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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.7.2008
SEC (2008) 2048

COMMISSION STAFF WORKING DOCUMENT

Annex to the

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

Report on the implementation of The Hague programme for 2007

**Follow-up of the implementation of legal instruments in the fields of justice, freedom
and security at national level**

2007 Implementation Scoreboard – Table 2

**{COM(2008) 373 final}
{SEC(2008) 2049}**

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
1. GENERAL ORIENTATIONS⁴				
1.2. Respect for and active promotion of fundamental rights				
• Protection of personal data				
Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁵	24 October 1998	Report from the Commission on the implementation of the Directive of 15.5.2003 ⁶ , report prepared on behalf of the Commission on the economic evaluation of the Directive dated May 2005 ⁷ as well as the Communication of 7.3.2007 on the follow-up of the Work Programme ⁸ .	All Member States have adopted and communicated legislation under the Directive.	Even though all Member States have now transposed the Directive, some of them have failed to incorporate a number of its important provisions. In other cases, transposition or practice has not been conducted in line with the Directive or has fallen outside the margin of manoeuvre left to Member States. This has resulted in a number of infringement proceedings. In two cases concerning incorrect implementation and application of the Directive, Germany was sent a reasoned opinion on 29 June 2007 in one case and referred to the Court on 22 November 2007 (case C-518/07, still pending) in another case.

¹ Taking into account only the instruments for which the deadlines for implementation or for entry into force had passed by the date of adoption of this Communication.

² Excluding correspondence, complaints and petitions to the European Parliament and to the Commission.

³ At the cut-off date of 31 March 2008.

⁴ This table uses the same classification/titles as provided for under the Hague Action Plan.

⁵ OJ L 281, 23.11.1995, p. 31.

⁶ First report on the implementation of the Data Protection Directive 95/46/EC - COM(2003) 265.

⁷ http://europa.eu.int/comm/justice_home/fsj/privacy/studies/index_en.htm.

⁸ Communication from the Commission to the European Parliament and the Council on the follow-up of the Work Programme for better implementation of the Data Protection Directive – COM(2007) 87 final.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
1.4. European strategy on drugs				
The Drugs Action Plan (2005-2008) in the framework of the EU Drugs Strategy 2005-2012	2008	Commission annual progress review on implementation of the Action Plan by all stakeholders (Member States, Commission, EMCDDA, Europol). The first progress review was presented in December 2006 followed by a progress review presented in December 2007 ⁹ . Final evaluation is due in 2008. ¹⁰	Not applicable in a legal sense, but there is consensus among the Member States to report to the Commission under the Action Plan. There are regular reporting activities from Member States to the Commission, the EMCDDA (through the Reitox network) and Europol.	The 2007 Progress Review reports on progress achieved by all stakeholders (Member States, Commission, EMCDDA, Europol) and on aspects to improve. In-depth analysis and proposal for the new Action Plan 2009-2012 will be available in the Final Evaluation in 2008.
Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. ¹¹	12 May 2006	A report from the Commission is due by 12 May 2009 under the Framework Decision, which should serve as a basis for the report from the Council, due by 12 November 2009.	Belgium, Czech Republic, Estonia, Greece, Spain, France, Lithuania, Luxembourg, Hungary, Netherlands, Austria, Poland, Portugal, Romania, Slovakia, Finland and Sweden have communicated their transposition measures. Bulgaria, Denmark, Germany, Ireland, Italy, Cyprus, Latvia, Malta, Slovenia and UK have not yet fulfilled their communication obligation.	The report on transposition is not yet available. Details will be provided in the Commission's report, due by 12 May 2009.

⁹ Communication from the Commission on the 2007 Progress Review of the implementation of the EU Action Plan on Drugs (2005-2008) – COM(2007) 781 final.

¹⁰ In addition, an annual matrix of EU drugs projects in third countries is established on the basis of which policy conclusions are adopted.

¹¹ OJ L 335, 11.11.2004, p. 8.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk assessment and control of new psychoactive substances. ¹²	21 May 2005	The EMCDDA and Europol must report annually to the European Parliament, the Council and the Commission on implementation of this Decision.	If the Council decides to submit a new psychoactive substance to control measures, Member States shall report the measures taken to the Council and the Commission.	The 2006 report from the EMCDDA and Europol analysed the first months of implementation. The 2007 Report reflected on the implementation of the instrument in 2006: 7 new substances were notified. The EMCDDA and Europol produced a Joint Report on one of them, called BZP. On 23 March 2007 the Council requested a risk assessment on psychoactive substance BZP to be carried out by the extended Scientific Committee of the EMCDDA. On 16 July 2007 the Commission decided on the basis of the evidence collected through the risk assessment procedure to propose to the Council to make the BZP subject to drug control measures and criminal provisions.
2. STRENGTHENING FREEDOM				
2.1. Citizenship of the Union				
Article 22 of the EC Treaty: reports from the Commission to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of Part Two of the Treaty on "citizenship of the Union"		Five Commission reports on Citizenship of the Union, dated 20.12.1993 ¹³ , 27.5.1997 ¹⁴ , 7.9.2001 ¹⁵ , 26.10.2004 ¹⁶ and 15.2.2008 (from 1.5.2004 to 30.6.2007) ¹⁷ .	Not applicable.	All Commission reports make the general point that on the whole the provisions of Part Two of the EC Treaty related to the rights of Union citizens are being applied correctly and without serious problems.

¹² OJ L 127, 20.5.2005, p. 32.

¹³ COM(1993) 702 final.

¹⁴ COM(1997) 230 final.

¹⁵ COM(2001) 506 final.

¹⁶ COM(2004) 695 final.

¹⁷ COM(2008) 85 final.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Directives 90/364 of 28 June 1990 ¹⁸ , 90/365 of 28 June 1990 ¹⁹ and 93/96 of 29 October 1993 ²⁰ on the right of residence of inactive persons, pensioners and students	<i>Expired²¹</i>	Two Commission reports were adopted on 17.3.1999 ²² (period 1992-1999) and 5.3.2003 ²³ (period 1999-2002). A third and last report was adopted by the Commission on 5.4.2006 ²⁴ (period 2003-2005).	All Member States have adopted and communicated national transposing measures.	Application is basically satisfactory, as the declining number of complaints received by the Commission shows. Nevertheless, there are still individual cases of non-compliance or incorrect application. The Commission referred Netherlands to the Court for non-compliance with the Directive 90/364 on 25 September 2006 (case C-2006/398). On 17 October 2007 the Commission decided to refer France to the Court for non-compliance with Directives 90/364, 90/365 and 93/96. Belgium was ruled against by the Court for non-compliance notably with Directive 90/364 on 23 March 2006 (case C-408/03). On 23 October 2007 the Commission sent a reasoned opinion under Article 228 EC Treaty non-compliance with the judgement of the Court.

¹⁸ OJ L 180, 13.7.1990, p. 26.

¹⁹ OJ L 180, 13.7.1990, p. 28.

²⁰ OJ L 317, 18.12.1993, p. 59.

²¹ The three Directives were repealed with effect from 30 April 2006 by Directive 2004/38/EC of 29 April 2004.

