

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.6.2009  
SEC(2009) 767 final

**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE  
EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**JUSTICE, FREEDOM AND SECURITY IN EUROPE SINCE 2005:**

**AN EVALUATION OF THE HAGUE PROGRAMME AND ACTION PLAN**

**General overview of instruments and deadlines provided in the Hague Programme and  
Action Plan in the fields of justice, freedom and security**

**Institutional Scoreboard**

{COM(2009) 263 final}  
{SEC(2009) 765 final}  
{SEC(2009) 766 final}

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>1. GENERAL ORIENTATIONS<sup>4</sup></b>				
<b>1.1. EVALUATION</b>				
<b>- Setting up of a system for objective and impartial evaluation of the implementation of EU measures in the field of freedom, security and justice</b>				
1.	Communication on and proposal for the creation of an evaluation mechanism, as envisaged by Article III-260 of the Constitutional Treaty	Commission	2006	<p>√ <b>Achieved</b></p> <p>The Communication from the Commission to the Council and the European Parliament "Evaluation of EU policies on Freedom, Security and Justice", proposing an evaluation mechanism at EU level for policies in this area, was adopted on 28 June 2006<sup>5</sup>. A proposal for the establishment of the evaluation mechanism has never been adopted.</p>
<b>1.2. RESPECT FOR AND ACTIVE PROMOTION OF FUNDAMENTAL RIGHTS</b>				
<b>- Framework Programme “Fundamental rights and justice” under the new Financial Perspectives (2005)</b>				

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

<sup>2</sup> All legislative proposals are in italics.

<sup>3</sup> "Achieved", "delayed", "postponed" or "ongoing" refer to the actions foreseen under the Action Plan. The level of achievement of any action must be read in conjunction with the request made by the Action Plan and the correspondent Institution responsible for delivering it.

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

<sup>5</sup> COM(2006) 332 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
1.2 (a)	<i>Proposal for a Decision establishing a specific programme on citizenship and fundamental rights</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The proposal for a Council Decision establishing for the period 2007-2013 the specific programme “Fundamental rights and citizenship” as part of the general programme “Fundamental Rights and Justice” was adopted on 6 April 2005<sup>6</sup>. The Council Decision 2007/252/JHA establishing for the period 2007-2013 the specific programme ‘Fundamental rights and citizenship’ as part of the General programme ‘Fundamental Rights and Justice’ was adopted on 19 April 2007<sup>7</sup>.</p>

---

<sup>6</sup> COM(2005) 122 final.

<sup>7</sup> OJ L 110, 27.4.2007, p. 33.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
1.2 (b)	<i>Proposal for a Decision establishing a specific programme on the fight against violence (Daphne) and drugs prevention and information</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The proposal for a Decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme "Fight against violence (Daphne) and drugs prevention and information" as part of the General programme "Fundamental Rights and Justice" was adopted on 6 April 2005<sup>8</sup>. The two strands of this programme were split on 24 May 2006 into two different specific programmes: one on Fight against violence (Daphne) and the other one on Drugs prevention and information<sup>9</sup>. This split answered requests in that sense by the European Parliament, civil society organisations and most of the Member States. The Decision No 779/2007/EC of the European Parliament and of the Council establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme "Fundamental Rights and Justice" was adopted on 20 June 2007.</p> <p>The Decision No 1150/2007/EC of the European Parliament and of the Council establishing for the period 2007-2013 the Specific Programme "Drug prevention and information" as part of the General Programme "Fundamental Rights and Justice" was adopted on 25 September 2007.</p>
<b>- Accession of the European Union to the European Convention for the protection of human rights and fundamental freedoms (informal discussions to be started in 2005)</b>				

<sup>8</sup> COM(2005) 122 final.

<sup>9</sup> COM(2006) 230 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
1.2.	Accession of the European Union to the European Convention for the protection of human rights and fundamental freedoms	Commission		<b>• Postponed</b>  There is no legal basis under the current Treaties related to this action.
1.2. (c)	<i>Proposal extending the mandate of the European Monitoring Centre on Racism and Xenophobia towards a Fundamental Rights Agency</i>	Commission	2005	<b>√ Achieved</b>  The proposal for a Council Regulation establishing a European Union Agency for Fundamental Rights and the proposal for a Council Decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union were adopted by the Commission on 30 June 2005 <sup>10</sup> . The Council Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights was adopted on 15 February 2007 <sup>11</sup> .
<b>- Promotion and protection of women and child rights</b>				
1.2. (d)	Daphne II work programme: 2006	Commission	2005	<b>√ Achieved</b>  The work programme was approved at the end of December 2005. A call for proposals was issued, with a deadline of 10 February 2006 <sup>12</sup> .

<sup>10</sup> COM(2005) 280 final.

<sup>11</sup> OJ L 53, 22.2.2007, p. 1.

<sup>12</sup> [http://ec.europa.eu/justice\\_home/funding/2004\\_2007/daphne/doc/annual\\_programme\\_2006\\_en.pdf](http://ec.europa.eu/justice_home/funding/2004_2007/daphne/doc/annual_programme_2006_en.pdf).

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
1.2. (e)	Study on prevention measures to combat violence against women	Commission	2006	√ <b>Achieved</b>  Several projects have been financed through the programme Daphne II in 2005 on issues related to the prevention of violence against women.
1.2. (f)	Communication on the protection of the rights of the child	Commission	2005	√ <b>Achieved</b> <sup>13</sup>  On 4 July 2006 the Commission adopted a Communication "Towards an EU Strategy on the Rights of the Child" <sup>14</sup> , which establishes a comprehensive EU approach to effectively promote and safeguard the rights of the child in the European Union's internal and external policies and to support Member States' efforts in this field.
<b>- Protection of personal data</b>				
1.2. (g)	Communication on the follow-up measures to the Work Programme for a better implementation of the data protection Directive	Commission	2005 <sup>15</sup>	√ <b>Achieved</b>  The Communication was adopted on 7 March 2007 <sup>16</sup> .

---

<sup>13</sup> Achieved in 2006.  
<sup>14</sup> COM(2006) 367 final.  
<sup>15</sup> Achieved in 2007.  
<sup>16</sup> COM(2007) 87 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
1.2. (h)	Communication on PETs (privacy enhancing technologies)	Commission	2005 <sup>17</sup>	√ <b>Achieved</b>  The Communication was adopted on 2 May 2007 <sup>18</sup> .
1.2 (i)	Proposal for legislation on the protection of personal data in the context of police cooperation and judicial cooperation in criminal matters			Refer to point 3.1. (c)
<b>1.3. EUROPEAN COURT OF JUSTICE</b>				
1.3. (a)	<i>Proposal on means to enable the European Court of Justice to handle requests for preliminary rulings concerning the area of freedom, security and justice</i>	Commission	2006 <sup>19</sup>	√ <b>Achieved</b>  The Council Decision 2008/79/EC, Euratom and the Amendments to the Rules of Procedure of the Court of Justice enabling the Court to deal more quickly with very urgent questions referred for a preliminary ruling were adopted in December 2007 <sup>20</sup> on the basis of an initiative of the Court itself.

---

<sup>17</sup> Achieved in 2007.

<sup>18</sup> COM(2007) 228 final.

<sup>19</sup> Achieved in 2007.

<sup>20</sup> OJ L 24, 29.1.2008, p. 42 and OJ L 24, 29.1.2008, p. 39.



No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>1.4. EUROPEAN STRATEGY ON DRUGS</b>				
<b>- EU Action Plans on drugs 2005 to 2008 and 2009 to 2012</b>				
	<b>EU Action Plan on drugs 2005 to 2008</b>	Commission	2005	<p>√ <b>Achieved</b></p> <p>Following the endorsement by the Council of the EU Drugs Strategy (2005-2012) of December 2004<sup>21</sup>, the Commission adopted a Communication on an EU Drugs Action Plan (2005-2008) on 14 February 2005<sup>22</sup>. The EU Drugs Action Plan was adopted by the Council on 28 June 2005<sup>23</sup>.</p>
	<b>EU Action Plan on drugs 2009 to 2012</b>	Commission	2009	<p>√ <b>Achieved</b><sup>24</sup></p> <p>Following the endorsement by the Council of the EU Drugs Strategy (2005-2012) of December 2004, the Commission adopted a Communication on an EU Drugs Action Plan (2009-2012) on 18 September 2008<sup>25</sup>. The EU Action Plan on drugs was adopted by the Council in December 2008<sup>26</sup>.</p>

<sup>21</sup> Council document 15074/04.

<sup>22</sup> COM(2005) 45 final.

<sup>23</sup> OJ C 168, 8.7.2005, p. 1.

<sup>24</sup> Achieved in 2008.

<sup>25</sup> COM(2008) 567 final.

<sup>26</sup> OJ C 326, 20.12.2008, p. 7.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
1.4. (a)	Continuous evaluation of the EU Action Plan on drugs 2005 to 2008	Commission	Annual	<p>√ <b>Achieved</b></p> <p>Since 2006, the Commission publishes annual reports on the implementation of the EU Drugs Action Plan 2005-2008<sup>27</sup>.</p>
1.4. (b)	Green Paper on the role of civil society in formulating policies in the drugs field	Commission	2006	<p>√ <b>Achieved</b></p> <p>On 26 June 2006 the Commission adopted a Green Paper on the Role of Civil Society in Drugs Policy in the European Union<sup>28</sup>. The objective was to bring those most directly concerned by the drugs problem more closely into the policy process at the EU level by launching a wide ranging consultation on how to organise a structured and continuous dialogue between the Commission and civil society. The Commission received 65 replies to the open consultation that followed the publication of the Green Paper. All these proposals have been carefully studied and the Commission has set up a Civil Society Forum on drugs.</p>

<sup>27</sup> For the year 2006, SEC(2006) 1803, Progress Review on the implementation of the EU Drugs Action Plan (2005-2008); for the year 2007, COM(2007) 781 final and SEC(2007) 1739; for 2008, SEC(2008) 2456, Report on the Final Evaluation of the EU Drugs Action Plan (2005-2008).

<sup>28</sup> COM(2006) 316 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
1.4. (c)	Report on the implementation and functioning of the Framework Decision on drugs trafficking	Commission	2007	<p>• <b>Delayed</b></p> <p>The Commission is expected to submit the first report in 2009. Only 11 Member States sent their report on transposition by the deadline of 12 May 2006.</p>
1.4. (d)	Progress report on and impact assessment of the EU Action Plan on drugs 2005 to 2008	Commission	2008	<p>√ <b>Achieved</b></p> <p>The achievements of the EU Action Plan on drugs 2005 -2008 were presented in the final evaluation of the EU Action Plan on drugs 2005-2008<sup>29</sup>, adopted on 18 September 2008.</p>
1.4. (e)	Communication on an EU Action Plan on drugs 2009 to 2012	Commission	2009	<p>√ <b>Achieved</b><sup>30</sup></p> <p>The Commission presented the Communication on 18 September 2008<sup>31</sup>. The Council endorsed the EU Action Plan on drugs in December 2008<sup>32</sup>.</p>
<b>1.5. EXTERNAL RELATIONS</b>				
<b>- Strategy on all the external aspects of the Union policy on freedom, security and justice, based on the measures developed in the Hague programme</b>				

<sup>29</sup> SEC(2008) 2456.

<sup>30</sup> Achieved in 2008.

<sup>31</sup> COM(2008) 567 final.

<sup>32</sup> OJ C 326, 20.12.2008, p. 7.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
	<b>Strategy on all the external aspects of the Union policy on freedom, security and justice, based on the measures developed in the Hague programme</b>	Council	2005	<p>√ <b>Achieved</b></p> <p>The Council adopted the "Strategy for the External Dimension of JHA: Global Freedom, Security and Justice" on 12 December 2005<sup>33</sup>.</p>
1.5.	Communication on all the external aspects of the Union policy on freedom, security and justice (contribution to the Strategy)	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission adopted the Communication “A Strategy on the external dimension of the area of Freedom, Security and Justice”<sup>34</sup> on 12 October 2005. Together with the contribution from the Council’s General Secretariat<sup>35</sup>, it served as a basis for the Strategy for the External Dimension of JHA endorsed by the Council in December 2005.</p>

---

<sup>33</sup> Council document 15446/05.

<sup>34</sup> COM(2005) 491 final.

<sup>35</sup> Council document 12850/05.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>2. STRENGTHENING FREEDOM</b>				
<b>2.1. CITIZENSHIP OF THE UNION</b>				
2.1. (a)	Report on the application of Directives 90/364/EEC, 90/365/EEC and 93/96/EEC on the right of residence of pensioners, students and inactive persons	Commission	2005-2006	<p>√ <b>Achieved</b></p> <p>The third report from the Commission to the Council and the European Parliament on the application of Directives 90/364, 90/365 and 93/96 on the right of residence for students, economically inactive and retired Union citizens was adopted on 5 April 2006<sup>36</sup>.</p>
2.1. (b)	<i>Directive 93/109/EC on the right to vote in the European Parliament elections, including in the new Member States and, if appropriate, proposals for the amendment of the latter Directive</i>	Commission	2005-2006	<p>√ <b>Achieved</b></p> <p>On 12 December 2006 the Commission adopted the Communication "European elections 2004 - 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)"<sup>37</sup> and the 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<sup>38</sup>.</p>

<sup>36</sup> COM(2006) 156 final.

<sup>37</sup> COM(2006) 790 final.

<sup>38</sup> COM(2006) 791 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.1. (c)	<i>Proposal to facilitate diplomatic and consular protection</i>	Commission	2006	<p>√ <b>Achieved</b></p> <p>On 28 November 2006 the Commission issued a Green Paper on the Diplomatic and Consular Protection of the Citizen of the Union in third countries<sup>39</sup>. The strategic initiative "Effective consular protection in third countries: the contribution of the European Union - Action Plan 2007-2009"<sup>40</sup> was adopted on 5 December 2007.</p>
2.1. (d)	<i>Proposal on provisions and conditions required for a European citizens' initiative</i>	Commission	2007	<p>• <b>Delayed</b></p> <p>There is no legal basis for putting forward such an initiative under the current Treaties.</p>
2.1 (e)	Examination of possible measures to strengthen and to add to the rights laid down under the citizenship provisions of the Treaties (Article 22 of the EC Treaty)	Commission	2008	<p>√ <b>Achieved</b></p> <p>The Fifth Commission Report on Citizenship of the Union (1 May 2004 – 30 June 2007) was adopted on 15 February 2008<sup>41</sup>.</p>

<sup>39</sup> COM(2006) 712 final.

<sup>40</sup> COM(2007) 767 final.

<sup>41</sup> COM(2008) 85 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Allowing EU citizens and members of their family to move within the European Union on similar terms to national of a Member State moving around or changing their place of residence in their own country</b>				
2.1. (f)	Control of transposition, compliance and correct application of Directive 2004/38/EC on free movement and residence	Commission	2006	<p>√ <b>Achieved</b></p> <p>The Commission monitors closely the transposition of Directive 2004/38/EC. Between June 2006 and February 2007 the Commission initiated infringement proceedings under Article 226 of the EC Treaty against 19 Member States for their failure to communicate the text of the provisions of national law adopted to transpose the Directive. Since then, as all Member States have gradually adopted the transposition measures, the infringement proceedings for non-communication have been closed. On 10 December 2008, the Commission adopted its report on the application of the Directive<sup>42</sup>.</p>
2.1. (g)	Report on application of Directives 90/364/EEC, 90/365/EEC and 93/96/EEC on free movement and residence and on the situation of the nationals of the new Member States	Commission	2006	<p>√ <b>Achieved</b></p> <p>The Third Commission Report on application of the three Directives was published on 5 April 2006<sup>43</sup>.</p>

<sup>42</sup> COM(2008) 840 final.

<sup>43</sup> COM(2006) 156 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.1. (h)	<i>Report on application of Directive 2004/38/EC on free movement and residence and, if appropriate, proposals for the amendment of the Directive</i>	Commission	2008	√ <b>Achieved</b>  The Commission published the first implementation report of Directive 2004/38/EC on 10 December 2008 <sup>44</sup> .
<b>2.2. ASYLUM, MIGRATION AND BORDER POLICY</b>				
<b>- Framework Programme "Solidarity and Management of Migration Flows" under the new Financial Perspectives</b>				
	<i>Framework Programme "Solidarity and Management of Migration Flows" under the new Financial Perspectives</i>	Commission	2005	√ <b>Achieved</b>  The Commission proposed four funds under this Framework Programme <sup>45</sup> (European Refugee Fund, External Borders Fund, European Fund for the Integration of Third-country Nationals and European Return Fund). The funds were adopted in 2007 <sup>46</sup> .

<sup>44</sup> COM(2008) 840 final.

<sup>45</sup> COM(2005) 123 final/2.

<sup>46</sup> Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and repealing Council Decision 2004/904/EC; Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows'; Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows'; Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows'.



No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Common analysis of migratory phenomena in all their aspects (reinforcing the collection, provision, exchange and efficient use of up-to-date information and data)</b>				
2.2 (a)	Annual reports on migration and asylum statistics	European Migration Network	Ongoing	<p>√ <b>Achieved</b></p> <p>The annual reports on migration and asylum statistics forms part of the European Migration Network's annual work programme. The annual report 2006 has been finalised in early 2009, the reports for the years 2007 and 2008 are part of the EMN's 2009 work programme. The delays are due to the lack of a proper legal base (and thus funding) in 2007. Establishing of migration profiles for ACP countries as an annex to Country Strategy Papers. Further work on widening the scope of the migration profiles is ongoing.</p>
2.2. (b)	<i>Adoption of an EU framework Regulation on the collection of migration and asylum statistics</i>	Council/Parliament	2005	<p>√ <b>Achieved</b></p> <p>The Council and the European Parliament adopted the Regulation (EC) No 862/2007 on Community statistics on migration and international protection and (repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers) on 11 July 2007<sup>47</sup>.</p>
2.2. (c)	Green Paper on the future of the European migration network, possibly followed by a <i>proposal establishing a European Migration Monitoring Centre</i>	Commission	2005 and 2006 <sup>48</sup>	<p>√ <b>Achieved</b></p> <p>The Commission presented the Green Paper on 28 November 2005<sup>49</sup>. Following the Commission proposal presented on 10 August 2007 for a Council Decision establishing a European Migration Network<sup>50</sup>, the Council adopted on 14 May 2008 the Decision 2008/381/EC establishing a European Migration Network<sup>51</sup>.</p>

<sup>47</sup> OJ L 199, 31.7.2007, p. 23.

