

Jaap W. de Zwaan
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(editors)

**FREEDOM, SECURITY
AND JUSTICE
IN THE
EUROPEAN UNION**

Implementation of the
Hague Programme

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IMPLEMENTATION OF THE HAGUE PROGRAMME

Edited by

Jaap W. de Zwaan

and

Flora A.N.J. Goudappel

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FOREWORD

When Justice and Home Affairs cooperation was officially introduced in the European legal order by the Treaty of Maastricht, several new policy fields slowly entered European law: asylum and immigration law, criminal law, police studies. Since the Treaty of Amsterdam this new policy area is referred to as the Area of Freedom, Security and Justice. It has been divided into two main subjects: borders, visa, asylum and immigration, and civil law in the first pillar; and police and judicial cooperation in the third pillar.

Important elements are common controls at the external borders following the abolishment of internal controls. As a consequence of the completion of the internal market a common visa, asylum and immigration policy has been put in place. Police cooperation between national authorities and in the context of Europol is an important tool for guaranteeing adequate security conditions for citizens of the Member States. Criminal law cooperation is necessary to combat crime.

Through the Tampere Programme of 1999, the Area was developed at a relatively high speed. Events such as 11 September 2001 and 11 March 2004 have illustrated the need and urgency for close cooperation in criminal law throughout Europe, not least to combat terrorism. In November 2004, the European Council launched the follow-up programme of 'Tampere': the Hague Programme, along with a detailed Action Plan in June 2005.

The department of European Law of the Law School of Erasmus University Rotterdam has from the beginning taken the Area of Freedom, Security and Justice as one of the focal points of its research. One of the achievements was the publication of a handbook by De Zwaan and Bultena: *Ruimte van Vrijheid, Veiligheid en Rechtvaardigheid* [Area of Freedom, Security and Justice], in 2002. A special course for students of criminology and Dutch law is taught at the Law School as well, and the subject is part of the research in the Research School for Safety and Security in Social Issues (*Onderzoeksschool Maatschappelijke Veiligheid*).

In view of this focus on the Area of Freedom, Security and Justice, and in view of the potentially far-reaching influence of the Hague Programme for the European citizens, the department of European Law organized a two days international conference on 23 and 24 June 2005 in Rotterdam, with over 120 participants from all over Europe. Prominent speakers from politics (European Commissioner Fratini, Dutch Minister of Justice Donner), the civil service (from the European Commission, from the Council, and from national ministries), non governmental organizations, and from the academic world (speakers from Turkey, the UK, and Germany for instance) discussed the new developments from many different angles.

This book represents the reflection of the conference: many speakers and participants cooperated to produce this first evaluation of the Hague Programme. In view of its different character only civil law cooperation is not covered in this publication.

We would like to thank Laura Schepers for taking care of all the details in the texts, and Peter Morris for fine-tuning the language. We could not have organized the conference without the help of Nathalie Weber and Annet Schuurman of our conference bureau.

Rotterdam, May 2006

Jaap de Zwaan
Flora Goudappel

LIST OF ABBREVIATIONS

ACB	Air Borders Centre
ACT	Ad-hoc-Centre for Border Guard Training
AENEAS	A programme for financial and technical assistance to third countries in the area of migration and asylum
AFSJ	Area of Freedom, Security and Justice
A-G	Advocate-General
AGIS	A framework programme to help police, the judiciary and professionals from the EU member states and candidate countries co-operate in criminal matters and in the fight against crime
AP	Accession Partnership
ARGO	An action programme for administrative cooperation in the field of external borders, visas, asylum and immigration
CAHTEH	Committee on Action against Trafficking in Human Beings
CATS	Committee Article 36
CBPs	Common Basic Principles
CCI	Common Consular Instruction
CEPOL	European Police College
CFSP	Common Foreign and Security Policy
CIRAM	Common Integrated Risk Analysis Model
CIS	Customs Information System
CLB	Centre for Land Borders
CM	Common Manual
COREPER	Committee of Permanent Representatives
COSI	Committee on Internal Security
COSPOL	Comprehensive Operational Strategic Plan for Police
EBA	European Border Agency
EC	European Community
ECHR	European Convention on Human Rights
ECHR	European Court on Human Rights
ECJ	European Court of Justice
ECR	European Court Reports
ECSB	Eastern Centre for Sea Borders
ECSB	Eastern Centre for Sea Borders
ECtHR	European Court of Human Rights
EEA	European Economic Area
EIPA	European Institute of Public Administration
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
ENP	European Neighbourhood Policy
EP	European Parliament

EPC	Economic Policy Committee
EPCTF	European Police Chiefs Task Force
ERF	European Refugee Fund
EU	European Union
Eurodac	European system for the comparison of fingerprints of asylum applicants and illegal immigrants
Eurojust	European Union's Judicial Cooperation Unit
FRONTEX	Agency for the Management of Operational Cooperation at the External Borders
ICONET	Information Network for Member States Migration services
JAI	Justice et affaires intérieures
JHA	Justice and Home Affairs
JITs	Joint Investigation Teams
JURI	Committee on Legal Affairs
LIBE	Committee on Civil Liberties, Justice and Home Affairs
NATO	North Atlantic Treaty Organisation
NGOs	Non-Governmental Organizations
NPAA	National Programme for the Adoption of the Acquis
OECD	Organisation for Economic Co-operation and Development
OJ	Official Journal
OLAF	European Anti-Fraud Office
QMV	Qualified Majority Voting
RAC	Risk Analysis Centre
SAR	Special Administrative Region
SCIFA	Strategic Committee on Immigration, Frontiers and Asylum
SEA	Single European Act
SIA	Schengen Information Agreement
SIRENE	The links between the Member States that enter SIS-data and the law-enforcement officers who identify a wanted person or object
SIS	Schengen Information System
SitCen	Situation Centre
TECS	Europol data-exchange system
UK	United Kingdom
UKHL	United Kingdom, House of Lords
UN	United Nations
UNHCR	The United Nations High Commissioner for Refugees
USA	United States of America
VIS	Visa Information System
WCSB	Western Centre for Sea Borders

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