

Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union

1. GENERAL ORIENTATIONS

The Council and the Commission intend this Action Plan to be the frame of reference for their work over the next five years, it being understood that it:

- is to be supplemented by the Drugs Action Plan submitted to the Council/European Council for approval (8652/1/05 REV 1 + COR 1), by the Plan of Action on Combating Terrorism adopted by the European Council at its meeting on 17 and 18 June 2004 (10586/04) and by the strategy on the external aspects of the area of freedom, security and justice which will be submitted to the European Council in December 2005;
- must retain a degree of flexibility, for example in order to take the greatest possible account of the demands of current events;
- will be updated at the end of 2006, so that the European Council can establish the Union's legislative and operational priorities in the field of justice and home affairs;
- sets out the list of legislative (in italics) and non-legislative measures which the Council and the Commission consider necessary to put into practice the guidelines set in the Hague Programme. Adoption of the list is without prejudice to the scope or content of the proposals for measures which will be negotiated in compliance with the provisions of the Treaties. Except where otherwise indicated, the plan specifies the date by which it is expected that the Commission or a Member State will take an initiative;
- will be implemented in strict compliance with the legal bases laid down in the Treaties and the principles of solidarity, subsidiarity and proportionality;
- does not interfere with the Commission's right of initiative in the matters dealt with in Title IV of the TEC or with the Commission's and the Member States' rights of initiative in those dealt with in Title VI of the TEU;

- takes due account of the debates which have taken place within the European Parliament with a view to and following the presentation by the Commission of its communication (8922/05) and is without prejudice to the institutional prerogatives of the European Parliament.

1.1. Evaluation

- **Setting up of a system for objective and impartial evaluation of the implementation of EU measures in the field of Freedom, Security and Justice**
 - Communication on and *Proposal for the creation of an evaluation mechanism, as envisaged by Article III-260 of the Constitutional Treaty (2006)*

1.2. Respect for and active promotion of fundamental rights

- **Framework Programme "Fundamental Rights and Justice" under the new Financial Perspectives (2005)**
 - (a) *Proposal for a Decision establishing a specific Programme on Citizenship and Fundamental Rights (2005)*
 - (b) *Proposal for a Decision establishing a specific Programme on the Fight against violence (Daphne) and drugs prevention and information (2005)*
- **Accession of the European Union to the European Convention for the protection of human rights and fundamental freedoms (informal discussions to be started in 2005)**
 - (c) *Proposal extending the mandate of the European Monitoring Centre on Racism and Xenophobia towards a Fundamental Rights Agency (proposal in 2005)*
- **Promotion and protection of women and child rights**
 - (d) Daphne II programme: 2006 work programme (2005)
 - (e) Study on prevention measures to combat violence against women (2006)
 - (f) Communication on the protection of the rights of the child (2005)
- **Protection of Personal Data**
 - (g) Communication on the follow-up measures to the Work Programme for a better implementation of the Data protection Directive (2005)
 - (h) Communication on PETs (Privacy Enhancing Technologies) (2005)
 - (i) Proposal for a legislation on the protection of Personal Data in the context of police cooperation and judicial cooperation in criminal matters (see point 3.1 (c))

1.3. European Court of Justice

- (a) *Proposal on means to enable the European Court of Justice to handle requests for preliminary rulings concerning the area of freedom, security and justice (2006).*

1.4. European Strategy on drugs

- **EU Action Plans on drugs 2005-2008 (2005) and 2009-2012 (2009)**
 - (a) Continuous evaluation of the EU Action Plan on Drugs 2005-2008 (*annual*)
 - (b) Green Paper on the role of civil society in formulating policies in the drugs field (2006)
 - (c) Report on the implementation and functioning of the Framework Decision on drugs trafficking (2007)
 - (d) Progress report on and impact assessment of the EU Action Plan on drugs 2005-2008 (2008)
 - (e) Communication on an EU Action Plan on drugs 2009-2012 (2009)

1.5 External relations

- **Strategy on all the external aspects of the Union policy on freedom, security and justice, based on the measures developed in the Hague programme (2005)**
 - Communication on all the external aspects of the Union policy on freedom, security and justice (mid-2005 – contribution to the Strategy).

