in Denmark or any other EU Member State, and to negotiate with Iceland and Norway the conclusion of a Protocol pursuant to article 12 of the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the state responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway.

			Austrian initiative in November 2002 for a Council Regulation determining the States which qualify as safe third States. ¹⁰	Parliament opinion (rejection) in September 2003 ¹¹			
Finalise work on EURODAC	Council and Commission		Commission proposal in May 1999, for a Council Regulation establishing the Eurodac system, ¹² amended in March 2000. ¹³	EP Opinions in November 1999 ¹⁴ and September 2000 ¹⁵	Regulation adopted by the Council in December 2000 and implementing regulation in February 2002. ^{16,17}	Development of the central unit by the Commission, in contact with the experts from the Member States. Implementation of a communal control authority on 28 November 2002 Eurodac began its activities on 15.1.2003 In the first quarter of 2004 the Commission is planning to present a report evaluating the first year of Eurodac activity.	Entry into force: 15.1.2003.

¹⁰ OJ C 17, 24.1.2003: Council Regulation establishing the criteria for determining the States which qualify as safe third States for the purpose of taking the responsibility for examining an application for asylum lodged in a Member State by a third country national and drawing up a list of European safe third States.

¹¹ A5-0210, 13.6.2003.

¹² Proposal for a Council Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints of applicants for asylum and certain other aliens (COM(1999) 260, 26.5.1999).

¹³ Amended proposal for a Council Regulation concerning the establishment of "Eurodac" for the comparison of the fingerprints of applicants for asylum and certain other third-country nationals to facilitate the implementation of the Dublin Convention (COM(2000) 100, 15.3.2000).

¹⁴ A5-0059/1999, 11.11.1999.

¹⁵ OJ C 146, 17.5.2001.

¹⁶ OJ L 316, 15.12.2000.

¹⁷ Regulation laying down certain detailed rules for the application of Regulation No 2725/2000 concerning the establishment of Eurodac (OJ L 62, 5.3.2002, p. 1).

Objective: A fair and efficient asylum procedure

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Adoption of common minimum standards on procedures for granting or withdrawing refugee status with a view, inter alia, to reducing the duration of asylum procedures, and with special reference to the situation of children (directive)	Council, on the basis of a proposal by the Commission	April 2001	Commission proposal for a directive in September 2000, ¹⁸ amended in June 2002, ¹⁹ in accordance with the conclusions of the Laeken European Council.	Parliament opinion in September 2001 ²⁰ Work in progress in the Council.	Council conclusions adopted in December 2001 ²¹ The Seville and Thessaloniki European Councils asked the Council to approve the Directive by 2003.	.	
Definition of common minimum conditions for reception of asylum seekers (with particular attention to the situation of children) (directive)	Council, on the basis of a proposal by the Commission	April 2001	Council conclusions adopted in November 2000 on the basis of a French Presidency working document Commission proposal for a Council Directive in April 2001 ²² .	Parliament opinion in April 2002 ²³	Adopted by the Council in January 2003 ²⁴ .		Implementation: no later than 6.2.2005.

¹⁸ Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2000) 578, 20.9.2000).
¹⁹ Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2002) 326, 18.6.2002).
²⁰ A5- 0291/2001, 20.9.2001.
²¹ 14581/01 (press 444).
²² Proposal for a Directive on minimum standards for the reception of applicants for asylum in Member States (COM(2001) 181, 3.4.2001).
²³ A5-112/02, 25.04.2002.
²⁴ OJ L 31, 6.2.2003.

Common asylum procedure	Commission (in part)		Commission communication in November 2000, proposing an approach in two stages to establish a common European asylum system based on a common procedure and a uniform status.²⁵ First Commission progress report, November 2001, on the common asylum policy, introducing an open coordination method,²⁷ and second report, March 2003, on the common asylum policy and the Agenda for Protection.²⁸ Commission communication in June 2003 on the implementation of the Action Plan.²⁹	Parliament opinion October 2001. ²⁶		The Commission, as stated in its communication of November 2001, wishes to contribute to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum, migration and countries of origin (Asylum and Immigration Committee). In July 2002, it established an EU network for asylum practitioners (EURASIL). In 2004 the Commission is planning to present a communication on the establishment of a single procedure for examining requests for protection in the Member States and a proposal for a decision.	
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²⁵ Commission Communication to the Council and the European Parliament “Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum” (COM (2000) 755 final, 22.11.2000)

²⁶ A5-304/2001, 3.10.2001.

²⁷ Communication from the Commission to the Council and the European Parliament on the common asylum policy, introducing an open coordination method (COM(2001)710, 28.11.2001).

²⁸ Communication from the Commission to the Council and the European Parliament on the common asylum policy and the agenda for protection (Second Commission report on the implementation of communication COM(2000) 755 final of 22 November 2000 (COM(2003)152, 26.3.2003).

²⁹ Communication from the Commission to the Council and the European Parliament - Towards more accessible, equitable and managed asylum systems (COM(2003)315, 3.6.2003).

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
As a follow-up to the Commission communication, a legislative instrument may be needed	Council, on the basis of a proposal by the Commission		Commission Communication in November 2000 (see previous point) Commission progress report (see previous point)				
Approximation of rules on the recognition and content of refugee status (directive)	Council, on the basis of a proposal by the Commission	April 2004	Commission proposal for a Directive in September 2001. ³⁰	Parliament opinion October 2002. ³¹ Work in progress in the Council.	The Seville European Council asked the Council to approve the Directive by June 2003, extended to the end of 2003 by the Thessaloniki European Council.		

³⁰ Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (COM(2001) 510, 12.9.2001).

³¹ A5-0333/02, 21.10.2002.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Temporary protection in the event of mass influx of displaced persons in need of international protection (directive)	Council, on the basis of a proposal by the Commission	As soon as possible	Commission proposal for a Directive in May 2000. ³² Commission Opinion ³³ on the request by Ireland to accept Directive 2001/55/EC and the Commission Decision ³⁴ .	Parliament opinion March 2001. ³⁵	Adopted by the Council in July 2001. ³⁶	A report on the Directive is to be presented early in 2005.	Deadline for Implementation: 31.12.2002
Subsidiary forms of protection (directive)	Council, on the basis of a proposal by the Commission	April 2004	Commission proposal for a Directive in September 2001 (see preceding objective). ³⁷	Parliament opinion October 2002. ³⁸	The Seville European Council asked the Council to approve the Directive by June 2003, extended to the end of 2003 by the Thessaloniki European Council.	On 2004 the Commission is planning to present a communication on the establishment of a single procedure for examining requests for protection in the Member States and possibly a proposal for a decision.	

³² Draft Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (COM(2000) 303, 24.5.2000).

³³ COM(2003)907 final, 6.8.2003.

³⁴ C(2003)3428 final, 2.10.2003.

³⁵ AS- 0077/2001, 13.3.2001.

³⁶ OJ L 212, 7.8.2001.

³⁷ Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (COM(2001) 510, 12.9.2001).

³⁸ AS-0333/02, 21.10.2002.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Setting up a European Refugee Fund (decision)	Council, on the basis of a proposal by the Commission	As soon as possible	Commission proposal for a Council directive in December 1999. ³⁹ In March 2003 the Commission presented its programme of work on ERF.	Parliament opinion in April 2000 ⁴⁰	Decision adopted by the Council in September 2000 ⁴¹	The Commission is preparing a proposal for a decision on the implementation of the European Refugee Fund for 2005-2010.	2000-2003 exercises under way.
Making a financial reserve available in the event of mass influx of refugees	Council and EP, possibly on the basis of a Commission proposal		The European Refugee Fund now has an annual reserve of €10 million to deal with emergency and massive influx situations.				

³⁹ Proposal for a Council Decision on the European Refugee Fund (COM(1999) 686, 14.12.1999).

⁴⁰ OJ C 40, 7.2.2001.

⁴¹ OJ L 252, 6.10.2000.

2.3. Fair treatment of third country nationals

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

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

Objective: To fight against all forms of discrimination, especially racism and xenophobia⁴²

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Implementation of the principle of equal treatment between persons irrespective of race or ethnic origin (directive)	Council, on the basis of a proposal by the Commission	June-December 2000	Commission proposal for a Council directive in November 1999. ⁴³	Parliament opinion in May 2000. ⁴⁴	Directive 2000/43/EC adopted by the Council in June 2000. ⁴⁵	The Commission has launched infringement proceedings for failure to notify transposal measures and is scrutinising such measures as have been notified for conformity with the Directive.	Implementation deadline: 19.07.2003.
Establishment of a general framework for equal treatment in employment and occupation (directive)	Council, on the basis of a proposal by the Commission		Commission proposal for a Council directive in November 1999, ⁴⁶ amended in October 2000. ⁴⁷	Parliament opinion October 2000. ⁴⁸	Directive 2000/78/EC adopted by the Council in November 2000. ⁴⁹		Implementation deadline: 2.02.2003.
Programmes drawing upon best practices and experiences (decision)	Council, on the basis of a proposal by the Commission		Commission proposal in November 1999 ⁵⁰ for a Council Decision establishing a programme to support the Member States' efforts, amended in October 2000. ⁵¹	Parliament opinion October 2000.	Decision adopted by the Council in November 2000. ⁵²	Work programme for 2004 adopted on 21 November 2003.	Programme runs from 1.1.2000 to 31.12.2006

⁴² 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.

⁴³ Commission proposal for a Council Directive on the implementation of the principle of equal treatment of all persons without distinction as to race or ethnic origin (COM(1999)566, 25.11.1999).

⁴⁴ A5- 0136/1999, 18.5.2000.

⁴⁵ OJ L 180, 19.7.2000, p. 22.

⁴⁶ Proposal for a Council Directive establishing a general framework for equal treatment in employment and occupation (COM(1999)565, 25.11.1999).

⁴⁷ Proposal for a Council Directive establishing a general framework for equal treatment in employment and occupation (COM(2000)652, 12.10.2000).

⁴⁸ OJ C 178, 22.6.2001.

⁴⁹ OJ L 303, 2.12.2000.

Strengthening of cooperation with the European Monitoring Centre on Racism and Xenophobia and the Council of Europe	Council / Commission		Official opening of the Centre on 7 April 2000. Fourth annual report published in December 2002. At the end of the first half of 2003, the Commission is planning to present a communication on the Observatory's results and a recasting of Regulation No 1035/97.⁵³	Work in progress in the Council and Parliament			
Enhancing police and judicial cooperation in preventing and combating racism and xenophobia - common charges for racism and xenophobia (framework decision) ⁵⁴	Council, on the basis of a proposal by the Commission		Commission proposal for a Framework Decision in November 2001.⁵⁵ Council conclusions on the fight against racism, anti-Semitism and xenophobia adopted in April 2002.	Parliament opinion in July 2002⁵⁶ Work in progress in the Council.			

⁵⁰ Proposal for a Council decision establishing a Community Action Programme to combat discrimination (2001-2006) (COM(1999)567, 25.11.1999).

⁵¹ Amended proposal for a Council decision establishing a Community Action Programme to combat discrimination (2000-2006) (COM(1999)649, 10.10.2000).

⁵² OJ L 303, 2.12.2000.

⁵³ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Activities of the European Monitoring Centre on Racism and Xenophobia, together with proposals to recast Council Regulation (EC) 1035/97: COM(2003)483, 6.8.2003.

⁵⁴ See also table on "Fight against certain forms of crime".

⁵⁵ Proposal for a Council Framework Decision on combating racism and xenophobia (COM(2001) 664, 28.11.2001).

⁵⁶ A5-189/02, 24.5.2002.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Assessment of present and future migration flows into the EU, with regard to demographic changes, the situation of labour market, as well as migration pressures from countries and regions of origin	Council / Commission / Member States		Commission communication on combating illegal immigration in November 2000. ⁵⁷	Parliament opinion in October 2001. ⁵⁸		The Commission contributed to the establishment, as requested by the Laeken European Council, of an information exchange system on asylum and immigration, following on from its communication of July 2001 (Asylum and Immigration Committee).	
Conditions of entry and residence for the purpose of (a) family reunification, (b) study or vocational training, (c) paid employment and self-employed economic activity (directives)	Council, on the basis of a proposal by the Commission		Communication on the implementation of an open coordination policy. ⁵⁹	Parliament opinion June 2003. ⁶⁰	Council discussions scheduled before June 2003.		

⁵⁷ Communication from the Commission to the Council and the European Parliament on a Community immigration policy (COM(2000) 757, 22.11.2000).

⁵⁸ A5-305/2001, 3.10.2001.

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

⁶⁰ A5-224/03, 12.6.2003.

			Commission proposal for a Council directive on family reunification in December 1999,⁶¹ amended in October 2000⁶² and May 2002,⁶³ in accordance with the conclusions of the Laeken European Council. The Commission presented a proposal for a directive on admission for employment in July 2001.⁶⁷ The Commission presented a proposal for a directive on admission for the purposes of studies, vocational training and voluntary service in October 2002.⁶⁹	Parliament opinion in September 2000⁶⁴ and fresh opinion in April 2003.⁶⁵ Parliament opinion in February 2003⁶⁸ Parliament opinion in June 2003.⁷⁰	Adopted on 22 September 2003.⁶⁶ Work in progress in the Council. Work in progress in the Council	In December 2003 the Commission is planning to present a proposal for a directive and a plan of action on the conditions for entry and residence of research workers from third countries.	
Standards and procedures for the issue of long-term visas and residence permits (directive)	Council, on the basis of a proposal by the Commission		See below.				

⁶¹ Proposal for a Council Directive on the right to family reunification (COM(1999) 638, 1.12.1999).

⁶² Amended proposal for a Council Directive on the right to family reunification presented by the Commission under Article 250(2) of the EC Treaty (COM(2000) 624, 10.10.2000).

⁶³ Amended proposal for a Council Directive on the right to family reunification (COM(2002)225, 2.5.2002).

⁶⁴ A5-0201/2000, 6.9.2000.

⁶⁵ A5- 0086/03, 9.4.2003.

⁶⁶ OJ L 251, 3.10.2003, p. 12.

⁶⁷ Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (COM(2001) 386, 11.7.2001).

⁶⁸ A5- 0010/2003, 12.2.2003.

⁶⁹ Proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purpose of studies, vocational training or voluntary service (COM(2002)548, 7.10.2002).

⁷⁰ A5-0137/03, 28.4.2003.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Definition of a set of uniform rights (e.g. the right to reside, receive education and work as an employee or a self-employed person) to be granted to third-country nationals who have resided legally in a Member State for a period of time to be determined (directive)	Council, on the basis of a proposal by the Commission		Council conclusions adopted in November 2000				
			Commission proposal for a directive on long-term resident status in March 2001. ⁷¹	Parliament opinion in February 2002 ⁷²	Adopted by the Council in November 2003	In 2004 the Commission is planning to present a proposal for a directive on long-term resident status for refugees and persons enjoying international protection.	
			Proposal for a Council Regulation extending the provisions of Regulation (EEC) No 1408/71 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality in February 2002. ⁷³	Parliament opinion in November 2002 ⁷⁴	Regulation (EC) No 859/2003 adopted by the Council in June 2003 ⁷⁵		

⁷¹ Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127, 13.3.2001).

⁷² A5- 0436/2001, 5.2.2002.

⁷³ Proposal for a Council Regulation extending the provisions of Regulation (EEC) N° 1408/71 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality (COM(2002) 59, 6.2.2002).

⁷⁴ A5-0369/02, 21.11.2002.

⁷⁵ OJ L 124, 20.05.2003, p. 1.

Determination of the criteria and of the conditions under which, like Community nationals and their families, third-country nationals could be allowed to settle and work in any Member State of the Union, taking account of the consequences for social equilibrium and the labour market (directive)	Council, on the basis of a proposal by the Commission		Commission communication on implementing an open coordination policy on immigration in July 2001 (see above).⁷⁶ Commission proposal for a directive on long-term resident status in March 2001.⁷⁸ In June 2003 the Commission is planning to present a communication on immigration, integration and employment.⁸⁰	Parliament opinion in June 2003.⁷⁷ Parliament opinion in February 2002⁷⁹	Council discussions scheduled before June 2003. Adopted by the Council in November 2003	In 2004 the Commission is planning to present a proposal for a directive on long-term resident status for persons enjoying international protection. In the second half of 2004 the Commission is planning to present a report on immigration and integration.	
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⁷⁶ Communication from the Commission to the Council and the European Parliament on an open method of coordination for the Community immigration policy (COM(2001) 387, 11.7.2001).

⁷⁷ A5-0224/03, 19.6.2003.

⁷⁸ Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (COM(2001) 127, 13.3.2001).

⁷⁹ A5-0436/2001, 5.2.2002.

⁸⁰ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment (COM(2003)336, 3.6.2003).

2.4. Management of migration flows

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

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				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Further implementation of the action plan adopted by the Council in April 1998	Commission, in cooperation with Member States		Commission Communication in April 2003, presenting a plan of action for gathering and analysing Community statistics on migration. ⁸¹	Parliament opinion expected in November 2003. ⁸²		The Commission is shortly planning to present a proposal for a regulation on Community statistics on immigration and asylum.	
Setting up of a European Migration Observatory / Network	Commission		Preparatory actions (on the basis of previous feasibility study) financed by ODYSSEUS programme; Commission staff working document presented to the experts from the Member States in July 2002	Action launched by establishing national contact points in December 2002.		Work plan to be established in 2003. Meeting with national contact points in May 2003.	

⁸¹ COM(2003)179, 15.4.2003: Communication from the Commission to the Council and the European Parliament to present an action plan for the collection and analysis of Community statistics in the field of immigration.

