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THE EUROPEAN UNION**



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## **PRESS RELEASE**

3207th Council meeting

### **Justice and Home Affairs**

Brussels, 6 and 7 December 2012

Presidents      **Ms Eleni MAVROU**  
Cyprus Minister for the Interior  
**Mr Loukas LOUKA**  
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# **P R E S S**

## Main results of the Council

Home affairs ministers took note of the state of play regarding the establishment of a **common European asylum system (CEAS)**, in particular with reference to the directive on asylum procedures, the regulation on "Eurodac" (a fingerprint database) and the Dublin regulation.

The EU Counter-terrorism coordinator presented his annual implementation report on the **EU Counter-terrorism strategy**.

Moreover, the Council adopted conclusions on **aviation security** against terrorist threats.

In a joint session, home affairs and justice ministers discussed the **mid-term review of the Stockholm programme**, which establishes the strategic guidelines for the period 2010-2014 in the area of freedom, security and justice.

The **Mixed Committee** (EU plus Norway, Iceland, Liechtenstein and Switzerland), meeting in the margins of the Council, was briefed on developments in relation to the **Schengen Information System (SIS II)**. It also discussed the **functioning of the Schengen area** on the basis of the second bi-annual report on this issue, presented by the Commission, and took note of a report from the Presidency on the **obstacles relating to effective information exchange**. Finally, the Committee took stock of progress made on the proposal for a **directive on the protection of individuals when authorities process personal data in dealing with criminal offences**.

**Important items adopted without discussion** (A items) include the proposal for a **regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I) (Recast)** and the political agreement reached with the European Parliament on **the so-called Dublin regulation** which establishes the procedures for determining the member state responsible for examining an application for international protection. In addition, the Council approved the agreement with the European Parliament on the **2013 EU budget and draft amending budget no 6 for 2012**.

Justice ministers agreed a general approach on three legislative proposals:

- a directive establishing minimum rules for criminal sanctions for the most serious market abuse offences, namely insider dealing and market manipulation ("**market abuse directive**");
- a directive on the **freezing and confiscation of proceeds of crime** in the EU, aimed at making it easier for national authorities to confiscate and recover the profits that criminals make from cross-border and organised crime;

- a regulation on mutual recognition of **protection measures in civil matters** upon request of the person at risk, aimed at strengthening the rights of victims.

Furthermore, the Council agreed on political guidelines regarding two proposed regulations on the jurisdiction, applicable law and the recognition and enforcement of decisions as regards **matrimonial property regimes**, on the one hand, and the **property consequences of registered partnerships**, on the other.

Ministers held a debate on the proposal to create a **European account preservation order** to facilitate cross-border debt recovery in civil and commercial matters. Here too, the Council agreed on a number of guidelines for the continuation of work.

The Council took note of the state of play on a proposed directive on the **protection of the EU's financial interests** by means of criminal law. The goal is to deter fraudsters, improve the prosecution and sanctioning of crimes against the EU budget, and facilitate the recovery of misused EU funds.

Ministers also held a debate on the proposed revision of the 1995 regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (**General Data Protection regulation**). In addition, they took stock of progress made on the linked proposal for a **directive on the protection of individuals when authorities process personal data in dealing with criminal offences**.

Moreover, the Council adopted the new **EU drugs strategy** for the years 2013-2020.

Finally, the Council took note of the state of play on the **accession of the EU to the European Human Rights Convention** and reviewed the work achieved during the second semester of 2012 in the area of **e-justice**.

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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The government of the acceding state was represented as follows:

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**ITEMS DEBATED****Common European Asylum System (CEAS)**

The Council was informed of the state of negotiations on the various legislative proposals outstanding in relation to the Common European Asylum System (CEAS), on the basis of a presidency paper ([16853/12](#)).

The situation on the four files outstanding can be described as follows:

- Negotiations between the Council and the European Parliament on the **Dublin regulation** have been finalised and the Council adopted this political agreement without discussion (as an A-item).