2. **STRENGTHENING FREEDOM**

2.1. Citizenship of the Union

- (a) Reports on the application of Directives 90/364, 90/365 and 93/96 on the right of residence of pensioners, students and inactive persons and of
- (b) *Directive 93/109/EC on the right to vote in the EP elections, including in the new Member States and, if appropriate, proposals for the amendment of the latter Directive (2005/2006)*
- (c) *Proposal to facilitate diplomatic and consular protection (2006)*
- (d) *Proposal on provisions and conditions required for a European citizens' initiative (2007)*
- (e) Examination of possible measures to strengthen and to add to the rights laid down under the citizenship provisions of the Treaties (Article 22 TEC) (2008)
- **Allowing EU citizens and members of their family to move within the European Union on similar terms to nationals of a Member State moving around or changing their place of residence in their own country**
- (f) Control of transposition, compliance and correct application of Directive 2004/38/EC on free movement and residence (2006)
- (g) Report on application of Directives 90/364/EEC, 90/365/EEC and 93/96/EEC on free movement and residence and on the situation of the nationals of the new Member States (2006)
- (h) *Report on application of Directive 2004/38/EC on free movement and residence and, if appropriate, proposals for the amendment of the Directive (2008)*

2.2. Asylum, migration and border policy

- ***Framework Programme "Solidarity and Management of Migration Flows" under the new Financial Perspectives (2005)***

- **Common analysis of migratory phenomena in all their aspects (Reinforcing the collection, provision, exchange and efficient use of up-to-date information and data)**
 - (a) Annual reports on migration and asylum statistics (*ongoing*)
 - (b) *Adoption of an EU Framework Regulation on the collection of migration and asylum statistics (2005)*
 - (c) Green Paper on the future of the European Migration Network (2005), possibly followed by a *proposal establishing a European Migration Monitoring Centre (2006)*
 - (d) *Proposal for a mutual information system on migration issues (2005)*

2.3. Common European Asylum System

- (a) *Adoption of the Asylum Procedures Directive (2005)*
- (b) Conclusion of the so-called "parallel agreements" with Denmark in "Dublin II" and "Eurodac" (2005)
- **Evaluation of the first phase legal instruments**
 - (c) Monitoring the transposition and implementation of first phase instruments (*2005 ongoing*)
- **Second phase of development of a Common European Asylum System, establishment of a common asylum procedure and a uniform status for those who are granted asylum or subsidiary protection**
 - (d) *Proposal on long-term resident status for beneficiaries of international protection (2005)*
 - (e) *Second-phase instruments and measures to be presented to the Council and the European Parliament (adoption before the end of 2010)*
- **Studies on the implications, appropriateness and feasibility of joint processing of asylum applications**
 - (f) Study on the joint processing of asylum applications within the Union (2006)
 - (g) Study, to be conducted in close consultation with the United Nations High Commissioner for Refugees (UNHCR), on joint processing of asylum applications outside EU territory, (2006)

- ***Cooperation between Member States relating to the Common European Asylum System, after the establishment of a common asylum procedure***
 - (h) Establishment of structures involving the national asylum services of the Member States for promoting cooperation (*Communication – 2005*)
 - (i) Establishment of a European support office in charge of all forms of cooperation concerning a common asylum system on the basis of an evaluation.

- ***Establishment of the European Refugee Fund (ERF) 2005-2013 to assist Member States in the processing of asylum applications and in the reception of certain categories of third-country nationals***
 - (j) Final Report on the **European Refugee Fund** (2005)
 - (k) *Proposal for amending the **European Refugee Fund** decision to assist Member States in the reception of certain categories of third-country nationals* (2005)
 - (l) Approvals of **European Refugee Fund** national multiannual programming (2005, 2008 and 2011)

2.4. Legal migration including admission procedures

- **Developing policy on legal migration**
 - (a) Assessment and monitoring of the transposition and implementation of first phase directives on legal migration (*from 2005 onwards*)
 - (b) Debate on Green Paper on economic migration (2005)
 - (c) On the basis of the outcome of the public consultation on the Green Paper on economic migration, presentation of a Policy Plan on legal migration, including admission procedures (2005)

2.5. Integration of third-country nationals

- **Establishment of a coherent European framework for integration**
 - (a) Communication on a European framework for integration (2005)

- **Promotion of the structural exchange of experience and information on integration**¹
 - (b) Management of INTI preparatory actions (2005-2006)
 - (c) Annual reports on immigration and integration (2005 ongoing)
 - (d) Handbook on integration (*second edition 2006, ongoing*)
 - (e) Development of a website on the Internet (2006)