<sup>48</sup> Achieved in 2008.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.2. (d)	<i>Proposal for a mutual information system on migration issues</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The proposal for a Council Decision on the establishment of a mutual information system concerning Member States' measures in the areas of asylum and immigration was adopted by the Commission on 10 October 2005. The Council Decision 2006/688/EC on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration was adopted on 5 October 2006<sup>52</sup>.</p>
<b>2.3. COMMON EUROPEAN ASYLUM SYSTEM</b>				
2.3. (a)	<i>Adoption of the asylum procedures Directive</i>	Council/ Parliament	2005	<p>√ <b>Achieved</b></p> <p>The Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status was adopted on 1 December 2005<sup>53</sup>, following the Commission's proposal dated 20 September 2000<sup>54</sup>.</p>

---

<sup>49</sup> COM(2005) 606 final.  
<sup>50</sup> COM(2007) 466 final.  
<sup>51</sup> OJ L 131, 21.5.2008, p. 7.  
<sup>52</sup> OJ L 283, 14.10.2006, p. 40.  
<sup>53</sup> OJ L 326, 13.12.2005, p. 13.  
<sup>54</sup> COM(2000) 578 final, amended by COM(2002) 326 final/2.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.3. (b)	Conclusion of the so-called “parallel agreements” with Denmark on “Dublin II” and “Eurodac”	Council	2005	<p>√ <b>Achieved</b><sup>55</sup></p> <p>Following the Commission’s proposals<sup>56</sup>, both the agreement with Denmark on Dublin II and Eurodac, as well as the protocol to the agreement with Norway and Iceland on Dublin II, extending its application to Denmark, were signed on 10 March and 25 June 2005 respectively. The Council adopted the Decision 2006/188/EC and the Decision 2006/167/EC on 21 February 2006<sup>57</sup>. On 24 October 2008, the Council adopted the Protocol between the European Community, Switzerland and Liechtenstein to the Agreement with Switzerland on Dublin II (Council Decision 2006/257/CNS). This Protocol was needed in order to create rights and obligations between Denmark, Switzerland and Liechtenstein.</p>
<b>- Evaluation of the first phase legal instruments</b>				
2.3. (c)	Monitoring the transposition and implementation of first phase instruments	Commission	2005 ongoing	<p>√ <b>Achieved</b></p> <p>Full evaluations of the implementation of the Dublin system (Dublin and Eurodac Regulations) and of the Reception Conditions Directive were presented by the Commission in June<sup>58</sup> and November<sup>59</sup> 2007 respectively. They provided the basis for the preparation of amendments to those instruments, which were presented in December 2008<sup>60</sup>.</p>

<sup>55</sup> Achieved in 2006.

<sup>56</sup> COM(2004) 594 final and COM(2005) 131 final.

<sup>57</sup> OJ L 66, 8.3.2006, p. 37 and OJ L 57, 28.2.2006, p. 15.

<sup>58</sup> COM(2007) 299 final..

<sup>59</sup> Available at: [http://ec.europa.eu/justice\\_home/doc\\_centre/asylum/studies/doc\\_asylum\\_studies\\_en.htm](http://ec.europa.eu/justice_home/doc_centre/asylum/studies/doc_asylum_studies_en.htm).

<sup>60</sup> COM(2008) 815 final, Proposal for a Directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum seekers (Recast); COM(2008) 820 final, Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Second phase of development of a common European asylum system, establishment of a common asylum procedure and a uniform status for those who are granted asylum or subsidiary protection</b>				
2.3. (d)	<i>Proposal on long-term resident status for beneficiaries of international protection</i>	Commission	2005	√ <b>Achieved</b>  The proposal for a Council Directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection was adopted on 6 June 2007 <sup>61</sup> .
2.3. (e)	<i>Second-phase instruments and measures to be presented to the Council and the European Parliament</i>	Commission	2010	The amendments to the reception conditions directive, to the Dublin and Eurodac regulations and the proposal for a European Asylum Support Office <sup>62</sup> have already been adopted by the Commission.  The amendment to the procedures and qualifications directives and the proposal for an European resettlement scheme are meant to be adopted by the end of 2009.
<b>- Studies on the implications, appropriateness and feasibility of joint processing of asylum applications</b>				
2.3. (f)	Study on the joint processing of asylum applications within the Union	Commission	2006	• <b>Delayed</b>  The study was not conducted as it was considered that the timing was not the most appropriate. However, in view of the completion of the second phase of the CEAS, it is now foreseen to commission this study in 2009-2010.

the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast); COM(2008) 825, Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast).

<sup>61</sup> COM(2007) 298 final.

<sup>62</sup> COM(2009) 66 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.3. (g)	Study, to be conducted in close consultation with the United Nations High Commissioner for Refugees (UNHCR), on joint processing of asylum applications outside EU territory	Commission	2006	<p>• <b>Postponed</b></p> <p>The study was not conducted as it was considered that the timing was not the most appropriate. However, in view of the completion of the second phase of the CEAS, it is now foreseen to commission this study in 2009-2010.</p>
<b>- Cooperation between Member States relating to the Common European asylum system, after the establishment of a common asylum procedure</b>				
2.3. (h)	<i>Establishment of structures involving the national asylum services of the Member States for promoting cooperation (Communication)</i>	Commission	2005	<p>√ <b>Achieved</b><sup>63</sup></p> <p>The Communication on “Strengthened practical cooperation - New structures, new approaches: improving the quality of decision making in the common European asylum system” was adopted on 17 February 2006<sup>64</sup>.</p>
2.3. (i)	Establishment of a European support office in charge of all forms of cooperation concerning a common asylum system on the basis of an evaluation	Commission		<p>√ <b>Achieved</b></p> <p>The Commission presented in February 2009 the proposal for the establishment of a European Asylum Support Office (see point 2.3 (e)).</p>

---

<sup>63</sup> Achieved in 2006.  
<sup>64</sup> COM(2006) 67 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Establishment of the European Refugee Fund (ERF) 2005 to 2013 to assist Member States in the processing of asylum applications and in the reception of certain categories of third-country nationals</b>				
2.3. (j)	Final Report on the European Refugee Fund	Commission	2005	√ <b>Achieved</b> <sup>65</sup>  The Final evaluation of the ERF for the period 2000-2004 <sup>66</sup> was adopted on 8 December 2006.
2.3. (k)	<i>Proposal for amending the European Refugee Fund decision to assist Member States in the reception of certain categories of third-country nationals</i>	Commission	2005	√ <b>Achieved</b> <sup>67</sup>  The Council Decision 2004/904/EC establishing the European Refugee Fund for the period 2005 to 2010 was adopted on 2 December 2004 <sup>68</sup> . The Commission presented an amended proposal for a Decision of the European Parliament and the Council establishing the ERF for the period 2008 – 2013 as part of General the programme ‘Solidarity and Management of Migration Flows’ on 24 May 2006 <sup>69</sup> . The Decision No 573/2007/EC of the European Parliament and of the Council establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’ and repealing Council Decision 2004/904/EC <sup>70</sup> was adopted on 23 May 2007.

<sup>65</sup> Achieved in 2006.

<sup>66</sup> SEC(2006) 1636.

<sup>67</sup> Achieved in 2006.

<sup>68</sup> OJ L 381, 28.12.2004, p. 52.

<sup>69</sup> COM(2005) 123 final /3.

<sup>70</sup> OJ L 144, 6.6.2007, p. 1.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.3. (1)	Approvals of European Refugee Fund national multi-annual programming	Commission	2005, 2008, 2011	<p>√ <b>Achieved</b><sup>71</sup></p> <p>All national multi-annual programmes were examined by the Commission and adopted in the course of 2005-2006 and 2008-2009.</p>
<b>2.4. LEGAL MIGRATION INCLUDING ADMISSION PROCEDURES</b>				
<b>- Developing policy on legal migration</b>				
2.4. (a)	Assessment and monitoring of the transposition and implementation of first phase directives on legal migration	Commission	From 2005 onwards	<p>√ <b>Achieved</b></p> <p>Several meetings with the Member States on the transposition and application of the existing directives were held in the course of 2005, in particular on family reunification (2003/86/EC) and on long-term resident status (2003/109/EC). In addition to regular contact committee, in 2007 the Commission launched a 12 month study on the conformity checking of measures of Member States to transpose Directives in the area of immigration and asylum. The results of this study have been available since October 2008 and have been used by the Commission as background information in its function to ensure, in accordance with Article 226 EC, the proper transposition and application of immigration and asylum Directives in the Member States. Moreover, the results have also been used to elaborate the first application report of the family reunification directive presented in October 2008<sup>72</sup>.</p>

<sup>71</sup> Excluding 2011 actions.

<sup>72</sup> COM(2008) 610 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.4. (b)	Debate on Green Paper on economic migration	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Green Paper on an EU approach to managing economic migration was presented on 11 January 2005<sup>73</sup> and the deadline for the public consultation was 15 April 2005. Debates were held at the JHA Council of February 2005 and the EMPL Council of May 2005. The Commission received more than 130 written contributions from all relevant stakeholders and a public hearing was held on 14 June 2005. The European Parliament gave its opinion in October 2005; the European Economic and Social Committee and the Committee of the Regions gave their opinions in May 2005.</p>
2.4. (c)	On the basis of the outcome of the public consultation on the Green Paper on economic migration, presentation of a Policy Plan on legal migration, including admission procedures	Commission	Before end of 2005  (point 1.4 of the Hague Programme)	<p>√ <b>Achieved</b></p> <p>The Policy Plan on legal migration was adopted on 21 December 2005<sup>74</sup>. It is a comprehensive document containing a set of legislative and operational measures to be put forward between 2006 and 2009 on: conditions of admission and residence for economic immigrants; information building and sharing; integration measures; and measures to be enacted in cooperation with the countries of origin. The European Parliament adopted an own-initiative report on the policy plan in September 2007 (Gruber report).</p> <p>In accordance with the Policy Plan, in October 2007 the Commission tabled the first two of the five legislative proposals announced: a directive on the admission of highly skilled migrants ("EU Blue Card")<sup>75</sup> and a horizontal framework directive on migrant rights and a single application procedure<sup>76</sup>. Two other proposals on seasonal workers and ICTs are expected to be presented in 2009.</p>

<sup>73</sup> COM(2004) 811 final.

<sup>74</sup> COM(2005) 669 final.



No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>2.5. INTEGRATION OF THIRD-COUNTRY NATIONALS</b>				
<b>- Establishment of a coherent European framework for integration</b>				
2.5. (a)	Communication on a European framework for integration	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Communication on “A common agenda for integration: Framework for the integration of third-country nationals in the European Union” was adopted on 1 September 2005<sup>77</sup>. The conclusions adopted by the JHA Council of 1-2 December 2005<sup>78</sup> supported the lines of action contained in this Communication.</p>
<b>- Promotion of the structural exchange of experience and information integration<sup>79</sup></b>				

<sup>75</sup> COM (2007) 637 final, adopted by the Council on 25.5.2009.

<sup>76</sup> COM (2007) 638 final.

<sup>77</sup> COM(2005) 389 final.

<sup>78</sup> Council document 14390/05, p. 36.

<sup>79</sup> Complementary activities are undertaken in the framework of the European employment strategy and the social inclusion process.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.5. (b)	Management of INTI preparatory actions	Commission	2005 to 2006	<p>√ <b>Achieved</b></p> <p>The Commission received 139 grant applications in response to the INTI 2005 call for proposals. The Commission agreed to co-finance 15 new projects in connection with the call for proposals under the INTI 2005 programme to the tune of some EUR 4.3 million. The 2006 call for proposals was launched during the second semester of 2006. The Commission received 150 grant applications in response to the INTI 2006 call for proposals. The Commission agreed to co-finance 12 new projects in connection with the call for proposals under the INTI 2006 programme to the tune of some EUR 3.9 million. The year 2006 was the last year of the INTI programme. An evaluation on the INTI pilot projects/preparatory actions 2003-2006 was finalised in 2008, which underlined the overall good results of the programme.</p>
2.5. (c)	Annual reports on immigration and integration	Commission	2005 ongoing	<p>√ <b>Achieved</b></p> <p>The first annual report on immigration and integration was adopted on 17 July 2004<sup>80</sup>. The second annual report on immigration and integration was adopted on 30 June 2006<sup>81</sup>. The third – and so far last – annual report was adopted on 19 September 2007<sup>82</sup>.</p>

<sup>80</sup> COM(2004) 508 final.

<sup>81</sup> SEC(2006) 892.

<sup>82</sup> COM(2007) 512 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.5. (d)	Handbook on integration	Commission	Second edition 2006, ongoing	<p>√ <b>Achieved</b><sup>83</sup></p> <p>The first edition of the handbook (November 2004) was made available in all official languages on JLS website in the second semester of 2006<sup>84</sup>.</p> <p>The second edition of the handbook was presented in May 2007 at the occasion of the second Ministerial Conference on Integration in Potsdam (Germany) and has been made available in all official languages at the same internet address.</p> <p>A third edition of the handbook is close to finalisation and is expected to be officially presented in the course of 2009.</p>
2.5. (e)	Development of a website on integration	Commission	2006	<p>√ <b>Achieved</b><sup>85</sup></p> <p>The website was launched in April 2009<sup>86</sup>.</p>

---

<sup>83</sup> Achieved in 2007.

<sup>84</sup> Available at: [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/integration/doc\\_immigration\\_integration\\_en.htm](http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc_immigration_integration_en.htm).

<sup>85</sup> Achieved in 2009.

<sup>86</sup> Available at: <http://ec.europa.eu/ewsi/>.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.6.	FIGHT AGAINST ILLEGAL IMMIGRATION			

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.6. (a)	Contribution to management of immigration liaison networks in relevant third countries	Council/Commission	2005 ongoing	<p>• <b>Delayed</b></p> <p>In October 2006 the Commission presented a discussion paper on further development of Immigration Liaison Officers (ILO) networks in third-countries presented in the Strategic Committee for Immigration, Frontiers and Asylum (SCIFA). Building upon Member States' replies to a Presidency questionnaire, further discussions took place in 2007 and 2008, focussing on the possibility of greater FRONTEX involvement in the further development of liaison officer networks. It was agreed to follow a two-phased approach. In the first phase, the Commission convened an expert meeting dealing with the use of the ICONet (13 November 2008) and will launch another one on the update of the ILO Manual (2009). Furthermore, in 2009 the Commission will present a proposal amending some articles of the ILO Regulation 377/2004 (including art. 6). In a second phase, the Commission will discuss with Member States the possibilities to establish EU ILOs (looking after the interest of a number of Member States and/or EU bodies such as FRONTEX).</p>
2.6. (b)	Annual report on the common policy on illegal migration	Commission	2005 ongoing	<p>√ <b>Achieved</b></p> <p>The first annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external border controls, and the return of illegal residents was adopted on 25 October 2004<sup>87</sup>.</p> <p>The second annual report was adopted on 19 July 2006<sup>88</sup>.</p> <p>The third annual report was adopted on 9 March 2009<sup>89</sup>.</p>

<sup>87</sup> SEC(2004) 1349.

<sup>88</sup> SEC(2006) 1010.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.6. (c)	Adoption of a Commission Decision establishing a secure web-based information network for Member States' migration services (ICONET)	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission Decision laying down detailed rules for the implementation of Council Decision establishing a secure web-based information network for Member States' migration management services (Iconet) was adopted on 15 December 2005<sup>90</sup>. Moreover, a Memorandum of understanding between the Commission and FRONTEX concerning the development of the ICONet was signed in February 2007, allowing FRONTEX to use the network in order to perform its tasks. A similar Memorandum was signed with Europol in January 2008.</p>

---

<sup>89</sup> SEC(2009) 320.

<sup>90</sup> Commission Decision C(2005) 5159 final of 15 December 2005 laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.6. (d)	Proposal for the conclusion and signature of the Council of Europe Convention on action against trafficking in human beings (CAHTEH)	Commission	2005	<ul style="list-style-type: none"> <li>• <b>Postponed</b></li> </ul> <p>The proposal for the conclusion of the Council of Europe Convention has not been put forward due to legal and institutional problems. In particular, the strong monitoring system of the Convention could interfere with the monitoring of EC Directives dealing with the same or related issues, and therefore jeopardise the autonomy of Community law.</p> <p>However, internal consultation is underway with a view to identifying a possible solution.</p>
2.6. (e)	Realisation by Member States of targets for reducing the informal economy as set out in the European employment strategy	Member States		<p>✓ <b>Achieved</b></p> <p>The Policy Plan on Legal Migration of 21 December 2005 contains several measures to address the issue of illegal employment of third-country nationals. More measures have been presented in the Communication on illegal immigration in July 2006<sup>91</sup>. Other action provided for by the Lisbon Strategy is carried out by Member States in the context of the employment strategy and policies.</p>
2.6. (f)	Presentation by the Commission of a report which may include instruments for fighting against illegal work	Commission		<p>✓ <b>Achieved</b></p> <p>Building upon the Commission Communication on policy priorities in the fight against illegal immigration of third country nationals and on the European Council conclusions of 15-16 December 2006<sup>92</sup>, a proposal for a Directive on sanctions against employers of illegal immigrants was presented in 2007<sup>93</sup> and was adopted in May 2009.</p>

<sup>91</sup> COM(2006) 402 final.

<sup>92</sup> Council document 16879/06.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Establishment of an effective removal and repatriation policy based on common standards and closer cooperation and mutual technical assistance</b>				
2.6. (g)	<i>Proposal on return procedures</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>On 1 September 2005 the Commission tabled the proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals<sup>94</sup>. The Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals was adopted on 16 December 2008<sup>95</sup>.</p>
2.6. (h)	Launching of the preparatory actions for financial support to return management	Commission	2005	<p>√ <b>Achieved</b></p> <p>The budgetary authority established the relevant budget heading “Preparatory actions for a financial instrument for return management in the area of migration” in 2005. The Return Preparatory Actions commenced in 2005 with a commitment appropriation of € 15.000.000 for grants. For 2006, which was the last year of the Return Preparatory Actions, €15.000.000 were allocated, of which € 14.620.000 was for grants and € 380.000 for tenders. 38 projects were financed under the 2005 and 2006 calls for proposal.</p>

<sup>93</sup> COM(2007) 249 final.

<sup>94</sup> COM(2005) 391 final.

<sup>95</sup> OJ L 348, 24.12.2008, p. 98.



