



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT, THE COUNCIL
AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**Developing a comprehensive and coherent EU strategy
to measure crime and criminal justice:
An EU Action Plan 2006 – 2010**

INTRODUCTION

1. PURPOSE

The purpose of this Communication is to outline a coherent framework within which statistical information on crime¹ (including victimisation) and criminal justice² at European Union level will be developed, mainly by actions of the European Commission, with the support of Member State representatives and in coordination with relevant EU and international organisations³.

The Communication includes an action plan that sets out the framework and the main actions for the next five year period. An expert group, with representatives of all Member States, is set up by Commission Decision to support the Commission in the implementation of the action plan where it concerns the identification of policy needs for data in the area of crime and criminal justice at EU level⁴, the decision is annexed to this Communication. In addition, the possibility will be examined in the European Statistical System (ESS) of setting up in 2006 a group of representatives of all Member States to work on the development of crime and criminal justice statistics⁵.

2. POLITICAL COMMITMENTS

The need to develop statistics on crime and criminal justice has long been recognised by the Member States and by the European Commission. Already the Millennium Strategy on organised crime⁶ recommended the elaboration of crime statistics. The interim evaluation of the Millennium Strategy⁷ called upon the Commission to launch a study on statistics in the area of organised crime and submit a proposal for the setting up of a research, documentation and statistical network.

The Dublin Declaration⁸, recommends that "a comprehensive system of European crime statistics should be elaborated and a co-ordinated EU Crime Statistics Strategy be developed." and states that "The objective of the strategy should be to provide information necessary for analysing trends, assessing risks, evaluating measures and benchmarking performance", to be supported by input from a Crime Experts Group and the EU Crime Prevention Network.

The Hague Programme⁹, outlining developments for the next five years in the area of freedom, security and justice welcomed "the initiative of the Commission to establish European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national statistics and other sources of information as agreed indicators." The Council and Commission Action Plan implementing the Hague Programme¹⁰ mentions this Communication.

3. STATE OF PLAY AND THE NEED FOR FUTURE ACTION

Since early 2004, the European Commission has allocated human and financial resources to making preparations, developing internal coordination and setting up informal structures with relevant actors and consulting informally Member States representatives in the relevant areas. The Commission has also funded a number of research projects¹¹ and more limited studies¹²

to increase the knowledge in the area, and has built a network of academics with knowledge in the field. In the area of freedom, security and justice, a number of meetings under the Forum for the prevention of organised crime¹³ have been organised to consult Member States in a wider group. Many other EU and international organisations have increased work to develop relevant statistics¹⁴.

As far as the statistical context is concerned, the production of Community statistics is governed by rules set out in Council Regulation on Community Statistics¹⁵, and actions on the establishment of Community statistics are carried out according to the Community Statistical Programme and its Annual Programmes¹⁶, respecting the principles set out in the European Statistics Code of Practice¹⁷. Important issues concerning data protection and confidentiality are included. Within this framework, crime and criminal justice statistics have been included in the annual work programme since 2005 and Eurostat has held regular consultations within the structure of the European Statistical System (ESS).

The action plan is thus designed to incorporate and consolidate these experiences and achievements.

4. OBJECTIVES

One of the main deficiencies in the area of Justice, Freedom and Security is still the lack of reliable and comparable¹⁸ statistical information. Quantitative information on the trends and levels as well as on the structure of crime and terrorism and of the measures taken to prevent and fight these problems in Member States and at EU level, and where possible international comparisons, is essential for the development of a knowledge based system of effective and efficient policies for the prevention of and fight against crime and terrorism. In view of increased financial resources from 2007, it has become apparent that the lack of knowledge in this area needs to be addressed in a coherent and comprehensive manner.

Different expert groups and organisations compile available national statistics and make efforts to compare levels and trends. However, national statistics differ on so many factors that comparisons between countries, even with extensive efforts to make them comparable, are almost impossible. The actions outlined in the action plan therefore rest on the principle of subsidiarity. As in many other policy areas, there is agreement amongst key actors on the necessity to develop a framework to produce comparable statistics at EU level, based on harmonised definitions and collection procedures.

