

**Check against delivery**

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**Subject: The area of Freedom, Security and Justice – Mid-term Review of The Hague Programme**

**SPEAKING POINTS**

**Introduction – Role and consultation of national parliaments (‘Divorce proposal’)**

- I am very **happy to participate** in this COSAC meeting, before representatives of both national Parliaments and the European Parliament.
- Contacts with national Parliaments are essential as they fulfil **three key objectives**:

- 1) a **continuous and open dialogue** helping both the Commission and the national Parliaments to perform their respective tasks in an efficient, open and transparent manner;
- 2) a **concrete networking** allowing for full use of each others' expertise at political as well as administrative level; and
- 3) a **better connecting** with the citizens and their elected representatives.

- For that purpose, the Commission decided to **transmit directly all new proposals and consultation papers to national Parliaments**, inviting them to react and thus to contribute improving the process of policy formulation at EU level.
- The transmission of proposals to national parliaments has **started in September** this year and I am pleased to say that we have already had a feedback on various issues from several national parliaments.

- In particular, within my field of responsibility, I received already 13 opinions, and other 5 have been adopted but not yet sent from the parliamentary bodies of different Member States, on the first proposal sent concerning the applicable law in matrimonial matters.
- On this issue a recent Eurobarometer survey shows that sixty per cent of EU citizens expect the EU to play an active role in cross border family matters, for example divorce and parental responsibility.
- It is encouraging to see that the **majority** of the national Parliaments are **positive**, also because the proposal does not – in any way – harmonize the national substantive laws on family matters, which remain very different.

### **The Mid-term Review of the Hague Programme**

- Coming now to the question of the mid-term review of the Hague Programme: as you know, since the European Council of Tampere in 1999 the development of the **area of Freedom, Security and Justice** has progressively become one of the **highest priorities** of the European Union,

showing that this is an issue at the heart of the EU citizens' interest.

- Indeed, the European citizens – again, as shown very clearly by all recent Eurobarometer' polls on the issue - have been urging the EU to put in place the necessary measures to make Europe a safe place to live in, while ensuring the respect of the fundamental rights and freedoms.
- In this respect, **implementing and developing further The Hague Programme** is a **common goal**, which imposes effective decision-making and clear political priorities to make a real difference.
- In its Communication of June 2006 (*Implementing the Hague Programme: The Way Forward*), the Commission has indeed recommended the use of the possibilities provided by Article 42 of the EU Treaty (the so-called "**passerelle**" or **bridging clause**) in order to improve decision-making and achieve better results in the field of

police cooperation and judicial cooperation in criminal matters.

- This question has also been discussed during the informal JHA Council held in Tampere last September. All Member States agreed that improvement of the decision-making in the area of Freedom, Security and Justice is necessary. There is unfortunately no consensus at this stage on how to do so, some Member States being still reluctant to fully use the existing possibilities offered by the Treaties, because they fear this could pre-empt the debate on re-launching the constitutional process. If the Constitutional debate will be successfully re-launched, I'll be very happy and we will improve the whole EU decision-making system.
- However, I still believe that, if in the coming months there will be no concrete and real progress in re-launching the draft Constitutional Treaty, the **bridging clause** will represent an appropriate and important tool at disposal of the Union and the Member States to ensure

**more efficiency, transparency and accountability of the decision making process.**

- The real issue here is to **re-open the European process by deepening the integration in one of the areas where European citizens clearly ask for more action at the EU level.** The use of the bridging clause would actually **help the constitutional process** and would not pre-empt the possibilities to eventually ratify, one day, the Constitutional treaty. I cannot imagine, on this field, civil society, practitioners, judges and so on going any faster than politicians and institutions.