No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.6. (i)	Appointment of a Commission Special Representative for a common readmission policy	Commission	2005	<p>√ <b>Achieved</b></p> <p>On 24 October 2005 the Commission appointed Karel Kovanda, Deputy Director-General of DG RELEX, as Special Representative for a common readmission policy, and Jean-Louis De Brouwer, Director in DG JLS, as Deputy SR.</p>

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.6. (j)	Conclusion of Community readmission agreements and management of existing agreements	Commission	Timely	<p>√ <b>Achieved</b></p> <p>Since 2004, 11 readmission agreements have been concluded and have entered into force: Hong Kong (1 March 2004), Macao (1 June 2004), Sri Lanka (1 May 2005), Albania (1 May 2006), Russian Federation (1 June 2007), Montenegro, the former Yugoslav Republic of Macedonia, Serbia, Bosnia and Herzegovina, Ukraine and the Republic of Moldova (for all of them, 1 January 2008). The negotiations with Pakistan were successfully completed in September 2008 and the agreement is in the process of ratification by both sides. The negotiations with Morocco and Turkey are still ongoing while the negotiations with China and Algeria have not been initiated yet due to the refusal to engage from those two countries.</p> <p>The following Joint Readmission Committees were convened with the respective countries to monitor implementation of the readmission agreements in force: with Russia 4 meetings; with Hong Kong, Macau, Moldova, 1 meeting with each; with Albania, Montenegro, the former Yugoslav Republic of Macedonia, Serbia, Bosnia and Herzegovina, 2 meetings with each; with Ukraine, 3 meetings. The meeting with Sri Lanka is to be convened in the course of 2009. Following the authorisation to negotiate a readmission agreement with Georgia given by the Council to the Commission in November 2008, formal negotiations were opened in April 2009.</p> <p>The Commission also presented recommendations to the Council for obtaining negotiating guidelines for readmission agreements with Cape Verde.</p>

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>2.7. EXTERNAL DIMENSION OF ASYLUM AND MIGRATION</b>				
<b>- Cooperation with third countries in managing migration and asylum</b>				
2.7. (a)	Communication on migration and development	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Communication "Migration and Development: Some concrete orientations" was presented by the Commission on 1 September 2005<sup>96</sup>. The Council supported the Commission to give firm shape to the orientations contained in the Communication, in particular as regards migrant remittances, diaspora and brain drain issues, and approved conclusions on migration and external relations on 21-22 November 2005<sup>97</sup>.</p>
2.7. (b)	Revised version for 2006 of the reference document of the AENEAS programme		2005	<p>√ <b>Achieved</b><sup>98</sup></p> <p>The need to revise the reference document expired as the duration of the Programme was limited to three years (2004-2006). Instead, a Communication proposing the creation of a thematic programme for the cooperation with third countries in the areas of migration and asylum, to replace the AENEAS Programme for 2007-2013, was presented on 25 January 2006<sup>99</sup>. This new Thematic Programme was established through the adoption of the Regulation (EC) N°1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation<sup>100</sup>. In June 2007 the Commission adopted the Strategy Paper and the Multi-Annual Indicative Programme 2007-2010 for the implementation of the new Thematic Programme.</p>

<sup>96</sup> COM(2005) 390 final.

<sup>97</sup> Council document 14769/05.

<sup>98</sup> To be considered within the framework of the new financial perspectives.

<sup>99</sup> COM(2006) 26 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.7. (c)	Completing the integration of migration into the country and regional strategy papers for all relevant third countries	Commission	2005	√ <b>Achieved</b>  Integration of migration into the regional and country strategy papers is an ongoing process. All CSP for the period 2008-2013 have a section on migration and a migration profile in the annex for CSP with ACP countries.
2.7. (d)	Conclusions in order to intensify Member States' cooperation in preventing further loss of life resulting from attempts to enter the EU illegally, mainly in the Mediterranean	Council	2005	√ <b>Achieved</b>  European Council conclusions were adopted on 15-16 December 2005 <sup>101</sup> .

---

<sup>100</sup> OJ L 378, 27.12.2006, p. 41

<sup>101</sup> Annex I to the Brussels European Council Conclusions of 15-16 December 2005, Council document 15914/1/05 rev 1.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Development of EU Regional Protection Programmes</b>				
2.7. (e)	Plan of action for EU Regional Protection Programmes, including EU resettlement scheme	Commission / Council	2005	<p>√ <b>Achieved</b></p> <p>The Commission adopted a Communication on Regional Protection Programmes on 1 September 2005<sup>102</sup>. The Council supported the approach proposed in the Commission Communication and recognised that such programmes are a first step in improving access to protection and durable solutions for those in need of international protection as quickly and as close to their home as possible. The Council supported the proposal made in the Communication that pilot Regional Protection Programmes should be considered for the Western Newly Independent States (Ukraine, Moldova and Belarus) and sub-Saharan Africa.</p>
2.7. (f)	Launching pilot protection programmes	Commission	2005	<p>√ <b>Achieved</b><sup>103</sup></p> <p>Pilot projects were started beginning 2007 in Tanzania and in the Western Newly Independent States.</p>
<b>- Intensified cooperation with countries of transit to enable these countries better to manage migration and to provide adequate protection for refugees</b>				

<sup>102</sup> COM(2005) 388 final.

<sup>103</sup> Achieved in 2007.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.7. (g)	Report on progress and achievements in asylum and migration, within the context of the European Neighbourhood Policy	Commission	2005	<p>√ <b>Achieved</b></p> <p>A Communication monitoring and evaluating the cooperation with third countries in the field of the fight against illegal immigration covering, for example, Morocco, Tunisia and Libya was presented on 27 July 2005<sup>104</sup>. Pilot Mobility Partnership with the Republic of Moldova was signed on 5 June 2008 and is being implemented.</p>

---

<sup>104</sup>

COM(2005) 352 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>2.8. BORDER MANAGEMENT, BIOMETRICS, INFORMATION SYSTEMS AND VISA POLICY</b>				
<b>- Abolition of controls on persons at the internal borders</b>				
2.8. (a)	<i>Proposal on SIS II legal instruments</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The three proposals for legal instruments which will govern the establishment, operation and use of the Schengen Information System (SIS II) were adopted by the Commission on 31 May 2005<sup>105</sup>.</p> <p>On 20 December 2006, Regulation (EC) No 1986/2006 of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates and the Regulation (EC) No 1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II) were adopted<sup>106</sup>. On 12 June 2007, the Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II) was adopted<sup>107</sup>.</p> <p>The legal instruments governing SIS II were completed by the adoption by the Commission of the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) in March 2008<sup>108</sup>.</p>

<sup>105</sup> COM(2005) 230, proposal for a Council Decision on the establishment, operation and use of the second generation Schengen information system (SIS II); COM(2005) 236, proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen information system (SIS II); COM(2005) 237, proposal for a Regulation of the European Parliament and of the Council regarding access to the second generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates.

<sup>106</sup> OJ L 381, 28.12.2006, p. 1 and p. 4 respectively.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.8. (b)	Start of evaluation of the implementation of the non-SIS II related <i>acquis</i> in the new Member States	Council	2006	√ <b>Achieved</b>  The evaluations have been carried out during 2006-2007.

---

<sup>107</sup> OJ L 205, 7.8.2007, p. 63.

<sup>108</sup> OJ L 123, 8.5.2008, p. 1 and p. 39 respectively.



No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.8. (c)	Evaluation of SIS II related <i>acquis</i> in the new Member States (after SIS II operational)	Commission	2007	<p>√ <b>Achieved</b></p> <p>Schengen evaluations of the SIS have been carried out in September 2007 in accordance with the relevant Schengen evaluation procedures.</p>
2.8. (d)	<i>Adoption of a Council Decision on the lifting of controls at the borders with and between the new Member States, when all requirements regarding application of the Schengen acquis have been met and once the Schengen Information System (SIS II) has become operational</i>	Council	2007	<p>√ <b>Achieved</b></p> <p>Council Decision 2007/801/EC on the full application of the provisions of the Schengen <i>acquis</i> in the Czech Republic, the Republic of Estonia, 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 was adopted on 6 December 2007<sup>109</sup>.</p> <p>The Schengen Member States continue to rely on SIS 1+; SIS II shall become operational after all relevant tests have been completed in accordance with the provisions of Council Decision 2007/533/JHA<sup>110</sup> and Regulation (EC) No 1987/2006<sup>111</sup>.</p> <p>The proposals for a regulation<sup>112</sup> and a decision<sup>113</sup> on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) were adopted on 16 April 2008. Council Regulation (EC) No 1104/2008 and Council Decision 2008/839/JHA were adopted on 24 October<sup>114</sup>.</p>

<sup>109</sup> OJ L 323, 8.12.2007, p. 34.

<sup>110</sup> OJ L 205, 7.8.2007, p. 63.

<sup>111</sup> OJ L 381, 28.12.2006, p. 4.

<sup>112</sup> COM(2008) 197 final.

<sup>113</sup> COM(2008) 196 final.

<sup>114</sup> OJ L 299, 8.11.2008, p. 1 and p. 43.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.8. (e)	<i>Proposal for supplementing the existing Schengen evaluation mechanism with a supervisory mechanism</i>	Commission	2007	✓ <b>Achieved</b> <sup>115</sup>  The Commission presented a proposal for a regulation (first pillar) and a proposal for a decision (third pillar) on a new Schengen evaluation mechanism on 27 February 2009 <sup>116</sup> .
<b>- Establishment of an integrated management system for external borders</b>				
2.8. (f)	<i>Proposal on the setting up, the powers and the financing of teams of national experts to provide technical and operational assistance to Member States in the control and surveillance of external borders within the framework of the Border Management Agency</i>	Commission	2007	✓ <b>Achieved</b>  The Commission presented the proposal for a Regulation establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism on 19 July 2006 <sup>117</sup> . The Regulation (EC) No 863/2007 was adopted on 11 July 2007 <sup>118</sup> .

<sup>115</sup> Achieved in 2009.

<sup>116</sup> Respectively COM(2009) 102 final and COM(2009) 105 final.

<sup>117</sup> COM(2006) 401 final.

<sup>118</sup> OJ L 199, 31.7.2007, p. 30.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.8. (g)	'Handbook for border guards' (after adoption of the Community code on the rule governing the movement of persons across borders)	Commission	2005	<p>√ <b>Achieved</b><sup>119</sup></p> <p>The Commission adopted the recommendation establishing the Practical handbook for border guards (Schengen Handbook) on 6 November 2006<sup>120</sup>.</p>
2.8. (h)	Evaluation report on the External Border Agency, including a review of the tasks of the Agency and an assessment of whether it should concern itself with other aspects of border management (including the evaluation of the functioning of the teams of national experts and the feasibility of a system of Europe an border guards)	Commission	2007	<p>√ <b>Achieved</b><sup>121</sup></p> <p>The Commission submitted the report on 13 February 2008<sup>122</sup> as part of the "border package" (which also includes a communication on entry-exit system and on a European border surveillance system).</p> <p>An external evaluation of FRONTEX<sup>123</sup> was concluded in 2009 and confirmed the positive results achieved by the Agency in relation to the main objectives set in the founding regulation.</p>

<sup>119</sup> Achieved in 2006.

<sup>120</sup> C(2006) 5186 final.

<sup>121</sup> Achieved in 2008.

<sup>122</sup> COM(2008) 67 final.

<sup>123</sup> External evaluation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, available at: [http://www.frontex.europa.eu/download/Z2Z4L2Zyb250ZXgvZW4vZGVmYXVsdF9vcGlzeS82Mi8xLzE/cowi\\_report\\_final.doc](http://www.frontex.europa.eu/download/Z2Z4L2Zyb250ZXgvZW4vZGVmYXVsdF9vcGlzeS82Mi8xLzE/cowi_report_final.doc).

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Partial application of the Schengen acquis</b>				
2.8. (i)	<i>Adoption of a Council Decision on the partial implementation of the Schengen acquis by Ireland</i>	Council	2006	<b>• Delayed</b>  The adoption of the Decision is dependant on the possibility for Ireland to access SIS.
2.8. (j)	<i>Adoption of a Council Decision on the partial implementation of the Schengen acquis (SIS) by the United Kingdom</i>	Council	2005	<b>• Delayed</b>  The adoption of the Decision is dependant on the possibility for the United Kingdom to access SIS.
<b>- Coherent approach and harmonised solutions in the EU on biometric identifiers and data</b>				
2.8. (k)	<i>Proposal modifying the Common Consular Instructions concerning standards and procedures for taking biometric data, including the obligation to provide such data and specifying the exceptions to this obligation</i>	Commission	2005	<b>√ Achieved</b>  The proposal for a Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications was adopted by the Commission on 31 May 2006 <sup>124</sup> .

<sup>124</sup>

COM(2006) 269 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.8. (l)	Preparation for the development of minimum standards for national ID-cards	Council	From 2005 onwards	<p>√ <b>Achieved</b></p> <p>Several expert meetings were organised to work on the development of minimum standards, the interoperability of electronic signatures and the issuing procedures. Conclusions in the form of a resolution by the representatives of Member States meeting within the Council were adopted by the JHA Council of 1 December 2005<sup>125</sup>. A detailed document on minimum security standards for ID was transmitted to the Council in the 1st half of 2006. In the absence of a legal basis, Member States adopted these standards in a "Resolution of the representatives of the governments of the Member States of the European Union" on 4-5 December 2006<sup>126</sup>.</p>
2.8. (m)	Preparation for the development of minimum standards for sector-specific ID-cards, if appropriate	Council	From 2005 onwards	<p>√ <b>Achieved</b></p> <p>On 14 April 2005, the Council adopted the Decision 2005/367/EC authorising Member States to ratify, in the interests of the European Community, the Seafarers' Identity Documents Convention of the International Labour Organisation (Convention 185)<sup>127</sup>.</p>

---

<sup>125</sup> Council document 15000/05.

<sup>126</sup> Council document 15801/06, p. 40.

<sup>127</sup> OJ L 136, 30.5.2005, p. 1.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.8. (n)	Widespread use of biometric identifiers concerning travel documents, visas, residence permits, EU citizens' passports and information systems	Commission	From 2006 onwards	<p>√ <b>Achieved</b></p> <p>On 18 April 2008, the Council Regulation (EC) No 380/2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals was approved, introducing the use of image and two fingerprints in the residence permit for third country nationals<sup>128</sup>.</p> <p>On 18 October 2007 the Commission presented a proposal amending Regulation (EC) No 2252/2004 on security standards and biometrics in travel documents issued by Member States<sup>129</sup>. It aims at introducing exceptions from the requirement of taking fingerprints for children below a certain age and persons not able to give fingerprints, as well as introducing the principle "1 person -1 document". The co-decision procedure finished with a compromise proposal which is expected to be adopted in 2009.</p>
2.8. (o)	Communication on enhanced synergies between SIS II, VIS and Eurodac	Commission	2006	<p>√ <b>Achieved</b></p> <p>The Commission adopted on 24 November 2006 a Communication on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs<sup>130</sup>.</p>

<sup>128</sup> OJ L 115, 29.4.2008, p. 1.

<sup>129</sup> COM(2007) 619 final.

<sup>130</sup> COM(2005) 597 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>2.9. VISA POLICY, INCLUDING THE DEVELOPMENT OF THE VISA INFORMATION SYSTEM (VIS)</b>				
2.9. (a)	Meetings with third countries of the positive visa list in order to ensure visa-free travel for citizens of the Member States to all those third countries in the context of the new reciprocity mechanism soon to be adopted (to be combined with the review of the visa list)	Commission	Ongoing – to be combined with the review of the visa list	Since 2005, the Commission publishes every year a "visa reciprocity report" <sup>131</sup> .  In order to restore reciprocity, the European Commission presented a recommendation to the Council to open negotiations on a visa waiver agreement with Brazil.
2.9. (b)	<i>Proposals relating to the necessary amendments to further enhance visa policies and the establishment of common application centres for visas</i>	Commission	2005	√ <b>Achieved</b> <sup>132</sup>  A proposal on the introduction of biometrics and on common application centres was presented by the Commission on 31 May 2006 <sup>133</sup> .

<sup>131</sup> COM(2006) 3 final; COM(2006) 568 final; COM(2007) 533 final ; COM(2008) 486 final/2; a fifth report will be published in 2009.

<sup>132</sup> Achieved in 2006.

<sup>133</sup> COM(2006) 269 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9. (c)	Regular review of the visa list Regulation (EC) No 539/2001	Commission	Ongoing	<p>√ <b>Achieved</b></p> <p>A Commission proposal for a Council Regulation amending Regulation No 539/2001 was presented on 13 July 2006<sup>134</sup>. Council Regulation (EC) No 1932/2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement was adopted on 21 December 2006<sup>135</sup>. This Regulation transferred six third countries from the negative to the positive list, but conditioned the lifting of the visa obligation by the entry into force of visa waiver agreements with each of these countries. These six agreements have been negotiated in the mean time and the Commission has submitted to the Council draft decisions in view of signature and conclusion of these agreements with Antigua and Barbuda<sup>136</sup>, Bahamas<sup>137</sup>, Barbados<sup>138</sup>, Mauritius, Saint Kitts and Nevis<sup>139</sup> and the Seychelles<sup>140</sup>.</p>

---

<sup>134</sup> COM(2006) 84 final.  
<sup>135</sup> OJ L 405, 30.12.2006, p. 23.  
<sup>136</sup> SEC(2008) 198.  
<sup>137</sup> SEC(2008) 199.  
<sup>138</sup> SEC(2008) 200.  
<sup>139</sup> SEC(2008) 202.  
<sup>140</sup> SEC(2008) 203.



No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9. (d)	<i>Proposal on visa facilitation procedures for members of the Olympic Family — Turin 2006</i>	Commission	2005	√ <b>Achieved</b>  The Commission presented a proposal for a Regulation relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and /or Paralympic Winter Games in Torino on 7 September 2005 <sup>141</sup> . On 14 December 2005, the Regulation (EC) No 2046/2005 was adopted <sup>142</sup> .
2.9. (e)	Report on the implementation of Regulation (EC) No 1295/2003 "Visa facilitation procedures for members of the Olympic Family — Athens 2004"	Commission	2005	√ <b>Achieved</b>  The Commission adopted the report the functioning of the derogation system introduced by Regulation 1295/2003 regarding measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens on 11 August 2005 <sup>143</sup> .
2.9. (f)	<i>Proposal amending the Common Consular Instructions on visa fees</i>	Council	2005	√ <b>Achieved</b> <sup>144</sup>  On 1 June 2006, the Council adopted the Decision 2006/440/EC amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications <sup>145</sup> .

<sup>141</sup> COM(2005) 412 final.

<sup>142</sup> OJ L 334, 20.12.2005, p. 1.

<sup>143</sup> SEC(2005) 1051.

<sup>144</sup> Achieved in 2006.

<sup>145</sup> OJ L 175, 29.6.2006, p. 77.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9 (g)	<i>Proposals on transit</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>On 22 August 2005 the Commission presented the proposal for a decision establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories and the proposal for a decision establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory<sup>146</sup>. The Decisions No 895/2006/EC and No 896/2006/EC were finally adopted 14 June 2006<sup>147</sup>.</p> <p>On 11 September 2007, after the accession of Bulgaria and Romania into the EU, the Commission presented a revision of the Decisions No 895/2006/EC and 896/2006/EC<sup>148</sup>. The new proposals have been adopted on 17 June 2008 (Decisions 582/2008/EC<sup>149</sup> and 586/2008/EC<sup>150</sup>).</p>

<sup>146</sup> COM(2005) 381 final.

<sup>147</sup> OJ L 167, 20.6.2006, p. 1 and p. 8. To take into account the accession of Bulgaria and Romania to the EU, the two decisions were followed-up by Decision No 582/2008/EC (OJ L 161, 20.6.2008, p. 30) and Decision No 586/2008/EC (OJ L 162, 21.6.2008, p. 27).

<sup>148</sup> COM(2007) 508 final.

<sup>149</sup> OJ L 161, 20.6.2008, p. 30.

<sup>150</sup> OJ L 162, 21.6.2008, p. 27.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9. (h)	Recommendation for negotiating directives for visa waiver agreements between the EC and third countries on the conditions to move freely within the Union for a period between three and six months	Commission	2005 ongoing	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>There is no legal basis under the current Treaties related to this action.</p>
2.9. (i)	<i>Adoption of a proposal establishing a regime on local border traffic</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>On 23 February 2005, the Commission presented a proposal laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions<sup>151</sup>. The Regulation (EC) No 1931/2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention was adopted on 20 December 2006<sup>152</sup>.</p>
2.9. (j)	Report on the operation of the Kaliningrad transit scheme	Commission	2005	<p>√ <b>Achieved</b><sup>153</sup></p> <p>On 22 December 2006, the Commission adopted the Report on the functioning of the facilitated transit for persons between the Kaliningrad region and the rest of the Russian Federation<sup>154</sup>.</p>

<sup>151</sup> COM(2005) 56 final.

