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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 3 July 2008

to: Mr Javier SOLANA, Secretary-General/High Representative

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Subject: General overview of instruments and deadlines provided for in the Hague  
Programme and Action Plan in the fields of justice, freedom and security for  
2007  
- Report on the implementation of The Hague programme for 2007  
(Institutional Scoreboard - Table 1)

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Delegations will find attached Commission staff working document SEC(2008) 2049.

Encl.: SEC(2008) 2049



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.7.2008  
SEC(2008) 2049

**COMMISSION STAFF WORKING DOCUMENT**

**Annex to the**

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

**General overview of instruments and deadlines provided for in the Hague Programme  
and Action Plan in the fields of justice, freedom and security for 2007**

**(Institutional Scoreboard)**

**Report on the implementation of The Hague programme for 2007**

**(Institutional Scoreboard – Table 1)**

**{COM(2008) 373 final}  
{SEC(2008) 2048}**

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>1. GENERAL ORIENTATIONS</b>				
<b>1.3. EUROPEAN COURT OF JUSTICE</b>				
1.3. (a)	Proposal on means to enable the European Court of Justice to handle requests for preliminary rulings concerning the area of freedom, security and justice	Commission	2006	<p>✓ <b>Achieved</b></p> <p>On 1 March 2008, the Court of Justice of the European Communities adopted a new procedure to enable it to deal more quickly with very urgent questions referred for a preliminary ruling.</p>
<b>1.4. EUROPEAN STRATEGY ON DRUGS</b>				
– <i>EU Action Plans on drugs 2005 to 2008</i>				
1.4. (a)	Continuous evaluation of the EU Action Plan on Drugs 2005 to 2008	Commission	Annual	<p>✓ <b>Achieved</b></p> <p>On 10 December the Commission adopted Communication from the Commission on the 2007 Progress Review of the implementation of the EU Action Plan on Drugs (2005-2008)<sup>2</sup> and sent it to the EP and the Council. Final evaluation and proposal for new Action Plan to be submitted in 2008.</p>
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 evaluation report will be submitted by the Commission by 12 May 2009 at the latest, as it is stipulated in the Framework Decision. Only 11 Member States sent their report on transposition by the deadline 12 May 2006.</p>

<sup>1</sup> Reference is made to 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> COM (2007) 781 final.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<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		Two Commission reports were adopted on 17.3.1999 <sup>3</sup> (period 1992-1999) and 5.3.2003 <sup>4</sup> (period 1999-2002). A third and last report was adopted by the Commission on 5.4.2006 <sup>5</sup> (period 2003-2005).
2.1. (d)	Proposal on provisions and conditions required for a European citizens' initiative	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>There is no legal basis for putting forward such an initiative under the current Treaties.</p>
<b>2.2. ASYLUM, MIGRATION AND BORDER POLICY</b>				
2.2 (a)	Annual reports on migration and asylum statistics		Ongoing	This forms part of the European Migration Network's annual work programme.

<sup>3</sup> Report from the Commission to the Council and the European Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (right of residence): COM(1999) 127.

<sup>4</sup> Second Commission report to the Council and Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (right of residence) - COM(2003) 101.

<sup>5</sup> Third Commission report to the Council and Parliament on the application of Directives 93/96, 90/364, 90/365 on the right of residence for students, economically inactive and retired Union citizens – COM(2006) 156 final.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
2.2. (c)	Green Paper on the future of the European Migration Network, possibly followed by a proposal establishing a European Migration Monitoring Centre	Commission	2005/ 2006	<p>✓ <b>Achieved</b></p> <p>The European Migration Network legal base proposal<sup>6</sup> was finally adopted and put forward by the Commission on 10 August 2007. The JHA Council reached a general approach on this proposal on 6 December 2007. Formal adoption is expected during the first semester of 2008.</p>
<b>2.3 COMMON EUROPEAN ASYLUM SYSTEM</b>				
<i>– Evaluation of the first phase legal instruments</i>				
2.3. (c)	Monitoring the transposition and implementation of first phase instruments	Commission	ongoing	A study on the conformity checking of measures of Member States to transpose directives in the sector of asylum and immigration was carried out in 2007. The final results will be available and assessed in 2008. Moreover, in relation to asylum policy, a report on the evaluation of the Dublin system <sup>7</sup> and of the Directive on reception conditions <sup>8</sup> was published in 2007.
<i>– Studies on the implications, appropriateness and feasibility of joint processing of asylum applications</i>				
2.3. (f)	Study on the joint processing of asylum applications within the Union	Commission	2006	<p>• <b>Delayed</b></p> <p>Following the replies to the Green Paper on the future of the CEAS, it was decided that the study is to be carried out at a later stage.</p>

<sup>6</sup> (COM(2007) 466)

<sup>7</sup> COM (2007)299 final.