2.6. Fight against illegal immigration

- (a) Contribution to management of immigration liaison networks in relevant third countries (2005 ongoing)
 - (b) Annual report on the common policy on illegal migration (2005 ongoing)
 - (c) Adoption of a Commission Decision establishing a secure web-based information network for Member States migration services (ICONET) (2005)
 - (d) Proposal for the conclusion and signature of the Council of Europe Convention on action against trafficking in human beings (CAHTEH) (2005)
 - (e) Realisation by Member States of targets for reducing the informal economy as set out in the European employment strategy
 - (f) Presentation by the Commission of a report which may include instruments for fighting against illegal work
- **Establishment of an effective removal and repatriation policy based on common standards and closer cooperation and mutual technical assistance**
 - (g) *Proposal on return procedures (2005)*
 - (h) Launching of the preparatory actions for financial support to Return Management (2005)
 - (i) Appointment of a Commission Special Representative for a common readmission policy (2005)
 - (j) Conclusion of Community readmission agreements and management of existing agreements (timely)

¹ In addition, complementary activities are undertaken in the framework of the European Employment Strategy and the Social Inclusion Process.

2.7. External dimension of asylum and migration

- **Cooperation with third countries in managing migration and asylum**
 - (a) Communication on migration and development (2005)
 - (b) Revised version for 2006 of the reference document of the AENEAS Programme, 2004-2006 (2005)¹
 - (c) Completing the integration of migration into the Country and Regional Strategy Papers for all relevant third countries (2005)
 - (d) Conclusions in order to intensify Member States cooperation in preventing further loss of life resulting from attempts to enter the EU illegally, mainly in the Mediterranean (2005)
- **Development of EU-Regional Protection Programmes**
 - (e) Plan of action for EU Regional Protection Programmes, including EU resettlement scheme (2005)
 - (f) Launching pilot protection programmes (2005)
- **Intensified cooperation with countries of transit to enable these countries better to manage migration and to provide adequate protection for refugees**
 - (g) Report on progress and achievements in asylum and migration, within the context of the European Neighbourhood Policy (2005)

2.8. Border management, biometrics, information systems and visa policy

- **Abolition of controls on persons at the internal borders**
 - (a) *Proposal on SIS II legal instruments (2005)*
 - (b) Start of evaluation of the implementation of the non-SIS II related acquis in the new Member States (2006)
 - (c) Evaluation of SIS II related acquis in the new Member States (*after SIS II operational – 2007*)
 - (d) *Adoption of a Council Decision on the lifting of controls at the borders with and between the new Member States, when all requirements regarding application of the Schengen acquis have been met and once the Schengen Information System (SIS II) has become operational (2007)*

¹ To be considered within the framework of the new financial perspectives.

- (e) *Proposal for supplementing the existing Schengen evaluation mechanism with a supervisory mechanism (2007)*
- **Establishment of an integrated management system for external borders**
 - (f) *Proposal on the setting up, the powers and the financing of teams of national experts to provide technical and operational assistance to Member States in the control and surveillance of external borders within the framework of the Border Management Agency (2007)*
 - (g) *"Handbook for Border Guards" (after adoption of the Community Code on the rules governing the movement of persons across borders)*
 - (h) *Evaluation report on the External Border Agency, including a review of the tasks of the Agency and an assessment of whether it should concern itself with other aspects of border management (including the evaluation of the functioning of the teams of national experts and the feasibility of a system of European border guards) (2007)*
- **Partial application of the Schengen acquis**
 - (i) *Adoption of a Council Decision on the partial implementation of the Schengen acquis by Ireland (2006)*
 - (j) *Adoption of a Council Decision on the partial implementation of the Schengen acquis (SIS) by the United Kingdom (2005)*
- **Coherent approach and harmonised solutions in the EU on biometric identifiers and data**
 - (k) *Proposal modifying the Common Consular Instructions concerning standards and procedures for taking biometric data, including the obligation to provide such data and specifying the exceptions to this obligation (2005)*
 - (l) *Preparation for the development of minimum standards for national ID-cards (from 2005 onwards)*
 - (m) *Preparation for the development of minimum standards for sector-specific ID-cards, if appropriate (from 2005 onwards)*
 - (n) *Widespread use of biometric identifiers concerning travel documents, visas, residence permits, EU citizens' passports and information systems (from 2006 onwards)*¹
 - (o) *Communication on enhanced synergies between SIS II, VIS and Eurodac (2006)*

¹ Taking into account developments with regard to authentication, certification, digital signatures and e-Government services.

