



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



12.06.09

[The Hague Programme](#)

COM(2009) 263 – Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions
Justice, Freedom and Security in Europe since 2005: an evaluation of the Hague Programme and Action Plan

The Hague Programme has been the EU's blueprint for realising its vision in the areas of access to justice, international protection, migration and border control, terrorism and organised crime, police and judicial cooperation and mutual recognition.

The Commission has carefully monitored the implementation of the Programme at EU and Member State level. This communication highlights the principal themes which have emerged, and looks ahead to how the EU should respond to the challenges of the future.

The Commission's conclusion on the Hague Programme is that the EU can be justly proud of its achievements to date. Despite the relatively short period of time in which it was developed, the strength of the Programme lay in its longer term perspective. The challenge for future years is to maintain the momentum and build on these successes, learning from experience.

[The Stockholm Programme](#)

COM (2009) 262 – Communication from the Commission to the European Parliament and the Council
An area of freedom, security and justice serving the citizen

The Hague Programme will be replaced by the Stockholm Programme when the former expires in December. In this Communication the Commission outlines its vision for the area of freedom, security and justice in the next five years, and lists a number of issues that should be integrated in the Stockholm Programme. The Commission states that the main thrust of the new programme should be that of building a citizen's Europe. All action taken in future should be



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centred on the citizen, and should work towards promoting citizens' rights, making life easier, protecting citizens, and promoting a more integrated society for the citizen.

Among the issues listed in the Communication which the Commission deems should be tackled in the new programme one finds terrorism, cyber-security, organised crime and border control. Immigration is also listed and is prioritised. In fact, the Commission states that the formulation of a common immigration and asylum policy will be a top priority in years to come. Solidarity must remain at the centre of the common policy and the EU should provide more support to the Member States most exposed to migratory pressure. Implementation of the principles and objectives of the Pact on Immigration and Asylum will provide the basis for EU action in coming years and will regularly appear on the agenda of the European Council.

The Council and Parliament will be discussing the above two proposals in the months ahead. The Commission hopes that after in-depth discussions with the European Parliament the European Council will be able to adopt an ambitious programme (the Stockholm Programme) on the basis of this Communication by the end of the year. On that basis the Commission will propose an action plan to implement the Stockholm programme with a view to fleshing out the measures to be taken and the agenda for 2010-2014.

European-wide network of people smugglers dismantled

On Tuesday, 46 persons, suspected of being part of a people-smuggling network, were arrested throughout Europe in an operation supported by Europol and Eurojust involving several countries. Arrests took place in Belgium, France, Germany, Greece, Italy and Switzerland as a result of investigations and after a number of house searches. All suspects are said to be involved in the clandestine smuggling of a large number of illegal immigrants into and within the European Union. Consequently, a number of illegal immigrants have also been arrested in various Member States.

The police and judicial operations, code-named 'Operation Ticket to Ride', targeted a network, primarily consisting of Iraqi and former Iraqi nationals, which facilitated the illegal immigration of citizens from Iraq and from other countries, such as Afghanistan, into and within Europe.

The network was responsible for recruiting the illegal immigrants, mainly in Iraq, before transporting them to various EU Member States. Each of the persons smuggled is believed to have paid between 4,000 and 8,000 US dollars to reach Italy, depending on the means of transportation. It is believed that this network is responsible for smuggling more than 5,000 persons between December 2006 and June 2009. The money was normally paid via wire transfer. [Read more](#)



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JUDGEMENT OF THE COURT OF FIRST INSTANCE

CASE T-318/01 - Omar Mohammed Othman v. Council and Commission

In this judgement the Court of First Instance annulled the Council Regulation freezing Omar Mohammed Othman's funds.

Omar Mohammed Othman, also known as 'Abu Qatada', is a Jordanian national. He has been designated by the Sanctions Committee of the Security Council of the United Nations as being associated with Usama bin Laden, Al-Qaeda or the Taliban. In accordance with a number of resolutions of the Security Council, all the Member States of the United Nations must freeze the funds and other financial assets controlled directly or indirectly by such persons or entities.

In the European Community, in order to give effect to those resolutions, the Council has adopted a regulation ordering the freezing of the funds and other financial resources of the persons and entities whose names appear in a list annexed to that regulation. One such name was that of Mr Othman. Mr Othman brought an action for annulment of that regulation before the Court of First Instance.

The Court of First Instance observed that, in a similar case – Kadi - the Court of Justice annulled the Council regulation in so far as it froze the funds of the two appellants, on the ground that it had been adopted in breach of their fundamental rights, in particular, rights of defence, the right to effective judicial review and the right to property.

The Court noted that both in respect of the procedure leading to the adoption of the contested regulation and in respect of the extent, effects and justification, if any, of the restriction of the use of his right to property arising from that regulation, Mr Othman is in a factual and legal situation in every way comparable to that of Mr Kadi.

Thus the Court concluded that the Council had adopted the regulation in breach of Mr Othman's fundamental rights. Consequently, the Court annulled the regulation in so far as it freezes Mr Othman's funds. The Court emphasised that, according to the Statute of the Court of Justice, such a decision of the Court of First Instance declaring a regulation to be void takes effect only from the date of expiry of the period in which an appeal may be brought before the Court of Justice, that is to say, two months and ten days from notification of the judgment or, if an appeal has been brought within that period, as from the date of dismissal of the appeal. The Court considers that the Council will therefore have ample time in which to remedy the infringements found by adopting, if appropriate, a new restrictive measure directed against Mr Othman, without it being necessary to maintain in force the effects of the regulation beyond that period.

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COUNCIL CONCLUSIONS

The following are the main results of the Justice and Home Affairs Council meeting held last week (4th and 5th June) in Luxembourg:

- The Council adopted conclusions on the further direction of the Schengen Information System "SIS II"
- The Council and the governments of the member states adopted conclusions on the closure of the Guantanamo Bay detention centre.
- Ministers held discussions on asylum as well as on illegal immigration in the Mediterranean.
- The EU's counter-terrorism coordinator, Gilles de Kerchove, presented reports on the implementation of the EU strategy to combat terrorism.
- The Council agreed on procedures for the negotiation and conclusion of bilateral agreements between member states and third countries concerning:
 - o jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, parental responsibility and maintenance obligations, and applicable law in matters relating to maintenance; and
 - o applicable law in contractual and non-contractual obligations.
- The Council adopted guidelines on a common frame of reference for European contract law.
- Ministers for justice took note of the agreement reached with the European Parliament for amending directive 2005/35/EC on ship-source pollution and the introduction of penalties for infringements, with a view to the formal adoption of the instrument at later stage.

For further details click [here](#)