<sup>8</sup> COM (2007)754 final.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
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	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The study is to be carried out in 2008 as a follow-up to the Policy Plan on Asylum.</p>
– <b>Cooperation between Member States relating to the common European asylum system, after the establishment of a common asylum procedure</b>				
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	No date	A feasibility study has been launched at the end of 2007 and its results will be presented in July 2008. On the basis of the conclusions of the study and the reactions from Member States and the EP, the Commission will decide whether to propose any initiative in this respect.
<b>2.4. LEGAL MIGRATION</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	Ongoing	This is covered by the action under point 2.3(c).

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>2.5. INTEGRATION OF THIRD-COUNTRY NATIONALS</b>				
– <i>Promotion of the structural exchange of experience and information integration</i>				
2.5. (c)	Annual reports on immigration and integration	Commission	2005 ongoing	The Third Annual Report on Migration and Integration <sup>9</sup> , 11 September 2007. There is no annual report foreseen in 2008. The integration communication in September 2008 will make suggestions on how to improve the way annual reports are being produced.
2.5. (e)	Development of a website on integration	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The website is currently being developed and will be launched during the fourth quarter of 2008.</p>
<b>2.6. FIGHT AGAINST ILLEGAL IMMIGRATION</b>				
2.6. (a)	Contribution to management of immigration liaison networks in relevant third countries	Council/ Commission	ongoing	The Commission presented in October 2006 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 MS' replies to a Presidency questionnaire, further discussions took place in the first half of 2007, focussing on the possibility of greater FRONTEX involvement in the further development of liaison officer networks. It was agreed to consider this further in the course of an evaluation of FRONTEX to be carried out by the end of 2007.
2.6. (b)	Annual report on the common policy on illegal migration	Commission	ongoing	The 2nd 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 of 19 July 2006 was annexed to the Commission Communication on policy priorities in the fight against illegal immigration of third-country nationals, adopted on 19 July 2006. The third annual report, covering the second half of 2006 and all of 2007, will be soon sent to the Cabinet for the green light to launch the ISC; it is due to be presented in June this year.

<sup>9</sup> COM/2007/ 512

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
2.6. (j)	Conclusion of Community readmission agreements and management of existing agreements	Commission	timely	<p>EC readmission agreements are in force with Hong Kong, Macao, Sri Lanka, Albania. Furthermore, the Community readmission agreement with Russia entered into force on 1 June 2007. The negotiations and conclusion of (6) agreements with Ukraine, Moldova, Serbia, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Montenegro were accomplished by the end of 2007. All those agreements entered into force on 1 January 2008.</p> <p>Two Joint readmission committees (July and November) were convened with Russia to monitor implementation of Russia – EC readmission agreement. Further committees with Russia and other third countries with whom readmission agreements are in force will be organised in 2008.</p>
<b>2.8. BORDER MANAGEMENT, BIOMETRICS, INFORMATION SYSTEMS AND VISA POLICY</b>				
– <i>Abolition of controls on persons at the internal borders</i>				
2.8. (c)	Evaluation of SIS II related <i>acquis</i> in the new Member States	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)	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 <i>acquis</i> have been met and once the Schengen Information System (SIS II) has become operational	Council	2007	<p>✓ <b>Achieved</b></p> <p>Council Decision 2007/801/EC was adopted on 6 December 2007<sup>10</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 and Regulation (EC) No 1987/2006 of the European Parliament and of the Council.</p>

<sup>10</sup> OJ L 323/34.



No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
2.8. (e)	Proposal for supplementing the existing Schengen evaluation mechanism with a supervisory	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Postponed to 2008</b></li> </ul> Commission will present such a proposal in the second semester 2008.
<b>– Establishment of an integrated management system for external borders</b>				
2.8. (f)	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	Commission	2007	<ul style="list-style-type: none"> <li>✓ <b>Achieved</b></li> </ul> The proposal tabled by the Commission already in 2006 <sup>11</sup> was adopted by the Council and European Parliament in 2007 <sup>12</sup> .

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<sup>11</sup> COM(2006) 401 Final

<sup>12</sup> Regulation (EC) No 863/2007, OJ L 199/30

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
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 European border guards)	Commission	2007	<p>✓ <b>Achieved</b></p> <p>The Commission submitted its report on 13 February 2008<sup>13</sup> as part of the "border package" (which also includes a communication on entry-exit system and on a European border surveillance system).</p>
– <b>Partial application of the Schengen acquis</b>				
2.8. (i)	Adoption of a Council Decision on the partial implementation of the Schengen acquis by Ireland	Council	2006	<p>• <b>Delayed</b></p> <p>The adoption of the Decision is dependant on the overall development of SIS II.</p>

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<sup>13</sup> COM (2008) 67 Final

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
2.8. (j)	Adoption of a Council Decision on the partial implementation of the Schengen acquis (SIS) by the United Kingdom	Council	2005	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The adoption of the Decision is dependant on the overall development of SIS II.</p>
2.8 (n)	<p>Widespread use of biometric identifiers concerning travel documents, visas, residence permits, EU citizens' passports and information systems</p>	Commission	2006 onwards	<p>A political agreement has been reached on the Council Regulation amending Regulation (EC) 1030/2002 laying down a uniform format for residence permits for third-country nationals. Formal adoption of the decision took place on 18 April 2008.</p>