2.9. Visa policy, including the development of the Visa Information System (VIS)

- (a) Meetings with third countries of the positive visa list in order to ensure visa-free travel for citizens of the Member States to all those third countries in the context of the new reciprocity mechanism soon to be adopted (*ongoing, to be combined with the review of the visa list*)
- (b) *Proposals relating to the necessary amendments to further enhance visa policies and the establishment of common application centres for visas (2005)*
- (c) Regular review of the visa list (Regulation No 539/2001) (*regularly*)
- (d) *Proposal on visa facilitation procedures for members of the Olympic Family – Turin 2006 (2005)*
- (e) Report on the implementation of Regulation No 1295/2003 "Visa facilitation procedures for members of the Olympic Family – Athens 2004" (*2005*)
- (f) *Proposal amending the Common Consular Instructions on visa fees (2005)*
- (g) *Proposals on transit (2005)*
- (h) Recommendation for negotiating directives for visa waiver agreements between the EC and third countries on the conditions to move freely within the Union for a period between three and six months (*2005 ongoing*)
- (i) *Adoption of a proposal establishing a regime on local border traffic (2005)*
- (j) Report on the operation of the Kaliningrad transit scheme (*2005*)
- (k) Kaliningrad facility ¹
- (l) Schengen Facility for seven Member States
- (m) Specific recommendations for negotiating directives on visa facilitation on a case by case basis with third countries in the context of the EC readmission policy, where possible and on the basis of reciprocity, with a view to developing a real partnership on migration management issues (*2005-2009*)
- (n) *Proposal on the review of the Common Consular Instructions, concerning in particular local consular cooperation (2006)*

¹ The Kaliningrad Facility will be replaced by specific provisions within the proposed External Border Fund for the period 2007-2013 as part of the framework programme "Solidarity and the Management of migration flows".

- (o) Technical implementation of the VIS, starting with the functionalities for processing alphanumeric data and photographs (2006) and adding the functionalities for biometric data (2006)
- (p) *Proposal on the creation of common visa offices (2007)*

3. **STRENGTHENING SECURITY**

- **Framework Programme "Security and Safeguarding Liberties" under the new Financial Perspectives (2005)**
 - (a) *Proposal for a Decision establishing a specific Programme on "Prevention of and fight against crime" (2005)*
 - (b) *Proposal for a Decision establishing a specific Programme on "Prevention, Preparedness and Consequence Management of Terrorism" (2005)*

3.1. Sharing of information among law enforcement and judicial authorities while striking the right balance between privacy and security

- (a) *Adoption of a legislative instrument on the retention of data processed in connection with the provision of public electronic communication services for the detection, investigation and prosecution of criminal offences (2005)*
- **Availability principle and protection of personal data**
 - (b) *Proposal on the establishment of a principle of availability of law enforcement relevant information (2005)*
 - (c) *Proposal on adequate safeguards and effective legal remedies for the transfer of personal data for the purpose of police and judicial cooperation in criminal matters (2005)*
 - (d) *Adoption of a proposal for a Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU (2005)*
 - (e) *Proposal on access by law enforcement to the VIS (2006)*
 - (f) *Development of the Europol Information System (2006)*
 - (g) *Development of links between the SIS II and the Europol information system (2007)*
 - (h) *Implementation of the principle of availability, concerning the following areas:*
 - DNA (2005)
 - fingerprints (2006)
 - ballistics (2006)

- telephone numbers (2006)
- vehicle registrations (2006)
- civil registers (2006)
- (i) Communication on enhanced synergies between SIS II, VIS and Eurodac (2006)
- (j) *Proposal for a general Community architecture on forensic/police databases (2008)*
- (k) Definition of a policy for a coherent approach on the development of information technology to support the collection, storage, processing, analysis and exchange of information (2005)
- **Exchange of data on PNR**
 - (l) *Proposal concerning a common EU approach to the use of passenger data for border and aviation security and other law enforcement purposes (2005)*
 - (m) Joint review on the Air Passengers Data (PNR) agreement with the USA (2005)
 - (n) Completion of negotiations of PNR agreements with Canada and Australia (2005), and with other countries if necessary
 - (o) Definition of international guidelines ensuring a high degree of protection of privacy for access to PNR data in the framework of the International Civil Aviation Organisation (ICAO)