The Dublin regulation establishes the procedures for determining the member state responsible for examining an application for international protection. The new rules will introduce a mechanism for early warning, preparedness and crisis management. This mechanism is aimed at evaluating the practical functioning of national asylum systems, assisting member states in need and preventing asylum crises. The mechanism would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they had occurred.

As a complement to the mechanism for early warning, preparedness and crisis management in the amended Dublin regulation, the Council adopted conclusions [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/128820.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/128820.pdf) ([7485/12](#)) in March 2012 on a common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows. These conclusions are intended to constitute a toolbox for EU-wide solidarity towards those member states most affected by such pressures and/or encountering problems in their asylum systems.

- At its meeting on 25 and 26 October 2012 the Council confirmed the political agreement reached on the **reception conditions directive** ([14112/1/12](#)). This political agreement fully reflects the result of negotiations with the European Parliament. Once the directive is formally adopted, member states will need to transpose the new provisions into national law within two years. Denmark, Ireland and the United Kingdom are not bound by the directive.

For more information see [14556/12](#).

- In June 2012, the Commission tabled its new proposal for a revised **Eurodac regulation** ([10638/12](#)) which allows law enforcement authorities to access this central EU-wide fingerprint database for the purposes of fighting terrorism and organised crime, subject to strict conditions on data protection. In October the Council adopted its position with a view to negotiations with the European Parliament; trilogues are expected to start in the next few days, as soon as the Parliament has adopted its position on this legislative text.
- On the asylum **procedures directive**, further progress has been made in negotiations with the European Parliament with a view to reaching agreement before the end of the year. These negotiations are based on a revised proposal for a directive which was tabled by the Commission on 1 June 2011 ([11207/11](#)). On 27 November 2012 the Permanent Representatives Committee (Coreper) adopted a revised compromise package. Negotiations are now in their final phase and agreement is sought before the end of this year.

Four other agreements and decisions relating to the CEAS have already been adopted:

- The [qualification directive](#) providing for better, clearer and more harmonised standards for identifying persons in need of international protection which was adopted in November 2011 and entered into force in January 2012;
- The [long term residence directive](#) adopted in April 2011;
- The regulation establishing the [European Asylum Support Office \(EASO\)](#) which started operations in the spring of 2011;
- The decision taken in March 2012 establishing [common EU resettlement priorities for 2013](#) and new rules on EU funding for resettlement activities carried out by member states;

As regards the overall context, the European Council confirmed in its conclusions in June 2011 that negotiations on the various elements of the CEAS should be concluded by 2012 ([EUCO 23/11](#)).

## **Fight against terrorism**

### **Annual report on the implementation of the EU Counter-terrorism strategy**

The EU Counter-terrorism coordinator presented his annual implementation report on the EU Counter-terrorism strategy. The annual report gives an overview of the latest results on the four strands of the strategy (prevent, protect, pursue and prepare) and lists those areas in which measures are due to be taken ([16471/12](#) + [ADD1 REV1](#)+ [ADD2](#)).

The EU Counter-Terrorism Strategy was adopted in December 2005 and provides the framework for EU activity in this field ([14469/4/05](#)).

### **Aviation security against terrorist threats**

The Council adopted conclusions on aviation security against terrorist threats ([17008/12](#)). The conclusions were prepared by the Presidency on the basis of the conclusions of the Conference on Aviation Security against Terrorist Threats held in Nicosia on 31 October 2012.

## **Stockholm Programme**

The Council discussed the mid-term review of the Stockholm programme on the basis of a document prepared by the Presidency. Most delegations noted that substantial progress had been made on several objectives of the Stockholm programme and asked the Commission to present the remaining proposals before the end of 2014.

The Presidency will let the European Council know about this debate in the near future.

The Stockholm Programme ([5731/10](#)) is the multi-annual strategic work programme in the area of freedom, security and justice. The programme sets out the priorities for EU action in this area for the period 2010-2014. It was adopted by the Council on 30 November 2009 and endorsed by the European Council on 10 and 11 December 2009 ([EUCO 6/09](#)). It puts the citizen at the heart of EU action and deals, among other things, with questions of citizenship, justice and security as well as asylum, migration and the external dimension of justice and home affairs.

