



**DIRECTORATE-GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRS**

**CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS**

**THE STOCKHOLM PROGRAMME: THE**  
**DRAFT SUBMITTED BY THE SWEDISH**  
**PRESIDENCY**

**NOTE**

**Summary:**

This note gives the historical and political background to the drawing up of this Stockholm programme, and then summarises the Draft submitted by the Swedish Presidency, 'The Stockholm programme - An open and secure Europe serving the citizen', noting the positions taken by the European Parliament on a number of essential subjects. The last part of the note underlines the role of the parliaments - both national parliaments and the European Parliament - in drawing up the programme.

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## **LINGUISTIC VERSIONS**

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## **INTRODUCTION: HISTORICAL AND POLITICAL BACKGROUND**

The Stockholm programme is intended to follow on from two major multi-annual programmes adopted by the European Council, namely those of Tampere (October 1999) and The Hague (November 2004), which made a major contribution to developing and establishing an area of freedom, security and justice (JLS) in the European Union. Like its two predecessors, the Stockholm programme, which should be adopted by the European Council in December 2009 - is intended to provide a strong political impetus, and a roadmap for the future development of the JLS over the next five years. This means that we are speaking about a fundamental instrument of policy, which highlights a certain number of guidelines and priorities for the whole range of areas covered by the JLS.

This multiannual programme has been established against a very specific political background, not to mention the economic and social situation. Above all, it is the first programme of this kind drawn up within the framework of a 27-member European Union as a new Commission is about to take office and a new European Parliament has just been elected and is starting its work. Furthermore, the uncertainty which surrounded the adoption of the Lisbon Treaty has only just been removed, and its forthcoming entry into force will have certain important implications with regard to the limits to be set on the future development of the AFSJ. To give two examples: the EU's accession to the European Convention on Human Rights is possible only thanks to the adoption of the Lisbon Treaty and the legal personality it confers on the EU. With regard to legal immigration, the new Treaty opens up prospects which currently do not exist.

Against this evolving and unforeseeable political background, the Commission presented a Communication to the European Parliament and to the Council in June 2009, on an Area of Freedom, Security and Justice serving the Citizen<sup>1</sup>, which constitutes its proposals for the future Stockholm programme, and which provided the basis for the discussions and negotiations prior to the adoption of the Programme by the European Council. In this Communication, no reference is made to the Lisbon Treaty.

The Swedish Presidency has just submitted its draft programme<sup>2</sup>. This draft takes due account, with the customary precautions, of the future Lisbon Treaty, and this in itself constitutes a significant and positive development vis-à-vis the earlier Commission Communication.

The European Parliament will adopt its position on the draft programme at the part-session of November 2009 (23/26-11-2009).

### **1. MAIN POLITICAL PRIORITIES AND TOOLS**

The development of the area of freedom, security and justice must respond to a central concern of the peoples of the Member States.

Significant progress has already been achieved but the EU still faces challenges which must be addressed in a comprehensive manner. Coherence between policy areas and cooperation with partner countries must be improved.

The entry into force of the Lisbon Treaty will facilitate the process of reaching the goals defined in the programme.

Five main political priorities are outlined:

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<sup>1</sup> COM(2009) 262 final, 10.6.2009.

<sup>2</sup> Presidency note to the COREPER, Multiannual programme for an area of Freedom, Security and Justice serving the citizen (the Stockholm Programme), Council document 14449/09, 16 October 2009.

- Promoting citizens' rights,
- A Europe of law and justice,
- A Europe that protects,
- A Europe of responsibility, solidarity and partnership in migration and asylum matters,
- Europe in a global world - The external dimension of FSJ.

In implementing these priorities, the focus will be put on the interests and needs of citizens and the challenge will be to strike the right balance between individual rights and security.

In the implementation of the programme, the following tools are important: mutual trust, full implementation of existing instruments, thorough preparation including prior impact assessments before any new legislative initiatives, quality, consistency and consolidation of legislation. The evaluation of the implementation of the policies is being given a particular importance in the Lisbon Treaty.

The Commission is invited to submit proposals for evaluation mechanisms including an efficient system of follow-up to such evaluations.

A regular dialogue with representative associations and civil society should be set up.

In the light of this programme, the Commission is invited to present an Action plan in 2010 to translate the aims and priorities into concrete with a clear timetable. A mid-term review of the implementation of the programme should take place before June 2012.