3.2. Terrorism

- **Further development of an overall approach to combat terrorism**
 - (a) Further implementation of the EU Action Plan on Combating Terrorism
 - (b) Follow-up to the pilot project in favour of victims of terrorism (2006)
 - (c) Reinforcement of cooperation between the competent authorities to combat terrorism through the development of specialised contact points in Member States, which will have access to all necessary information and intelligence with respect to terrorist activities involving persons, groups or entities (2005)
 - (d) Examination of the necessity and feasibility of the setting up of a European Law Enforcement Network (LEN) for the fight against terrorism (2005) *and if necessary proposal for its setting up (2006).*
 - (e) Communication on greater security of explosives, bomb-making equipment (2005)

- (f) Communication of the Commission on violent radicalisation and strategy of the Council on radicalisation and recruitment (2005)
 - (g) *Proposal for preventing misuse of charitable organisations for the financing of terrorism (2006)*
 - (h) Communication on results of the peer evaluation mechanism on terrorism in the 25 Member States (2006/2007)
 - (i) Identification of need and scope for legal instruments to ensure that all Member States can freeze assets of designated persons on a preventive basis in accordance with Special Recommendations of the Financial Action Task Force (2007)
 - (j) Contribution to the ongoing work on thwarting the production and spread of chemical, nuclear and biological arms (2007)
 - (k) *Development of the ATLAS cooperation and its legal framework (2006)*
 - (l) Build capacity in third countries to fight terrorism and appropriate clauses on counter-terrorism in the agreements to be concluded by EU/EC with third countries
 - (m) Develop public/private partnerships to improve the prevention and the fight against terrorism
- **Review and adaptation of EU legislation in parallel with measures to be adopted in order to combat terrorism**
- (n) Second report based on Article 11 of the Council Framework Decision of 13.6.2002 on combating terrorism (2005) and evaluation (2006)

3.3. Prevention of and fight against organised crime

- (a) Communication on developing a strategy on tackling organised crime (2005)
- **Improve the knowledge of organised and serious crime and strengthen the gathering and analysis of information**
- (b) Communication on an action plan – EU Crime statistics (2005)
 - (c) Commission working paper on criminal intelligence-led law enforcement (2005)
 - (d) Recommendations for a standard methodology for vulnerability in crime proofing (2007)
 - (e) Presentation of a European Crime report (2007)
 - (f) Organised Crime Threat Analysis by Europol (as of 2006)

- **Strengthen prevention of organised crime**

- (g) Crime-proofing of legislation and the design of crime preventive measures into products and services (2005)
- (h) Report on the results of a study further to the Council resolution of 2001 on the contribution of civil society in finding missing or sexually exploited children (2005)
- (i) Action Plan on private/public partnerships to protect public organisations and private companies from organised crime (2006)
- (j) Improving European coordination and cooperation between high-tech crime units in Member States, and with the private sector (Cyber crime Intelligence Network) including the development of a European Cyber crime manual (2006)
- (k) Communication on cyber crime and cyber security policy (2006)

- **Anti-corruption measures:**

- (l) Examination of the need for codes of conduct on ethics and integrity for public officials (2007)
- (m) *Proposal introducing certain obligations on certain categories of officials with regard to reporting bribery as well as the disclosure of assets and business interests (2009)*

- **Strengthen tools to address financial aspects of organised crime**

- (n) Initiatives to promote use of financial investigation as a law enforcement technique and to establish common minimum training standards (2005-2007):
- (o) Common set of training standards in financial investigation skills (2005)
- (p) Recommendation for a Memorandum of Understanding regarding feedback from financial intelligence units to reporting bodies on suspicious transaction reports (2006)
- (q) *Recommendation and/or proposal to enhance transparency of legal entities to reduce vulnerability to infiltration by organised crime (2006)*
- (r) Promotion of the establishment of criminal asset intelligence units in EU Member States (continuous)
- (s) Examination of standards for the return of confiscated or forfeited assets as compensation or restitution to identifiable victims of crime or charitable organisations (2008)