⁸² A5-0352/2003, 6.11.2003

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
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) ⁸³	Council, on the basis of a proposal by the Commission		The Commission tabled a proposal for a Council framework decision on combating trafficking in human beings in December 2000. ⁸⁴	Parliament opinion in June 2001. ⁸⁵	Adopted by the Council in July 2002. ⁸⁶		Deadline for implementation: 1.8.2004
			The French Presidency presented two initiatives, one for a directive and one for a framework decision, on the liability of traffickers. ⁸⁷	Parliament opinion (rejection) in February 2001. ⁸⁸	Adopted by the Council in November 2002. ⁸⁹		Deadline for Implementation: 5.12.2004
Detecting and dismantling the criminal networks involved by making the fight against illegal immigration one of the priorities of operational cooperation	Member States /Commission/ Europol		Commission Communication in November 2001 on a common policy on illegal immigration ⁹⁰ Communication in June 2003 on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents ⁹¹ .		Decision establishing Eurojust adopted by the Council in February 2002. ⁹² Council conclusions on the fight against illegal immigration and trafficking in human beings by sea adopted in April 2002.	Implementation of Council action plan.	- one year for short-term measures; three years for medium-term measures.

⁸³ See also table on "Fight against certain forms of crime".

⁸⁴ Proposal for a Framework Decision on combating sexual exploitation of children and child pornography (COM(2000) 854, 21.12.2000).

⁸⁵ OJ C 53E, 28.2.2002, p. 121.

⁸⁶ OJ L 203, 1.8.2002, p. 1.

⁸⁷ Initiative of the French Republic with a view to the adoption of a Council Directive defining the facilitation of unauthorised entry, movement and residence and a Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of authorised entry and residence (OJ C 253, 4.9.2000).

⁸⁸ A5- 0315/2001, 15.2.2001.

⁸⁹ OJ L 328, 5.12.2002

⁹⁰ Communication from the Commission to the Council and the European Parliament on a common policy on illegal immigration (COM(2001) 672).

⁹¹ Communication from the Commission to the European Parliament and the Council in view of the European Council of Thessaloniki on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents (COM(323), 3.6.2003).

⁹² Plan to combat illegal immigration and trafficking in human beings in the European Union (JAI 30 rev1 – 6621/1/02).

			Commission proposal for a directive on a residence permit issued to victims of trafficking in human beings. ⁹³	Parliament opinion in December 2002 ⁹⁴	Council political agreement in November 2003. Council adoption in May 2003 of the Brussels Declaration on prevention of trafficking in human beings and combating the phenomenon. ⁹⁵		
Exploring possibilities for establishing common standards and pooling resources for investigations into illegal immigration networks			Commission proposal for a decision establishing an information and coordination network (in conjunction with the Iconet early warning system) in October 2003. Initiative by the Hellenic Republic for a Council Regulation to establish a network of immigration liaison officers	Work in progress in the Council (CIREFI) on improving information exchanges and action against illegal immigration networks (see above). Parliament opinion expected in November 2003 ⁹⁶	Adoption by the Council expected by the end of 2003.		
Further harmonisation of Member States laws on carrier's liability (directive)	Council, on the basis of a Commission proposal or a Member State initiative		Initiative by the F presidency in July 2000 for a proposal for a Council directive ⁹⁷ and ES initiative in February 2003 for its adaptation as regards the obligation to communicate passenger data ⁹⁸ .	Parliament opinion (rejection) in March 2001. ⁹⁹	Adopted by the Council in June 2001. ¹⁰⁰	Organisation by professional bodies, with the Commission's support, of a round table on general issues relating to hauliers' liability in November 2001	Implementation deadline: no later than 11.2.2003.

⁹³ Commission proposal for a directive on short-term residence permits for victims of trafficking in human beings and trafficking in migrants who cooperate with the authorities (COM(2002) 71, 11.2.2002).

⁹⁴ A5-0397/02, 5.12.2002.

⁹⁵ OJ C 137, 12.6.2003.

⁹⁶ A5-0344/2003, 6.11.2003.

⁹⁷ Initiative of the French Republic with a view to the adoption of a Council Directive concerning the harmonisation of financial penalties imposed on carriers transporting into the territory of the Member States third-country nationals lacking the documents necessary for admission (OJ C 269, 20.9.2000).

⁹⁸ Initiative of the Kingdom of Spain with a view to adopting a Council Directive on the obligation of carriers to communicate passenger data (OJ C 82, 5.4.2003).

⁹⁹ A5- 0069/2001, 13.3.2001.

¹⁰⁰ OJ L 187, 10.7.2001; Directive supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement.

Objective: To assist countries of origin and transit

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Development of information campaigns on the actual possibilities for legal immigration and prevention of all forms of trafficking in human beings	Council, on the basis of a proposal by the Commission	April 2001	The Commission has committed the €10 million entered in the 2001 budget, the €12.5 million allocated by the budgetary authority in 2002 and the €20 million allocated for 2003. In December 2002 the Commission adopted a Communication on Integrating migration issues in the European Union's relations with Third Countries ¹⁰¹ :	Parliament opinion in June 2003. ¹⁰⁴	Conclusions on intensive cooperation in the management of migratory flows adopted by Council in November 2002.	Project selection for 2003 in progress. Commission working paper on intensifying cooperation with third countries on migration (October 2003).	
Promotion of voluntary return			1. Migration and development		Council conclusions in May 2003, asking the Commission to prepare a report on their implementation by 2004.	In the second quarter of 2004 the Commission is planning to present a communication on a study on legal and illegal immigration in the EU, and a report at the end of 2004 on relations with third countries in the fight against illegal immigration,	
Strengthening the ability of the authorities in those countries to combat effectively trafficking in human beings			2. Report on the effectiveness of the financial resources available at community level as regards repatriation of immigrants and those with rejected asylum claims, of management of external borders and asylum and migration projects in third countries.				
Helping third countries to cope with their readmission obligations towards the Union and the Member States			In July 2003 the Commission presented a proposal for a decision establishing a programme for financial and technical assistance to third countries in the area of migration and asylum and in June 2003 establishing a programme for financial and technical assistance ¹⁰²¹⁰³ .	Parliament Opinion in December 2003. Adoption by codecision scheduled for early 2004.			

¹⁰¹ COM(2002)703, 3.12.2002.

¹⁰² Proposal for a Regulation of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the area of migration and asylum (COM(2003)355, 11.6.2003).

¹⁰³ See also table on "Partnership with countries of origin".

¹⁰⁴ AS-0224/03, 19.6.2003.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
To conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries	Council, on the basis of a proposal by the Commission		Presentation of draft negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia in February 2000, Hong Kong and Macao in March 2001, Ukraine March 2002 and Albania, Algeria, China and Turkey in October 2002.	Parliament opinion (Hong Kong) in December 2002 ¹⁰⁵	Negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia adopted by Council in September 2000, with Hong Kong and Macao in May 2001, with Ukraine in June 2002 and with Albania, Algeria, China and Turkey in November 2002. The European Councils at Seville (June 2002) and Brussels (October 2003) asked for the conclusion of readmission being negotiated to be expedited and facilitated.	Readmission agreement signed with Hong Kong on 27 November 2002 and with Macao on 13 October 2003, conclusion and entry into force scheduled for first half of 2004. Readmission agreement initialled with Sri Lanka on 30 May 2002 and signing scheduled for before end of 2003. Negotiations with Albania completed in November 2003. Negotiations under way for readmission agreements with Russia, Morocco and Ukraine. Negotiations to open with Turkey, China, Pakistan and Algeria in the first half of 2004. As requested by the Brussels European Council, the Commission is planning to present a report at the beginning of 2004 on the priorities of a common policy on readmission and measures to make a success of such a policy.	

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A5-0382/02, 19.12.2002.

Development of common minimum standards on repatriation	Council / Commission / Member States		Initiative by the French Presidency in July 2000 for a Council directive.¹⁰⁶ In April 2002 the Commission presented a Green Paper,¹⁰⁹ and a communication adopted in October 2002 set out its initial thinking on a programme of action concerning returns.¹¹⁰	Parliament opinion (rejection) in March 2001.¹⁰⁷ Work in progress in the Council.	Adopted by the Council in May 2001.¹⁰⁸ In November 2002, as requested by the Seville European Council, the Council adopted a returns programme on the basis of the Commission Green Paper and a programme for the return of refugees to Afghanistan.	The Commission will very shortly be presenting a proposal for a decision establishing a financial instruments for returns. In 2004 the Commission is planning to present a proposal for a directive on minimum standards for asylum procedures and the mutual recognition of decisions.	
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¹⁰⁶ Initiative of the French Republic with a view to adopting a Council Directive on mutual recognition of decisions on the expulsion of third country nationals (OJ C 243, 24.8.2000).

¹⁰⁷ AS- 0065/2001, 13.3.2001.

¹⁰⁸ OJ L 149, 2.6.2001.

¹⁰⁹ Green Paper on a Community return policy on illegal residents (COM(2002) 175, 10.4.2002).

¹¹⁰ Commission communication on a Community return policy on illegal residents (COM(2002) 564, 14.10.2002).

		Commission proposal in February 2003 for a Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from mutual recognition of expulsion decisions.¹¹¹ DE initiative in January 2003 for a Council Directive on assistance in cases of transit for the purposes of removal by air.¹¹³	Parliament opinion (rejection) in June 2003.¹¹² Parliament opinion (rejection) in April 2003¹¹⁴ and fresh opinion in September 2003.¹¹⁵	Council political agreement in November 2003. Adopted by the Council in November 2003.	
		IT Initiative in September 2003 on assistance in cases of transit through the territory of one or more Member States¹¹⁶. IT Initiative in September 2003 on the organisation of joint flights for removals of third-country nationals¹¹⁷.	Will not be adopted by the Council.	Council political agreement in November 2003.	The Council will adopt conclusions on assistance for transit through the territory of one or more Member States.

¹¹¹ Proposal for a Council Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals (COM(2003)49 du 3.2.2003).

A5-0166/03, 21.5.2003.

¹¹³ Initiative of the Federal Republic of Germany with a view to adopting a Council Directive on assistance in cases of transit for the purposes of removal by air (OJ C 4, 9.1.2003).

¹¹⁴ A5-0104/03.

¹¹⁵ A5-0291/03, 9.9.2003.

¹¹⁶ Initiative of the Italian Republic with a view to adopting a Council Directive on assistance in cases of transit through the territory of one or more Member States in the context of removal orders taken by Member States against third-country nationals (OJ C 223, 19.9.2003).

¹¹⁷ Initiative of the Italian Republic with a view to adopting a Council Decision on the organisation of joint flights for removals of third-country nationals illegally present in the territory of two or more Member States (OJ C 223, 9.9.2003).

3. A GENUINE EUROPEAN AREA OF JUSTICE

The Tampere priorities:

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

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

3.1. Better access to justice in Europe

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

Objective: To ensure legal certainty and equal access to justice

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Information campaign and publication of "user guides" on judicial cooperation within the Union	Commission		In October 2002, to improve users' information, the Commission organised a joint Conference with the Council of European public information and access to justice; Comparable information sheets on legal aid have been prepared with the Council of Europe Practical initiatives to improve the familiarity of judges and the general public with the European Judicial Network in civil and commercial matters have also been launched. (a poster, a general-public brochure, a leaflet for judges). The Commission has launched an information campaign on judicial cooperation in civil and commercial matters that will actually run in 2004. The Commission, jointly with the Council of Europe, has designated 25 October as European Day of Civil Justice. European and national events will be held around that date.			An information campaign has been launched for 2003.	

Establishment of a permanent information system by a network of national authorities (the European Judicial Network for Civil Matters)	Council, on the basis of a proposal by the Commission	2001	Commission proposal for a Council decision setting up a network.¹¹⁸ The Network has been in operation since 1.12.2002. It held its inaugural meeting on 4.12.2002. The website came on line in March 2003. It contains data-sheets on a variety of topics related to civil justice in the Member States, the Community and internationally, in all the Community languages. Commission proposal for a Council Regulation establishing a general framework for Community activities,¹²¹ amended in November 2001.¹²²	Parliament opinion in April 2001¹¹⁹ EP Opinions in October 2001¹²³ and March 2002¹²⁴	Adopted by the Council at the end of May 2001.¹²⁰ Regulation adopted by the Council in April 2002.¹²⁵	The site will continue to be developed in 2004, particularly through extension to the new Member States and their languages.	Implementation date: 1.12.2002 (Article 2 and 20: before 1.6.2002)
Proposal to establish minimum standards of legal aid	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Following presentation of its Green Paper in February 2000,¹²⁶ the Commission organised a hearing in February 2001 and presented a proposal for a directive on legal aid in January 2002.¹²⁷ Commission Decision expected in May 2003 establishing a legal aid applications transmission form.¹²⁸	Parliament opinion in September 2002 ¹²⁹	Adopted by the Council in January 2003 ¹³⁰		Implementation: no later than 30.11.04, except Art. 3(2)(a): 30.5.06.
			Commission proposal for a Directive on access to justice in environmental matters ¹³¹				

¹¹⁸ Proposal for a Council Decision establishing a European Judicial Network in civil and commercial matters (COM(2000) 592, 22.9.2000).

¹¹⁹ A5- 0091/2001, 5.4.2001.

¹²⁰ OJ L 174, 27.6.2001.

¹²¹ Proposal for a Council regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters (COM(2001) 221, 25.5.2001).

¹²² Amended proposal for a Council regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters (COM(2001) 705, 20.11.2001).

¹²³ A5- 0339/2001, 15.10.2001.

¹²⁴ C5- 0021/2002, 12.3.2002.

¹²⁵ OJ L 115, 1.5.2002.

¹²⁶ Commission Green paper - Legal aid in civil matters: the problems confronting the cross - border litigant (COM(2000) 51, 9.2.2000).

¹²⁷ Proposal for a Directive to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid and other financial aspects of civil proceedings (COM(2002) 13, 18.1.2002).

¹²⁸ Commission Decision of 18/6/2003 establishing a form for the transmission of legal aid applications under Council Directive 2003/8/CE of 27/1/2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (C(2003)1829, 18.6.2003).

¹²⁹ A5-312/02, 25.9.2002.

¹³⁰ OJ L 126, 31.1.2003

¹³¹ Proposal for a Parliament and Council Directive on access to justice in environmental matters (COM(2003) 624 final, 24.10.2003).

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	Commission proposal in April 2002 for a regulation on uncontested claims¹³² and amended proposal in June 2003 following Parliament's opinion¹³³ Commission Green Paper in December 2002 on a European order for payment procedure and on measures to simplify and speed up small claims litigation.¹³⁵ Proposal for a regulation in November 2003 to establish a procedure for a European order for payment procedure. Regarding alimony claims, the Commission launched a preparatory study in the spring of 2002. In April 2003 it asked for authorisation to negotiate a Convention on maintenance obligations at the Hague Conference on Private International Law.	Parliament opinion in April 2003 ¹³⁴	Work in progress in the Council	In 2004 the Commission is planning to present a legislative proposal on small claims. In 2004 the Commission is planning to present a Green Paper on maintenance claims.	
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¹³² Proposal for a Council Regulation creating a European enforcement order for uncontested claims (COM(2002)159, 18.4.2002).

¹³³ Amended proposal for a Parliament and Council Regulation creating a European enforcement order for uncontested claims (COM(2003)341, 11.6.2003).

¹³⁴ A5- 0108/03, 8.4.2003.

¹³⁵ Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation (COM(2002) 746, 20.12.2002).

Proposal to establish minimum standards of quality for ADR	Member States to set up the extra-judicial procedures	April 2004	In May 2000 the Council adopted conclusions on alternative dispute resolution.			Work was started in 2003 to develop a European plan for best practice in mediation. In 2004 the Commission is planning to present a proposal for a directive on alternative dispute resolution.	
			European Extra-Judicial Network (EEJ Net) for consumers launched by the Commission in October 2001.¹³⁶ FIN-NET launched by the Commission for the extrajudicial settlement of disputes relating to financial services. There was greater publicity for FIN-NET in spring 2002, with among other things a brochure for the general public. Commission Green Paper on minimum quality standards presented in April 2002.¹³⁷ The Commission organised a public hearing on the Green Paper in February 2003.	Parliament opinion March 2003. ¹³⁸		A conference was held in June 2003 to evaluate the pilot phase of the EEJ-Net. The Commission will then present a report to the Council and Parliament in the first quarter of 2004. The number of systems in FIN-NET will be extended as far as can be. This will particularly concern bodies in the acceding countries and investment services.	

¹³⁶ This network is based on Recommendations 98/257/EEC and 2001/310/EEC.

¹³⁷ Green Paper on alternative dispute resolution in civil and commercial law (COM(2002) 196, 19.4.2002).

¹³⁸ A5-0058/03, 12.3.2003.

			SOLVIT network for the resolution of problems of poor application of the internal market rules by national administrations launched by the Commission in July 2002.¹³⁹¹⁴⁰ The March 2002 Internal Market Council gave a favourable reception to this.¹⁴¹			Since November 2003 SOLVIT has been open to MEPs and organisations such as the Euro Info Centres, Euroguichets, chambers of commerce and industry and trade associations to put their disputed cases directly on-line.	
Establishment of multilingual forms mutually recognised as valid in cross-border judicial 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 Green Paper on small claims and will be addressed generally in the context of the various projects on harmonisation of certain rules for civil proceedings. Commission Decision in June 2003 establishing a legal aid applications transmission form.¹⁴² The proposal for a Regulation on uncontested claims and the proposal for a Regulation on parental responsibility contain harmonised forms.			In 2003 the Commission is embarking on preparatory work for the establishment of an additional form for legal aid applications. The proposal for a European injunction to pay procedure to be presented in December 2003 will contain harmonised forms. The European Judicial Atlas (civil), will also contain all the forms used in judicial cooperation in civil matters.	

¹³⁹ Commission Communication - Effective Problem Solving in the Internal Market ("SOLVIT") (COM(2001)702, 27.11.2001).

¹⁴⁰ OJ L331, 15.12.2001, p. 39.

¹⁴¹ Doc. 6503/02, 1.3.2002.

¹⁴² Commission Decision of 18/6/2003 establishing a form for the transmission of legal aid applications under Council Directive 2003/8/CE of 27/1/2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (C(2003)1829, 18.6.2003).