²² Report from the Commission to the Council and the European Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (right of residence) - COM(1999) 127.

²³ Second Commission report to the Council and Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (right of residence) - COM(2003) 101.

²⁴ Third Commission report to the Council and 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 – COM(2006) 156 final.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
<p>Directive 64/221 of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health²⁵; Directive 72/194 of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964²⁶; Directive 73/148 of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services²⁷; Directive 75/34 of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity²⁸; Directive 75/35 of 17 December 1974 extending the scope of Directive 64/221 to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity²⁹.</p>	<p>Expired³⁰</p>	<p>A Commission report on Directive 64/221 was adopted on 19 July 1999³¹.</p>	<p>Communication of measures transposing Directives 72/194, 73/148, 75/34, 75/35 and 64/221 is completed.</p>	<p>Application of these directives is basically satisfactory, as the declining number of complaints received by the Commission shows. Nevertheless, there are still individual cases of non-compliance or incorrect application.</p> <p>Netherlands was ruled against by the Court in two cases of incorrect application of Directive 64/221 in expulsion cases, on 7 June 2007 (joint cases C-2006/050). The Commission is examining the measures adopted by the Netherlands to comply with the judgement.</p> <p>Belgium was ruled against by the Court for non-compliance with Directive 64/221 and Directive 90/364 on 23 March 2006 (case C-2003/408). On 23 October 2007 the Commission sent a reasoned opinion under Article 228 EC Treaty for non-compliance with the judgement of the Court.</p> <p>On 17 October 2007 the Commission decided to refer France to the Court for non-compliance with the Directive 73/148.</p>

²⁵ OJ L 41, 1964, p. 850, English special edition Series I Chapter 1963-1964, p. 117.

²⁶ OJ L 121, 26.5.1972, p. 32, English special edition Series I Chapter 1972(II), p. 474.

²⁷ OJ L 172, 28.6.1973, p. 14.

²⁸ OJ L 14, 20.1.1975, p. 10.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Directive 2004/38 of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221, 68/360, 72/194, 73/148, 75/34, 75/35, 90/364, 90/365 and 93/96 ³²	Implementation due by 30 April 2006	Report from the Commission expected on 30 April 2008 under the Directive.	<p>Bulgaria, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Cyprus, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden have adopted and communicated national transposing measures.</p> <p>The Commission is examining national transposition measures communicated by Italy, Luxemburg and Malta³³.</p> <p>Belgium, Czech Republic and United Kingdom have partially fulfilled their obligation³⁴.</p>	

²⁹ OJ L 14, 20.1.1975, p. 14.

³⁰ The three Directives were repealed with effect from 30 April 2006 by Directive 2004/38/EC of 29 April 2004.

³¹ COM(1999) 372 final.

³² OJ L 158, 30.4.2004, p.77.

³³ Italy was sent a reasoned opinion for non-communication on 15 December 2006. The Commission decided to refer Malta to the Court for non-communication on 27 June 2007. Luxemburg was ruled against by the Court for non-communication on 13 December 2007 (case C-2007/294).

³⁴ Czech Republic was sent a reasoned opinion for non-communication on 15 December 2006. The Commission decided to refer Belgium to the Court for non-communication on 17 October 2007 and United Kingdom – on 27 June 2007.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
<p>Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals³⁵</p>	<p>Implementation due by 1 February 1994</p>	<p>Two Commission reports on its application were adopted on 7 January 1998³⁶ and on 18 December 2000³⁷. On 12 December 2006 the Commission adopted a third report: Communication on European elections 2004³⁸.</p>	<p>Communication of national measures is considered satisfactory.</p>	<p>The report of 2006 (on 2004 European elections) identifies general trends regarding participation in the European elections of 2004, on the basis of statistics supplied by the Member States. Whereas the general tendency is a drop in participation of European citizens in the European elections (45,6% in 2004, 49,8% in 1999 and 56,8% in 1994), an increase of participation of EU citizens living in another Member State than their State of origin was noted. Although more and more EU non-nationals are voting in elections fewer of them are standing as candidates: 62 in 1999 versus 57 in 2004 (of whom three were elected). The report identified two problems:</p> <ul style="list-style-type: none"> - the exchange of information between Member States before each election to prevent individuals from voting more than once or standing as candidates in more than one Member State; and - the requirement for non-national candidates to submit a certificate issued in their home Member State proving that they have not been disqualified from standing as a candidate when they file their candidacy in the Member State of residence. <p>In an effort to solve the problems identified in the report, the Commission has proposed to amend the Directive 93/109 by introducing measures that lighten the burden on candidates and Member States while providing the necessary guarantees against abuses³⁹.</p> <p>Implementation by the 12 new Member States is currently being assessed by the Commission.</p>

³⁵ OJ L 329, 30.12.1993, p. 34.

³⁶ COM(1997) 731.

³⁷ COM(2000) 843.

³⁸ Commission report on the participation of European Union citizens in the Member State of residence (Directive 93/109/EC) and on the electoral arrangements (Decision 76/787/EC as amended by Decision 2002/772/EC, Euratom) – COM(2006) 790 final.

³⁹ Proposal for a Council Directive amending Directive 93/109/EC of 6 December 1993 as regards certain detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals – COM(2006) 791 final.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Directive 94/80 of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals ⁴⁰	Implementation due by 1 January 1996	A Commission report was adopted on 30 May 2002 ⁴¹ , together with two reports, dated 22 November 1999 and 22 August 2005, on granting derogation pursuant to Article 19(1) of the EC Treaty, presented under Article 12(4) of Directive 94/80 ⁴² . A second Commission report is envisaged in 2009.	Communication of national measures can be considered satisfactory for the EU-25 Member States. Bulgaria has partially fulfilled its communication obligation. Romania has not yet fulfilled its communication obligation ⁴³ .	Legal implementation can be considered satisfactory for the 13 Member States covered by the report ⁴⁴ . Results in practice have not been so successful, since the proportion of non-national EU citizens entered on the electoral rolls is generally rather low. Implementation by the 12 new Member States is currently being assessed by the Commission.

⁴⁰ OJ L 368, 31.12.1994, p. 38. Directive as last amended by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003, p. 33).

⁴¹ COM(2002) 260.

⁴² COM(1999) 597 and COM(2005) 382.

⁴³ Bulgaria and Romania were sent a letter of formal notice on 20 April 2007.

⁴⁴ Luxemburg and Belgium benefit from derogations permitted under the Directive.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
2.2. Asylum, immigration, frontiers				
Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁴⁵	Entry into force: 17 January 2007	Two years after SIS II is brought into operation and every two years thereafter the Commission or, when it is established, the management authority is to produce a report on the technical functioning of SIS II and the communication infrastructure. Three years after SIS II is brought into operation and every four years thereafter, the Commission is to produce a report on an overall evaluation of SIS II.	Not applicable.	
Council Decision 2007/533/JHA of 12 th June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)	Entry into force: 2nd July 2007		Not applicable.	

⁴⁵ OJ L 381, 28.12.2006, p. 4. This Regulation, as well as Regulation 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1) form a package with a Decision that is due to be adopted in 2007 (COM(2005) 230 final).