<sup>152</sup> OJ L 405, 30.12.2006, p. 1.

<sup>153</sup> Achieved in 2006.

<sup>154</sup> COM(2006) 840 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9. (k)	Kaliningrad Facility <sup>155</sup>	Commission / Lithuania	Ongoing	√ <b>Achieved</b>  Final payment was made in 2008.
2.9. (l)	Schengen facility for seven Member States	Commission / seven beneficiary Member States	2004/2006	√ <b>Achieved</b> <sup>156</sup>  The seven Commission Decisions on the financial contribution of the Schengen facility were adopted in 2004 <sup>157</sup> ; the seven Schengen Facility Financing Decisions were adopted in 2005 <sup>158</sup> ; the seven Schengen Facility Financing Decisions were adopted in 2006 <sup>159</sup> .

<sup>155</sup> The Kaliningrad Facility will be replaced by specific provisions within the proposed External Border Fund for the period 2007 to 2013 as part of the Framework Programme "Solidarity and Management of Migration Flows".

<sup>156</sup> Achieved in 2006.

<sup>157</sup> C(2004) 4439 for Estonia, C(2004) 4872 for Hungary, C(2004) 4867 for Latvia, C(2004) 4471 for Lithuania, C(2004) 4874 for Poland, C(2004) 4873 for Slovakia, C(2004) 4437 for Slovenia.

<sup>158</sup> C(2005) 5686 for Estonia, C(2005) 5693 for Hungary, C(2005) 5826 for Latvia, C(2005) 5699 for Lithuania, C(2005) 5702 for Poland, C(2005) 5824 for Slovakia, C(2005) 5706 for Slovenia.

<sup>159</sup> C(2006) 4941 for Lithuania, C(2006) 5086 for Latvia, C(2006) 5344 for Slovakia, C(2006) 6431 for Slovenia, C(2006) 6471 for Estonia, C(2006) 6596 for Poland and C(2006) 6733 for Hungary.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9. (m)	Specific recommendations for negotiating directives on visa facilitation on a case by case basis with third countries in the context of the EC readmission policy, where possible and on the basis of reciprocity, with a view to developing a real partnership on migration management issues	Commission	2005 to 2009	<p>√ <b>Achieved</b></p> <p>The Commission has negotiated visa facilitation agreements with eight third countries: Russia, Ukraine, the Republic of Moldova, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, back-to-back with readmission agreements (see 2.6(j)). The agreement with Russia entered into force on 1 June 2007 and the other agreements on 1 January 2008. . These agreements provide for simplification of the visa procedures for citizens of these countries wishing to travel to the EU for short stays. Following the authorisation to negotiate a visa facilitation agreement with Georgia given by the Council to the Commission in November 2008, formal negotiations should be opened in 2009. In November 2008, the Commission recommended the opening of negotiations on visa facilitation agreement with Cape Verde in the framework of the EU's pilot Mobility Partnership with Cape Verde.</p>
2.9. (n)	<i>Proposal on the review of the Common Consular Instructions, concerning in particular local consular cooperation</i>	Commission	2006	<p>√ <b>Achieved</b></p> <p>A proposal for a Regulation establishing a Community code on visas was presented by the Commission on 28 July 2006<sup>160</sup>. Adoption by the European Parliament and the Council is foreseen for 2009.</p>

<sup>160</sup>

COM(2006) 403 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9. (o)	Technical implementation of the VIS, starting with the functionalities for processing alphanumeric data and photographs and adding the functionalities for biometric data	Commission	2006	<p>• <b>Delayed</b></p> <p>The initial Council Decision (2004/512/EC) of 8 June 2004 establishing the Visa Information System (VIS)<sup>161</sup> established the VIS as a system for the exchange of visa data between Member States. For the technical implementation of the VISA it was necessary to define the purpose, the functionalities and responsibilities for the VIS, and to establish the conditions and procedures for the exchange of visa data between Member States to facilitate the examination of visa applications and related decisions. In this respect the Commission presented on 28 December 2004 a proposal for a Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas<sup>162</sup>. Regulation (EC) No 767/2008 was adopted on 9 July 2008<sup>163</sup>.</p> <p>As regards the technical implementation, the Visa Information System (VIS) will go-live with biometric functionalities from the very beginning of its implementation. Following the political agreement of the VIS legal package in June 2007, a new project schedule has been drawn up, taking account of biometrics and the finalised legal requirements, and foresees the central VIS as "available for operations" by December 2009. The date for the start of operations will depend upon the readiness of the Member States. The Commission has published 4 VIS progress reports since 2005<sup>164</sup>.</p>

<sup>161</sup> OJ L 213, 15.6.2004, p. 5.

<sup>162</sup> COM(2004) 835 final.

<sup>163</sup> OJ L 218, 13.8.2008, p. 60.

<sup>164</sup> In 2005, SEC(2005) 339; in 2006, SEC(2006) 610; in 2007, SEC(2007) 833; in 2008, COM(2008) 714 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
2.9. (p)	<i>Proposal on the creation of common visa offices</i>	Commission	2007	<p>√ <b>Achieved</b></p> <p>In order to create the legal basis for Member States to organize their consular offices and giving a legal framework for taking the mandatory biometric identifiers (the facial image and fingerprints) from visa applicants for the Visa Information System (VIS), an amendment to the Common Consular Instructions envisaging the possibility of the establishment of common application centres was submitted by the Commission on 31 May 2006<sup>165</sup>.</p>
<b>3. STRENGTHENING SECURITY</b>				
<b>- Framework Programme "Security and Safeguarding Liberties" under the new Financial Perspectives (2005)</b>				
3. (a)	<i>Proposal for a decision establishing a specific Programme on "Prevention of and fight against crime"</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission adopted the proposal on 6 April 2005<sup>166</sup>. The Council Decision 2007/125/JHA establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention of and Fight against Crime" was adopted on 12 February 2007<sup>167</sup>.</p>

<sup>165</sup> COM(2006) 269 final.  
<sup>166</sup> COM(2005) 124 final.  
<sup>167</sup> OJ L 58, 24.2.2007, p. 7.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
3. (b)	<i>Proposal for a decision establishing a specific programme on "Prevention, preparedness and consequence management of terrorism"</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission adopted the proposal on 6 April 2005<sup>168</sup>. The Council Decision 2007/124/EC, Euratom establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks" was adopted on 12 February 2007<sup>169</sup>.</p>
<b>3.1. SHARING OF INFORMATION AMONG LAW ENFORCEMENT AND JUDICIAL AUTHORITIES WHILE STRIKING THE RIGHT BALANCE BETWEEN PRIVACY AND SECURITY</b>				
3.1. (a)	<i>Adoption of a legislative instrument on the retention of data processed in connection with the provision of public electronic communication services for the detection, investigation and prosecution of criminal offences</i>	Council/ Parliament	2005	<p>√ <b>Achieved</b></p> <p>On the basis of the Commission proposal of 21 September 2005<sup>170</sup>, the Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC was adopted on 15 March 2006<sup>171</sup>.</p>

<sup>168</sup> COM(2005) 124 final.

<sup>169</sup> OJ L 58, 24.2.2007, p. 1.

<sup>170</sup> COM(2005) 438 final.

<sup>171</sup> OJ L 105, 13.4.2006, p. 54.



No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Availability principle and protection of personal data</b>				
3.1. (b)	<i>Proposal on the establishment of a principle of availability of law enforcement relevant information</i>	Commission	2005	<b>√ Achieved</b>  The proposal for a Framework Decision on the exchange of information under the principle of availability was adopted on 12 October 2005 by the Commission <sup>172</sup> .
3.1. (c)	<i>Proposal on adequate safe guards and effective legal remedies for the transfer of personal data for the purpose of police and judicial cooperation in criminal matters</i>	Commission	2005	<b>√ Achieved</b>  The Commission's proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters was adopted on 4 October 2005 <sup>173</sup> . The Framework Decision 2008/977/JHA was adopted on 27 November 2008 <sup>174</sup> by the Council.

<sup>172</sup> COM(2005) 490 final.

<sup>173</sup> COM(2005) 475 final.

<sup>174</sup> OJ L 350, 30.12.2008, p. 60.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
3.1 (d)	<i>Adoption of a proposal for a Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU</i>	Council	2005	<p>√ <b>Achieved</b></p> <p>On 4 June 2004, a Swedish initiative for the simplification of the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union was presented. On the basis of this initiative, the Council Framework Decision 960/2006/JHA was adopted on 18 December 2006<sup>175</sup>.</p>
3.1. (e)	<i>Proposal on access by law enforcement to the VIS</i>	Commission	2006	<p>√ <b>Achieved</b></p> <p>On 24 November 2005, the Commission presented a proposal for a Council Decision concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences<sup>176</sup>. The Council Decision 2008/633/JHA was adopted on 23 June 2008<sup>177</sup>.</p>

<sup>175</sup> OJ L 386, 29.12.2006, p. 89.

<sup>176</sup> COM(2005) 600 final.

<sup>177</sup> OJ L 218, 13.8.2008, p. 129.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
3.1. (f)	Development of the Europol Information System	Europol	2006	<p>√ <b>Achieved</b></p> <p>Europol has developed the Europol Information System (IS), which is available in the Member States since October 2005. The system means that a limited number of relevant data – including personal data – will be passed on by national police authorities. The Information System is available to all Member States' Liaison Bureaux, the Europol National Units and Europol SC Units.</p> <p>Pursuant to the entry into force of the 2003 Protocol ("Danish protocol") amending the Europol Convention, the possibility is given to Member States to allow access to IS to some designated national competent authorities on a hit/no hit basis. Furthermore, to improve their contribution to the IS, a number of Member States have automatic data loaders in place, and 8 more are willing to create IS data loaders.</p> <p>However, after 3 years of operation, the usage of the IS is still low although improvements in the volume of contributions took place in 2008. The IS Strategy 2008-2012 identified concrete obstacles as to why the system is not sufficiently used and set objectives in order to improve the situation. In October 2008, the IS Improvement Project was set up to improve the added value and the usage of the IS by the end of 2009.</p>

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
3.1. (g)	Development of links between the SIS II and the Europol information system		2007	<p>• <b>Delayed</b></p> <p>Europol has been connected to the SIS II testing environment. Once SIS II will be operational, Europol will have read-only access rights, in accordance with the SIS II legal framework</p>

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
3.1. (h)	<p><i>Implementation of the principle of availability, concerning the following areas:</i></p> <ul style="list-style-type: none"> <li>- DNA</li> <li>- fingerprints</li> <li>- ballistics</li> <li>- telephone numbers</li> <li>- vehicle registrations</li> <li>- civil registers</li> </ul>	Commission /Council	2006 (2005 for DNA)	<p>• <b>Ongoing</b></p> <p>See also 3.1(b). The Commission presented a proposal for a Framework Decision on the implementation of the principle of availability<sup>178</sup> and a proposal for a Framework Decision on the protection of data that are exchanged under this principle in the framework of police and judicial cooperation in criminal matters<sup>179</sup> in October 2005. Only the latter Framework Decision was adopted<sup>180</sup>.</p> <p>The Commission supported the initiative of Germany<sup>181</sup> and other signatories of the Prüm Treaty to transform this Treaty into a Council Decision. The Council adopted the Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and the correlated Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime on 23 June 2008<sup>182</sup>.</p> <p>The Prüm Decision establishes the possibility for law enforcement authorities to gain direct access on a "hit /no-hit" basis to decentralised DNA and fingerprint databases enabling them to find out whether DNA or fingerprint records exist – subsequently followed by a request for additional information on the contents of the records thorough mutual legal assistance arrangements – and full online access to vehicle registration databases. The exchange of DNA, Fingerprints and Vehicle registration data is to be implemented by 26 August 2011. Implementation of principle of availability concerning the other three data categories is not likely to follow before major progress on point 3.1(k) has been made.</p>

<sup>178</sup> COM(2005) 490 final.

<sup>179</sup> COM(2005) 475 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
3.1. (i)	Communication on enhanced synergies between SIS II, VIS and Eurodac	Commission	2006	√ <b>Achieved</b>  Refer to point 2.8(o).
3.1. (j)	<i>Proposal for a general Community architecture on forensic/police databases</i>	Commission	2008	• <b>Not relevant anymore</b>  No relevant anymore because of the adoption of the Prüm Treaty.
3.1. (k)	Definition of a policy for a coherent approach on the development of information technology to support the collection, storage, processing, analysis and exchange of information	Commission	2005	• <b>Ongoing</b>  The Communication on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs was adopted on 24 November 2005 <sup>183</sup> . The discussion on the general policy for a development of information management strategy is ongoing.

<sup>180</sup> OJ L 350, 30.12.2008, p. 60.

<sup>181</sup> Initiative of the Federal Republic of Germany with a view to the adoption of a Council Decision 2007/.../JHA of ... on the implementation of Decision 2007/.../JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, OJ C 267, 9.11.2007, p. 4.

<sup>182</sup> OJ L 210, 6.8.2008, p. 1 and p. 12.

<sup>183</sup> COM(2005) 597 final.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
<b>- Exchange of data on PNR</b>				
3.1. (l)	<i>Proposal concerning a common EU approach to the use of passenger data for border and aviation security and other law enforcement purposes</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission adopted the proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes on 6 November 2007<sup>184</sup> as part of its Counter Terrorism Package. Discussions in Council have started in February 2008.</p>
3.1. (m)	Joint review on the Air Passengers Data (PNR) Agreement with the USA	Commission	2005	<p>√ <b>Achieved</b></p> <p>During 2005 an EU team undertook a review of the 2004 PNR agreement with the US on the transfer of PNR data. The EU team concluded that the US authorities had applied the agreement, and in particular the Undertakings in which they had given to process PNR data from the EU under certain conditions in a satisfactory manner, and that they had made a number of recommendations. Following the ruling of the Court of Justice of 30 May 2006<sup>185</sup> in which the Court annulled the Council and Commission decisions (respectively 2004/496/EC and 2004/535/EC) allowing entering into force of the 2004 agreement, the EU decided to negotiate an interim agreement that became applicable in October 2006 and lasted until July 2007. The EU signed in July 2007 a long term PNR agreement with the United States, thus ensuring that there was no loophole once the 2006 interim PNR agreement expired. It is provisionally applicable and will enter into force as soon as all Member States have finalised domestic consultation procedures. A review of the 2007 US PNR agreement is scheduled for 2009.</p>

---

<sup>184</sup> COM(2007) 654 final.  
<sup>185</sup> C-317/04 and C-318/04.

No <sup>1</sup>	Action under the Action Plan <sup>2</sup>	Competent body	Deadline	State of play <sup>3</sup>
3.1. (n)	Completion of negotiations of PNR agreements with Canada and Australia (2005), and with other countries if necessary	Commission	2005	<p>√ <b>Achieved</b></p> <p>Following the Commission's proposal dated 19 May 2005<sup>186</sup>, the negotiations with Canada were completed with the adoption of the Council International Agreement on 18 July 2005 and Commission Adequacy Decision on 6 September 2005. The agreement entered into force on 22 March 2006. In November 2008 a joint review of the operation of the agreement was carried out. The results of the joint review will be presented in 2009.</p> <p>Negotiations with Australia for an EU – Australia PNR agreement started on 11 March 2008 after Council issued a mandate on 28 February 2008. The agreement providing for transfer from the EU to Australia of PNR data was signed in Brussels on 30 June 2008 and became provisionally applicable from that date. The Agreement will be valid for seven years. Since the agreement became applicable as from 30 June 2008, no joint review to assess its implementation has been held yet.</p>
3.1. (o)	Definition of international guidelines ensuring a high degree of protection of privacy for access to PNR data in the framework of the International Civil Aviation Organisation (ICAO)	Commission		<p>√ <b>Achieved</b></p> <p>A Commission staff working paper was issued on 26 January 2004<sup>187</sup>. On 9 June 2005, the ICAO adopted international PNR Guidelines, taking into account the proposals from the Commission. In April 2006, a circular based on the ICAO Management Board has been published<sup>188</sup>.</p>

<sup>186</sup> COM(2005) 200 final.

<sup>187</sup> SEC(2004) 99.

<sup>188</sup> Circular 309.



No	Action under the Action Plan	Competent body	Deadline	State of play
<b>3.2. TERRORISM</b>				
<b>- Further development of an overall approach to combat terrorism</b>				
3.2. (a)	Further implementation of the EU Action Plan on Combating Terrorism	Commission /Council/ European Parliament		<p>The Commission adopted:</p> <ul style="list-style-type: none"> <li>- the Decision on financing a Pilot Project on the “Fight Against Terrorism” on 15 September 2005<sup>189</sup>;</li> <li>- the decision on the use of the VIS by authorities responsible for internal security on 23 November 2005<sup>190</sup>;</li> <li>- the revised Action Plan on Terrorism on 30 November 2005<sup>191</sup>.</li> </ul> <p>Moreover, the Commission proposed an amendment to the Framework Decision on combating terrorism, adopted by the Council in 2008<sup>192</sup>; as well as an EU Action Plan on Enhancing the Security of Explosives which was adopted by the Council in April 2008<sup>193</sup>, following a 2007 Commission proposal<sup>194</sup>.</p>
3.2. (b)	Follow-up to the pilot project in favour of victims of terrorism	Commission	2006	<p>√ <b>Achieved</b></p> <p>On 7 July 2006, preparatory actions for the victims of terrorist acts were launched with 1.8M € earmarked for grants resulting from the call for proposals. In December 2006</p>

---

<sup>189</sup> C(2005) 3179.  
<sup>190</sup> COM(2005) 600 final.  
<sup>191</sup> SEC(2005) 1585.  
<sup>192</sup> OJ L 330, 9.12.2008, p. 21-23.  
<sup>193</sup> ENFOPOL 69, 8109/08.  
<sup>194</sup> COM(2007) 651 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
				proposals were selected for co-financing. Since then, projects supporting victims of terrorism have been financed from the general financial programmes, amongst others concerning the creation of a network of associations for victims of terrorism.
3.2. (c)	Reinforcement of cooperation between the competent authorities to combat terrorism through the development of specialised contact points in Member States, which will have access to all necessary information and intelligence with respect to terrorist activities involving persons, groups or entities	Commission /Council	2005	<p>√ <b>Achieved</b></p> <p>Decision 2005/671/JHA on the exchange of information and cooperation concerning terrorist offences, adopted on 20 September 2005<sup>195</sup> on the basis of the Commission proposal of 29 March 2004<sup>196</sup>, provides for the establishment of contact points regarding terrorist criminal offences.</p>
3.2. (d)	Examination of the necessity and feasibility of the setting-up of a European law enforcement network (LEN) for the fight against terrorism <i>and if necessary proposal for</i>	Commission /Council	<p>2005 examination</p> <p>2006 proposal</p>	<p>√ <b>Achieved</b></p> <p>After looking at the necessity and feasibility of setting up a European Law enforcement network (LEN), it was decided to abandon this initiative since it would not provide sufficient added value to existing networks.</p>

<sup>195</sup> OJ L 253, 29.9.2005, p. 22.