## **2. PROMOTING CITIZEN'S RIGHTS: A EUROPE OF RIGHTS**

After the entry into force of the Lisbon Treaty, the rapid accession of the EU to the European Convention on Human Rights is of key importance. The Commission is invited to submit a proposal as a matter of urgency. In all EU areas of activity, fundamental rights should be actively promoted. A systematic and rigorous monitoring of compliance of every legal initiative with the Convention and the Charter of fundamental rights should be ensured.

The expertise of the EU Agency for fundamental rights should be fully used including in the legislative process.

The right to free movement of citizens is one of the fundamental principles of the EU. This right has to be guaranteed and abuse should be avoided. Member States should closely monitor possible abuse and fraud of the right of free movement.

Diversity enriches the EU. Measures to tackle discrimination, racism, anti-semitism, xenophobia and homophobia must be vigorously pursued.

The rights of the child concern all EU policies. They must be systematically taken into account.

A concerted effort must be made to fully integrate vulnerable groups, in particular the Roma community.

The EU and its Members States should examine how to improve legislation on support and protection of victims of crime and its implementation. The Commission is invited to put forward proposals in line with the Council conclusions on a strategy for the rights of victims of crime.

The rights of the individual in criminal proceedings are a fundamental value of the EU. The Commission is invited to come forward with proposals for a swift implementation of the roadmap on the rights of the individuals in criminal proceedings as adopted by the Council.

The right to privacy and the right to the protection of citizens' personal data are guaranteed by the Charter of fundamental rights. The EU must secure a comprehensive strategy to protect citizens' data within the EU and in relation with other countries. The Commission is invited to evaluate the functioning of the various instruments in the present protection regime in the EU and to consider a legal instrument laying down the data protection principles regarding the transfer of private data to third states. The EU must be a driving force behind the development of international standards for personal data protection.

The objectives set out in this draft programme - enumerated below - with regard to citizens' rights overwhelmingly coincide with the priorities established by the European Parliament with regard to fundamental rights in recent years.

Parliament has several times underlined the need for the EU to become a full member of the European Convention on Human Rights (ECHR) and the need not only to promote fundamental rights but also, and above all, to ensure strict respect for these rights during the process of drafting all legislative proposals<sup>3</sup>. The European Parliament has consistently argued for the setting up of a Agency of Fundamental Rights, drawing on a wide range of expertise.

With regard to the various policy priorities, Parliament has recently once again strengthened the fundamental importance of the right of EU citizens and the members of their families to freedom of movement and residence. Parliament has voiced its concerns with regard to the implementation of Directive 2004/38/EC<sup>4</sup>.

The European Parliament has on several occasions voiced its support for the principle of non-discrimination, and combating all forms of discrimination, racism and xenophobia<sup>5</sup>. Parliament stresses the fact that the Roma community needs special protection, and is calling for a Union framework-strategy to provide a roadmap, complete with objectives and priorities<sup>6</sup>. Parliament has also repeatedly highlighted the particularly vulnerable situation of children, particularly children of migrants, asylum seekers and refugees, and called for a specific package of measures to be adopted in their interests<sup>7</sup>. The European Parliament is currently being consulted on a Commission proposal for a Council Framework Decision on sexual abuse and sexual exploitation of children and child pornography.

With regard to criminal proceedings, the European Parliament is currently preparing an opinion on a Commission proposal for a Council Framework Decision on rights to interpretation and to translation in criminal proceedings. The Parliament will be consulted also on forthcoming legislative initiatives concerning further procedural guarantees of suspected or accused persons.

Respect for private life and the protection of personal data are fundamental rights, to which Parliament has in recent years given a great deal of attention, particularly with a view to ensuring a balance between enhanced security and the need to safeguard data protection.

The forthcoming entry into force of the Lisbon Treaty provides an opportunity both to harmonise the various existing legislative instruments, and to allow Parliament to exercise its rights as co-legislator with regard to establishing a global strategy on data

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<sup>3</sup>Resolution on compliance with the Charter of Fundamental Rights in the Commission's legislative proposals: methodology for systematic and rigorous monitoring, 15.3.2007.

<sup>4</sup>Resolution on the application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States, 2.4.2009.

<sup>5</sup>Resolution on the situation of fundamental rights in the EU: 2004-2008, 14.1.2009.

<sup>6</sup>idem.

<sup>7</sup>idem.

protection, including the possible conclusion of a comprehensive framework agreement on data protection with the United States.

