

# Tampere

## Kick-start to the EU's policy for justice and home affairs

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### Priorities and deadlines

"Tampere", the name of a town in Finland, is also European Union shorthand for a series of important decisions in the field of justice and home affairs. It was at Tampere that the European Council - the EU summit of the leaders of its 15 member states - met in special session in October 1999 to give a kick-start to the EU's justice and home affairs (JHA) policies.

At Tampere the leaders of the European Union looked at all aspects of justice and home affairs to highlight the priorities that would define their action at a European level. They also pointed out who should do what, and by when. They produced a list of over sixty points for action, in many cases with clear deadlines, which has since ensured that a lot of attention is paid to progress in the JHA field. The definition of these new goals and tools shows that justice and home affairs has become one of the most important EU policies.

The European Union has already put in place a single market and an economic and monetary union. However, it was never intended to be simply an economic entity, since it is made up of 375 million Europeans who are first and foremost people and citizens. Thus, the Tampere summit is another step towards the development of the EU's impact on the daily life of European citizens. This is achieved by ensuring that everybody can live and move freely and safely throughout the European Union, while enjoying the same legal protection as the nationals of the EU member state in which they happen to be.

In other words, the European Union should not only be a single market and an economic and monetary union but also an "area" of freedom, security and justice - an area where everyone can enjoy his or her freedoms, can live and work where he/she wishes in safety, and where disagreements and disputes can be sorted out fairly and justly.

#### JHA policies top priority for EU

The conclusions of the special European Council of Tampere identify the making of the EU into an area of freedom, security and justice as a top priority. The intention is to "place and maintain this objective at the very top of the political agenda". The main themes covered by the EU Tampere summit were:

- ◆ A common EU asylum and migration policy
- ◆ A genuine European area of justice
- ◆ A Unionwide fight against crime
- ◆ Stronger external action (i.e. outside the EU)

EU countries should co-operate on these policy areas with view to having joint European policies for them, as they are all cross-border policies, affecting directly several if not all 15 member countries.

The objectives of the Tampere policies are that not only should freedom and justice be guaranteed at an EU level but that people and businesses should be able to enjoy them in safety and security. They should also have the full protection of the law, and easy access to the law, anywhere and everywhere in the EU. Criminals should no longer be able to take advantage of the differences between national laws and the judicial systems of the member states, and of the lack of co-operation between national police and customs authorities in neighbouring countries.

Tampere insisted that freedom and security should not be reserved exclusively for the European Union's own citizens. They must also apply to people from third countries who are legally in the EU, whether on holiday, following academic or professional studies, or on a permanent basis. If people can travel around unhindered throughout the EU, it makes sense that the EU as a whole must be both open and secure. This is one reason why the European Commission and the member states are also developing a common approach to immigration and asylum.

Free movement, immigration, asylum, police and justice co-operation are issues of world-wide significance, requiring close co-operation between the European Union, third countries and international organisations, in particular the Council of Europe, OSCE, OECD and the United Nations.

#### **Common EU asylum and migration policy**

The European treaties guarantee the absolute freedom of movement throughout the EU for all EU nationals, and for all others legally in the EU. This means that anyone can travel around, settle and work anywhere in the EU once they have legally entered it.

One of the "milestones" of the Tampere Council was to call on the European Union to develop common policies on asylum and immigration. The goal of a common policy for asylum, visas and migration is that there should be a harmonised or common way for immigrants and asylum seekers to seek and obtain entry to all EU states.

To achieve this objective Tampere calls in particular for partnership with the countries of origin of immigrants and asylum seekers, for a common European asylum system, for fair treatment of third country nationals and for the management of migration flows, including severe sanctions against the traffickers of illegal immigrants.

#### **Genuine European area of justice**

Creating a European area of justice is important for individuals who are travelling, doing business or living in EU countries other than the ones in which they were born, as well as for the many businesses and companies trading between EU countries. An area of justice is not only an area with fair laws and order, but where legal decisions in one country are recognised and accepted in other EU countries and where what is wrong in one country is not right in another. In this context the police and law enforcement authorities need to have a level playing field so criminals cannot avoid being caught and punished by just crossing over a national frontier. Initially this means close contact and co-operation between the legal systems and the law enforcement bodies of all EU countries.

The Tampere summit called in particular for better access to justice for everyone, for EU countries to recognize and respect each other's judicial decisions and for a greater convergence in civil law.

#### **Unionwide fight against crime**

Organised crime recognises no national borders. Criminals have for years operated across national borders, enjoying the benefits of the different law enforcement organisations, differences in legal systems and the authorities' difficulties in extraditing criminals from one country to another. At Tampere the EU's leaders decided to put a stop to this by instructing their countries' law enforcement organisations and legal systems to co-operate fully with each other so that Europe offered no safe havens to criminals.