In its conclusions, the European Council asked that a mid-term review of its implementation be carried out in the course of 2012.

### **Freezing and confiscation of proceeds of crime**

The Council agreed on a general approach ([17117/12](#)) to the draft directive on the freezing and confiscation of proceeds of crime in the EU, which aims to make it easier for national authorities to confiscate and recover the profits that criminals make from cross border and organised crime. This general approach will constitute the basis for negotiations with the European Parliament to agree the final text of the directive.

The Commission presented its proposal in March 2012 ([7641/12](#)). The draft directive lays down minimum rules for member states with respect to freezing and confiscation of criminal assets through direct confiscation, value confiscation, extended confiscation, non-conviction based confiscation (in limited circumstances), and third-party confiscation. The adoption of such a proposal will facilitate mutual trust and effective cross-border cooperation.

### **Insider dealing and market manipulation**

The Council agreed on a general approach ([16820/12](#)) to the proposal for a directive on criminal sanctions for insider dealing and market manipulation ("market abuse directive") ([16000/11](#)). This general approach will constitute the basis for negotiations with the European Parliament to agree the final text of the directive.

The draft directive establishes minimum rules for criminal sanctions for the most serious market abuse offences, namely insider dealing and market manipulation. This would create an obligation for member states to ensure that these conducts are punishable as criminal offences.

This proposal, presented by the Commission in October 2011 is part of a broader "package" of measures, including a directive on markets in financial instruments - "MiFID" ([15939/11](#)); a regulation on markets in financial instruments and OTC - "MiFIR" ([15938/11](#)), and a regulation on insider dealing and market manipulation - "MAR" ([16010/11](#)), which sets up a common regulatory framework on market abuse.

Ireland has decided to take part in the adoption of the directive. The United Kingdom and Denmark will not participate.

## **Protection measures in civil matters**

The Council reached agreement on a general approach to a proposed regulation on mutual recognition of protection measures taken in civil matters upon request of the person at risk ([17165/12](#)).

The national legal traditions in the area of protection measures are highly diverse. In some national laws protection measures are regulated by civil law, in others by criminal law and some regulate them under administrative law. The objective of this proposal ([10613/11](#)) is to establish a legal framework to ensure that all protection measures taken in civil matters in a member state benefit from an efficient mechanism of recognition to ensure their free circulation throughout the EU.

The proposed Regulation aims at complementing [Directive 2011/99/EU](#) on the European Protection Order ("EPO Directive"), which covers protection orders in criminal matters ([14517/11](#)). The combined scope of the two instruments should cover the highest possible number of protection measures for victims.

This proposal is part of a legislative package which aims at strengthening the protection of victims in the EU and also includes a directive on minimum standards on the rights, support and protection of victims of crime ([Directive 2012/29/EU](#)), which was adopted recently.

The United Kingdom and Ireland have decided to take part in this instrument. Denmark will not participate.

## **Data Protection Package**

The Council took stock of the progress achieved on the data protection package under the Cyprus Presidency. Ministers held an orientation debate on the proposal for a regulation setting out a general EU framework for data protection on the basis of three questions set out in a progress report prepared by the Presidency ([16525/1/12 REV 1](#)). These questions correspond to the three horizontal themes which were raised during the Informal Ministerial meeting in Nicosia in July and which were subsequently debated in the Council preparatory bodies: delegated and implementing acts, administrative burdens and the need for flexibility for the public sector.

The Council agreed that the decision as to which empowerments for delegated and implementing acts need to be deleted and by which alternatives they need to be replaced, will be taken once the first examination of the text of the draft regulation is complete.

During the discussion, there was a broad consensus that in order to reduce the administrative burden and more generally the compliance costs for companies, a more risk-based approach should be followed. To that effect, the Council instructed the competent preparatory bodies to continue to work on specific proposals to implement a strengthened risk-based approach in the text of the draft regulation.

Finally, the Council agreed that the decision as to whether and how the regulation can provide flexibility for the member states' public sector, will be taken once the first examination of the text of the draft regulation is complete.