The objective is thus to develop statistics that will, in the longer term, make comparisons possible regarding the structure, levels and trends of crime as well as on criminal justice measures between Member States and regions within Member States. The task of making national and sub-national statistics comparable across the EU may be attempted by making use of the Commission's role to define harmonised methodologies and data collection methods for Community statistics. A twin-track approach will be adopted. In the short term, available national data will be collected and quality-assessed to form the first Community statistics on crime and criminal justice. Significant efforts will however be devoted to developing truly EU-level comparable statistics through different methods outlined in the action plan.

5. AN EXPERT GROUP ON THE POLICY NEEDS FOR DATA ON CRIME AND CRIMINAL JUSTICE

The establishment of an expert group to support the Commission in identifying the policy needs for data on crime and criminal justice¹⁹ will aid the pooling of scarce resources on the user side, increasing synergy benefits by avoiding the duplication of work on organised and volume crime and across the EU Commission, EU bodies and agencies and other international organisations active in the field.

6. MAINSTREAMING STATISTICAL INFORMATION WITHIN THE EUROPEAN UNION

The development of comparable statistics can only be achieved if the Member States collect data in a harmonised way. Achieving harmonisation in areas where Member States already have national systems in place for the collection of data requires extensive resources and is often complicated. This is therefore identified as a medium term goal requiring a stepwise approach. It can only be achieved by involving Member States and the European Commission, on the basis of an assessment of the urgent need for such harmonised information, or on the basis of legal binding acts.

The potential to agree on the build-up of knowledge could however be more appropriate in connection with a new framework decision, directive or regulation that includes common measures to prevent and fight crime by common definition or agreement. Quantitative information on the structure, level and trends of the problem the instrument addresses as well as on the implementation of the instrument are necessary elements for subsequent evaluation as to the effectiveness of the instrument.

Whenever legal instruments designed to prevent or fight crime are drafted, the Commission will therefore, as a mainstreaming initiative, introduce a requirement to provide appropriate statistics in a form adapted to the practices of the European Statistical System.

7. IMPLEMENTATION OF THE ACTION PLAN AND FOLLOW-UP

At present, competencies and tools necessary for evaluation in the field of crime and criminal justice are being developed. Statistics on criminal justice in the EU are necessary to enable the Commission to carry out ex ante and ex post evaluations of its policies and proposals. A Communication on evaluation of justice policies, scheduled for adoption in autumn 2006, will set out what evaluation methods the Commission has in mind and will give further details of the relevant statistical areas. The action plan will be updated as this work develops, and activities identified will be included in the relevant Commission work programmes and in the Community Statistical Programme and its annual work programmes. The action plan will also need to be extended when new instruments relating to crime and criminal justice are agreed. The new financial perspectives will reflect the need for support to Member States in implementing the action plan.

The Commission will prepare a mid-term review in 2008 and inform the relevant Council working groups on progress. At the end of 2010, the Commission will prepare a report to the European Parliament and the Council on achievements in the implementation of the Action Plan and outline proposals for future work in the area (including the status of the expert group) in the context of examining the need of a legal instrument on European Union statistics on crime and criminal justice.

TABLE OF ACTIONS FOR THE EU PLAN ON DEVELOPING A COMPREHENSIVE AND COHERENT EU STRATEGY TO MEASURE CRIME AND CRIMINAL JUSTICE 2006 - 2010

1. CO-ORDINATION AT EU-LEVEL

Objective	Proposed action	Actors	Timeframe	Output/deliverable
1. Efficient coordination within the Commission	Establish Inter-service group	COM/JLS ²⁰ and Eurostat	Third quarter 2006	ISG ²¹ established, at least 2 meetings yearly
2. Expert advice and consultation with Member States ²² , Acceding and Candidate Countries representatives from the crime and criminal justice area and from national statistical authorities, but also wider consultation	a) In the area of freedom, security and justice establish an expert group to advise the Commission - to include representatives of national governments in the expert group to be established ²³	COM/JLS and MS	2006	Commission decision to establish an expert group ³ . Members appointed
	b) In the area of freedom, security and justice, Forum ¹³ meetings when a more extended consultation/dissemination of information is needed	COM/JLS and MS	When needed	Forum meetings, minutes and information on JLS website

	c) In the area of freedom, security and justice, regular consultation with the European Crime Prevention Network (EUCPN)	COM/JLS and MS	Continuous	One representative of the EUCPN appointed as member of the JLS expert group
	d) Organise consultations of all the national statistical authorities through the European Statistical System (ESS) ²⁴	COM/Eurostat ESS	Beginning of 2007	Meetings of the relevant groups
3. Efficient coordination with Europol and EU Agencies and bodies – EUMC ²⁵ , EMCDDA ²⁶ , CEPOL ²⁷ , Eurojust ²⁸	Organisations to be invited to nominate a representative in the JLS expert group	COM/JLS	2006	Members of the JLS expert group appointed