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
2.3. Common European Asylum System				
Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of the Dublin Convention ⁴⁶	<i>Entry into force: 15 December 2000</i>	Annual Commission reports were adopted on 5 May 2004 ⁴⁷ , 20 June 2005 ⁴⁸ , 15 September 2006 ⁴⁹ and 11 September 2007 ⁵⁰ .	Not applicable.	The Commission reports show very satisfactory results on the activities of EURODAC, although certain difficulties were detected on a case-by-case basis, such as excessive delay for the transmission of data to the EURODAC Central Unit, low quality of data sent by some Member States or proper respect of data protection rules.
Council Directive 2001/55 of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof ⁵¹	<i>Implementation due by 31 December 2002</i>	A Commission report was due by 31 December 2004, but because of its specific nature this Directive has not been applied and no report has been drafted.	All Member States have adopted and communicated national transposing measures ⁵² .	
Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers ⁵³	<i>Implementation due by 6 February 2005</i>	A report from the Commission was adopted on 26 November 2007 ⁵⁴ .	All Member States have adopted and communicated national transposing measures ⁵⁵ .	According to the Commission's Report, overall, the Directive has been transposed satisfactorily in the majority of Member States. Only a few horizontal issues of incorrect transposition or misapplication of the Directive are highlighted.

⁴⁶ OJ L 316, 15.12.2000, p. 1.

⁴⁷ SEC(2004) 557.

⁴⁸ SEC(2005) 839.

⁴⁹ SEC(2006) 1170.

⁵⁰ SEC(2007) 1184.

⁵¹ OJ L 212, 7.8.2001, p. 12.

⁵² Denmark and Ireland are not bound by this Directive.

⁵³ OJ L 31, 6.2.2003, p. 18.

⁵⁴ Report from the Commission to the Council and to the European Parliament on the application of Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers – COM(2007) 745 final.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ⁵⁶	Entry into force: 17 March 2003	An evaluation report was adopted on 6 June 2007 ⁵⁷ .	Not applicable.	According to the Commission's Report, overall, the objectives of the Dublin system, notably to establish a clear and workable mechanism for determining responsibility for asylum applications, have to a large extent been achieved. Owing to the lack of precise data it was not possible to evaluate the cost of Dublin system. Nevertheless some concerns remain, both on the practical application and the effectiveness of the system.
Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ⁵⁸	Implementation and communication due by 10 October 2006	A Commission report will be presented by 10 April 2008. After the first report the Commission has a reporting obligation every five years.	Belgium, Czech Republic, Germany, Estonia, Ireland, France, Latvia, Lithuania, Luxembourg, Austria, Romania, Slovakia and Slovenia have adopted and communicated national transposing measures ⁵⁹ . The Commission is examining national transposition measures communicated by Bulgaria, Cyprus and Italy and Hungary. Sweden and UK have partially fulfilled their obligation. Greece, Spain, Malta, Netherlands, Poland, Portugal and Finland have not yet fulfilled their obligation ⁶⁰ .	

⁵⁵ Denmark and Ireland are not bound by this Directive.

⁵⁶ OJ L 50, 25.2.2003, p. 1.

⁵⁷ Report from the Commission to the European Parliament and the Council on the evaluation of the Dublin system – COM(2007) 299 final.

⁵⁸ OJ L 304, 30.9.2004, p. 12.

⁵⁹ Denmark is not bound by this Directive.

⁶⁰ Greece, Spain, Hungary, Malta, Netherlands, Poland, Portugal, Finland, Sweden and UK were sent a reasoned opinion on 29 June 2007.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status ⁶¹	Implementation and communication due by 1 December 2007	A Commission report will be presented by 1 December 2009. After the first report the Commission has a reporting obligation every two years.	The Commission is examining national transposition measures communicated by Bulgaria, Czech Republic, Germany, Italy, Latvia, Luxemburg, Hungary, Netherlands, Austria, Romania, Slovenia, Slovakia and UK ⁶² . Belgium, Estonia, France, Lithuania and Sweden have partially fulfilled their obligation. Ireland, Greece, Spain, Cyprus, Malta, Poland, Portugal and Finland have not yet fulfilled their obligation ⁶³ .	
2.4. Legal Migration Including Admission Procedures				
Council Directive 2003/86 of 22 September 2003 on the right to family reunification ⁶⁴	Implementation and communication due by 3 October 2005	First report from the Commission was due on 3 October 2007 under the Directive. Publication of the report had to be postponed due to late transposition of the Directive by Member States.	Belgium, Czech Republic, Germany, Estonia, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden have adopted and communicated national transposing measures ⁶⁵ . The Commission is examining national transposition measures communicated by Bulgaria and Romania. Luxembourg ⁶⁶ has not yet fulfilled its obligation.	

⁶¹ OJ L 326, 13.12.2005, p.13.

⁶² Denmark is not bound by this Directive.

⁶³ Belgium, Estonia, Ireland, Greece, Spain, France, Cyprus, Lithuania, Malta, Portugal and Finland were sent letters of formal notice on 29 January 2008 and Poland – on 31 January 2008.

⁶⁴ OJ L 251, 3.10.2003, p. 12.

⁶⁵ Denmark, Ireland and UK are not bound by this Directive.

⁶⁶ Luxemburg was ruled against by the Court for non-communication on 6 December 2007 (case C-2007/057) and has not yet complied with the judgment.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Directive 2003/109 of 25 November 2003 concerning the status of third-country nationals who are long-term residents ⁶⁷	Implementation and communication by 23 January 2006	Report from the Commission due by 23 January 2011 under the Directive.	Bulgaria, Czech Republic, Germany, Estonia, Greece, France, Italy, Cyprus, Latvia, Lithuania, Hungary, Malta, Netherlands, Austria, Poland, Romania, Slovenia, Slovakia, Finland and Sweden have adopted and communicated national transposing measures ⁶⁸ . The Commission is examining national transposition measures communicated by Portugal ⁶⁹ . Belgium ⁷⁰ has partially fulfilled their obligation. Spain ⁷¹ and Luxembourg ⁷² have not yet fulfilled their obligation.	

⁶⁷ OJ L 16, 23.1.2004, p. 44.

⁶⁸ Denmark, Ireland and UK are not bound by this Directive.

⁶⁹ Portugal was ruled against by the Court for non-communication on 27 September 2007 (case C-2007/005).

⁷⁰ Belgium was sent a reasoned opinion for non-communication on 15 December 2006.

⁷¹ Spain was ruled against by the Court for non-communication on 15 November 2007 (case C-2007/059) and has not yet complied with the judgment.

⁷² Luxemburg was ruled against by the Court for non-communication on 29 November 2007 (case C-2007/034) and has not yet complied with the judgment.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Directive 2004/114 of 13 December 2004 on the conditions of admission of third-country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service ⁷³	Implementation and communication by 11 January 2007.	A Commission report will be presented by 12 January 2010. After the first report the Commission has a periodical reporting obligation.	Belgium, Bulgaria, Czech Republic, Germany, France, Italy, Cyprus, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Portugal, Romania Slovenia, Finland and Sweden have adopted and communicated national transposing measures ⁷⁴ . The Commission is examining national transposition measures communicated by Estonia, Malta and Slovakia. Greece, Spain and Luxemburg have not yet fulfilled their obligation ⁷⁵ .	
Council Directive 2004/81 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities ⁷⁶	Implementation and communication by 5 August 2006.	A Commission report will be presented by 6 August 2008. After the first report the Commission has a reporting obligation every three years.	Belgium, Bulgaria, Germany, Estonia, Greece, France, Italy, Cyprus, Latvia, Lithuania, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden have adopted and communicated national transposing measures ⁷⁷ . The Commission is examining national transposition measures communicated by Czech Republic. Spain and Luxemburg have not yet fulfilled their obligation ⁷⁸ .	