- **Improve legislation and review existing legal instruments where needed**

- (a) *Adoption of a Framework Decision on participation in a criminal organisation (2006)*
- (b) *Legislative package on the fight against counterfeiting (2005)*
- (c) *Communication on trafficking in human beings (2005)*
- (d) *Review and, where appropriate, further development of present legislation on trafficking in human beings, for example in order to facilitate public-private cooperation, EU wide coordination and the involvement of Europol (2006)*
- (e) *Review and, if necessary, further development of the legal framework preventing and combating trafficking in human organs, tissues and cells (2006)*
- (f) *Review and, if necessary, strengthening of present legislation on confiscation of criminal assets (2008)*
- (g) *Comparative study to evaluate the need for instruments to combat activities of Organised Crime related to Fiscal Fraud within EU Member States and acceding and candidate countries' (2005)*
- (h) *On the basis of the study, Proposal for legislation in criminal matters, in the field of organised crime related to fiscal fraud or on standards and best practices for the purpose of improving law enforcement cooperation(2007)*
- (i) *Proposal on identity theft and identity management measures (2007)*
- (j) *Examination of the initiative on combating fraud in public tenders (2006)*
- (k) *Study and research on the need for further approximation of legislation, e.g. in the fields of illicit arms trafficking, racketeering and extortion (2008)*

- **Improve monitoring and evaluation**

- (l) *Second report based on Article 6 of the Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (2005)*
- (m) *Second report based on Article 14 of the Council Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (2005)*
- (n) *Implementation report Framework Decision "Private sector corruption" (2005)*

- (o) Report on the implementation of the Framework Decision of 27 January 2003 on Protection of the environment through criminal law (2005)
- (p) Report on the implementation of the Framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Properties (2007)
- (q) Evaluation regarding Member States' implementation of customs cooperation (Naples II Convention) including the ratification status (2007)
- (r) Evaluation regarding Member States' anti-corruption policies (2009)
- (s) Evaluation regarding measures to combat financial crime (2010)

3.4. Police and customs cooperation

- (a) Implementation and evaluation of the work programme concerning customs cooperation approved by the JHA Council on 30.3.2004 following the Council Resolution of 2.10.2003 on a strategy for customs cooperation (2004-2006)
- (b) Communication on the fight against illicit cross-border trafficking in restricted or prohibited goods (2007)
- (c) *Proposal on the development of Europol and on the role of the European Parliament and national parliaments in the scrutiny of Europol's activities (to enter into force no later than 1 January 2008)*

- **Improvement of law enforcement cooperation and development of the Schengen acquis in respect of cross-border operational law enforcement cooperation**

- (d) *Follow-up to the Communication and Proposal on improvement of law-enforcement cooperation in particular at the internal borders between Member States (2005)*
- (e) *Communication and proposal for a Directive on improved transport safety and increased security through the creation of an area of police and judicial cooperation on the Trans European transport Networks (2005)*
- (f) Updating of the SIRENE manual (2005)
- (g) Further work with respect to police standards (police ethics, monitoring programmes) (2008)
- (h) Definition of quality standards of forensic laboratories (2008)

- **Systematic exchange programmes for law enforcement officers' authorities**
 - (i) *Adoption of a proposal aimed at amending the decision establishing CEPOL (European Police College) as a body of the Union (2005)*
 - (j) *Evaluation of CEPOL (2006) and , if appropriate, further development (2006)*
- **Improvement of operational cooperation**
 - (k) Development of a common methodology and setting up of short-duration joint customs and police operations and/or multidisciplinary joint teams (*continuous*)
 - (l) Elaboration of minimum standards for the cross-border use of investigation techniques (*2006*)
 - (m) Best practice guide for the promotion and expansion of the use of special forms of cooperation for customs administrations as provided by the Naples II Convention (*2008*)
 - (n) Improvement of European cooperation between anti-corruption bodies and examination of the setting up of a network between anti-corruption authorities (including police, judicial, prosecutorial and customs) (*2007*)
 - (o) Definition of a policy on the relationship between Europol and Eurojust (no later than *2008*)
 - (p) Definition of the role of the security committee (COSI) (*no later than 1 November 2006*)
 - (q) Review and, where appropriate, further development of the customs IT-systems (*continuous*)
 - (r) Implement the conclusions of the Council of 19 November 2004 related to the fight against organised crime in the Western Balkans

3.5. Management of crisis within the European Union

- (a) Integrated EU crisis management arrangements (to be implemented by 1 July 2006)
- (b) Commission Decision creating a secure general rapid alert system (ARGUS) and a Commission Crisis Centre to coordinate existing alert systems (*2005*)
- (c) *Proposal creating a Critical Infrastructure Warning Information Network (CIWIN) (2005)*
- (d) Plan on the protection of critical infrastructures (*2005*)

3.6. General crime prevention

- (a) Strengthening and professionalising of the prevention of crime, including through the European Crime Prevention Network (2005)
- (b) Establishment of European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national statistics and other sources of information as agreed indicators.