<sup>196</sup> COM(2004) 221 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>its setting up</i>			
3.2. (e)	Communication on greater security of explosives, bomb-making equipment	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission's Communication was adopted on 18 July 2005<sup>197</sup>. The first important follow-up was a conference organised by the Commission bringing together all major stakeholders to brainstorm on a long-term plan for making explosives more secure. The Council adopted the Action Plan on Enhancing the Security of Explosives on 18 April 2008<sup>198</sup>, following a 2007 Commission proposal<sup>199</sup>. As part of its implementation, a Standing Committee on Precursors, composed of experts from both the public and private sector, was set up.</p>
3.2. (f)	Communication of the Commission on violent radicalisation and strategy of the Council on radicalisation and recruitment	Commission	2005	<p>√ <b>Achieved</b></p> <p>On 21 September 2005, the Commission presented the Communication "Terrorist recruitment: addressing the factors contributing to violent radicalisation"<sup>200</sup>. The Commission's Communication served as a basis for the EU Strategy on Combating Radicalisation and Recruitment<sup>201</sup> adopted on 12 December 2005 and updated in 2008<sup>202</sup>.</p>
3.2. (g)	<i>Proposal for preventing misuse of charitable</i>	Commission	2006	<p>√ <b>Achieved</b></p>

<sup>197</sup> COM(2005) 329 final.

<sup>198</sup> ENFOPOL 69 8109/08.

<sup>199</sup> COM(2007) 651 final.

<sup>200</sup> COM(2005) 313 final.

<sup>201</sup> Council document 14781/1/05 rev 1.

<sup>202</sup> Council document 15175/08.

<sup>203</sup> COM(2005) 620 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>organisations for the financing of terrorism</i>			On 29 November 2005, the Commission adopted a Communication <sup>203</sup> on the Prevention of and Fight against Terrorist Financing through enhanced national level coordination and greater transparency of the non-profit sector. In December 2005, the Council agreed on five principles that should be taken into account when implementing measures aimed at preventing terrorist abuse of the non-profit sector <sup>204</sup> . These principles, together with the Commission, FATF Interpretative Note to Special Recommendation VIII adopted in 2006, and two studies related to this issue provide a basis for further Commission policy development.
3.2. (h)	Communication on results of the peer evaluation mechanism on terrorism in the 25 Member States	Council Secretariat General	2006/2007	<p>√ <b>Achieved</b></p> <p>During 2006 in the framework of the first round of peer evaluation on counter-terrorism measures, the Member States responded to the recommendations of the evaluation teams. A report was drafted by the Council General Secretariat on the basis of the answers of the Member States. The report was approved in the Terrorism Working Party in March 2007. The implementation of the recommendations included in the report is being taken forward by the Member States. In the light of the recommendations of the peer evaluation of national anti-terrorism arrangements, actions are envisaged to strengthen national capabilities to combat terrorism.</p>
3.2. (i)	Identification of need and scope for legal instruments to ensure that all Member States can freeze assets of designated persons on a	Council / Commission	2007	<p>√ <b>Achieved</b></p> <p>The EU regime implementing UN Security Council Resolution 1390 (2002) on the freezing of funds of persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban is based on Council Regulation (EC) No 881/2002<sup>205</sup>. Following</p>

<sup>204</sup> Council document 14694/05.  
<sup>205</sup> OJ L 139, 29.5.2002, p. 9.

No	Action under the Action Plan	Competent body	Deadline	State of play
	preventive basis in accordance with Special Recommendations of the Financial Action Task Force			new decisions by the UN to list persons and entities, the annex to this Regulation has been amended various times by Commission Regulations. In addition, following the Kadi judgment of the European Court of Justice <sup>206</sup> and to ensure continuation of freezing, the Commission has proposed to amend Council Regulation <sup>207</sup> .
3.2. (j)	Contribution to the ongoing work on thwarting the production and spread of chemical, nuclear and biological arms	Commission	2007	√ <b>Achieved</b>  Policy measures on these issues have been in preparation since 2006. A Green Paper on detection technologies in the work of law enforcement, customs and other authorities was adopted on 1 September 2006 <sup>208</sup> , as well as a Green Paper on bio-preparedness <sup>209</sup> was adopted on 11 July 2007. Currently work is on-going to prepare a comprehensive CBRN package by the summer of 2009, following the work of a public-private task force during 2008.
3.2. (k)	<i>Development of the ATLAS cooperation and its legal framework</i>	Commission	2006	√ <b>Achieved</b>  The Council Decision 2008/617/JHA on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations <sup>210</sup> was adopted by the Council on 23 June 2008.
3.2.	Build capacity in third	Commission		√ <b>Achieved</b>

<sup>206</sup> Joined Cases C-402/05 P and C-415/05 P, *Yassin Abdullah Kadi and Al Barakaat International Foundation v. Council of the European Union and Commission of the European Communities*.

<sup>207</sup> COM(2009) 187 final.

<sup>208</sup> COM(2006) 474 final.

<sup>209</sup> COM(2007) 399 final.

<sup>210</sup> OJ L 210, 6.8.2008 p. 73.

No	Action under the Action Plan	Competent body	Deadline	State of play
(l)	countries to fight terrorism and appropriate clauses on counter-terrorism in the agreements to be concluded by EU/EC with third countries			The Commission is sustaining institutional/capacity-building measures in third countries in the fields of justice, freedom and security which, at the same time, contribute to fighting against terrorism (e.g. justice, police, money-laundering, etc.). A standard counter-terrorism clause is systematically part of all agreements under negotiation or to be concluded and of the European Neighbourhood Policy Action Plans <sup>211</sup> .
3.2. (m)	Develop public/private partnerships to improve the prevention and the fight against terrorism	Commission		<p>√ <b>Achieved</b></p> <p>A sector-specific public/private partnership was launched by a conference held on 28 and 29 November 2005 on detection and associated technologies. Cooperation in the form of public/private partnership is also continuing as part of the work on protection of critical infrastructure, explosives and CBRN, where public-private Task-Forces were instrumental in the preparation of the respective Action Plans</p>
<b>- Review and adaptation of EU legislation in parallel with measures to be adopted in order to combat terrorism</b>				
3.2 (n)	Second report based on Article 11 of the Council Framework Decision of	Commission	2005 (report)  2006	<p>√ <b>Achieved</b><sup>212</sup></p> <p>Adopted as part of the Counter-Terrorism Package on 6 November 2007<sup>213</sup>, the report evaluated the implementation of EU 25 and noted that, although most Member States had</p>

<sup>211</sup> The revised Cotonou Partnership Agreement and the Joint Council-Commission Declaration on financial and technical assistance in the area of cooperation in the fight against terrorism stipulate that targeted assistance to strengthen ACP countries' ability to counter terrorism must be financed by resources other than those intended for the financing of ACP-EC development cooperation. See also Article 11a, known as the "counter-terrorism clause" inserted in the Revised Cotonou Partnership Agreement.

<sup>212</sup> Achieved in 2007.

No	Action under the Action Plan	Competent body	Deadline	State of play
	13.6.2002 on combating terrorism and evaluation		(evaluation)	implemented the main provisions correctly, there were some important deficiencies to correct in certain national legal systems.
<b>3.3. PREVENTION OF AND FIGHT AGAINST ORGANISED CRIME</b>				
3.3. (a)	Communication on developing a strategy on tackling organised crime	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission adopted its Communication “Developing a strategic concept on tackling organised crime” on 2 June 2005<sup>214</sup>. The Communication identifies five areas of priority action in the field of organised crime: knowledge, prevention, cooperation and information exchange among law enforcement agencies, development of legislation and cooperation with third countries and international organisations.</p>
<b>- Improve the knowledge of organised and serious crime and strengthen the gathering and analysis of information</b>				
3.3. (b)	Communication on an action plan — EU crime statistics	Commission	2005	<p>√ <b>Achieved</b><sup>215</sup></p> <p>The Communication "Developing a comprehensive and coherent European Union strategy to measure crime and criminal justice: an EU action plan 2006-2010" was adopted on 7 August 2006<sup>216</sup> and is being implemented.</p>
3.3. (c)	Commission working paper on criminal intelligence-led law	Commission	2005	<p>• <b>Not relevant anymore</b></p> <p>Following examination of the matter, the Commission considered that this action should</p>

<sup>213</sup> COM(2007) 650 final.

<sup>214</sup> COM(2005) 232 final.

<sup>215</sup> Achieved in 2006.

<sup>216</sup> COM(2006) 437 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	enforcement			no longer be pursued as this is an issue for Member States' action.
3.3. (d)	Recommendation for a standard methodology for vulnerability in crime proofing	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>Following examination of the matter, the Commission considered that it is not feasible to identify standards in this area applicable across all sectors.</p>
3.3 (e)	Presentation of a European crime report	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The production of a European Crime Report is considered subject to the conclusion of the 2006-2010 Commission Action Plan to develop an EU Strategy to measure crime and criminal justice. In this light, the feasibility of producing a 'credible' EU crime report is a priority consideration when the Action Plan final implementation report will be produced in the middle 2010, additional funding has been requested under the 2010 ISEC programme to pilot this project.</p>
3.3 (f)	Organised Crime Threat Analysis (OCTA) by Europol	Europol	As of 2006	<p>√ <b>Achieved</b></p> <p>The 2007 OCTA was issued in June 2007. The 2008 OCTA was published in August 2008<sup>217</sup>.</p>
<b>- Strengthen prevention of organised crime</b>				
3.3. (g)	Crime-proofing of legislation and the design of crime preventive measures into products and	Commission	2005	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>On the basis of the results of a study conducted in 2006, the Commission concluded that</p>

<sup>217</sup>

Available at: [http://www.europol.europa.eu/publications/European\\_Organised\\_Crime\\_Threat\\_Assessment\\_\(OCTA\)/OCTA2008.pdf](http://www.europol.europa.eu/publications/European_Organised_Crime_Threat_Assessment_(OCTA)/OCTA2008.pdf).



No	Action under the Action Plan	Competent body	Deadline	State of play
	services			this action was not worth being pursued.
3.3. (h)	Report on the results of a study further to the Council resolution of 2001 on the contribution of civil society in finding missing or sexually exploited children	Commission	2005	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>This initiative has been overtaken by Framework Decision 2004/68/JHA, which is being updated on the basis of a Commission proposal<sup>218</sup>, on combating sexual exploitation of children, by the Commission Draft Guidelines on child alert system and by the Communication "Towards an EU Strategy on the rights of the child"<sup>219</sup>.</p>
3.3. (i)	Action Plan on private/public partnerships to protect public organisations and private companies from organised crime	Commission / Council	2006	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>The Action plan has never been approved and, after the reformulation of the objectives, the European Security Research Innovation Forum<sup>220</sup> has been set up.</p>
3.3. (j)	Improving European coordination and cooperation between high-tech crime units in Member States, and with the private	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>To follow up on the 2007 Communication "Towards a general policy on the fight against cyber crime"<sup>221</sup>, actions to strengthen cooperation between law enforcement and private sector were undertaken in 2007-2008, including two Commission expert meetings on</p>

<sup>218</sup> COM(2009) 135 final.

<sup>219</sup> COM(2006) 367 final.

<sup>220</sup> The establishment of ESRIF was first announced on 26 March 2007 at the 2<sup>nd</sup> European Security Research Conference SRC'07 in Berlin. Its inaugural meeting took place on 11 September 2007. In two following meetings in 2007 a working methodology was agreed and eleven work groups were established. An intermediate status report was presented at the 3rd European Security Research Conference SRC'08 that was hosted by the French EU Presidency on 29-30 September 2008 in Paris. ESRIF is expected to deliver its final recommendations in summer/autumn of 2009. With its current mandate, ESRIF is due to expire at the end of 2009.

<sup>221</sup> COM(2007) 267 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	sector (cyber crime intelligence network) including the development of a European cyber crime manual			cybercrime and a series of informal consultations with both the public and the private sector. As a result, EU recommendations on public-private cooperation in the fight against cyber crime were adopted at expert level in September 2008 and published as an annex to the JHA Council conclusions in November 2008 <sup>222</sup> , where an overall strategy including practical measures against cyber crime was adopted.
3.3. (k)	Communication on cyber crime and cyber security policy	Commission	2006	<p>√ <b>Achieved</b><sup>223</sup></p> <p>The Commission Communication developing a general policy on fighting cybercrime, "Towards a general policy on the fight against cyber crime", was adopted on 22 May 2007<sup>224</sup>.</p>
<b>- Anti-corruption measures</b>				
3.3. (l)	Examination of the need for codes of conduct on ethics and integrity for public officials	Commission	2007	<p>√ <b>Achieved</b></p> <p>The Commission published a Communication on "Enhancing the environment for professional ethics" within the Commission on 5 March 2008<sup>225</sup>.</p>
3.3 (m)	<i>Proposal introducing certain obligations on certain categories of officials with regard to reporting bribery as well</i>	Commission	2009	<p>• <b>Not relevant anymore</b></p>

<sup>222</sup> Council conclusions based on the Council document 15569/08.

<sup>223</sup> Achieved in 2007.

<sup>224</sup> COM(2007) 267 final.

<sup>225</sup> SEC(2008) 301.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>as the disclosure of assets and business interests</i>			
<b>- Strengthen tools to address financial aspects of organised crime</b>				
3.3. (n)	Initiatives to promote use of financial investigation as a law enforcement technique and to establish common minimum training standards	Commission	2005-2007	<p>√ <b>Achieved</b></p> <p>A Financial Investigation Steering Group was created on the initiative of the Commission and Europol to implement a European training programme dedicated to financial investigations. The fifth Round of mutual Evaluations, conducted in the framework of the MDG Council working group, will deal with EU Member states financial investigation capacity.</p>
3.3. (o)	Common set of training standards in financial investigation skills	Commission	2005	<p>• <b>Delayed</b></p> <p>Training standards will be developed by external project partners in 2009, with financial support from the Commission. The publication of two handbooks on financial investigation skills is foreseen for 2010.</p>
3.3. (p)	Recommendation for a Memorandum of Understanding regarding feedback from financial intelligence units to reporting bodies on suspicious transaction reports	Commission	2006	<p>• <b>Delayed</b></p> <p>A preparatory study is being finalised. The final report's conclusions and recommendations will be presented to and discussed with Financial Intelligence Units and experts from the private sector in 2009. The need for a Memorandum of Understanding will be further discussed, possibly within the informal EU Financial Intelligence Units Platform. The European platform for reporting criminal acts committed on Internet will also become additional tool for submitting suspicious transaction reports. It is scheduled to become operational in June 2010.</p>

No	Action under the Action Plan	Competent body	Deadline	State of play
3.3. (q)	<i>Recommendation and/or proposal to enhance transparency of legal entities to reduce vulnerability to infiltration by organised crime</i>	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>Following careful analysis, the Commission decided that it was no longer feasible to pursue this action.</p>
3.3. (r)	Promotion of the establishment of criminal asset intelligence units in EU Member States	Commission /Council	Continuous	<p>√ <b>Achieved</b></p> <p>Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime, was adopted on 6 December 2007<sup>226</sup>. The Commission continuously promotes the establishment of such offices by regularly co-financing the activities of the CARIN Network<sup>227</sup> (under ISEC). A high level pan-European conference funded under ISEC on establishing Asset Recovery Offices in the EU Member States took place in March 2008<sup>228</sup>. The Commission Communication on the proceeds of organised crime, adopted on 20 November 2008<sup>229</sup>, develops a general policy on confiscation and asset recovery, including the exchange of information and cooperation between national asset recovery offices.</p>
3.3. (s)	Examination of standards for the return of	Commission	2008	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>The Commission Communication on the proceeds of organised crime (see 3.3.r) covers</p>

<sup>226</sup> OJ L 332, 18.12.2007, p. 103.

<sup>227</sup> CARIN includes experts from 52 countries, including 26 EU Member States. Its objectives are the exchange of best practices and the improvement of inter-agency cooperation in cross-border matters. Its Secretariat is held by Europol.

<sup>228</sup> Organised by Europol, the Austrian and Belgian governments.

<sup>229</sup> COM(2008) 766 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	confiscated or forfeited assets as compensation or restitution to identifiable victims of crime or charitable organisations			the subject.
<b>- Improve legislation and review existing legal instruments where needed</b>				
3.3. (a)	<i>Adoption of a framework decision on participation in a criminal organisation</i>	Commission	2006	<p>√ <b>Achieved</b><sup>230</sup></p> <p>On the basis of the 2005 proposal on the fight against organised crime<sup>231</sup>, the Council Framework Decision 2008/841/JHA was adopted on 24 October 2008<sup>232</sup>.</p>
3.3. (b)	<i>Legislative package on the fight against counterfeiting</i>	Commission /Council/ Parliament	2005	<p>√ <b>Achieved</b></p> <p>A proposal for a Directive on criminal measures aimed at ensuring the enforcement of intellectual property rights and a proposal for a Framework Decision to strengthen the criminal law framework to combat intellectual property offences were presented by the Commission on 12 July 2005<sup>233</sup>. The proposals have not been adopted by the Council and the Framework Decision will be withdrawn by the Commission. The Commission presented an amended proposal on 26 April 2006<sup>234</sup>, taking account of the judgment of the Court of 13 September 2005 (Case C-176/03).The proposal received a favourable opinion of the EP in 2007 and is still being discussed in Council. Following a European</p>

---

<sup>230</sup> Adopted in 2008.  
<sup>231</sup> COM(2005) 6 final.  
<sup>232</sup> OJ L 300, 11.11.2008, p. 42.  
<sup>233</sup> COM(2005) 276 final.  
<sup>234</sup> COM(2006) 168 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
				Court judgement in a related case, the present proposal needs to be reformatted.
3.3. (c)	Communication on trafficking in human beings	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Communication "Fighting against trafficking in human beings – an integrated approach and proposals for an action plan"<sup>235</sup>, adopted on 18 October 2005, laid down the basis for the Council EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings, published on 1 December 2005<sup>236</sup>. On 17 October 2008, the Commission adopted the Commission Working Document "Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings"<sup>237</sup>.</p>
3.3. (d)	<i>Review and, where appropriate further development of present legislation on trafficking in human beings, for example in order to facilitate public-private cooperation, EU-wide coordination and the involvement of Europol</i>	Commission	2006	<p>√ <b>Achieved</b><sup>238</sup></p> <p>On 2 May 2006, the Commission adopted the implementation report concerning the Council Framework Decision 2002/629/JHA on combating trafficking in human beings<sup>239</sup>. A proposal for a new Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing the Framework Decision 2002/629/JHA, was adopted by the Commission on 24 March 2009<sup>240</sup>. A Commission decision regarding setting up a new Group of Experts on trafficking human beings was adopted on 17 October 2007<sup>241</sup> (the Commission Decision 2008/604/EC on the appointment of members of the Group of Experts was adopted on 22 July 2008<sup>242</sup>).</p>

<sup>235</sup> COM(2005) 514 final.  
<sup>236</sup> OJ C 311, 9.12.2005, p. 1.  
<sup>237</sup> COM(2008) 657 final.  
<sup>238</sup> Achieved in 2007.  
<sup>239</sup> COM(2006) 187 final.  
<sup>240</sup> COM(2009) 136 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
3.3. (e)	<i>Review and, if necessary, further development of the legal framework preventing and combating trafficking in human organs, tissues and cells</i>	Commission	2006	<p>√ <b>Achieved</b><sup>243</sup></p> <p>In the Communication on organ donation<sup>244</sup>, the Commission took the commitment to monitor the situation of organ trafficking. For this purpose, a study on the assessment of different types of trafficking, including organ trafficking has been launched and the final report will be available mid 2009. The proposal for a revised framework decision on trafficking in human beings contains provisions to address trafficking in organs.</p>
3.3. (f)	<i>Review and, if necessary, strengthening of present legislation on confiscation of criminal assets</i>	Commission	2008	<p>√ <b>Achieved</b></p> <p>The Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime was adopted on 6 December 2007<sup>245</sup>. On 17 December 2007, the Commission issued a first report reviewing Member State implementation of Framework Decision 2005/212/JHA on confiscation of crime related proceeds, instrumentalities and property<sup>246</sup>. The Commission published in December 2008 a study analysing Member States' practices in confiscation, focusing in particular on what has proven to be effective at national level with a view to promote and exchange best practice<sup>247</sup>.</p>

<sup>241</sup> OJ L 277, 20.10.2007, p. 29.