2. CO-ORDINATION AT INTERNATIONAL LEVELS

Objective	Proposed action	Actors	Timeframe	Output/deliverable
1. European Sourcebook Group	Include a representative in the JLS expert group. Invitation to Forum ¹³ meetings etc.	COM/JLS	2006	Members of the JLS expert group appointed

Objective	Proposed action	Actors	Timeframe	Output/deliverable
2. Efficient coordination with relevant UN bodies such as UNODC, UNECE, UNICEF and WHO.	Reciprocal invitations to relevant meetings, bilateral contacts	COM/ JLS and Eurostat	Continuous	Effective coordination on existing statistics such as ICVS, CTS; collaboration with UNECE to produce guidelines on victimisation surveys; possible co-ordination of questionnaires and meetings.
3. Efficient coordination with the Council of Europe	Investigate possibilities for coordination of penal statistics (SPACE)	COM/JLS	2006	Conclusion on the possibility to coordinate needs and data collection

3. STOCK-TAKING AND DEVELOPMENT OF KNOWLEDGE

Objective	Proposed action	Actors	Timeframe	Output/deliverable
1. Taking stock of available data and indicators as a basis for agreeing the need for future action	a) Establish an inventory of EU harmonised definitions of crime types	COM/JLS	July 2006	Updating of the established inventory

Objective	Proposed action	Actors	Timeframe	Output/deliverable
	b) Establish an inventory of harmonised definitions of law enforcement measures	COM/JLS	July 2006	Inventory
	c) Establish an inventory of existing statistics (including at sub-national /regional level if relevant) available at national and EU level	COM/ Eurostat	End 2006, annual updates	Inventory
2. Develop contacts with the academic world to expand possibilities for research input	a) Promote possibilities for developing research tasks etc under 7 th Framework Research Programme	COM/JLS in cooperation with RTD ²⁹ and Eurostat	Continuous	Research projects with policy relevance in the area funded by the 7 th Framework Research Programme
	b) Disseminate information about opportunities for EU funding of research, studies and evaluations to be given to interested groups, such as the European Society of Criminology (ESC)	COM/JLS in cooperation with RTD and Eurostat	Continuous	Information posted on COM websites such as CORDIS and JLS and on websites of interested parties such as the ESC website;

Objective	Proposed action	Actors	Timeframe	Output/deliverable
3. Derive all usable information from ongoing research projects funded by the 6 th Framework Research Programme	a) Monitor, attend meetings and input final results from different research projects, such as the AOC ³⁰ and the IKOC ³¹ projects.	COM/JLS, Eurostat on technical issues	First half 2007	Forum ¹³ meeting organised in January 2007 to discuss and disseminate results, minutes of the meeting on JLS website
	b) Evaluate and consider possible use of final results of the EU-ICS ³² project.	COM/Eurostat, JLS on policy issues	2007	Conclusions for future victimisation surveys

4. IDENTIFICATION OF POLICY NEEDS, DEVELOPMENT AND IMPLEMENTATION OF GENERAL TOOLS

Objective	Proposed action	Actors	Timeframe	Output/deliverable
1. Identification of policy needs - urgent, medium and long term needs - for statistics on crime and criminal justice	Continuous discussions necessary to monitor the development and avoid unnecessarily burdening MS and COM	COM/JLS, MS and JLS expert group	2006 and then continuous	Inventory of agreed needs and possible indicators for different types of crime and criminal justice Continuous updating to include policy relevant data
2. Identification of data and meta data available at national/sub-national level and establishment of common indicators on crime and criminal justice	a) Identify available data and establish common indicators (with identification of necessary contextual information ³³ and background variables ³⁴) ³⁵	COM/JLS Expert Group, possibly subgroups for specific topics	Action for specific topics as outlined under 5. 2007	Inventory of possibly available data, draft indicators to be used for European Union statistics. First list of indicators, background and contextual information on crime and criminal justice
	b) Identify available metadata	COM/ Eurostat and ESS	2006	Inventory of available metadata