## **3. MAKING PEOPLE'S LIVES EASIER: A EUROPE OF LAW AND JUSTICE**

### **3.1. Civil law**

In an area of growing intra-community mobility, the development of a European judicial area should meet citizens' need for legal certainty in their civil law relations, including family, contractual and commercial relations. The priority is therefore to remove the remaining obstacles to cross-border exercise of citizens' rights.

To that end, the draft programme presented by the Swedish Presidency highlights the need for further implementing mutual recognition by abolishing the exequatur procedure in civil and commercial matters. Moreover, according to the draft programme mutual recognition could be extended to those areas where a high degree of legal certainty is essential to citizens' everyday life, e.g. succession and wills, matrimonial property rights and property consequences of the separation of couples. This needs to be accompanied by the harmonization of conflict of law rules where necessary.

With regard to succession and wills, it is important to recall that the European Parliament recommended the Commission to regulate succession exhaustively in private international law, by including in the same legislative act the harmonisation of rules on jurisdiction and applicable law as well as on recognition and enforcement of judgments and public instruments issued abroad. Parliament further recommended the introduction of a European Certificate of Inheritance<sup>8</sup>.

In citizens' everyday life civil status documents are of paramount importance. A high degree of legal certainty with regard to cross-border use and recognition of civil status documents should be therefore ensured. In this regard, the Commission is invited by the Presidency's draft programme to launch a study gathering evidence of problems encountered by citizens with regard to civil status documents in cross-border situations. In the light of the findings, the Commission could submit appropriate proposals.

In view of making citizens' lives easier, the EU should also envisage the abolition of all formalities for the legalisation of authentic documents as well as the creation of European authentic documents. The Commission is invited to submit a proposal to that effect. Indeed, this responds to a specific recommendation of the European Parliament, which requested the Commission to prepare a legislative proposal on establishing the mutual recognition and enforcement of authentic acts<sup>9</sup>.

As regards civil procedural law, the main objective underlined by the draft programme is the suppression of remaining obstacles to cross-border settlement of civil litigations and enforcement of decisions. To that end, the effectiveness of EU instruments in the area of civil procedure needs to be improved. The Commission is therefore invited to submit a report on the functioning of existing EU instruments in civil procedural law and to assess the need for common rules of civil procedure on matters such as the service of documents, taking of evidence, review procedures and enforcement. Furthermore, the codification of EU instruments in the area of civil judicial cooperation should be

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<sup>8</sup> European Parliament resolution with recommendations to the Commission on succession and wills (2005/2148(INI)).

<sup>9</sup> European Parliament resolution of 18 December 2008 with recommendations to the Commission on the European Authentic Act (2008/2124(INI)).

undertaken, in order to improve the accessibility and visibility as well as the uniform application of the instruments concerned.

According to the Presidency's draft programme, the overall aims of the development of a European judicial area should be, on the one hand, facilitating citizens' access to civil justice, particularly in cross-border proceedings and, on the other hand, supporting economic activities in the single market.

As far as easier access to civil justice is concerned, the draft programme highlights the importance of strengthening measures on legal aid and of further improving alternative methods of settling disputes, particularly in consumer law. Moreover, the priority of fully implementing the e-Justice action plan is expressly announced. In the framework of this action plan, some European and national cross-border procedures could be dealt with on-line, e.g. the European payment order, the European small claims procedures, mediation litigations. The European Parliament welcomed the initiative of developing e-Justice tools at European level in a resolution adopted in December 2008<sup>10</sup>.

As regards the need for supporting economic activities in the single market, the Commission is invited to submit proposals for improving the enforcement of judgments in the EU regarding bank account and debtors' assets and to evaluate the need for provisional measures to prevent the disappearance of assets. The European Parliament has already expressed its views on the need for a cross-border European procedure for temporarily freezing bank deposits<sup>11</sup>. Parliament further suggested introducing a form of Community provisional measure giving access to information on the debtor's assets<sup>12</sup>.

In view of facilitating cross-border economic transactions, a high degree of legal certainty in contract law should be ensured. To that end, the draft programme underlines that initiatives in the field of European contract law should be carried forth. In this regard, the Commission is invited to submit a proposal on a common frame of reference. It is important to recall that the European Parliament pointed out that the common frame of reference could go well beyond a mere legislative tool and could result in an optional instrument, in order to enhance legal certainty in cross-border contractual relations<sup>13</sup>.