In January 2012, in the light of rapid technological developments and globalisation, the European Commission presented a legislative package to update and modernise the principles enshrined in the 1995 Data Protection Directive (Directive 95/46/EC)<sup>1</sup>, to guarantee data protection rights in the future. The package includes a policy communication setting out the Commission's objectives ([5852/12](#)), and two legislative proposals: a regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) ([5853/12](#)) and a directive on protecting personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offences and related judicial activities ([5833/12](#)).

These proposals are aimed at building a stronger and more coherent data protection framework in the EU, backed by strong enforcement that will allow the digital economy to develop across the internal market, put individuals in control of their own data and reinforce legal and practical certainty for economic operators and public authorities.

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<sup>1</sup> Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995](#))

### **Protection of the EU's financial interests**

The Council took note of the state of play on a proposed directive on the fight against fraud to the Union's financial interests by means of criminal law. The goal of the proposal ([12683/12](#)) is to deter fraudsters, improve the prosecution and sanctioning of crimes against the EU budget, and facilitate the recovery of misused EU funds thereby increasing the protection of EU taxpayers' money.

The proposed directive provides common definitions of a number of offences against the EU budget and common prescription periods, within which cases must be investigated and prosecuted, as well as minimum sanctions, including imprisonment for the most serious cases to strengthen the deterrent effect. These common rules should, according to the Commission's proposal, help to ensure a level playing field and improved investigation and prosecution across the EU.

During the discussion, several member states argued that before further discussing the proposal its legal basis should be clarified, the majority claiming that it should be Article 83(2) instead of Article 325(4) as proposed by the Commission. The Council instructed its preparatory bodies to clarify this issue.

### **European Account Preservation Order**

The Council held a public debate on the proposal for a regulation creating a European Account Preservation Order and agreed on a number of guidelines for the continuation of the work ([16350/12](#)).

The aim of the proposed regulation ([13260/11](#)) is to facilitate cross-border debt recovery by creating a uniform European procedure leading to the issue of a European Account Preservation Order ("Preservation Order"). This European procedure would be available to citizens and businesses as an alternative to national procedures, but would not replace national procedures.

By way of this new European procedure a creditor would be able to obtain a protective order which would block funds held by the debtor in a bank account in a member state and thereby prevent the debtor from dissipating such funds with the aim of frustrating the creditor's efforts to recover his debt.

The agreed guidelines for the continuation of work are the following:

- The political objective is to create a new uniform European procedure for the issue of a European Account Preservation Order.
- The proposed regulation will apply only to cross-border cases.
- The "surprise effect" of the Preservation Order will be an important element in ensuring that it is a useful tool for creditors.
- The proposed regulation should strike the appropriate balance between the interests of the creditor and the interests of the debtor.

### **Matrimonial property regimes and property consequences of registered partnerships**

The Council held a public debate on two proposed regulations on the jurisdiction, applicable law and the recognition and enforcement of decisions as regards matrimonial property regimes, on the one hand ([8160/11](#)), and the property consequences of registered partnerships, on the other ([8163/11](#)). The Presidency noted a very large agreement on political guidelines ([16878/12](#)) to further advance the work at expert level.

The objective of both proposals is to establish a framework in the EU determining jurisdiction and the law applicable to matrimonial property regimes and the property consequences of registered partnerships and to facilitate the recognition and enforcement of decisions and authentic instruments among the member states.

The two proposals will complement the instruments already adopted at EU-level concerning family-related issues, such as the Brussels II a Regulation regarding matrimonial matters and parental responsibility, the Regulation on maintenance obligations, and the Rome III Regulation on the law applicable to divorce and legal separation. Once these two new regulations are adopted, the citizens of the EU will benefit from a complete set of legal instruments covering international private law issues in the field of family matters.

Both regulations are subject to a special legislative procedure based on Article 81(3) since they refer to measures concerning family law with cross-border implications. The Council will act unanimously after consulting the European Parliament.

The United Kingdom and Ireland have decided not to take part in these instruments. Denmark will not participate.

