Civil law, commercial law, family law and private international law aspects of the action plan implementing the Stockholm programme

2010/2080(INI) - 20/04/2010 - Non-legislative basic document

PURPOSE: to propose an Action Plan Implementing the Stockholm Programme.

BACKGROUND: the Stockholm programme adopted by the European Council in December 2009 sets the priorities for developing the European area of freedom, security and justice in the next five years. Its contents reflect the discussions with the European Parliament, the Council, Member States and stakeholders over the recent years. At its core are the ambitions the Commission outlined in its June 2009 Communication which led to the adoption of the Stockholm Programme.

The main thrust of Union's action in this field in the coming years will be 'Advancing people's Europe', ensuring that citizens can exercise their rights and fully benefit from European integration. It is in the areas of freedom, security and justice that citizens expect most from policy-makers as this is affecting their daily life. Women and men in Europe rightly expect to live in a peaceful and prosperous Union confident that their rights are fully respected and their security provided.

The aim of this action plan is to deliver those priorities, both at European and global level. The entry into force of the Lisbon Treaty enables the Union to demonstrate greater ambition in responding to the day-to-day concerns and aspirations of people in Europe. Firstly, the increased role of the European Parliament as co-legislator in most areas and the greater involvement of national parliaments will make the EU more accountable for its actions in the interests of the citizen and enhance the democratic legitimacy of the Union. Secondly, the introduction of qualified majority voting in the Council for most policy areas will streamline decision-making. And finally, judicial review will be improved as the European Court of Justice will assume judicial oversight of all aspects of freedom security and justice, while the EU Charter of Fundamental Rights becomes legally binding.

CONTENT: the mains themes set out in the Action Plan may be summarised as follows:

1) Ensuring the protection of fundamental rights: the Commission intends to develop the following measures:

- application of a "Zero Tolerance Policy" as regards violations of the Charter of Fundamental Rights;
- reinforce its mechanisms to ensure compliance with the Charter and report on it to the European Parliament and Council;
- ensure that the fundamental right to data protection is consistently applied and strengthen the EU's stance in protecting the personal data of the individual in the context of all EU policies, including law enforcement and crime prevention as well as in international relations;
- provide a robust European response to violence against women and children, including domestic violence and female genital mutilation, to safeguard children's rights and to fight all forms of discrimination, racism, xenophobia and homophobia;
- reduce the differences in the guarantees provided to victims of crime and terrorism across the 27 Member States with a view to increasing protection by all means available.

2) Empowering European citizens: citizens need to be able to benefit from their rights stemming from European integration:

- free movement is a core right of EU citizens and their family members and it needs to be rigorously enforced. Mobility should be enhanced by removing the barriers citizens still face when they decide to exercise their rights to move to a Member State other than their own to study or work, to set up a business, to start a family, or to retire;
- facilitating and encouraging citizens' participation in the democratic life of the Union is crucial for bringing the citizen's closer to the European project. Increased turnout at European Parliament elections is a shared ambition;
- the right of citizens to vote and be elected for local and European elections where they reside should be further promoted and strengthened. The Citizen's Initiative is a powerful boost for European citizens' rights and the democratic legitimacy of the Union.

3) Strengthening confidence in the European judicial area: the European judicial area and the proper functioning of the single market are built on the cornerstone principle of mutual recognition. This can only function effectively on the basis of mutual trust among judges, legal professionals, businesses and citizens. Mutual trust requires minimum standards and a reinforced understanding of the different legal traditions and methods:

- make rights and obligations more accessible;
- support economic activity in the single market, ensuring a high level of consumer protection;
- facilitate mobility and divorce/separatations and remove the current legal uncertainty for children and their parents in cross-border situations. Barriers should also be elimated as regards the recognition of legal acts and lead to the mutual recognition of the effects of civil status documents;
- improve legal certainly in case of an accident in another Member State;
- delete the *exequatur* process to recognise and enforcea judgment in another jurisdiction whilst maintaining the necessary safeguards;
- ensure that cross-border debt can be recovered as easily as domestic debt;
- improve European contract law.

