Basic information

1998/0923(COS) COS - Procedure on a strategy paper (historic) Implementation of an area of freedom, security and justice : action plan **Subject** 7 Area of freedom, security and justice	Procedure completed

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties and Internal Affairs	BONTEMPI Rinaldo (PSE)	12/10/1998

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	FLORIO Luigi Andrea (PPE)	23/09/1998
INST Institutional Affairs	VOGGENHUBER Johannes (V)	28/10/1998

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2146	1998-12-03

Key events

Date	Event	Reference	Summary
03/12/1998	Debate in Council		
09/12/1998	Non-legislative basic document published	13844/1998	Summary
18/12/1998	Committee referral announced in Parliament		
16/03/1999	Vote in committee		Summary
16/03/1999	Committee report tabled for plenary	A4-0133/1999	
12/04/1999	Debate in Parliament		
13/04/1999	End of procedure in Parliament		
30/07/1999	Final act published in Official Journal		

Technical information	
Procedure reference	1998/0923(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/10622

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B4-0002/1999	12/12/1998	
Committee report tabled for plenary, single reading		A4-0133/1999 OJ C 219 30.07.1999, p. 0005	16/03/1999	
Text adopted by Parliament, single reading		T4-0244/1999 OJ C 219 30.07.1999, p. 0023-0061	13/04/1999	Summary

Council of the EU

Document type	Reference	Date	Summary
Non-legislative basic document	13844/1998	09/12/1998	Summary

European Commission

Document type	Reference	Date	Summary
Supplementary non-legislative basic document	COM(1998)0459	14/07/1998	Summary

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

1998/0923(COS) - 13/04/1999 - Text adopted by Parliament, single reading

Adopting the report by Rinaldo Bontempi (PSE,IT) on an area of freedom, security and justice, the European Parliament calls for a common strategy to be drawn up on: - European citizenship and the fundamental rights of persons living in the Union; - full attainment of free movement of persons; - immigration and asylum; - mutual recognition of civil and criminal sentences; - administrative, judicial, customs and police cooperation and upgrading the role of Community agencies such as Europol. It states that the respect of fundamental rights must be the hall mark of the European Union. In this respect, it requests that the decision by the Presidency of the Council to draw up a Charter of fundamental rights should be analysed and that the added value which it would represent in comparison with the existing situation should be ascertained. It considers that the Commission should, as a matter of priority, present proposals on: - the setting-up of an authority to monitor the treatment of personal data in the work of the institutions ; - the legal means to be used to ensure that the activities of the institutiions under the third pillar guarantee the same level of protection in the various Member States; - access to the documents of the institutions; - combatting discrimination. The Parliament calls for a genuinely European approach to reappraise: - free movement of persons; - visa policy, immigration policy, conditions for entry and residence; - the definition of a statute for non-Community nationals legally residing in the Union and positive action to support their integration; - effective action against illegal immigration, targeting criminal networks organising trafficking in human beings; - establishment of a legal framework to enable the Union to cope effectively with a mass influx of displaced persons by creating a harmonised temporary protection regime, including the establishment of a system of humanitarian and financial solidarity between the Member States; - approximation of the conditions for receiving applicants for asylum and of legislation on procedures for

conferring refugee status and forms of supplementary protection. The Parliament calls on the Council and the Commission to adopt without delay the necessary measures to ensure substantive progress in giving practical form to the area of freedom, security and justice before the forthcoming enlargement of the Union. It believes that the process of creating a European legal and judicial area must be accompanied by full parliamentary and judicial control. The report points out that everyone is entitled to be heard by an independent and impartial judge and to a fair trial governed by the principle of presumption of innocence and stresses the importance of respect for the principles of equal access to justice, protection of the rights of the defence, and equal terms in both civil and criminal proceedings. The Parliament considers that the granting of judicial assistance free of charge in cases of difficulty must be guaranteed in all judicial proceedings. It points out that the social reintegration of those who have paid their debt to society is a fundamental principle of European criminal law and stresses that the rights of victims of crime and terrorism must be protected and that an adequate system of compensation for such victims must be guaranteed. The Parliament further demands that the Union draw up a strategy to support and coordinate the actions of the Member States as regards: - crimes against humanity or linked to terrorist activity; - relations with the International Criminal Court, the extraordinary tribunals and the European Court of Human Rights; - crimes with percussions beyond the territory of one Member State, offences which affect the integrity or health of individuals, the European economy, which are committed using means which necessarily transcend national boundaries (eg. the Internet), which involve European citizens from more than one Member State or which involve organised crime. The Parliament finally demands that efforts be made to ensure that the European public is optimally informed and proposes that it should be made compulsory for judges, lawyers and public servants to receive training concerning fundamental rights, the European legal system and European comparative law.

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.

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

1998/0923(COS) - 14/07/1998 - Supplementary non-legislative basic document

PURPOSE: to make recommendations on "how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice". CONTENT: The Communication expresses the Commission's determination to ensure that the opportunity offered by the Treaty of Amsterdam to make significant progress in this area is not wasted. It firstly indicates transitional issues to be addressed: - on the Schengen acquis, the Commission stresses the need for corrective measures over time, in the event that it is decided that the whole of the acquis be situated in the future Title VI; - in terms of pre-Amsterdam draft instruments currently on the Council table, the Commission wishes to introduce Amsterdam language, or failing that replacement texts as soon as the Treaty has been ratified. Similarly, with Commission initiatives currently on the Council table, the Commission proposes introducing replacement Amsterdam versions; - for the existing third pillar acquis as transmitted to the applicant countries, the need for Amsterdam versions will also have to be examined, Acknowledging the need to coordinate these with the Council, the Commission then sets out its future priorities in the areas of freedom, security and justice, with the aim of bringing the Union closer to the people: Freedom: - to establish a

wider concept of freedom, by combatting those who abuse it, providing a full range of human rights, as well as ensuring the protection of personal data; - to ensure the smooth operation of the frontier-free area provided by the integration of the Schengen acquis; - to develop closer cooperation on immigration at a Union level, with the fight against trafficking in human beings a major priority; - on asylum policy, to complement the Geneva Convention with instruments to deal with mass influx, set minimum standards for asylum procedures, and make provision for people not covered by the Geneva Convention, who nonetheless need protection; - to systematically tackle integration of non-Union nationals. Security: - as soon as possible, to implement the new powers accorded to Europol by the new Treaty; - to continue the Union's fight against organised crime through the Action Plan endorsed by the Amsterdam European Council; - in the light of the new powers accorded by the new Treaty, to elaborate the Union's action plan against drugs for 2000 - 2005. Justice: - to continue to ensure legal certainty and equal access to justice; - to promote the setting of minimum common judicial rules in criminal matters, particularly for areas covered by Union level policy, or with strong cross-border implications; - to harmonise rules of judicial procedure; - to neutralise difficulties of cross-border litigation.