As regards the international dimension of the European judicial area, the draft programme stresses that the role of the EU should be increased by its membership to The Hague Conference on Private International Law. Furthermore, the possibility of adopting an international instrument in the area of recognition and enforcement should be assessed in order to allow a thorough control of decisions given in a third country.

### **3.2. Criminal Justice**

Mutual recognition is a principle now expressed in the Treaty. It should extend to all types of judgements and apply to all stages of the procedure. Judicial cooperation in cross-border crimes should be more efficient. The setting up of a comprehensive system for obtaining evidence in cases with a cross-border dimension, based on the principle of mutual recognition, should be further pursued. This should

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<sup>10</sup> European Parliament resolution of 18 December 2008 with recommendations to the Commission on e-Justice (2008/2125(INI)).

<sup>11</sup> European Parliament resolution of 25 October 2007 on the Green Paper on improving the efficiency of the enforcement of judgments in the European Union: the attachment of bank accounts (2007/2026(INI)).

<sup>12</sup> European Parliament resolution of 22 April 2009 on the effective enforcement of judgments in the European Union: the transparency of debtors' assets (2008/2233(INI)).

<sup>13</sup> European Parliament resolution of 3 September 2008 on the common frame of reference for European contract law (2008/2615(RSP)).

cover all types of evidence. The Commission is invited to propose a comprehensive legal instrument to replace all the existing instruments and covering all types of evidence.

In the field of disqualification a programme of measures must be proposed by the Commission.

Training is essential to foster a genuine European judicial culture in all legal professions. A systematic European training scheme for all new judges and prosecutors should be pursued. In this regard, the European Judicial Training Network could be strengthened. The activities of the European Forum for Justice as a privileged partner for debate on all matters relating to justice should be improved.

Improvements in the evaluation of the effectiveness of legal instruments are necessary. The Commission is invited to submit a proposal under article 70 TFEU. A priority of the EU should be the implementation of decisions already taken notably by increasing the training of judges and other professionals and by enhancing evaluation mechanisms. Handbook for each instrument adopted so far in both criminal and civil law should be available at the end of the five-year period.

A certain level of approximation of laws is necessary to enable the principle of mutual recognition to apply. In criminal law, offences having a typically cross-border dimension should become the object of common incriminations and common minimum levels of maximum sanctions. Priority should be given to trafficking in human beings, terrorism, drug trafficking, sexual exploitation of children, cybercrime.

The coherence of criminal law provisions in the various EU instruments is particularly important. The Commission is invited to launch preparatory work on model standard provisions in criminal law.

In criminal law, it will be necessary to identify priorities for the negotiations of mutual assistance and extradition agreements. The Commission is invited to submit in 2010 a full list of third countries with an assessment of the appropriateness and urgency of concluding such agreements.

In May 2009, the European Parliament adopted a resolution on the development of an EU criminal justice area. This resolution contained also a recommendation to the Council, on setting up an EU criminal justice area.

The Parliament has called for the adoption of an act establishing guarantees in criminal procedures, based on the principle of the presumption of innocence. It wanted better protection for victims and witnesses, for example in cases of organised crime, and also measures setting minimum standards on conditions of detention. The EP trusts that the EU will undertake to step up the fight against mafias and adopt legislation on the confiscation of the financial assets and goods of criminal organisations in order to re-use them for socially-oriented purposes. MEPs also call for the creation of a "committee of wise men" responsible for studying the similarities and differences that exist between the criminal law systems of all member states, and for proposals to be submitted. While ensuring that any pointless redoubling of effort is avoided, measures should also be taken to promote the creation of a real European judiciary culture, with the founding of a European school for judges and the legal professions. MEPs called for a comprehensive report on crime in the European Union to be published each year. Last but not least, the Parliament called for implementation of the principle of mutual recognition to be completed and to be effectively applied in the field of criminal justice.

## 4. A EUROPE THAT PROTECTS

A comprehensive EU internal security strategy based notably on a division of tasks between the EU and the Member States and on the respect for fundamental rights must be defined. This should be one of the priority tasks of the Internal Security Committee (COSI) set up in the Lisbon Treaty. The European Parliament could try to get involved in the work of the COSI "in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union". The new Committee on Internal Security would have an operational rather than legislative role, unlike the current Article 36 Committee (CATS), which is in charge of the preparation of Council activities in JHA matters. The Lisbon Treaty states that "the European Parliament and national Parliaments shall be kept informed of the proceedings" of COSI.

