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from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 3 July 2006

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Report on the implementation of the Hague programme for 2005

Delegations will find attached Commission document SEC(2006) 814.

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.6.2006
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COMMISSION STAFF WORKING DOCUMENT

Annex to the

**COMMUNICATION DE LA COMMISSION AU CONSEIL ET AU PARLEMENT
EUROPÉEN**

**Renforcer la liberté, la sécurité et la justice dans l'Union européenne :
Rapport sur la mise en œuvre du programme de La Haye pour l'année 2005**

{COM(2006) 333 final}

(Institutional scoreboard – Table 1)

**FOLLOW-UP OF MEASURES PROVIDED FOR UNDER THE HAGUE ACTION PLAN
IN THE FIELDS OF JUSTICE, FREEDOM AND SECURITY**

FOR 2005

INSTITUTIONAL SCOREBOARD – TABLE 1

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|----------------|-----------------------|-------------------------|
| 1. GENERAL ORIENTATIONS³ | | | | |
| 1.2 RESPECT FOR AND ACTIVE PROMOTION OF FUNDAMENTAL RIGHTS | | | | |
| 1.2 | <i>- Framework Programme “Fundamental Rights and Justice” under the new Financial Perspectives</i> | | | |
| 1.2. | <i>Proposal for a Decision</i> | Commission | 2005 | Ö Achieved ⁵ |

¹ See the Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union (OJ C 198, 12.8.2005, p. 1).

² This table refers only to action scheduled in 2005 or for which no year is indicated in the Hague Action Plan and Programme. Action due in 2006 and thereafter will be assessed in future scoreboards.

³ This table uses the same classification/titles as provided for under the Hague Action Plan.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|--|
| (a) | <i>establishing a specific programme on citizenship and fundamental rights⁴</i> | | | <p>The proposal for a Council Decision establishing for the period 2007-2013 the specific programme “Fundamental rights and citizenship” as part of the general programme “Fundamental Rights and Justice” was adopted on 6 April 2005⁶.</p> <p>This is currently being discussed in the Council and the European Parliament.</p> |
| 1.2 (b) | <i>Proposal for a Decision establishing a specific programme on the fight against violence (Daphne) and drugs prevention and information</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The proposal is part of the general programme “Fundamental Rights and Justice” adopted on 6 April 2005⁷.</p> <p>The two strands of this programme were split on 24 May 2006 into two different specific programmes: one on Fight against violence (Daphne) and the other one on Drugs prevention and information⁸. This split answered requests in that sense by the European Parliament, civil society organisations and most of the Member States.</p> <p>Both programmes are currently being discussed in the Council (Horizontal Group on Drugs and ad hoc Working Party on Fundamental Rights for Daphne) and the</p> |

⁴ Italics indicate a legislative measure referred to under the Hague Action Plan.

⁵ "Achieved", "delayed" or "postponed", refer to the actions foreseen under the Action Plan. The level of achievement of any action must be read in conjunction with the request made by the Action Plan and the correspondent Institution responsible for delivering it. For example, whether the Action Plan requests the Commission to present a proposal, the correspondent section of the present Scoreboard is classified as "achieved" when such a proposal has been eventually presented by the Commission. It does not mean the level of achievement of a policy.

⁶ COM(2005) 122.

⁷ COM(2005) 122.

⁸ COM(2006) 230.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|---|---|
| | | | | European Parliament. |
| 1.2. | - Accession of the European Union to the European Convention for the protection of human rights and fundamental freedoms | | Informal discussion to be started in 2005 | Delayed Only the Constitution can provide the necessary legal basis. |
| 1.2. (c) | <i>Proposal extending the mandate of the European Monitoring Centre on Racism and Xenophobia towards a Fundamental Rights Agency</i> | Commission | 2005 | Ö Achieved The proposal for a Council Regulation establishing a European Union Agency for Fundamental Rights and the proposal for a Council Decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union were adopted by the Commission on 30 June 2005 ⁹ . The first reading in the Council started in October 2005. It is hoped that the measures will be adopted in 2006 so that the Agency could be operational from January 2007. |
| | - Promotion and protection of women and child rights | | | |
| 1.2. | Daphne II programme: 2006 | Commission | 2005 | Ö Achieved |

⁹ COM(2005) 280.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--------------------------------------|--|----------------|-----------------------|--|
| (d) | work programme | | | The work programme was approved at the end of December 2005. A call for proposals was issued, with a deadline of 10 February 2006. |
| 1.2. (f) | Communication on the protection of the rights of the child | Commission | 2005 | Postponed to 2006 A draft Communication is being prepared and is due for adoption by the Commission in July 2006. |
| - Protection of personal data | | | | |
| 1.2. (g) | Communication on the follow-up measures to the Work Programme for a better implementation of the data protection Directive | Commission | 2005 | Postponed to 2006 The Commission is still analysing the overall results achieved under the work programme and is still considering the best way forward to safeguard individuals' fundamental right to protection of their data, while taking care of other important interests at stake. For this reason and, in particular, because of the in-depth analysis of all national implementing measures, the Communication had to be postponed until the second half of 2006. |
| 1.2. (h) | Communication on PETs (privacy enhancing technologies) | Commission | 2005 | Postponed to 2006 The Commission is still analysing different aspects related to this issue. Because of the highly technical and evolving nature of this issue, it has required more work than initially expected, including gathering technical input from experts in the relevant field. This document is expected to be formally adopted in the second half of 2006. |
| 1.2. | Proposal for legislation on | Commission | 2005 | Ö Achieved |

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|---|----------------|-----------------------|---|
| (i) | the protection of personal data in the context of police cooperation and judicial cooperation in criminal matters (see point 3.1 (c)) | | | <p>The proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters was adopted on 4 October 2005¹⁰.</p> <p>It is being discussed in the Council (at working group level). The European Parliament is being consulted. The EDPS gave its opinion on 19 December 2005.</p> |
| 1.4. EUROPEAN STRATEGY ON DRUGS | | | | |
| | - EU Action Plan on drugs 2005 to 2008 | Commission | 2005 | <p>Ö Achieved</p> <p>Following endorsement by the Council of the EU Drug Strategy (2005-2012) of December 2004, the Commission adopted a Communication on an EU Drugs Action Plan (2005-2008) on 14 February 2005¹¹. The EU Drugs Action Plan was adopted by the Council on 28 June 2005¹².</p> |
| 1.4. (a) | Continuous evaluation of the EU Action Plan on drugs 2005 to 2008 | Commission | 2005 (annual) | <p>Postponed to 2006</p> <p>Given the short period of time for which the new Action Plan has been in existence, the Commission did not present an annual progress review on implementation of the Drugs Action Plan in 2005.</p> <p>In this context, the Commission presented to the Council (Horizontal Drugs Group) a technical “non-paper” setting out the concepts and procedures for monitoring and</p> |

¹⁰ COM(2005) 475 and SEC(2005) 1241.

¹¹ COM(2005) 45 and SEC(2005) 216.

¹² Council EU Drugs Action Plan (2005-2008) - OJ C 168, 8.7.2005, p. 1.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--------------------------------|---|----------------|-----------------------|---|
| | | | | <p>evaluating the Action Plan. This document was accompanied by a table (“roadmap”) indicating the data source to be used for the annual progress review for each action and its indicator.</p> <p>The same information has been sent to the European Parliament.</p> <p>The first annual progress review will be presented in autumn 2006.</p> |
| 1.5. EXTERNAL RELATIONS | | | | |
| 1.5 | - Strategy on all the external aspects of the Union policy on freedom, security and justice, based on the measures developed in the Hague programme | Council | 2005 | <p>Ö Achieved</p> <p>The JHA Council adopted a Strategy for the External Dimension of JHA: Global Freedom, Security and Justice on 1 December 2005 and the General Affairs Council endorsed it on 12 December 2005.</p> |
| 1.5 | Communication on all the external aspects of the Union policy on freedom, security and justice (contribution to the Strategy) | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission adopted its Communication entitled “A Strategy on the external dimension of the area of freedom, security and justice: The European Commission’s contribution” on 12 October 2005¹³. Together with the contribution from the Council’s General Secretariat, it served as a basis for the Strategy for the External Dimension of JHA endorsed by the Council in December 2005.</p> |

¹³ COM(2005) 491.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-------------------------------------|--|----------------|-----------------------|---|
| 2. STRENGTHENING FREEDOM | | | | |
| 2.1 CITIZENSHIP OF THE UNION | | | | |
| 2.1. (a) | Report on the application of Directives 90/364/EEC, 90/365/EEC and 93/96/EEC on the right of residence of pensioners, students and inactive persons | Commission | | <p>Ö Achieved</p> <p>The third report from the Commission to the Council and the European Parliament on the application of Directives 93/96, 90/364, 90/365 on the right of residence for students, economically inactive and retired Union citizens was adopted on 5 April 2006¹⁴.</p> |
| 2.1. (b) | Report on the application of Directive 93/109/EC on the right to vote in the European Parliament elections, including in the new Member States, and, if appropriate, proposals for the amendment of the latter Directive | Commission | 2005/ 2006 | The draft is being finalised and should be adopted in the course of 2006. |

¹⁴ COM(2006) 156.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|---------------------|-----------------------|--|
| 2.2. ASYLUM, MIGRATION AND BORDER POLICY | | | | |
| | <i>- Framework Programme "Solidarity and Management of Migration Flows" under the new Financial Perspectives</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The four funds that have been proposed under this Framework Programme (European Refugee Fund, External Borders Fund, Fund for the Integration of Third-country Nationals and European Return Fund¹⁵) are currently being discussed in the Council and the European Parliament.</p> |
| | - Common analysis of migratory phenomena in all their aspects (reinforcing the collection, provision, exchange and efficient use of up-to-date information and data) | | | |
| 2.2. (a) | Annual reports on migration and asylum statistics | | 2005 (ongoing) | The statistical report for 2002 will be published in February 2006. The report for 2003 will be published in July 2006. |
| 2.2. (b) | Adoption of an EU framework Regulation on the collection of migration and asylum statistics | Council/ Parliament | 2005 | <p>Delayed</p> <p>The Commission adopted its proposal for a Regulation of the European Parliament and of the Council on Community statistics on migration and international protection on 14 September 2005¹⁶. It is now being negotiated under the co-decision procedure in the Parliament and the Council with a view to adoption under the Austrian Presidency.</p> |

¹⁵ COM(2005) 123 final/2 of 2 May 2005.