### **EU drugs strategy (2013-2020)**

The Council adopted the EU drugs strategy for the years 2013-2020 ([16693/12](#)), as the current EU Drugs Strategy (2005-2012) will expire at the end of this year ([15074/04](#)).

The EU Drugs Strategy provides the overarching political framework and priorities for EU drugs policy as identified by member states and EU institutions. The new Strategy is structured around two policy areas: drug demand reduction and drug supply reduction, and three cross-cutting themes: (a) coordination, (b) international cooperation and (c) research, information, monitoring and evaluation. Its two consecutive Action Plans, drafted by corresponding Presidencies in 2013 and 2017, will provide a list of specific actions with a timetable, responsible parties, indicators and assessment tools.

### **Accession of the EU to the ECHR**

The Council took note of the state of play on the accession of the EU to the European Human Rights Convention ([16573/12](#)).

The Lisbon Treaty provides the legal basis for the accession of the EU to the ECHR. Article 6 (2) of the TEU stipulates: "The EU shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms". According to the Stockholm program this is "of key importance". The programme also called for "rapid" accession to the ECHR.

In June 2010 the Council adopted a negotiating mandate and several negotiating sessions have taken place since then.

**e-Justice**

The Council took note of the report of the Working Party on e-Law (e-Justice) on the work achieved during this half-year in the area of European e-Justice ([16575/12](#) + [COR1](#)). In addition, the Council also took note of the state of play of the revised roadmap adopted in June 2011 ([16580/12](#)). This document sets out the current situation as regards different areas of work in the field of e-Justice and will constitute a useful planning tool for future work in the coming year.

In November 2008 the Council adopted the European e-Justice action plan<sup>1</sup>. This action plan sets forth a multiannual working programme in the field of European e-Justice and puts in place a structure to coordinate e-Justice efforts at EU level.

**AOB**

Under other business, the Council was informed about the state of play of a number of legislative proposal, including:

- two proposals on legal migration, namely the intra-corporate transferees (ICTs) and seasonal workers;
- the "Justice" financial instruments 2014-2020 in the framework of the Multiannual Financial Framework (MFF);
- the Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia, and the Kingdom of Sweden regarding the European Investigation Order;
- the draft directive on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest.

The Council took note of a presentation by the Commission on the future of Europol and CEPOL and the Presidency informed the Council on recent developments in Syria and referred to a letter from the UN High-Commissioner for Refugees.

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<sup>1</sup> [OJ C 75, 31.3.2009](#)

The Council took note of the state of play in the procedure for adoption of the Council decision establishing a Multiannual Framework (MAF) for the European Union Agency for Fundamental Rights (FRA) for 2013-2017. The Council agreed to adopt conclusions before the end of the year addressing a request to the FRA to continue work on the current 2013 work programme while the new MAF is adopted.

The Irish minister informed the Council of the priorities in the area of justice and home affairs for the forthcoming Irish EU Presidency.

In the area of home affairs, the Irish Presidency will focus on proposals to tackle terrorism and organised crime which will contribute to the advancement of a Europe of freedom, security and justice for all citizens. The Presidency will work closely with the Parliament to advance proposals on the use of Passenger Name Records (PNR) and the measure relating to the European Investigation Order (EIO). The directive on the freezing and confiscation of proceeds of crime will also be a key priority.

In the areas of immigration and asylum, work during the half-year will focus on the proposals on intra-corporate transfer and seasonal workers as well as the completion of the Common European Asylum System.

In the area of justice, the Presidency will prioritise measures to promote economic activity and growth, and vitally, encourage job creation throughout the Union. Enhancing the legal framework necessary to support cross-border business activity will be a priority. Proposals such as the Common European Sales Law and the Account Preservation Order aim to do just this and the Presidency will work to achieve progress on these measures.

Achieving progress on the data protection package will be a key priority for the Irish Presidency. It will therefore devote appropriate time and attention to its successful negotiation.

Ireland will also prioritise measures that support the rights of citizens and the rule of law. It will work with the European Parliament with regard to the directive on right of access to a lawyer in criminal proceedings and will make every effort to reach agreement on the proposed regulation on the mutual recognition of protection orders in civil matters. The Presidency will also work closely with the European Parliament to advance the proposal regarding a European Investigation Order in criminal matters.