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<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	The third visa reciprocity report was presented by the Commission on 13 September 2007 <sup>14</sup> . The fourth report is expected at the end of the first semester of 2008.  In order to restore reciprocity with Brazil, the European Commission has presented on 9 September 2007 a Recommendation to the Council to open negotiations on a visa waiver agreement between the European Community and Brazil.
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	ongoing	There is no legal basis for putting forward such an initiative under the current Treaties.
2.9. (k)	Kaliningrad Facility <sup>15</sup>	Commission/ Lithuania	Ongoing	Closure for final payments is planned in 2008.

<sup>14</sup> COM(2007)533 final.

<sup>15</sup> The Kaliningrad Facility was 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'.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
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	The visa facilitation agreement with Russia entered into force on 1 June 2007. The visa facilitation agreements with the Ukraine, FYROM, Serbia, Montenegro, Bosnia-Herzegovina, Albania and Moldova were negotiated and signed in 2007 (entered into force on 1 January 2008). In addition, visa dialogue with Russia towards visa liberalisation started in September 2006.
2.9. (o)	Technical implementation of the VIS, starting with the functionalities for processing alphanumeric data and photographs (2006) and adding the functionalities for biometric data (2006)	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>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" at the end of May 2009. The date for the start of operations will depend upon the readiness of the Member States.</p>
2.9. (p)	Proposal on the creation of common visa offices	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The Hague programme invited the Commission to submit a proposal on the establishment of common application centres. An amendment to the Common Consular instructions<sup>16</sup> envisaging such a possibility was submitted by the Commission in 2006 and is currently under negotiations.</p>

<sup>16</sup>

COM (2006) 269 final

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>3. STRENGTHENING SECURITY</b>				
<b>3.1. SHARING OF INFORMATION AMONG LAW ENFORCEMENT AND JUDICIAL AUTHORITIES WHILE STRIKING THE RIGHT BALANCE BETWEEN PRIVACY AND SECURITY</b>				
– <i>Availability principle and protection of personal data</i>				
3.1. (g)	Development of links between the SIS II and the Europol information system		2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>Europol is in the process of doing the basic tests for connection to the SIS II network. All users will be required to test the compliance of their systems with the central system by June 2008.</p>
3.1. (h)	<p>Implementation of the principle of availability, concerning the following areas:</p> <ul style="list-style-type: none"> <li>- DNA(2005)</li> <li>- fingerprints</li> <li>- ballistics</li> <li>- telephone numbers</li> <li>- vehicle registrations</li> <li>- civil registers (2006)</li> </ul>	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The Commission presented legislation for a Framework Decision on the implementation of the Principle of Availability and one for the protection of data that are exchanged under this principle in October 2005.</p> <p>This legislation has not been discussed. It coincided with an initiative of seven Member States that led to the signature of the Prüm Treaty on 27 May 2005, and the adoption of a Framework Decision on simplifying the exchange of information and intelligence<sup>17</sup> on 18 December 2006.</p> <p>The 2007 German initiative for a Decision to transpose most of the non-Schengen related third pillar part of the Treaty of Prüm into the institutional mechanism of the European Union, including fingerprints, DNA, and vehicle registration data (political agreement reached on 13 June 2007), could be considered as partial implementation of the principle of availability. Further implementing legislation was presented in October 2007<sup>18</sup>.</p>

<sup>17</sup> 2006/930/JHA

<sup>18</sup> CS 9956/1/07 - Draft Council Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, CS16329/07 - Draft Council Decision on the implementation of Decision 008/.../JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>– Exchange of data on PNR</b>				
3.1. (l)	Proposal concerning a common EU approach to the use of passenger data for border and aviation security and other law enforcement purposes	Commission	2005	<p>✓ <b>Achieved</b></p> <p>The Commission adopted a proposal on an EU PNR system on 6 November 2007 as part of its Counter Terrorism Package<sup>19</sup>.</p>
<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/ Parliament	No date	The implementation of the action plan is ongoing, and takes on board topical challenges. The reporting on the implementation of the action plan needs to take account of its multifaceted nature. It is structured along the headings, Prevent, Protect, Prosecute and Respond.
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 (2005) and if necessary proposal for its setting up (2006)	Commission/ Council	2006	<p>✓ <b>Achieved</b></p> <p>Cross Border Crisis Network Study report delivered to EU MS January 2008. As to the proposals: on the basis of the information collected, the Commission eventually decided not to pursue the action.</p>