Objective	Proposed action	Actors	Timeframe	Output/deliverable
	c) Examine the relevance and quality of the data identified	COM/JLS, Eurostat and ESS	2006-2007	Quality report
	d) Include available data and metadata in a common database	COM/Eurostat	2006-2007	Results of a first data collection exercise (2005) evaluated by ESS and included in Eurostat's database
3. Establishment and implementation of a common methodology for regular data collection for the common indicators – on the basis of the identified policy needs	a) Establish and implement a common questionnaire for annual collection of data and metadata for the common indicators	COM/Eurostat and ESS	2006	First pilot collection. Annual updates to take account of policy needs, data collection through national statistical authorities
	b) Establish a methodology for a common survey (module) on victimisation	COM/Eurostat and ESS	Mid 2007	First proposal available

Objective	Proposed action	Actors	Timeframe	Output/deliverable
	c) Translate and test of a common survey (module) on victimisation	COM/Eurostat and ESS	2007-2008	Results available
	d) Implement a common survey (module) on victimisation	COM/Eurostat and ESS	2008-2009	Results available
4. Compilation of meta data and contextual information - on the basis of the policy needs established under point 1. above	Develop a methodology for a stepwise implementation of collection of meta data and contextual information	COM/Eurostat and ESS	2006-2007	Regular collection of metadata and contextual information
5. Development of tools to collect data on indicators not already available at national level	Investigate the possibilities, on a case by case basis, to include information on crime types or criminal justice measures that are not already available at national level, in continuous data collection by Eurostat or by other international	COM/Eurostat and ESS with input from JLS and JLS expert group, or other	Continuous work, see 5. below	

Objective	Proposed action	Actors	Timeframe	Output/deliverable
	bodies	international bodies		

5. DEVELOPMENT OF SPECIFIC INDICATORS

Objective	Proposed action	Actors	Timeframe	Output/deliverable
1. Measuring <i>criminal justice</i> in the EU MS and at EU level	Action will be outlined more in detail in a Communication on Evaluation of justice policies, scheduled for adoption in autumn 2006. ³⁶	COM/JLS and other related DGs such as OLAF, and possibly also JLS expert group	Autumn 2006	Developed action plan for this part to be included in the Communication on Evaluation of justice policies
2. Inclusion of background information on nationality and residency for <i>prison populations</i> etc. as urgently needed for EU policy on criminal justice	Investigate possibilities for produce such information, including coordination with the Council of Europe regarding their collection of penal statistics (SPACE)	COM/JLS, Eurostat Council of Europe	October 2006	Conclusion on possibility to include expanded information according to EU policy needs on nationality and residency of prison population etc.
3. Measuring police cooperation in the EU MS, specifically with regard	Action will be outlined in detail in the overall context of the work that the COM will	COM/JLS, possibly JLS	2008	Developed action plan for this part to be included in a Communication

Objective	Proposed action	Actors	Timeframe	Output/deliverable
to cross-border cooperation and type of data exchanged ³⁷	undertake in this regard	expert group		on evaluation of police cooperation policies
4. Measuring <i>five types of serious and cross-border crime</i>	a) Monitoring progress of ongoing study on statistics on ³⁸ : 1. Corruption; 2. Fraud, excluding that affecting the financial interests of the European Communities; 3. Illicit trafficking in cultural goods, including antiques and works of art; 4. Counterfeiting and piracy of products (trademark, copyright and others if possible); and 5. Sexual exploitation of children and child pornography.	COM/ JLS and contractor	Study contracted 2005, results to be delivered spring 2006	Study delivered
	b) Examination of relevance and quality of the results obtained	COM/ JLS, OLAF and expert group, Eurostat and ESS	End 2006	Conclusions on the quality of the statistics collected