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Drawing up of minimum standards for protection of victims	Council, on the basis of a Commission proposal or a Member State initiative	2002	Commission Communication presented in July 1999. ¹⁴³				
			Initiative by the Portuguese Presidency for a Framework Decision on the status of victims. ¹⁴⁴	Parliament opinion in December 2000 ¹⁴⁵	Framework Decision adopted by the Council in March 2001. ¹⁴⁶	The joint programme of measures to implement the principle of mutual recognition of decisions in criminal matters also incorporates, among those parameters, mechanisms to protect victims' rights	Implementation deadline: 22.03.02, 22.03.04 or 22.03.06, depending on the Article. First Commission report, on the basis of Art. 18 of the Framework Decision scheduled for December 2003.

¹⁴³ Commission Communication on Crime victims in the European Union (COM(1999) 349, 14.7.1999).

¹⁴⁴ Draft framework decision on the status of the victim in criminal proceedings (OJ C 243, 24.8.2000).

¹⁴⁵ A5-0355/2001, 12.12.2000.

¹⁴⁶ OJ L 82, 22.3.2001.

Further instruments on approximation of compensation arrangements for victims	Council, on the basis of a Commission proposal or a Member State initiative	2004	Commission Green Paper on compensation for victims presented in September 2001 ¹⁴⁷ and followed by a public hearing on 21 March 2002. Commission proposal for a directive on compensation in October 2002. ¹⁴⁹	Parliament opinion in September 2002 ¹⁴⁸ Parliament opinion October 2003.			
Examining the possibility of recognising decisions taken in the interests of victims of crime where such decisions are incorporated into sentencing decisions			Covered by Article 1(b)(iv) of the draft framework Decision on the application of the mutual recognition principle to pecuniary penalties and Council Regulation No 44/2001 of 22.12.2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. ¹⁵⁰			Included in the mutual recognition programme in criminal matters.	

¹⁴⁷ Green paper - Compensation to crime victims (COM(2001) 536, 28.9.2001).

¹⁴⁸ A5-0309/02, 24.9.2002.

¹⁴⁹ Proposal for a directive - Compensation to crime victims (COM(2002) 562, 16.10.2002).

¹⁵⁰ OJ L 12, 16.01.2001.

3.2. Mutual recognition of judicial decisions

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

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

As regards civil matters:

Objective: Enhanced mutual recognition of judicial decisions and judgments, and the necessary approximation of legislation, to facilitate cooperation between authorities and the judicial protection of individual rights¹⁵¹

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Programme of measures on mutual recognition of civil and commercial decisions (containing measures required for mutual recognition and enforcement; abolishing obstacles for small claims and family litigation).	Council and Commission	End 2000	The mutual recognition programme was adopted by the Council in November 2000 ¹⁵² . It covers four areas: for the first area, pilot projects are being launched (see 3.1.4 above);				

¹⁵¹ See also table on "Greater convergence in civil law".

¹⁵² OJ C 12, 15.1.2001.

			for the second area, Commission working paper in March 2001 on Mutual recognition of decisions on parental responsibility;¹⁵³ Commission proposal in September 2001 for a Regulation to complement the Regulation matrimonial matters and in matters of parental responsibility .¹⁵⁴ Commission proposal in October 2001 for a decision authorising the Member States to sign the Hague Convention of 1996¹⁵⁵ and proposal expected in May 2003 for a Decision authorising the Member States to ratify the Convention.¹⁵⁶ French Initiative in July 2000 for a Regulation on rights of access to children.¹⁵⁸ Commission proposal in May 2002¹⁶⁰ to merge the French initiative, the Commission proposal for a regulation of September 2001 and Regulation (EC) No 1347/2000 (Brussels II).	Withdrawn by the Commission, incorporated in the proposal of May 2002. Parliament on the ratification proposal in October 2003. Parliament opinion in December 2000.¹⁵⁹ Parliament opinion in November 2002¹⁶¹	Signature decision adopted by the Council in December 2002.¹⁵⁷ Adopted by the Council in November 2003		
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¹⁵³ Commission working document - Mutual recognition of decisions on parental responsibility (COM(2001) 166, 27.3.2001).

¹⁵⁴ Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in matters of parental responsibility (COM(2001) 505, 30.8.2001).

¹⁵⁵ Proposal for a Council Decision authorising the Member States to sign in the interest of the European Community the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and cooperation in respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Hague Convention) (COM(2001) 680, 20.11.2001).

¹⁵⁶ Proposal for a Council Decision authorising the Member States to ratify, or accede to, in the interest of the European Community the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Hague Convention) (COM(2003) 348, 17.6.2003).

¹⁵⁷ OJ L 48, 21.2.2003.

¹⁵⁸ French Initiative for a Council Regulation on the mutual enforcement of judgments on rights of access to children (OJ C 234 of 15.8.2000).

¹⁵⁹ A5-0311/2000, 17.11.2000.

¹⁶⁰ Proposal for a Council Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001 in matters relating to maintenance (COM(2002)222, 3.5.2002).

¹⁶¹ A5-0385/2002.

		- Initiative by the Kingdom of the Netherlands in July 2002 with a view to the adoption of a Council Regulation amending Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters¹⁶² Commission proposal in October 2000 for a Council Decision on the signing by the European Community of the Council of Europe Convention on contact concerning children.¹⁶⁴ Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters	Parliament opinion in September 2003¹⁶³	Work in progress in the Council Adoption of a Council Recommendation authorising the Commission to open negotiations with Denmark on Regulations Nos 44/2001 and 1348/2000.	As soon as negotiations with Denmark are complete, the Commission is planning to present a decision authorising the Community to sign and conclude two agreements extending to Denmark the provisions of Regulations Nos 44/2001 et 1348/2000. A report on the operation of Regulation No1348/2000 will be presented in 2004.	
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¹⁶² OJ C 311, 14.12.2002.
¹⁶³ A5-0253/03, 9.7.2003.
¹⁶⁴ COM(2002) 520, 2.10.2002

			For the third and fourth areas, the Commission launched preparatory studies in 2001, the results of which have now been made available. For the fourth area, the Commission organised a conference on successions in conjunction with the Council of Europe in October 2002.			In the first quarter of 2004 the Commission is planning to present a Green Paper on successions and wills. The Commission is considering the possibility of preparing a Green Paper on the consequence in terms of assets of the separation of married and unmarried couples.	
Proposal on minimum standards for specific aspects of civil procedure (new procedural legislation on money payments)	Council, on the basis of a Commission proposal or a Member State initiative		In December 2002 the Commission presented a Green Paper on further harmonisation of procedural rules relating to uncontested and small claims (European order to pay) (see above, point 3.1.4). Proposal for a regulation scheduled for December 2003 to establish a procedure for a European order for payment procedure.			In 2004 the Commission is planning to present a legislative proposal on small claims (cf. supra, 3.1.4.).	
Launching of work on the European Enforcement Order	Council, on the basis of a Commission proposal or a Member State initiative		This action has been included in the programme of measures to implement the principle of mutual recognition. Commission proposal in April 2002 for a regulation (see above, point 3.1) to establish a European enforcement order.¹⁶⁵ Presentation by the Commission of the new proposal for a regulation on rights of access to children will enable the work on abolition of the exequatur procedure to be followed up (see point 3.2 above).	Parliament opinion in April 2003¹⁶⁶ General guidelines agreed by the Council in November 2003	Council political agreement expected at the end of 2003.		

¹⁶⁵ Proposal for a Council Regulation creating a European enforcement order for uncontested claims (COM(2002)159, 18.4.2002).

¹⁶⁶ [A5- 0108/03, 8.4.2003](#)

As regards criminal matters

Objective: To make sure criminals have no safe havens

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Ratification of the 1995 and 1996 EU Conventions on extradition ^{167 168}	Member State	April 2001	.				All the Member States have ratified the 1996 Convention except I and F. All the Member States have ratified the 1996 Convention except I and F.
Study on abolition of formal extradition procedures concerning persons fleeing from justice after having been sentenced. ¹⁶⁹	Council, on the basis of a proposal by the Commission	End 2001	Commission proposal in September 2001 for a Framework Decision on the European arrest warrant. ¹⁷⁰	Parliament opinion in February 2002 ¹⁷¹	Adopted by the Council in June 2002. ¹⁷²	In the second half of 2004 the Commission is planning to present a report on the implementation of the Framework Decision.	Deadline for implementation: 31.12.2003
Providing for fast-track extradition procedures	Council, on the basis of a proposal by the Commission	End 2001	Included in the Commission proposal (see above)	see above			

¹⁶⁷ These two measures are included in the EU Plan of Action against terrorism (periodic review).

¹⁶⁸ Following the initiative presented by Sweden (OJ C 195, 11.7.2001), Council Decision 2003/169/JHA of 27.2.2003 laying down arrangements for the 1995 Convention on simplified extradition procedures between the Member States of the EU the 1996 Convention relating to extradition between Member States of the EU builds on the Schengen arrangements in accordance with the agreement associating the Republic of Iceland and the Kingdom of Norway with the application, implementation and development of the Schengen arrangements (OJ L 67, 12.3.2003).

¹⁶⁹ These two measures are included in the EU Plan of Action against terrorism (periodic review).

¹⁷⁰ Commission proposal for a Council framework decision on the European arrest warrant and surrender procedures between Member States (OJ C 332 E, 27.11.2001).

¹⁷¹ A5-0003/2002, 6.2.2002.

¹⁷² OJ L 190, 18.7.2002.

Examine the issue of extradition in relation to procedures in absentia	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Included in the Commission proposal (see above)	see above			
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Objective: To ensure that decisions taken in one Member State have effect throughout the Union

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Programme of measures on the application of the principle of mutual recognition to be followed by specific instruments	Council / Commission	End 2000	Commission Communication in July 2000. ¹⁷³	Parliament opinion in May 2001. ¹⁷⁴	Joint Council/Commission programme adopted in November 2000	Most of the top-priority measures are indicated in other scoreboard tables. The programme's aim is to record achievable progress in making the reservations and declarations concerning the coercive measures contained in Article 5 of the 1959 European Convention on Mutual Assistance in Criminal Matters non-invocable between MS and to examine ways of recognising decisions taken in the interests of victims of crime where they are incorporated into sentencing decisions.	

¹⁷³ Commission Communication on Mutual recognition of Final Decisions in criminal matters (COM(2000) 495, 28.7.2000).

¹⁷⁴ A5-0145/2001, 17.5.2001.

Application of mutual recognition to pre-trial orders. ¹⁷⁹	Council, on the basis of a Commission proposal or a Member State initiative		Commission Green Paper in February 2003 on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union ¹⁷⁵ and presentation of a proposal for a Framework Decision in December 2003		Adopted by the Council in November 2003	Commission Communication in 2004, to facilitate the application of mutual recognition of jurisdiction	
			DK initiative for a Council Decision on the reinforcement of cooperation between Member States of the EU as regards disqualification decisions.¹⁷⁶ EL initiative in February 2003 for a Framework Decision on the application of the "non bis in idem" principle.¹⁷⁷ Initiative by F, B and SU in February 2001 for a Framework Decision on the freezing of assets and evidence.¹⁸⁰				
				Parliament opinion [rejection] in December 2002		In 2004 the Commission is planning to present a communication on disqualifications.	
				Parliament opinion in September 2003 ¹⁷⁸			
				Work in progress in the Council			
				EP Opinions in September 2001 ¹⁸¹ and June 2002. ¹⁸²	Adopted by the Council in July 2003. ¹⁸³		Deadline for Implementation: 2.8.2005

¹⁷⁵ Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union (COM(2003)75, 19.2.2003).
¹⁷⁶ Council Decision on the reinforcement of cooperation between Member States of the EU as regards disqualification decisions (OJ C 23, 19.9.2002).
¹⁷⁷ Initiative of the Republic of Greece for the adoption of a Framework Decision on the application of the "*non bis in idem*" principle (OJ C 100, 26.4.2003).
¹⁷⁸ A5-0275/03, 14.7.2003.
¹⁷⁹ This measure is included in the EU Plan of Action against terrorism.
¹⁸⁰ Draft Council Framework Decision on the execution in the European Union of orders freezing assets or evidence (OJ C 75, 7.3.2001).
¹⁸¹ OJ C 77E, 28.3.2002, p. 91.

			Commission proposal in November 2003 for a Framework Decision on the European Evidence Warrant for obtaining objects, documents and data for use in proceedings in criminal matters. ¹⁸⁴			Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 6 and 7).	
Examine the feasibility of improved cross-border cooperation on the transfer of proceedings and the enforcement of sentences	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	Initiative by F, S and UK for a Framework Decision on the application of the principle of mutual recognition to financial penalties.¹⁸⁵ German initiative establishing, in accordance with Article 34 of the Treaty on European Union, the Agreement on cooperation in Proceedings for Road Traffic Offences and the Enforcement of Financial Penalties Imposed in respect thereof Initiative by Denmark in June 2002 for a draft framework decision on the enforcement of confiscation orders in the Union.¹⁸⁷	Parliament opinion in January 2002¹⁸⁶ Agreement in principle in May 2003. Incorporated in the Framework Decision on the application of the principle of mutual recognition to financial penalties. Parliament opinion in November 2002¹⁸⁸	Formal adoption by the Council once parliamentary reservations have been lifted (UK/DK/S/IRL/NL)	Included in the joint programme for the mutual recognition of decisions in criminal matters (see also measures 17, 18, 20 and 21)	

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A5-0172/02, 16.5.2002.

¹⁸³

OJ L 196, 2.8.2003, p. 45.

¹⁸⁴

Proposal for a Council Framework Decision on the European Evidence Warrant for obtaining objects, documents and data for use in proceedings in criminal matters (COM(2003) 688, 14.11.2003).

¹⁸⁵

Draft framework decision on the application of the principle of mutual recognition to financial penalties (OJ C 278, 2.10.2001).

¹⁸⁶

A5-0444/2001, 17.1.2002.

¹⁸⁷

Initiative of the Kingdom of Denmark with a view to the adoption of a Council Framework Decision on the execution in the European Union of confiscation orders (OJ C 184, 2.8.2002).

¹⁸⁸

A5-0383/02, 7.11.2002.

Study the feasibility of extending and possibly formalising the exchange of information on criminal records	Council, on the basis of a Commission proposal or a Member State initiative	April 2004				Incorporated into the joint programme for the mutual recognition of decisions in criminal matters (see measures 3 and 4). Request for court records included in a Framework Decision proposed by the Commission in November 2003 on the European Evidence Warrant for obtaining objects, documents and data for use in proceedings in criminal matters.	
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3.3. Greater convergence in civil law

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

Objective: Eliminate obstacles created by disparities in law and procedures

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
New procedural legislation in cross-border cases (e.g. provisional measures, taking of evidence, time limits)	Council, on the basis of a Commission proposal or a Member State initiative.	April 2004	Initiative by Germany in September 2000 on the taking of evidence. ¹⁸⁹ The issue of procedural law is partly included in the mutual recognition programme. Preparatory study launched by the Commission in April 2002 on improvements to the enforcement of judicial decisions in the Member States ¹⁹² .	Parliament opinion October 2001. ¹⁹⁰	Adopted by the Council at the end of May 2001. ¹⁹¹		Deadline for implementation: 1.7.2004 except art. 19-21 and 22: 1.7.2001
						The Commission is preparing a Green Paper on improvements to the effectiveness of enforcement procedures. The Commission is shortly to publish a first summary of the (currently about 130) replies to the consultations on a plan of action.	

¹⁸⁹ OJ C 314, 3.11.2001.

¹⁹⁰ 15-0073, 14.3.2001.

¹⁹¹ OJ L 174, 27.6.2001.

¹⁹² OJ S 67, 5.4.2002.

General study to identify and eliminate obstacles to the smooth functioning of civil proceedings	Council to prepare a report	End 2001	Commission communication in July 2001 on European contract law,¹⁹³ 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 Commission is preparing a Green Paper on improvements to the effectiveness of enforcement procedures¹⁹⁴. Following the communication of July 2001 and the reactions of those concerned to this document, the Commission presented a communication in February 2003 entitled A more coherent European contract law; an action plan.¹⁹⁶	Parliament opinion in November 2001¹⁹⁵ Parliament Resolution adopted on 2.9.2003.	The report provided for by the Council was presented to the Laeken European Council. Council Resolution adopted on 22.9.2003, supporting the plan.	In the second quarter of 2004 the Commission is planning to present a communication which, on the basis of the responses to its Plan of action, will set out the Commission's conclusions for future work.	
Finalising the Brussels and the Lugano Conventions. ¹⁹⁷	Council, on the basis of a proposal by the Commission	April 2001	The diplomatic conference with a view to a world convention on jurisdiction and the recognition of judgments in civil and commercial matters took place in June 2001. The Commission launched public consultations on the Internet and organised a hearing in October 2001 in the context of the ongoing negotiations.		The Council adopted the Regulation replacing the Brussels Convention in December 2000.¹⁹⁸		Entry into force: 1.3.2002

¹⁹³ Communication from the Commission to the Council and the European Parliament on contract law in the Community (COM(2001) 398, 11.7.2001).

¹⁹⁴ http://europa.eu.int/comm/consumers/cons_int/safe_shop/fair_bus_pract/cont_law/index_en.htm

¹⁹⁵ A5-0384/2001 du 15.11.2001.

¹⁹⁶ Communication from the Commission to the Council and the European Parliament on contract law in the Community (COM(2003) 68, 12.2.2003). an action plan.

¹⁹⁷ See also table on "Mutual recognition of judicial decisions".

¹⁹⁸ OJ L 12, 16.1.2001.

