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Justice and Home Affairs

Brussels, 5 and 6 December 2013

Presidents	Dailis Alfonsas BARAKAUSKAS Minister for the Interior
	Juozas BERNATONIS Minister for Justice

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/press>

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Main results of the Council

On Thursday, Home affairs ministers took note of the communication provided by the European Commission on **the free movement of EU citizens** and their families and concluded that work will continue in cooperation with the member states on the basis of the five actions outlined in the communication.

Dailis Alfonsas Barakauskas, Lithuanian Minister for the Interior, said:

"Free movement is a fundamental EU value that we must guard strongly. This right must be accompanied by obligations for the EU citizens and any attempt to abuse this right and the social security systems should be met with the adequate and effective response."

*In the context of fighting terrorism, the Council had an in-depth discussion on the issue of **fighters from Europe** crossing the border into Syria to fight, and the security threat they may pose in the EU when they return. Home affairs ministers agreed to step up the work on the basis of the priorities identified in the report of the EU Counter-Terrorism Coordinator.*

*The Council in the **Mixed Committee** format (the EU plus Norway, Iceland, Liechtenstein and Switzerland) had a discussion on the communication of the Commission on the work of the **Task Force Mediterranean** and welcomed the set of actions contained in the document. It also had a discussion on the full application of the provisions of the **Schengen acquis in Bulgaria and Romania** and decided to address this issue again at its earliest convenience.*

*On Friday, the Council held an in-depth discussion on the proposal for a regulation setting out a general EU framework for **data protection**. The discussion focused on the one-stop-shop mechanism and related questions on judicial review and judicial redress.*

Juozas Bernatoniš, Lithuanian Minister for Justice, said:

"Data protection reform has been the key priority for the Lithuanian Presidency in the justice area, and we did our utmost to achieve progress. We discussed it in all ministerial meetings and 20 experts' meetings, and the member states noted today how much progress we made. We prefer a strong agreement to a fast one, and must work to ensure a proper balance between business interests and fundamental rights of citizens."

*The Council agreed on a general approach on the draft regulation creating a **European Account Preservation Order** to facilitate cross-border debt recovery in civil and commercial matters and on a proposal for a regulation amending the regulation on **jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**. Both texts will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.*

*Ministers held an orientation debate on the proposal for a regulation amending the regulation on **insolvency proceedings** in order to establish a number of guidelines for the continuation of the work.*

*Furthermore, the Council adopted conclusions on **combating hate crime**, on the **EU Citizenship Report 2013** and on the **evaluation of the European Union Agency for Fundamental Rights (FRA)**.*

*Finally, Justice and Home affairs ministers exchanged views on the **future development of the Justice and Home Affairs area**, which will serve as a basis for continuing the discussions on the post-2014 period under the Greek Presidency.*

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- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
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PARTICIPANTS

Belgium:

Ms Joëlle MILQUET

Ms Annemie TURTELBOOM

Ms Maggie DE BLOCK

Deputy Prime Minister and Minister for the Interior and
Equal Opportunities
Minister for Justice
State Secretary for Asylum and Migration, Social
Integration and the Fight against Poverty, attached to the
Minister for Justice

Bulgaria:

Ms Zinaida ZLATANOVA

Mr Tsvetlin YOVCHEV

Deputy Prime Minister and Minister for Justice
Deputy Prime Minister and Minister for the Interior

Czech Republic:

Mr Martin PECINA

Mr Daniel VOLÁK

Deputy Prime Minister and Minister for the Interior
First Deputy Minister for Justice

Denmark:

Mr Morten BØDSKOV

Minister for Justice

Germany:

Mr Hans-Peter FRIEDRICH

Mr Ole SCHRÖDER

Federal Minister for the Interior
Parliamentary State Secretary to the Federal Minister for
the Interior
Permanent Representative

Mr Peter TEMPEL

Estonia:

Mr Hanno PEVKUR

Mr Matti MAASIKAS

Minister for Justice
Permanent Representative

Ireland:

Mr Alan SHATTER

Minister for Justice and Equality; Minister for Defence

Greece:

Mr Charalambos ATHANASIOU

Mr Nikolaos DENDIAS

Mr Ioannis MICHELAKIS

Minister for Justice, Transparency and Human Rights
Minister for Public Order and Protection of the Citizen
Minister for the Interior

Spain:

Mr Jorge FERNÁNDEZ DÍAZ

Mr Alberto RUIZ-GALLARDÓN JIMÉNEZ

Minister for the Interior
Minister for Justice

France:

Mr Manuel VALLS

Mr Philippe ETIENNE

Minister for the Interior
Permanent Representative

Croatia:

Mr Orsat MILJENIĆ

Mr Mato ŠKRABALO

Minister for Justice
Permanent Representative

Italy:

Mr Angelino ALFANO

Mr Giuseppe BERRETTA

Deputy Prime Minister and Minister for the Interior
State Secretary for Justice

Cyprus:

Mr Ionas NICOLAOU

Mr Socratis HASIKOS

Minister for Justice and Public Order
Minister for the Interior

Latvia:

Mr Jānis BORDĀNS

Ms Ilze JUHANSONE

Minister for Justice
Permanent Representative

Lithuania:

Mr Juozas BERNATONIS

Mr Dailis Alfonsas BARAKAUSKAS

Mr Paulius GRICIŪNAS

Mr Elvinas JANKEVIČIUS

Minister for Justice
Minister for the Interior
Deputy Minister for Justice
Deputy Minister for the Interior

Luxembourg:

Mr Félix BRAZ

Mr Christian BRAUN

Minister for Justice
Permanent Representative

Hungary:

Mr Károly KONTRÁT
Mr Tibor NAVRACSICS

Parliamentary State Secretary, Ministry of the Interior
Deputy Prime Minister and Minister for Public
Administration and Justice

Malta:

Mr Emanuel MALLIA
Mr Owen BONNICI

Minister for Home Affairs and National Security
Parliamentary Secretary for Justice within the Ministry for
Home Affairs and National Security

Netherlands:

Mr Ivo OPSTELTEN
Mr Fred TEEVEN

Minister for Security and Justice
State Secretary for Security and Justice

Austria:

Mr Walter GRAHAMMER

Permanent Representative

Poland:

Mr Rafał TRZASKOWSKI
Mr Marek PRAWDA

Minister for Administration and Digitalisation
Permanent Representative

Portugal:

Mr Miguel MACEDO
Mr Fernando SANTO

Minister for the Interior
State Secretary for Administration of the Property and
Premises of the Ministry of Justice

Romania:

Mr Radu STROE
Mr Bogdan TOHĂNEANU
Mr Robert-Marius CAZANCIUC

Minister for Internal Affairs
State Secretary, Ministry of Internal Affairs
Minister for Justice

Slovenia:

Mr Senko PLIČANIČ
Mr Gregor VIRANT

Minister for Justice
Deputy Prime Minister, Minister for the Interior

Slovakia:

Ms Marián SALOŇ
Ms Monika JANKOVSKÁ
Mr Ivan KORČOK

State Secretary at the Ministry of the Interior
State Secretary at the Ministry of Justice
Permanent Representative

Finland:

Ms Tiina ASTOLA
Ms Päivi RÄSÄNEN
Ms Pilvi-Sisko VIERROS-VILLENEUVE

Permanent Secretary of the Ministry of Justice
Minister for Interior
Permanent Representative

Sweden:

Ms Beatrice ASK
Mr Tobias BILLSTRÖM

Minister for Justice
Minister for Migration

United Kingdom:

Mr Chris GRAYLING
Ms Theresa MAY

Lord Chancellor and Secretary of State for Justice
Secretary of State for the Home Department

Commission:

Ms Viviane REDING
Ms Cecilia MALMSTRÖM

Vice President
Member

ITEMS DEBATED**HOME AFFAIRS****Free movement of persons**

The Council took note of the communication from the European Commission on the free movement of EU citizens and their families ([16930/13](#)) and concluded that work will continue in cooperation with the member states on the basis of the five actions outlined in the communication. If required, the Council will return to this issue in the future.