Objective	Proposed action	Actors	Timeframe	Output/deliverable
	c) On corruption: Results of the study, and of a Eurobarometer survey, to be discussed by the JLS expert group to decide how best to develop specific indicators for inclusion in future surveys or collections of statistics	COM/JLS, OLAF and JLS expert group, possibly subgroup	2007	Draft questions to be included in victimisation survey and future Barometer surveys
	d) Results of the study as regards crime types 2-5 to be discussed in JLS expert group, to decide on further work	COM/JLS, OLAF and JLS expert group, possible subgroups	2007	Conclusions on where to continue work and in what form
	e) Examination of possibilities of including these statistics in a regular data collection or survey	COM/Eurostat and ESS	End 2006	Decision on possibilities for a regular data collection or survey

Objective	Proposed action	Actors	Timeframe	Output/deliverable
	f) Inclusion of data in Eurostat's data base	COM/Eurostat	First, if possible already in Spring 2007 – possibly expanded in 2008	Statistics on the five crime types (those possible)
5. Measuring <i>money-laundering</i> and <i>terrorist financing</i>	a) Identify data to be collected, including data on investigations, freezing or seizing, confiscation and convictions for money laundering/terrorist financing ³⁹	COM/ MARKT with committee, JLS, OLAF and possibly JLS expert group	Autumn 2006	List of data and indicators needed List of available data
	b) Examine possibilities for regular data collection	COM/Eurostat and ESS with MARKT	2006-2007	Common methodology for data collection and implementation

Objective	Proposed action	Actors	Timeframe	Output/deliverable
6. Measuring seizures related to cross-border crime on prohibited and restricted goods	a) Inventory and examination of the quality of the information available at national level	COM/JLS and JLS expert group, Eurostat and ESS with TAXUD and OLAF	2007	Examination of possibility of common data collection
	b) Results of the examination to be discussed in JLS expert group, to decide on further work, possible setup of a subgroup	COM/DG JLS and the JLS expert group	Late 2007	Conclusions on indicators
	c) Inclusion of questions etc. where possible in regular data collection	COM/Eurostat and ESS	2008	Consideration for publication
7. Measuring trafficking in human beings	Developing guidelines in accordance with the EU plan on THB ⁴⁰ and the roadmap on gender equality ⁴¹	COM/Eurostat JLS and JLS	Spring 2007	Guidelines issued

Objective	Proposed action	Actors	Timeframe	Output/deliverable
	Possible setting up of subgroup to JLS expert Group	expert Group		
8. Measuring <i>juvenile crime and juvenile justice</i>	Identifying policy needs ⁴² and developing indicators taking into account current work by international organisations	COM/JLS, EUCPN and JLS expert group, Eurostat and ESS	2007 2008 2010	First indicators developed Green paper issued First statistics on juvenile crime and juvenile justice
9. Measuring <i>data retention</i> in connection with the provision of publicly available electronic communications services or a public communications network ⁴³	Developing methods to include the statistics mentioned in the directive ⁴⁴ in regular data collection activities and include these in the ESS	COM/JLS and Eurostat, JLS expert group and ESS	2007	Data collected and included in the Eurostat database subject to quality assessment
10. Identifying <i>drug-related crime</i> ⁴⁵	Developing a common definition of the term "drug-related crime" on the basis of existing studies to be brought forward by the EMCDDA	COM/JLS and JLS expert group, EMCDDA	2007	Commission proposal for a definition of the term "drug-related crime"

Objective	Proposed action	Actors	Timeframe	Output/deliverable
11. Measuring the <i>attitudes of citizens to specified phenomena</i>	Devising questions for Eurobarometer surveys on fiscal fraud, identity theft and victim protection	COM/ JLS, COMM	Spring 2006	Part of Eurobarometer report published autumn 2006
12. Measuring <i>violence against women</i>	Identifying policy needs and developing common indicators on the basis of earlier work, according to what is indicated in the roadmap for gender equality and the opinion of the European Economic and Social Committee ⁴⁶ , and in coordination with relevant international organisations.	COM/ JLS, JLS expert Group, EMPL, Eurostat and ESS	2008	A common EU framework for indicators and data collection on violence against women
13. Measuring <i>domestic violence</i>	Identifying policy needs and developing common indicators on the basis of above but including all types of domestic violence	COM/JLS, EUCPN	2008	Common indicators for domestic violence