<sup>242</sup> OJ L 194, 23.7.2008, p. 12.

<sup>243</sup> Achieved in 2007.

<sup>244</sup> COM(2007) 275 final.

<sup>245</sup> OJ L 332, 18.12.2007, p. 103.

<sup>246</sup> COM(2007) 805 final.

<sup>247</sup> Matrix, "Assessing the effectiveness of EU Member States' practices in the identification, tracing, freezing and confiscation of criminal assets", not yet published.

No	Action under the Action Plan	Competent body	Deadline	State of play
3.3. (g)	Comparative study to evaluate the need for instruments to combat activities of organised crime related to fiscal fraud within EU Member States and acceding and candidate countries	Commission	2005	<p>√ <b>Achieved</b></p> <p>The study was finalised on 10 October 2005<sup>248</sup>.</p>
3.3. (h)	<i>On the basis of the study, proposal for legislation in criminal matters, in the field of organised crime related to fiscal fraud or on standards and best practices for the purpose of improving law enforcement cooperation</i>	Commission	2007	<p>• <b>Not relevant anymore</b></p> <p>The Commission decided that it was no longer feasible to pursue this action.</p>
3.3. (i)	<i>Proposal on identity theft and identity management measures</i>	Commission	2007	<p>• <b>Delayed</b></p> <p>A comparative study to evaluate the need for instruments to combat organised crime activities related to identity theft in the EU Member States<sup>249</sup> was commissioned in 2007. Only one tenderer submitted an offer, which was not considered as satisfactory. The Commission hence decided not to award any contract. A new tender procedure may be</p>

<sup>248</sup> Tender No JAI/D2004/04.

<sup>249</sup> Tender No JLS/D2/2007/05.



No	Action under the Action Plan	Competent body	Deadline	State of play
				launched in 2009.
3.3. (j)	<i>Examination of the initiative on combating fraud in public tenders</i>	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul>
3.3. (k)	Study and research on the need for further approximation of legislation, e.g. in the fields of illicit arms trafficking, racketeering and extortion	Commission	2008	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The study on racketeering and extortion was launched in 2008 results expected by the end of 2009.</p>
<b>- Improve monitoring and evaluation</b>				
3.3. (l)	Second report based on Article 6 of the Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime	Commission	2005	<p>√ <b>Achieved</b><sup>250</sup></p> <p>The report was adopted on 21 February 2006<sup>251</sup>.</p>

<sup>250</sup> Achieved in 2006.  
<sup>251</sup> COM(2006) 72 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
3.3. (m)	Second report based on Article 14 of the Council Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment	Commission /Council	2005	√ <b>Achieved</b> <sup>252</sup>  The report was adopted on 20 February 2006 <sup>253</sup> .
3.3. (n)	Implementation report framework Decision "Private sector corruption"	Commission /Council	2005	√ <b>Achieved</b> <sup>254</sup>  The report from based on Article 9 of the Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector was adopted on 18 June 2007 <sup>255</sup> .
3.3. (o)	Report on the implementation of the framework Decision of 27 January 2003 on protection of the environment through criminal law <sup>256</sup>	Commission	2005	• <b>Delayed</b>  The report was not published following the annulment of the Framework Decision by the European Court of Justice on 13 September 2005 (case C-176/03). The Commission presented a new proposal for a Directive on the protection of the environment through criminal law on 9 February 2007 <sup>257</sup> , and the Directive 2008/99/EC was adopted on 19

---

<sup>252</sup> Achieved in 2006.

<sup>253</sup> COM(2006) 65 final.

<sup>254</sup> Achieved in 2007.

<sup>255</sup> COM(2007) 328 final.

<sup>256</sup> Council Framework Decision 2003/20/JHA of 27 January 2003 on the protection of the environment through criminal law, OJ L29, 5.2.2003, p. 55.

<sup>257</sup> COM(2007) 51 final.

<sup>258</sup> OJ L 328, 6.12.2008, p. 28.

No	Action under the Action Plan	Competent body	Deadline	State of play
				November 2008 <sup>258</sup> .
3.3. (p)	Report on the implementation of the framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Properties	Commission	2007	√ <b>Achieved</b>  The report was published on 17 December 2007 <sup>259</sup> .
3.3. (q)	Evaluation regarding Member States' implementation of customs cooperation (Naples II Convention) including the ratification status	Council	2007	√ <b>Achieved</b>  The evaluation report was adopted by the Customs cooperation working party and presented to Art 36 committee and Council <sup>260</sup> . The Commission was active part of the evaluation. The project has been granted ISEC funding.
3.3. (r)	Evaluation regarding Member States' anti-corruption policies	Council	2009	• <b>Ongoing</b>  The Commission ordered a study into the links between organised crime and corruption in 2008. Results are expected in 2009.
3.3. (s)	Evaluation regarding measures to combat financial crime	Council	2010	• <b>Ongoing</b>  The fifth round of mutual evaluations organised by the Council's Multidisciplinary Group on Organised Crime will cover Member States capacity to combat financial crime and to

<sup>259</sup> COM(2007) 805 final.  
<sup>260</sup> Council document 8282/3/08 rev 3.

No	Action under the Action Plan	Competent body	Deadline	State of play
				run financial investigations. Evaluation missions will take place in the course of 2009 and 2010.
<b>3.4. POLICE AND CUSTOMS COOPERATION</b>				
3.4. (a)	Implementation and evaluation of the work programme concerning customs cooperation approved by the JHA Council on 30 March 2004 following the Council Resolution of 2 October 2003 on a strategy for customs cooperation	Council	2004-2006	<p>√ <b>Achieved</b></p> <p>The report to the Council on implementation of the Action Plan for the strategy for customs cooperation in the Third Pillar (2004-2006)<sup>261</sup> was presented in 2007.</p>
3.4 (b)	Communication on the fight against illicit cross-border trafficking in restricted or prohibited goods	Commission	2007	<p>• <b>Not relevant anymore</b></p> <p>Following careful analysis, the Commission decided that it was no longer feasible to pursue this action.</p>
3.4 (c)	<i>Proposal on the development of Europol and on the role of the</i>	Commission	To enter into force no later than	<p>√ <b>Achieved</b><sup>262</sup></p> <p>At the end of 2006, the Commission presented a new proposal for a Council Decision to replace the Europol Convention<sup>263</sup>. In April 2008 Member States reached a political</p>

<sup>261</sup> Council document 5674/07.  
<sup>262</sup> Partially.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>European Parliament and national parliaments in the scrutiny of Europol's activities</i>		1 January 2008	agreement, and adoption followed on 6 <sup>th</sup> April 2009 <sup>264</sup> . As regards the role of the European Parliament in the scrutiny of Europol's activities, the Community funding of Europol, as established in the future Council Decision on Europol, should reinforce it, the Parliament being one branch of the budgetary authority. Furthermore, according to the Lisbon Treaty, "the European Parliament and the Council, by means of regulations (...) shall lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with National Parliaments".
<b>- Improvement of law enforcement cooperation and development of the Schengen acquis in respect of cross-border operational law enforcement cooperation</b>				
3.4. (d)	<i>Follow-up to the Communication and proposal on improvement of law-enforcement cooperation in particular at the internal borders between Member States</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>On 18 July 2005 the Commission adopted a proposal for a Council Decision on the improvement of police cooperation between the Member States of the European Union, especially at the internal borders, and amending the Convention implementing the Schengen Agreement<sup>265</sup>.</p>
3.4. (e)	<i>Communication and proposal for a Directive on improved transport safety and increased security through the creation of an area of police and judicial</i>	Commission	2005	<p>• <b>Not relevant anymore</b></p> <p>Please refer to 4.2 (d).</p>

<sup>263</sup> COM(2006) 817 final.

<sup>264</sup> Not yet published on the Official Journal.

<sup>265</sup> COM(2005) 317 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>cooperation on the trans-European transport networks</i>			
3.4. (f)	Updating of the Sirene manual	Commission	2005	<p>√ <b>Achieved</b><sup>266</sup></p> <p>The Commission adopted the decision 2006/758/EC on amending the SIRENE Manual on 22 September 2006<sup>267</sup>.</p>
3.4. (g)	Further work with respect to police standards (police ethics, monitoring programmes)	Commission	2008	<p>• <b>Delayed</b></p>
3.4. (h)	Definition of quality standards of forensic laboratories	Commission	2008	<p>• <b>Delayed</b></p> <p>The Commission tendered a study in 2007 to identify obstacles in the field of forensic science. The final study lists 36 recommendations. Recommendations 8, 12, 13 et al. focus on enhancing the quality of forensic testing and results, inter alia by accreditation of laboratories against ISO 17025.</p>
<b>- Systematic exchange programmes for law enforcement officers' authorities</b>				
3.4. (i)	<i>Adoption of a proposal aimed at amending the decision establishing</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>Following the Commission's proposal of 1 October 2004<sup>268</sup>, the Council adopted the</p>

<sup>266</sup> Achieved in 2006.  
<sup>267</sup> OJ L 317, 16.11.2006, p. 41.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>CEPOL (European Police College) as a body of the Union</i>			decision 2005/681/JHA establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA on 20 September 2005 <sup>269</sup> .
3.4. (j)	<i>Evaluation of CEPOL (2006) and, if appropriate, further development</i>	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Postponed</b></li> </ul> <p>According to the new Council Decision 2005/681/JHA establishing the European Police College (CEPOL) amending the original Council 2000/820/JHA, an independent evaluation of CEPOL must be carried out within 5 years of the taking effect of that decision (1<sup>st</sup> January 2006).</p>
<b>- Improvement of operational cooperation</b>				
3.4. (k)	Development of a common methodology and setting up of short-duration joint customs and police operations and/or multi-disciplinary joint teams	Council	Continuous	<ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul> <p>Discussions on possible actions in this field have been discussed in 2006 and 2007 within the Council Customs Cooperation Working Party and the Police Cooperation Working Party. A common methodology has not been set up so far even if discussions are ongoing at joint meetings of the two Parties. Joint operations with the involvement of customs and police have taken place (for instance, the operation "Diligence on Firearms" in 2008).</p>
3.4. (l)	Elaboration of minimum standards for the cross-border use of investigation techniques	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>An expert meeting to examine this question was organised in November 2005. The Commission has supported a German initiative regarding cross-border investigations. Discussions in Council working groups have taken place with a view to making</p>

<sup>268</sup> COM(2004) 623 final.  
<sup>269</sup> OJ L 256, 1.10.2005, p. 63.

No	Action under the Action Plan	Competent body	Deadline	State of play
				investigation techniques the subject of the 5 <sup>th</sup> round of mutual evaluations.
3.4. (m)	Best practice guide for the promotion and expansion of the use of special forms of cooperation for customs administrations as provided by the Naples II Convention	Commission	2008	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>A specific action is included in the action plan implementing the Customs strategy third pillar for the period 1.7.2008- 31.12.2009.</p>
3.4. (n)	Improvement of European cooperation between anti-corruption authorities and examination of the setting up of a network between anti-corruption authorities (including police, judicial, prosecutorial and customs)	Council	2007	<p>√ <b>Achieved</b><sup>270</sup></p> <p>The Council Decision 2008/852/JHA, adopted on 24 October 2008<sup>271</sup>, established a contact-point network against corruption, linking the operational expertise of Member States authorities and agencies to prevent and combat corruption as well as to improve coordination in the field.</p>

<sup>270</sup> Achieved in 2008.

<sup>271</sup> OJ L 301, 12.11.2008, p. 38.



No	Action under the Action Plan	Competent body	Deadline	State of play
3.4. (o)	Definition of a policy on the relationship between Europol and Eurojust	Council	No later than 2008	<ul style="list-style-type: none"> <li>• <b>Achieved</b><sup>272</sup></li> </ul> <p>A revised Cooperation Agreement between Eurojust and Europol has been approved by the Council in June 2009, replacing the old 2004 agreement. This agreement establishes and reinforces the close cooperation between the two bodies in order to increase their effectiveness in combating serious forms of international crime which fall in the respective competence, and to avoid duplication of work. In particular, this will be achieved through the exchange of operational, strategic, and technical information, as well as the coordination of activities.</p>
3.4. (p)	Definition of the role of the security committee (COSI)	Council	No later than 1 November 2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>There is no legal basis under the current Treaties related to this action.</p>
3.4. (q)	Review and, where appropriate, further development of the customs IT systems	Council	Continuous	<p>√ <b>Achieved</b></p> <p>The Commission launched a pilot phase in 2008 concerning the FIDE (<i>Fichier d'identification des dossiers des enquêtes douanières</i>) system. The FIDE is now operational since 15 September 2008.</p>
3.4. (r)	Implement the conclusions of the Council of 19 November 2004 related to the fight against organised crime in the Western	Council		<p>√ <b>Achieved</b><sup>273</sup></p> <p>The work to strengthen law enforcement cooperation in Western Balkans, with SECI as an important tool, is continuing. The new SECI Convention, which will enable to SECI to cooperate closer with Europol, is being finalised. SECI is meant to coordinate a Common</p>

<sup>272</sup> Achieved in 2009.  
<sup>273</sup> Partially implemented.

No	Action under the Action Plan	Competent body	Deadline	State of play
	Balkans			Threat Assessment on Organised Crime for South-East Europe. Moreover, Albania, Bosnia-Herzegovina, FYROM, Montenegro and Serbia have ratified the UN Convention on Transnational Organised Crime of 2003 (UNTOC), the UNTOC Protocol on Trafficking in human beings <sup>274</sup> , the UNTOC Protocol on Migrants <sup>275</sup> , the UNTOC Protocol on Firearms <sup>276</sup> and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Terrorism of 2005 and the Council of Europe Action against THB (for this last two instruments, as of 10.12.2008, FYROM and Serbia has signed but not ratified them yet).
<b>3.5. MANAGEMENT OF CRISIS WITHIN THE EUROPEAN UNION</b>				
3.5 (a)	Integrated EU crisis management arrangements	Commission	To be implemented by 1 July 2006	<p>√ <b>Achieved</b></p> <p>The EU emergency and crisis co-ordination arrangements (EU-CCA) were adopted by the Council on 1 June 2006. While the EU emergency and crisis co-ordination arrangements set out how the EU institutions and affected Member States should interact in Brussels in a crisis mode, the integrated EU arrangement for crisis management with cross border effects (EU-ICMA) can be understood as the practical, operational arrangements to implement EU-CCA and to facilitate co-operation between Member States. These crisis co-ordination arrangements would provide a generic arrangement applicable for all types of crises, such as natural disasters, industrial accidents, or a flu pandemic, as well as terrorist attacks.</p>

<sup>274</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>275</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>276</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

No	Action under the Action Plan	Competent body	Deadline	State of play
3.5 (b)	Commission decision creating a secure general rapid alert system (ARGUS) and a Commission Crisis Centre to coordinate existing alert systems	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission adopted on 20 October 2004 a communication<sup>277</sup> calling <i>inter alia</i> for a secure general rapid alert system (ARGUS) to be created within the Commission to link all specialised systems for emergencies that require action at European level. ARGUS provides a network which will respect the specific characteristics, competences and expertise of the individual and specialised alert systems which will continue to carry out their current functions. The Communication “Commission provisions on “ARGUS” general rapid alert system” was adopted on 23 December 2005<sup>278</sup>.</p> <p>Further on, the Commission adopted a decision creating ARGUS, whereby all Commission services are connected via an IT tool – the ARGUS hub – which allows them to communicate and respond in situations of crisis. Clear procedures are set forth as to who has to trigger what and communicate with whom in a situation of crisis. Following the adoption of the Communication on Reinforcing the Union's Disaster Response Capacity<sup>279</sup>, the Commission is strengthening and creating synergies between existing instruments and capacities in the different Commission services responsible for crisis management. Following the adoption of the Communication on Reinforcing the Union's Disaster Response Capacity<sup>280</sup>, the Commission is strengthening and creating synergies</p>

<sup>277</sup> COM(2004) 698 final.

<sup>278</sup> COM(2005) 662 final.

<sup>279</sup> COM(2008) 130 final.

<sup>280</sup> COM(2008) 130 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
				between existing instruments.
3.5 (c)	<i>Proposal creating a critical infrastructure warning information network (CIWIN)</i>	Commission	2005	√ <b>Achieved</b> <sup>281</sup>  The Commission proposal on a Critical Infrastructure Warning Information Network (CIWIN) was adopted by the Commission on 27 October 2008 <sup>282</sup> .
3.5 (d)	Plan on the protection of critical infrastructures	Commission	2005	√ <b>Achieved</b>  The Green Paper on a European Programme for Critical Infrastructure Protection (EPCIP) was adopted on 17 November 2005 <sup>283</sup> . The Communication on a European Programme for Critical Infrastructure Protection (EPCIP) was presented on 12 December 2006 <sup>284</sup> . The Council Directive on the identification and designation of European Critical Infrastructures and the assessment of the need to improve their protection was adopted on 8 December 2008 <sup>285</sup> .
<b>3.6. GENERAL CRIME PREVENTION</b>				
3.6 (a)	Strengthening and professionalising of the prevention of crime, including through the	Commission	2005	√ <b>Achieved</b> <sup>286</sup>  Throughout 2006 the Commission has worked to:

---

<sup>281</sup> Achieved in 2008.  
<sup>282</sup> COM(2008) 676 final.  
<sup>283</sup> COM(2005) 576 final.  
<sup>284</sup> COM(2006) 786 final.  
<sup>285</sup> OJ L 345, 23.12.2008, p.75.  
<sup>286</sup> Achieved in 2006.