⁷³ OJ L 375, 23.12.2004, p. 12.

⁷⁴ Denmark, Ireland and UK are not bound by this Directive.

⁷⁵ Estonia, Spain and Slovakia were sent letters of formal notice on 20 April 2007. Greece and Luxemburg were sent a reasoned opinion on 29 February 2008.

⁷⁶ OJ L 261, 6.8.2004, p. 19.

⁷⁷ Denmark, Ireland and UK are not bound by this Directive.

⁷⁸ Spain and Luxemburg were sent a reasoned opinion on 29 June 2007.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research ⁷⁹	Implementation and communication due by 12 October 2007	A Commission report is due to be presented by 13 December 2008.	The Commission is examining national transposition measures communicated by Belgium, Bulgaria, Czech Republic, Germany, Estonia, Ireland, France, Italy, Hungary, Malta, Netherlands, Austria, Poland, Portugal and Romania ⁸⁰ . Latvia, Lithuania and Slovakia have partially fulfilled their obligation. Greece, Spain, Cyprus, Luxemburg, Slovenia, Finland and Sweden have not yet fulfilled their obligation ⁸¹ .	

2.6. Fight Against Illegal Immigration

Council Directive 2001/40 of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals ⁸²	Implementation and communication due by 2 December 2002	No report provided for under the Directive.	All the EU-15 Member States ⁸³ have adopted and communicated national transposing measures.	
Council Directive 2001/51 of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 ⁸⁴	Implementation and communication due by 11 February 2003	No report provided for under the Directive.	All EU-25 Member States have adopted and communicated national transposing measures ⁸⁵ .	

⁷⁹ OJ L 289, 3.11.2005, p.15

⁸⁰ Denmark and UK are not bound by this Directive.

⁸¹ Greece, Spain, France, Cyprus, Latvia, Lithuania, Luxemburg, Slovenia, Slovakia, Finland and Sweden were sent letters of formal notice on 27 November 2007.

⁸² OJ L 149, 2.6.2001, p. 34.

⁸³ The EU-12 "new" Member States are not bound to transpose Directive 2001/40/EC before the date when the Schengen *acquis* will fully apply to them.

⁸⁴ OJ L 187, 10.7.2001, p. 45.

⁸⁵ Denmark and Ireland are not bound by this Directive.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Directive 2002/90 of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence ⁸⁶	Implementation and communication due by 5 December 2004	No report provided for under the Directive. Evaluation of impact, possible shortcomings and recast have been announced by the Commission ⁸⁷ .	All Member States have adopted and communicated national transposing measures ⁸⁸ .	
Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air ⁸⁹	Implementation and communication due by 6 December 2005	No report provided for under the Directive.	Czech Republic, Germany, Estonia, Greece, France, Italy, Cyprus, Malta, Latvia, Lithuania, Luxembourg, Hungary, Netherland, Austria, Poland, Romania, Slovenia, Slovakia, Finland and Sweden and have adopted and communicated national transposing measures ⁹⁰ . The Commission is examining national transposition measures communicated by Bulgaria and Portugal ⁹¹ . Belgium ⁹² has partially fulfilled its obligation. Spain ⁹³ has not yet fulfilled its obligation.	

⁸⁶ OJ L 328, 5.12.2002, p. 17.

⁸⁷ Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals – COM(2006) 402 final.

⁸⁸ Denmark and Ireland are not bound by this Directive.

⁸⁹ OJ L 321, 6.12.2003, p. 26.

⁹⁰ Denmark, Ireland and UK are not bound by this Directive.

⁹¹ Portugal was ruled against by the Court for non-communication on 27 September 2007 (case C-2007/004) and has communicated national transposition measures to comply with the judgement.

⁹² Belgium was ruled against by the Court for non-communication on 8 November 2007 (case C-2007/003) and has not yet complied with the judgment.

⁹³ Spain was ruled against by the Court for non-communication on 14 February 2008 (case C-2007/058) and has not yet complied with the judgment.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data ⁹⁴	Implementation and communication due by 5 September 2006	No reporting obligation under the Directive.	Belgium, Bulgaria, Czech Republic, Germany, Ireland, Estonia, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and UK have adopted and communicated national transposing measures ⁹⁵ . Greece and Poland have not yet fulfilled their obligation ⁹⁶ .	

3. STRENGTHENING SECURITY

3.2. TERRORISM⁹⁷

Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences ⁹⁸	Implementation due by 30 June 2006	No report provided for under the Decision.	Not applicable: there is no obligation to communicate national measures under the Decision.	Not known: no data available (no reports, no infringement procedures possible).
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⁹⁴ OJ L 261, 6.8.2004, p. 24.

⁹⁵ Denmark is not bound by this Directive.

⁹⁶ Greece was sent a letter of formal notice on 27 November 2006 and Poland was sent a reasoned opinion on 28 March 2007.

⁹⁷ Other legislative instruments relevant to the fight against terrorism are examined in section 4.2 “Judicial cooperation in criminal matters” (such as the Framework Decision on terrorism and the European arrest warrant).

⁹⁸ OJ L 253, 29.9.2005, p. 22. Council Decision 2005/671/JHA repealed Council Decision 2003/48/JHA of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP (OJ L 16, 22.1.2003, p. 68).

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
3.3. Prevention of and Fight Against Organised Crime				
Joint Action of 21 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union ⁹⁹	29 December 1998	No report provided for under the Joint Action.	Not applicable: there is no obligation to communicate national measures under the Joint Action.	Not known: no data available (no reports, no infringement procedures possible).
Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (2000/642/JHA) ¹⁰⁰	17 October 2003	Under the Decision only the Council has a reporting obligation (the deadline was 17 October 2004), but the Council asked the Commission to prepare a report, which was adopted on 20 December 2007 ¹⁰¹ .	Not applicable, but on 24 May 2006 the Commission asked Member States to communicate transposition measures ¹⁰² . 26 Member States have communicated their transposition measures. Ireland sent an interim reply to date. Some replies were fairly incomplete.	Member States can be largely considered as <i>legally</i> compliant with most of the key requirements of the Decision. However, there seems to be lack of clarity about the applicable legal framework on financial intelligence units related data protection issues. Also, more needs to be done in terms of operational cooperation among EU financial intelligence units.

⁹⁹ OJ L 351, 29.12.1998, p. 1. On 19 January 2005 the Commission presented a proposal for a Council Framework Decision on the fight against organised crime [COM(2005) 6] aimed at repealing the Joint Action. The Council reached a political agreement on this draft Framework Decision on 27 April 2006.

¹⁰⁰ OJ L 271, 24.10.2000, p. 4.