¹⁶ COM(2005) 375.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|---|------------------------|-----------------------|--|
| 2.2. (c) | Green Paper on the future of the European migration network | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission presented the Green Paper on 28 November 2005¹⁷. The deadline for sending written contributions was 28 January 2006. A hearing of selected experts was held later on to complete the consultation process.</p> |
| 2.2. (d) | <i>Proposal for a mutual information system on migration issues</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The proposal for a Council Decision on the establishment of a mutual information system concerning Member States' measures in the areas of asylum and immigration was adopted by the Commission on 10 October 2005¹⁸. Discussions started in the Council under the Austrian Presidency.</p> |
| 2.3 COMMON EUROPEAN ASYLUM SYSTEM | | | | |
| 2.3. (a) | <i>Adoption of the asylum procedures Directive</i> | Council/ Parliament | 2005 | <p>Ö Achieved</p> <p>The Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status was adopted by the JHA Council on 1 December 2005¹⁹, following the Commission's proposal dated 20 September</p> |

¹⁷ COM(2005) 606.

¹⁸ COM(2005) 480.

¹⁹ OJ L 326, 13.12.2005, p. 13.

²⁰ Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2000) 578 final), OJ C 62 E, 27.1.2001.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|---|
| | | | | 2000 ²⁰ . |
| 2.3. (b) | Conclusion of the “parallel agreements” with Denmark on “Dublin II” and “Eurodac” | Council | 2005 | <p>Ö Achieved</p> <p>Following the Commission’s proposals²¹, both the agreement with Denmark on Dublin and Eurodac and the protocol to the agreement with Norway and Iceland on Dublin, extending its application to Denmark, were signed, on 10 March and 25 June 2005 respectively.</p> <p>The European Parliament approved conclusion of the agreement and of the protocol on 13 December 2005.</p> <p>Formally adopted by the JHA Council of 21 February 2006²².</p> |
| | - Evaluation of the first phase legal instruments | | | |
| 2.3. (c) | Monitoring the transposition and implementation of first phase instruments | Commission | 2005 – ongoing | The deadline for transposing Directive 2003/9 on reception standards for asylum seekers expired on 6 February 2005. The Commission opened a number of infringement procedures for non-notification of the national transposition measures (in the mean time most have been closed). In the course of 2006 the Commission will produce an evaluation of the Dublin and EURODAC Regulations and a report on implementation of the Reception Standards Directive. |
| | - 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 | | | |

²¹ COM(2004) 594 final and COM(2005) 131 final.

²² OJ L 66, 8.3.2006, p. 37.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|------------------------|-----------------------|---|
| 2.3. (d) | <i>Proposal on long-term resident status for beneficiaries of international protection</i> | Commission | 2005 | <p>Postponed to 2006</p> <p>The proposal for a Directive extending long-term status to beneficiaries of international protection is being prepared and should be adopted in the second quarter of 2006.</p> |
| <p><i>- Cooperation between Member States relating to the common European asylum system, after the establishment of a common asylum procedure</i></p> | | | | |
| 2.3. (h) | <i>Establishment of structures involving the national asylum services of the Member States for promoting cooperation</i> | Commission/ Council | 2005 | <p>Ö Achieved</p> <p>The Communication from the Commission to the Council and the European Parliament on “Strengthened practical cooperation - New structures, new approaches: improving the quality of decision making in the common European asylum system” was adopted on 17 February 2006²³.</p> |
| 2.3. (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 | Commission | | <p>The Commission will report on the progress achieved on strengthened cooperation in the field of asylum at the end of the first phase of activities (early 2008). Based on this evaluation, a feasibility study will be carried out on the establishment of a European support office for all forms of cooperation between Member States relating to the common European asylum system.</p> |

²³ COM(2006) 67 and SEC(2006) 189.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|---|
| | <i>- Establishment of the European Refugee Fund (ERF) 2005 to 2013 to assist Member States in the processing of asylum applications and in the reception of certain categories of third-country nationals</i> | Council | | <p>Ö Achieved</p> <p>The Council Decision establishing the European Refugee Fund for the period 2005 to 2010 was adopted on 2 December 2004²⁴. Action in the Member States will be implemented on the basis of a programme divided into two multi-annual phases (2005 to 2007 and 2008 to 2010).</p> <p>The amount for the period from 1 January 2005 to 31 December 2006 is EUR 114 million.</p> |
| 2.3. (j) | Final Report on the European Refugee Fund | Commission | 2005 | <p>Postponed to 2006</p> <p>Postponed to summer 2006.</p> |
| 2.3. (k) | <i>Proposal for amending the European Refugee Fund decision to assist Member States in the reception of certain categories of third-country nationals</i> | Commission | 2005 | <p>Postponed to 2006</p> <p>The proposal for a Council Decision amending the ERF II in order to provide financial support for resettlement activities and to provide better support for administrative cooperation between Member States was adopted on 24 May 2006²⁵.</p> |
| 2.3. (l) | Approvals of European Refugee Fund national multi-annual programming | Commission | 2005 | <p>Postponed to 2006</p> <p>Ongoing.</p> |

²⁴ OJ L 381, 28.12.2004.

²⁵ Adaptation of COM(2005) 123 final, dated 2 May 2005, following the agreement of 17 May 2006 on the Financial Framework 2007-2013.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|---|
| 2.4. LEGAL MIGRATION INCLUDING ADMISSION PROCEDURES | | | | |
| - Developing policy on legal migration | | | | |
| 2.4. (a) | Assessment and monitoring of the transposition and implementation of first phase Directives on legal migration | Commission | 2005 (ongoing) | <p>Ö Achieved</p> <p>Several meetings with the Member States on the transposition and application of the existing Directives were held in the course of 2005, in particular on family reunification (2003/86/EC, applicable as of 3 October 2005) and on long-term resident status (2003/109/EC, applicable as of 26 January 2006).</p> |
| 2.4. (b) | Debate on Green Paper on economic migration | Commission | 2005 | <p>Ö Achieved</p> <p>The Green Paper on an EU approach to managing economic migration was presented on 11 January 2005²⁶ and the deadline for the public consultation was 15 April 2005. Debates were held at the JHA Council of February 2005 and the EMPL Council of May 2005. The Commission received more than 130 written contributions from all relevant stakeholders and a public hearing was held on 14 June 2005.</p> <p>The EP gave its opinion in October 2005; the EESC and the Committee of the Regions gave their opinions in May 2005.</p> |

²⁶

COM(2004) 811 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|---|----------------|---|---|
| 2.4. (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 | Commission | Before end of 2005 (point 1.4 of the Hague Programme) | <p>Ö Achieved</p> <p>The Policy Plan on legal migration was adopted on 21 December 2005²⁷. It is a comprehensive document containing a set of legislative and operational measures to be put forward between 2006 and 2009 on: conditions of admission and residence for economic immigrants; information building and sharing; integration measures; and measures to be enacted in cooperation with the countries of origin.</p> |
| 2.5. INTEGRATION OF THIRD-COUNTRY NATIONALS | | | | |
| - Establishment of a coherent European framework for integration | | | | |
| 2.5. (a) | Communication on a European framework for integration | Commission | 2005 | <p>Ö Achieved</p> <p>The Communication on “A common agenda for integration: Framework for the integration of third-country nationals in the European Union” was adopted on 1 September 2005²⁸. Conclusions adopted by the JHA Council of 1-2 December 2005 supported the lines of action contained in this Communication.</p> |
| - Promotion of the structural exchange of experience and information integration²⁹ | | | | |

²⁷ COM(2005) 669 final.

²⁸ COM(2005) 389 final.