The European Parliament could also prepare a report on the principle of convergence (which is to promote closer operational cooperation among law enforcement authorities of the MS) and the structuring of internal security. In this context, the EP could stress the importance of defining strategic and operational objectives more clearly and having them approved at political level.

Another aspect, which deserves to be analysed, is the definition of a methodology for intelligence-led law enforcement, with an emphasis on the collection and analysis of information and intelligence. Intelligence-led operation is not being developed at the moment, due to a lack of trust among law enforcement authorities, reluctant to share information with each other.

The Parliament could hold a debate and prepare a report on the Organised Crime Threat Assessment (OCTA), which are adopted by Europol on a yearly basis since 2006. An OCTA is a threat assessment of current and expected trends in organised crime across the EU, drawn up to enable decision-makers to take appropriate action to counter any anticipated threats.

Mutual trust between all the professionals concerned needs to be enhanced. A European law enforcement culture notably through the exchange of experiences and good practice and training should be created.

As regards the exchange of information, the Council is invited to adopt an EU Information management Strategy, which would include notably a strong data protection regime and allow for the interoperability of the different IT systems. In this framework, the establishment of an agency responsible for the management of large IT systems, following the proposals by the Commission in June 2009, and currently discussed in the European Parliament<sup>14</sup>, is considered necessary.

The prime objective of EU law enforcement cooperation is to combat forms of crime that are typically cross-border. In this context, Europol should have a leading role. Europol and Eurojust should be systematically involved in major cross-border operations. The Lisbon Treaty foresees the oversight of Europol and the evaluation of Eurojust by the national parliaments and the European Parliament. This was welcomed as a major success at the XLI COSAC meeting held in Prague in May 2009.

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<sup>14</sup> Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice COM(2009) 293 final - 2009/089(COD)) and Proposal for a Council Decision conferring upon the Agency established by Regulation XX tasks regarding the operational management of SIS II and VIS in application of Title VI of the EU Treaty (COM(2009) 294 final - 2009/090(CNS))

Europol mandate has been progressively extended, most recently in April 2009 with a new Council Decision, which has replaced the Europol Convention of 1995. Europol will become a Community agency as from January 2010. This change of status will significantly improve the operational and administrative functioning of this body. The two main "outputs" of Europol are the European Organised Crime Threat Assessments (OCTA) and EU Terrorism Situation and Trend Reports (TE-SAT). The European Parliament could prepare reports on the OCTA and TE-SAT and hold parliamentary debates on them. Europol should in the future improve its cooperation and working arrangements with Eurojust, also through the Joint Investigation Teams.

The Lisbon Treaty also foresees that "In order to combat crimes affecting the financial interests of the Union, the Council, by means of regulations adopted in accordance with a special legislative procedure, may establish a European Public Prosecutor's Office from Eurojust". In this case, the Council "shall act unanimously after obtaining the consent of the European Parliament". The Lisbon Treaty foresees also the possibility "to extend the powers of the European Public Prosecutor's Office to include serious crime having a cross-border dimension".

Prevention is of major importance. National experiences and best practices must be shared. The Lisbon Treaty offers a new legal basis for cooperation in the area of crime prevention. The draft Stockholm Programme foresees the setting up of an Observatory for the Prevention of Crime (OPC), which should be set up to replace the current EU Crime Prevention Network (EUCPN) by 2012 at the latest. However, it should be stressed that the European Parliament is currently preparing an opinion on a recent initiative tabled by some Member States to strengthen the current institutional structure and the functioning of the EUCPN. Due attention will have to be paid so as to avoid conflicting solutions concerning the future of the Network.

Priorities should be set in crime policy. The following types of crime deserve special priority in the years to come: trafficking in human beings, sexual exploitation of children and child pornography, cybercrime, economic crime and corruption, drugs.

The draft Stockholm Programme foresees the setting up of an EU Anti-Trafficking Coordinator (ATC) with the aim to contributing to the development of a consolidated EU policy. A partnership with the main countries of origin should be developed. The European Parliament is currently preparing an opinion on a Commission proposal for a Council Framework Decision on preventing and combating trafficking in human beings.

Member States should ratify the 2001 Council of Europe Cybercrime Convention. The future European Observatory on Counterfeiting and Privacy should have a major role to play concerning the phenomenon of counterfeiting.

Threat from terrorists remains significant and is constantly evolving. EU must not lower its guard. Respect for fundamental rights is one of the bases for the EU counter-terrorism work. It should be avoided to stigmatise any particular community while intercultural and interfaith dialogue should be developed.

