

Brussels, 28 June 2006

From Tampere to Tampere: Commission responds to EU citizen's demands to build up Europe as an area of freedom, security and justice

Following the special meeting of the European Council in Tampere on 15-16 October 1999 where it was decided to create an area of freedom, security and justice in the European Union and ahead of the Justice and Home Affairs informal meeting in Tampere scheduled for 20-22 September 2006 the Commission now presents its first political assessment of progress in implementing the Hague Programme. European citizens urge the EU to put in place the necessary measures to make Europe a safe place to live in. The Union and the Member States must respond together to the challenge of being more effective in the fight against organised crime and terrorism, but also in the management of migration flows and the control of external borders. Implementing the multi-annual programme strengthening Freedom, Security and Justice in the European Union, the so-called "Hague Programme", is a common goal, which imposes effective and democratic accountable decision-making and clear political priorities.

The area of Freedom, Security and Justice is placed high among the Union's priorities, not only because it is one of the Union's fundamental objectives, but also, and above all, because it is at the heart of EU citizens' interests. No less than 1517% of all legislative proposals of the Commission are in the area of freedom, security and justice thus underlining its importance to the reform agenda of the Commission. The Commission Communication to the European Council on "A Citizens' Agenda for Europe" of 10 May 2006 strongly reaffirmed this as a priority.

In preparation for the In this context and on the eve of the incoming Finnish Presidency and the informal Justice and Home Affairs meeting in September 2006 where progress in this area will be reviewed, the time has now come for a first political assessment of progress made in implementing the Hague Programme and to propose the necessary adjustments. The objective of a comprehensive package of four⁴ communications adopted today by the Commission is to (1) **take stock** of the progress made and to **assess** the level of **implementation** at EU and national level and (2) to set-up a mechanism for a **thorough evaluation** of results, and (3) to **propose ways forward** to improve the functioning of Freedom, Security and Justice policies.

"With this package we aim at making a decisive step in meeting the concerns of EU citizens in an area where more Europe is dramatically needed. We need better efficiency and accountability in decision-making and more judicial protection for our citizen's. This must be done by making better use of the existing treaties rather than seeking to take parts of the Constitution", President Barroso said.

"Whereas the rhythm for proposing new legislation at EU level is satisfactory, we need better methods to monitor effective implementation and evaluate the real impact and benefits for citizens of our legal instruments" said Vice President of the

European Commission Franco Frattini, responsible for Justice, Freedom and Security,

"In addition", President Barroso and Vice-President Frattini stated, "the Commission considers it necessary to streamline decision making and enhance both democratic and jurisdictional control by the European Parliament and the European Court of Justice in areas where the rights of citizens are directly concerned, and to make proposals to fully use the possibilities already contained in the present Treaties".

It is noted that as to the very first assessment of the implementation of JLS policies at national level, it appears to be largely insufficient at this stage. But it is especially the deficiencies, both from a quantitative and a qualitative perspective, of the general level of transposition in police and criminal justice which are striking.

Furthermore as the "Scoreboard Plus" demonstrates, in the so-called "third pillar" (Police and judicial cooperation in criminal matters), a large part of the *"acquis"* remains virtual. There are two reasons for this:

- firstly, the level of implementation at national level is not satisfactory, and Member States cannot be brought before the Court, in case of infringements;
- secondly negotiations in the Council are often difficult and slow, and the unanimity requirement often leads to watered down agreements;

A first assessment of the implementation of The Hague Programme through the so-called "Scoreboard plus" also enabled the Commission to identify those areas needing attention in the Union's work and where further efforts are needed. On this basis, the Commission makes a number of proposals for action and implementation before the expiry of The Hague Programme (2009) in the following areas:

1. Fundamental rights and citizenship
2. Development of a second phase of asylum
3. Migration Management
4. Integrated management of external frontiers and interoperability of information systems
5. Mutual Recognition (in civil and criminal matters)
6. Access to information needed to combat terrorism and organised crime.
7. Future of Europol.

Further information on these specific areas can be found in **Memo III-Implementing the Hague Programme: the way forward**.

The proposed evaluation mechanism will aim at making the action taken by the Union more effective by allowing results on the ground to feedback into policy-making. This will be particularly important when The Hague Programme expires in 2009. Developing evaluation of JLS policies will also contribute to the general EU objectives of transparency and better regulation.

The Commission intends to launch a discussion in partnership with the other EU Institutions and the Member States on how to bring forward the policy agenda in Freedom, Security and Justice. On the basis of the outcome of this discussion during the incoming Finnish Council Presidency, the Commission is ready to take initiatives under the bridging clauses of the Treaties (article 42 TEU and 67(2), second indent TCE). The Commission also makes a specific proposal to provide more effective judicial protection with further involvement of the Court of Justice.

Background

The package includes (see also 4 linked MEMO's):

(1) a Communication "First implementation report of the Hague Programme and Action plan" (the "Scoreboard Plus"), which takes stock of all actions achieved in 2005 and focuses for the first time on implementation at national level;

(2) a Communication on Evaluation of JLS policies, the main objective is to establish a mechanism providing for effective evaluation of the implementation and results of policies in this area;

(3) a Communication "Implementing The Hague Programme: the way forward", which is the follow-up in the Justice Freedom, Security area to the Commission Communication on "A citizen's agenda: delivering results for Europe", adopted on 10 May last (COM(2006) 211 final). This Communication echoes the call made by the June European Council call "to explore the possibilities of improving decision-making and action in the area of Freedom, Security and Justice on the basis of existing treaties".

(4) a Communication on the adaptation of the provisions of Title IV relating to the powers of the Court of Justice, with a view to providing more effective judicial protection.

*Johannes Laitenberger : 02 2965745
Riccardo Mosca : 02.296.14.04*

Friso Roscam Abbing : 02.296.67.46