²⁹ Complementary activities are undertaken in the framework of the European employment strategy and the social inclusion process.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|----------------|-----------------------|--|
| 2.5. (b) | Management of INTI preparatory actions | Commission | 2005 to 2006 | The Commission received 139 grant applications in response to the INTI 2005 call for proposals. The Commission has agreed to co-finance 15 new projects in connection with the call for proposals under the INTI 2005 programme to the tune of some EUR 4.3 million. A total of EUR 5 million has been set aside for 2006, the last year of the INTI programme. The 2006 call for proposals will be launched before the summer. The priorities will be determined on the basis of experience in previous years and will be consistent with the common basic principles for integration adopted by the Council and expanded on in the Commission Communication on a common agenda for integration ³⁰ . |
| 2.5. (c) | Annual reports on immigration and integration | Commission | 2005-ongoing | <p>The 2nd annual report on immigration and integration is to be adopted before summer 2006. This report will be factual and provide an overview of the state of play in the field of integration, without any further analysis and without drawing any policy conclusions. It will take the form of a Commission staff working document.</p> <p>A 3rd annual report will follow.</p> |
| 2.6. FIGHT AGAINST ILLEGAL IMMIGRATION | | | | |
| 2.6. | Contribution to management | Council/ | 2005- | The Commission Decision on the format for report on the activities of immigration |

³⁰ COM(2005) 389 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|---|
| (a) | of immigration liaison networks in relevant third countries | Commission | ongoing | liaison officers' networks and on the situation in the host country in matters relating to illegal immigration ³¹ was adopted on 29 September 2005. Reports drawn up in this format will enable the Council and the Commission to evaluate the work of those networks as well as the situation with regard to illegal immigration in the third countries concerned. |
| 2.6. (b) | Annual report on the common policy on illegal migration | Commission | 2005-ongoing | Postponed to 2006 Postponed to the second quarter of 2006 so that it can be annexed to the upcoming Commission Communication on future priorities in the fight against illegal immigration ³² . |
| 2.6. (c) | Adoption of a Commission Decision establishing a secure web-based information network for Member States' migration services (ICONET) | Commission | 2005 | Ö Achieved The Commission Decision laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based information network for Member States' migration management services (Iconet) was adopted on 15 December 2005 ³³ . In early 2006 Commission staff organised a meeting and training for the national contact points of Member States in order to ensure that the network could become fully operational. |

³¹ C(2005) 1508 final.

³² This Communication does not stem from the Hague Programme but is an initiative of the Commission. The Communication is closely linked to the policy plan on legal migration, which sets out a range of initiatives which the Commission intends to take in the years ahead, mainly in the field of economic migration. The policy plan explicitly acknowledges that the admission of economic migrants requires further measures to combat illegal immigration more effectively in order to ensure the integrity and credibility of such an admission policy. The planned Communication will be the Commission's response to that announcement and will include, as an annex, the second annual report on the progress made in combating illegal immigration.

³³ C(2005) 5159 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|---|
| 2.6. (d) | Proposal for the conclusion and signature of the Council of Europe Convention on action against trafficking in human beings (CAHTEH) | Commission | 2005 | Delayed The Convention was opened for signature by the Parties in May 2005. The Commission may consider presenting a proposal for signature and conclusion by the EC in due time. |
| 2.6. (e) | Realisation by Member States of targets for reducing the informal economy as set out in the European employment strategy | | | The Policy Plan on Legal Migration of 21 December 2005 ³⁴ contains several measures to address the issue of illegal employment of third-country nationals. More measures will be presented in the future Communication on illegal immigration due for adoption in July 2006 (see 26 (f)). Other action provided for by the Lisbon Strategy is carried out by Member States in the context of the employment strategy and policies. |
| 2.6. (f) | Presentation by the Commission of a report which may include instruments for fighting against illegal work | Commission | | The Commission is drafting a Communication on future priorities in the field of illegal immigration which is to be adopted in July 2006. |
| | - Establishment of an effective removal and repatriation policy based on common standards and closer cooperation and mutual technical assistance | | | |

³⁴ COM(2005) 669.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|---|
| 2.6. (g) | <i>Proposal on return procedures</i> | Commission | 2005 | <p>Ö Achieved</p> <p>On 1 September 2005 the Commission tabled the proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals³⁵.</p> <p>It is due to be adopted under the co-decision procedure.</p> <p>The Council Working Party on Migration and Expulsion has started the first reading. The proposal was presented to the LIBE Committee of the European Parliament in November 2005.</p> |
| 2.6. (h) | Launching of the preparatory actions for financial support to return management | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission adopted the preparatory actions 2005 work programme on 2 August 2005³⁶. The call for proposals was published on 24 August 2005 (deadline 31 October 2005). 32 proposals for projects were received. Evaluation was finished in April 2006. 20 of them were accepted. The first contracts will be signed before summer 2006.</p> |
| 2.6. (i) | Appointment of a Commission Special Representative for a common readmission policy | Commission | 2005 | <p>Ö Achieved</p> <p>On 24 October 2005 the Commission appointed Karel Kovanda, Deputy Director-General of DG RELEX, as Special Representative for a common readmission</p> |

³⁵ COM(2005) 391 final.

³⁶ Preparatory actions for return management in the area of migration — Call for proposals 2005, OJ C 224, 13.9.2005, p. 11.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|---|
| | | | | policy, and Jean-Louis De Brouwer, Director in DG JFS, as Deputy SR. |
| 2.6. (j) | Conclusion of Community readmission agreements and management of existing agreements | Commission | Timely | <p>Agreements have entered into force with Macao, Hong Kong and, in May 2005, with Sri Lanka.</p> <p>Negotiations with Russia were concluded in October 2005. The Commission will submit two proposals for Council Decisions to the Council in April 2006, one authorising formal signature of the agreement, the other formally concluding the agreement on behalf of the Community. Formal signature occurred on 25 May 2006.</p> <p>The agreement with Albania was concluded on the EU side in November 2005.</p> <p>Negotiations are in progress with Ukraine, Turkey, Morocco and Pakistan.</p> <p>Negotiating mandates for agreements with China and Algeria were received on 28 November 2002, but formal negotiations have not yet been launched.</p> |
| 2.7. EXTERNAL DIMENSION OF ASYLUM AND MIGRATION | | | | |
| | - Cooperation with third countries in managing migration and asylum | | | |

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|---|
| 2.7. (a) | Communication on migration and development | Commission | 2005 | <p>Ö Achieved</p> <p>The Communication "Migration and Development: Some concrete orientations" was presented by the Commission on 1 September 2005³⁷. The Council supported the Commission to give firm shape to the orientations contained in the Communication, in particular as regards migrant remittances, diaspora and brain drain issues, and approved conclusions on migration and external relations on 21-22 November 2005.</p> |
| 2.7. (b) | Revised version for 2006 of the reference document of the AENEAS programme | | 2005 | <p>The need to revise the reference document expired as the duration of the Programme was limited to three years (2004-2006). Instead, a Communication proposing the creation of a thematic programme for the cooperation with third countries in the areas of migration and asylum, to replace the AENEAS Programme for 2007-2013, was presented on 25 January 2006³⁸.</p> |
| 2.7. (c) | Completing the integration of migration into the country and regional strategy papers for all relevant third countries | Commission | 2005 | <p>Ö Achieved</p> <p>Integration of migration into the regional and country strategy papers is an ongoing process and most countries had been screened by the end of 2005. In 2006 the regional strategy papers for developing countries are to be completed.</p> |
| 2.7. (d) | Conclusions in order to intensify Member States' cooperation in preventing | Council | 2005 | <p>Ö Achieved</p> <p>European Council conclusions were adopted on 15-16 December 2005.</p> |

³⁷ COM(2005) 390.

³⁸ COM(2006) 26.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|------------------------|-----------------------|---|
| | further loss of life resulting from attempts to enter the EU illegally, mainly in the Mediterranean | | | |
| - Development of EU Regional Protection Programmes | | | | |
| 2.7. (e) | Plan of action for EU Regional Protection Programmes, including EU resettlement scheme | Commission/ Council | 2005 | <p>Ö Achieved</p> <p>The Commission adopted a Communication on Regional Protection Programmes on 1 September 2005³⁹. The Council supported the approach proposed in the Commission Communication and recognised that such programmes are a first step in improving access to protection and durable solutions for those in need of international protection as quickly and as close to their home as possible. The Council supported the proposal made in the Communication that pilot Regional Protection Programmes should be considered for the Western Newly Independent States (Ukraine, Moldova and Belarus) and sub-Saharan Africa (the Communication highlighted Tanzania).</p> |
| 2.7. (f) | Launching pilot protection programmes | Commission | 2005 | <p>Delayed</p> <p>Due to the late publication of the AENEAS call for proposals (in December 2005), the first projects to form the two pilot Regional Protection Programmes in Tanzania and the Western NIS will be selected and contracted under the AENEAS financial programme in the course of 2006. A steering committee composed of relevant Commission departments, the UNHCR, interested Member States and other</p> |

³⁹

COM(2005) 388 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|---|----------------|-----------------------|--|
| | | | | relevant stakeholders has been meeting since January 2006 to supervise coordination and implementation of Regional Protection Programme activities. |
| | - Intensified cooperation with countries of transit to enable these countries better to manage migration and to provide adequate protection for refugees | | | |
| 2.7. (g) | Report on progress and achievements in asylum and migration, within the context of the European Neighbourhood Policy | Commission | 2005 | <p>Ö Achieved</p> <p>A Communication monitoring and evaluating the cooperation with third countries in the field of the fight against illegal immigration covering, for example, Morocco, Tunisia and Libya was presented on 27 July 2005⁴⁰.</p> |
| 2.8. BORDER MANAGEMENT, BIOMETRICS, INFORMATION SYSTEMS AND VISA POLICY | | | | |
| | - Abolition of controls on persons at the internal borders | | | |
| 2.8. (a) | <i>Proposal on SIS II legal instruments</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The three draft legal instruments necessary for the future Schengen Information System (SIS II) were adopted by the Commission on 31 May 2005⁴¹. The purpose of the three proposals is to describe operation and use of SIS II.</p> |

⁴⁰ COM(2005) 352.

