

Freedom, security and justice in the European Union (May 2006)

Source: Liberté, sécurité et justice dans l'Union européenne- DG F Communication [Prod.], 2006. Conseil de l'Union européenne, Bruxelles. - VIDEO (10:13, Couleur, Son original).
Council of the European Union, Rue de la Loi, 175, B-1048 Brussels.

Copyright: (c) Translation CVCE.EU by UNI.LU
All rights of reproduction, of public communication, of adaptation, of distribution or of dissemination via Internet, internal network or any other means are strictly reserved in all countries.
Consult the legal notice and the terms and conditions of use regarding this site.

URL:
http://www.cvce.eu/obj/freedom_security_and_justice_in_the_european_union_may_2006-en-a560f276-ea09-488d-a890-50ea880ea1ff.html

Last updated: 05/07/2016



Freedom, security and justice in the European Union (May 2006)

This little village in Luxembourg is known throughout Europe. At least its name is known. It is the village of Schengen, the place where the Schengen Agreement was signed in 1985. That was the beginning of Europe without borders. What venue could have been more symbolic than Schengen, a little village located at the meeting point of three countries — France, Germany and Luxembourg.

‘There was the French customs post, the German customs post and the Luxembourg customs post — people call it “Three Frontiers Corner”.’

Today these border posts have disappeared, but the freedom we enjoy to travel, work or do business in other countries of the European Union means very little if we are not protected by legal systems on which we can rely. And both criminals and terrorists enjoy that same freedom of movement. This is why police forces and judicial authorities must work together to combat international crime.

In 1999, the Heads of State and Government met in Tampere in Finland, where they agreed on an ambitious action plan to make the Union into an area of freedom, security and justice.

What was needed was a common policy on the right of asylum and immigration, a genuine European area of justice — in other words, better access to justice and mutual recognition of judicial decisions — efforts to combat crime on a European scale and consolidated external action, including the development of partnerships with countries outside the Union.

The Council of the European Union plays a leading role in the establishment of this enhanced cooperation in the field of justice and home affairs within the EU.

[Javier Solana, Secretary-General of the Council of the European Union] ‘The European Union has been involved in this area for many years. But, as time goes by, it is becoming more important. Remember of what we are talking about. We are talking about problems linked to immigration, to the adaptation of migrants to our societies, to fight against organised crime, to do things which are very, very important to the everyday life of the citizens of the European Union.’

The European Union comprises 25 countries with more than 25 different legal systems. It is a sensitive area in which governments are often jealously protective of their national prerogatives. They have no wish to surrender too much power to the European Union.

[Mónika Lamperth, Hungarian Minister of the Interior] ‘During the accession negotiations, the question of sovereignty weighed heavily. When a nation abandons its sovereignty, it is important that it should know why, that the people understand the ultimate purpose of that abandonment of sovereignty. Being part of the European Union entails responsibilities that the nation must accept.’

In practice, the European Ministers of Justice and Home Affairs formulate their policies in a pragmatic manner.

[Bertel Haarder, Danish Minister for Refugees, Immigration and Integration] ‘The terrorism after September 11 and the Madrid events certainly increases public support for common action in this field and increases also public support for giving up a little bit of their rights vis-à-vis police, etc.’

The fight against crime and illegal immigration begins at the external borders of the Union. The abolition of checks at the internal borders makes increased security essential at the external borders. At the southern end, Italy is constantly on alert to thwart the illegal entry of immigrants and traffickers, using the very latest technology. An HGV scanner is used at the port of Bari. In other places, instruments that can detect a heartbeat or the presence of carbon dioxide are used to locate stowaways.

These boats that were seized in Albania belonged to traffickers in human beings. The operation furnished

proof that cooperation with non-EU countries is working. European funding, the training of Albanian border police and a joint Albanian-Italian command centre have served to reduce significantly the level of illegal immigration through the Adriatic.

[Fulvio Furia, Italian border guard at the port of Durrës] ‘In this respect we have observed a steady progression, including an improved performance on the part of the local police authorities, who we have been helping, especially in this most recent period, to act on their own initiative and responsibility and to achieve their own successes through increasingly professional action.’