4. **STRENGTHENING JUSTICE**

- **Ensure compatibility among the legal systems of the Member States**
- See also *Framework Programme "Fundamental Rights and Justice" under the new Financial Perspectives (2005)*
 - (a) *Proposal for a Decision establishing a specific Programme on Judicial Cooperation in Civil and Commercial Matters (2005)*
 - (b) *Proposal for a Decision establishing a specific Programme on Judicial Cooperation in Criminal Matters (2005)*

4.1. Confidence building and mutual trust

- (a) Systematic, objective and impartial evaluation of the implementation of the EU policies in the field of justice with a view to reinforcing mutual trust while fully respecting the independence of the judiciary (*Communication – 2006*)
- (b) Communication from the Commission on judicial training in EU (2005), development on the basis of the pilot project for the exchange of magistrates (2005) and of the Preparatory action (2006)
- (c) *Creation, from the existing structures, of an effective European training network for judicial authorities for both civil and criminal matters (2007)*
- (d) EU workshops to promote cooperation between members of the legal professions with a view to establishing best practices (2006)

4.2. Judicial cooperation in criminal matters

- **Pursuing the implementation of the mutual recognition principle:**
 - (a) Communication on mutual recognition of decisions in criminal matters and reinforcement of mutual trust between Member States (2005)
 - (b) White Paper on exchanges of information on convictions and the effect of such (convictions in the EU (2005)

- (c) *Proposal on taking into account of convictions in the Member States of the European Union in the course of new criminal proceedings (2005)*
- (d) *Proposal on the transmission to, and keeping by, the Member State of nationality of information on criminal convictions (2005)*
- (e) *Communication on the creation of an index of non EU nationals convicted in an EU Member State (2005) and legislative proposal (2006)*
- (f) *Initiative on the European Enforcement Order and the transfer of sentenced persons between Member States of the EU (2005)*
- (g) *Proposal on mutual recognition of non-custodial pre-trial supervision measures (2005)*
- (h) *Communication on disqualification (2005)*
- (i) *Reports on the implementation of the Framework Decision on the European arrest warrant and the surrender procedures between Member States (2005 and 2006)*
- (j) *Initiative on the recognition and enforcement in the European Union of prohibitions arising from convictions for sexual offences committed against children (2005)*
- (k) *Proposal on driving disqualifications (2006)*
- (l) *Report on the implementation of the Framework Decision of 22.7.2003 on the execution in the EU of orders freezing property or evidence (2006)*
- (m) *Report on the implementation of the Framework Decision on the application of the principle of mutual recognition to financial penalties (2007)*
- (n) *Proposal on recognition and execution of alternative sanctions and on suspended sentences (2007)*
- (o) *Proposal completing the European Evidence Warrant (2007)*

- **Approximation**

- (a) *Green Paper on Conflicts of Jurisdiction and Double Jeopardy (ne bis in idem) (2005)*
- (b) *Green Paper on presumption of innocence (2005)*
- (c) *Second report on the implementation of the Framework Decision of 15.3.2001 on the standing of victims in criminal proceedings (2005)*

- (d) Third report on the Framework Decision of 15.3.2001 on the standing of victims in criminal proceedings (2006)
 - (e) *Proposal on conflicts of jurisdiction and the ne bis in idem principle (2006)*
 - (f) Green Paper on handling of evidence (2006)
 - (g) Green Paper on default (*in absentia*) judgments (2006)
 - (h) *Proposal on minimum standards relating to the taking of evidence with a view to mutual admissibility (2007)*
 - (i) *Proposal on default (in absentia) judgments (2007)*
 - (j) *Follow-up to the Green Paper on the approximation of criminal sanctions and, where appropriate, legislative proposal (2008)*
 - (k) Analysis of minimum standards in pre-trial detention procedures and the routines for regular review of the grounds for detention (2007)
- **Others instruments in the field of judicial cooperation in criminal matters:**
 - (a) Recommendation on minimum standards for capturing and exchanging electronic evidence (2006)
 - (b) *Proposal on the wilful destruction of documentary evidence (2007)*
 - (c) *Proposal on the protection of witnesses and collaborators with justice (2007)*
 - (d) *Initiative to facilitate the prosecution of road traffic offences (2005)*
 - (e) Evaluation of the efficiency of specialised judicial bodies for dealing with the investigation of cases linked to organised crime (2009)
 - (f) Further development of the European Judicial Network in criminal matters (continuous)
- **Eurojust**
 - (g) 2nd report on the legal transposition of the Council Decision of 28.2.2002 setting up Eurojust (2005)
 - (h) *Proposal on Eurojust in accordance with Article III – 273 (to enter into force no later than 1 January 2008)*