⁴¹ Proposal for a Council Decision on the establishment, operation and use of the second generation Schengen information system (SIS II) (COM(2005) 230); proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen information system (SIS

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|--|
| | | | | <p>The 1-2 June JHA Council reached a general approach on operation and use of the second generation Schengen Information System (SIS II). The European Parliament is to issue its opinion. In October 2005 the European Parliament <i>rapporteur</i> presented to the LIBE Committee two working documents explaining the existing SIS I and the changes proposed by the Commission. In December 2005 the European Economic and Social Committee endorsed the Vehicle Registration Regulation⁴².</p> |
| | - Establishment of an integrated management system for external borders | | | |
| 2.8. (g) | <p>“Handbook for border guards” (after adoption of the Community code on the rules governing the movement of persons across borders)</p> | | | <p>The proposal for a Regulation of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), subject to the co-decision procedure, was presented by the Commission on 26 May 2004⁴³. It aims at consolidating, clarifying and developing the <i>acquis</i> on crossing the external and internal borders.</p> <p>After intensive discussions between the three institutions, a political agreement on a well-balanced text was reached in June 2005. The European Parliament voted unanimously in favour of the agreed text on 23 June 2005. The text was formally adopted by the JHA Council on 21 February 2006.</p> |

II) (COM(2005) 236); proposal for a Regulation of the European Parliament and of the Council regarding access to the second generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (COM(2005) 237).

⁴² CESE 1486/05.

⁴³ Communication from Mr Vitorino. Council Regulation establishing a Community Code on the rules governing the movement of persons across borders. PO/2004/161 (2004/0127/CNS).

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|--|----------------|-----------------------|--|
| | | | | The handbook for border guards is expected to be finalised in the course of 2006. |
| - Partial application of the Schengen acquis | | | | |
| 2.8. (j) | <i>Adoption of a Council Decision on the partial implementation of the Schengen acquis (SIS) by the United Kingdom</i> | Council | 2005 | Ö Delayed The Council Decision depends on the technical preparations to be carried out by the United Kingdom, which have not yet been finalised. |
| - Coherent approach and harmonised solutions in the EU on biometric identifiers and data | | | | |
| 2.8 (k) | <i>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</i> | Commission | 2005 | Ö Achieved The proposal for a Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications was adopted by the Commission on 31 May 2006. ⁴⁴ |
| 2.8. (l) | Preparation for the development of minimum standards for national ID- | Council | From 2005 onwards | Ö Achieved Several expert meetings were organised to work on the development of minimum |

⁴⁴ COM(2006) 269 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|---|--|
| | cards | | | standards, the interoperability of electronic signatures and the issuing procedures. Conclusions in the form of a resolution by the representatives of Member States meeting within the Council were adopted by the JHA Council of 1 December 2005 ⁴⁵ . A detailed document on minimum security standards for ID should be transmitted to the Council in the 1st half of 2006. |
| 2.8. (m) | Preparation for the development of minimum standards for sector-specific ID-cards, if appropriate | Council | From 2005 onwards | On 14 April 2005 the Council adopted the Decision authorising Member States to ratify, in the interests of the European Community, the Seafarers' Identity Documents Convention of the International Labour Organisation (Convention 185) ⁴⁶ . The Convention has already been ratified by France (27 April 2004) and Hungary (30 March 2005). |
| 2.8. (o) | Communication on enhanced synergies between SIS II, VIS and Eurodac | Commission | 2005 (Hague Programme) - 2006 (Hague Action Plan) | <p>Ö Achieved</p> <p>On 24 November 2005 the European Commission adopted a Communication to the Council and the European Parliament on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs⁴⁷.</p> <p>The Communication presents different scenarios that can be considered, but does not prejudge the outcome of an essential in-depth debate which should cover aspects such as the overriding need to preserve the delicate balance between the measures envisaged and the protection of fundamental rights (with special</p> |

⁴⁵ Council doc. 15000/05; Draft Conclusions of the Representatives of the Governments of the Member States on common minimum security standards for Member States' national identity cards, Brussels, 11 November 2005, 14351/05, LIMITE, ASIM 51 (EU doc. No: 14351/05).

⁴⁶ 2005/367/EC.

⁴⁷ COM(2005) 597 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|----------------|--|---|
| | | | | reference to the protection of personal data), as embodied in the European Convention on Human Rights and the EU Charter of Fundamental Rights. |
| 2.9. VISA POLICY, INCLUDING THE DEVELOPMENT OF THE VISA INFORMATION SYSTEM (VIS) | | | | |
| 2.9. (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 | Commission | (Ongoing, to be combined with the review of the visa list) | The new reciprocity mechanism was adopted by the Council on 2 June 2005 ⁴⁸ . Meetings were held with all third countries concerned up until mid-December 2005. The report from the Commission to the Council on visa waiver reciprocity with certain third countries was adopted on 10 January 2006 ⁴⁹ . This report is a formal part of the visa reciprocity mechanism introduced by Council Regulation No 851/2005. The Council adopted conclusions on the report and the possible follow-up to it on 21 February 2006. The dialogue is to be continued to solve remaining cases of non-reciprocity. The Commission is to present a new report in July 2006. |
| 2.9. (b) | <i>Proposals relating to the necessary amendments to further enhance visa policies and the establishment of common</i> | Commission | 2005 (Hague Action Plan) – 2006 | The proposal on a Community Code on visas, aiming at “recasting” the Common Consular Instructions, is being prepared. It is expected to be submitted in July 2006, as required in the Hague Programme. |

⁴⁸ Regulation (EC) No 851/2005 of 2 June 2005 amending Council Regulation (EC) 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 as regards the reciprocity mechanism (OJ L 141, 4.6.2005, p. 3).

⁴⁹ COM(2006) 3 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|---|
| | <i>application centres for visas</i> | | (Hague Programme) | |
| 2.9. (c) | Regular review of the visa list (Regulation (EC) No 539/2001) | Commission | Regular | Commission proposal for a Council Regulation amending Regulation No 539/2001 to be adopted in the first half of 2006. |
| 2.9. (d) | <i>Proposal on visa facilitation procedures for members of the Olympic Family — Turin 2006</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission presented a proposal on 7 September 2005⁵⁰ which was then adopted by the co-decision procedure by the European Parliament (vote in plenary on 15 November 2005) and the Council on 14 December 2005⁵¹.</p> |
| 2.9. (e) | Report on the implementation of Regulation (EC) No 1295/2003 "Visa facilitation procedures for members of the Olympic Family — Athens 2004" | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission adopted its report on 11 August 2005⁵².</p> |
| 2.9. | <i>Proposal amending the Common Consular</i> | Commission | 2005 | Delayed |

⁵⁰ COM(2005) 412.

⁵¹ OJ L 334, 20.12.2005, p. 1.

⁵² SEC(2005) 1051.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|---|
| (f) | <i>Instructions on visa fees</i> | | | Proposal delayed due to discussion of the French initiative on increasing visa fees, finally agreed upon at 27-28 April 2006 JHA Council and endorsed by 1-2 June JHA Council. |
| 2.9 (g) | <i>Proposals on transit</i> | Commission | 2005 | <p>Ö Achieved</p> <p>On 22 August 2005 the Commission presented proposals for a decision of the European Parliament and the Council (1) establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories and (2) establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory⁵³. JHA Council of 1-2 June reached agreement in first reading and the texts were finally adopted under the co-decision procedure on 14 June 2006⁵⁴.</p> |
| 2.9. (h) | Recommendation for negotiating directives for visa waiver agreements between the EC and third countries on the conditions to move freely within the | Commission | 2005 - ongoing | <p>Delayed</p> <p>Only the Constitution can provide the necessary legal basis.</p> |

⁵³ COM(2005) 381 final.

⁵⁴ Decisions No 895/2006/EC and 896/2006/EC (OJ L 167, 20.6.2006, pp. 1 and 8).

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|--|
| | Union for a period between three and six months | | | |
| 2.9. (i) | <i>Adoption of a proposal establishing a regime on local border traffic</i> | Commission | 2005 | <p>Ö Achieved</p> <p>On 23 February 2005 the Commission presented a proposal laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions⁵⁵, on which political agreement under the co-decision procedure was reached in first reading on 14 February 2006. Formal adoption is expected in the course of 2006.</p> |
| 2.9. (j) | Report on the operation of the Kaliningrad transit scheme | Commission | 2005 | <p>Postponed to 2006</p> <p>Regulation 693/2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual⁵⁶ and Regulation 694/2003 on uniform formats for FTD and FRTD⁵⁷ have established specific, optional rules for the transit of persons between Kaliningrad and mainland Russia: no transit visa is required, only an FTD or FRTD to be issued in accordance with simplified procedures.</p> <p>Regulation 693/2003 requires the Commission to present a report to the European Parliament and the Council on the functioning of the FTD and FRTD transit</p> |

⁵⁵ COM(2005) 56.

⁵⁶ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual, OJ L 99, 17.4.2003, p. 8.

⁵⁷ Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003, OJ L 99, 17.4.2003, p. 15.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|--|-----------------------|--|
| | | | | scheme at the latest three years after the entry into force of the decision of one Member State (Lithuania) to apply this scheme. The Commission will present this report in 2006. |
| 2.9. (k) | Kaliningrad facility ⁵⁸ | Commission/ Lithuania | | Ongoing (2004-2006 programme) |
| 2.9. (l) | Schengen facility for seven Member States | Commission/7 beneficiary Member States | | Ongoing (2004-2006 programme) |
| 2.9. (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 | Commission | 2005 to 2009 | <p>Negotiations on an agreement between the European Community and the Russian Federation on the facilitation of issue of short-stay visas have been concluded. The draft agreements on visa facilitation and on readmission were symbolically initialled on 13 October 2005. They were formally initialled at the beginning of 2006. Signature occurred on 25 May 2006. The European Parliament will be consulted.</p> <p>On 26 August 2005 the Commission adopted a recommendation to the Council to authorise the Commission to open negotiations for the conclusion of an agreement between the European Community and Ukraine on the facilitation of issue of short-stay visas.</p> <p>The negotiating directives were adopted by the Council on 7 November 2005. The negotiations on a visa facilitation agreement with Ukraine were launched on 21-</p> |

⁵⁸ The Kaliningrad Facility will be replaced by specific provisions within the proposed External Border Fund for the period 2007 to 2013 as part of the Framework Programme "Solidarity and Management of Migration Flows".