			The Commission presented negotiating directives in 2001 and 2002 (cf. Right-hand column). In April 2002, the Hague Conference decided to set up an informal working party to prepare a more limited draft relating mainly to choice-of-forum clauses. A draft has been produced and will be examined in December 2003. In September 2003, the Commission presented draft negotiating directives for the meeting. Commission proposal in March 2002 for a recommendation for a negotiating brief for an agreement between the Community and the Lugano countries.¹⁹⁹		In May 2001 the Council adopted a decision, further to a Commission proposal, on the launch of negotiations as part of the Hague Convention with a view to a world convention on jurisdiction and the recognition of judgments in civil and commercial matters In March 2002 the Council, on a proposal from the Commission, adopted a new negotiating brief for a meeting to be held in the Hague in April 2002. In November 2003 the Council adopted a recommendation for a decision authorising the EC to open negotiations for a convention on choice-of-forum clauses in the Hague Conference. In October 2002 the Council adopted a negotiating brief for an agreement between the Community and the Lugano States.	The negotiations conducted by the Commission cannot be concluded before the Court of Justice has given the Opinion requested by the Council on the question of Community powers.	
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	Following the public consultation on a preliminary draft Regulation which included a public hearing in January 2003, the Commission is planning a proposal for a Rome II Regulation in the second half of 2003. ²⁰⁰				

¹⁹⁹ Recommendation for a Council Decision authorising the Commission to open negotiations for a Convention between the Community and, having regard to the Protocol on its position, Denmark, and Iceland, Norway, Switzerland and Poland (SEC(2002) 298, 22.3.2002).

²⁰⁰ Proposal for a Regulation of the European Parliament and of the Council on the law applicable to non-contractual obligations ("Rome II") (COM(2003) 427, 22.7.2003).

Revising, where necessary, the 1980 Rome Convention (Rome I).	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	The Commission organised a preparatory meeting of national experts in April 2002. Commission Green Paper in January 2003 on the conversion of the Convention into a Community instrument and its modernisation.²⁰¹			The Commission will organise a public hearing towards the end of 2003..	
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 a comparative study on national legislation and the position of the Member States. The Commission launched a complementary study in 2001, the results of which will be available in the third quarter of 2002.			The Commission organised a meeting of experts in March 2003. The Commission is considering the possibility of presenting a White Paper on the law applicable to divorce.	
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 above). The Commission has launched large-scale preparatory studies, and the results of the study on successions will be available by the end of 2002. The results of the study on matrimonial property regimes became available in May 2003. In addition, the Commission is to organise a conference on successions in conjunction with the Council of Europe in October 2002.			In 2004 the Commission is planning to present a Green Paper on successions. Subsequently the Commission is planning to present a Green Paper on the property consequences of the separation of married and unmarried couples (cf. Supra, 3.2).	

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Green Paper on the conversion of the Rome Convention of 1980 on the law applicable to contractual obligations into a Community instrument and its modernisation (COM(2002)654, 14.1.2003).

4. UNION-WIDE FIGHT AGAINST CRIME

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

The Tampere European Council called for a balanced development of Union-wide measures against all forms of crime, including serious organised and transnational crime, should be achieved while protecting the freedom and legal rights of individuals and economic operators. In this context, particular attention is drawn to the “European Union Strategy for the beginning of the new Millennium” on prevention and control of organised crime. Some complementary actions, going beyond the Tampere conclusions and called for by the recommendations in this strategy have been 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				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
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. Prevention of infiltration by organised crime of lawful economic activities	Council / Commission / Member States		Commission communication in November 2000 on crime prevention in the European Union which established a Forum and proposed a financial programme (Hippokrates) in the crime prevention field.²⁰² 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.²⁰³ The next report will also take prevention aspects into account.	Parliament opinion on the Hippokrates programme in April 2001. ²⁰⁴	Adopted by the Council in June 2001. ²⁰⁵	The Forum on Prevention of Organised Crime met in 2001 and 2002 and organised a number of workshops. In 2003, the following forums and round tables were organised: -fight against counterfeiting and piracy; (2) - regional development and structural funds; -fight against corruption; -fight against trafficking in human beings (2); -statistics; - money-laundering; -fight against trafficking in illicit arms; -"product proofing"; - credit cards. Identical and other forums are planned for 2004.	Deadline for implementation: 31.12.2002

²⁰²

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

						The Commission is shortly planning to present a follow-up communication on the general crime-prevention policy (priorities for the five years ahead).	
Crime proofing						In 2003 the Commission began preparations for the legislative crime proofing exercise to be carried out in 2004.	
Integration of crime prevention aspects in actions and programmes against crime at the Union and Member State level – policy guidelines to be adopted by Council	Council / Commission / Member States		Prevention and control of organised crime: a European Union strategy for the beginning of the new millennium. ²⁰⁶ Commission Staff working paper in March 2003 on implementation of the European Union strategy for the beginning of the new millennium. ²⁰⁷		In October 2003 the Council adopted the report on measures and action taken to give effect to the recommendations for a European Union strategy for next millennium.		

²⁰³ Joint report by the Commission and EUROPOL - Towards a European strategy for the prevention of organised crime (SEC(2001)433, 13.3.2001).

²⁰⁴ A5-0094/2001, 5.4.2001.

²⁰⁵ OJ L 186, 7.7.2001.

²⁰⁶ OJ C 124, 3.4.2000.

²⁰⁷ Commission Staff working paper concerning measures to give effect to the recommendations in “Prevention and control of organised crime: a European Union strategy for the beginning of the new millennium” (SEC(2003)378, 21.3.2003).

Objective: To facilitate cooperation between Member States

Exchange of best practices and cooperation between national crime prevention authorities in priority areas, possibly by setting up a Community-funded programme addressing such matters as juvenile, urban and drug-related crime.	Council / Commission / Member States	2001	French and Swedish joint initiative in November 2002 for a Council decision establishing a crime prevention network.²⁰⁸ The Commission has adopted a financial instrument (Hippocrates programme, see supra), replaced by the AGIS programme in 2003.	Parliament opinion October 2001. ²⁰⁹	Framework Decision adopted by the Council at end of May 2001.²¹⁰ Adoption by the Council in June 2002 of draft conclusions on the first annual report on the European crime prevention network. Adoption by the Council in May 2003 of draft conclusions on the 2002 annual report and the 2003-04 work programme of the European crime prevention network	The Network met in - October 2001 - January, April, September, October and December 2002 - February, June and September 2003 A conference to establish an inventory of good practices was held in October 2002 (Aalborg, DK). The Network's website was formally put into operation in November 2002. The subgroup on Crime and victimisation was set up in September 2002. A second conference on good practice was held in November 2003 (Rome, IT).	Entry into force: 28.5.2001
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²⁰⁸ Draft Council Decision setting up a European crime prevention network (OJ C 362, 16.12.2000).

²⁰⁹ A5-0070/2001, 14.3.2001.

²¹⁰ OJ L 153, 8.6.2001.

Reinforcement of cooperation between judicial and law enforcement authorities and between practitioners in police and judicial cooperation in criminal matters	Council/ Commission/ Member States		Commission proposal for a Council Decision renewing the Title VI programmes that are expiring. Implementation of AGIS programme 2003-07 taking over from the former Oisin, Grotius, Stop, Falcone and Hippokrates programmes and the budget heading to implement the drugs action plan 2000-04. ²¹¹	Parliament opinion in April 2002	AGIS programme of police and judicial cooperation in criminal matters adopted by the Council in July 2002 ²¹² .	First annual exercise launched in December 2002; projects received in March 2003; selection made, contracts in preparation and exercise completed by the end of 2003.	Entry into force: 22.7.2002
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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. In its work on the protection of the Community's financial interests, the Laeken European Council took note of the Green Paper adopted by the Commission on a European Public Prosecutor and asked the Council to examine it quickly. The European Convention proposed to the IGC to inscribe in the future Constitutional treaty the possibility to create a European public prosecutor's office, notably competent for the protection of the Community's financial interests.

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				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
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. ²¹³			Portuguese Presidency initiative in March 2000 on anticipating application of Article 13 of the Convention - discussions on which have been suspended.		The Council adopted the Mutual Legal Assistance Convention in May 2000, Article 13 of which provides for joint teams to be set up (see point 4.2). ²¹⁴		Ratification by PT, DK and ES.

²¹¹ Proposal for a Council Decision to establish a framework programme on the basis of Title IV of the Treaty on European Union-police and judicial cooperation in criminal matters (COM(2001)646, 9.11.2001).

²¹² OJ L 203, 1.8.2002.

²¹³ This measure is included in the EU Plan of Action against terrorism.

²¹⁴ OJ C 197, 12.7.2000.

			In September 2001 Belgium, France, Spain and the United Kingdom presented an initiative on a draft framework decision on joint investigation teams.²¹⁵ EL initiative presented in January 2003 for a Council recommendation on a model agreement for setting up joint investigation teams.	Parliament opinion in November 2001 ²¹⁶	Adopted by the Council in June 2002.²¹⁷ Adopted by the Council in May 2003.	In the first quarter of 2004 the Commission is planning to present a report on the implementation of the Framework Decision.	Deadline for implementation: 1.1.2003
Setting up a unit composed of national prosecutors, magistrates or police officers of equivalent competence – EUROJUST. ²¹⁸	Council, on the basis of a Commission proposal or a Member State initiative	End 2001	Portugal, France, Sweden and Belgium have presented an initiative with a view to the adoption of a Council decision setting up a Provisional Judicial Cooperation Unit. ²¹⁹		Adoption by Council in December 2000 of a decision to create a provisional unit in January 2001. ²²⁰		Provisional unit put in place March 2001.
			Portugal, France, Sweden and Belgium²²¹ and Germany²²² have presented initiatives with a view to the adoption of a Council decision setting up Eurojust. Commission communication in November 2000 concerning the creation of Eurojust.²²³	EP Opinions in May 2001 ²²⁴ and November 2001 (reconsultation) ²²⁵	Decision establishing Eurojust adopted by the Council in February 2002.²²⁶ Approval of Eurodac Rules of Procedure and appointment of its President by the Council in June 2003. Inauguration of Eurojust at the Hague in April 2003.		Implementation: no later than 6.9.2003.

²¹⁵ Draft Council Framework Decision on joint investigation teams (OJ C 295, 20.10.2001).

²¹⁶ A5-0369/2001, 13.11.2001.

²¹⁷ OJ L 162, 20.6.2002.

²¹⁸ This measure is included in the EU Plan of Action against terrorism.

²¹⁹ Draft Decision setting up a Provisional Judicial Cooperation Unit (OJ C 243, 24.8.2000).

²²⁰ OJ L 324, 21.12.2000.

²²¹ Draft Council Decision setting up Eurojust with a view to reinforcing the fight against serious organised crime (OJ C 243, 24.8.2000, p. 15).

²²² Draft Council Decision setting up a Eurojust team (OJ C 206, 19.7.2000).

²²³ COM(746) du 22.11.2000: Commission Communication on the establishment of Eurojust.

²²⁴ A5-0153/2001, 17.5.2001.

²²⁵ A5-0398/2001, 29.11.2001.

²²⁶ OJ L 63, 6.3.2002.

Implement and, where appropriate, further develop the European judicial network. ²²⁷	Council, on the basis of a Commission proposal or a Member State initiative	April 2001			Joint action establishing the European Judicial Network adopted by the Council in June 1998 ²²⁸ The secretariat and budget of the European Judicial Network are incorporated in those of Eurojust (cf. article 26.2.b. of the Eurojust Decision) ²²⁹	Pilot stage of a telecommunications network launched in August 2001 continues.	
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	Initiative of the Republic of Greece for the adoption of a Framework Decision on the application of the "non bis in idem" principle. ²³⁰	Parliament opinion in September 2003 ²³¹		Included in the joint mutual recognition programme for decisions in criminal matters (see measure No 12). The Commission intends to present, in 2004, a communication on jurisdiction in the context of mutual recognition of judgments in criminal matters to prevent positive conflicts of jurisdiction between Member States (see supra).	

²²⁷ This measure is included in the EU Plan of Action against terrorism.

²²⁸ OJ L 191, 7.7.1998

²²⁹ OJ L 63, 6.3.2002.

²³⁰ This initiative contains a provision on the subject. OJ C 100, 26.4.2003.

²³¹ A5-0275/2003, 14.7.2003.

Objective: To provide mutual assistance to the fullest extent possible

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Adoption, ratification and implementation of the Convention on Mutual Assistance in Criminal Matters. ²³²	Council / Member States	April 2001	Initiative by France for the adoption of a Protocol to the Convention on judicial assistance in criminal matters between the Member States of the European Union ²³³ (concerning the exchange of information on bank accounts and transactions).		Convention adopted by the Council on 29 May 2000. ²³⁴ Protocol to the Convention adopted by the Council in October 2001. ²³⁵ Explanatory report adopted by the Council in October 2002.		Deadline for Member States to initiate ratification procedures: before January 2001, and July 2002 for the Protocol. ²³⁶ Convention ratified by PT, DK and ES. The entry into force and the implementation of the Protocol are subject to the entry into force and the implementation of the Convention.

²³² This measure is included in the EU Plan of Action against terrorism.

²³³ Initiative of the French Republic with a view to adopting a Convention on improving mutual assistance in criminal matters, in particular in the area of combating organised crime, laundering of the proceeds from crime and financial crime (OJ C 243, 24.8.2000, p. 11).

²³⁴ OJ C 197, 12.7.2000.

²³⁵ OJ C 326, 21.11.2001.

²³⁶ See also table on "Mutual recognition of judicial decisions".

Consider arrangements under which authorities may operate in the territory of another Member State	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	Arrangements governing interception and joint investigation teams, controlled deliveries and covert investigations are governed by the Convention of 29 May 2000. Initiative by Belgium, France, Spain and the United Kingdom in September 2001 on a draft framework decision on joint investigation teams.²³⁷ Initiative by Belgium, Spain and France concerning a draft decision of the Council modifying article 40, paragraphs 1 & 7 of the convention implementing the Schengen agreement of 14 June 1985 concerning the gradual removal of common border checks	Parliament opinion in November 2001²³⁸ Parliament opinion in April 2002	Adopted by the Council in June 2002.²³⁹ Agreement of principle in the Council in June 2002 (reservations by D/DK/S)	In the first half of 2004 the Commission is planning to present a report on the application of the Framework Decision.	Implementation: before 1.1.2003
Examine the possibilities for harmonised rules on data protection	Council, on the basis of a Commission proposal or a Member State initiative	April 2001	Draft Resolution on the initiative of the French Presidency (based on a Portuguese Presidency initiative establishing a secretariat for the Data Protection Supervisory Bodies.)²⁴⁰ Initiative by S concerning the rules governing the transmission of personal data.²⁴²	Parliament opinion in April 2001.	Decision adopted by the Council in October 2000.²⁴¹ Adopted by the Council in February 2002²⁴³.		Implementation: 1.3.2002

²³⁷ Draft Council Framework Decision on joint investigation teams (OJ C 295, 20.10.2001).

²³⁸ A5-0369/01, 13.11.2001.

²³⁹ OJ C 162, 20.6.2002.

²⁴⁰ Initiative of the Portuguese Republic with a view to the adoption of a Council Decision establishing a secretariat for the Joint Supervisory Data Protection Bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ C 141, 19.5.2000).

²⁴¹ OJ L 271, 24.10.2000.

²⁴² Initiative amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies (OJ C 163, 6.6.2001).

²⁴³ OJ C 76, 27.3.2002.

					Council Decision authorising the Director of Europol to conduct negotiations with third States and bodies not related to the European Union adopted in December 2001. ²⁴⁴	In 2004 the Commission is planning to present a proposal for a Framework Decision on the adequacy level for the transfer of personal data.	Implementation: 7.12.2001
Establishment of the European Judicial Training Network			France has presented an initiative for a Decision setting up a European judicial training network. ²⁴⁵ Commission staff working document taking stock of the situation. ²⁴⁶	Parliament opinion in September 2002 ²⁴⁷	The Network was established in the form of an Association governed by Belgian law (1919 Act) in June 2003.		

Objective: To protect rights of victims and provide assistance

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Drawing up minimum standards	Council, on the basis of a Commission proposal or a Member State initiative.	April 2001	Portuguese Presidency initiative in August 2001 for adoption of a framework Decision on the status of victims in criminal proceedings. ²⁴⁸	Parliament opinion in December 2000. ²⁴⁹	Adopted by the Council in March 2001 (see point 3.1). ²⁵⁰	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 First Commission report, on implementation of the Framework Decision expected to be adopted in December 2003.	Implementation: no later than 22.3.2002, except Article 10 (22.3.2006) and Article 5-6 (22.3.2004).

²⁴⁴ OJ C 358, 15.12.2001.

²⁴⁵ OJ C 18, 19.1.2001.

²⁴⁶ Commission staff working paper of the European Judicial Training Network – Stock-taking (SEC(2002) 635, 13.6.2000).

²⁴⁷ A5-0276/02, 24.9.2002.

²⁴⁸ Draft framework decision on the status of the victim in criminal proceedings (OJ C 243, 24.8.2000).

²⁴⁹ A5-0355/2000, 12.12.2000.

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

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Establishment of a European Police Chiefs' Task Force	Council, on the basis of a Commission proposal or a Member State initiative	2001				Creation in October 2000 of the Police Chiefs' Task Force. In April 2002, the TFCP set up a supervisory committee (past, present and future presidencies of Europol, Council and Commission SGs) to improve preparation and follow-up of meetings.²⁵¹ In 2004 the Commission is planning to present a proposal for a Framework Decision on the extension of police cooperation in the European Union's border region.	
Establishment of compatible criminal intelligence systems among Member States	Council		DK initiative in July 2002 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States. ²⁵²	Parliament opinion in November 2002 ²⁵³	Adopted by the Council in February 2003 ²⁵⁴ .	Since 11 September 2001, the heads of anti-terrorist units in Member States' intelligence services have been meeting regularly. ²⁵⁵	

²⁵⁰ OJ L 82, 22.3.2001.

²⁵¹ See also EU Plan of Action against terrorism.

²⁵² Initiative of the Kingdom of Denmark with a view to adopting a Council Decision on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States (OJ C 176, 24.7.2002).