Following the recent enlargement of the Union, the eastern borders of the European Union are now considerably longer. Here a hovercraft patrols a frozen lake that separates Estonia from Russia. The Union is investing more than a billion euros in training and in a sophisticated surveillance system in order to secure the new eastern frontiers.

At the heart of the European Union is the Schengen area, a Europe without borders in which people can move freely without having to show their passports or identity cards. Thirteen countries of the European Union plus Norway and Iceland make up this area. Over the next few years, controls at the borders with the new Member States should also be abolished.

In the absence of regular checks at the borders, there are other ways to catch criminals. Here in France, near the border with Belgium, the police forces from the two countries carry out joint patrols. Should the slightest suspicion arise at a roadblock, they feed the name of the suspect into the Schengen Information System. ‘Find and arrest with a view to handover or extradition ...’ This is a European database containing twelve million items of information regarding stolen goods such as motor vehicles, documentation and banknotes as well as the particulars of wanted persons.

[Jacques Graff, Schengen Information System] ‘When a description of a wanted person is transmitted to the SIS by the Belgian police, if the person concerned is intercepted by a Greek police officer, that officer will find out directly in his own language what is to be done — whether the person is to be arrested or followed, whether he or she is someone who has disappeared, etc. The police officer will have the minimum information required for immediate action.

The same system is used for airline passengers. Here, the particulars of passengers arriving in Brussels from a country that is not part of the Schengen area are encoded in the computer for checking. An alert message is triggered when a 15-year-old girl arrives on her own from Croatia. Because of the risk of trafficking in minors, questions have to be asked. ‘*How many days you will stay in Belgium?*’ The truth of the teenager’s story that she has come to visit a friend is ultimately confirmed, and she is allowed through.

The European Union is not trying to build a fortress. Giving asylum to refugees who are fleeing danger and persecution is a humanitarian duty. The EU is currently developing a common asylum policy, and several common rules have already been established for the reception and protection of asylum-seekers. It is also important to take action to improve the integration of immigrants into their host societies.

[Javier Solana] ‘We have to respect values. We know that the people that do come to work to our countries are dealt with properly, they have their rights well recognised and they have a life in which they can develop themselves.’

The creation of Europol in The Hague, capital of the Netherlands, marked a great advance in the fight against cross-border crime. Here police officers from various countries work together, for example to monitor the movements of criminal gangs. Europol now works in close collaboration with the EU Counter-Terrorism Coordinator.

[Gijs de Vries, EU Counter-Terrorism Coordinator] ‘There is a lot of practical cooperation going on on a daily basis between various national services working together. And, indeed, they have also been successful in preventing several attacks in various European countries.’

Given the rise of terrorism to the top of the political agenda, another organisation, Eurojust, has been established to play a key role in this type of cooperation. It helps the judicial authorities to coordinate investigations into terrorism and other cross-border criminal matters.

[Michael Kennedy (President of Eurojust)] Good examples are trafficking of drugs and of human beings, and so what we have been involved in is helping the authorities that are investigating these cases obtain evidence from each other's jurisdictions, and we arrange meetings for them to coordinate action so that a series of arrests or searches can take place at the same time in different countries.'

The judicial authorities are always frustrated that criminals can move about more freely than they themselves. But the recent introduction of the European arrest warrant, designed to replace the slow and cumbersome extradition procedure, is a huge step forward. It is the first practical application of the principle of mutual recognition of decisions in criminal matters.

Closer judicial cooperation also requires increased mutual confidence between legal systems. The rights of individuals must also be respected. A proposal has been made to the effect that anyone who is arrested, whether he or she is a member of an organised criminal gang or a holidaymaker involved in a road accident, should be given a statement of his or her rights. Access to legal advice and to the services of an interpreter, if required, should be guaranteed for everyone.

Thanks to the Schengen Agreement, we can move freely throughout Europe. We must now have access to justice throughout the European Union. Legal systems should make people's lives easier rather than causing complications. An area of freedom, security and justice can work for everyone.