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|---|
| | | | | 22 November 2005 in parallel with the ongoing negotiations for an EC-Ukraine readmission agreement. Subsequent rounds of negotiation took place on 24-25 January and 27 February. Signature and conclusion may occur in 2006. |
| 3. STRENGTHENING SECURITY | | | | |
| <i>- Framework Programme "Security and Safeguarding Liberties" under the new Financial Perspectives (2005)</i> | | | | |
| 3. (a) | <i>Proposal for a decision establishing a specific Programme on "Prevention of and fight against crime"</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The proposal was adopted by the Commission on 6 April 2005⁵⁹.</p> <p>The 1-2 June 2006 JHA Council reached a general approach on the text.</p> <p>The opinion of the European Parliament is expected after 2006 Summer time.</p> |
| 3. (b) | <i>Proposal for a decision establishing a specific programme on "Prevention, preparedness and consequence management of terrorism"</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The proposal was adopted by the Commission on 6 April 2005⁶⁰.</p> <p>The 1-2 June 2006 JHA Council reached a general approach on the text.</p> <p>The opinion of the European Parliament is expected after 2006 Summer time.</p> |

⁵⁹ COM(2005) 124 final.

⁶⁰ COM(2005) 124 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|------------------------|-----------------------|---|
| 3.1. SHARING OF INFORMATION AMONG LAW ENFORCEMENT AND JUDICIAL AUTHORITIES WHILE STRIKING THE RIGHT BALANCE BETWEEN PRIVACY AND SECURITY | | | | |
| 3.1. (a) | <i>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</i> | Council/ Parliament | 2005 | <p>Ö Achieved</p> <p>On the basis of the Commission proposal of 21 September 2005⁶¹, a political compromise was reached at the 2 December JHA Council and duly endorsed by the European Parliament on 14 December 2005. The Directive was formally adopted by the JHA Council of 21 February 2006⁶², after receipt of the European Economic and Social Committee's opinion⁶³.</p> |
| - Availability principle and protection of personal data | | | | |

⁶¹ COM(2005) 438.

⁶² Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ L 105, 13.4.2006).

⁶³ Opinion EESC 35/2006 of 19 January 2006.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|--|
| 3.1. (b) | <i>Proposal on the establishment of a principle of availability of law enforcement relevant information</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission's proposal for a Framework Decision on the exchange of information under the principle of availability was adopted on 12 October 2005⁶⁴ and was discussed in the JHA Council on 2 December 2005..</p> |
| 3.1. (c) | <i>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</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission's proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters was adopted on 4 October 2005⁶⁵ and is being discussed in the Council.</p> <p>The European Parliament is to be consulted and the EDPS gave an opinion on 19 December 2005⁶⁶.</p> |
| 3.1 (d) | <i>Adoption of a proposal for a Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member</i> | Council | 2005 | <p>Ö Achieved</p> <p>The JHA Council reached political agreement in December 2005 based on the Swedish legislative initiative of 4 June 2004. This should be put forward for adoption in the course of 2006.</p> |

⁶⁴ COM(2005) 490.

⁶⁵ COM(2005) 475 final and SEC(2005) 1241.

⁶⁶ Opinion of 19 December 2005 on the Proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters, http://www.edps.eu.int/legislation/Opinions_A/06-01-20.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|--|
| | <i>States of the EU</i> | | | The European Parliament gave its opinion on 7 June 2005 ⁶⁷ . |
| 3.1. (h) | Implementation of the principle of availability, concerning the following area: - DNA | Commission | 2005 | Postponed to 2006 The proposal for a Council Decision on the exchange of DNA data has been postponed to 2006 following the presentation on 12 October 2005 and subsequent debate on the Framework Decision on the exchange of information under the principle of availability. |
| 3.1. (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 | Commission | 2005 | Ö Achieved The Communication from the Commission to the Council on interoperability of European databases was adopted on 24 November 2005 ⁶⁸ . |
| | - Exchange of data on PNR | | | |
| 3.1. (l) | <i>Proposal concerning a common EU approach to the use of passenger data for border and aviation security and other law enforcement</i> | Commission | 2005 | Delayed The Commission's proposal is being prepared, and will need to be updated in view of the judgment of the Court of Justice of 30 May 2006 in cases C-317/04 and C-318/04 |

⁶⁷ Position of the Commission: C/2004/4641 of 1 December 2004.

⁶⁸ COM(2005) 597.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|--|
| | <i>purposes</i> | | | |
| 3.1. (m) | Joint review on the Air Passengers Data (PNR) Agreement with the USA | Commission | 2005 | <p>Ö Achieved</p> <p>A two-day joint review took place on 20 and 21 September 2005 in Washington. The report was finalised on 12 December 2005.</p> |
| 3.1. (n) | Completion of negotiations of PNR agreements with Canada and Australia (2005), and with other countries if necessary | | 2005 | <p>Ö Achieved</p> <p>(partly)</p> <p>Following the Commission's proposal dated 19 May 2005⁶⁹, the negotiations with Canada were completed with the adoption of the Council International Agreement on 18 July 2005 and Commission Adequacy Decision on 6 September 2005. The agreement entered into force on 22 March 2006. The consequences of the 30 May 2006 ruling of the Court of Justice in the US PNR case will be taken into full account.</p> <p>Formal negotiations with Australia started on 14 December 2005 after exploratory talks⁷⁰. The consequences of the 30 May 2006 ruling of the Court of Justice in the US PNR case will be taken into full account.</p> <p>The Commission adopted on 16 June 2006 two initiatives to put a legally sound framework in place for the transfer of PNR data to the United States⁷¹. These</p> |

⁶⁹ COM(2005) 200 final.
⁷⁰ C(2005) 2800 and C(2005) 3248.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|--|----------------|-----------------------|---|
| | | | | <p>initiatives are the first European answers to correct the legal basis for the Agreement with the US that was struck down by the European Court of Justice on 30 May 2006. The Court ruled that the Article 95 EC-Treaty was not an appropriate legal basis for the transfer of PNR data which are essentially aiming to ensure public security and activities by public authorities in areas of criminal law.</p> <p>Negotiations with other countries have not yet started.</p> |
| 3.1. (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) | | | The ICAO adopted international guidelines on PNR data on 9 June 2005, taking into account the proposals from the Commission ⁷² . These guidelines came into force on 11 July 2005. A circular based on the decision of the ICAO management board will be published in 2006. |
| 3.2. TERRORISM | | | | |
| - Further development of an overall approach to combat terrorism | | | | |
| 3.2. | Further implementation of | Commission/ | | The Commission adopted: |

⁷¹ [Communication from the Commission to the Council: Termination of the Agreement between the European Community and the United States of America on the processing and transfer of PNR data by Air Carriers to the United States Department of Homeland Security, Bureau of Customs and Border Protection \(COM\(2006\) 335 final\)\) and an EU restricted document.](#)

⁷² Staff working paper of 26 January 2004, doc. 5849/04 AVIATION 23 JAI 20 RELEX 42 USA 10 TELECOM 23.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|------------------------|-----------------------|---|
| (a) | the EU Action Plan on Combating Terrorism | Council/ Parliament | | <p>- the Decision on financing a Pilot Project on the “Fight Against Terrorism” on 15 September 2005⁷³;</p> <p>- the decision on the use of VIS by authorities responsible for internal security on 23 November 2005⁷⁴;</p> <p>- the revised Action Plan on Terrorism on 30 November 2005⁷⁵.</p> |
| 3.2. (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 | Commission/ Council | 2005 | <p>Ö Achieved</p> <p>1) Decision 2005/671/JHA on the exchange of information and cooperation concerning terrorist offences, adopted by the Council on 20 September 2005⁷⁶, based on the Commission proposal of 29 March 2004⁷⁷ and the opinion of the European Parliament of 7 June 2005, provides for the establishment of contact points regarding terrorist criminal offences.</p> <p>2) With a view to cooperation in the field of intelligence, on 22 December 2005 the Commission presented a proposal for a Council Decision on the transmission of information emerging from the activities of security and intelligence services with respect to terrorist offences⁷⁸, which was transmitted to the Council and the European Parliament.</p> |

⁷³ C(2005) 3179.
⁷⁴ COM(2005) 600 final.
⁷⁵ SEC(2005) 1585.
⁷⁶ OJ L 253, 29.9.2005.
⁷⁷ COM(2004) 221 final.
⁷⁸ COM(2005) 695 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|------------------------|-----------------------|--|
| 3.2. (d) | Examination of the necessity and feasibility of the setting-up of a European law enforcement network (LEN) for the fight against terrorism (2005) | Commission/ Council | 2005 | <p>Ö Achieved</p> <p>Member States have been asked to provide comments concerning a general approach to the creation of the Law Enforcement Network. Comments have been received and will serve as a basis for further discussions.</p> |
| 3.2. (e) | Communication on greater security of explosives, bomb-making equipment | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission's Communication was adopted on 18 July 2005⁷⁹. The first important follow-up will be a conference organised by the Commission bringing together all major stakeholders to brainstorm on a long-term plan for making explosives more secure (scheduled for the first half of 2006).</p> |
| 3.2. (f) | Communication of the Commission on violent radicalisation and strategy of the Council on radicalisation and recruitment | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission's Communication, dated 20 October 2004⁸⁰, served as a basis for the Council strategy on terrorist recruitment addressing the factors contributing to violent radicalisation proposed on 21 September 2005, which was endorsed by the 1-2 December 2005 JHA Council and adopted by the General Affairs Council of 12 December 2005.</p> |
| 3.2. (l) | Build capacity in third countries to fight terrorism | Commission | | <p>The Commission is sustaining institutional/capacity-building measures in third countries in the fields of justice, freedom and security which, at the same time,</p> |

⁷⁹ COM(2005) 329 final.