The overwhelming majority of member states agreed that the free movement of persons is a core principle of the European Union and a fundamental right of all EU citizens that should be upheld and promoted. They also agreed that individual cases of abuse have to be combated within the existing legal framework and in cooperation with local authorities in the member states.

Moreover, the Visegrad countries (Czech Republic, Hungary, Poland, and Slovakia) circulated a joint statement on this issue ([17395/13](#)) stating that the selective application of core freedoms by member states leads to an erosion of the single market.

In its communication the Commission analyses the right to free movement and the legal situation concerning the rights of mobile EU citizens, as well as the impact on the welfare systems of host member states. The document suggests that most EU citizens moving to another member state do so to work, that they are more likely to be more economically active than nationals and that they are less likely to claim social benefits.

In order to help national and local authorities to effectively apply EU free movement rules, the document presents five concrete actions to be implemented together with member states:

- helping member states to fight marriages of convenience (handbook);
- helping authorities to apply EU social security coordination rules (practical guide);
- helping authorities to meet social inclusion challenges (funding);
- exchange of best practices between local authorities;
- training and support of local authorities in applying the EU free movement rules.

Fight against terrorism: foreign fighters and returnees

The Council had an in-depth discussion on the issue of fighters from Europe crossing the border into Syria to fight, and the security threat they may pose in the EU when they return. The discussion was based on a document prepared by the EU Counter-Terrorism Coordinator (CTC) in close consultation with the European Commission and the EEAS. Home affairs ministers agreed to step up the work on the basis of the priorities identified in the report:

- prevention;
- information exchange/identification and detection of travel;
- criminal justice response;
- cooperation with third countries.

In June 2013 the Council already expressed broad support for a package of measures suggested by the CTC and tasked the relevant working parties with preparing implementing measures where necessary. It also invited the CTC to present a report on the implementation of the proposed measures at the Justice and Home Affairs Council in December 2013.

The proposals relate to:

- the need for a common assessment of the phenomenon of young Europeans going to Syria for jihad and the need to obtain a better picture of the different groups fighting in Syria;
- measures to prevent youngsters from going to Syria or to offer assistance on their return;
- detection of travel movements and the criminal justice response;
- cooperation with third countries.

The flow of foreign fighters travelling to Syria from the EU and other countries has not yet been reduced; on the contrary, numbers seem to be on the increase.

Task Force Mediterranean

The Council had a discussion on the communication of the Commission on the work of the Task Force Mediterranean ([17398/13](#)) and welcomed the set of actions contained in the document.

The task force identified five main areas of action which will be pursued actively during the coming months:

- Actions in cooperation with third countries.
- Regional protection, resettlement and reinforced legal avenues to Europe.
- Fight against trafficking, smuggling and organised crime.
- Reinforced border surveillance contributing to enhancing the maritime situational picture and to the protection and saving of lives of migrants in the Mediterranean.
- Assistance and solidarity with member states dealing with high migration pressure.

The Presidency will report to the European Council in December on the matter.

The Task Force Mediterranean was set up following the JHA Council of 7-8 October 2013 in order to identify the tools which the EU has at its disposal and which could be used in a more effective way to avoid the tragic events that had occurred off the coast of Lampedusa.

At its meeting on 24-25 October, the [European Council](#) agreed to take the appropriate measures in order to prevent and avoid such tragedies happening again, based on the imperative of prevention and protection and guided by the principle of solidarity and fair sharing of responsibility.

The European Council invited the Task Force Mediterranean, lead by the Commission and involving member states, the EEAS and a number of EU Agencies, to identify priority actions for a more efficient short-term use of European policies and tools. It asked the Commission to report on the work of the TFM to the Council on 5 December 2013 with a view to taking operational decisions. It also asked the Presidency to report to the European Council in December 2013.

