



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 May 2010

9935/10

JAI 445

NOTE

from:	Presidency
to:	Coreper/Council
Subject:	Draft Council Conclusions on the Commission Communication "Delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme" (COM (2010) 171 final)

Delegations will find enclosed in the Annex the draft Council Conclusions on the above Commission Communication.

The text takes into account the discussions during the JHA Counsellors meeting on 6 May 2010 and the written comments submitted by the delegations. A consensus on the draft as set out in the Annex has been reached.

In view of the above, COREPER is requested to invite the Council to adopt the attached draft Council conclusions on the above Commission Communication.

DRAFT COUNCIL CONCLUSIONS

of2010

on the Commission Communication

**"Delivering an area of freedom, security and justice for Europe's citizens - Action Plan
Implementing the Stockholm Programme" (COM (2010) 171 final)**

THE COUNCIL OF THE EUROPEAN UNION

Bearing in mind that the European Council has defined in the *Stockholm Programme – an open and secure Europe serving and protecting the citizens*, according to article 68 TFEU, the strategic guidelines for legislative and operational planning within the area of Freedom, Security and Justice for the period 2010-2014,

Recalling that the Commission is requested to submit a mid-term review of the implementation of Stockholm Programme before June 2012,

Respectful of the institutional prerogatives of the European Parliament, which in most of the legislative measures to be adopted in implementation of the Stockholm Programme is a co-legislator with the Council, and taking due account of the debates which have taken place within the European Parliament following the presentation of the Commission Communication on the Action Plan (8995/10),

Mindful of the Commission's and the Member States' right of initiative in matters dealt with in the Treaties as provided for under Article 76 TFEU,

Noting the need to improve coherence among legal instruments and policy areas,

Underlining that the Stockholm Programme has to be implemented in strict compliance with the legal bases laid down in the Treaties and the principles of solidarity, subsidiarity and proportionality, and that it is important that before any new legislative proposal or initiative is submitted, studies and impact assessments have been carried out as contemplated in Protocol No 2 (Art. 5) to the Treaties,

HEREBY

Emphasizes strongly that the Stockholm Programme is the only guiding frame of reference for the political and operational agenda of the European Union in the Area of Justice, Security and Freedom.

Takes note of the Commission's Communication "*Delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme*" (doc. 8995/10), presenting the initiatives that Commission is intending to take with a view to contributing to the implementation of the Stockholm Programme.

Notes however that some of the actions proposed by the Commission are not in line with the Stockholm Programme and that others, being included in the Stockholm Programme, are not reflected in the Communication of the Commission.

Urges the Commission in this regard to take only those initiatives that are in full conformity with the Stockholm Programme in order to ensure its complete and timely implementation.

Calls on the Commission to present the mid-term review of the implementation of the Stockholm programme by June 2012, taking due account of these Council Conclusions.

Calls on all parties concerned to ensure due implementation of all necessary measures and actions stemming from the Stockholm Programme, including those not present in the above Commission proposal, in order to attain the 2010- 2014 strategic objectives in the Area of Justice, Freedom and Security.