**JLS priorities: Enhancing fundamental rights, managing immigration and fighting against terrorism**

- In relation to the substantive **EU priorities** for action in the field of Justice, Freedom and Security, I would like to highlight the following areas:

- First of all, I wish to stress that **fundamental rights** are at the core of the Union's values. In all its action the Commission never loses its focus in respecting and promoting those rights and in developing the concept of **EU citizenship**, including free movement, encouraging democratic participation and providing diplomatic and consular protection.
- As regards the last point, the Commission will launch before the end of the month a consultation on Article 20 of the EC treaty, which foresees that every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to **protection** by the diplomatic or consular authorities of any Member State, **on the same conditions** as the nationals of that State.
- The purpose of this Communication is to propose options for consideration with a view to enhancing protection of citizens of the Union in distress in a third country. In particular we will develop an information policy on the protection of this right and launch a reflection on its scope, on the structures and resources which the Union must have

for this purpose and on the relations with countries' authorities, including establishing common EU consular offices, in some pilot countries or regions of the world.

- On the freedom of movement I would like to confirm for the citizens within the EU territory my personal commitment to make the enlargement of the Shengen area possible without delay. Tonight, I will fly to Lisbon to discuss the issue with our Portuguese friends who will hold the Presidency in the second half of 2007.
- It is clear, considering the context we are currently living in, that the main priorities for the European Union are currently the **fight against terrorism** and the **management of migration flows**.
- In relation to **terrorism**, last year we adopted a new **Counter terrorism strategy** that focuses our efforts on four key actions: to prevent, to protect, to prosecute and to respond.
- I consider that our efforts in the fight against terrorism at EU level need to concentrate on key areas such as fighting radicalisation and recruitment, use of the internet by terrorists, prevention and detection of the misuse of

explosives, protection of critical infrastructures, bio-preparedness and transport security. By the end of the year I will present a practical set of proposals to protect the key infrastructures and the Commission will increase enormously (up to 200 million euros per year) the funds for research on security under the budgetary period 2007-2013.

- In particular, in 2007 we will adopt an **Action Plan** for the enhancement of the **security of explosives** and we will put forward a proposal amending the **Framework Decision on combating terrorism** in order to address the issue of the use of Internet by terrorists: circulation of information on bomb-making and explosives, mass broadcasts glorying terrorism and methods to seek terrorist content on the Internet. EUROPOL and EUROJUST will be strengthened. More operational cooperation between police authorities, security services, law enforcement authorities is still needed.
- My proposal on an EU common strategy against human trafficking led to an Action Plan, broadly supported by the Council and the European Parliament, which is being implemented. The main pillars are: 1) Operational cooperation between police and law enforcement, with a

major role of coordination to be played by EUROPOL. 2) Raising awareness of the general public about this horrible growing business of organized criminal groups, affecting in the EU hundreds of thousands of victims each year, mostly women and children. 3) Protection of victims; promoting their social and educational inclusion. 4) Criminal qualification of such a phenomena in terms of reduction to slavery. 5) Zero tolerance against sexual exploitation of women and paedophilia.

- **Migration management** is another very challenging and pressing issue which calls for a comprehensive, integrated approach at EU level across several policy areas and in partnership with countries of origin and transit.
- This is why, as you might know, the Commission decided to set up a **Group of Commissioners on Migration Issues**, which I coordinate and which brings together all policy areas (justice and home affairs, development, employment, education and training, regional policy, economic issues, external relations) involved in migration management.
- This comprehensive approach requires attention to both **legal and illegal immigration**, as well as **integration**, and

entails active **solidarity** in the form of financial support and the deployment of people and equipment to our common borders.

- As regards **illegal immigration**, we have been taking many practical measures recently, in particular in relation to migration flows affecting southern Member States. We should not forget, however, that illegal flows from the East are also and even more important in numbers, and connected with criminal trafficking in human beings.
- The **External Borders Agency (FRONTEX)**, in particular, has been very active in coordinating assistance to concerned Member States (for example, in the Canary islands). **Joint maritime patrols** have been launched in the Atlantic and in the central part of the Mediterranean Sea. For this purpose, FRONTEX budget has just been increased to provide for the additional financial means necessary for contributions to such operations. In 2007, some 21 million will be made available for FRONTEX.
- However, I would like to stress that it is of the utmost importance that **all Member States** of the Union continue

working together in a spirit of **solidarity**, not least to assist those Member States most affected by illegal migration. A first start has been made, thanks to the setting up of FRONTEX, but the size of the problem is such that much more is needed.