Objective	Proposed action	Actors	Timeframe	Output/deliverable
14. Measuring the <i>extent and structure of victimisation in the business sector</i>	Identifying policy needs and developing common indicators and a methodology for data collection	COM/JLS, JLS expert Group, Eurostat, ESS, possibly JRC	2008	Common indicators developed, methodology for data collection and implementation of data collection
15. Measuring the impact of terrorist attacks on the economy	Investigate the possibilities of pursuing the objective within the network of experts on economics of security to be created ⁴⁷	COM/JLS, the mentioned network	2008	A report issued by the network
16. Measuring environmental crime and action to prevent and fight such crime	Identifying policy needs and developing common indicators and a methodology for data collection	COM/JLS, ENV, JLS expert group, possible subgroup, Eurostat	2007	First discussion in JLS expert group, conclusion on the need for setting up a subgroup to develop guidelines

6. DISSEMINATION

Objective	Proposed action	Actors	Timeframe	Output/deliverable
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1. Publication of Community statistics on crime and criminal justice for the wider public	Publication of data and indicators in accordance with Eurostat's dissemination policy through the websites of Eurostat and JLS	COM/Eurostat and JLS	Spring 2007	Data available on Eurostat website, indicators disseminated through websites of Eurostat and JLS
2. Updating of different groups, including JLS expert group and groups established in the context of the European Statistical System	Establish CIRCA Websites	COM/JLS and Eurostat	2006	Circa websites established for the relevant groups

7. POLITICAL AGREEMENTS AND FOLLOW UP

Objective	Proposed action	Actors	Timeframe	Output/deliverable
1. Legal basis for harmonised statistics on crime and criminal justice	Examination of the need of a Community instrument on statistics on crime and criminal justice – and possible drafting of a legal basis	COM/Eurostat and JLS	2007 2008	Conclusions on the need Poss. draft Community instrument

2. Evaluation of the implementation of the action plan	a) Yearly updating of the action plan within the COM and mid-term review	COM/JLS and Eurostat	2008	Report to the DSS and to the MDG and to the Council
	b) Follow up and assessment of impact	COM/JLS and Eurostat	2010	Report to the Council and to the European Parliament incl. conclusions on the need for a second action plan

ANNEX

Endnotes

¹ This framework is developed to cover information on all types of crime, organised or not, and terrorism.

² The term criminal justice is used throughout this Communication to denote all measures within the judicial system that concerns crime, including the activities of the police forces, prosecutors, courts etc.

³ One example of previous experiences where the Commission, in coordination between DG JLS and Eurostat, has led the work in harmonising EU statistics in the area of Freedom, Justice and Security, and also of a step-wise approach, is the 2003 Action Plan on migration statistics (Com (2003) 179) and the proposal for a Regulation on Community Statistics on Migration and International Protection (COM (2005) 375).

⁴ The members of this expert group will represent the *users* of statistics on crime and criminal justice.

⁵ The members of this group will represent the *providers* of statistics on crime and criminal justice.

⁶ The Prevention and Control of Organised Crime: A European Union Strategy for the Beginning of the New Millennium. OJ C 124 of 3.5.2000, p. 1.

⁷ Doc. 10925/03 CRIMORG 49 of 30 June 2003. Report on the measures and steps taken with regard to the implementation of the recommendations of the European Union Strategy for the Beginning of the New Millennium on Prevention and Control of Organised Crime.

⁸ Doc. 16302/03 CRIMORG 96 of 19 Dec 2003. Declaration of the Dublin Conference on Organised Crime.

⁹ The Hague Programme: Strengthening Freedom, Security and Justice in the European Union. OJ C 53 of 3.3.2005, p. 1.

¹⁰ OJ C 198 of 12.8.2005, p.1.

¹¹ See endnotes 23-25.

¹² For example the following projects, funded under the AGIS programme (Framework programme on police and judicial cooperation in criminal matters, managed by DG JLS of the European Commission):

- The project JAI 2003/AGIS/051 "Developing an EU statistical apparatus for measuring organised crime, assessing its risk and evaluating organised crime policies", managed by Transcrime, Centro interdipartimentale di ricerca sulla criminalità transnazionale – Università di Trento;
- The project JAI 2003/AGIS/111 " Séminaire sur l'évaluation des performances de la justice pénale", arranged by the Ministry of Justice, Italy. The conference proceedings of the seminar held in October 2004, "Measuring Performance of Criminal Justice – Measuring Justice? Comparison of National Experiences" was published in a trilingual volume during spring 2006.