Prevention mechanisms, the early detection of threats and initiatives to counter radicalisation in all vulnerable populations should be promoted. The development of a network of professionals and the drawing up of a European Handbook should contribute to understand all the factors underlying the phenomenon.

The instruments for combating the financing of terrorism must be adapted in full compliance with international law, in particular human rights law. The European Parliament is currently preparing an opinion on a Commission proposal to modify the current Regulation concerning specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the Al-Qaida network and the

Taliban. Following recent judgements of the European Court of Justice and the Court of First Instance, the Parliament will insist on the need to ensure the right of defence of presumed terrorists, whose names have been inserted in the so-called "black lists".

The effectiveness of cooperation between law enforcement authorities in combating crime and terrorism depends to a large extent on their ability to obtain and exchange information and intelligence in good time. In today's world the right to privacy has come under immense pressure. Given the enormous capabilities of modern technology, electronic data on our personal lives are gathered, stored, and shared on a scale unimaginable even a decade ago. The PNR and SWIFT examples (on which the EP adopted resolutions) give a clear indication of possible implications on privacy arising from the collection of personal data. Another example is the Prüm Council Decision, which contains provisions concerning the establishment of national DNA analysis files and the transfer of dactyloscopic data (fingerprints). The Parliament has also voiced its concern (with a recommendation to the Council in April 2009) about profiling, especially on the basis of ethnicity and race, in counterterrorism, law enforcement, immigration, customs and border control. The situation is even more complicated as there is no EU definition for profiling, risk assessment or data mining, taking also into account the growing reliance on biometrics. Therefore, adequate guarantees are needed to ensure respect for privacy and data protection.

Natural and man-made disasters affect the safety and security of citizens. An EU action in disaster management must be developed based on an integrated approach. A strategic approach to disaster prevention should be developed as well as further improving preparedness and response while recognising national responsibility. Civil protection instruments must be improved.

The CBRN (chemical, biological, radiological and nuclear) risk has led to the development of an EU CBRN Action Plan. The implementation of this plan is vital. A continuous dialogue and cooperation with third countries is required.

The European Parliament will carefully follow up on future measures concerning civil protection, critical infrastructures and CBRN threats, while also respecting the principle of subsidiarity.

## **5. A EUROPE OF RESPONSIBILITY, SOLIDARITY AND PARTNERSHIP IN MIGRATION AND ASYLUM MATTERS**

### ***5.1 Migration issues***

The programme puts two documents adopted in recent years as the cornerstone of the EU policy in the area of migration:

- the European Pact on Immigration and Asylum, adopted by the European Council of 15-16 October 2008<sup>15</sup>
- the EU Global Approach to migration, adopted by the European Council of 15-16 December 2005<sup>16</sup> which makes the EU migration policy an integral part of the EU external policy.

The link between migration policy and other policies, notably development policy, is highlighted. The programme therefore invites the Commission to submit before 2012 proposals in this regard on: the issue of remittance transfers, increasing the involvement of diasporas groups and the development of circular migration. The Commission is also invited to present an analysis of the effects of climate changes on international migration.

As regards legal migration, the draft programme highlights the necessity for labour migration to fulfil the needs of Member States' labour markets. The objective of the Stockholm programme is to grant third-country nationals legally resident in the EU a uniform level of rights comparable with that of the EU citizens no later than 2014. In order to do so, the Commission is invited to submit an Immigration Code, consolidating (after an evaluation and possibly some amendments) the legislation in the area of immigration. The revision of the directive on family reunification is also scheduled. The importance of integration policies is underlined as well.

As regards illegal immigration, the stress is put on the return and readmission policies, underlining the need for cooperation with countries of origin. The Commission is therefore requested to provide an evaluation in 2010 of the EC readmission agreements. The need to pay particular attention to unaccompanied minors, through the development of an action plan, is also highlighted.

### ***5.2. Asylum issues***

A common area of protection and solidarity based on a common asylum procedure and a uniform status remains the objective of the EU. The establishment - by 2012 at the latest - of a Common European Asylum System (CEAS) should remain a key policy objective. It should be based on a full application of the Geneva Convention. The EU should seek accession to the Geneva Convention. Promoting solidarity within the EU is crucial but not sufficient. It is important to express solidarity with third countries in order to help building capacity to handle migration flows.

The European Asylum Support Office (EASO) will be an important tool and should coordinate all forms of cooperation between the Member States. An evaluation of the EASO should be done no later than five years after its establishment. A common educational platform for national asylum officials should be developed. The Dublin system should remain a cornerstone in building CEAS.