As regards **criminal law**, focus will remain primarily on mutual recognition and the harmonisation of offences and sanctions will be pursued for selected cases. Criminals should not be able to avoid prosecution and prison by crossing borders and exploiting differences between national legal systems. A solid common European procedural base is needed. A new and comprehensive system for obtaining evidence in cross-border cases and better exchange of information between Member States' authorities on offences committed are essential tools to developing a functioning area of freedom, security and justice. The Commission will prepare the establishment of a **European Public Prosecutor's Office** from Eurojust, with the responsibility to investigate, prosecute and bring to judgement offences against the Union's financial interests. In doing so, the Commission will further reflect on the cooperation with all the actors involved, including the European Anti-Fraud Office (OLAF).

4) Ensuring the security of Europe: it is envisaged to adopt a coordinated approach to police cooperation, border management, criminal justice cooperation and civil protection. All the common security threats from terrorism and organised crime should be addressed. Given the increasing use of new technologies, tackling efficiently those threats also requires a complementary policy ensuring the preparedness and resilience of Europe's networks and ICT infrastructure.

The following measures are set out:

- pool Member State's law enforcement capabilities on specific drugs and routes;
- exploit measures on organised crime need to use the new institutional framework as regards trafficking in human beings, child pornography, cyber crime, financial crime, counterfeiting of means of payment and drugs trafficking. More effective prosecution and conviction are as important as attending to the needs of the victims of these crimes and reducing the demand for services from potential victims;

- Improve cooperation between the EU agencies and bodies such as FRONTEX, Europol and Eurojust, as well as OLAF;
- pursue and integrated approach to the control of access to its territory in an enlarged Schengen area, to further facilitate mobility and ensure a high level of internal security;
- pursue visa liberalisation in particular with neighbouring countries in order to facilitate people-to-people contacts based on clearly defined conditions;
- pursue protection measures against dangerous goods ;
- fine-tune crisis-management measures by strengthening EU civil protection;
- implement the solidarity clause.

5) Putting solidarity and responsibility at the heart of our response: the Union will develop a genuine common migration policy consisting of new and flexible frameworks for the admission of legal immigrants. Other proposes measures include:

- a uniform level of rights and obligations for legal immigrants comparable with that of European citizens. These rights, consolidated in an immigration code, and common rules to effectively manage family reunification are essential to maximise the positive effects of legal immigration for the benefit of all stakeholders and will strengthen the Union's competitiveness;
- the integration of migrants will be further pursued, safeguarding their rights whilst also underlining their own responsibilities to integrate into the societies in which they live;
- create a genuine partnership with third countries of origin and transit and the incorporation of all migration issues in a comprehensive policy framework;
- ensure uniform status, high common standards of protection in the EU and a common asylum procedure, with mutual recognition as the long term goal. Solidarity will be at the heart of asylum and resettlement policy.

6) Contributing to a global Europe: internal and external policies in the area of freedom, security and justice are inextricably linked. Continuity and consistency between internal and external policies are essential to produce results, as is coherence and complementarity between the Union and Member States' action. The Lisbon Treaty offers new possibilities for the European Union to act more efficiently in external relations. Under this Treaty, the Commission has a key role to play in delivering the EU's external dimension of Justice and Home Affairs. Under this Treaty, the High Representative/Vice President of the Commission and the Commission will ensure coherence between external relations and the other aspects of the EU external action, including in working with the European External Action Service.

7) From political priorities to actions and results: the methodology is five-fold:

- better integration with the other policies of the Union;
- improving the quality of European legislation;
- better implementation at national level;
- improving the use made of evaluation tools;
- and matching political priorities with adequate financial resources, within the multiannual financial framework.

The Commission includes a table which lays down a guide for the Union's action in the area of freedom, security and justice in the next five years. It aims at delivering all the political objectives set out by the European Council in the Stockholm Programme, to respond to European Parliament priorities in these areas and to meet the challenges ahead. It includes concrete actions with a clear timetable for adoption and implementation. The Commission regards these actions as inter-linked, indispensable and consistent with the scale of ambition the Union needs to demonstrate.

The Commission will also submit a **mid-term** review of the implementation of the Stockholm Programme in 2012, in order to ensure that the programme remains in line with European and global developments. It

invites the European Parliament and Council to endorse this Action Plan for delivering the Stockholm Programme and to actively engage in its implementation.