Schengen enlargement: Bulgaria and Romania

The Council had an exchange of views on the full application of the provisions of the Schengen acquis in the Republics of Bulgaria and Romania. The Presidency concluded the debate as follows:

The Council reverted to the issue of the Schengen accession of Romania and Bulgaria, as requested by the European Council in December 2012 and the JHA Council in March 2013.

It recalled the outcome of the European Council meeting in December 2012 as well as all relevant conclusions of previous European Councils and of the JHA Council.

The Council decided to address this issue again at its earliest convenience with a view to considering the way forward on the basis of a two-step approach.

JUSTICE

Data protection

The Council held an in-depth discussion on the proposal for a regulation setting out a general EU framework for data protection. The discussion focused on the one-stop-shop mechanism laid down in the Commission proposal (chapters VI and VII) and related questions on judicial review and judicial redress ([17025/13](#)).

In October 2013 the Council already expressed its general support for the principle that, in important transnational cases, the regulation should establish a "one-stop-shop" mechanism in order to arrive at a single supervisory decision, which should be fast, ensure consistent application, provide legal certainty and reduce the administrative burden.

It was also noted that further expert work on this should continue along a model in which a single supervisory decision is taken by the "main establishment" supervisory authority, while the exclusive jurisdiction of that authority might be limited to the exercise of certain powers. The Council also indicated that the experts should explore methods for enhancing the "proximity" between individuals and the decision-making supervisory authority by involving the local supervisory authorities in the decision-making process.

However, during the discussions at expert level it was established that there are limits to guaranteeing proximity for data subjects while at the same time guaranteeing one-stop-shop supervision for businesses operating in the internal market. The need to reconcile these two important goals was the core issue in today's debate.

The Legal Service of the Council indicated that the model as it resulted from the technical work so far would confront data subjects with such a complicated system that it would be incompatible with the right to an effective remedy. This could be mitigated by conferring certain powers on the European Data Protection Board in certain transnational cases where control by local authorities is not effective enough.

Following a long debate, the Presidency concluded that there are different opinions as to whether the supervisory authority of the main establishment should be given limited exclusive powers to adopt corrective measures and that work should continue at technical level. It also noted that it is important that the supervisory authorities cooperate in the enforcement of data protection rules.

The Presidency also concluded that the further work at technical level should include investigating the possibility of providing the European Data Protection Board in some cases with the power to adopt binding decisions regarding corrective measures.

European Account Preservation Order

The Council agreed on a general approach on the draft regulation creating a European Account Preservation Order to facilitate cross border debt recovery in civil and commercial matters as set out in the document ([16991/13 ADD1](#)). The remaining recitals will be subject to further discussions at technical level. This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.

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 will be available to citizens and businesses as an alternative to national procedures, but will not replace national procedures. It will apply only to cross-border cases.

By way of this new European procedure a creditor would be able to obtain a preservation 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 Preservation Order would be available to the creditor in two situations: (1) before he obtains a judgment (that is, both before he initiates proceedings on the substance and during such proceedings) and (2) after he has obtained a title on the substance of the matter.

In order to ensure the surprise effect of the Preservation Order, the Order would be issued in ex parte proceedings, that is without a prior hearing of the debtor. In order to counterbalance this lack of a prior hearing of the debtor, the proposed regulation will make a series of remedies available to the debtor so that he can challenge the Order as soon as he is informed of the blocking of his accounts. The proposed regulation will also contain further safeguards, in particular a minimum harmonised rule on the liability of the creditor for any damage caused by a Preservation Order to the debtor.

The Commission presented its proposal on 25 July 2011.

Insolvency proceedings

The Council held an orientation debate on the proposal for a regulation amending Council Regulation 1346/2000 on insolvency proceedings. The objective of the debate was to establish a number of guidelines for the continuation of the work ([17304/13](#)).

The Council took note that many guidelines contained in the document can be supported by most of the delegations. However, a few delegations still have difficulties with certain proposals. In light of this, the Council called for work to be continued at technical level.