¹⁰¹ Report from the Commission on the implementation of the Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (2000/642/JHA) - COM(2007) 827 final.

¹⁰² Bulgaria and Romania were requested to do so by letter of 24 January 2007.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
3.4. Police and customs cooperation				
Convention of 18 December 1997 on Mutual Assistance and Cooperation between customs administrations: (Naples II-Convention) ¹⁰³	Subject to adoption by the Member States in accordance with their respective constitutional requirements. The Convention has been ratified by all Member States except Italy so far.	In 2004, a project group evaluated the implementation of Naples II-Convention. An update of that evaluation is ongoing by means of a new project group, under Germany's leadership and ISEC funding. The report to be submitted by mid 2008 should analyse the importance of assistance between customs administrations pursuant to the Naples II-Convention for the cooperation referred to in Title VI of the EU Treaty. The report should also indicate what practical, political and legal procedures are required to ensure that the best possible use is made of the Naples II instruments.	Not applicable: there is no obligation to communicate national measures under the Convention.	The Convention has still not been fully implemented.

¹⁰³ OJ C 24, 23.1.1998, p. 1.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol ¹⁰⁴	Implementation due by December 2005	The Commission's first report on the operation of Council Common Position was adopted on 21 April 2006 ¹⁰⁵ . It should be followed by a Council report. A second report from the Commission is planned for the 2nd quarter 2008.	Denmark, France, Ireland, Sweden, Cyprus, Hungary and Malta did not answer the questionnaire that was sent out by the Commission in order to gather information to be provided by the Member States according to Article 4 of the Council Common Position. Greece answered too late (June 2006).	According to the Commission report, the general level of transposition is still incomplete and further efforts are required on the part of the Member States, but a majority have largely entered into the spirit of the Common Position, mainly by feeding the Interpol STD database ¹⁰⁶ .

¹⁰⁴ Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).

¹⁰⁵ COM(2006) 167 final and SEC (2006) 502.

¹⁰⁶ According to November 2005 figures from Interpol provided by the report, the number of data supplied from EU Member States to Interpol has risen from about 4.5 million to about 6.4 million.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
3.5. Management of crisis within the European Union				
4. STRENGTHENING JUSTICE				
4.2. Judicial cooperation in criminal matters				
<ul style="list-style-type: none"> • Mutual recognition principle 				

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) ¹⁰⁷	Implementation due by 31 December 2003	<p>Reports from the Commission of 23 February 2005¹⁰⁸ and of 24 January 2006 (revised version concerning Italian legislation)¹⁰⁹. An updating report was adopted on 11 July 2007¹¹⁰.</p> <p>A round of mutual evaluations (peer review) on practical implementation of the European arrest warrant, based on the Joint Action of 5 December 1997, was launched by the Council in 2005 and is conducted in the 25 Member States from 2006 to 2009. In mid-2007 the Council published a report summarising the key findings in the first 10 Member States visited.</p>	All Member States have communicated their implementing measures.	<p>Despite an initial delay of up to 16 months (Italy) and hiccups caused by constitutional difficulties in at least two Member States (Germany during part of 2005 and 2006, Cyprus), the implementation of the Framework Decision has been a success. The European arrest warrant has been operational throughout all the Member States including Bulgaria and Romania since 1 January 2007.</p> <p>Although the need for certain improvements in transposition became apparent in 2005, these correction remain peripheral to the process. The list of those Member States which need to make an effort to comply fully with the Framework Decision is still a long one.</p>

¹⁰⁷ OJ L 190, 18.7.2002, p. 1.

¹⁰⁸ Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - COM(2005) 63 and SEC(2005) 267.

¹⁰⁹ Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (revised version) - COM(2006) 8 final and SEC(2006) 79.

¹¹⁰ Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - COM(2007) 407 final and SEC(2007) 979.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence ¹¹¹	Implementation due by 2 August 2005	A report from the Commission has been postponed to 2008. According to the Framework Decision, the report from the Council, based on the Commission's report, was due by 2 August 2006 but slow implementation by the Member States held the report up.	Belgium, Bulgaria, Czech Republic, Denmark, Spain, France, Lithuania, Hungary, Netherlands, Austria, Poland, Slovak Republic, Finland and Sweden have communicated their transposition measures. Estonia, Latvia, Cyprus, Slovenia and UK have partially fulfilled their communication obligation. Germany, Greece, Ireland, Italy, Luxembourg, Malta, Portugal and Romania have not yet fulfilled their communication obligation.	Since the date of implementation (2 August 2005), not enough information on legal transposition has been available. The Commission's report is now expected in 4th quarter of 2008.
Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties ¹¹²	Implementation due by 22 March 2007	The Council was to assess the extent to which Member States have complied with this Framework Decision by 22 March 2008, on the basis of a report established by the Commission, expected in 2008.	Only Denmark, France, Hungary, the Netherlands, Austria, Romania and Finland have communicated their transposition measures. No further information is available yet.	

¹¹¹ OJ L 196, 2.8.2003, p. 45.

¹¹² OJ L 076, 22.3.2005, p. 16.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
• Approximation				
Convention on the protection of the European Communities' financial interests (PFI) of 26 July 1995 ¹¹³ and its protocols ¹¹⁴	The PFI Convention, the 1st Protocol and the ECJ Protocol entered into force on 17 October 2002 following ratification by the then 15 Member States ¹¹⁵ . Ratification of the 2nd Protocol by Italy is still awaited ¹¹⁶ .	The Commission took the initiative of adopting a report, on 25 October 2004, on implementation by Member States of the Convention on the protection of the European Communities' financial interests and its protocols ¹¹⁷ . On 14 February 2008 the Commission adopted a second report on the implementation of the Convention and its protocols ¹¹⁸ .	All EU-15 Member States, as well as Bulgaria, Estonia, Cyprus, Latvia, Lithuania, Romania, Slovenia and Slovakia, have fulfilled their obligation to transmit to the Commission, in accordance with Article 10 of the PFI Convention (as also referred to in Article 7(2) of the 1st Protocol and Article 12(1) of the 2nd Protocol), the texts of the provisions transposing into domestic law the obligations imposed on Member States under the PFI instruments by Member States.	According to the first report, although the level of effective criminal-law protection of the EC's financial interests has increased, gaps and loopholes in the law which allow offences to go unpunished remain possible. The second report reflects the state of play of transposition in the EU-15 Member States in the light of conclusions of the previous report as well as with regard to the EU-12 Member States. Notwithstanding some progress which was achieved since 2004 there are still considerable deficits and shortcomings in criminal law protection of the Community's financial interests, delays in ratification and incorrect implementation.

¹¹³ OJ C 316, 27.11.1995, p. 49.

¹¹⁴ Protocol to the Convention on the protection of the European Communities' financial interests of 27 September 1996 (OJ C 313, 23.10.1996, p. 2); protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests of 29 November 1996 (OJ C 151, 20.5.1997, p. 2); and second protocol to the Convention on the protection of the European Communities' financial interests of 19 June 1997 (OJ C 221, 19.7.1997, p. 12).