<sup>19</sup> COM (2007) 650

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
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>The report on the peer evaluation mechanism was presented and discussed within the Council throughout 2007. 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 preventive basis in accordance with Special Recommendations of the Financial Action Task Force		2007	<p>• <b>Postponed to 2008</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>20</sup> was commissioned in 2007 (results expected in 2008).</p>
3.2. (j)	Contribution to the ongoing work on thwarting the production and spread of chemical, nuclear and biological arms	Commission	2007	<p>✓ <b>Achieved</b></p> <p>Policy measures on these issues have been in preparation since 2006. A Green Paper on detection technologies in the work of law enforcement, customs &amp; other authorities<sup>21</sup> was adopted on 1 September 2006, as well as a Green Paper on bio-preparedness<sup>22</sup> was adopted on 11 July 2007. Currently work is on-going to prepare a comprehensive package of measures on these topics by the summer of 2009.</p>

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<sup>20</sup> JLS/D2/2007/05

<sup>21</sup> COM (2006)474

<sup>22</sup> COM(2007)399



No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
3.2. (k)	Development of the ATLAS cooperation and its legal framework	Council	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>Draft Council Decision (on the basis of an Austrian legislative initiative proposing to develop the ATLAS cooperation and its legal framework) was adopted at the level of CATS on 6 March 2008. Rapid adoption by Council is expected. EP has been consulted and issued its report.</p>
3.2. (m)	Develop public/private partnerships to improve the prevention and the fight against terrorism	Commission	No date	<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 and intensive cooperation is expected in the second half of 2006. The conference on security of explosives scheduled for the first half of 2006 will also be a sector-specific initiative as part of a general policy being developed in the field of Public/Private Security Dialogue (PPSD).</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 13.6.2002 on combating terrorism (2005) and evaluation (2006)	Commission	2006	<ul style="list-style-type: none"> <li>✓ <b>Achieved</b></li> </ul> <p>Adopted as part of the Counter-Terrorism Package on 6 November 2007<sup>23</sup>. The report evaluated the implementation of EU 25 and noted that, although most Member States had implemented the main provisions correctly there were some important deficiencies to correct in certain national legal systems.</p>
<b>3.3. PREVENTION OF AND FIGHT AGAINST ORGANISED CRIME</b>				
– <b>Improve the knowledge of organised and serious crime and strengthen the gathering and analysis of information</b>				
3.3. (c)	Commission working paper on criminal intelligence-led law enforcement	Commission	2005	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>Following examination of the matter, the Commission eventually considered that this action is no longer to be pursued as this is an issue for Member States' action.</p>

<sup>23</sup>

COM (2007) 650

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
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		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<sup>24</sup>. Essential pre-requisites to preparing a crime report are being addressed within the context of the work to implement the Commission Action Plan. In this light the feasibility of producing a 'credible' EU crime report is a priority consideration when the Action Plan final implementation report is produced in 2010.</p>
3.3 (f)	Organised Crime Threat Analysis (OCTA) by Europol	Europol	As of 2006	<ul style="list-style-type: none"> <li>✓ <b>Achieved</b></li> </ul> <p>The 2007 OCTA was issued in June 2007.</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 services	Commission	2005	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>On the basis of the results of the 2006 study, the Commission concluded that this action was not worth being pursued.</p>

<sup>24</sup>

COM(2006)437

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
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 on sexual exploitation of children, Commission Draft Guidelines on child alert system and Communication "Towards an EU Strategy on the rights of the child".</p>
3.3. (i)	Action Plan on private/public partnerships to protect public organisations and private companies from organised crime		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 reformulation of the objectives, the European Security Research Innovation Forum 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 sector (cyber crime intelligence network) including the development of a European cyber crime manual	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>One of the first major steps to follow up on the 2007 Communication on cybercrime was the organisation of an expert meeting with representatives of Member States, International organisations and private sector in November 2007. An ad hoc group of public and private experts will convene and assist the Commission in drafting recommendations for further cooperation in 2008.</p>

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>– Anti-corruption measures</b>				
3.3. (l)	Examination of the need for codes of conduct on ethics and integrity for public officials		2007	<p>✓ <b>Achieved</b></p> <p>The issue has been examined by the Commission, which put forward a Communication<sup>25</sup> on 5 March 2008 on Enhancing the environment for professional ethics.</p>
<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 to 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. This group meets regularly and will have its next meeting in January 2008. A conference was held on 23 March 2006. Two series of questionnaires which were sent to the Member States and a study carried out in end of 2006 were forwarded at the group's meetings.</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 2008, with financial support from the Commission. The publication of two handbooks on financial investigation skills is foreseen for 2009.</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 prepared. The final report is expected in autumn 2008 and is going to be presented to the informal EU Financial Intelligence Units Platform by end 2008 in view of formulating a Recommendation</p>