Many other projects that are relevant both generally, and for specific crime types, have been funded by the AGIS programme and the predecessors. Under the AGIS programme 2006, at least two studies that are important for developing statistics on crime and criminal justice, are foreseen to be funded.

¹³ The Forum for the prevention of organised crime – hereafter called "the Forum" - was foreseen in the Commission Communication on crime prevention (COM (2000) 786 of 29.11.2000) which presented some orientations and proposals for further action. The Forum aims to bring together a wide range of interested stakeholders, such as national law-enforcement authorities, business and professional groups, academic researchers, non-governmental organisations and civil society as a whole to discuss new approaches in preventing organised crime, in an illustration of partnership at European level.

¹⁴ One example is the European Monitoring Centre on Racism and Xenophobia (EUMC) who has undertaken research and reporting that addresses some of the key concerns for improvement in criminal justice data collection. The EUMC publishes information on the status of data collection on racist violence and crime in the EU Member States. These reports classify existing data collection mechanisms in the EU 25, and also provide information on trends in racist crime for those Member States for which data is available. Given the absence of comprehensive official criminal justice data on racist violence and crime in many Member States, the EUMC has launched a pilot survey to look at ethnic minorities and immigrants' experience of criminal victimisation.

¹⁵ Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics, OJ L 52 of 22.2.1997, p.1.

¹⁶ 2003-7 Community Statistical Programme, as adopted by Decision No 2367/2002/EC of the European Parliament and of the Council of 16 December 2002. OJ L 358 of 31.12.2002, p.1.

¹⁷ Adopted by the Statistical Programme Committee on 24 February 2005 and attached to the Commission Communication (COM(2005) 217 final) to the European Parliament and to the Council and Recommendation of the Commission of 25 May 2005 on the independence, integrity and accountability of the national and Community statistical authorities.

¹⁸ The word "comparable" in this Communication relates not only to one of the requirements concerning the quality of Community statistics, but also to the possibility to use the statistics to compare for example the extent of a certain type of crime in one Member State to that of another, or to compare the number of police officers between Member States. The problem with using the national statistics as a base is that they are based on different definitions and the reporting and recording procedures differ. Police discretion differ between Member States, as do the point in time when a police reported crime is recorded in the statistical database (at the time when the crime is first reported to the police, after preliminary investigation only or after a more thorough investigation). Furthermore, the methods for counting crime

¹⁹ Commission decision of [...] 2006 setting up a group of experts on the policy needs for data on crime and criminal justice (2006/.../EC).

²⁰ Directorate-General for Justice, Freedom and Security within the European Commission, DG JLS

²¹ Inter-Service Group within the European Commission, for the coordination between the different Directorate-Generals

²² Member States will hereafter be referred to as MS throughout the action plan

²³ See draft decision to set up the Expert Group on the policy needs for data on crime and criminal justice, in annex. The group is hereafter called the JLS expert group.

²⁴ European Statistical System (ESS): the partnership comprising Eurostat, national statistical institutes and other statistical bodies responsible in each Member State for producing and disseminating European statistics.

²⁵ The European Union Monitoring Centre on Racism and Xenophobia, the future EU Agency for Fundamental Rights

²⁶ The European Union Monitoring Centre on Drugs and Drug Addiction

²⁷ The European Police College

²⁸ Eurojust is the European Union's Judicial Cooperation Unit, a new European Union body established in 2002 to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organised crime.

²⁹ Directorate General for Research.

³⁰ Project "Assessing Organised Crime: Testing the Feasibility of a Common European Approach in a Case Study of the Cigarette Black Market in the EU", coordinated by Petrus C. Van Duyne at Tilburg University and partly financed by the Sixth Framework Programme for Research under the heading Research for Policy Support.

³¹ Project "Improving Knowledge on Organised Crime to develop a Common European Approach", coordinated by Ernesto Ugo Savona at Università Cattolica del Sacro Cuore and partly financed by the Sixth Framework Programme for Research, under the heading Research for Policy Support.