- In this regard, I also hope that as from next spring the EU can make use of the **Rapid Border Intervention Teams**, so that teams of national experts – coordinated by FRONTEX – will be able to provide quick technical and operational assistance to Member States requesting it. Last July the Commission put forward a proposal for the establishment of such teams and I am confident that all institutions will cooperate to allow for a quick adoption of it.
- In the **longer-term** it is clear, however, that a **structural approach** is needed, addressing the issue in a comprehensive manner. In particular, the challenges the African continent will pose in future, including in terms of migration towards Europe, are enormous.
- The situation in Africa implies that in our policies we

should also include looking at the **root causes of migration and development** issues. The Commission is making serious efforts to make migration an integral part of its development policy and is engaging in particular with African countries on this.

- In particular, we must give priority to the implementation of the **Action Plan agreed in Rabat** last July and to the preparation of a successful **EU-Pan African Conference** on migration with the African Union, the first ever at ministerial level involving the EU and Africa as a whole. We will discuss migration and development at a meeting to be held later this week in Tripoli.
- Last but not least, we should also ensure that **illegal migrants are returned** to their countries. In this respect the Commission is ready to support the efforts of Member States, politically, diplomatically and financially.
- In this regard, the proposal for a **Directive on common standards on return** is a necessary and important component of a holistic European migration policy. “The

Hague Programme” expressly asked for the establishment of such standards.

- The added value of European common standards in this field is undeniable. Once adopted, the proposed Directive will lay down a binding common legal frame for a European return policy which should be both efficient and respectful for human rights. At once it will send a strong signal to the outside world in terms of the EU's willingness to combat illegal immigration effectively.
- And we should also not forget another important element in fighting illegal immigration, i.e. the **need to reinforce the fight against work done by illegal immigrants** which is a key **pull-factor** for illegal immigration. As already mentioned in the July Commission Communication on illegal migration, we are currently reflecting at the elaboration of a legislative instrument harmonising penal sanctions **against employers** of illegally staying migrants.

- In relation to **legal migration**, it is important to emphasize that the implementation of the **Policy Plan on Legal Migration** is a priority for the Commission.
- The Commission is convinced of the necessity of a common approach to managing economic immigration, as an additional means to achieve the Lisbon's objectives and tackle the negative effects of demographic ageing, in order to foster the EU economy and competitiveness.
- Such a common approach will need to be progressive, flexible and to **respect the prerogatives of the Member States**, such as their right to determine, at national level, the number of third-country workers ("volume") admitted for employment purposes. That said, national quotas for various categories of workers can be a political tool and a practical leverage for the EU while negotiating, on behalf of the member states, with Africa on common strategies including legal and illegal immigration.
- In particular, to contribute to economic growth, it is fundamental that Europe becomes a real pole of attraction, first of all for **highly skilled** immigrants. The idea of proposing a directive on the conditions of admission to the

EU for highly skilled workers – including the possibility of an EU "green card" – responds to this economic necessity.

- The directive on the rights of legal immigrants in employment constitutes the other pillar of the Commission's policy in this field for the next years. In this case the aim is to put forward a common basic set of rights, so to level down disparities between Member States and to protect immigrant workers from any form of exploitation.
- Both proposals will be presented in 2007, probably under the Portuguese Presidency, and I hope that both the European Parliament and national Parliaments will actively contribute to the successful shaping of this important new legislation.
- Last but not least, I would like stress another important element of EU immigration policy: **integration** of migrants. As highlighted in the Common Agenda for Integration which I put forward in September 2005, reinforced integration efforts are an inextricable and crucial element for a common EU immigration policy to be successful. National policies should be encouraged – common goals, however, should be set: integrating various means

respecting their traditions, cultures and religions while requesting full respect of national and EU laws, for the absolute value of human life and dignity and for the equality between men and women – just to give an example.

- I would like to stress that the EU also provide financial support to integration policies and will continue to do so. As you know, in the framework of the 2007-2013 financial framework the Commission proposed a new instrument - the **European Integration Fund** – which foresees an amount of 825 € million for integration activities and projects. I really hope for a swift adoption of such instrument so that increased financial resources can be available for this important aspect of migration, to avoid feelings of isolation and frustration of foreign communities.
- Thank you very much for your attention.