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No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
3.3. (q)	Recommendation and/or proposal to enhance transparency of legal entities to reduce vulnerability to infiltration by organised crime	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	The Commission is continuously promoting the establishment of such a unit, via the organisation of expert meetings. The Commission plans the adoption of a Communication on criminal assets in 2008.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<i>– Improve legislation and review existing legal instruments where needed</i>				
3.3. (a)	Adoption of a framework decision on participation in a criminal organisation		2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>A political agreement was reached in April 2006, but due to a parliamentary reservation formal adoption has not yet taken place</p>
3.3. (d)	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	Commission	2006	<ul style="list-style-type: none"> <li>✓ <b>Achieved</b></li> </ul> <p>On 2 May 2006, the Commission adopted the Implementation Report concerning the Council Framework Decision on combating trafficking in human beings<sup>26</sup>. A Commission decision regarding setting up a new Group of Experts on trafficking human beings was adopted on 17 October 2007<sup>27</sup>. The deadline for the call for applications for the group is 15 February 2008 and the group is expected to be operational by the 2<sup>nd</sup> quarter of 2008.</p> <p>Legislation activities in the area of trafficking in human beings will be considered in due time</p>

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<sup>26</sup> COM (2006) 187 final.  
<sup>27</sup> (OJ L 277, 20.10.2007, p. 29)

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
3.3. (e)	Review and, if necessary, further development of the legal framework preventing and combating trafficking in human organs, tissues and cells	Commission	2006	<p>✓ <b>Achieved</b></p> <p>In the Communication on organ donation<sup>28</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 commissioned and the final report will be available early 2009. The Implementation Report of the EU Action plan on trafficking in human beings will be issued by the Commission during 2008, and will look into new proposals for the updating of the Action Plan. The Commission is also considering the possibility to revise EU legislation on trafficking</p>
3.3. (h)	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	Commission	2007	<p>• <b>Not relevant anymore</b></p> <p>Two public procurement calls for comparative studies were launched in 2005 and 2007. In both occasions all tenders did not reach the minimum score and COM decided not to award the contract.</p>
3.3. (i)	Proposal on identity theft and identity management measures	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>29</sup> was commissioned in 2007. The results are expected in 2008.</p>
3.3. (j)	Examination of the initiative on combating fraud in public tenders	Commission	2006	<p>• <b>Not relevant anymore</b></p>

<sup>28</sup> COM(2007)275

<sup>29</sup> JLS/D2/2007/05

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>– Improving monitoring and evaluation</b>				
3.3. (p)	Report on the implementation of the framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Properties	Commission	2007	<p>✓ <b>Achieved</b></p> <p>The first Report, according to Article 6 of Framework Decision 2005/212/JHA was published on 17 December 2007<sup>30</sup>. (Almost) full implementation has been confirmed for 10 Member States.</p>
3.3. (q)	Evaluation regarding Member States' implementation of customs cooperation (Naples II Convention) including the ratification status	Council	2007	<p>• <b>Postponed 2008</b></p> <p>Ongoing work is based on a project group established by the Customs Cooperation Working Party (ISEC funding).</p>
<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 coop	Council	2004 to 2006	<p>✓ <b>Achieved</b></p> <p>The report on 2004/2006<sup>31</sup> was presented in 2007.</p>

<sup>30</sup> (COM(2007) 805 final)  
<sup>31</sup> 5674/07 ENFOCUSTOM 13



No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
3.4 (b)	Communication on the fight against illicit cross-border trafficking in restricted or prohibited goods	Commission	2007	<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>
– <b>Improvement of law enforcement cooperation and development of the Schengen acquis in respect of cross-border operational law enforcement cooperation</b>				
3.4. (e)	Communication and proposal for a Directive on improved transport safety and increased security through the creation of an area of police and judicial cooperation on the trans-European transport networks	Commission	2005	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>Please refer to 4.2 (d).</p>
– <b>Systematic exchange programmes for law enforcement officers' authorities</b>				
3.4. (j)	Evaluation of CEPOL (2006) and, if appropriate, further development	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>An evaluation within the framework of the new general evaluation mechanism may be considered. Council Decision 2005/681/JHA establishes that an independent evaluation will take place within 5 years of the taking effect of that decision.</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 multidisciplinary joint teams	Commission	Ongoing	Discussions on possible actions in this field have been discussed in 2006 and 2007 within the Council Customs Cooperation working group and the Police Cooperation working group.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
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>Delayed</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 investigation techniques the subject of the 5<sup>th</sup> round of mutual evaluations.</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)		2007	<ul style="list-style-type: none"> <li>• <b>Postponed to 2008</b></li> </ul> <p>The German initiative has been debated in the European Parliament (LIBE) since October 2007. The Commission has been asked to provide comments. Adoption by Council on a German initiative for a European anti-corruption network is expected in 2008.</p>
3.4. (p)	Definition of the role of the security committee (COSI)	Council	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	Ongoing	<p>Preparatory work is ongoing. The Commission will launch a pilot phase in 2008 concerning the FIDE (<i>Fichier d'identification des dossiers des enquêtes douanières</i>) system.</p>
3.4. (r)	Implement the conclusions of the Council of 19 November 2004 related to the fight against organised crime in the Western Balkans	Council	Ongoing	<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, and is foreseen for adoption under by June 2008. SECI is also meant to perform an Organised Crime Threat Assessment for Western Balkans.</p>