The proposed regulation aims at making cross-border insolvency proceedings more efficient and effective with a view to ensuring a smooth functioning of the internal market and its resilience in economic crises. This objective is in line with the European Union's current political priorities to promote economic recovery and sustainable growth, a higher investment rate and the preservation of employment, as set out under the Europe 2020 strategy, and to ensure smooth development and the survival of businesses, as stated in the Small Business Act.

The proposed regulation will also bring the current Insolvency Regulation in line with developments in national insolvency laws introduced since its entry into force in 2002.

The proposal was submitted by the Commission in December 2012 and was discussed by the Ministers for Justice at the informal meeting in Dublin on 18 January 2013. The Council held a public debate on this proposal on 6 June 2013 and agreed on political guidelines for the future work ([10050/13](#)).

Judgments in civil and commercial matters

The Council agreed on a general approach on a proposal for a regulation amending Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast) ([16982/13](#) + [ADD1](#)). This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.

On 12 December 2012 the Council and the European Parliament adopted Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ([see press release](#)).

On 19 February 2013, 25 member states signed an Agreement on a Unified Patent Court ([see press release](#)). The creation of such a court was made necessary by the adoption of two regulations with a view to implementing enhanced cooperation in the area of the creation of unitary patent protection and its translation arrangements ([see press release](#)).

Article 31 of the UPC Agreement states that the international jurisdiction of the Unified Patent Court is to be established in accordance with Regulation 1215/2012, or, where applicable, the 2007 Lugano Convention. Article 89 of the UPC Agreement links the entry into force of that Agreement to the entry into force of the amendments to Regulation 1215/2012 concerning the relationship between those two instruments. It is therefore necessary to amend Regulation 1215/2012, in particular to insert provisions which determine how the Unified Patent Court can exercise its international jurisdiction.

The Commission submitted its proposal in July 2013. Although the main objective of the proposal is to regulate the relationship between Regulation 1215/2012 and the UPC Agreement, it also takes into account the existence of the Benelux Court of Justice and the international jurisdiction to be exercised by that Court in specific matters which are covered by Regulation 1215/2012.

Common European Sales Law

The Council was briefed by the Presidency on the state of play on the proposal for a regulation on a Common European Sales Law.

The proposed regulation aims at overcoming internal market barriers stemming from differences in national contract laws. It is proposed to be an optional, alternative contract law regime, which contracting parties could freely choose to apply to their contract of sale. It is designed to be a parallel law to the national law of each member state ("2nd regime").

The goal of the proposal is to enhance growth and trade in the internal market on the basis of freedom of contract and a high level of consumer protection, on the assumption that this alternative set of rules would stimulate more cross-border business.

The Commission presented its proposal in October 2011 ([15429/11](#)).

Hate Crime – Council conclusions

The Council adopted conclusions on combating hate crime ([17057/13](#)).

EU action in countering hate crime, racism, anti-Semitism, xenophobia and homophobia has been a focus throughout 2013, starting with the informal meeting of Justice and Home Affairs Ministers on 17-18 January 2013 in Dublin. On 6 June, the Council adopted conclusions ([10168/13](#)) on fundamental rights and rule of law and on the Commission 2012 Report on the Application of the Charter of Fundamental Rights of the European Union, referring in its point 8 to hate crimes and to the need to assess the effectiveness of the existing EU legal norms on fighting hate crimes.

A conference on combating hate crime in the EU, hosted by the Fundamental Rights Agency in cooperation with the Presidency and held in Vilnius on 12-13 November 2013, brought together more than 400 policy makers and practitioners from national governments, international organisations, civil society, EU institutions and bodies.

The conclusions of the Conference ([16278/13](#)) called on EU institutions to strengthen their efforts to prevent and combat hate crime, inter alia by extending the protection to cover other forms of discrimination than those mentioned in Framework Decision 2008/913/JHA and by improving the coordination and cooperation between institutions and agencies. Member states were invited to pay particular attention to victims of hate crimes and to ensure an adequate level of assistance and protection.

The Council conclusions reflect these invitations. They aim at raising awareness about hate crimes and at giving some concrete proposals for improving the combating of hate crime at both EU and member state level. Another important element is to ensure that victims of hate crime are properly assisted, supported and protected.

