

# focus

News and views

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Finding out about...

## the Hague Programme

At the end of June, the European Commission issued its first political assessment of the Hague Programme - the Union's wide-ranging initiative on freedom, security and justice, which spans 2005-2010.



Intended to assess progress and implementation at both EU and national levels, to establish a mechanism for evaluating results, and to propose ways forward, the Commission's review comprises a package of four communications:

- ▶ 'Implementing The Hague Programme: the way forward' (COM (2006) 331)
- ▶ 'Evaluation of EU Policies on Freedom, Security and Justice' (COM (2006) 332)
- ▶ 'Report on the implementation of the Hague programme for 2005' (COM (2006) 333)
- ▶ 'Adaptation of the provisions of Title IV of the Treaty establishing the European Community relating to the jurisdiction of the Court of Justice with a view to ensuring more effective judicial protection' (COM (2006) 346)

The Commission's assessment reveals particular problems with initiatives concerning police and judicial cooperation in criminal matters. This 'third pillar' of the EU is based on inter-governmental cooperation rather than the 'Community method' and legislation is proving difficult to adopt and implement, partly because Council negotiations can be slow and the need for unanimity often results in relatively weak agreements, and partly because of Member States' failure to implement agreements.

### Background

The Union's first multiannual programme on freedom, security and justice, the Tampere Programme, was endorsed by the European

Council in October 1999, under Finland's Presidency of the Council of the EU.

Tampere was a direct response to the Treaty of Amsterdam, which entered into force on 1 May 1999. One of the objectives set by the Treaty was for the Union "to maintain and develop [itself] as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime".

The Tampere European Council agreed political guidelines and priorities for establishing an 'area of freedom, security and justice', and asked the Commission's Justice and Home Affairs Directorate-General to set up a 'scoreboard' to monitor progress towards its creation. The scoreboard was first published in March 2000, and was updated every six months.

The Tampere initiative ended in 2004. The Hague Programme was adopted by the European Council in November 2004, under the Dutch Presidency. It set out the Union's objectives in this area, but left it to the Commission to draw up a detailed Action Plan aimed at achieving them. That Action Plan for Freedom, Justice and Security - described as "a cornerstone of the Commission's Strategic Objectives for 2010" - was launched in May 2005. >>

The Plan identified 10 key areas for action:

- ▶ fundamental rights and citizenship
- ▶ fighting terrorism
- ▶ managing migration
- ▶ internal borders, external borders and visas
- ▶ asylum
- ▶ integration (the positive impact of migration on society and economy)
- ▶ privacy and security in sharing information
- ▶ fighting organised crime
- ▶ civil and criminal justice
- ▶ freedom, security and justice

Dubbed 'Scoreboard Plus', the Commission's new annual review of the Hague Programme replaces the twice-yearly 'scoreboard' kept for the Tampere Action Plan. The current Finnish Presidency plans to review progress on the Hague Programme at an informal meeting of Justice and Home Affairs Ministers in Tampere on 20 September. The Commission's package will be a major contribution to their discussions.

## Information sources

The main source of information on the Hague Programme is the European Commission's 'Freedom, security and justice' thematic website ([ec.europa.eu/justice\\_home](http://ec.europa.eu/justice_home)). The 'Freedom, Security and Justice' link on the left of the main menu page leads to an introductory page, which includes information about the Hague Programme. This site is also home to the Tampere Scoreboards (accessed via a link at the top of the page or directly at [ec.europa.eu/justice\\_home/doc\\_centre/scoreboard\\_en.htm](http://ec.europa.eu/justice_home/doc_centre/scoreboard_en.htm)).

There is a subsite dedicated to the Commission's first assessment of the Programme ([ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_2006/index\\_en.htm](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_2006/index_en.htm)), which includes the texts of the Commission's four Communications and associated press releases (under the 'Documents' section).

There is an introductory booklet in the *Europe on the move series*, entitled 'Freedom, security and justice for all: Justice and home affairs in the European Union', available via the 'Easy

## The Three Pillars

The issues tackled by the Tampere and Hague programmes did not fall within the scope of the founding treaties. It was not until the 1992 Treaty on European Union (the 'Maastricht Treaty') that justice and home affairs (JHA) was formally recognised as an area of common interest for the Member States. Because of their sensitivity, JHA matters were not brought within the normal decision-making process, but were subject to inter-governmental cooperation under an arrangement known as the Union's 'Third Pillar'.