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>3.5. MANAGEMENT OF CRISIS WITHIN THE EUROPEAN UNION</b>				
3.5 (c)	Council Decision creating a critical infrastructure warning information network (CIWIN)	Council	2005	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The adoption of such a Decision is expected in the third quarter of 2008. A prototype system was delivered in January 2008 and presented to Member States.</p>
<b>3.6. GENERAL CRIME PREVENTION</b>				
3.6 (b)	Establishment of European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in MSs, using national statistics and other sources of information as agreed indicators	Commission	No date	<p>The Expert group on policy needs of data on crime and criminal justice, set up in 2006, met twice in 2007. Two sub-groups examined the areas of Human Trafficking and Money-Laundering and produced Working papers. Funding has been sub-delegated to Eurostat to fund the pilot phase of the EU Crime Victimization Survey (15 Member States' applications to participate received). A 2007 procurement contract has been awarded to develop an EU system for the classification of crimes and criminal offences.</p>
<b>4. STRENGTHENING JUSTICE</b>				
<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 justice with a view to reinforcing mutual trust while fully respecting the independence of the judiciary	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>A systematic evaluation of the implementation of the EU policies in the field of justice is still not in place; however, several sectoral evaluations have already been carried out. Moreover, a Commission Communication <b>on the creation of a Forum for discussing EU justice policies and practice</b> has been adopted on 4 February 2008. The Forum will gather together practitioners, academics and representatives of justice administrations to provide the Commission with feedback and input for the evaluation mechanism.</p>

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.1. (c)	Creation, from the existing structures, of an effective European training network for judicial authorities for both civil and criminal matters		2007	<p>✓ <b>Achieved</b></p> <p>The European Judicial Training Network (EJTN) was set up in 2002 on the basis of an existing informal agreement and was in 2006 formally established in accordance with Belgian law.</p>
4.1. (d)	EU workshops to promote cooperation between members of the legal professions with a view to establishing best practices		2006	<p>✓ <b>Achieved</b></p> <p>The workshops are provided on a regular basis by ERA and the EJTN</p>
<b>4.2. JUDICIAL COOPERATION IN CRIMINAL MATTERS</b>				
– <i>Pursuing the implementation of the mutual recognition principle</i>				
4.2. (e)	Communication on the creation of an index of non-EU nationals convicted in an EU Member State (2005) and legislative proposal (2006)	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. 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, before presenting a legislative proposal.</p>

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (i)	Reports on the implementation of the Framework Decision on the European arrest warrant and the surrender procedures between Member States <sup>32</sup>	Commission/ Council	2005/ 2006	<p>✓ <b>Achieved</b></p> <p>The second report on the implementation of the Framework Decision was adopted on 11 July 2007.</p>
4.2. (k)	Proposal on driving disqualifications	Commission	2006	<p>• <b>Delayed</b></p> <p>The need for this measure is under review.</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 evidence <sup>33</sup>	Commission	2006	<p>• <b>Postponed to 2008</b></p> <p>As of January 2008, only 18 Member States have sent their national implementing laws to the Commission and Council. The report will be adopted later in 2008 once all Member States will have provided their input.</p>

<sup>32</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision, OJ L 190, 18.07.2002, p. 1.

<sup>33</sup> Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, Official Journal L 196, 02/08/2003 P. 0045 – 0055.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (m)	Report on the implementation of the framework decision on the application of the principle of mutual recognition to financial penalties		2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>As of January 2008, only 5 Member States have sent their national implementation laws to the Commission and Council. The report will be adopted once all Member States will have provided their input</p>
4.2. (n)	Proposal on recognition and execution of alternative sanctions and on suspended sentences		2007	<ul style="list-style-type: none"> <li>✓ <b>Achieved</b></li> </ul> <p>The proposal<sup>34</sup> was put forward on 12 January 2007. A political agreement on the Framework Decision on the recognition of judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions was reached at the December 2007 JHA Council. Formal adoption is still pending.</p>
4.2. (o)	Proposal completing the European Evidence Warrant		2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The need for this measure is under review.</p>
– <b>Approximation</b>				
4.2. (c)	Second report on the implementation of the framework decision of 15 March 2001 on the standing of victims in criminal proceedings	Commission	2005	<ul style="list-style-type: none"> <li>• <b>Postponed to 2008</b></li> </ul> <p>The second and third reports will be amalgamated into a consolidated report to be adopted in 2008.</p>

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Initiative of the Federal Republic of Germany and of the French Republic with a view to adopting a Council Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences (5325/07 COPEN 7)

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (d)	Third report on the framework decision of 15 March 2001 on the standing of victims in criminal proceedings	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> Refer to 4.2 (c) above.
4.2. (e)	Proposal on conflicts of jurisdiction and the ne bis in idem principle	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> The need for this measure is under review.
4.2. (f)	Green Paper on handling of evidence	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> The need for this measure is under review.
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> This measure has been superseded by a proposal for a Framework Decision on the subject presented by the Slovenian Presidency beginning 2008.
4.2. (h)	Proposal on minimum standards relating to the taking of evidence with a view to mutual admissibility	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> The need for this measure is under review.
4.2. (i)	Proposal on default (in absentia) judgments	Commission	2007	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> Refer to 4.2 (g) above.
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	<ul style="list-style-type: none"> <li>• <b>Postponed 2008</b></li> </ul> A study has been launched on the matter; results will be ready end 2008.