- **International Legal Order**

- (j) Active involvement of the activities of the Council of Europe and other international organisations and fora (G8, UN, OECD, OSCE, FATF) in criminal matters (2005-2009)
- (k) Examination of the case for agreements between the EU and third countries on extradition (2005-2009)
- (l) Examination of the case for agreements between the EU and third countries on mutual legal assistance (2005-2009)
- (m) Proposal on the conclusion and on the signature of the Council of Europe Convention against money laundering and terrorist financing on behalf of the EC (2005/2006)
- (n) Inclusion of provisions on counter-terrorist assistance in proposed revision of existing instruments governing external assistance (2006)
- (o) Proposal on conclusion of the United Nations Convention against Corruption on behalf of the EC (2006)
- (p) Proposal on conclusion of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition on behalf of the EC (2007)

4.3. Judicial cooperation in civil matters

- **Mutual recognition of decisions and elimination of obstacles to the proper functioning of proceedings**
 - (a) Green Paper on succession (2005)
 - (b) Green Paper on conflicts of laws and jurisdiction on divorce matters (Rome III) (2005)
 - (c) *Proposal on conflicts of laws regarding contractual obligations (Rome I) (2005)*
 - (d) *Proposal on small claims (2005)*
 - (e) *Proposals on maintenance obligations (2005)*
 - (f) *Adoption of the Rome II proposal on conflicts of laws regarding non-contractual obligations (2006)*

- (g) *Adoption of a Regulation establishing a European payment order procedure (2006)*
- (h) *Adoption of a Directive on certain aspects of mediation in civil and commercial matters (2006)*
- (i) Green Paper on the conflict of laws in matters concerning matrimonial property regimes, including the question of jurisdiction and mutual recognition (2006)
- (j) Green Paper(s) on the effective enforcement of judicial decisions (2006-2007)
- (k) Green Paper on minimum standards for certain aspects of procedural law (2008)
- (l) *Evaluation of the possibility of completing the abolition of exequatur (2006-2010), and legislative proposals if appropriate*
- (m) *Proposal for amending Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (2005)*

- **Enhancing cooperation**

- (n) Report on the functioning of the European Judicial Network in civil and commercial matters (2005) and amendment proposal, if appropriate (2006)
- (o) Continued development of the European Judicial Network in civil matters and of the databases on case law relating to European instruments (*continuous*)
- (p) Constant updating and improvement of the European Judicial Atlas (*continuous*)
- (q) EU support for networks of judicial organisations and institutions (*continuous*)
- (r) EU workshops to promote cooperation between members of the legal professions with a view to identifying best practice (2006)
- (s) Annual European Day of Civil Justice (*continuous*)

- **Follow-up of the implementation of acts adopted**
 - (t) Report on the functioning of Regulation (EC) No 1206/2001 on the taking of evidence and amendment proposal, if appropriate (2007)
 - (u) Report on the functioning of the Brussels I Regulation (2007) and amendment proposal, if appropriate (2009 at the latest)
 - (v) Report on the functioning of Directive 2004/80/EC relating to compensation to crime victims

- **Ensuring consistency**
 - (w) Final research report including a draft common frame of reference in the field of European contract law (2007)
 - (x) Adoption of a common frame of reference (CFR) in the field of European contract law (2009)

- **International legal order**
 - (a) Proposal for the conclusion of a new Lugano Convention (2006)
 - (b) Proposal for the conclusion of parallel agreements with Denmark on Brussels I and service of documents (2005)
 - (c) Conclusion of negotiations on the Convention on the choice of forum (2005)
 - (d) Accession of the Community to the Hague Conference on private international law (2006)
 - (e) Conclusion of negotiations on the Convention on maintenance obligations (2007)
 - (f) Ratification of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children
 - (g) Continuation of negotiations and conclusion of international agreements relating to judicial cooperation in civil matters.