²⁵³ A5-374/02, 20.11.2002.

²⁵⁴ OJ L 67, 12.3.2003

²⁵⁵ See also EU Plan of Action against terrorism.

Setting up the European Police College - starting as a network of existing national training institutes - open to applicant countries	Council, on the basis of a Commission proposal or a Member State initiative	2001	Portuguese Initiative for the provisional establishment of the European Police College.²⁵⁶ France, Germany and Sweden have launched common training projects starting in 2001 within the framework prefiguring the definitive structure of the European Police College, with cofinancing of the OISIN II Programme.	Parliament opinion in November 2000 ²⁵⁷	Decision to set up the European Police College, CEPOL, in 2001, which has functioned as a network of national police colleges since 1 January 2001, taken by the Council in December 2000.²⁵⁸ Cepol annual report for 2001 adopted by Council in July 2002. Report for 2002 and budget adopted by the Council in October 2003 and work programme for 2004 adopted in November 2003.	Operation of Cepol: Council agreement in February 2002 on a provisional location of the secretariat (Copenhagen) and on the financing of Cepol. Temporary director designated. CEPOL's three-yearly report to be presented to the Council in December 2003.	
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²⁵⁶ Portuguese Initiative for a Council Decision on the provisional establishment of the European Police College (OJ C 206, 19.7.2000).

²⁵⁷ A5-0316/2000, 17.11.2000.

²⁵⁸ OJ L 336, 30.12.2000.

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

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Implementation of the CIS (Customs Information System) Convention of 26.7.1995 ²⁵⁹ and the Naples II Convention of 19.12.1997. ²⁶⁰	Member State	Ongoing	In November 2001, Germany, France and the Belgian Presidency presented a proposal for a Protocol to the CIS Convention concerning investigation files of customs officials (FIDE). ²⁶¹	Parliament opinion in December 2002 ²⁶²	Adopted by the Council in May 2003. ²⁶³ A guide for applying the provisions of the Naples II Convention will be prepared at the start of 2003. In the second half of 2004 the Commission is planning to present a proposal for a Decision on the mechanism for evaluation of the application of Naples II.	CIS Convention ratified by all Member States except B and D. The agreement on the provisional entry into force of the Convention ²⁶⁴ has been ratified by all the Member States except B and D. It has been applied among those Member States which have ratified it since November 2000. Naples II Convention ratified by Greece, Spain, France, Sweden, Netherlands, Luxembourg, UK, Ireland, Denmark and Germany. Several of these Member States have agreed to apply it among themselves	
To strengthen law enforcement cooperation against smuggling			In the second half of 2001, Italy submitted a working paper for a Union strategy against smuggling. Commission Communication scheduled for the end of January 2004 on improving cooperation between police and customs services in the Union.	Work currently under way.	In October 2003 the Council adopted a Resolution on a strategy for customs cooperation ²⁶⁵ .		

²⁵⁹ OJ C 316, 27.11.1995, p.34.

²⁶⁰ OJ C 24, 23.1.1998.

²⁶¹ Initiative of Germany, Belgium and France to adopt the Council Act drawing up the protocol modifying the convention on the use of data processing in the field of the customs with regard to the creation of a database of the investigation files of the customs officials (OJ C 328, 23.11.2001).

²⁶² A5-0450/02, 18.12.2002.

²⁶³ OJ L 139, 8.5.2003, p. 1.

²⁶⁴ OJ C 316, 27.11.1995, p. 58.

²⁶⁵ OJ L 247, 2.10.2003, p. 1.

Objective: To foster international cooperation in the fight against transnational organised crime

Adoption and ratification of the United Nations' Convention on transnational organised crime and the additional Protocols	Council / Commission / Member States	End of 2000 for signature	Signature and opening for ratification in December 2000 of the United Nations Convention against transnational organised crime and its Protocols on trafficking in human beings and the smuggling of migrants, to be ratified as soon as possible. Entered into force on 29 September 2003. Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime²⁶⁶ Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime²⁶⁷ Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime²⁶⁸ United Nations Protocol on firearms signed by the Commission for the European Community (cf. Point 8).				
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²⁶⁶ Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime (COM(2003) 512-1, 22.8.2003).

²⁶⁷ Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime (COM(2003) 512-2, 22.8.2003).

²⁶⁸ Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime (COM(2003) 512-3, 22.8.2003).

UN Convention on corruption.	Council / Commission / Member States		Union participation in the preparatory work of the UN (see point 8). In April 2002 the Commission presented a proposal for a Commission negotiating brief for a UN Convention against corruption.²⁶⁹ Proposal for a Council Decision on the signing, on behalf of the European Community, of the United Nations Convention against Corruption.²⁷⁰		Adoption by the Council in September 2002.	Signature of the Convention scheduled for December 2003. In 2004 the Commission is planning to present a proposal for a Decision to ratify the UN Convention on corruption.	
			Danish initiative relating to a third common position project concerning the negotiations within the United Nations for the development of the convention of the United Nations against corruption		Second and third common positions on negotiations in the United Nations for a UN Convention against corruption adopted by Council in June and September 2002.		

²⁶⁹

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

²⁷⁰

Proposal for a Council Decision on the signing, on behalf of the European Community, of the United Nations Convention against Corruption (COM(2003) 751, 4.12.2003).

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

Action needed	Responsibility	Timetable for adoption	State of progress				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Extend the competence of Europol to cover money-laundering in general regardless of the offence from which the proceeds originate	Council, on the basis of an initiative by a Member State		Portuguese initiative in July 2000 to amend the Europol Convention. ²⁷¹	Parliament opinion in November 2000 ²⁷²	Adopted by the Council in November 2000. ²⁷³		Ratification: F, P, ES, EL, S and D
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.	
Consideration to be given to the possible need to revise Europol Convention in order to: cover new competences	Council / Commission		In June 2001 Belgium and Sweden presented an initiative for a Decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention. ²⁷⁴	Parliament opinion in November 2001 ²⁷⁵	Adopted by the Council in June 2001. ²⁷⁶		Deadline for implementation: 1.1.2002.

²⁷¹ Initiative with a view to the adoption of a Council Act on the drawing up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) of a Protocol amending Article 2 and the Annex to that Convention (OJ C 200, 13.7.2000).

²⁷² A5-0312/2000, 14.11.2000.

²⁷³ OJ C 358, 13.12.2000.

²⁷⁴ Initiative of the Kingdom of Belgium and the Kingdom of Sweden with a view to adopting a Council decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention (OJ C 176, 21.6.2001).

²⁷⁵ A5-0370, 24.10.2001.

²⁷⁶ OJ C 362, 18.12.2001.

deal with the question of democratic and judicial control			Commission Communication in February 2002 concerning democratic control of Europol. ²⁷⁷	EP Recommendation in May 2002 on the future development of Europol and its full integration in the EU institutional 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	Council / Commission	April 2004, without delay for certain areas	First step - adoption by the Council in November 2000 of a recommendation concerning support by Europol for joint investigative teams. ²⁷⁸ Joint initiative by Belgium and Spain in January 2002 to amend the Europol Convention along these lines; the initiative includes a proposal to simplify the procedures for amending the Convention. ²⁷⁹	Parliament opinion [rejection] in May 2002	Adopted by the Council in November 2002 ²⁸⁰		
Allow Europol to ask the competent authorities of the Member States to conduct and coordinate 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. Joint initiative by Belgium and Spain in January 2002 (see above).				

²⁷⁷ Communication from the Commission to the European Parliament and the Council - Democratic Control over Europol (COM(2002) 95, 26.2.2002).

²⁷⁸ Council recommendation of 30 November 2000 to Member States in respect of Europol's assistance to joint investigative teams set up by the Member States (OJ C 357, 13.12.2000).

²⁷⁹ Initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (OJ 42, 15.2.2002).

²⁸⁰ Council act of 28 November 2002 drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention) and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (OJ C 312, 16.12.2002, p. 1).

To provide Europol with the support and means necessary for its work			Proposal for a decision presented by the Commission in September 2002, concerning the financing of certain activities of Europol within the framework of the fight against terrorism.²⁸¹ Initiative B, LUX and NL in June 2002 modifying the staff regulations of Europol.²⁸² Danish initiative in November 2002 modifying the staff regulations of Europol.²⁸⁴	Parliament Opinion in December 2002. Parliament opinion in April 2003.²⁸⁵	In December 2002, the Council decided not to adopt the proposal. Agreement by the Council in October 2002 on the procedure of selection of the management of Europol. Adopted in December 2002.²⁸³ Adopted by the Council in June 2003.		
			Initiative by Denmark in July 2002 for many amendments to the Europol Convention.²⁸⁶	Parliament opinion (rejection) in April 2003²⁸⁷	Adopted by the Council in November 2003		

²⁸¹ Proposal for a Council decision on the financing of certain activities implemented within the framework of the cooperation in the area of the fight against terrorism (COM(2002)439 - 31.7.2002).

²⁸² OJ C 161- 5.07.2002: Initiative of Belgium, Luxembourg and the Netherlands for the adoption of an act of Council modifying the staff regulations at Europol.

²⁸³ OJ C 24, 31.1.2003.

²⁸⁴ OJ C 286- 22.11.2002: Initiative of Denmark concerning the adoption of an act of Council modifying the staff regulations of Europol.

²⁸⁵ A5-0107/03, 9.4.2003.

²⁸⁶ Initiative of the Kingdom of Denmark with a view to adopting a Council Act drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), of a Protocol amending that Convention (OJ C 172, 18.7.2002, p. 15).

²⁸⁷ A5-0391/03, 10.4.2003.

4.3. Fight against certain specific forms of crime

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

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
To examine the general coherence of the actions of approximation in criminal matters	Council, on the basis of a proposal by the Commission					The Commission is planning to present shortly Green Paper on the approximation, recognition and enforcement of criminal penalties in the European Union. After that Green Paper it might present a draft Framework Decision on the approximation of criminal penalties. In 2004 the Commission is planning to present a draft Framework Decision on the fight against criminal organisations.	

Criminalisation of trafficking in human beings and sexual exploitation of children, ²⁸⁸ with particular reference to child pornography on the Internet ²⁸⁹	Council, on the basis of a proposal by the Commission	April 2001	In December 2000 the Commission presented two proposals for framework decisions on:				Deadline for implementation: 1.8.2004
			the fight against trafficking in human beings; and	Parliament opinion in June 2001. ²⁹⁰	Adopted by the Council in July 2002. ²⁹¹		
			The fight against the sexual exploitation of children and child pornography.²⁹² In the context of detecting and breaking up the criminal gangs involved (see point 2.4), Commission proposal in February 2002 for a directive on a on the short-term residence permit issued to victims of trafficking in human beings.²⁹³ Commission Decision setting up a consultative group on trafficking human beings.²⁹⁴	Council agreement in principle in October 2002. Council, on the basis of a proposal²⁹⁵ by the Commission	Formal adoption by Council after parliamentary reservations have been lifted (S) Political agreement in November 2003 Council adoption in May 2003 of the Brussels Declaration on prevention of trafficking in human beings and combating the phenomenon.		
Common definitions, charges and penalties ²⁹⁶ in the field of drug trafficking. ²⁹⁷	Council, on the basis of a proposal by the Commission	April 2001	The Commission study on the legislation and regulations on drug trafficking in the EU Member States was finalised in March 2001. Commission proposal for a Framework Decision in June 2001.²⁹⁸	Parliament opinion in April 2002 ²⁹⁹	Political agreement in the Council in November 2003		

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See also table on "Management of migration flows".

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

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A5-0206/2001, 12.6.2001.

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OJ L 203, 1.9.2002, p. 1.

292

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

293

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

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Commission Decision setting up a consultative committee, to be known as experts group on trafficking human beings (C(2003)827, 25.3.2003).

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A5-0397/02, 5.12.2002.

296

See also table on "cooperation against drugs".

297

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

298

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

299

A5-0460/02, 25.4.2002.

Common definitions, charges and penalties in the field of environmental crime	Council	April 2001	Denmark presented an initiative for a framework decision in January 2000.³⁰⁰ Commission proposal for a Directive in March 2001.³⁰⁴ Amended proposal following Parliament's opinion on 30 September 2002.³⁰⁵ Proposal for a Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences, presented by the Commission in March 2003.³⁰⁷ Proposal for a Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution³⁰⁸	Parliament opinion in April 2002 ³⁰¹	Framework Decision adopted by the Council in January 2003. ³⁰²	Action in the Court of Justice: Commission Decision of 24.3.2003 to take action against the Council of the EU to review the legality of the Framework Decision.³⁰³ Proceedings in motion at the Court of Justice	
				Parliament opinion in April 2002³⁰⁶ Work in progress in the Council Work in progress in the Council.			

³⁰⁰ Initiative of the Kingdom of Denmark with a view to adopting a Council framework Decision on combating serious environmental crime (OJ C 39, 11.2.2000).

³⁰¹ A5-0080/02, 8.4.2002.

³⁰² OJ L 29, 5.2.2003

³⁰³ C/2003/834, 24.3.2003.

³⁰⁴ Proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law (COM(2001) 139, 13.3.2001).

³⁰⁵ Amended proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law (COM(2002) 544, 13.3.2001).

³⁰⁶ A5 -099/02, 8.4.2002

³⁰⁷ Proposal for a Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences (COM(2003) 92, 5.3.2003).

³⁰⁸ Proposal for a Council framework Decision to strengthen the criminal law framework for the enforcement of the law against ship source pollution (COM(2003) 227, 2.5.2003).

Proposal on common charges for hooliganism	Council on the basis of an initiative by a Member State		The Oisin programme financed a project evaluating cooperation between the relevant departments during Euro 2000.				Entry into force: day following publication
			The Belgian Presidency presented a proposal for a decision on safety at international football matches.³⁰⁹ Initiative by the IT Presidency in July 2003 for a Resolution on the prohibition of access to premises at which international football matches take place in the Member States.	Parliament opinion in April 2002.³¹⁰ Council political agreement in November 2003.	Adopted by the Council in June 2002.³¹¹ Formal adoption by Council after parliamentary reservations have been lifted (NL, FR)		
Common definitions, offences and penalties in the field of racism and xenophobia (framework decision).	Council, on the basis of a Commission proposal or a Member State initiative	April 2004	In November 2001 the Commission presented a proposal for a Council framework decision on racism and xenophobia.³¹² Council conclusions on the fight against racism, anti-Semitism and xenophobia adopted in April 2002.	Parliament opinion in July 2002 ³¹³			
Common definitions in the field of preventing and combating cybercrime, including common charges and penalties for high-tech crime	Council, on the basis of a proposal by the Commission	April 2001	Commission Communication in January 2001 on creating a safer information society. ³¹⁴	Parliament opinion in September 2001 ³¹⁵	In June 2001 the Council adopted a recommendation on contact points to combat crime linked to high technology and cybercrime. ³¹⁶	The European Forum on cybercrime has been set up. The first plenary meeting of the Forum was held at the end of November 2001.	

³⁰⁹ Enfopol 103 – 26.9.2001.

³¹⁰ A5-0047/02, 9.4.2002

³¹¹ JO L 121 du 8.5.2002

³¹² Communication - Proposal for a Council Framework Decision on combating racism and xenophobia (COM(2001) 664, 28.11.2001).

³¹³ A5-0189/02, 24.5.2002.

³¹⁴ Commission communication to the Council and the European Parliament on creating a safer information society by improving the security of information infrastructures and combating computer-related crime (COM(2000) 890, 26.1.2001).

³¹⁵ A5-0284/2001, 6.9.2001.

³¹⁶ OJ C 187, 25.6.2001.

			Commission Communication and proposal for a Framework Decision presented in March 2002 on safer use of the Internet.³¹⁷ Commission proposal in April 2002 for a Framework Decision on attacks against information systems.³²⁰ Commission proposal in November 2003 for a Framework Decision on the European Evidence Warrant for obtaining objects, documents and data for use in proceedings in criminal matters.³²¹	EP Opinions in October 2001³¹⁸ and March 2002³¹⁹ Agreed in principle by the Council in February 2003	Work in progress in the Council. Formal adoption by the Council once reservations have been lifted (IRL/FR/S/DK)		
Common definitions, charges and penalties in the field of corruption	Council, on the basis of a proposal by the Commission	April 2001	Initiative by Denmark for a Council Framework Decision on combating corruption in the private sector.³²² Commission communication on a common policy against corruption in May 2003.³²⁴	Parliament opinion November 2002	Adopted by the Council in July 2003.³²³		Implementation: before 22.7.2005

³¹⁷ Communication and proposal for a Framework Decision adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (COM(2002)152, 22.3.2002). The Commission is also preparing the second evaluation report for the Council and Parliament on the application of the Council recommendation of 24 September 1998 concerning the protection of minors and human dignity. The recommendation concerns the content of broadcasting and information services available on the Internet. The guidelines for its implementation encourage operators to support measures to combat illegal content that is offensive to human dignity and to cooperate with the police and judicial authorities. The first evaluation report was published in 2001 (COM(2001) 106 final, 27.2.2001).

³¹⁸ A5-328/02, 2.10.2002.

³¹⁹ A5-0029/03, 11.3.2003.

³²⁰ This measure is included in the EU Plan of Action against terrorism (COM(2002)173, 19.4.2002).

³²¹ Proposal for a Council Framework Decision on the European Evidence Warrant for obtaining objects, documents and data for use in proceedings in criminal matters (COM(2003) 688, 14.11.2003).

³²² OJ C 184, 2.8.2002.

³²³ OJ L 192, 31.7.2003

³²⁴ Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee - On a comprehensive EU policy against corruption (COM(2002)317, 28.5.2003).