No	Action under the Action Plan	Competent body	Deadline	State of play
	European Crime Prevention Network			<ul style="list-style-type: none"> <li>- establish cooperation and consultation modalities with other networks dealing with crime prevention matters;</li> <li>- help to increase the role of the EUCPN with regards to European general crime trends and statistics;</li> <li>- assist with the creation subgroups also at local level for the elaboration and dissemination of crime prevention best practices;</li> <li>- co-ordinate promotion of a European mechanism for the evaluation of national crime prevention strategies; and</li> <li>- enhance co-operation with EUCPN on different crime prevention issues.</li> </ul>
3.6 (b)	Establishment of European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national statistics and other sources of information as agreed indicators	Commission		<p>√ <b>Achieved</b><sup>287</sup></p> <p>Since the establishment of the expert group on policy needs of data on crime and criminal justice in 2007, there has been considerable activity namely to develop indicators in the areas of money-laundering, human trafficking, and effectiveness of criminal justice systems. The preliminary collection of data based on identified money-laundering was initiated 2008, with additional work to continue throughout 2009.</p> <p>The Commission has pursued the development of crime and criminal justice survey instruments and methodologies. Projects ongoing in this area include: the development of an EU crime victimisation survey; the development of a commercial crime survey; the development of a survey on the efficiency of criminal justice; the development of a methodology to estimate the cost of crime; the development of indicators on the confidence in justice; the fostering of closer links between Justice and Home Affairs administrations and the research community.</p>

<sup>287</sup>

Partially achieved as works are still ongoing.

No	Action under the Action Plan	Competent body	Deadline	State of play
<b>4. STRENGTHENING JUSTICE</b>				
<b>- See also Framework Programme "Fundamental Rights and Justice" under the new Financial Perspectives (2005)</b>				
4. (a)	<i>Proposal for a decision establishing a specific programme on judicial cooperation in civil and commercial matters</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The proposal was adopted on 6 April 2005<sup>288</sup>. The Decision 1149/2007/EC establishing for the period 2007-2013 the Specific Programme 'Civil Justice' as part of the General Programme 'Fundamental Rights and Justice' was adopted on 25 September 2007<sup>289</sup>.</p>
4. (b)	<i>Proposal for a decision establishing a specific programme on judicial cooperation in criminal matters</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The proposal was adopted on 6 April 2005<sup>290</sup>. The Council Decision 2007/126/JHA establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme 'Criminal Justice' was adopted on 12 February 2007<sup>291</sup>.</p>
<b>4.1. CONFIDENCE-BUILDING AND MUTUAL TRUST</b>				
4.1. (a)	Systematic, objective and impartial evaluation of the implementation of the EU policies in the field of	Commission	2006	<p>• <b>Delayed</b></p> <p>A systematic evaluation of the implementation of the EU policies in the field of justice is still not in place; however, several sector-based evaluations have already been carried out.</p>

<sup>288</sup> COM(2005) 122 final.

<sup>289</sup> OJ L 257, 3.10.2007, p. 16.

<sup>290</sup> COM(2005) 122 final.

<sup>291</sup> OJ L 58, 24.2.2007, p. 13.

No	Action under the Action Plan	Competent body	Deadline	State of play
	justice with a view to reinforcing mutual trust while fully respecting the independence of the judiciary			Moreover, a Commission Communication on the creation of a Forum for discussing EU justice policies and practice has been adopted on 4 February 2008 <sup>292</sup> . The Forum will gather together practitioners, academics and representatives of justice administrations to provide the Commission with feedback and input for the evaluation mechanism. On the basis of a Dutch initiative, the Commission organised in February a workshop in order to discuss the future establishment of a rule-of-law assessment system.
4.1. (b)	Communication from the Commission on judicial training in EU (2005), development on the basis of the pilot project for the exchange of magistrates (2005) and of the preparatory action (2006)	Commission	2005	√ <b>Achieved</b> <sup>293</sup>  The Communication on judicial training was adopted on 29 June 2006 <sup>294</sup> . A Commission Decision on the preparatory action to implement the exchange programme for judicial authorities was adopted on 11 July 2006. Exchanges started in 2007 and involved 400 judges and prosecutors. As of 2008, Eurojust and the Court of Justice also participated in the exchanges.
4.1. (c)	<i>Creation, from the existing structures, of an effective European training network for judicial authorities for both civil and criminal matters</i>	Member States	2007	√ <b>Achieved</b>  The European Judicial Training Network (EJTN) was set up in 2002 on the basis of an existing informal agreement and was formally established in 2006 <sup>295</sup> . EJTN is mostly geared towards training of judges and public prosecutors.  In 2008, a Resolution of the Council and of the Representatives of the Governments of

<sup>292</sup> COM(2008) 38 final.

<sup>293</sup> Achieved in 2006.

<sup>294</sup> COM(2006) 356 final.

<sup>295</sup> COM(2006) 356 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
				<p>the Member States meeting within the Council on the training of judges, prosecutors and judicial staff in the European Union was adopted in Council<sup>296</sup>. This resolution which was presented in July 2008 by the French Presidency underlines the importance of training of judges and public prosecutors and asks the Member States to support it actively.</p> <p>The Commission supports training activities at European level through the civil and criminal justice financial programmes. These activities are set up either by European organisations of legal professionals (notaries, lawyers, judges, etc.) or by European organisations dedicated to judicial training such as ERA (Academy of European Law) or EJTJN. Some projects regarding training of judges on specific aspects of the European legislation can also be found in other financial programmes.</p>
4.1. (d)	EU workshops to promote cooperation between members of the legal professions with a view to establishing best practices	Commission	2006	<p>√ <b>Achieved</b></p> <p>The workshops are organised on a regular basis by ERA and the EJTJN. Furthermore, thematic meetings of the Justice Forum facilitate the exchange of best practices among representatives of the organisations gathering legal professionals from the EU Member States. Best practices are also promoted by the Crystal Scales of Justice prize awarded on a biannual basis by the Commission and the Council of Europe.</p>
<b>4.2. JUDICIAL COOPERATION IN CRIMINAL MATTERS</b>				
<b>- Pursuing the implementation of the mutual recognition principle</b>				
4.2. (a)	Communication on mutual recognition of decisions in criminal matters and	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Communication on the mutual recognition of judicial decisions in criminal matters</p>

<sup>296</sup>

Council document 14667/08, p. 22.



No	Action under the Action Plan	Competent body	Deadline	State of play
	reinforcement of mutual trust between Member States			and the strengthening of mutual trust between Member States was adopted on 19 May 2005 <sup>297</sup> .
4.2. (b)	White Paper on exchanges of information on convictions and the effect of such convictions in the EU	Commission	2005	√ <b>Achieved</b>  The Commission adopted the White Paper on exchanges of information on convictions and the effect of such convictions in the European Union on 25 January 2005 <sup>298</sup> . The White Paper was discussed at the JHA Council meeting on 14 April 2005, which defined the way forward in this area.
4.2. (c)	<i>Proposal on taking into account of convictions in the Member States of the European Union in the course of new criminal proceedings</i>	Commission	2005	√ <b>Achieved</b>  The Commission presented a proposal for a Council Framework Decision on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings on 17 March 2005 <sup>299</sup> . The Council Framework Decision 2008/675/JHA was adopted on 24 July 2008 <sup>300</sup> .
4.2. (d)	<i>Proposal on the transmission to, and keeping by, the Member</i>	Commission	2005	√ <b>Achieved</b>  The Commission presented the proposal for a Council Framework Decision on the organisation and content of the exchange of information extracted from criminal records

<sup>297</sup> COM(2005) 195 final.

<sup>298</sup> COM(2005) 10 final.

<sup>299</sup> COM(2005) 91 final.

<sup>300</sup> OJ L 220, 15.8.2008, p. 32.

<sup>301</sup> COM(2005) 690 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>State of nationality of information on criminal convictions</i>			between Member States on 22 December 2005 <sup>301</sup> . The Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States was adopted on 26 February 2009 <sup>302</sup> .
4.2. (e)	<i>Communication on the creation of an index of non-EU nationals convicted in an EU Member State</i>	Commission	2005	<p>• <b>Delayed</b></p> <p>On 4 July 2006, the Commission adopted a Working Document on the feasibility of an index of third-country nationals convicted in the European Union<sup>303</sup>. Following an orientation debate held in March 2008 at the Council, the Commission will further examine the practical aspects of such an index, including the types of data it should contain and the related cost implications. A study was launched in March 2009 on this subject and the results will inform a legislative proposal.</p>
4.2. (f)	<i>Initiative on the European Enforcement Order and the transfer of sentenced persons between Member States of the EU</i>	Member States	2005	<p>√ <b>Achieved</b></p> <p>The joint initiative from Austria, Finland and Sweden for a Council Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the EU was submitted on 19 January 2005<sup>304</sup>. The Council</p>

<sup>302</sup> OJ L 93, 7.4.2009, p. 23.

<sup>303</sup> COM(2006) 359 final.

<sup>304</sup> OJ C 150, 21.6.2005, p.1.

<sup>305</sup> OJ L 327, 5.12.2008, p. 27.

No	Action under the Action Plan	Competent body	Deadline	State of play
				Framework Decision 2008/909/JHA was adopted on 27 November 2008 <sup>305</sup> .
4.2. (g)	<i>Proposal on mutual recognition of non-custodial pre-trial supervision measures</i>	Commission	2005	√ <b>Achieved</b> <sup>306</sup>  The Commission adopted the proposal on 29 August 2006 <sup>307</sup> . The Council reached a political agreement on 27 November 2008.
4.2. (h)	Communication on disqualification	Commission	2005	√ <b>Achieved</b> <sup>308</sup>  The Commission adopted a Communication on "Disqualifications arising from criminal convictions in the European Union" on 21 February 2006 <sup>309</sup> . However, the area of disqualification is not covered by any instrument based on the principle of mutual recognition.
4.2. (i)	Reports on the implementation of the Framework Decision on the European arrest warrant and the surrender procedures between Member States	Commission /Council	2005-2006	√ <b>Achieved</b> <sup>310</sup>  The first report on implementation by 24 Member States was adopted on 23 February 2005 <sup>311</sup> . A revised version to include Italy was adopted on 26 January 2006 <sup>312</sup> . The second report on the implementation of the Framework Decision was adopted on 11 July 2007 <sup>313</sup> .

---

<sup>306</sup> Achieved in 2006.  
<sup>307</sup> COM(2006) 468 final.  
<sup>308</sup> Achieved in 2006.  
<sup>309</sup> COM(2006) 73 final.  
<sup>310</sup> Second report presented in 2007.  
<sup>311</sup> COM(2005) 63 final.  
<sup>312</sup> COM(2006) 8 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (j)	<i>Initiative on the recognition and enforcement in the European Union of prohibitions arising from convictions for sexual offences committed against children</i>	Member States	2005	<p>√ <b>Achieved</b></p> <p>Belgium presented an initiative with a view to adopting Council Framework Decision on the recognition and enforcement of prohibitions arising from convictions for sexual offences committed against children in October 2004<sup>314</sup>.</p> <p>The Belgian initiative was incorporated into the Framework Decision on the organisation and the content of exchange of information extracted from Criminal Records between Member States, proposed by the Commission (see point 4.2 (d)).</p>
4.2. (k)	<i>Proposal on driving disqualifications</i>	Commission	2006	<p>• <b>Postponed</b></p> <p>The area of driving disqualification is not yet covered by an instrument based on the principle of mutual recognition, as priority has been given to the adoption and implementation of other instruments of mutual recognition.</p>
4.2. (l)	Report on the implementation of the framework decision of 22 July 2003 on the execution in the EU of orders freezing property or	Commission	2006	<p>√ <b>Achieved</b><sup>316</sup></p> <p>The report based on Article 14 of the Council Framework Decision 2003/577/JHA on the execution in the European Union of orders freezing property or evidence was adopted on 25 December 2008<sup>317</sup>.</p>

<sup>313</sup> COM(2007) 407 final.

<sup>314</sup> OJ C 295, 7.12.2007, p. 18.

<sup>315</sup> Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, OJ L 196, 2.8.2003, p. 45.

No	Action under the Action Plan	Competent body	Deadline	State of play
	evidence <sup>315</sup>			
4.2. (m)	Report on the implementation of the framework decision on the application of the principle of mutual recognition to financial penalties	Commission	2007	<p>√ <b>Achieved</b><sup>318</sup></p> <p>The report from the Commission based on Article 20 of the Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties was adopted on 22 December 2008<sup>319</sup>.</p>
4.2. (n)	<i>Proposal on recognition and execution of alternative sanctions and on suspended sentences</i>	Commission	2007	<p>√ <b>Achieved</b></p> <p>The joint Franco-German initiative with a view to adopting a Council Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences<sup>320</sup> was presented on 12 January 2007. The Framework Decision 2008/947/JHA on the recognition of judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions was adopted in November 2008<sup>321</sup>.</p>
4.2. (o)	<i>Proposal completing the European Evidence Warrant</i>	Commission	2007	<p>• <b>Delayed</b></p> <p>The need for this measure is under review. The Commission is planning to issue a Green Paper on the matter.</p>

---

<sup>316</sup> Achieved in 2008.  
<sup>317</sup> COM(2008) 885 final.  
<sup>318</sup> Achieved in 2008.  
<sup>319</sup> COM(2008) 888 final.  
<sup>320</sup> OJ C 147, 30.6.2007, p. 1.  
<sup>321</sup> OJ L 337, 16.12.2008, p. 102.

No	Action under the Action Plan	Competent body	Deadline	State of play
<b>- Approximation</b>				
4.2. (a)	Green Paper on Conflicts of Jurisdiction and Double Jeopardy ( <i>ne bis in idem</i> )	Commission	2005	√ <b>Achieved</b> The Green Paper was adopted on 23 December 2005 <sup>322</sup> . See also point 4.2(e) below.
4.2. (b)	Green Paper on presumption of innocence	Commission	2005	√ <b>Achieved</b> <sup>323</sup> The Commission adopted the Green Paper on 26 April 2006 <sup>324</sup> .
4.2. (c)	Second and third report on the implementation of the framework decision of 15 March 2001 on the standing of victims in criminal proceedings	Commission	2005	√ <b>Achieved</b> <sup>325</sup> The joint second and third report was adopted on 20 April 2009 <sup>326</sup> .
4.2. (d)	Third report on the framework decision of 15 March 2001 on the standing of victims in criminal proceedings	Commission	2006	√ <b>Achieved</b> <sup>327</sup> Refer to 4.2 (c) above.

---

<sup>322</sup> COM(2005) 696 final.

<sup>323</sup> Achieved in 2006.

<sup>324</sup> COM(2006) 174 final.

<sup>325</sup> Achieved in 2009.

<sup>326</sup> COM(2009) 166 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (e)	<i>Proposal on conflicts of jurisdiction and the ne bis in idem principle</i>	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>This proposal has been superseded by the Czech initiative presented in January 2009 in view of the adoption of a Framework Decision<sup>328</sup>.</p>
4.2. (f)	Green Paper on handling of evidence	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The adoption of the Green Paper is foreseen in 2009.</p>
4.2. (g)	Green Paper on default (in absentia) judgments	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>This measure has been superseded by an initiative presented in 2008 by 7 Member States with a view to adopting a Council Framework Decision on the enforcement of decisions rendered in absentia<sup>329</sup>.</p>
4.2. (h)	<i>Proposal on minimum standards relating to the taking of evidence with a view to mutual</i>	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The need for this measure is under review. The Commission intends to introduce in 2010 a proposal for a European Evidence Warrant II but it has not yet been decided whether it</p>

<sup>327</sup> Achieved in 2009.

<sup>328</sup> Initiative of the Czech Republic, the Republic of Poland, the Republic of Slovenia, the Slovak Republic and of the Kingdom of Sweden for a Council Framework Decision 2009/.../JHA on prevention and settlement of conflicts of jurisdiction in criminal proceedings, OJ C 39, 18.2.2009, p. 2.

<sup>329</sup> Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany with a view to adopting a Council Framework Decision 2008/.../JHA on the enforcement of decisions rendered in absentia and amending Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States, Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties, Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders, and Framework Decision 2008/.../JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, OJ C 52, 26.2.2008, p. 1.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>admissibility</i>			shall include standards relating to the taking of evidence.
4.2. (i)	<i>Proposal on default (in absentia) judgments</i>	Commission	2007	√ <b>Achieved</b>  Refer to 4.2 (g) above.
4.2. (j)	<i>Follow-up to the Green Paper on the approximation of criminal sanctions and, where appropriate, legislative proposal</i>	Commission	2008	√ <b>Achieved</b>  On the basis of the joint Austrian-Finnish-Swedish initiative, the Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union was adopted on 27 November 2008 <sup>330</sup> .  The joint Franco-German initiative with a view to adopting a Council Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences <sup>331</sup> was presented on 12 January 2007 and formally adopted on 27 November 2008.
4.2. (k)	Analysis of minimum standards in pre-trial detention procedures and the routines for regular review of the grounds for detention	Commission	2007	• <b>Postponed 2008</b>  A study has been launched on the matter. Results will be ready in 2009.

<sup>330</sup> OJ L 327, 5.12.2008, p. 27.

<sup>331</sup> OJ C 147, 30.6.2007, p. 1.



No	Action under the Action Plan	Competent body	Deadline	State of play
<b>- Other instruments in the field of judicial cooperation in criminal matters</b>				
4.2. (a)	Recommendation on minimum standards for capturing and exchanging electronic evidence	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The need for this measure is under review.</p>
4.2. (b)	<i>Proposal on the wilful destruction of documentary evidence</i>	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The need for this measure is under review.</p>
4.2. (c)	<i>Proposal on the protection of witnesses and collaborators with justice</i>	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>On the basis of the results of an impact assessment carried out in 2007<sup>332</sup>, the proposal on the protection of witnesses and collaborators with justice was not tabled, since it was considered that at present it is not advisable to proceed with legislation at EU level.</p>
4.2. (d)	<i>Initiative to facilitate the prosecution of road traffic offences</i>	Commission /Council	2005	<p>√ <b>Achieved</b></p> <p>On 19 March 2008, the Commission adopted a proposal for a Directive facilitating cross-border enforcement in the field of road safety<sup>333</sup>.</p>
4.2. (e)	Evaluation of the efficiency of specialised judicial bodies for dealing	Commission	2009	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul>

<sup>332</sup> COM(2007) 693 final.

<sup>333</sup> COM(2008) 151 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	with the investigation of cases linked to organised crime			
4.2. (f)	Further development of the European Judicial Network in criminal matters	Commission	Ongoing	<p>√ <b>Achieved</b></p> <p>On the basis of the initiative for a Council Decision on the European Judicial Network presented by 14 Member States in January 2008<sup>334</sup>, the Council Decision 2008/976/JHA was adopted on 16 December 2008<sup>335</sup>.</p>
<b>- Eurojust</b>				
4.2. (g)	Second report on the legal transposition of the Council Decision of 28 February 2002 setting up Eurojust	Commission	2005	<p>√ <b>Achieved</b><sup>336</sup></p> <p>The report was included in the Communication on the future of Eurojust adopted on 23 October 2007<sup>337</sup>.</p>
4.2. (h)	<i>Proposal on Eurojust in accordance with Article III — 273</i>	Commission	To enter into force no later than 1 January	<p>• <b>Achieved</b><sup>338</sup></p> <p>This proposal has been superseded by a Member States' initiative<sup>339</sup> that led to the adoption of the new Eurojust Decision by the Council on 16 December 2008<sup>340</sup>.</p>

<sup>334</sup> Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic, with a view to adopting a Council Decision of ... on the European Judicial Network, OJ C 54, 27.2.2008, p. 14.