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<sup>15</sup> Presidency Conclusions, Council document 14368/08. The pact itself is in Council document 13440/08.

<sup>16</sup> Presidency Conclusions on the Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean, European Council, Brussels, 15-16 December 2005, Bulletin of the European Union 12-2005

The Commission is invited to create a mechanism for monitoring the quality of asylum decision-making. There is a need to promote solidarity with Member States facing particular pressures. Mechanisms for sharing responsibility between Member States should be further analysed and possibly developed. The EU financial system should be used in a more effective way to reinforce internal solidarity. The Commission will report annually on the resettlement efforts made within the EU. A mid-term evaluation will be carried out during 2012 and a full evaluation of the programme in 2014.

The EU should show solidarity, act in partnership and cooperate with third countries hosting large refugee population. Member States should participate in joint EU resettlement scheme.

These draft programme guidelines, as set out above, answer to Parliament's wish to secure the establishment of common European asylum rules. The resolutions adopted at first reading by Parliament on 7 May 2009<sup>17</sup> highlighting, in particular, its commitment to the Dublin System and the establishment of a European Support Office. The issue of solidarity between Member States is likewise a priority issue for the European Parliament.

## **6. EUROPE IN A GLOBAL WORLD: THE EXTERNAL DIMENSION OF FREEDOM, SECURITY AND JUSTICE.**

The importance of the external dimension of the EU policy in the area of freedom, security and justice must be emphasised. It should be fully coherent with all other aspects of EU foreign policy.

The strategy for Justice, Home affairs and external relations adopted in 2005 is an important *acquis*. EU external cooperation should focus on areas where EU activity provides added value, in particular migration and asylum, security, justice, European neighbourhood countries and other key partners notably the United States of America and the Russian Federation.

The following principles should guide EU action in external relations in the area of FSJ: the EU has a single external relations policy, EU and Member States must work in partnership with third countries, promote international standards and cooperate closely with their neighbours.

The Lisbon Treaty offers new possibilities to act more efficiently in external relations. The High Representative is requested to report on ways to ensure complementarity between the EU and the Members States by December 2011. He is requested to establish a Human Rights Action Plan to promote the human rights values in the external dimension.

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<sup>17</sup>Legislative resolution on the draft regulation establishing a European Asylum Support Office, Legislative resolution on the draft regulation concerning the establishment of 'Eurodac' for the comparison of fingerprints, Legislative resolution on the draft regulation 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, Legislative resolution on the draft directive laying down minimum standards for the reception of asylum seekers.

As regards external borders, the draft programme highlights the importance of FRONTEX: following its evaluation in 2008<sup>18</sup>, the Commission is invited to put forward proposals to clarify its mandate and enhance its role. It also invites FRONTEX to create regional or specialised offices. The European Parliament also called for such actions in a recent resolution<sup>19</sup>: it "considered FRONTEX as an essential instrument in the Union's global strategy on immigration and calls on the Commission to present proposals to review its mandate in order to strengthen its role and make it more effective". The development of the European Border Surveillance System (Eurosur) is also considered a priority by the Presidency draft programme.

The draft programme also underlines that new technologies can be used to improve borders management and calls on VIS and SIS II to be made operational. The COSAC in its Contribution adopted in May 2008 also stressed that "the development and introduction of SIS II remains a priority" and should "be established in a timely fashion"<sup>20</sup>.

It also highlights that these systems could be complemented by an entry/exit system and invites the Commission to put forward a proposal in this regard so that it becomes operational by 2015. The European Parliament has recently expressed some reservations on this issue: in a March 2009 resolution, it was "of the opinion that the absolute need to implement such a system remains doubtful"<sup>21</sup>.

According to the draft programme, the entry into force of the Visa Code in 2010 and the roll-out of the VIS will create new opportunities for further developing the common visa policy. Member States are therefore encouraged to intensify regional consular cooperation and the Commission is invited to present a study on the possibility of establishing a common European Schengen Visa including a European issuing mechanism.

The Lisbon Treaty provides for new procedure for the conclusion of agreements with third countries. Such agreements should be used more frequently. In particular, in the field of protection of data, a framework model agreement could be created.

Geographical priorities include the Western Balkans, Turkey, the European Neighbourhood Policy, the Union for the Mediterranean, Afghanistan, Central Asian countries and West Africa.

