Implementation of an area of freedom, security and justice : action plan

1998/0923(COS) - 09/12/1998 - Non-legislative basic document

OBJECTIVE: to present a Council and Commission action plan on ways of implementing the provisions of the Treaty of Amsterdam in relation to the establishment of an area of freedom, security and justice. CONTENT: this communication is in response to the request by the Cardiff European Council for the presentation of an action plan in this area. In the terms of the Treaty of Amsterdam, visa, asylum and immigration policies, as well as other questions linked to the free movement of people (legal cooperation in civil matters), will be transferred from the third to the first pillar of the EU, while the provisions of the new Title VI of the Treaty on European Union relating to cooperation between police forces and courts in criminal matters will continue to be covered by the third pillar. The scope of the Community procedure is therefore extended: several areas in the current third pillar are taken into the Community fold and restrictions applied to Community institutions as regards cooperation between the police and courts are lifted. In developing this action plan, the Council, as much as Commission, is departing from the principle that interinstitutional cooperation is essential for the successful implementation of an area of justice and freedom. Among other things, it presents a concrete expression of the priorities and timetable set by the Treaty of Amsterdam by making a direct link between the concepts of an area of freedom, security and justice. The action plan is composed of priority measures which are divided into two categories: those which must be implemented within 2 years following the entry into force of the Amsterdam Treaty and the actions and measures to be adopted within 5 years. The plan involves: 1) free movement of people, visas, asylum and immigration: . within 2 years: - assessment of countries where immigration originates with a view to developing an integrated approach for each country, - improvement of the Dublin Convention, - implementation of the EURODAC Convention, - reducing the length of asylum application processing procedures, - a study to determine the advantages of a single European asylum procedure, - a coherent readmission and return policy, - fixing procedures and conditions for issuing visas, including the introduction of a single visa, - drawing up an instrument on the status of legal immigrants; - effectively combatting illegal immigration ; . within 5 years: - provision of minimum standards for granting refugee status, - provision of measures excluding individuals refused a residence permit, - the right for legal immigrants to move unimpeded between Member States; . as soon as possible, in compliance with the Treaty: - defining minimum standards for granting temporary protection, - measures for achieving a balance between the efforts made by the Member States to accommodate displaced people and bearing the consequences of this acceptance. 2) legal cooperation in civil matters: - extending the principle of the European Judicial Network in criminal matters to civil procedures within 2 years, - considering the scope, in 5 years? time, for preparing a legal instrument for divorce, - improving and streamlining within 5 years the cooperation promoted between courts with a view to securing proof. 3) legal cooperation in criminal matters: . within 2 years: - completing the Convention on legal assistance in criminal matters, - effectively applying extradition agreements (still being ratified), - allowing a Member State?s legal authorities to intervene within the territory of another Member State, - approximating national laws on money counterfeiting, combatting prostitution, child pornography, drug-trafficking; . within 5 years: - extradition in proceedings in the absence of the defendant, - exchanging information on criminal records, - right of pursuit in the context of enforcing sentences, - approximating provisions for dealing with racism and xenophobia. 4) police cooperation: . as regards EUROPOL, within 2 years: - setting up a database on current investigations, - extending the remit of police cooperation to operational cooperation for combatting illegal immigration channels; . within 5 years: - introducing a cross-border crime research and documentation network, - considering EUROPOL?s access to the Schengen Information System (SIS); . as regards other aspects of police cooperation: - undertaking within 2 years a review of the procedures for allowing criminal investigation authorities in one Member State to intervene within the territory of another Member State, - allowing within 5 years the joint gathering, storing and processing of information held by special criminal investigation services for combatting suspect financial transactions.