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Criminalisation of fraud to non-cash means of payment	Council, on the basis of a proposal by the Commission	April 2001	Commission proposal for a Framework Decision in September 1999.³²⁵ In February 2001 the Commission presented an action plan for 2001-2003 comprising preventive measures, and it is continuing its work in partnership with the relevant bodies in the European Crime Prevention Forum. Commission proposals in May 2001 for Council decisions establishing a training, exchange and assistance programme for the protection of the euro against counterfeiting ("Pericles" programme)³²⁶	Parliament opinion in July 2000³²⁷ Parliament Opinion in November 2001.	Adopted by the Council in May 2001.³²⁸ Decisions 2001/923/EC and 2001/924/EC adopted by the Council in December 2001.³²⁹	First Commission, on implementation of the Framework Decision in November 2003. The 11 actions in the Plan are completed. Commission report in 2004 on the implementation of the plan of action and possible additional measures, if needed. Implementation reports in 2005/2006.	Implementation deadline: 2.6.2003.

³²⁵ Proposal for a Council framework Decision on combating fraud and counterfeiting of non-cash means of payment (OJ C 376E, 28.12.1999).

³²⁶ OJ C 240, 28.8.2001.

³²⁷ OJ C 121, 24.4.2001.

³²⁸ OJ L 149, 2.6.2001.

³²⁹ OJ L 339, 21.12.2001.

Common definitions, charges and penalties as regards counterfeiting of the euro	Council/ Commission / Member States	April 2001	Initiative by Germany in November 1999 for a Framework Decision on criminal penalties.³³⁰ Swedish initiative in August 2001 for a framework decision amending the framework decision of May 2000.³³³ Initiative by France in March 2001 for a Framework Decision on protection of the euro against counterfeiting.³³⁵ Initiative by the Greek and German Presidencies for a Recommendation on protection of the euro against counterfeiting.	Parliament opinion October 2001.	Decision adopted by the Council in May 2000.³³¹ Adoption by the Council in June 2001 of the regulations defining the measures needed to protect the euro from counterfeiting.³³² Decision adopted by the Council in December 2001.³³⁴ Decision adopted by the Council in December 2001.³³⁶	Commission report on the first Framework Decision on 28.2.02 Second Commission report on implementation of the Framework Decision on 3.9.2003.	Entry into force of the two framework decisions and the decision: date of publication Deadline for transposal of 2nd Framework Decision
Criminalisation of fraud in public tenders	Council on the basis of an initiative by a Member State	April 2001	Initiative by Germany in March 1999 for a Framework Decision. ³³⁷	Parliament opinion (rejection) in June 2001. ³³⁸			

³³⁰ Initiative for the adoption of a Council Framework Decision on increasing protection by penal sanctions against counterfeiting in connection with the introduction of the euro (OJ C 322, 10.11.1999).

³³¹ OJ L 140, 14.6.2000.

³³² OJ L 181, 4.7.2001.

³³³ Initiative for the adoption of a Council Framework Decision amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ C 225, 10.08.2001).

³³⁴ OJ L 329, 14.12.2001.

³³⁵ OJ C 75, 7.3.2001.

³³⁶ OJ L 329, 14.12.2001.

³³⁷ Initiative of the Federal Republic of Germany with a view to the adoption of a Council Framework Decision on criminal law protection against fraudulent or other unfair anti-competitive conduct in relation to the award of public contracts in the common market (OJ C 253, 4.9.2000).

³³⁸ A5-0184/02, 24.5.2002.

			Commission Green Paper on the protection under criminal law of the Communities' financial interests and the establishment of a European Public Prosecutor³⁴⁴ Follow-up report presented in March 2003.³⁴⁵ Evaluation report presented by the Commission on the activities of OLAF in April 2003³⁴⁶ and opinion of the Supervisory Committee	EP Opinion in March 2003. EP Resolution in December 2003; Council conclusions end-December 2003		The Commission is to present proposals for amendments to Regulations (EC) No 1073/99 and (Euratom) No 1074/99.	
Common definitions, charges and penalties for offences linked with terrorism ^{347,348}	Council, on a Commission proposal		Commission proposal in September 2001 for a Council framework decision on terrorism³⁴⁹ (see also the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States).	Parliament own initiative resolution in September 2001 on the role of the Union in the fight against terrorism³⁵⁰ EP Opinions in November 2001 and February 2002 (reconsultation).³⁵¹	Adopted by the Council in June 2002.	The Commission will present a report on transposal at the beginning of 2004.	Implementation deadline: 31.12.02.
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						

³⁴⁴ Green Paper on the criminal law protection of the financial interests of the Community and the establishment of a European Public Prosecutor (COM(2001) 715, 11.12.2001).

³⁴⁵ Green Paper on the criminal law protection of the financial interests of the Community and the establishment of a European Public Prosecutor (COM(2003) 128, 19.3.2003).

³⁴⁶ Evaluation of the activities of the European Anti-Fraud Office - Parliament and Council Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999 (Article 15) COM (2003) 154, 1.4.2003.

³⁴⁷ See also table on "Mutual recognition of judicial decisions".

³⁴⁸ This measure is included in the EU Plan of Action against terrorism.

³⁴⁹ Communication - Proposal for a Council Framework Decision on racism (Article 34(2) of the Union Treaty) (COM(2001) 521, 19.9.2001).

³⁵⁰ A5-0273/2001, 5.9.2001.

³⁵¹ A5-0003/2002, 6.2.2002.

4.4. Special action against money-laundering

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

Objective: to deprive criminals of the proceeds of crime

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Convention (Framework Decision) on financial crime and money-laundering. ³⁵²	Council, on the basis of an initiative by France		Initiative by France in August 2000 for a Council Framework Decision. ³⁵³ Commission Communication scheduled for the end of 2003 on preventing and combating organised crime in the financial sector.	Parliament opinion in November 2000 ³⁵⁴	Adopted by the Council in June 2001. ³⁵⁵	Adoption of a report on transposal planned for the end of 2003	Implementation deadline: 31.12.02.
			Initiative by France for a proposal for a Convention or a Protocol to the Convention on mutual judicial assistance in criminal matters dealing specifically with financial crime. ³⁵⁶	Parliament opinion in November 2001 ³⁵⁷	Adoption by the joint ECOFIN/JAI Council in October 2001 of the protocol to the convention on mutual assistance in judicial matters of 29 May 2000 in the fight against crime, in particular organised crime, money-laundering and financial crime ³⁵⁸ (cf. point 4.2). Formal adoption by the Council once reservations have been lifted (IRL/NL/S/UK)		

³⁵² This measure is included in the EU Plan of Action against terrorism.

³⁵³ Initiative of the French Republic with a view to adopting a Council Framework Decision on money-laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ C 243, 24.8.2000).

³⁵⁴ PE.297.757.

³⁵⁵ OJ L 182, 5.7.2001.

³⁵⁶ Initiative of the French Republic with a view to adopting a Convention on improving mutual assistance in criminal matters, in particular in the area of combating organised crime, laundering of the proceeds from crime and financial crime (OJ C 243, 24.8.2000).

³⁵⁷ PE.297.757.

			Danish initiative in August 2002 for a Council Framework Decision on confiscation. ³⁵⁹	Parliament opinion in April 2002. Agreed in principle by the Council in December 2002.	Formal adoption by the Council once reservations have been lifted (D, IRL, NL, S, UK)		
Concrete steps to trace, freeze, seize and confiscate the proceeds of crime ³⁶⁰			France, Belgium and Sweden presented, in February 2001, an initiative on the freezing of assets and evidence ³⁶¹ . Initiative by Denmark in June 2002 for a draft framework decision on the enforcement of confiscation orders. ³⁶⁴	EP Opinions in September 2001 and June 2002. ³⁶² Parliament opinion in November 2002 ³⁶⁵ Work in progress in the Council	Adopted by the Council in July 2003. ³⁶³		Implementation: before 2.8.2005

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OJ C 326, 21.11.2001.

³⁵⁹

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

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

³⁶¹

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

³⁶²

A5-0172/02, 16.5.2002.

³⁶³

OJ L 196, 2.8.2003, p. 45.

³⁶⁴

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

³⁶⁵

A5-0383/02, 20.11.2002.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Implement fully the provisions of the Money-laundering Directive, the 1990 Strasbourg Convention and the Financial Action Task Force recommendations, including implementation in all dependent territories (See also the first part of measure 19 of the joint programme on the mutual recognition of criminal convictions)	Member States		Conclusions adopted by Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000.				All the Member States have ratified the Strasbourg Convention.
To adopt the draft directive amending the Money-laundering Directive ³⁶⁶	Council and Parliament	As soon as possible		Parliament opinion in April 2001.	Adoption by the Council and Parliament in December 2001. ³⁶⁷		Implementation deadline: 15.6.03

³⁶⁶ This measure is included in the EU Plan of Action against terrorism.

³⁶⁷ Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money-laundering - Commission Declaration (OJ L 344, 28.12.2001).

More rapid exchange of information between the existing financial intelligence units (FIUs), entitling judicial authorities and FIU to receive information regardless of secrecy provisions. ³⁶⁸	Council, on the basis of an initiative by Finland Council/ Commission/ Member States		Initiative by Finland for a Decision on cooperation between financial intelligence units in the Member States for the exchange of information. Conclusions of the joint Ecofin/JAI Council in October 2001 asking the Member States to strengthen the existing arrangements and to consider the possibility of devising an automatic system for the exchange of relevant financial information and asking the Commission to consider the possibilities for Community financing for such an automatic information system		Decision adopted by the Council in October 2000. ³⁶⁹	Work on FIU-NET continues. The Commission is willing to contribute to financing it.	Entry into force: 17.10.2000
Community rules must be drawn up to prevent use of non-EU companies and organisations to launder the proceeds of crime. ³⁷⁰	Commission/ Council/ Member States					The Commission is exploring possibilities for priority measures.	
Draw up a report identifying provisions in national banking, financial and corporate legislation which obstruct international cooperation	Commission		Conclusions adopted by the Joint Council (Economic and Financial Affairs, Justice and Home Affairs) in October 2000 called on the Commission to produce a report. ³⁷¹		Conclusions adopted by the joint JAI/ECOFIN Council in October 2001 called on the Commission and the Member States to determine priorities and measures to be taken.	The Commission plans to present a report imminently.	
Prevent the excessive use of cash payments and study the role of casinos and gambling houses	Commission to initiate study	December 2003					
Ensure the transparency of financial transactions by electronic means	Council / Commission	December 2001					

³⁶⁸ This measure is included in the EU Plan of Action against terrorism.

³⁶⁹ OJ L 271, 24.10.2000.

³⁷⁰ This measure is included in the EU Plan of Action against terrorism.

³⁷¹ Working document of the Commission's services: The transparency of legal entities and measures intended to increase transparency in the financial and bank fields in the framework of the fight against money-laundering SEC (2001)1645 of 16.10.2001

Extend the competence of Europol to cover money-laundering in general, ³⁷² regardless of the offence from which the proceeds originate	Council, on the basis of a Commission proposal or a Member State initiative		Portuguese initiative in July 2000 for amendment to the Europol Convention (see above). ³⁷³ Danish initiative in July 2002 for amendment to the Europol Convention ³⁷⁵ (see point 4.2).	Parliament opinion in November 2000. Parliament opinion in April 2003 ³⁷⁶	Protocol adopted by the Council in November 2000. ³⁷⁴		Ratification: F, P, ES, GR, S and D
Improve the legal provisions against money-laundering with off-shore and on-shore financial centres and tax havens. Support international action with regard to off-shore countries.	Council / Commission / Member States				The Joint Council (Economic and Financial Affairs, Justice and Home Affairs) adopted conclusions in October 2000 on immediate and coordinated implementation of FATF counter-measures. Conclusions of the joint JHA/Ecofin Council in October 2001 in accordance with the conclusions of the extraordinary European Council held on 21 September 2001 on the immediate and concomitant implementation of the countermeasures decided by the FATF. ³⁷⁷		
Prepare a model agreement for negotiations with off-shore and on-shore financial centres and tax havens		December 2001			The Joint Council (JHA/Ecofin) adopted conclusions in October 2000 envisaging that agreements could be concluded in the long term.		

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

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

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OJ C 358, 13.12.2000.

³⁷⁵

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

³⁷⁶

A5-0391, 10.4.2003.

³⁷⁷

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

Examine possibilities: for strengthening and making more consistent existing national provisions on controlling cross-border movements of money, for making it easier for Member States to adopt such provisions and for organising exchanges of information between Member States.	Commission	July 2001	In line with the Joint Council (JHA/Ecofin) conclusions of October 2000, the Commission is examining the usefulness and feasibility of a European instrument. Preliminary report by the Commission on the surveillance of cross-border cash flows presented at the joint ECOFIN/JAI Council in October 2001. Commission report and proposal for a Council regulation in June 2002.³⁷⁸	Parliament opinion in May 2003. ³⁷⁹		In December 2003 the Commission is planning to present a communication on measures to be taken in the fight against terrorism and other forms of crime, in particular to improve the exchange of information, with a Council decision on the exchange of information and cooperation against terrorist offences.	
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Report on controls on cross-border cash movements and proposal for a Regulation on the prevention of money-laundering by means of customs cooperation (COM(2002)328, 25.6.2002).

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A5-0073/03.

5. POLICY ON INTERNAL AND EXTERNAL BORDERS; VISAS; IMPLEMENTATION OF ARTICLE 62 OF THE EC TREATY; CONVERTING THE SCHENGEN ACQUIS

Objective: to develop a common visa policy

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Regulation on countries whose nationals are respectively exempt from or subject to the visa requirement for crossing external borders	Commission / Council	April 2001	Commission proposal for a Council Regulation in January 2000. ³⁸⁰	Parliament opinion in July 2000.	Regulation adopted by the Council in March 2001. ³⁸¹		Entry into force: 10/4/2001.
			In accordance with Article 8 of the Regulation, the Commission presented a report on Romania. Commission proposals in October 2001 ³⁸² and November 2002 ³⁸³ for two regulations amending Regulation No 539/2001.	EP Opinions in November 2001 ³⁸⁴ and February 2003 ³⁸⁵	Adopted by the Council in June 2001 ³⁸⁶ in March 2003 ³⁸⁷ .	The Commission is planning to present a report on the implications of reciprocity as regards visas.	Entry into force: 1.1.2002 and 1.6.2003

³⁸⁰ Proposal for a Council Regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders and those who are exempt from that requirement (OJ C 177, 27.6.2000, p. 66).
³⁸¹ OJ L 81, 21.3.2001.
³⁸² Proposal for a Council Regulation amending Regulation No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (COM(2001) 570, 8.10.2001).
³⁸³ Proposal for a Council Regulation amending regulation No. 539/2001 listing the third countries whose nationals must be in the possession of visas when crossing external borders and those whose nationals are exempt from that requirement (COM(2002)679, 28.11.2002).
³⁸⁴ C5-0505/2001, 29.11.2001.
³⁸⁵ A5-0005/03, 11.2.2003.
³⁸⁶ OJ L 327, 12.12.2001.
³⁸⁷ OJ L 69, 13.3.2003

Procedure and conditions for issuing visas by Member States	Commission / Council / Member States	April 2003	Initiative by Finland in June 2000 on measures for implementing the common consular instruction. ³⁸⁸	Parliament opinion (rejection) in March 2001. ³⁸⁹	Regulation No 789/2001 adopted by the Council in April 2001. ³⁹⁰		Entry into force: 24.4.2001
			French initiative for a Council decision on the visa conditions applied by the Member States.		Decision adopted by the Council in April 2001. ³⁹¹		Implementation: 27.4.2001
			Belgian initiative relating to the amendment of Part VII and Annex 12 to the common consular instruction (visa rights).		Decision 2002/44/EC adopted by the Council in December 2001. ³⁹²		Implementation: no later than from 1.7.2004.
			Belgian initiative relating to the amendment of Part III and Annex 16 to the common consular instruction (uniform visa application form).		Decision adopted by the Council in April 2002. ³⁹³		Implementation: from 1.7.2003
			EL Initiative relating to the amendment of Annex 12 to the common consular instruction and Annex 14A to the Common Manual (charges for visas).		Adoption by the Council in June 2003 ³⁹⁴ .		Implementation: no later than 1.7.2005.

³⁸⁸ Initiative of the Republic of Finland with a view to the adoption of a Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ C 164, 14.6.2000).

³⁸⁹ A5-0066/2001, 13.3.2001.

³⁹⁰ Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ C 116, 26.4.2001).

³⁹¹ Council Decision of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (OJ L 116, 26.4.2001, p. 32).

³⁹² Council Decision of 20 December 2001 amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual (OJ L 20, 23.1.2002).

³⁹³ OJ L 123, 9.5.2002, p. 50.

³⁹⁴ OJ L 152, 20.6.2003

			Commission proposal in February 2003 for a Regulation establishing a specific Facilitated Transit Documents FTD and FRTD and amending the Common Consular Instructions and the Common Manual, and for a Regulation on uniform formats for FTD and FRTD.³⁹⁵ Commission proposal for a financing decision in November 2003 to offset the additional costs generated for Lithuania by the implementation of the FTD/FRTD. ES Initiative for a Council regulation on the issue at the border, including the issue of visas to seamen in transit³⁹⁸. Commission proposal in April 2003 for a regulation to facilitate the issuance of visas to the Olympic family⁴⁰¹	Parliament opinion in April 2003³⁹⁶ Parliament opinion in February 2003.³⁹⁹ Parliament opinion in June 2003.⁴⁰²	Adopted by the Council in June 2003.³⁹⁷ Adopted by the Council in February 2003⁴⁰⁰. Adopted by the Council in July 2003.⁴⁰³		Implementation: date of publication
Rules on a uniform visa	Commission / Council / Member States	April 2001	The rules are taken into consideration under the existing framework of the Schengen acquis and in connection with the proposal on the movement of persons within the territory of the Member States.				
Further development of the technical specifications of the uniform format for visas	Commission/	Short term measures 2000-2002 - long term measures	Commission proposal in October 2001 for a Regulation amending Regulation No 1683/95 ⁴⁰⁴ and, in September 2003, a fresh proposal for amendment of that Regulation and Regulation No 1030/02 laying down a uniform format for residence permits for third-country nationals to allow Member	Parliament opinion in December 2001 ⁴⁰⁶	Regulation No 334/2002 adopted by the Council. ⁴⁰⁷		Entry into force: 24.2.2002 Adoption of specifications required for its

³⁹⁵ Proposal for a Council Regulation establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual and Proposal for a Council Regulation on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No.... (COM(2003) 60, 5.2.2003).

