



**COUNCIL OF
THE EUROPEAN UNION**

Strasbourg, 23 May 2013

9945/13

**PE 237
JAI 414
ASIM 41
MIGR 55
VISA 111
FRONT 59**

NOTE

from: General Secretariat of the Council
to: Delegations
Subject : European Parliament Plenary session in Strasbourg on 21 May 2013 :
**Implementation of the Stockholm Programme and establishment of the area
of freedom, security and justice (oral questions)**

Mr Berlinguer (S&D, IT) (author of the oral question) considered that the long list of measures adopted could not be seen as an achievement, as he thought that their practical benefit for citizens was rather limited. He inquired about the concrete implementation of EU rules and called for an assessment of why the programme was necessary and what results it was intended to deliver. Mr López Aguilar (S&D, ES) (author) was also interested in results, as well as in those main elements that could be used as a basis for follow-up. He highlighted the current challenges to the free movement of persons and the rise of populism, and stressed the need to find solutions to better protect the fundamental rights of citizens. Mr Casini (EPP, IT) (author) considered that the single area of freedom, security and justice was a critical step in the integration process. He asked to what extent the new decision-making process had an impact on the implementation of the programme, as well as about the Commission's position on the European Public Prosecutor's Office (EPPO) was. Moreover, he asked what had been done to boost citizens' confidence in democracy.

Ms Creighton, on behalf of the Council, delivered the speech set out in [Annex](#).

Mr Borg, on behalf of the Commission, said that, given the rise of popular nationalism and impediments to the free movement of persons taken for various reasons care should be taken not to introduce obstacles to the implementation of the programme. He highlighted some of its achievements in several areas, such as major advances in the area of civil justice, work on the insolvency package, data protection reform package (aim to reduce red tape for businesses and ensure a high level of personal data protection), victims' rights (Victims' Rights Directive and European Protection Order (EPO)), procedural rights (Directives on the right to interpretation and translation and on the right to information) and criminal law (proposal on minimum rules and sanctions to protect the financial interests of the EU and euro against counterfeiting). He also spoke about home affairs and mentioned the achievements in the field of asylum, as well as the VIS and SIS II. He informed Members that FRONTEX had a new mandate for more effective operation, and a new mandate for Europol had also been proposed. The internal security strategy had also been adopted and the Commission was regularly reporting on its implementation. The agreement on terrorist finance tracking with the US and PNR with the US and Australia had also been concluded. In the area of migration and mobility, progress had been made on visa facilitation, liberalisation and readmission. He also referred positively to the EU Justice scoreboard, the purpose of which was to assist Member States in the development of a more effective justice system. Concerning what still needed to be done, Mr Borg highlighted in particular the proposal for a EPPO, anti-corruption policies and security in cyber space.

For the political groups, the following speakers took the floor:

- Mr Zwiefka (EPP, PL) thought that the Stockholm programme was not easy to implement, but was satisfied with the various legislative initiatives underway or achieved. In his view, the programme was bringing real added value and benefits for the EU citizens. To help make it useful in practice, he suggested training courses for lawyers and judges and information campaigns for citizens.
- Mr Guerrero Salom (S&D, ES) considered that the legitimacy of the system depended on delivering results in terms of improving citizens' rights. In this context, he thought that the EU was falling short, and pointed to various problematic areas, such as the free movement of persons and the conflict on Schengen, transparency, access to documents, and the protection of citizens' rights.

- Ms Wikström (ALDE, SE) referred to the resettlement of refugees, where the EU had achieved lower targets compared with the rest of the world. She also saw a need to resolve the issue of migration of labour (and stop the brain-drain of EU researchers) and reminded the Commission of its promise to issue a proposal on mutual recognition of civil status.
- Given the current atmosphere of mutual distrust and difficult cooperation between the institutions (e.g. common asylum policy), Ms Sargentini (Greens/EFA, NL) considered that in future preference should be given to small targeted pieces of legislation instead of a complex and wide-ranging programme such as the Stockholm programme.
- Mr Kirkhope (ECR, UK) believed that the EU should be ambitious, but realistic in what could be achieved and the best outcome needed good cooperation and communication between institutions, such as the work done on cybercrime and in relation to unaccompanied minors. He did not consider a fully-harmonised criminal system and the EPPO to be the right solutions. He also called on the Commission to assess the Stockholm Programme's successes and its failings.
- Mr Triantaphyllides (GUE/NGL, CY) considered that these proposals on the whole did not go far enough, given that fundamental rights (e.g. access to documents, data protection), lagged behind rights to security. He also believed that the EP had been neglected in the decision-making process.
- Mr Zijlstra (NI, NL) thought that the Stockholm programme was a failure, should be stopped and should not be replaced by any new programme.

Members were split on their assessment of the programme. Some thought it was unsuccessful (Mr Iacolino (EPP, IT)), others saw problems in its implementation (Mr Moraes (S&D, UK), Mr Papanikolaou (EPP, EL)), considered that the evaluation was not thorough enough (Ms Ernst (GUE/NGL, DE)), and called for more willingness to identify failures (Mr Papanikolaou). Other Members considered that security prevailed over human and fundamental rights (Ms Vergiat (GUE/NGL, FR), Mr Weidenholzer (S&D, AT)) and called for a balance to be struck between security and freedom (Mr Weidenholzer). Some Members viewed its achievements positively and highlighted in particular the EPO and the measures to protect minors (Ms Angelili (EPP, IT)), even if a great deal of work remained to be done.