**1st Pillar:** Based on the Community Method, with Member States sharing their sovereignty and working together through the EU Institutions. Each EU Institution plays its role in the decision-making process - the Commission proposes, Council and Parliament adopt, the Court of Justice ensures compliance with Community law.

**2nd Pillar:** Decision-making is based on intergovernmental cooperation, usually requiring unanimity. This Pillar deals with the Union's common foreign and security policy (CFSP). The Court of Justice has no role, while the Commission and Parliament have only limited involvement.

**3rd Pillar:** Also based on intergovernmental cooperation, this time in the area of justice and home affairs (JHA).

The Treaty of Amsterdam incorporated some aspects of JHA into the First Pillar, including asylum and immigration policy and issues concerning judicial cooperation.

Reading Corner' link on Europa's main page ([europa.eu/index\\_en.htm](http://europa.eu/index_en.htm)) or at [ec.europa.eu/publications/booklets/move/42/index\\_en.htm](http://ec.europa.eu/publications/booklets/move/42/index_en.htm). Also accessed via the main page of Europa is the 'activities' page on 'Justice, freedom and security', which provides a useful selection of links to additional materials.

The homepage of Commissioner Franco Frattini ([ec.europa.eu/commission\\_barroso/frattini/index\\_en.htm](http://ec.europa.eu/commission_barroso/frattini/index_en.htm)) includes a 'Media' section, with selected press releases, press cuttings, speeches and videos. There is also a link to relevant items on the Rapid database.



Chapter IV of the annual *General Report on the Activities of the European Union* ([europa.eu/generalreport/en/welcome.htm](http://europa.eu/generalreport/en/welcome.htm)) deals with 'Security and freedom', with section 1 - 4.1 covering 'Area of freedom, security and justice'. The Report gives references to legislative and other official documents, and is supplemented by the monthly *Bulletin of the European Union* ([europa.eu/bulletin/en/welcome.htm](http://europa.eu/bulletin/en/welcome.htm)).

Further background can be found in the European Parliament's *Fact Sheets*. Section 4.11 deals with 'Cooperation in justice and internal affairs' and, in addition to a chapter on general aspects, covers judicial cooperation and police and customs cooperation (the *Fact Sheets* can be found on EuroParl: [www.europarl.europa.eu](http://www.europarl.europa.eu); choose the 'Parliament' tab - 'In detail' - 'Reference documents' - 'Fact Sheets on the EU'; section 4.11 covers 'Cooperation in justice and home affairs'; a revised version is to be published in January 2007 on paper and CD-ROM).

The 'Justice and citizenship' link on the main EuroParl page ([www.europarl.europa.eu](http://www.europarl.europa.eu)) gives access to news items. The relevant EP Committee is Civil Liberties, Justice and Home Affairs (LIBE; [www.europarl.europa.eu/committees/libe\\_home\\_en.htm](http://www.europarl.europa.eu/committees/libe_home_en.htm)). A version of the Tampere Scoreboard is maintained on EuroParl and can be found via the LIBE page or directly at [www.europarl.europa.eu/compar/libe/elsj/scoreboard/default\\_en.htm](http://www.europarl.europa.eu/compar/libe/elsj/scoreboard/default_en.htm).

In the Council, the Hague Programme and similar issues are the responsibility of the Justice and Home Affairs Council. The Council website ([www.consilium.europa.eu](http://www.consilium.europa.eu)) provides press releases.

The March 2003 issue of *Focus* included a feature on 'Finding out about ... Justice and Home Affairs'.

## Policies covered by the Hague Programme

- Free movement of persons
  - Visa policy
  - EU external borders policy
  - Schengen area
  - Immigration
  - Asylum
  - Judicial cooperation in civil and criminal matters
  - Drugs policy coordination
  - EU citizenship
  - Data protection
  - Fundamental rights
  - Racism and xenophobia
  - Police and customs cooperation
  - Crime prevention
  - Fight against organised crime
  - External relations
  - Enlargement
- (from a JHA perspective)

**“17% of all legislative proposals of the Commission are in the area of freedom, security and justice...”**



International Day against Drug Abuse and Illicit Trafficking, 26 June 2006 - from left to right: Commissioners Franco Frattini, Benita Ferrero-Waldner, Markos Kyprianou