## **Mixed Committee**

In the margins of the Council meeting, the Mixed Committee (EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following items:

### **SIS II**

The committee looked at the latest developments in the implementation of the Schengen Information System II (SIS II) which is planned to come into operation in the first quarter of 2013.

The Schengen Information System (SIS) is a database shared by participating countries' border and migration authorities, and law enforcement authorities and contains information on persons and on lost and stolen objects. Specific stringent data protection rules apply to the SIS. It is a compensatory measure for the opening of internal borders under the Schengen agreement, but is also seen as a vital security factor in the EU. The European Commission is currently developing a second generation of the SIS, commonly known as SIS II.

### **Schengen Governance**

The committee discussed the Commission's second biannual report on the functioning of the Schengen area (1 May - 31 October 2012) ([16423/12](#)). Most delegations noted that the Schengen area is working well, even if improvements are needed, and stressed the importance to discuss this issues on a regular basis.

In June 2011 the European Council stated that political guidance and cooperation in the Schengen area need to be further strengthened, enhancing mutual trust between member states. On 8 March 2012, the Council adopted conclusions ([7417/12](#)) regarding guidelines for the strengthening of political governance in the Schengen cooperation. In the conclusions the Council agreed to discuss the matter at ministerial level once in each presidency, and welcomed Commission's undertaking to present regular reports on the issue.

The Commission submitted its first biannual report in May 2012, covering the period from 1 November 2011 to 30 April 2012, and adopted the second one, covering the period from 1 May to 31 October 2012, on 23 November 2012. The last report indicates that there have not been any significant changes in the situation in the Schengen area and basically provides an update on developments regarding external borders, migrants, border checks, video-surveillance in internal border zones, local border traffic agreements, Schengen evaluations and the extension of the Visa Information System (VIS).

### **Obstacles relating to effective information exchange**

The committee was briefed by the Presidency on the implementation measures undertaken to simplify the exchange of information between law enforcement authorities.

### **Data protection**

The Committee took stock of progress made on the proposal for a directive on the protection of individuals when authorities process personal data in dealing with criminal offences.

### **AOB**

Under other business, the Committee was informed about the state of play of a number of legislative proposals, including:

- the regulation on the establishment of a European Border Surveillance System (EUROSUR);
- the Schengen-related legislative proposals currently under discussion, namely the Schengen evaluation mechanism and the Schengen Borders Code. The Council adopted a general approach on both items at the June Council (see 10760/12, p. 9-12);
- the proposal amending regulation 562/2006 and the CISA – technical amendments;
- the draft Regulation amending Regulation 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement;
- the JHA Financial Instruments 2014-2020 (MFF - Home Affairs).

## **OTHER ITEMS APPROVED**

### **JUSTICE AND HOME AFFAIRS**

#### **Recognition of judgments in civil and commercial matters**

The Council adopted a regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (the so-called "Brussels I" regulation), ([PE-CONS 56/12](#)).

The purpose of the regulation is to make the circulation of judgments in civil and commercial matters easier and faster within the Union, in line with the principle of mutual recognition and the Stockholm Programme guidelines.

*(For further details see press release [16599/12](#)).*

#### **Dublin Regulation**

The Council reached political agreement on a proposal for a regulation establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third-country national or a stateless person (Dublin Regulation) ([16332/12](#)). The objective of this amending proposal is to enhance the system's efficiency, introducing a mechanism for early warning, preparedness and crisis management, as well as ensuring that the needs of the applicants are better addressed.

#### **Customs cooperation**

The Council approved a strategy for the future of customs law enforcement co-operation ([16320/12](#)), as required in resolution 2012/C 5/01<sup>1</sup> adopted by the Council in December 2011. The strategy calls for an integrated approach to effective co-operation by all customs authorities in combating cross-border and transnational crime.

Customs should be the leading authority for controlling the movement of goods within the area of freedom, security and justice, in order to enhance the protection of the Union's citizens and the Union's economy against smuggling, fraud and other threats caused by organised crime on EU territory.