¹¹⁵ The Convention, the 1st Protocol and the ECJ Protocol have also entered into force for Bulgaria, Estonia, Cyprus, Latvia, Lithuania, Romania, Slovenia and Slovakia, while the ECJ Protocol – for Cyprus, Latvia, Lithuania and Slovakia.

¹¹⁶ In addition to the EU-15 Member States, Estonia, Cyprus, Latvia, Lithuania and Slovakia have also ratified the 2nd Protocol.

¹¹⁷ COM(2004) 709 and SEC(2004) 1299.

¹¹⁸ COM(2008) 77 final and SEC(2008) 188.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (2000/383/JHA) ¹¹⁹	Implementation due by 31 December 2000 (Article 5a) and 29 May 2001 (other Articles) ¹²⁰	Two Commission reports, dated 13 December 2001 ¹²¹ and 3 September 2003 ¹²² , served as a basis for the Council reports, the latest one being dated 25 October 2004 ¹²³ . The third report from the Commission was adopted on 17 September 2007 ¹²⁴ .	By now all Member States have finally provided the information to the Commission.	The third report looks at the state of play of transposition of the Framework Decision in the 15 Member States in the light of the conclusions of the second report, as well as at the legislative situation in the 12 "new" Member States. According to the third report the transposition of the FD is estimated to be satisfactory overall, despite some failures to transpose. The offences and penalties proposed in the Framework Decision have indeed been incorporated into the Member States' legislation. The euro is therefore protected by the efficient and effective measures called for by the Framework Decision. The Framework Decision has therefore achieved its objective.

¹¹⁹ OJ L 140, 14.6.2000, p. 1. Amended by the Council Framework Decision of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (2001/888/JAI) - OJ L 329, 14.12.2001, p. 3.

¹²⁰ 31 December 2002 for the Council Framework Decision of 6 December 2001.

¹²¹ Report from the Commission based on Article 11 of the Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro - COM(2001) 771, 13.12.2001 and SEC(2001) 1999.

¹²² Second Commission report based on Article 11 of the Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro - COM(2003) 532, 3.9.2003 and SEC(2003) 936. This report does not cover the new Article 9a of the Framework Decision on recognition of previous convictions, as inserted by Council Framework Decision 2001/888/JHA of 6 December 2001. The Member States had provided no data on this subject by the date of this report.

¹²³ DROIPEN 25, rev.2.

¹²⁴ Third report from the Commission based on Article 11 of the Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro - COM(2007) 524, 17.9.2007 and SEC(2007) 1158.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) ¹²⁵	Implementation due by 22 March 2002, 22 March 2004 (Articles 5 and 6) and 22 March 2006 (Article 10)	<p>The Commission's first report on implementation of all the Articles (except Articles 5, 6 and 10) was adopted on 16 February 2004¹²⁶. The Council report, dated 24 February 2005¹²⁷, endorses in substance the Commission's conclusions.</p> <p>A supplementary report is planned for the EU-10 Member States. The second report (on the implementation of Articles 5 and 6), due in the last quarter of 2004, was not completed in time due to delays in answers from the Member States.</p> <p>A third report on Article 10, for which the deadline for transposition is 22 March 2006, should also be adopted. The Commission plans to present a single report combining these two reports in 2008.</p>	<p>Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Italy, Lithuania, Luxembourg, Hungary, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and United Kingdom have communicated their transposition measures. Greece, Cyprus, Latvia and Malta, and have not fulfilled their communication obligation.</p>	<p>The Commission has made a concerted effort to obtain all outstanding information concerning transposition of this Framework Decision. One consolidated report will now be prepared showing the state of transposition for all Member States for all articles (replacing the planned three stage reports). This report will be adopted 3rd quarter 2008.</p>

¹²⁵ OJ L 82, 22.3.2001, p. 1.

¹²⁶ Report from the Commission on the basis of Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings of 16 February 2004 - COM(2004) 54 final/2 and SEC(2004) 102.

¹²⁷ COPEN 137, REV 2.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision of 28 May 2001 on combating fraud and counterfeiting of non-cash means of payment (2001/413/JHA) ¹²⁸	Implementation due by 2 June 2003	The report from the Commission of 30 April 2004 ¹²⁹ served as a basis for the Council's report of 25 October 2004 ¹³⁰ . The Commission adopted a second report on 20 February 2006 ¹³¹ .	Greece, Luxembourg¹³², Cyprus¹³³, Estonia, Hungary, Malta and Slovenia had not yet fully fulfilled their communication obligation.	The second Commission report showed that most of the Member States which had communicated their national transposition measures to the Commission were complying explicitly or, in some cases, implicitly with the Framework Decision.
Council Framework Decision of 26 June 2001 relating to money laundering, the identification, tracing, freezing or seizing and confiscation of the instrumentalities and proceeds from crime (2001/500/JHA) ¹³⁴	Implementation due by 31 December 2002	The report from the Commission of 5 April 2004 ¹³⁵ served as a basis for the report from the Council dated 25 October 2004 ¹³⁶ . A second report was released on 21 February 2006 ¹³⁷ . It focused on transposition in the 10 new EU Member States. Further details are given in the regular review of implementation of the Action Plan to combat terrorism ¹³⁸ .	At the date of adoption of the Commission's second report, all EU Member States had communicated their transposition measures, with the exception of Malta¹³⁹ .	The latest Commission report showed that overall transposition is satisfactory in the 24 Member States assessed. Nevertheless, no further information gave any reason to revise the unfavourable assessment in the first report concerning Luxembourg . Communication transmitted by Greece are to be evaluated. Minor flaws also seem to exist in Austria, Hungary and Latvia.

¹²⁸ OJ L 149, 2.6.2001, p. 1.

¹²⁹ COM(2004) 346 and SEC(2004) 532.

¹³⁰ DROIPEN 38, rev.2.

¹³¹ COM(2006) 65 and SEC(2006) 188.

¹³² Greece and Luxemburg reported that their transposition legislation is before their Parliament.

¹³³ Cyprus has not given the Commission adequate information for a full evaluation of the conformity of its legislation with the Framework Decision.

¹³⁴ OJ L 182, 5.7.2001, p. 1.

¹³⁵ COM(2004) 230 and SEC(2004) 383.

¹³⁶ DROIPEN 24, REV 2.

¹³⁷ COM(2006) 72 and SEC(2006) 219.

¹³⁸ Last version dated 24 May 2006, SEC(2006) 686.

¹³⁹ The information provided by Greece was incomplete but Greece fulfilled its communication obligation in August 2006.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA) ¹⁴⁰	Implementation due by 31 December 2002	The first report from the Commission of 8 June 2004 ¹⁴¹ served as a basis for the Council's report dated 25 October 2004 ¹⁴² . The second report from the Commission was adopted on 6 November 2007 ¹⁴³ .	At the current stage, all Member States have communicated their transposition measures, although they are not always complete.	Most Member States evaluated for the first time have satisfactory achieved implementation of the main provisions contained in the Framework Decision. Nevertheless, some major issues stand out. Concerning the Member States evaluated for the second time, the additional information they have sent has allowed the Commission to generally conclude that there is a higher level of compliance. However, most of the main deficiencies identified in the first evaluation report remain unchanged.
Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA) ¹⁴⁴	Implementation due by 1 August 2004	A report from the Commission's based on Article 10 of the Council Framework Decision was adopted on 2 May 2006 ¹⁴⁵ . The report from the Council, based on the Commission's report, was due on 1 August 2005.	Luxembourg¹⁴⁶, Portugal, Lithuania and Ireland have not yet fulfilled their communication obligation.	Subject to the missing notifications from four Member States, the Commission report suggests that the general level of implementation is quite satisfactory, although some improvements are still needed on some provisions.