³⁹⁶ A5-0075/03.

³⁹⁷ OJ L 99, 17.4.2003

³⁹⁸ Initiative of the Kingdom of Spain with a view to adopting a Council Regulation on the issue of visas at the border, including the issue of such visas to seamen in transit (OJ C 139, 12.6.2002, p. 6).

³⁹⁹ A5-0006/03, 11.2.2003.

⁴⁰⁰ OJ L 64, 7.3.2003

⁴⁰¹ Proposal for a Council Regulation relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic and/or Paralympic Games in Athens (COM(2003) 172, 8.4.2003).

⁴⁰² A5-0211/03, 19.6.2003.

⁴⁰³ OJ L 183, 22.7.2003.

⁴⁰⁴ Proposal for a Council Regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas (COM(2001) 577, 9.10.2001).

⁴⁰⁵ Proposal for a Council Regulation amending Regulation (EC) 1683/95 laying down a uniform format for visas and Proposal for a Council Regulation amending Regulation (EC) 1030/2002 laying down a uniform format for residence permits for third-country nationals (COM(2003) 558, 24.9.2003).

	Council	2004	States to incorporate biometric data ⁴⁰⁵ .				application 3.6.2002
Uniform format for forms for affixing the visa to travel documents which are not recognised	Commission / Council / Member States	2001	Commission proposal for a Regulation in March 2001. ⁴⁰⁸	Parliament opinion in December 2001 ⁴⁰⁹	Regulation (EC) No 333/2002 adopted by the Council in February 2002. ⁴¹⁰		Entry into force: 23.2.2002 Adoption of specifications required for its application 12.8.2002
Proposal for a regulation on an airport transit visa	Commission / Council / Member States	April 2001				Airport transit arrangements are currently covered by a joint action and by the Schengen acquis.	
Measures to set up a common system for identifying visas ⁴¹¹	Council / Member States	Short-term action Long term measures 2005-2006	Oral presentation of the Commission report in May 2003 on the feasibility study launched in September 2002 on a visa identification system. In December 2003 the Commission is planning to present a proposal for a regulation on the development of the common visa information system (VIS).			In the second quarter of 2004 the Commission will present a proposal for a regulation to govern all aspects of the management of VIS, provided the Council issues policy guidelines on the development of VIS before the end of 2003.	
Closer cooperation between EU consulates in third countries	Member States	Ongoing	See point VIII of the common consular instruction and Recommendation of 4 March 1996.		The Laeken European Council asked that the possibility of establishing joint consular offices be considered.		

⁴⁰⁶ A5-0445/01, 12.12.2001.

⁴⁰⁷ OJ L 53, 23.2.2002.

⁴⁰⁸ Proposal for a Council regulation laying down a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157, 23.3.2001).

⁴⁰⁹ A5-0445/01, 12.12.2001.

⁴¹⁰ OJ L 53, 23.2.2002.

⁴¹¹ This measure is included in the EU Plan of Action against terrorism.

			Initiative by Belgium and Spain in April 2002 for a draft Council decision concerning the adaptation of part VIII of the common consular instruction (cooperation with travel agencies).		Decision adopted by the Council in September 2002 ⁴¹²		Implementation 16.7.2002
Measures on the freedom to travel within the territory of Member States	Commission / Council / Member States	April 2001	Portuguese Presidency initiative in June 2000 on travel by nationals exempt from the visa requirement.⁴¹³ French Presidency initiative in July 2000 on travel on a long-stay visa.⁴¹⁵ The Commission presented a proposal for a directive on conditions for movement in the Member States in July 2001.⁴¹⁸	Parliament opinion (rejection) in March 2001.⁴¹⁴ Parliament opinion (rejection) in January 2001⁴¹⁶ Parliament opinion in February 2002	Adopted by the Council at the end of May 2001.⁴¹⁷ Work in progress in the Council		Entry into force: 7.6.2001

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OJ L 187, 16.7.2002, p. 44.

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

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A5- 0075/2001, 13.3.2001.

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

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A5-0388/2001, 18.1.2001.

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OJ L 150, 6.6.2001.

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Proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorisation and determining the conditions of entry and movement for periods not exceeding six months (COM(2001) 388, 10.7.2001).

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
To render documents more secure, introducing minimum standards for travel documents and residence permits	Commission / Council / Member States	April 2001	Commission proposal in March 2001 on the communitisation of the uniform format for residence permits granted to third-country nationals. ⁴¹⁹	Parliament opinion in December 2001	Adopted by the Council in June 2002. ⁴²⁰		Entry into force: 14.6.2002 Adoption of specifications required for its application 14.8.2002
To facilitate the detection of false documents and to provide appropriate training and equipment	Commission / Council / Member States	Ongoing		Council Recommendation of 29 April 1999 on provision of staff and equipment.	Council adopted a decision in March 2000 to improve exchange of information. ⁴²¹		Entry into force: 1.7.2000

⁴¹⁹ Proposal for a Council regulation laying down a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157, 23.3.2001).

⁴²⁰ OJ L 157, 15.6.2002, p 1

⁴²¹ OJ L 81, 1.4.2000.

Objective: Control at the external borders of the Union

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Coordination of operational cooperation between Member States ⁴²²	Commission/ Council / Member States	Ongoing	Commission proposal in November 2003 for a regulation establishing a European Agency for the Management of Operational Cooperation at the Union's External Borders. ⁴²³			As requested by the Brussels European Council on 15-16 October 2003, political agreement was reached on the main points of the dossier by the end of 2003, particularly with the adoption of the Council conclusions of 27 November 2003.	
Close cooperation between the Member States border control services, such as exchange programmes and technology transfer ⁴²⁴	Commission / Council / Member States	May 2002	In October 2001 the Belgian Presidency, with Odysseus co-financing, organised a joint operation for controls at the Union's future external borders in cooperation with Europol, the Member States and the applicant countries.				

⁴²² Objective set by the conclusions of the European Council at Thessaloniki in June 2003 and Brussels in October 2003.

⁴²³ Proposal for a Council Regulation establishing a European Agency for the Management of Operational Co-operation at the External Borders (COM (2003) 687 final/2, 20.11.2003).

⁴²⁴ This measure is included in the EU Plan of Action against terrorism (periodic review).

			Proposal for a Council Regulation laying down the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the convention implementing the Schengen agreement and the common manual to this end⁴²⁵				
			The Laeken European Council asked for arrangements for cooperation between services responsible for external border checks to be worked out and for the conditions in which a mechanism or common services to check external borders could be created to be studied. Italy presented the conclusions of the feasibility study on the development of joint actions co-financed by Odysseus/ARGO; a study on border police and security was cofinanced by OISIN.				
			A Commission Communication on external borders was presented in May 2002.⁴²⁶	Parliament opinion in November 2003⁴²⁷	In June 2002 the Council adopted a plan for the management of the external borders of the Member States of the European Union.		

⁴²⁵ Proposal for a Council Regulation laying down the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the convention implementing the Schengen agreement and the common manual to this end (COM(2003) 664, 6.11.2003).

⁴²⁶ Communication from the Commission to the Council and the European Parliament - towards integrated management of the external borders of the member states of the European Union (COM(2002)233, 7.5.2002).

⁴²⁷ A5-0449/02.

			In August 2003 the Commission presented a proposal for a regulation laying down common rules on small-scale frontier traffic.⁴²⁸		Council Decision 2002/463/EC of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme).⁴²⁹	In January 2004 the Commission is planning to present the first evaluation report on the implementation of the ARGO programme.	
			In February 2003 the Commission orally presented a study on burden-sharing between the EU and the Member States and a feasibility study on improving maritime border controls. A report on the later study was presented in September 2003.		Council agreement in principle in November 2003 on a programme of work on maritime borders		
			Initiative by the Hellenic Republic for a Council Regulation to establish a network of immigration liaison officers⁴³⁰	Parliament opinion in April 2003.	Council agreement in principle in October 2003.	Adoption expected at the end of 2003.	
			Initiative of the Hellenic Republic of May 2003 with a view to adopting a Council Decision determining the minimum indications to be used on signs at external border crossing points⁴³¹.	Parliament opinion in November 2003.⁴³²			
Procedure for adopting certain measures implementing the Common Manual	Commission / Council / Member States		Portuguese initiative in March 2001 on measures implementing the provisions in the Common Manual.⁴³³	Parliament opinion (rejection) in March 2001.⁴³⁴	Adopted by the Council in April 2001.⁴³⁵		Entry into force: 24.4.2001

⁴²⁸ Proposal for a Council Regulation on the establishment of a regime of local border traffic at the external land borders of the Member States and at the temporary external land borders between Member States (COM(2003) 502, 14.8.2003).

⁴²⁹ OJ L 161, 19.6.2001

⁴³⁰ Initiative by the Hellenic Republic for a Council Regulation to establish a network of immigration liaison officers (OJ C 140, 14.6.2003, p. 12).

⁴³¹ Initiative of the Hellenic Republic with a view to adopting a Council Decision determining the minimum indications to be used on signs at external border crossing points (OJ C 125, 27.5.2003).

⁴³² A5-0344/2003, 6.11.2003.

⁴³³ OJ C 73, 6.3.2001.

⁴³⁴ A5-0066/2001, 13.2.2001.

⁴³⁵ OJ L 116, 26.4.2001, p. 5; Regulation on implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance.

					Adoption by the Council in November 2000 of the decision to downgrade parts of the Common Manual. ⁴³⁶		Entry into force: 1.12.2000
			Initiative by Sweden in March 2001 for updating the Common Manual.⁴³⁷ Initiative by Belgium in December 2001 for the updating the Common Manual⁴³⁹ Initiative by Belgium and Sweden in April 2002 for the revision of the Common Manual. Commission proposal for a Council Regulation establishing a specific Facilitated Transit Documents FTD and FRTD and amending the Common Consular Instructions and the Common Manual⁴⁴³		Decision updating the Common Manual adopted by the Council in April 2001.⁴³⁸ Decisions declassifying the Common Manual⁴⁴⁰ and revising the Common Manual⁴⁴¹ adopted by the Council in April 2002.⁴⁴² Adoption by the Council in April 2003.	Commission proposal at the beginning of 2004 for a regulation recasting the existing legislation on borders.	Implementation: 27.4.2001
Rapid inclusion of the applicant States in this cooperation	Commission/ Council Member States	Ongoing		Parliament opinion in April 2003 ⁴⁴⁴		Work ongoing in the context of accession negotiations.	
				These issues were discussed at the ministerial meeting with the applicant countries on the sidelines of the Council in March 2001.			

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OJ L 303, 1.12.2000, p. 29.

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

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

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

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

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Council Decision revising Part I of the Common Manual (OJ L 123, 9.5.2002, p. 47).

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Council Decision of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions (OJ L 123, 9.5.2002, p. 50).

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Proposal for a Council Regulation establishing a specific Facilitated Transit Document (FTD) and a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (COM(2003) 60, 5.2.2003).

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AS-0075/03.

Objective: To convert and develop the Schengen acquis

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Communitisation of Article 2 of the Schengen Convention. ⁴⁴⁵	Commission / Council / Member States	2001	Included in the proposal for a regulation recasting the Common Manual – <i>cf. supra</i>				
Developments of the Schengen acquis (police cooperation)	Commission / Council / Member States		Initiative by Belgium, Spain and France with a view to the adoption by the Council of a 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 the common borders ⁴⁴⁶		Formal adoption by the Council on 2.10.2003 ⁴⁴⁷		Deadline for implementation: 11.10.2003.
Development of SIS II	Commission / Council / Member States	2001	Initiative by Belgium and Sweden for the development of SIS II. ⁴⁴⁸ Commission communication in December 2001 on the development of the Schengen II information system to take account of the prospect of enlargement and of technical progress. ⁴⁵⁰		Regulation and Decision adopted by the Council in December 2001. ⁴⁴⁹	In the second half of 2004 the Commission is planning to present a proposal for a regulation and a proposal for a decision on SIS II.	Deadline for implementation: 6.12.2001. Expiry date: 31.12.2006

⁴⁴⁵ This measure is included in the EU Plan of Action against terrorism (periodic review).

⁴⁴⁶ OJ C 285, 11.10.2001.

⁴⁴⁷ Council Decision 2003/725/JHA of 2.10.2003 (OJ L 260, 11.10.2003).

⁴⁴⁸ Initiative of the Kingdom of Belgium and of the Kingdom of Sweden with a view to the adoption of a Council Regulation on the development of the second generation Schengen information system (SIS II) (OJ C 183, 29.6.2001, p. 12).

⁴⁴⁹ OJ L 328, 13.12.2001.

⁴⁵⁰ Commission communication in December 2001 on the development of the Schengen II information system to take account of the prospect of enlargement and of technical progress (COM(2001) 720, 18.12.2001).

			Spanish Initiatives relating to specific new functions of the SIS, in particular in the framework of the fight against terrorism.⁴⁵¹ Commission proposal in September 2003 for a Regulation on access to the SIS for the registration of vehicles.⁴⁵³ First Commission report on progress with SIS II in February 2003.⁴⁵⁴ Results of feasibility study launched in July 2002 finalised by the Commission in April 2003. Commission Communication in November 2003 on the development of SIS II and possible synergies with the future VIS.	EP Opinion on the Spanish Initiatives in December 2002.⁴⁵² Work currently under way.	Formal adoption of Spanish initiatives by Council after parliamentary reservations have been lifted (NL, DK)		
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⁴⁵¹ Spanish Initiative with a view to the adoption of a Council Regulation on the allocation of specific new functions to the SIS, in particular in the framework of the fight against terrorism (OJ C 160, 4.7.2001).

⁴⁵² A5-0436/02, 17.12.2002.

⁴⁵³ Proposal for a Regulation of the European Parliament and of the Council amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (COM(2003)510, 21.8.2003).

⁴⁵⁴ Commission staff working paper "On the development of the second generation Schengen information system (SEC(2003)206, 19.2.2003).

6. CITIZENSHIP OF THE UNION

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Directive updating and revising of rules on the right of entry, movement and residence of citizens of the Union	Commission/ Council/ EP	2001	Commission proposal in May 2001 for an EP and Council directive, ⁴⁵⁵ amended in April 2003. ⁴⁵⁶ Second Commission report en mars 2003, on the application of Directives 90/364, 90/365 and 93/96 on the right of residence to be presented in March 2003. ⁴⁵⁸	Parliament opinion in February 2003 ⁴⁵⁷	Political agreement by the Council in September 2003. Common position will be adopted in December 2003.	EP second reading scheduled for early 2004	
Regulation on security of travel documents	Commission/ Council/ EP	2001	Member States' attention is drawn to the need to consider a possible Community instrument to make travel documents more secure.				
Regulation on a uniform format for residence permits for Union citizens and members of their families	Commission / Council / Parliament	2001					

⁴⁵⁵ Proposal for a European Parliament and Council directive on the right of Union citizens and members of their families to travel and reside freely on the territory of the Member States (COM(2001) 257, 23.5.2001).
⁴⁵⁶ Amended proposal for a Directive of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (COM(2003) 1999).
⁴⁵⁷ A5-0009/03, 11.2.2003.
⁴⁵⁸ Second Commission report to the council and the European Parliament on the application of directives 90/364/EEC, 90/365/EEC and 93/96/EEC (right of residence) (COM(2003)101, 5.3.2003).

Objective: Information on exercise of rights attached to Union citizenship

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Communication on results of elections to EP	Commission	2000	Commission Communication presented in December 2000. ⁴⁵⁹ Commission report on a derogation from directive 93/109/EC presented in January 2003. ⁴⁶⁰ Commission Communication in April 2003 on measures to be taken to ensure participation of all citizens of the Union to the 2004 elections to the European Parliament in an enlarged Union. ⁴⁶¹			At the beginning of 2005 the Commission is planing to present a report on the application of Directive 93/109/EC.	
First report on municipal elections Commission	Commission	2001	Commission report presented in May 2002. ⁴⁶²				
Third report on the citizenship of the Union	Commission	By the end of 2000	Third report prepared by the Commission in September 2001. ⁴⁶³	Parliament opinion in September 2002. ⁴⁶⁴		In the third quarter of 2004 the Commission is planning to present a fourth report on Union citizenship.	

⁴⁵⁹ COM(2000)843, 18.12.2000; Communication on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament: right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

⁴⁶⁰ Report from the Commission to the European Parliament and to the Council on granting a derogation pursuant to Article 19(2) of the EC Treaty, presented under Article 14(3) of Directive 93/109/EC on the right to vote and to stand as a candidate in elections to the European Parliament (COM(2003)31, 27.1.2003).

⁴⁶¹ Commission communication on measures to be taken by Member States to ensure participation of all citizens of the Union in the 2004 elections to the European Parliament in an enlarged Union (COM(2003)174, 8.4.2003).

⁴⁶² Commission report on the application of Council Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections (COM(2002)260, 30.5.2002).

⁴⁶³ Third Report from the Commission on Citizenship of the Union (COM(2001) 506, 7.9.2001).

⁴⁶⁴ A5-0241/02, 5.9.2002.

7. COOPERATION AGAINST DRUGS

Priorities of the EU drugs strategy

As a collective and individual threat, the drugs problem needs to be addressed in a global, multidisciplinary and integrated manner. In its Communication of November 2002 the Commission gave a mid-term review of the European Union Drugs Action Plan (2000-2004), which was approved by the Copenhagen European Council. The final evaluation will be undertaken with the help of the Member States, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol.