Firm action was called for in integrating crime prevention into combating criminal law and special action against money laundering. Increased co-operation against crime includes the setting up of:

- joint investigative teams in cross-border areas, especially to combat trafficking in drugs and human beings, and terrorism,
- a European police chiefs' operational task force,
- Eurojust, a multinational European team of national prosecutors, magistrates or police officers with equivalent experience to help, increase, speed up and improve judicial cooperation – between national legal systems and national courts - in cross-border cases and to work closely with the European Judicial Network, and
- a European police college to make senior law enforcement officials aware of the European aspect of fighting crime.

Tampere also called for a multiannual European strategy against drugs to be adopted for 2000-2004, for mutual assistance between member states in the investigation and prosecution of serious economic crime, for concrete steps to be taken to trace, freeze, seize and confiscate the proceeds of crime and for the competence of Europol to be extended to combating money laundering.

#### **Stronger external action (i.e. outside the EU)**

Much cross-border crime also crosses the external borders of the European Union and of neighbouring third countries. The European Union and its law enforcement agencies must therefore not only play an active part in international bodies like the United Nations, the Council of Europe, OSCE, and OECD but also in co-operating with neighbouring countries, countries of origin (from which drugs, illegal immigrants, etc. come) and countries of transit (through which drugs, illegal immigrants and stolen goods are transported).

The objective is to stop drugs, smuggled and stolen goods, and illegal immigrants entering the European Union, and to co-operate with neighbouring countries and countries of transit and origin to find and return cars, jewellery, objets d'art, etc. stolen within the EU and spirited out by organised crime for disposal on the international market, and to catch and punish the criminals responsible.

#### ***The newest EU policy***

Justice and home affairs (JHA) policies are the newest European Union policies. They were first brought into the ambit of the European Union in 1992 when the Maastricht Treaty added foreign and security policy and justice and home affairs policies as EU responsibilities to the well-established economic policies of the European Community. They were augmented and developed by the Amsterdam Treaty of 1997, which substantially increased the European Commission's responsibilities and powers in this field.

The Amsterdam treaty came into force on 1 May 1999. The special Tampere European Council was held in October 1999 to translate its justice and home affairs provisions into practice.

The Tampere European Council also called for the setting up of a high-level body, including representatives of the governments of all EU member states, members of the European Parliament and of national parliaments, to start drawing up a draft Charter of Fundamental Rights of the European Union. The resulting charter was formally proclaimed by the Presidents of the European Parliament, the Council of the EU and the European Commission at the European Council meeting in Nice, France, in December, 2000.

### Keeping track of the latest developments

At Tampere the EU heads of state and of government decided that it was not enough just to agree good intentions and to agree to co-operate in the fields of justice and home affairs. They therefore produced a list of over sixty points for action, in many cases with clear deadlines. To ensure that actions did not fall behind intentions, they requested the European Commission to keep an up to date table of each action point with deadlines and details of progress.

This document is called “the scoreboard”. It is updated regularly and is available on the Internet ([http://europa.eu.int/comm/dgs/justice\\_home/index\\_en.htm](http://europa.eu.int/comm/dgs/justice_home/index_en.htm)). It is republished twice a year. Copies are available to any government, minister or member of the public who can all see what actions are planned, what is under way and what has already been done.

### Fields of action

The main fields in which joint action is being taken or is planned are:

**FREE MOVEMENT** - Free movement for anyone legally in the EU to travel, work and settle anywhere they wish in the European Union.

**EQUAL ACCESS TO THE COURTS** and to legal protection anywhere in the EU for EU citizens and others legally in the EU.

**RIGHTS** – Recognition and protection of the fundamental rights of everyone living legally in the European Union. Citizens of any EU member state are automatically European citizens.

**ASYLUM and IMMIGRATION** – Working towards a common European asylum system and towards a joint European immigration policy, so it is no easier and no harder to enter the European Union through any of its member states.

**POLICE and CUSTOMS CO-OPERATION** – to fight organised crime, illegal immigration, terrorism and other illicit cross-border or trans-border activities. Includes sharing information via joint computerised data systems and mutual aid and co-operation.

**MONEY LAUNDERING** - Priority is being given to preventing criminals from enjoying the benefits of their crime. Top of the list is the fight against money laundering, the means by which money obtained through illegal activities like dealing in drugs is used and dispersed in the normal economy.

**ORGANISED CRIME** - Working together throughout Europe to prevent and combat all forms of organised crime. These include the drugs trade, illegal trafficking in people and goods (including stolen cars and objets d'art), fraud and financial crime.

**TERRORISM** – Sharing of information and co-operation within and outside the European Union to prevent terrorist acts and to trap terrorists.

**EXTERNAL DIMENSION** – Co-operation with third countries outside the European Union and active participation in international organisations on justice and home affairs issues. Joint action against criminal gangs, drugs barons and human traffickers before they have entered the EU can be more effective than trying to catch them within the European Union.