¹⁴⁰ OJ L 164, 22.6.2002, p. 3.

¹⁴¹ Report from the Commission based on Article 11 of the Council Framework Decision of 13 June 2002 on combating terrorism - COM(2004) 409, 8.6.2004 and SEC(2004) 688.

¹⁴² DROIPEN 40, rev.2.

¹⁴³ Report from the Commission based on Article 11 of the Council Framework Decision of 13 June 2002 on combating terrorism - COM(2007) 681 final, 6.11.2007 and SEC(2007) 1463.

¹⁴⁴ OJ L 203, 1.8.2002, p. 1.

¹⁴⁵ COM(2006) 187 final and SEC(2006) 525.

¹⁴⁶ Luxemburg stated that it was awaiting finalisation of the discussion within the Council of Europe before implementing the Framework Decision.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (2002/946/JHA) ¹⁴⁷	Implementation due by 5 December 2004	A report from the Commission based on Article 9 of the Council Framework Decision was adopted on 6 December 2006 ¹⁴⁸ . Evaluation of impact, possible shortcomings and recast has been announced ¹⁴⁹ .	Greece, Cyprus, Luxembourg, Austria and Portugal have not yet fulfilled their communication obligation. Estonia, Spain, Malta and Sweden have only partially fulfilled their communication obligation.	According to the Commission's report, not all Member States have transmitted to the Commission in a timely manner all the relevant texts of their implementing provisions. Further evaluation on the basis of more reliable information may be necessary.
Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector ¹⁵⁰	Implementation due by 22 July 2005	A report from the Commission was adopted on 18 June 2007 ¹⁵¹ . According to the Framework Decision, the report from the Council, to be based on the Commission's report, was due by 22 October 2005.	Belgium, France, Italy, Luxemburg, Hungary, Austria, Portugal, Slovenia, Slovakia, Finland, Sweden and UK have communicated their transposition measures. Greece, Spain, Cyprus and Malta have not yet fulfilled their communication obligation ¹⁵² . Czech Republic has only communicated draft legislation.	20 Member States have provided the Commission with transposition commentaries and legislation. No Member State can be considered to have fully implemented the Framework Decision. In particular the Articles 2 and 7 are poorly implemented. The Commission has in its report expressed its concern regarding the fact that the transposition of the Framework Decision is still at an early stage among Member States.

¹⁴⁷ OJ L 328, 5.12.2002, p. 1.

¹⁴⁸ Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence: COM(2006) 770 final, 6.12.2006 and SEC(2006) 1591.

¹⁴⁹ COM(2006) 402 final.

¹⁵⁰ OJ L 192, 31.7.2003, p. 54.

¹⁵¹ COM(2007) 328 final and SEC/2007/808.

¹⁵² Although Greece and Spain have indicated that legislation is being prepared.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography ¹⁵³	Implementation due by 20 January 2006	A report from the Commission was adopted on 16 November 2007 ¹⁵⁴ . The report from the Council, based on the Commission's report, is due in 2008.	Belgium, Czech Republic, Denmark, Germany, Estonia, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Netherlands, Austria, Poland, Slovakia, Slovenia, Finland, Sweden and UK have communicated their transposition measures. Greece, Malta and Portugal have not yet fulfilled their communication obligation.	According to the Commission's Report, the requirements set out in the Framework Decision have been met by almost all of the Member States. However, full information has not been received on many points, and it is in particular not possible to provide a precise assessment of the range of exemption from criminal liability concerning some types of child pornography.
Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property ¹⁵⁵	Implementation due by 15 March 2007	The Council is to assess the extent to which Member States have complied with this Framework Decision by 15 June 2007, on the basis of a report established by the Commission. A report from the Commission was adopted on 12 December 2007 ¹⁵⁶ .	Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, France, Ireland, Lithuania, Hungary, Malta, Netherlands, Poland, Romania, Finland and Sweden have communicated their transposition measures. Greece, Spain, Italy, Cyprus, Latvia, Luxemburg, Austria, Portugal, Slovenia, Slovakia and UK have not yet fulfilled their communication obligation.	Ten of the Member States have in principle transposed the Framework Decision, while six Member States (Bulgaria, Ireland, Lithuania, Malta, Romania and Sweden) have transposed it in part.

¹⁵³ OJ L 13, 20.1.2004, p. 44.

¹⁵⁴ Report from the Commission based on Article 12 of the Council Framework Decision of 22 December 2003 on combating the sexual exploitation of children and child pornography - COM(2007) 716 final.

¹⁵⁵ OL L 068, 15.3.2005, p. 49.

¹⁵⁶ Report from the Commission pursuant to Article 6 of the Council Framework Decision of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property (2005/212/JHA) - (COM(2007) 805 final).

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems ¹⁵⁷	Implementation due by 16 March 2007	The Council is to assess the extent to which Member States have complied with this Framework Decision by 16 September 2007, on the basis of a report established by the Commission. A report from the Commission has been postponed to the 2 nd quarter 2008.	Belgium, Czech Republic, Denmark, Germany, Lithuania, Latvia, Luxemburg, Hungary, Netherlands, Austria, Portugal, Slovenia, Finland and Sweden have communicated their transposition measures. Spain, Ireland, Italy, Cyprus, Malta, Poland, Romania, Slovakia and UK have not yet fulfilled their communication obligation.	
• Other instruments in the field of judicial cooperation in criminal matters				
Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams ¹⁵⁸	Implementation due by 1 January 2003	The Commission adopted a report on 7 January 2005 ¹⁵⁹ , which should serve as a basis for the Council's report. Further details are given in the regular review of implementation of the Action Plan to combat terrorism ¹⁶⁰ .	After the adoption of the Commission's report, Belgium, Czech Republic, Ireland, Cyprus, Poland and Slovakia communicated national transposing measures. Lithuania and Hungary sent further legislation. Greece, Italy and Luxembourg informed that draft bill were to be discussed.	Legal implementation of the Framework Decision is very unsatisfactory. At the date of adoption of the Commission's report ¹⁶¹ , Spain was the only Member State fully complying (the remaining then 24 EU Member States were not). The other legislation assessed by the Commission in its report has been considered as not, or not fully, compliant with the Framework Decision.

¹⁵⁷ OJ L 069, 16.3.2005, p. 67.

¹⁵⁸ OJ L 162, 20.6.2002, p. 1.

¹⁵⁹ Report from the Commission on national measures taken to comply with the Council Framework Decision of 13 June 2002 on Joint Investigation Teams: COM(2004) 858, 7.1.2005 and SEC(2004) 1725 – mentioned in OJ C 64, 16.3.2005.

¹⁶⁰ Last version dated 24 May 2006, SEC(2006) 686.