⁸⁰ COM(2004) 698.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|--|----------------|-----------------------|--|
| | and appropriate clauses on counter-terrorism in the agreements to be concluded by EU/EC with third countries | | | <p>contribute to fighting against terrorism (e.g. justice, police, money-laundering, etc.).</p> <p>A standard counter-terrorism clause is systematically part of all agreements under negotiation or to be concluded and of the European Neighbourhood Policy Action Plans⁸¹.</p> |
| 3.2. (m) | Develop public/private partnerships to improve the prevention and the fight against terrorism | Commission | | <p>A sector-specific public/private partnership was launched by a conference held on 28 and 29 November 2005 on detection and associated technologies. Cooperation in the form of public/private partnership is also continuing as part of the work on protection of critical infrastructure and intensive cooperation is expected in the second half of 2006. The conference on security of explosives scheduled for the first half of 2006 will also be a sector-specific initiative as part of a general policy being developed in the field of Public/Private Security Dialogue (PPSD).</p> <p>A Commission Communication on general public/private cooperation in the fight against organised crime and terrorism is scheduled for the second half of 2006.</p> |
| - Review and adaptation of EU legislation in parallel with measures to be adopted in order to combat terrorism | | | | |
| 3.2 (n) | Second report based on Article 11 of the Council Framework Decision of | Commission | 2005 | <p>Delayed</p> <p>Adoption had to be postponed, due to lack of information and of notification of</p> |

⁸¹ The revised Cotonou Partnership Agreement and the Joint Council-Commission Declaration on financial and technical assistance in the area of cooperation in the fight against terrorism stipulate that targeted assistance to strengthen ACP countries' ability to counter terrorism must be financed by resources other than those intended for the financing of ACP-EC development cooperation. See also Article 11a, known as the "counter-terrorism clause" inserted in the Revised Cotonou Partnership Agreement.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|---|
| | 13.6.2002 on combating terrorism | | | legislative texts by Member States. |
| 3.3. PREVENTION OF AND FIGHT AGAINST ORGANISED CRIME | | | | |
| 3.3. (a) | Communication on developing a strategy on tackling organised crime | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission adopted its Communication “Developing a strategic concept on tackling organised crime” on 2 June 2005⁸². The Communication identifies five areas of priority action in the field of organised crime: knowledge, prevention, cooperation and information exchange among law enforcement agencies, development of legislation and cooperation with third countries and international organisations. Progress on these legislative or non-legislative initiatives should be described in the mid-term implementation report to be presented by the Commission in 2007.</p> |
| - Improve the knowledge of organised and serious crime and strengthen the gathering and analysis of information | | | | |
| 3.3. (b) | Communication on an action plan — EU crime statistics | Commission | 2005 | <p>Postponed to 2006</p> <p>The Communication will probably be adopted in the second quarter of 2006.</p> |
| 3.3. | Commission working paper on criminal intelligence-led | Commission | 2005 | <p>Delayed</p> |

⁸² COM(2005) 232 final and SEC(2005) 724.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|----------------|-----------------------|---|
| (c) | law enforcement | | | The working paper has been delayed. |
| - Strengthen prevention of organised crime | | | | |
| 3.3. (g) | Crime-proofing of legislation and the design of crime preventive measures into products and services | Commission | 2005 | Delayed The initiative has been delayed. |
| 3.3. (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 | Commission | 2005 | Postponed to 2006 The draft report is being prepared. Adoption postponed to 2006. |
| - Strengthen tools to address financial aspects of organised crime | | | | |
| 3.3. (n) | Initiatives to promote use of financial investigation as a law enforcement technique and to establish common minimum training standards | Commission | 2005-2007 | Commission departments are working to establish minimum training standards for financial investigation. A recommendation may be considered for 2007. |
| 3.3. (o) | Common set of training standards in financial investigation skills | Commission | 2005 | Delayed See above – this is part of the Commission initiative mentioned. |

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|---------------------------------|-----------------------|--|
| 3.3. (r) | Promotion of the establishment of criminal asset intelligence units in EU Member States | Commission/ Council | Continuous | The Commission is continuously promoting the establishment of such units. A Council decision is planned on this issue. |
| - Improve legislation and review existing legal instruments where needed | | | | |
| 3.3. (b) | <i>Legislative package on the fight against counterfeiting</i> | Commission/ Council/ Parliament | 2005 | <p>Ö Achieved</p> <p>A proposal for a Directive on criminal measures aimed at ensuring the enforcement of intellectual property rights and a proposal for a Framework Decision to strengthen the criminal law framework to combat intellectual property offences was presented by the Commission on 12 July 2005⁸³. The Commission then presented an amended proposal for a Directive on 26 April 2006, taking account of the judgment of the Court of 13 September 2005 (Case C-176/03)⁸⁴. The proposals are currently being discussed in the Council.</p> |
| 3.3. (c) | Communication on trafficking in human beings | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission's Communication was adopted on 18 October 2005⁸⁵. It followed the "EU plan on best practices, standards and procedures for combating and</p> |

⁸³ COM(2005) 276 final.

⁸⁴ COM(2006) 168.

⁸⁵ COM(2005) 514 final.

⁸⁶ OJ C 311, 9.12.2005, p. 1.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|--|
| | | | | preventing trafficking in human beings”, adopted by the JHA Council of 1 December 2005 ⁸⁶ . In accordance with the main objectives of this Communication, in December 2005 the Council adopted an action plan that will be the platform for further action at EU level. |
| 3.3. (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 | Commission | 2005 | <p>Ö Achieved</p> <p>The study was finalised on 10 October 2005⁸⁷.</p> |
| | - Improve monitoring and evaluation | | | |
| 3.3. (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 | Commission | 2005 | <p>Ö Achieved</p> <p>The report was adopted on 21 February 2006⁸⁸.</p> |

⁸⁷

Tender No JAI/D2004/04.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|------------------------|-----------------------|---|
| | proceeds of crime | | | |
| 3.3. (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 | Commission/ Council | 2005 | <p>Ö Achieved</p> <p>The report was adopted on 20 February 2006⁸⁹.</p> |
| 3.3. (n) | Implementation report framework Decision "Private sector corruption" ⁹⁰ | Commission/ Council | 2005 | <p>Postponed to 2006</p> <p>The implementation period ended on 22 July 2005. The Commission's report to the Council was postponed to 2006 pending contributions from all Member States. It is now scheduled for the first half of 2006.</p> |
| 3.3. (o) | Report on the implementation of the framework Decision of 27 January 2003 on protection of the environment through criminal law ⁹¹ | Commission/ Council | 2005 | <p>No longer relevant</p> <p>Action became irrelevant following the annulment of the Framework Decision by the European Court of Justice on 13 September 2005 (case C-176/03). The Commission intends to use the information communicated by the Member States so far as a basis for further improvement of its proposal for a Directive replacing the Framework Decision.</p> |

⁸⁸ COM(2006) 72 and SEC(2006) 219.

⁸⁹ COM(2006) 65 and SEC(2006) 188.

⁹⁰ Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003).

⁹¹ Council Framework Decision 2003/20/JHA of 27 January 2003 on the protection of the environment through criminal law (OJ L29, 5.2.2003, p.55).

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|--|
| 3.4. POLICE AND CUSTOMS COOPERATION | | | | |
| 3.4. (a) | Implementation and evaluation of the work programme concerning customs cooperation approved by the JHA Council on 30 March 2004 following the Council Resolution of 2 October 2003 on a strategy for customs cooperation | Council | 2004-2006 | The JHA Council took note of the mid-term review on 1 December 2005. A final report will be presented to the Council at the end of 2006. |
| - Improvement of law enforcement cooperation and development of the Schengen <i>acquis</i> in respect of cross-border operational law enforcement cooperation | | | | |
| 3.4. (d) | <i>Follow-up to the Communication and proposal on improvement of law-enforcement cooperation in particular at the internal borders between Member States</i> | Commission | 2005 | Ö Achieved On 18 July 2005 the Commission adopted a proposal for a Council Decision on the improvement of police cooperation between the Member States of the European Union, especially at the internal borders, and amending the Convention implementing the Schengen Agreement ⁹² . Monthly meetings of the police cooperation working group are being held. |

⁹² COM(2005) 317 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|---|
| | | | | . |
| 3.4. (e) | <i>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</i> | Commission | 2005 | <p>Delayed</p> <p>May be taken up after the Commission has adopted a draft Directive on cross-border enforcement in the field of road safety, which is scheduled for 2006.</p> |
| 3.4. (f) | Updating of the Sirene manual | Commission | 2005 | <p>Postponed to 2006</p> <p>2nd meeting of the SIRENE Manual Committee was held in Brussels on 7 December 2005. The final text of the Manual was agreed on and endorsed at a third meeting of the SIRENE Manual Committee and is currently submitted to the Commission for adoption.</p> |

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|--|----------------|-----------------------|--|
| Systematic exchange programmes for law enforcement officers' authorities | | | | |
| 3.4. (i) | <i>Adoption of a proposal aimed at amending the decision establishing CEPOL (European Police College) as a body of the Union</i> | | 2005 | <p>Ö Achieved</p> <p>Following the Commission's proposal of 1 October 2004⁹³, the Council adopted the decision on 20 September 2005⁹⁴. Moreover, exchanges of policemen is one of the priorities of the AGIS programme for 2006.</p> |
| - Improvement of operational cooperation | | | | |
| 3.4. (k) | Development of a common methodology and setting up of short-duration joint customs and police operations and/or multi-disciplinary joint teams | Council | Continu us | <p>Two Joint Customs Operations (JCOs) were carried out during the second half of 2005 under the management of the Council's Customs Cooperation Working Group (CCWG): Operation "Roots II" - combating drug trafficking via the Balkan route - and Operation "Protect" - contributing to the fight against terrorism. The CCWG updated its JCO recommendations, monitoring the file in the light of 2004 and 2005 operations. This document provides guidance for organising JCOs. In addition, the CCWG Guide for Joint Customs Operations improves the preparatory and selection processes for JCO, ensures implementation and improves the subsequent evaluation of the operations and ensures more effective feed-back of experience gained into the selection and planning processes for future operations.</p> <p>In order to implement the Hague Programme and to promote the use of joint investigation teams, Member States designated national experts as contact points.</p> |

⁹³ COM(2004) 623.