On the new decision-making process under the Lisbon Treaty in particular, Members criticised the lack of efficiency in its practical application (Mr Papanikolaou, Ms Guillaume (S&D, FR), Ms Göncz (S&D, HU), Mr Moraes), through the use of delegated or implementing acts to circumvent the codecision procedure and block the legislative procedure (Mr Díaz de Mera García Consuegra (EPP, ES)). Other issues raised by Members were the solidarity clause and resettlement arrangements, EPPO, implementation of management strategy, anti-discrimination directive, parental rights, improvement of citizens' information, freezing of assets and use of terrorist blacklist, monitoring of financing of terrorism, EU PNR and the accession of Bulgaria and Romania to Schengen.

In his closing remarks, Mr Borg considered that the assessment of achievements of the programme should be based on its starting point (unanimity in the JHA area before the Lisbon Treaty), and not on some "utopian" ideal. The common area had not probably reached the desired level, but major steps forward had been taken in very concrete ways. He underlined that Schengen was an achievement, but reiterated the need to be careful not to abuse its *acquis* and not to dismantle what had been achieved by reinstating border controls and carrying out systematic checks. The Commission was regularly monitoring and reporting on these situations. Regarding the European Arrest Warrant, he referred to the presumption of similarity of national rules related to freedom and rule of law. Subsequently, the EAW's added value was to introduce a simplified express way of extradition, which had made a difference and helped in the creation of the common area of freedom and justice. In addition, he supported measures to strengthen judicial training and informed Members about the proposed new legal basis for Europol. Mr Borg also addressed the issue of immigration and the need for solidarity.

In her concluding remarks, Ms Creighton agreed with Mr Borg that using the starting point was a fair way to assess programme's achievements. Concerning its practical benefits and results, she referred to the large body of legislation that had been brought forward in all JHA areas, guaranteeing the security of EU citizens in all aspects of their lives. Regarding the legislative procedures after the Lisbon Treaty, she believed that the full involvement of the EP enhanced the process, even if there was still some work to be done on relations and cooperation between the institutions (including the Commission). Ms Creighton also gave an update on various issues, such as the resettlement programmes (an EU joint resettlement programme had been adopted), unaccompanied minors (implementation of the action plan reported on last September), the information management strategy (European information exchange model published in December and currently being examined by the Council) and the Directive on the confiscation and freezing of

assets (first trilogue with the EP scheduled for 28 May). She assured Members that the Presidency would continue to work to make progress on important areas within the Stockholm Programme.

Speech by Ms Creighton on implementation of the Stockholm Programme and establishment of the area of freedom, security and justice, Plenary session of the European Parliament, 21 May 2013

Mr President, I am very grateful to Parliament for the opportunity to assess the implementation of the Stockholm Programme. Your question is very wide in scope and, given the short amount of time available, I will only be able to give a limited response at this stage. Nevertheless I hope that it will become clear that we have made, and continue to make, significant progress in this whole area.

The JHA Council last December carried out a mid-term review of the Stockholm Programme. Ministers' discussions were based on an overview of progress drawn up by the Cyprus Presidency. This overview consisted of an assessment of progress in all areas covered by the Stockholm Programme – asylum and migration, civil and criminal justice, internal security, civil protection and external relations in the JHA field.

The Council debate served as a response to the European Council's request, when it adopted the Stockholm Programme, for a mid-term review. The Cyprus Presidency subsequently informed the President of the European Council in writing of the outcome of the Council debate. It was noted in particular, and I quote, that 'the debate in the Council showed, in general, satisfaction with the progress made to date as well as confirmation of the need to take forward work on those elements of the Stockholm Programme which remain outstanding in order to continue to secure for our citizens an area of freedom, security and justice. The usefulness of a programme such as the Stockholm Programme was also underlined by a number of delegations as a guideline for defining legislative and operational priorities.'

The Council debate also enabled Ministers to reiterate their commitment to maintaining the right balance between security concerns and the protection of individual rights.

I cannot provide an exhaustive list of the substantial number of measures which have been agreed since 2010, but I would like to highlight a few in particular. In the area of asylum and immigration, a comprehensive set of measures relating to the Common European Asylum System is being finalised and the European Asylum Support Office has become operational. A joint EU resettlement programme was agreed and regional protection programmes further developed, and a directive on a single permit for third-country nationals to reside and work in Member States was adopted.

In terms of specific operational measures, the Visa Information System (or VIS) was launched, the IT agency became operational and SIS II went live last April.

In the area of justice, the Directive establishing minimum standards on the rights, support and protection of victims of crime was adopted and a regulation on mutual recognition of protection measures in civil matters was agreed. As far as internal security measures are concerned, a number of important directives were adopted. These include measures to ensure better protection against large-scale cyber attacks, strengthened measures for preventing on-line child sexual abuse in order to facilitate the prosecution of perpetrators and improve the protection of child victims, and a Directive on preventing and combating trafficking in human beings.

In general, the Council takes the view that a particular focus should now be given to implementing legislation which has already been adopted and to ensuring that measures already agreed are made fully operational.

As far as the institutional arrangements are concerned, the Council considers that the application of the ordinary legislative procedure functions well, strengthening the commitment of both our institutions to cooperate in ensuring that the area of freedom, security and justice is completed and made fully operational.

The instruments established under the Lisbon Treaty have already proved to be useful. A standing committee in the Council ensures effective operational cooperation on internal security and other measures such as the solidarity clause, which will doubtless help to further strengthen cooperation in future. The establishment of the European External Action Service continues to contribute to ensuring good coordination where there is an external dimension to JHA policies.

Overall I think we can look with some degree of satisfaction at what has been achieved under the Stockholm Programme. That, of course, should never lead us into complacency. This does not apply just to the Council but also to Parliament. I think both our institutions need to demonstrate in practice our commitment to making rapid progress on implementing the remainder of the Stockholm Programme and in fulfilling our shared objective of creating a more secure, open and fairer Europe.