¹⁶¹ Required information was forwarded by Denmark, Germany, Spain, France, Latvia, Lithuania, Hungary, Malta, Netherlands, Austria, Portugal, Finland, Sweden and UK.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application

• Eurojust

Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA) ¹⁶²	Implementation and communication are due by 6 September 2003	A report from the Commission, although not provided for under the Decision, was adopted on 6 July 2004 ¹⁶³ . A Communication from the Commission and the Parliament on the future of Eurojust, comprising the second report and proposals for strengthening Eurojust and its relationship with the European Judicial Network was adopted on 23 October 2007 ¹⁶⁴ .	Not applicable: there is no obligation to communicate national measures under the Decision.	According to the Communication, the implementation of the Eurojust Decision by Member States is uneven. Some Member States have amended their legislation, others have not. There are significant differences in the status of national members regarding e.g. the term of office of national members and the powers that Member States have conferred on them. These differences hamper Eurojust to operate as efficiently as possible and to use its full potential.
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¹⁶² OJ L 63, 6.3.2002, p. 1.

¹⁶³ Report from the Commission on the Legal Transposition of the Council Decision of 28 February 2002 setting up Eurojust with a view to Reinforcing the Fight Against Serious Crime: COM(2004) 457 and SEC(2004) 884 – mentioned in OJ C 313, 18.12.2004.

¹⁶⁴ Communication from the Commission to the Council and the European Parliament on the role of Eurojust and the European Judicial Network in the fight against organised crime and terrorism in the European Union - COM(2007) 644 final.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
4.3. Judicial cooperation in civil matters				
<ul style="list-style-type: none"> • Mutual recognition of decisions and elimination of obstacles to the proper functioning of proceedings 				
<i>Council Directive 2003/8 of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes¹⁶⁵</i>	Implementation due by 30 November 2004 (all Articles except Article 3(2)(a)) or by no later than 30 May 2006 (Article 3(2)(a))	<i>No report from the Commission is provided for under the Directive.</i>	<i>All Member States have adopted and communicated national transposing measures¹⁶⁶, except Romania¹⁶⁷.</i>	
<i>Council Directive 2004/80 of 29 April 2004 relating to compensation to crime victims¹⁶⁸</i>	Implementation due by 1 January 2006	<i>A report from the Commission is due by 1 January 2009 under the Directive.</i>	<i>All Member States have adopted and communicated national transposing measures, except Greece¹⁶⁹.</i>	

¹⁶⁵ OJ L 26, 31.1.2003, p. 41.

¹⁶⁶ Denmark is not bound by this Directive.

¹⁶⁷ Romania was sent a reasoned opinion on 29 February 2008.

¹⁶⁸ OJ L 261, 6.8.2004, p. 15.

¹⁶⁹ Greece was ruled against by the Court for non-communication on 18 July 2007 (case C-2007/026) and was sent a letter of formal notice under Article 228 of the EC Treaty on 29 February 2008.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters ¹⁷⁰	Entry into force: 1 July 2001. Application from 1 January 2004, except for Articles 19, 21 and 22, which will apply from 1 July 2001	A study on application of this Regulation has been launched in 2006. Final report of the study was delivered in mid-2007. The report of the Commission (first five-yearly report) was adopted on 5 December 2007 ¹⁷¹ .	Not applicable.	The report concludes that the application of the Regulation has generally improved, simplified and accelerated the cooperation between the courts on the taking of evidence in civil or commercial matters. The Regulation has achieved its two main objectives, namely to simplify the cooperation between Member States and to accelerate the performance of the taking of evidence, to a relatively satisfactory extent. Simplification has been brought about mainly by the introduction of direct court-to-court transmission (although requests are still sometimes or even often sent to central bodies), and by the introduction of standard forms. As far as acceleration is concerned, it can be concluded that most requests for the taking of evidence are executed faster than before the entry into force of the Regulation and within 90 days as foreseen by the Regulation.
Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ¹⁷²	Entry into force on 1 March 2002	A report from the Commission is due five years after the entry into force of this Regulation, i.e. in 2007. It will be published in 2008. An evaluation study of application of Regulation 44/2001 was launched in 2005. It was delivered end 2007.	Not applicable.	This Regulation reformatted and updated the 1968 Brussels Convention in a Community instrument: after years of application of this Convention, and subject to the results of the study, the general level of application of the Regulation can be considered satisfactory.

¹⁷⁰ OJ L 174, 27.6.2001, p. 1.

¹⁷¹ Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of the Council Regulation (EC) 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters - COM(2007) 769 final.

¹⁷² OJ L 12, 16.1.2001, p. 1.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ¹⁷³	Entry into force on 31 May 2001	The first five-yearly report from the Commission was adopted on 1 October 2004 ¹⁷⁴ . After the adoption of the new Regulation on the service of documents in November 2007, another report is expected in 2011 and every 5 years thereafter.	Not applicable.	<p>The Commission's report shows that the Regulation has generally improved and expedited the transmission and service of documents between Member States. Nevertheless, the application of certain provisions was not fully satisfactory. For this reason, on 13 November 2007, the Regulation (EC) No 1393/2007 of the European Parliament and of the Council was adopted.</p> <p>As of 13 November 2008, the new Regulation will replace Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.</p> <p>The main modifications with respect to Council Regulation (EC) No 1348/2000 are:</p> <ul style="list-style-type: none"> • Introduction of a rule providing that the receiving agency shall take all necessary steps to effect the service of the document as soon as possible, and in any event within one month of receipt. • Introduction of a new standard form to inform the addressee about his right to refuse to accept the document to be served at the time of service or by returning the document to the receiving agency within one week. • Introduction of a rule providing that costs occasioned by recourse to a judicial officer or to a person competent under the law of the Member State addressed shall correspond to a single fixed fee laid down by that Member State in advance which respects the principles of proportionality and non-discrimination. <p>Introduction of uniform conditions for service by postal services (registered letter with acknowledgement of receipt or equivalent).</p>

¹⁷³ OJ L 160, 30.6.2000, p. 37. On 7 July 2005 the Commission adopted a proposal to improve the current provisions on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. The purpose of these amendments is to speed up and streamline the procedures - COM(2005) 305.

¹⁷⁴ COM(2004) 603 and SEC(2004) 1145.

Legal instrument ¹	Deadline for implementation/ entry into force	Reports and other in-depth analysis ²	Current state of play ³	
			Communication of national measures to the Commission	Compliance/application
Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 ("Brussels II bis Regulation") ¹⁷⁵	Entry into force on 1 March 2005, with the exception of Articles 67, 68, 69 and 70, which will apply from 1 August 2004.	No later than 1 January 2012, and every five years thereafter, the Commission will present a report on application of the Regulation.	All Member States have communicated information relating to courts and redress procedures.	It seems necessary to improve knowledge of the instrument and training for practitioners and central authorities ¹⁷⁶ . A Practise Guide conceived by the Commission has been disseminated in 2006 among the EU judges; an information campaign is foreseen in 2008.

¹⁷⁵ OJ L 338, 23.12.2003, p. 1.

¹⁷⁶ For this purpose, in 2005 the Commission published a practical guide to application of the Brussels II bis Regulation.