EU Citizenship Report – Council conclusions

The Council adopted conclusions on the EU Citizenship Report 2013 ([16783/13](#)).

On 8 May 2013 the Commission presented its second EU Citizenship Report together with a report under Article 25 TFEU on progress towards effective EU citizenship ([9590/13](#)). The aim of the report is to inform EU citizens about their rights and to ensure that they can enjoy them in their daily lives, without being confronted with unnecessary obstacles.

The EU citizenship report 2013 includes twelve new initiatives in six key areas aimed at facilitating citizens' enjoyment of their EU rights, in particular in cross-border situations:

- removing obstacles for workers, students and trainees in the EU;
- cutting red tape in the member states;
- protecting the more vulnerable in the EU;
- eliminating barriers to shopping in the EU;
- targeted and accessible information in the EU;
- participating in the democratic life of the EU.

The Treaty of Maastricht (1993) established citizenship of the Union and granted a set of rights to all EU citizens. The Treaty of Lisbon (Title II of the Treaty on the Functioning of the European Union) and the Charter of Fundamental Rights of the EU (Chapter V) further reinforced EU citizens' rights.

The year 2013 marks the twentieth anniversary of the establishment of Union citizenship and has been designated as the European Year of Citizens in order to promote debates and raise awareness about the rights and responsibilities attached to Union citizenship. The closing event of the European Year of Citizens will take place in Vilnius on 12-13 December 2013.

The first EU Citizenship Report was prepared in 2010.

Evaluation of the EU Agency for Fundamental Rights – *Council conclusions*

The Council adopted conclusions ([16622/13](#)) on the evaluation of the European Union Agency for Fundamental Rights (FRA).

On 18 June 2013 the Commission transmitted to the Presidency [the final report of the external evaluation](#) together with the [recommendations of the FRA Management Board](#) on the FRA's working practices and the scope of its mandate.

The aim of the conclusions is to provide input to the Commission's reflection process prior to the submission of proposals for the amendment of the FRA Regulation¹.

The regulation provides that the Agency must commission, no later than 31 December 2011, an independent external evaluation of its achievements during the first five years of its operation. It also specifies that the Management Board must examine the conclusions of the evaluation and issue to the Commission such recommendations as may be necessary regarding changes in the Agency, its working practices and the scope of its mission. Subsequently, the Commission must transmit the evaluation reports and recommendations to the EU institutions and, after having assessed these documents, it may submit any proposals for amendments to the regulation which it considers necessary.

¹ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, [OJ L 53, 22.2.2007](#).

European Semester - Justice Scoreboard

The Council heard a presentation by the Commission and had a discussion on the justice aspects of the European Semester and the preparation of the Justice Scoreboard for 2014.

The Council concluded that whereas justice was important for growth, further clarifications are needed about the link between justice and macroeconomic policy. Member states have expressed their wish to have a dialogue with the Commission on the justice aspects in the 2014 European Semester process, including in the preparation of the Justice Scoreboard. Most member states agreed that the data and methodology from the [Council of Europe CEPEJ group](#) should be used.

The Council will be invited in March 2014 to exchange views on this again.

The [European Semester](#) is a cycle of economic and fiscal policy coordination within the EU. The Semester contains a clear timetable, according to which the member states receive EU-level advice ("guidance") and then submit their policy plans ("national reform programmes" and "stability or convergence programmes") to be assessed at the EU level. After their evaluation, the member states are given individual recommendations ("country-specific recommendations") for their national budgetary and reform policies.

The 2014 European Semester was launched on 18 November 2013 with the Commission communication on the Annual Growth Survey 2014 that will set out the priorities for the fourth European Semester to be discussed in the different Council formations ([15803/13](#)).

In April 2013 the Commission prepared the EU Justice Scoreboard, a tool to promote effective justice and growth ([8201/13](#)). Its objective is to assist the EU and the member states in achieving more effective justice by providing objective, reliable and comparable data on the functioning of the justice systems.