<sup>335</sup> OJ L 348, 24.12.2008, p. 130.

<sup>336</sup> Achieved in 2007.

<sup>337</sup> COM(2007) 644 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
			2008	
<b>- International Legal Order</b>				
4.2. (i)	Active involvement of the activities of the Council of Europe and other international organisations and forums (G8, UN, OECD, OSCE, FATF) in criminal matters	Commission /Council	2005-2009	√ <b>Achieved</b>  Commission and Council representatives regularly attend meetings organised by international bodies in this area.
4.2. (j)	Examination of the case for agreements between the EU and third countries on extradition	Commission /Council	2005-2009	• <b>Ongoing</b>  An agreement is being discussed with Liechtenstein.
4.2. (k)	Examination of the case for agreements between the EU and third countries on mutual legal assistance	Commission /Council	2005-2009	• <b>Ongoing</b>  Discussions are under way with various countries. An agreement is on the verge of being concluded with Norway and Iceland.

<sup>338</sup> Achieved in 2009.

<sup>339</sup> Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden with a view to adopting a Council Decision of ... on the strengthening of Eurojust and amending Decision 2002/187/JHA, OJ C 54, 27.2.2008, p. 4.

<sup>340</sup> Not yet published on the Official Journal.

No	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (l)	Proposal on the conclusion and on the signature of the Council of Europe Convention against money laundering and terrorist financing (Warsaw Convention) on behalf of the EC	Commission /Council	2005/2006	<ul style="list-style-type: none"> <li>• <b>Achieved</b><sup>341</sup></li> </ul> <p>The proposal was adopted by the Council in December 2008.</p>
4.2. (m)	Inclusion of provisions on counter-terrorist assistance in proposed revision of existing instruments governing external assistance	Commission	2006	<p>√ <b>Achieved</b></p> <p>In March, 2004 the European Council asked the Commission “to mainstream counter-terrorism objectives into external assistance programmes.” The Commission has been working with country and regional desks in order to introduce counter-terrorism objectives into country and regional strategy papers and action plans. The result has so far been mixed: the number of occurrences of Counter-Terrorism related objectives in such texts has increased but its presence is not yet systematic</p>
4.2. (n)	Proposal on conclusion of the United Nations Convention against Corruption on behalf of the EC	Commission	2006	<p>√ <b>Achieved</b></p> <p>The proposal for a Council Decision on the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption was presented on 2 February 2006<sup>342</sup>. The Council Decision 2008/801/EC was adopted on 25 September 2008<sup>343</sup>.</p>

---

<sup>341</sup> Achieved in 2008.  
<sup>342</sup> COM(2006) 82 final.  
<sup>343</sup> OJ L 287, 29.10.2008, p. 1.

No	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (o)	Proposal on conclusion of the United Nations Protocol against the illicit manufacturing of the trafficking in firearms, their parts and components, and ammunition on behalf of the EC	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>This action needs to await the implementation of relevant EC legislation, notably the Directive 91/477 and the Regulation on an export/import licensing system.</p>
<b>4.3. JUDICIAL COOPERATION IN CIVIL MATTERS</b>				
<b>- Mutual recognition of decisions and elimination of obstacles to the proper functioning of proceedings</b>				
4.3. (a)	Green Paper on succession	Commission	2005	<p>✓ <b>Achieved</b></p> <p>The Commission adopted the Green Paper on 1 March 2005<sup>344</sup>. Public consultation was concluded on 30 September 2005 (more than 60 answers were received).</p>
4.3. (b)	Green Paper on conflicts of laws and jurisdiction on divorce matters (Rome III)	Commission	2005	<p>✓ <b>Achieved</b></p> <p>The Commission adopted the Green Paper on 14 March 2005<sup>345</sup>, which drew more than 60 answers.</p>
4.3. (c)	<i>Proposal on conflicts of laws regarding contractual</i>	Commission	2005	<p>✓ <b>Achieved</b></p> <p>The Commission presented a proposal for a regulation on the law applicable to</p>

<sup>344</sup> COM(2005) 65 final.

<sup>345</sup> COM(2005) 82 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>obligations (Rome I)</i>			contractual obligations (Rome I) on 15 December 2005 <sup>346</sup> . The Regulation (EC) No 593/2008 was adopted on 17 June 2008 <sup>347</sup> .
4.3. (d)	<i>Proposal on small claims</i>	Commission	2005	√ <b>Achieved</b>  The Commission presented a proposal for a regulation establishing a European Small Claims Procedure on 15 March 2005 <sup>348</sup> . The Regulation (EC) No 861/2007 was adopted on 11 July 2007 <sup>349</sup> .
4.3. (e)	<i>Proposals on maintenance obligations</i>	Commission	2005	√ <b>Achieved</b>  The Commission presented a proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations on 15 December 2005 <sup>350</sup> . The Council Regulation (EC) No 4/2009 was adopted on 18 December 2008 <sup>351</sup> .
4.3. (f)	<i>Adoption of the Rome II proposal on conflicts of laws regarding non-contractual obligations</i>	Council/European Parliament	2006	√ <b>Achieved</b> <sup>352</sup>  Regulation (EC) N° 864/2007 on the law applicable to non-contractual obligations (Rome II) was adopted on 11 July 2007 <sup>353</sup> .

---

<sup>346</sup> COM(2005) 650 final.  
<sup>347</sup> OJ L 177, 4.7.2008, p. 6.  
<sup>348</sup> COM(2005) 87 final.  
<sup>349</sup> OJ L 199, 31.7.2007, p. 1.  
<sup>350</sup> COM(2005) 649 final.  
<sup>351</sup> OJ L 7, 10.1.2009, p. 1.  
<sup>352</sup> Achieved in 2007.  
<sup>353</sup> OJ L 199, 31.7.2007, p. 40.

No	Action under the Action Plan	Competent body	Deadline	State of play
4.3. (g)	<i>Adoption of a regulation establishing a European payment order procedure</i>	Council/European Parliament	2006	√ <b>Achieved</b>  Regulation (EC) N° 1896/2006 creating a European order for payment procedure was adopted on 12.12.2006 <sup>354</sup> .
4.3. (h)	<i>Adoption of a directive on certain aspects of mediation in civil and commercial matters</i>	Council/European Parliament	2006	√ <b>Achieved</b> <sup>355</sup>  Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters was adopted on 21 May 2008 <sup>356</sup> .
4.3. (i)	Green Paper on the conflict of laws in matters concerning matrimonial property regimes, including the question of jurisdiction & mutual recognition	Commission	2006	√ <b>Achieved</b>  The Green Paper was adopted on 17 July 2006 <sup>357</sup> .
4.3. (j)	Green Paper(s) on the effective enforcement of judicial decisions	Commission	2006 to 2007	√ <b>Achieved</b> <sup>358</sup>  On 24 October 2006, the Commission adopted a Green Paper on Improving the efficiency of the enforcement of judgements in the European Union: the attachment of bank accounts <sup>359</sup> . The second Green Paper "effective enforcement of judgments in the European Union: the transparency of debtors' assets" was adopted on the 6 March

<sup>354</sup> OJ L 399, 30.12.2006, p. 1.

<sup>355</sup> Achieved in 2008.

<sup>356</sup> OJ L 136, 24.5.2008, p. 3.

<sup>357</sup> COM(2006) 400 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
				2008 <sup>360</sup> .
4.3. (k)	Green Paper on minimum standards for certain aspects of procedural law	Commission	2008	<p>• <b>Delayed</b></p> <p>The need for this measure is under review. The Commission will launch a study to define the needs as regards minimum standards for certain aspects of procedural law in more detail in 2009.</p>
4.3. (l)	<i>Evaluation of the possibility of completing the abolition of exequatur (2006 to 2010), and legislative proposals if appropriate</i>	Commission	2006 to 2010	<p><b>Ongoing</b></p> <p>After the publication of the preparatory study on the report on the application of the Brussels I Regulation in September 2007<sup>361</sup>, a report<sup>362</sup> and a Green paper<sup>363</sup> on the review of the Regulation were adopted in 2009. A proposal for the revision of the Brussels I regulation is expected to be presented in 2010.</p>
4.3. (m)	<i>Proposal for amending Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial</i>	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission presented a proposal for a Regulation amending the Council Regulation (EC) No 1348/2000 on 11 July 2005<sup>364</sup>. The Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC)</p>

<sup>358</sup> The second Green Paper on the effective enforcement of judicial decisions was delayed to 2008.

<sup>359</sup> COM(2006) 618 final.

<sup>360</sup> COM(2008) 128 final.

<sup>361</sup> [http://ec.europa.eu/justice\\_home/doc\\_centre/civil/studies/doc/study\\_application\\_brussels\\_1\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/civil/studies/doc/study_application_brussels_1_en.pdf).

<sup>362</sup> COM(2009) 174 final.

<sup>363</sup> COM(2009) 175 final.

<sup>364</sup> COM(2005) 305 final.

<sup>365</sup> OJ L 324, 10.12.2007, p. 79.



No	Action under the Action Plan	Competent body	Deadline	State of play
	<i>documents in civil or commercial matters</i>			No 1348/2000, was adopted on 13 November 2007 <sup>365</sup> .
<b>- Enhancing cooperation</b>				
4.3. (n)	Report on the functioning of the European Judicial Network (EJN) in civil and commercial matters and amendment proposal, if appropriate	Commission	2005/2006	<p>√ <b>Achieved</b><sup>366</sup></p> <p>The report on the functioning of the EJN was adopted on 16 May 2006<sup>367</sup>. Based on this report, the Commission presented a proposal for a Decision amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters on 23 June 2008<sup>368</sup>.</p>
4.3. (o)	Continued development of the European Judicial Network in civil matters and of the databases on case-law relating to European instruments	Commission	Continuous	<p>√ <b>Achieved</b></p> <p>Meetings of the EJN takes place regularly. The Internet site is updated continuously. A database on the Brussels I and Brussels II Regulations has been put on line in February 2008.</p>
4.3. (p)	Constant updating and improvement of the European Judicial Atlas	Commission	Continuous	<p>√ <b>Achieved</b></p> <p>New contract for maintenance of the Atlas was signed in 2008. The website is updated continuously.</p>

---

<sup>366</sup> Achieved in 2007.  
<sup>367</sup> COM(2006) 203 final.  
<sup>368</sup> COM(2008) 380 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
4.3. (q)	EU support for networks of judicial organisations and institutions	Commission	Continuous	<ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul> <p>Contacts and collaboration are being maintained with different networks (European Training Network, Network of Presidents of the Supreme Courts, International Conference of Civil Status, European Union of Rechtspfleger). Furthermore, contacts with organisations involved in designing justice policies and evaluating them are assured involvement via the thematic meetings of the Justice Forum.</p>
4.3. (r)	EU workshops to promote cooperation between members of the legal professions with a view to identifying best practice	Commission	2006	<p>√ <b>Achieved</b><sup>369</sup></p> <p>The late adoption of the financial programme Civil Justice and of the relevant Work Programme has prevented the Commission from organizing these workshops. However, thematic meetings of the Justice Forum facilitate the exchange of best practices among representatives of the organisations gathering legal professionals from the EU Member States. Best practices are also promoted by the Crystal Scales of Justice prize awarded on a biannual basis by the Commission and the Council of Europe.</p>
4.3. (s)	Annual European day of civil justice	Commission /Council of Europe	Continuous	<p>√ <b>Achieved</b></p> <p>In 2003 the European Commission and the Council of Europe launched the “European Civil Justice Day”, held on 25 October each year, to bring civil justice truly within the reach of European citizens. It is an opportunity for citizens to familiarise themselves with civil justice, thereby affording them easier access to it. The Commission participates in different events all over Europe. Furthermore, civil justice is promoted by the Crystal Scales of Justice prize.</p>

<sup>369</sup>

Partially achieved.

No	Action under the Action Plan	Competent body	Deadline	State of play
<b>- Follow-up of the implementation of acts adopted</b>				
4.3 (t)	Report on the functioning of regulation (EC) No 1206/2001 on the taking of evidence and amendment proposal, if appropriate	Commission	2007	√ <b>Achieved</b> The report was adopted on 5 December 2007 <sup>370</sup> .
4.3. (u)	Report on the functioning of the Brussels I Regulation and amendment proposal, if appropriate	Commission	2009 at the latest	√ <b>Achieved</b> The report was adopted in April 2009 <sup>371</sup> .
4.3. (v)	Report on the functioning of Directive 2004/80/EC relating to compensation to crime victims	Commission	By 2009	√ <b>Achieved</b> The report was adopted in April 2009 <sup>372</sup> .
<b>- Ensure consistency</b>				
4.3. (w)	Final research report including a draft common frame of reference in the field of European contract	Commission	2007	√ <b>Achieved</b> The Common Frame of Reference (CFR) work on consumer contract law issues has, together with the results of other preparatory work, served as a starting point for the

<sup>370</sup> COM(2007) 769 final.

<sup>371</sup> COM(2009) 174 final.

<sup>372</sup> COM(2009) 170 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
	law			<p>Green Paper on the review of the consumer <i>acquis</i> that the Commission adopted on 7 February 2007<sup>373</sup> and further for the Commission Proposal for Directive on Consumer Rights adopted on 8 October 2008<sup>374</sup>.</p> <p>In December 2007, the Draft CFR prepared by the Study Group on a European Civil Code and the Research Group on EC Private Law (Acquis Group) was delivered to the Commission. On 21 January 2008, it was presented in the European Parliament. On December 2008, the researchers delivered the final version of the academic CFR to the Commission<sup>375</sup>.</p>
4.3. (w)	Adoption of a common frame of reference (CFR) in the field of European contract law	Commission	2009	<p>• <b>Delayed</b></p> <p>The work on the Commission CFR is currently at the stage of assessment of the results delivered by the academic research group. The Commission is committed in informal consultations with the Council and the European Parliament during 2009 before finalising the Commission CFR, envisaged to be adopted in 2010.</p>
<b>- International legal order</b>				
4.3. (a)	Proposal for the conclusion of a new Lugano Convention	Commission	2005	<p>√ <b>Achieved</b><sup>376</sup></p> <p>The proposal concerning the signing of the Convention between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, and the Kingdom of Denmark on jurisdiction and the recognition and</p>

<sup>373</sup> OJ C 71, 15.3.2007, p. 1.

<sup>374</sup> COM(2008) 614 final.

<sup>375</sup> "Draft Common Frame of Reference (DCFR). Principles, Definitions and model Rules of European Private Law", April 2009.

<sup>376</sup> Achieved in 2007.

No	Action under the Action Plan	Competent body	Deadline	State of play
				enforcement of judgments in civil and commercial matters was presented by the Commission on 6 July 2007 <sup>377</sup> . The Council Decision 2007/712/EC on the signing, on behalf of the Community, of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters was adopted on 15 October 2007 <sup>378</sup> . Furthermore, on the basis of the Commission proposal of February 2008, the Council decided to ratify the new Lugano Convention on 28 November 2008.
4.3. (b)	Proposal for the conclusion of parallel agreements with Denmark on Brussels I and service of documents	Commission	2005	<p>√ <b>Achieved</b></p> <p>The Commission presented a proposal for a decision regarding Brussels I on 15 April 2005<sup>379</sup> and a proposal for a decision regarding service of documents on 18 April 2005<sup>380</sup>. The Council Decision 2005/790/EC on the signing, on behalf of the Community, of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters was adopted on 20 September 2005<sup>381</sup>.</p> <p>The Council Decision 2005/794/EC on the signing, on behalf of the Community, of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters was adopted on 20 September 2005<sup>382</sup>.</p>
4.3.	Conclusion of negotiations	Commission	2005	√ <b>Achieved</b>

---

<sup>377</sup> COM(2007) 387 final.  
<sup>378</sup> OJ L 339, 21.12.2007, p. 1.  
<sup>379</sup> COM(2005) 145 final.  
<sup>380</sup> COM(2005) 146 final.  
<sup>381</sup> OJ L 299, 16.11.2005, p. 61.  
<sup>382</sup> OJ L 300, 17.11.2005, p. 53.

No	Action under the Action Plan	Competent body	Deadline	State of play
(c)	on the Convention on the choice of forum			Negotiations were concluded in June 2005. On 5 September 2008, the Commission presented a proposal for a Council Decision on the signing by the European Community of the Convention on Choice-of-Court Agreements <sup>383</sup> . The Council adopted the decision on 27 February 2009.
4.3. (d)	Accession of the Community to the Hague Conference on private international law		2006	<p>√ <b>Achieved</b></p> <p>On 5 October 2006, the Council adopted the Decision 2006/719/EC on the accession of the Community to the Hague Conference on Private International Law<sup>384</sup>. Formal accession took place on 3 April 2007.</p>
4.3. (e)	Conclusion of negotiations on the Convention on maintenance obligations	Commission	2007	<p>√ <b>Achieved</b></p> <p>The XXI Plenary (Diplomatic) Session of the Hague Conference on Private International Law met from the 5-22 November 2007. The main agenda points of the Conference were the finalization of the negotiations of two international instruments, the "Convention on the International Recovery of Child Support" and "Other Forms of Family Maintenance and the Protocol on the Law Applicable to Maintenance Obligations". The compromise worked out in the negotiations on both texts can be assessed as reasonable and consequently the Community can be satisfied with the results. The European Community was participating at this Diplomatic session for the first time in its capacity as a Member of the Conference.</p> <p>- Convention on the international recovery of child support and other forms of family maintenance (concluded 23 November 2007)</p>

---

<sup>383</sup> COM(2008) 538 final.  
<sup>384</sup> OJ L 297, 26.10.2006, p. 1.

No	Action under the Action Plan	Competent body	Deadline	State of play
				- Protocol on the law applicable to maintenance obligations (concluded 23 November 2007)
4.3. (f)	Ratification of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children	Commission		<p>√ <b>Achieved</b></p> <p>On the basis of the Commission proposal of 2003, the Council adopted Decision 2008/431/EC authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law on 5 June 2008<sup>385</sup>. This enables all the Member States to ratify the 1996 Convention.</p>
4.3. (g)	Continuation of negotiations and conclusion of international agreements relating to judicial cooperation in civil matters.	Commission		<p>Besides the above-mentioned conventions and agreements, various actions have been accomplished:</p> <p>1) On 11 August 2008, the Commission presented an amended proposal for a Council Decision on the conclusion by the European Community of the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001<sup>386</sup>.</p> <p>2) This was followed by the Commission proposal of 2 March 2009 for a Council Decision on the signing by the European Community of the Protocol to the Convention</p>

<sup>385</sup> OJ L 151, 11.6.2008, p. 36.  
<sup>386</sup> COM(2008) 508 final.

No	Action under the Action Plan	Competent body	Deadline	State of play
				<p>on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007<sup>387</sup>.</p> <p>3) On 19 December 2008, the Commission proposed two Regulations establishing a procedure to authorize the Member States to conclude bilateral agreements with third States in certain areas of civil justice where exclusive external competence of the Community exists<sup>388</sup>.</p>

---

<sup>387</sup>

COM(2009) 94 final.

<sup>388</sup>

COM(2008) 893 final and COM(2008) 894 final.