The Commission is invited to submit before the end of 2010 a plan on how to take cooperation with the Eastern Partnership Countries forward.

The High Representative is requested to examine with the Commission which regions or countries should be given financial or other assistance or with which agreements should be concluded.

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<sup>18</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Report on the evaluation and future development of the FRONTEX Agency, COM(2008)0067 - European Parliament resolution of 18 December 2008 on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR) (2008/2157(INI))

<sup>19</sup> European Parliament resolution of 18 December 2008 on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR) (2008/2157(INI))

<sup>20</sup> Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), Contribution adopted by the XXXIX COSAC, Brdo pri Kranju, 7-8 May 2008, point 4.2, [http://www.cosac.eu/en/meetings/Ljubljana2008/ordinarymeeting/contribution\\_and\\_conclusions.pdf](http://www.cosac.eu/en/meetings/Ljubljana2008/ordinarymeeting/contribution_and_conclusions.pdf)

<sup>21</sup> European Parliament resolution of 10 March 2009 on the next steps in border management in the European Union and similar experiences in third countries (2008/2181(INI))

## **7. PARLIAMENTARY SCRUTINY OF THE STOCKHOLM PROGRAMME: AN IMPORTANT ELEMENT OF ACCOUNTABILITY**

### ***7.1 Objectives and instruments***

According to the 12<sup>th</sup> Biannual COSAC Report almost all parliaments of the EU foresee that they will scrutinise the Stockholm Programme before it is adopted by the Council in December 2009 and before any proposals for legislative acts based on the Programme are presented. In most cases, it is the Committee on EU Affairs that has the main responsibility for scrutinising the Stockholm Programme, at least until proposals for legal acts are presented. In many cases it is the Commission's Communication that is the object of scrutiny, while in other cases it is the respective government's position on the Communication. There are also mixed forms of scrutiny.

In a majority of chambers, one or more specialised committees will be involved in scrutinising the Stockholm Programme. As a general rule, their role is to participate in debates and/or to submit (written) opinions to the Committee on EU Affairs. In a few cases, however, a specialised committee is the main committee responsible. In many chambers a plenary debate on the Stockholm Programme is planned or likely to be held, given the importance of this EU policy document.

Procedures foreseen for the scrutiny of the Stockholm Programme are in most cases similar to those used for the scrutiny of all EU legislative proposals. In some parliaments they are based on the same principles applied for the scrutiny of the Tampere and Hague Programmes. An overwhelming majority of parliaments confirm that Joint Parliamentary Meetings are a good instrument of direct exchange of experience among parliamentary organs and a useful tool for improving scrutiny, in general, and in the area of Justice and Home Affairs, in particular. If such meetings take place before a decision in the Council is finalised (as is the case with the Joint Parliamentary Meeting "Building a Citizens' Europe"), they bring added value to parliamentary scrutiny.

### ***7.2 Past activities***

A previous Joint Parliamentary Meeting, organised on 10/11 September 2008 in cooperation with the French Senate and National Assembly, dealt with the topic of "Migration and Integration". The debates acknowledged that the European Union lacked coherent policies for the integration of migrants, and also the importance of developing a global approach taking account of the different aspects and reasons for both illegal and legal immigration. Participants expressed the view that the links between Migration Policy, Development Policy and Common Agricultural Policy merited particular consideration. In addition, coherent measures should be taken to mitigate social and cultural differences, to tackle the fears and xenophobia of European citizens towards foreign cultures and specifically the Islamic world, to promote mutual values and respect for differences, human dignity and fundamental rights.

In a Roundtable discussion on the "Framework Decision on Combating Terrorism", convened in Brussels on 6 April 2008, 22 MPs from 12 parliamentary chambers met with up to 60 MEPs to discuss plans to revise EU Framework Decision 2002/475/JHA, which seeks to bring the EU framework decision into line with the corresponding convention of the Council of Europe by criminalising "public provocation to commit a terrorist offence", "recruitment for terrorism" and "training for terrorism", the aim being to prevent the radicalisation of individuals.

A further Roundtable reuniting MEPs and MPs on "The integrated management of the European Union's Borders", which took place in Brussels on 30 June 2008, arrived at the conclusion that border management, including the need for a balance between freedom and security, was in need of parliamentary scrutiny with respect to several proposals designed to consolidate the legal and political situation created by the opening up of Europe's borders and the introduction of the Schengen regime. MEPs as well as national MPs insisted to ensure that fundamental rights and privacy continue to be respected.