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<sup>1</sup> [OJ C 5, 7. 1. 2012.](#)

### **Solidarity on asylum issues**

The Council was updated on the implementation of the common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows ([16467/12](#)).

In March 2012, the Council adopted conclusions ([7485/12](#)) which included a series of co-ordinated measures that would enhance EU solidarity towards member states encountering problems in their asylum systems, and also underlined the need for cooperation between member states, institutions and agencies in providing assistance.

In its third Annual Report on Immigration and Asylum 2011 ([10950/12](#)), the Commission already provided an outline of activities carried out at EU level and at national level to support those member states facing specific and disproportionate asylum pressures.

### **Management of large-scale IT systems**

The Council adopted a decision authorising Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ([14987/12](#)), such as the second-generation Schengen Information System (SIS II) and the Visa Information System (VIS).

The agency was established in October 2011 by regulation 1077/2011<sup>1</sup> and is located in Tallinn, Estonia.

### **Trafficking in human beings**

The Council took note of the second and final report ([13661/3/12](#)) on the implementation of the Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings ([6865/10](#)).

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<sup>1</sup> [OJ L 286, 1.11.2011](#)

The report describes the follow-up to recommendations made in the first report and updates the information on member states' external action against trafficking in human beings, such as agreements in force between the EU and third countries, regions and organisations at international level. It also provides an overview of recent external activities and actions in this field by the Commission's and EU agencies' (Europol, Eurojust, Frontex, the Agency for Fundamental Rights and CEPOL) and suggests future actions.

*See also:*

- *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016* ([11780/12](#))
- *The Directive on preventing and combating trafficking in human beings and protecting its victims* ([OJ L 101, 15.4.2011](#)).
- <http://ec.europa.eu/anti-trafficking/index.action>

## **BUDGET**

### **EU budget 2013 and draft amending budget no 6 for 2012 - approval of agreement**

The Council approved the agreement with the European Parliament on the 2013 EU budget and draft amending budget no 6 for 2012 ([17146/1/12 REV 1](#) + [ADD 1](#) + [ADD 2](#) + [ADD 3](#) + [ADD 4](#) + [ADD 5](#) + [ADD 6](#) + [ADD 7](#) + [17145/1/12 REV 1](#)). It thus confirmed the deal reached between the Cyprus presidency and representatives of the European Parliament and the Commission at a trilogue on 28 November 2012. If the European Parliament approves<sup>1</sup> the package the 2013 EU budget and the draft amending budget no 6 for 2012 will be deemed to be adopted.

For details, see [17397/12](#).

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<sup>1</sup> The European Parliament is expected to vote on the compromise on 13 December.

**EMPLOYMENT****Mobilisation of the European Globalisation Adjustment Fund for seven member states**

The Council adopted seven decisions mobilising a total of EUR 24.3 million under the European Globalisation Adjustment Fund (EGF) to provide support for workers made redundant in Sweden, Finland, Austria, Romania, Italy, Denmark and Spain.

The amounts allocated are as follows:

- EUR 5.5 million for employees dismissed by the Swedish car manufacturer, Saab, which went bankrupt owing to falling sales and a decrease in passenger car production;
  - EUR 5.3 million for former employees of the Finnish producer of mobile phones, Nokia, which decided to transfer production from Finland out of Europe;
  - EUR 5.2 million for employees made redundant in the Austrian mobile social services sector, following the decision by the region of Styria to cut resources for social services substantially;
  - EUR 2.9 million for employees dismissed by Nokia at its production site in Romania following the decision to move all manufacturing activities to Asia;
  - EUR 2.7 million for employees made redundant by Italian moped and motorcycle manufacturers that have suffered from a significant drop in domestic and European demand and an increase in exports from Asia;
  - EUR 1.4 million for former employees of the Danish producer of printed circuit boards, Flextronics, which had to close its production site and relocate the manufacturing of the electronic equipment out of Europe owing to a growing competition from Asian producers;
  - EUR 1.3 million for employees who have lost their jobs in the Spanish metal products sector.
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