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<i>– Other instruments in the field of judicial cooperation in criminal matters</i>				
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)	Proposal on the wilful destruction of documentary evidence		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)	Proposal on the protection of witnesses and collaborators with justice		2007	<ul style="list-style-type: none"> <li>• <b>Not relevant anymore</b></li> </ul> <p>In the light of the Impact Assessment procedure in 2007, the conclusion was reached that at present it is not advisable to proceed with legislation at EU level. The 'Commission Working Document on the feasibility of EU legislation in the area of protection of witnesses and collaborators with justice'<sup>35</sup> of 13 November 2007 sets out the state of play on legislation and general practice at national, European and international level. This is followed by an analysis of problems, objectives and possible policy options. It also outlines the key issues which need to be discussed in more depth before possibly leading to a harmonised European system for the protection of witnesses.</p>
4.2. (d)	Initiative to facilitate the prosecution of road traffic offences	Commission/ Member States	2005	<ul style="list-style-type: none"> <li>✓ <b>Achieved</b></li> </ul> <p>On 19 March 2008 the Commission adopted a proposal<sup>36</sup> for a Directive aimed at facilitating the cross-border enforcement of traffic offences through technical measures which will enable EU drivers to be identified and thus sanctioned for offences committed in a Member State other than the one where the vehicle is registered. The proposal seeks to make it easier within the EU to deal with cross-border offences by setting up a European network for the electronic exchange of data.</p>

<sup>35</sup> (COM(2007)693 final

<sup>36</sup> COM(2008)151



No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.2. (f)	Further development of the European Judicial Network in criminal matters	Commission	Ongoing	In January 2008, 14 Member States issued an initiative for a Council Decision on the European Judicial Network. This initiative is currently being discussed in Council.
<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	✓ <b>Achieved</b> The Commission report was included in the Communication <sup>37</sup> on the future of Eurojust adopted on 23 October 2007.
<b>– International Legal Order</b>				
4.2. (j)	Active involvement of the activities of the Council of Europe and other international organisations and forums (G8, UN, OECD, OSCE, FATF) in criminal matters	Council/ Commission	2005 to 2009	Commission and Council representatives regularly attend meetings organised by international bodies in this area.
4.2. (k)	Examination of the case for agreements between the EU and third countries on mutual legal assistance	Council/ Commission	2005 to 2009	An agreement is being discussed with Liechtenstein

<sup>37</sup>

(COM(2007) 644)

No <sup>1</sup>	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>Delayed</b></li> </ul> <p>The proposal is not progressing in Council owing to disagreements between Member States.</p>
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		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 91/577 and the Regulation on an export/import licensing system.</p>
<b>4.3. JUDICIAL COOPERATION IN CIVIL MATTERS</b>				
– <i>Mutual recognition of decisions and elimination of obstacles to the proper functioning of proceedings</i>				
4.3. (f)	Adoption of the Rome II proposal on conflicts of laws regarding non-contractual obligations	Council/ European Parliament	2006	<ul style="list-style-type: none"> <li>✓ <b>Achieved</b></li> </ul> <p>Regulation (EC) N° 864/2007 of the European Parliament and of the Council on the law applicable to non-contractual obligations (Rome II) was adopted on 11 July 2007.</p>

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.3. (h)	Adoption of a directive on certain aspects of mediation in civil and commercial matters	Council/ European Parliament	2006	<p>✓ <b>Achieved</b></p> <p>On 8-9 November 2007, the JHA Council reached a political agreement on the draft mediation directive. The Council has adopted a common position at the JHA Council of 28 February 2008. The Commission is due to adopt its Communication on the Common Position by the beginning of March 2008. Following its adoption by the JHA Council, the text will be transmitted to the European Parliament for second reading. Due to the compromise reached between the institutions in October 2007, it is expected that the European Parliament will not vote any second reading amendments. Accordingly, the Mediation Directive will most likely be adopted before end June 2008.</p>
4.3 (j)	Green Paper(s) on the effective enforcement of judicial decisions	Commission	2006 to 2007	<p>✓ <b>Achieved</b></p> <p>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>38</sup>. The second Green Paper on the effective enforcement of judgments in the European Union: the transparency of debtors' assets, already foreseen in December 2007, <i>has been adopted on the 6<sup>th</sup> March 2008</i><sup>39</sup>. Comments of stakeholders are expected until 30 September 2008.</p>
4.3. (l)	Evaluation of the possibility of completing the abolition of exequatur (2006 to 2010), and legislative proposals if appropriate	Commission	2006 to 2010	<p>After the adoption of the report on the application of the Brussels I Regulation, foreseen in 2007, the adoption of a legislative proposal on the modification of the Brussels I Regulation aiming at the complete abolition of exequatur is foreseen end 2009.</p>