³² The project "Proposal for Conducting an ICS-based European Survey of Crime and Safety in the 18 Member States of the European Union", coordinated by Robert Manchin at EU Gallup and partly funded by the Sixth Framework Programme for Research under the heading Research for Policy Support.

³³ One example of important contextual information is information relating to the number (and the characteristics) of cases which contain cross-border elements, other examples are if crimes include a racist or xenophobic component, information about the method used to commit a crime, value of stolen goods etc.

³⁴ Important and obvious background information is age and gender. Other information that is generally important for EU policy purposes in the area of criminal justice is nationality and residence. Information like this would help to identify the needs for EU level measures.

³⁵ Where relevant, disaggregated data at sub-national/regional level should be included.

³⁶ At present it is clear that it is desirable for policy needs to have information on the following:

- Criminal justice budget (excluding prison budget) including number of judges, prosecutors and defence lawyers, legal aid (and number of cases in which legal aid was provided by the state) and budget for training (on judicial cooperation and for interpreters and translators)

- Number of:
 - offences recorded/prosecuted and criminal convictions per year
 - European Arrest Warrants issued and executed per year
 - requests for extradition (granted and refused) per year
 - letters rogatory sent/received/executed per country per year (EU only)
 - requests for Mutual Legal Assistance, replies, timing for each kind of request (e.g.: hearing of witnesses, seizure etc)
 - Joint Investigation Teams (including an indication of which Member States were involved and the costs incurred)
 - qualified court and police station interpreters and translators and number of cases involved
 - foreign (EU and third country) nationals in criminal proceedings in each Member State
 - persons held in pre-trial detention and in prison

Average:

- length of proceedings (by type of proceeding)
- length prison sentence handed down and served, by type of offence
- time spent in pre-trial detention by type of offence

³⁷ The police cooperation to be measured would for example measure the level and intensity of the cooperation as in the context of Schengen police cooperation and bilateral cooperation agreements. The statistics would be specified by region (inland or common border etc.) and when it concerns cross-border cooperation outline the number of cross border pursuit, of cross border surveillance, of cross-border assistance on request of joint patrols and of assistance for maintenance of public order at mass events.

³⁸ Contract No. DG JLS/D2/2005/04 on a Study to assess the scope of and collect available statistics on meta-data on five crime types and propose harmonised definitions and collection procedures for these types of crime for the EU Member States and the Acceding Countries. The contract was awarded, after a call for tender and subsequent evaluation procedure, to Transcrime, the Joint Research Centre on Transnational Crime, in Italy, in December 2005. The study will be reported during spring 2006.

³⁹ According to Article 33 of the Directive 2005/60 of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309 of 25.11.2005, p. 29), the Member States shall ensure that they maintain comprehensive statistics on at least "the number of suspicious transaction reports made to the FIU, the follow-up given to these reports and indicate on an annual basis the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences and how much property has been frozen, seized or confiscated".

⁴⁰ Council EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings, OJ C 311 of 9.12.2005, p. 1

⁴¹ COM(2006)92 final. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. A roadmap for equality between women and men 2006-2010. {SEC(2006) 275}.

⁴² Taking into account the European Economic and Social Committee opinion SOC/202 Opinion of the Section for Employment, Social Affairs and Citizenship on The prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union (own-initiative opinion). 28 February 2006.

⁴³ In accordance with article 10 of the Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC. OJ L 105 of 13.4.2006, p. 54.

⁴⁴ Article 10: "Member States shall ensure that the Commission is provided on a yearly basis with statistics on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or a public communications network. Such statistics shall include: - the cases in which information was provided to the competent authorities in accordance with applicable national law; - the time elapsed between the date on which the data were retained and the date on which the competent authority requested the transmission of the data; - the cases where requests for data could not be met."

⁴⁵ Action 25.1 of the EU Drugs Action Plan (2005-2008). OJ C 168 of 8.7.2005, p. 1.

⁴⁶ SOC/218. Opinion of the European Economic and Social Committee on Domestic violence against women (own-initiative opinion). 16 March 2006.

⁴⁷ A first preparatory meeting will be organised by JLS in the summer 2006. The expert group is planned to be established by Commission decision later during 2006.