⁹⁴ 2005/681/JHA, OJ L 256, 1.10.2005, p. 63.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-------------------------------|---|
| | | | | The tasks of the national experts should be to facilitate the setting-up of a JIT by disseminating information about the legal framework and possibilities of setting up a JIT and to act as national contact points in this field for the competent authorities within the Member States. |
| 3.4. (p) | Definition of the role of the security committee (COSI) | | No later than 1 November 2006 | Discussions began at the Vienna informal JHA Council meeting in January 2006 and are currently in progress. |
| 3.4. (q) | Review and, where appropriate, further development of the customs IT systems | Council | Continuous | In 2005 the Customs Cooperation Working Group approved a detailed plan for the improvement, promotion and more widespread use of the Customs Information System (CIS). A project group was set up to explore the possibility of future development of CIS. The Commission plans a further update to the CIS system to provide a more user-friendly interface in the second half of 2006, using web-based technology. |
| 3.4. (r) | Implement the conclusions of the Council of 19 November 2004 related to the fight against organised crime in the Western Balkans | Council | | <p>The conclusions express commitment to ongoing efforts to improve the fight against organised crime, mostly without deadlines.</p> <p>They also request Council bodies and the PCTF to report by the end of 2005 on implementation of the conclusions, following a report from the Multi-Disciplinary Group on Organised Crime dated June 2005. The PCTF has not yet reported back.</p> <p>The work on implementation of the conclusions has been and remains continuous. The Multi-Disciplinary Group has discussed implementation on numerous</p> |

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|---|
| | | | | occasions, especially through an oral report in the Group on 27 April 2005. |
| 3.5. MANAGEMENT OF CRISIS WITHIN THE EUROPEAN UNION | | | | |
| 3.5 (b) | Commission decision creating a secure general rapid alert system (ARGUS) and a Commission Crisis Centre to coordinate existing alert systems | Commission | 2005 | <p>Ö Achieved</p> <p>The Communication “Commission provisions on “ARGUS” general rapid alert system” was adopted on 23 December 2005⁹⁵.</p> |
| 3.5 (c) | <i>Proposal creating a critical infrastructure warning information network (CIWIN)</i> | Commission | 2005 | <p>Postponed to 2006</p> <p>Following intensive consultation with all Member States and the private sector, a Green Paper on the European Programme for Critical Infrastructure Protection, which also addresses the issue of creation of the CIWIN, was adopted on 17 November 2005. The consultation period ended on 15 January 2006.</p> <p>The call for tenders was published in March 2006 on the basis of the consultation process results. The evaluation committee meets in June. Adoption of the proposal wil follow in due time.</p> |
| 3.5 | Plan on the protection of | Commission | 2005 | Ö Achieved |

⁹⁵ COM(2005) 662.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--------------------------------------|---|----------------|-----------------------|---|
| (d) | critical infrastructures | | | <p>(partly)</p> <p>The Green Paper on a European Programme for Critical Infrastructure Protection (EPCIP) was adopted on 17 November 2005⁹⁶. The consultation period ended on 15 January 2006. The EPCIP policy package is due to be adopted by the Commission in September 2006.</p> |
| 3.6. GENERAL CRIME PREVENTION | | | | |
| 3.6 (a) | Strengthening and professionalising of the prevention of crime, including through the European Crime Prevention Network | Commission | 2005 | <p>Postponed to 2006</p> <p>The European Crime Prevention Network adopted an internal reorganisation of the network; an initiative will be launched in 2006.</p> |
| 3.6 (b) | Establishment of European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national | | | <p>These instruments will be part of the Commission initiative on EU crime statistics mentioned under point 3.3 above.</p> |

⁹⁶ COM(2005) 576 final..

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|--|
| | statistics and other sources of information as agreed indicators | | | |
| 4. STRENGTHENING JUSTICE | | | | |
| - See also Framework Programme "Fundamental Rights and Justice" under the new Financial Perspectives (2005) | | | | |
| 4. (a) | <i>Proposal for a decision establishing a specific programme on judicial cooperation in civil and commercial matters</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The proposal was adopted on 6 April 2005⁹⁷ and is currently being discussed in the European Council and the European Parliament.</p> |
| 4. (b) | <i>Proposal for a decision establishing a specific programme on judicial cooperation in criminal matters</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission proposal was adopted on 6 April 2005⁹⁸</p> <p>The 1-2 June JHA Council reach a general approach on the text.</p> <p>The opinion of the European Parliament is expected after 2006 Summer time.</p> |
| 4.1. CONFIDENCE-BUILDING AND MUTUAL TRUST | | | | |

⁹⁷ COM(2005) 122 final.

⁹⁸ COM(2005) 122 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|--|----------------|-----------------------|--|
| 4.1. (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) | Commission | 2005 | <p>Postponed to 2006</p> <p>An experts meeting was held on 5 October 2005 with Member States and relevant stakeholders, including the EJTN, the Network of Council of the Judiciary and the European Network of Supreme Courts to discuss preparation of the Communication. The Communication is due to be adopted in the first half of 2006 and will focus on problems, best practices and possible solutions in this area with a view to developing a coherent strategy for training in the future. The preparatory action on the exchange programme will be continued in 2006.</p> |
| 4.2. JUDICIAL COOPERATION IN CRIMINAL MATTERS | | | | |
| - Pursuing the implementation of the mutual recognition principle | | | | |
| 4.2. (a) | Communication on mutual recognition of decisions in criminal matters and reinforcement of mutual trust between Member States | Commission | 2005 | <p>Ö Achieved</p> <p>The Communication on the mutual recognition of judicial decisions in criminal matters and the strengthening of mutual trust between Member States was adopted on 19 May 2005⁹⁹ and transmitted to the European Council and the European Parliament.</p> |

⁹⁹ COM(2005) 195 final and SEC(2005) 641.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|--|
| 4.2. (b) | White Paper on exchanges of information on convictions and the effect of such convictions in the EU | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission adopted the White Paper on exchanges of information on convictions and the effect of such convictions in the European Union on 25 January 2005¹⁰⁰. The White Paper was discussed at the JHA Council meeting on 14 April 2005 which defined the way forward in this area.</p> |
| 4.2. (c) | <i>Proposal on taking into account of convictions in the Member States of the European Union in the course of new criminal proceedings</i> | Commission | | <p>Ö Achieved</p> <p>The Commission presented a proposal for a Council Framework Decision on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings on 17 March 2005¹⁰¹. Discussion at Council level has started under the Austrian Presidency..</p> |
| 4.2. (d) | <i>Proposal on the transmission to, and keeping by, the Member State of nationality of information on criminal convictions</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission presented the proposal for a Council Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States on 22 December 2005¹⁰². Discussions are in progress within the Council.</p> |
| 4.2. (e) | <i>Communication on the creation of an index of non-</i> | Commission | 2005 | <p>Postponed to 2006</p> <p>The Commission plans to adopt a Working Paper on the feasibility of an index of</p> |

¹⁰⁰ COM(2005) 10 final and SEC(2005) 63.

¹⁰¹ COM(2005) 91 final.

¹⁰² COM(2005) 690 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|---------------------|-----------------------|--|
| | <i>EU nationals convicted in an EU Member State</i> | | | third-country nationals convicted in the European Union in the first half of 2006. The Commission aims to adopt a legislative proposal later on. |
| 4.2. (f) | <i>Initiative on the European Enforcement Order and the transfer of sentenced persons between Member States of the EU</i> | Member States | 2005 | Ö Achieved The joint initiative from Austria, Finland and Sweden for a Council Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the EU was formally submitted on 19 January 2005 ¹⁰³ . Discussions are in progress within the Council. |
| 4.2. (g) | <i>Proposal on mutual recognition of non-custodial pre-trial supervision measures</i> | Commission | 2005 | Postponed to 2006 The Commission plans to present a proposal before the summer of 2006. |
| 4.2. (h) | Communication on disqualification | Commission | 2005 | Ö Achieved The Commission adopted a Communication on "Disqualifications arising from criminal convictions in the European Union" on 21 February 2006 ¹⁰⁴ . |
| 4.2. (i) | Reports on the implementation of the Framework Decision on the European arrest warrant and | Commission/ Council | 2005-2006 | Ö Achieved The first report on implementation by 24 Member States was adopted on 23 |

¹⁰³ OJ C 150, 21.6.2005, p.1.