<sup>38</sup> (COM (2006) 618 final)

<sup>39</sup> COM (2008) 128 final

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<i>– Enhancing cooperation</i>				
4.3. (n)	Report on the functioning of the European Judicial Network (EJN) in civil and commercial matters (2005) and amendment proposal, if appropriate	Commission	2005/ 2006	<p>✓ <b>Achieved</b></p> <p>The report on the functioning of the EJN was adopted on 16/05/06<sup>40</sup>. Based on this report, an amended proposal is planned for the second quarter of 2008.</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		Continuous	The annual general meeting 2007 was held on January 2008. Because of the late adoption of the financial Programme "Civil Justice" and the consequent lack of financial means in 2007 only one meeting of the contact points was organised five meetings of the contact points and 1 annual meeting are scheduled in 2008. The Internet site is updated continuously. A database on the Brussels I and Brussels II Regulations has been put on line in February 2008.
4.3. (p)	Constant updating and improvement of the European Judicial Atlas		Continuous	New contract for maintenance of the Atlas was signed in 2007.
4.3. (q)	EU support for networks of judicial organisations and institutions		Continuous	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).

<sup>40</sup>

(COM (2006) 203 final)

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.3. (s)	Annual European day of civil justice		Continuous	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. The “Crystal Scales of Justice” prize is organized on a biennial basis. The call for application for 2008 has been launched on 22 February 2008. Deadline for applications is 1st June 2008.
4.3. (r)	EU workshops to promote cooperation between members of the legal professions with a view to identifying best practice	Commission	2006	<ul style="list-style-type: none"> <li>• <b>Delayed</b></li> </ul> <p>The late adoption of the financial programme Civil Justice<sup>41</sup> and of the relevant Work Programme has prevented the Commission from organizing these workshops.</p>
– <b>Follow up of 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	<p>✓ <b>Achieved</b></p> <p>The report of the Commission has been adopted on 5 December 2007<sup>42</sup> final (see also point 4.3. mutual recognition scoreboard table 2)</p>
4.3. (u)	Report on the functioning of the Brussels I Regulation (2007) and amendment proposal, if appropriate	Commission	2007	<p>✓ <b>Achieved</b></p> <p>The report will evaluate the application of Regulation Brussels I in order to highlight problems in the application and ways in which the operation of the Regulation may be improved. Its adoption is foreseen 2nd quarter 2008.</p>

<sup>41</sup> Decision N° 1149/2007/EC of the European Parliament and of the Council of 25 September 2007

<sup>42</sup> COM(2007) 769

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
<b>– Ensuring consistency</b>				
4.3. (w)	Final research report including a draft common frame of reference in the field of European contract law	Commission	2007	<p>✓ <b>Achieved</b></p> <p>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 Green Paper on the <i>acquis</i> review that the Commission adopted on 7 February 2007. In December 2007, the Draft (CFR) prepared by the Study Group on a European Civil Code and the Research Group on EC Private Law (<i>Acquis Group</i>) was delivered to the Commission. On 21 January 2008, it was presented in the European Parliament.</p>
<b>– International legal order</b>				
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 <i>Convention on the International Recovery of Child Support and Other Forms of Family Maintenance</i> and the <i>Protocol on the Law Applicable to Maintenance Obligations</i>. 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 <i>first time in its capacity as a Member of the Conference</i>.</p>
4.3. (f)	<p>Ratification of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and</p> <p>Measures for the Protection of Children</p>	Commission	2007	<p>✓ <b>Achieved</b></p> <p>Refer to point 4.3 (e) above.</p>

No <sup>1</sup>	Action under the Action Plan	Competent body	Deadline	State of play
4.3. (g)	Continuation of negotiations and conclusion of international agreements relating to judicial cooperation in civil matters.	Commission	2007/2008	<p>✓ <b>Achieved</b></p> <p>Various actions have been accomplished - 1) Proposal for a Decision of the Council concerning the signature, on behalf of the Community, of the Convention on Choice of Court Agreements of 30 June 2005 to be adopted by the Commission in June 2008; 2) The new Lugano Convention on jurisdiction, recognition and enforcement of judgments in civil and commercial matters concluded by the Community and Norway, Iceland and Switzerland was signed on 30 October 2007. The Commission's proposal on the ratification of the Convention by the Community has been adopted on 29 February 2008; 3) A mechanism to allow MS to conclude bilateral agreements with third States where exclusive external competence of the Community exists will be proposed by the Commission during 2008.</p>