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Implementation of the European Union action plan on drugs (2000-2004)	Member States / Commission/ EMCDDA /Europol	June 2000	Commission communication in June 2001 on the implementation of the Action Plan. ⁴⁶⁵		A Joint Declaration on the implementation of the Drugs Action Plan was adopted in February 2002 by the Council in association with the Commission and the applicant countries. The Declaration refers to the launching of negotiations for the applicant countries to participate in the EMCDDA.	The ten acceding countries have been involved in EMCDDA work as observers from July 2003 and will be members from 1 May 2004. The negotiations with Romania, Bulgaria and Turkey should be pursued.	

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

			Commission Communication in November 2002 on the mid-term review of the Action Plan ⁴⁶⁶ . Commission Communication to the Council and the European Parliament in November 2003 on drugs coordination in the European Union. ⁴⁶⁷		The Copenhagen European Council had expected to approve the guidelines in the Commission communication. Resolution on the treatment of drug addicts in prison adopted in February 2003.		
			In the implementation of the Action Plan, a Danish initiative was lodged in September 2002 for the adoption of an implementation plan regarding synthetic drugs. In the implementation of the Plan of action, initiative by the UK and the Greek Presidency in February 2003 for a plan for implementation of priority measures linked to the objectives of the EU Drugs Action Plan. Proposal for a Council Recommendation on the prevention and reduction of risks associated with drug dependence. ⁴⁶⁸	Parliament opinion in February 2003 ⁴⁶⁹	Adopted by the Council in November 2002 Adopted by the Council in June 2003 Adoption by the Council in June 2003 ⁴⁷⁰ .	The Member States, the Commission, the EMCDDA and Europol are pursuing work to implement the actions provided for by the two 'implementation papers'.	
Evaluation of the Drugs Action Plan 2000-2004	Commission					In the second half of 2004 the Commission is planning to present a communication on the final evaluation of the Drugs Action Plan 2000-2004.	

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COM (2002) 599, 4.11.2002

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Commission Communication to the Council and the European Parliament on drugs coordination in the European Union (COMP(2003) 681, 12.11.2003).

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

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A5-0021/03, 28.1.2003.

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OJ L 165, 18.6.2003.

Strengthening of cooperation with the European Monitoring Centre on Drugs and Drug Addiction and Europol in particular as regards synthetic drugs and precursors	Council / Commission / Member States		The Commission has presented two reports (GHB and Ketamine) to the Council under the Joint Action on new synthetic drugs. On that basis, in March 2001 the Council adopted conclusions in line with the Commission's reports. As requested by the Council, a report by the EMCDDA and Europol was presented to the Council's Horizontal Working Party on Drugs at the beginning of 2002.				
			On the basis of the EMCDDA's risk analysis, the Commission presented a proposal for a Council Decision in December 2001,⁴⁷¹ defining PMMA as a new synthetic drug. Swedish Initiatives in January 2001 for a Council Decision on the determination of the profiles of synthetic drugs and the transmission of samples.⁴⁷³	Parliament opinion in May 2001.⁴⁷⁴ The Council is continuing to work on aspects relating to determination of the profile of synthetic drugs.	Decision adopted by the Council in February 2002. ⁴⁷²	Adoption by the Council in May 2001 of the decision concerning the transmission of samples. ⁴⁷⁵	Entry into force: 1.7.2001
			Spanish initiative for a Council recommendation on the need to reinforce cooperation and information exchanges between the Member States' operational units specialising in combating trafficking in chemical precursors.		Adoption by the Council in April 2002.		

⁴⁷¹ Proposal for a Council Decision defining PMMA as a new synthetic drug which is to be made subject to control measures and criminal provisions (COM(2001) 734, 6.12.2001).

⁴⁷² OJ L 63, 6.3.2002, p. 14.

⁴⁷³ Initiatives of the Kingdom of Sweden for a Council decision establishing a system of special forensic profiling analysis of synthetic drugs and a Council decision on the transmission of samples of illegal narcotic substances (OJ C 10, 12.1.2001).

⁴⁷⁴ A5- 0121/2001, 3.5.2001.

⁴⁷⁵ OJ L 150, 6.6.2001.

			Danish Initiative in July 2002, for a Council Resolution on the generic classification of new synthetic drugs. Commission report in May 2003 suggesting that TM2-2, 2C-1, 2C-T-2 and 2C-T-7 should not be subject to controls and criminal penalties.⁴⁷⁶ In October 2003 the Commission adopted a proposal for a Council Decision amending and replacing the Joint Action of 16.6.1997 on synthetic drugs⁴⁷⁷.	The Italian Presidency has presented an initiative for a Council Decision making four new substances (2C-1, 2C-T-2, 2C-T-7, TMA-2) subject to controls	Adopted by the Council in November 2002 Adopted by the Council on 27.11.2003.		
Development of a methodology for the evaluation of the EU Drugs Strategy for 2000-2004	Council and Parliament on the basis of proposals of the Commission		The Commission has set up a Steering Group of members of the presidencies concerned by the evaluation and representatives of the EP, EMCDDA and Europol.	Work currently under way.	On 10 December 2001 the Council adopted a Resolution on the national implementation of these epidemiological indicators.		

⁴⁷⁶ Commission Report to the Council under Joint Action 97/396 on TM2-2, 2C-1, 2C-T-2 and 2C-T-7 (COM(2003) 258, 13.5.2003).

⁴⁷⁷ COM (2003) 560, 3.10.2003

Common definitions, charges and penalties in the field of drug trafficking. ⁴⁷⁸	Council, on the basis of a proposal by the Commission	April 2001	Having received a study of national laws and regulations on drug trafficking, the Commission presented, in June 2001, a proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking. ⁴⁷⁹	Parliament opinion in April 2002. ⁴⁸⁰ The Laeken European Council asked that this Framework Decision be adopted by the end of May 2002. The Brussels European Council asked that this Framework Decision be adopted by the end of 2003. Work continues in the Council.	Political agreement in the Council in November 2003.		
Financial instrument for combating drug trafficking	Council, on the basis of a Commission proposal or a Member State initiative		In 2002 the Commission implemented the budget line introduced at the European Parliament's request to finance a preparatory programme to combat drug trafficking.			This preparatory programme was integrated in the AGIS programme in 2003.	

⁴⁷⁸ See also table on "Fight against certain forms of crime".

⁴⁷⁹ Proposal for a framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking (COM(2001) 259, 23.5.2001).

⁴⁸⁰ A5-0460/02, 25.4.2002.

8. STRONGER EXTERNAL ACTION

Priorities of the Tampere and Feira European Councils

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

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

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

Action needed	Responsibility	Timetable for adoption	State of play				Transposition
			Proposals, initiatives, communications, Green Paper on which work is based	Progress in the Council and, if appropriate, Parliament	Adoption by the Council and, if appropriate, Parliament	Actions planned and progress made	
Enlargement: ensure that justice and home affairs are consistently integrated into the enlargement process				Discussion with applicant countries at Council meeting in March 2001 on combating organised crime and asylum and immigration policy. in September 2001 on trafficking in human beings; Discussion with the applicant countries at the Council meeting on 28 February 2002 on external borders, drugs and questions of judicial capacity; on the Schengen evaluation process and mutual recognition at the Council meeting of 14 October 2002.	Adoption in September 2001 by Member States and applicant countries of 12 undertakings on combating trafficking in human beings.	Negotiations on Chapter 24 are continuing with Romania and were provisionally completed with Bulgaria in October 2003. Community support is going to JHA through the Phare programme, twinning schemes, partnership agreements and participation in JHA programmes. For the seven countries that have signed accession treaties (16.4.2003), specific additional financing (Schengen facility) has been earmarked for 2004-2006 in the Act of Accession annexed to the accession treaty. The October European Council agreed on the insertion of JHA safeguard clauses (mutual recognition in civil and criminal matters) in future accession treaties.	

The Feira European Council was to agree on clear priorities, policy objectives and measures for the Union's external action in Justice and Home Affairs	The Council, in close cooperation with the Commission, is to draw up specific recommendations	June 2000	In June 2000 the Feira European Council adopted a report drawn up by the Council and Commission on external relations in the JHA field, in order to integrate them into the Union's overall strategy and thus to contribute to establishing the AFSJ; update for the Laeken European Council in December 2001.				
Implementation of priorities identified for the progress report requested by the Feira European Council:							
- Negotiations with non-applicant Balkan countries of stabilisation and association agreements			Negotiating brief accepted for Albania, and exploratory extending to JHA matters have been held with the FRY. The CARDS programme (2002-06) includes a country-by-country JHA strategy for applying especially to asylum, immigration, organised crime, judicial matters, border management and maintenance of a regional dynamic for the reform of JHA institutions.		Agreements have been signed with Croatia and the FYROM and are in process of ratification.		

- Continuation of the Barcelona Process			Implement the JHA dimension of the Meda regional programme (adoption of a framework document on 22 April 2002); implementation of the action plan of the High Level Working Group on Asylum and Immigration for Morocco.				
- Conclusion of readmission agreements			Presentation of draft negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia in February 2000, Hong Kong and Macao in March 2001, Ukraine March 2002 and Albania, Algeria, China and Turkey in October 2002.	Parliament opinion (Hong Kong) in December 2002 ⁴⁸¹	Negotiating mandates for readmission agreements with Morocco, Pakistan, Sri Lanka and Russia adopted by Council in September 2000, with Hong Kong and Macao in May 2001, with Ukraine in June 2002 and with Albania, Algeria, China and Turkey in November 2002. The European Councils at Seville (June 2002) and Brussels (October 2003) asked for the conclusion of readmission agreements being negotiated to be expedited and facilitated.	An agreement was signed with Hong Kong on 27 November; conclusion in November 2003 and entry into force scheduled for beginning of 2004. Agreement with Macao initialled on 18 October 2002 and signed on 13 October 2003. Readmission agreement initialled with Sri Lanka on 30 May 2002 and signing scheduled for before end of 2003. Negotiations completed with Albania on 5 November 2003. Negotiations under way for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco, Macao, Ukraine and Albania. Negotiations to be opened with Turkey, China and Algeria in the first half of 2004.	

- Cooperation on justice and home affairs			In July 2001 Sweden presented an initiative concerning a decision laying down arrangements for the 1995 Convention on simplified extradition procedures between the Member States of the EU the 1996 Convention relating to extradition between Member States of the EU builds on the Schengen arrangements in accordance with the agreement associating the Republic of Iceland and the Kingdom of Norway with the application, implementation and development of the Schengen arrangements.⁴⁸⁴	Central Asia: Action Plan against drugs for Central Asia (CADAP) formally approved by Kazakhstan, Kyrgystan, Tajikistan and Uzbekistan on 2 October 2002. Russia: implementation of the action plan to combat organised crime. Ukraine: implementation of the JHA action plan and scoreboard. United States: negotiation of an agreement for cooperation in criminal matters on the basis of Articles 38 and 24 of the Union Treaty (Council agreed to a negotiating brief in April 2002);⁴⁸² Adopted by the Council in February 2003⁴⁸⁵. Negotiating directives for an agreement with Iceland and Norway on extradition and mutual assistance adopted by the Council on 19.12.2002.	Parliament opinion in June 2003. Adopted by the Council in June 2003⁴⁸³.	Agreements signed on 25.6.2003	
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⁴⁸² This measure is included in the EU Plan of Action against terrorism (periodic review).

⁴⁸³ OJ L 181, 19.7.2003

⁴⁸⁴ Proposal for a Council Decision laying down arrangements for the 1995 Convention on simplified extradition procedures between the Member States of the EU the 1996 Convention relating to extradition between Member States of the EU builds on the Schengen arrangements in accordance with the agreement associating the Republic of Iceland and the Kingdom of Norway with the application, implementation and development of the Schengen arrangements (OJ C 195, 11.7.2001).

⁴⁸⁵ JO L 67 du 12.3.2003

- Negotiation of multilateral instruments			Council of Europe: - Cybercrime Convention; open for signature in November 2001; - Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems: opened for signing in January 2003. - 2nd Protocol to the 1959 Convention: Adoption by the Council of Europe on 20.09.2001 and open for signature on 8.11.2001; - Community accession to Convention 108 and the additional protocol on data protection: ratification under way by the contracting countries, prior to accession to the Community. - Terrorism - Protocol amending the European Convention against terrorism of 1977: open for signing in May 2003 - Participation in CODEXTER with a view to the elaboration of a worldwide anti-terrorism convention In May 2003 the Commission presented a proposal for a common position on notification to the Council of Europe under Article 28(3) of the Extradition Convention of 1957.⁴⁸⁶	Conclusions adopted by the Council in October 2003 on the implementation of the European arrest warrant and its links to Council of Europe instruments.			
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COM(2003) 253, 6.5.2003, Proposal for a Council Common Position on notifying the Council of Europe, pursuant to Article 28(3) of the European Convention on Extradition of 13 December 1957, of the application by the Member States, between themselves, of the European Arrest Warrant.

			United Nations Conventions: - United Nations Protocol on firearms signed by the Commission for the European Community. - Corruption: signature of the Convention scheduled for December 2003. - Terrorism: constant European Union support for the second stage of the negotiations for a convention against international terrorism.			Organised crime: see above. The Commission has presented a proposal for conclusion of the UN Convention and its Protocols by the Community.	
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9. OTHER CURRENT INITIATIVES

MEMBER STATES	TITLE	RELATIONSHIP State of progress	WITH	TAMPERE/VIENNA
Finland	Council Regulation on obligations between the Member States for the readmission of third-country nationals	See "Management of migration flows"		
		Parliament opinion [rejection] May 2000		
		Discussion in the Council suspended		
Finland	Council Recommendation on the exchange of DNA	Adoption by the Council in June 2001 of a resolution on the exchange of results of DNA analyses		
Sweden	Council Decision amending the staff regulations applicable to Europol employees	Adoption by the Council in March 2001 of a Decision amending the staff regulations applicable to Europol employees		
Sweden	Council Decision amending the remuneration of Europol employees and the allowances paid to them	Adopted by the Council (end May 2001)		
France	Council Recommendation regarding the assessment of terrorist threats against VIPs	Adopted by the Council in December 2001.		
Belgium	Draft Resolution on the contribution of civil society in the search for missing and sexually exploited children	Adoption by the Council in September 2001		
Netherlands	Draft Council Decision setting up a European network of contact points as regards persons responsible for genocide, crimes against humanity and war crimes.	Parliament opinion in April 2002 Adoption by the Council in June 2002 ⁴⁸⁷ .		
Spain	Draft Council Decision setting up a European network of contact points as regards national authorities with responsibility in matters of private security.	EP opinion in May 2002 (A5-0168/02) on the draft decision Adoption by the Council of a recommendation in June 2002		
Spain	Draft Council Decision establishing a European Police Studies Institute. ⁴⁸⁸	Presentation to the Council in January 2002; work in progress. EP opinion in May 2002 (A5-0166/02)		

⁴⁸⁷ OJ L 167, 26.6.2002
⁴⁸⁸ OJ C 42, 15.2.2002.

Spain	Draft Council Act establishing, in accordance with article 34 of the treaty on the European Union, the convention on the suppression by customs authorities of illicit drug trafficking on the High Seas.	Under discussion in the Council Working Party (Customs cooperation).
Spain	Draft Resolution of the council and of the Representatives of the Member States meeting in the Council on the prevention of the recreational use of drugs.	Adoption by the Council in April 2002 (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Proposal for a Resolution of the council and of the Representatives of the Member States meeting in the Council on the prevention of drug addiction in school curricula	Adopted by the Council in June 2002. (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Draft Council Recommendation on the improvement of operational investigation methods in the fight against crime related to organised drug trafficking	Adoption by the Council in April 2002 (See implementation of the EU Action Plan on Drugs (2000-2004))
Spain	Draft Council Recommendation on the constitution of ad hoc multinational investigation teams to gather information on terrorists	Adoption by the Council in April 2002
Spain	Draft decision establishing a mechanism for the evaluation of legal provisions for the fight against terrorism and their national implementation	Adoption by the Council in November 2002
Spain	Draft Council Decision on the implementation of specific police and judicial cooperation measures to combat terrorism, in accordance with Article 4 of common position 2001/931/CFSP	EP opinion in September 2002. Adopted by the Council in December 2002. ⁴⁸⁹
Spain	Council Decision establishing a European network for the protection of VIPs. ⁴⁹⁰	EP Opinion in May 2002 Adopted by the Council in November 2002. ⁴⁹¹
Denmark	Draft decision concerning criminal investigations and prosecutions of genocide, crimes against humanity and war crimes	Adopted by the Council in May 2003. Parliament Opinion in December 2002.
Spain	Recommendation for establishment of a standard form for the exchange of information on	Adopted by the Council in November 2002

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OJ L 167, 22.1.2003

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OJ C 42, 15.2.2002.

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OJ L 333, 10.12.2002

	terrorists	
Belgium	Council Decision establishing a European network of national contact points for compensatory justice	Work in progress in Council – EP Opinion in April 2003
Denmark	Council conclusions on the relevant measures for information technology justified by investigations and prosecutions dealing with criminal matters.	Work ongoing in the Council.
Denmark	Council recommendation on protective measures against aggression with violence suffered by professional drivers in the export trade.	Adoption by the Council in October 2002
Denmark	Council Act amending the Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information	Parliament opinion (rejection) in April 2003 ⁴⁹² Adopted by the Council in June 2003 ⁴⁹³
Netherlands	Regulation amending Regulation (EC) No 44/2001 on jurisdiction and recognition and enforcement of judgments in civil and commercial matters. ⁴⁹⁴	Discussion suspended
Greece	Council Decision on procedures for amending the Sirene Manual and Council Regulation on procedures for amending the Sirene Manual. ⁴⁹⁵	Parliament opinion in September 2003 ⁴⁹⁶
Greece	Council Framework Decision to prevent and combat trafficking in human organs and tissues.	Parliament opinion October 2003.

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A5-0107/03.

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OJ C 152, 28.6.2003.

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OJ C 311, 14.12.2002.

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OJ C 82, 5.4.2003.

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A5-0288/03, 9.9.2003.