¹⁰⁴ COM(2006) 73.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|----------------|-----------------------|---|
| | the surrender procedures between Member States | | | February 2005. A revised version to include Italy (latest implementation) was adopted on 26 January 2006 ¹⁰⁵ . |
| 4.2. (j) | <i>Initiative on the recognition and enforcement in the European Union of prohibitions arising from convictions for sexual offences committed against children</i> | Member States | 2005 | Ö Achieved Belgium presented an initiative in October 2004 ¹⁰⁶ . Discussions are currently in progress within COPEN Council Working Group and European Parliament. |
| | - Approximation | | | |
| 4.2. (a) | Green Paper on Conflicts of Jurisdiction and Double Jeopardy (<i>ne bis in idem</i>) | Commission | 2005 | Ö Achieved The Green Paper was adopted on 23 December 2005 ¹⁰⁷ . Based on the responses to the Green Paper, a proposal for a Framework Decision on conflicts of jurisdiction and the principle of <i>ne bis in idem</i> in criminal proceedings could be presented in the second half of 2006. |

¹⁰⁵ COM(2006) 8 final

¹⁰⁶ Council document, 14207/04 of 5 November 2004, COPEN 133.

¹⁰⁷ COM(2005) 696.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|---|---|---------------------------|-----------------------|--|
| 4.2. (b) | Green Paper on presumption of innocence | Commission | 2005 | <p>Postponed to 2006</p> <p>The Commission presented the Green Paper on presumption of innocence on 26 April 2006¹⁰⁸. The Commission launched at the same time a public consultation on the presumption of innocence. Interested parties were invited to submit their comments by 9 June 2006.</p> |
| 4.2. (c) | Second report on the implementation of the framework decision of 15 March 2001 on the standing of victims in criminal proceedings | Commission | 2005 | <p>Postponed to 2006</p> <p>Postponed, notably due to the lack of notification of national implementing measures by Member States.</p> |
| - Other instruments in the field of judicial cooperation in criminal matters | | | | |
| 4.2. (d) | <i>Initiative to facilitate the prosecution of road traffic offences</i> | Commission/ Member States | 2005 | <p>Delayed</p> <p>The Commission is considering the case for presenting a proposal on driving disqualifications. An initiative from a Member State to facilitate the prosecution of road traffic offences may also be tabled in the course of 2006.</p> |
| 4.2. (f) | Further development of the European Judicial Network in criminal matters | Commission | Continuou s | <p>The Commission plans to issue a Communication on the Eurojust and the European Judicial Network (EJN) in 2006. The EJN and the Commission have collaborated on a questionnaire on <i>in absentia</i> judgments – to be distributed to the EJN contact</p> |

¹⁰⁸ COM(2006) 174 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|------------------------------------|---|------------------------|-----------------------|--|
| | | | | points in February 2006. The results will assist the Commission in drafting a Green Paper on in absentia judgments, scheduled for December 2006. |
| - Eurojust | | | | |
| 4.2. (g) | Second report on the legal transposition of the Council Decision of 28 February 2002 setting up Eurojust | Commission | 2005 | Postponed to 2006 The Commission intends to present the report in mid-2006 and to issue a Communication on the Eurojust and the European Judicial Network (EJN) later in 2006. |
| - International Legal Order | | | | |
| 4.2. (j) | Active involvement of the activities of the Council of Europe and other international organisations and forums (G8, UN, OECD, OSCE, FATF) in criminal matters | Council/ Commission | 2005- 2009 | Officials regularly attend the relevant working groups (G8; UN; OECD; OCSE; FATF). |
| 4.2. (k) | Examination of the case for agreements between the EU and third countries on extradition | Council/ Commission | 2005- 2009 | Discussions are under way with various countries. The Council reached an agreement on the surrender procedure between the Member States of the EU and Iceland and Norway on 27-28 April 2006. |
| 4.2. (l) | Examination of the case for agreements between the EU | Council/ Commission | 2005- 2009 | Discussions are under way with various countries. |

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|--|---|----------------|-----------------------|---|
| | and third countries on mutual legal assistance | | | |
| 4.3. JUDICIAL COOPERATION IN CIVIL MATTERS | | | | |
| - Mutual recognition of decisions and elimination of obstacles to the proper functioning of proceedings | | | | |
| 4.3. (a) | Green Paper on succession | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission adopted the Green Paper Succession and wills on 1 March 2005¹⁰⁹. Public consultation was concluded on 30 September 2005 (more than 60 answers were received). An experts group hearing was set up in February 2006 and is scheduled twice again before 2006. A Public hearing is scheduled on 30 November 2006.</p> |
| 4.3. (b) | Green Paper on conflicts of laws and jurisdiction on divorce matters (Rome III) | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission adopted the Green Paper on 14 March 2005¹¹⁰, which drew more than 60 answers. An experts group hearing was held on 6 December 2005 and an impact assessment was launched with a view to a proposal for a Regulation by July 2006.</p> |

¹⁰⁹ COM(2005) 65 final.

¹¹⁰ COM(2005) 82 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|--|
| 4.3. (c) | <i>Proposal on conflicts of laws regarding contractual obligations (Rome I)</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission presented a proposal on 15 December 2005¹¹¹.</p> <p>Discussions are in progress at Council level.</p> |
| 4.3. (d) | <i>Proposal on small claims</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission presented a proposal for a Regulation establishing a European small claims procedure on 15 March 2005¹¹² and the 1-2 June 2006 JHA Council reached a general approach on the text.</p> |
| 4.3. (e) | <i>Proposals on maintenance obligations</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission presented a proposal on 15 December 2005¹¹³. Discussions are in progress at Council and Parliament level.</p> |
| 4.3. (m) | <i>Proposal for amending Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or</i> | Commission | 2005 | <p>Ö Achieved</p> <p>The Commission presented a proposal on 11 July 2005¹¹⁴.</p> <p>The 1-2 June 2006 JHA Council reached a general approach on the text.</p> |

¹¹¹ COM(2005) 650 final.

¹¹² COM(2005) 85 final.

¹¹³ COM(2005) 649 final.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|--|
| | <i>commercial matters</i> | | | The European Parliament has not yet given an opinion. |
| | - Enhancing cooperation | | | |
| 4.3. (n) | Report on the functioning of the European Judicial Network in civil and commercial matters | Commission | 2005 | Ö Achieved The report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters was adopted on 16 May 2006 ¹¹⁵ |
| 4.3. (o) | Continued development of the European Judicial Network in civil matters and of the databases on case-law relating to European instruments | | Continuo us | The annual general meeting was held on 12-13 December 2005. At least 4 meetings with the contact points are scheduled in 2006. The Internet site is updated continuously. A database on the Brussels I and Brussels II Regulations will be on line in 2006. |
| 4.3. (p) | Constant updating and improvement of the | | Continuo us | New contract for maintenance of the Atlas signed in 2006. |

¹¹⁴ COM(2005) 305 final.

¹¹⁵ COM(2006) 203 final and SEC(2006) 579.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|--|---|-----------------------|---|
| | European Judicial Atlas | | | |
| 4.3. (q) | EU support for networks of judicial organisations and institutions | | Continuous | Contacts and collaboration are being maintained with different networks (European Network for the training of judges ¹¹⁶ , Network of Presidents of the Supreme Courts). |
| 4.3. (s) | Annual European day of civil justice | | Continuous | Participation in different events all over Europe. Organisation of the “Crystal Scales of Justice” prize. |
| | - International legal order | | | |
| 4.3. (b) | Proposal for the conclusion of parallel agreements with Denmark on Brussels I and service of documents | Commission | 2005 | Ö Achieved The Commission presented a proposal for a decision regarding Brussels I on 15 April 2005 ¹¹⁷ and a proposal for a decision regarding service of documents on 18 April 2005 ¹¹⁸ . The Council reached to an agreement and the text was subsequently endorsed by the 27-28 April 2006 JHA Council. |
| 4.3. (c) | Conclusion of negotiations on the Convention on the choice of forum | Commission, on behalf of the European Community | 2005 | Ö Achieved Negotiations were concluded in June 2005. An impact assessment for the possible ratification of the Convention by the Community is being prepared. |

¹¹⁶ OJ L 256, 1.10.2005, p. 63.

¹¹⁷ COM(2005) 145.

¹¹⁸ COM(2005) 146.

| No ¹ | Action under the Action Plan | Competent body | Deadline ² | State of play |
|-----------------|---|----------------|-----------------------|---|
| 4.3. (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 | | | On 17 June 2003 the Commission proposed to authorise the Member States to ratify the Convention. Although general agreement was reached on the text, the proposal is blocked in the Council due to the question of geographical application to Gibraltar. |
| 4.3 (g) | Continuation of negotiations and conclusion of international agreements relating to judicial cooperation in civil matters | | | <p>- <i>Inter alia</i>, negotiations are continuing on a new “Lugano Convention (16/09/1988)”. The opinion of the European Court of Justice on the extent of the Community’s external competences for the new “Lugano Convention”¹¹⁹ states that for the conclusion of a new Lugano Convention the Community has an exclusive competence to terminate negotiations and to prepare and present the appropriate instrument for the conclusion of the new Convention.</p> <p>- In addition, participation in the negotiations in progress in the Hague on a draft Convention on the recovery of child support and other forms of family maintenance. The possibility of a bilateral agreement on judicial cooperation with Russia, if Russia accepts the Commission’s invitation to informal discussions on this matter, is being explored.</p> |

¹¹⁹ Opinion 1/03 of 7 February 2006.