Accession of the EU to the ECHR

The Council was briefed by the Presidency on the state of play on the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

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 program also called for a "rapid" accession to the ECHR.

In June 2010 the Council adopted a negotiating mandate and negotiations have been ongoing since then.

At the last negotiating session (3-5 April 2013) an agreement at negotiators' level was reached. Subsequently, in July 2013, the Commission requested the Court of Justice of the European Union to give an opinion on the agreement's compatibility with the EU Treaties. That opinion is currently pending. In the meantime member states are keen to work on the adaptations to EU law that need to be agreed on before the accession.

In accordance with Article 218 of the TFEU, the Council must act unanimously, after obtaining the consent of the European Parliament. Furthermore, the decision concluding the agreement will only enter into force after ratification by all member states. It will also require ratification by all Parliaments of the 47 member states of the Council of Europe.

e-Justice

The Council adopted the Strategy on European e-Justice 2014-2018 ([17006/13](#)) and took note of the report of the Working Party on e-Law (e-Justice) on the work achieved during this semester in the area of European e-Justice ([16269/13](#)).

In November 2008 the Council adopted the European e-Justice action plan (2009-2013)¹. This action plan set forth a multiannual working programme in the field of European e-Justice and put in place a structure to coordinate e-Justice efforts at EU level.

The existing action plan will expire at the end of 2013 and the work under the Lithuanian Presidency in e-Law (e-Justice) Working Party has largely focused on preparations for the new Strategy, which will form the basis for continuation of the work in this area post-2013.

After the adoption of the Strategy, a separate action plan setting out the specific work plan with concrete projects will be prepared during the first half of 2014 under the Greek Presidency.

¹ [OJ C 75, 31.3.2009](#)

Future development of the JHA area

Justice and Home Affairs ministers exchanged views on the future development of the Justice and Home Affairs area, which will serve as a basis for continuing the discussions on the post-2014 period under the Greek Presidency. Ministers agreed that the future guidelines should be concise and focused on results. It should not be a catalogue of initiatives but a document focused on quality.

In December 2009, the European Council adopted the [Stockholm Programme](#), a multi-annual instrument for the development of an area of freedom, security and justice for the years 2010-2014.

Since the Lisbon Treaty introduced major changes in the freedom, security and justice area, future developments on this field should be discussed in the light of Article 68 TFUE, which provides that the European Council "shall define the strategic guidelines for legislative and operational planning" in this regard.

In its 27-28 June 2013 conclusions, the European Council mandated the future Presidencies to start discussions on the future strategic guidelines in the area of freedom, security and justice with a view to its June 2014 meeting. The Lithuanian Presidency, being the first to take office after the conclusions were adopted, started this discussion by holding a ministerial debate on 18-19 July 2013 at the informal ministerial meeting in Vilnius.

Other business

The Council was informed of the state of play regarding a number of legislative proposals, including:

- the MFF as regards home affairs (the Asylum and Migration Fund, ISF Police, ISF Borders and the horizontal regulation);
- the legal migration proposals (seasonal workers directive, intra-corporate transferees directive and the students and researchers directive);
- the Europol regulation;
- the latest developments relating to the seat of CEPOL;

- 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 for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters;
- the Council regulation on the establishment of the European Public Prosecutor's Office (EPPO);
- the regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust);
- the directive on the freezing and confiscation of proceeds of crime in the European Union;
- the directive on criminal sanctions for insider dealing and market manipulation (MAD);
- the regulation establishing for the period 2014 to 2020 the Rights, Equality and Citizenship programme;
- the regulation establishing for the period 2014 to 2020 the Justice programme;
- the regulation on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012;
- the Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes;
- the Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships.

The Council was briefed by the Presidency on the outcome of the EU-US Justice and Home Affairs Ministerial meeting which took place in Washington on 18 November 2013 (see joint press statement [16418/13](#)).

The Council was also briefed by the EU co-chairs of the EU-US Working Group on Data Protection on the main findings of their report ([16987/13](#)).

The Greek ministers informed the Council about the forthcoming Greek EU Presidency's priorities in the area of justice and home affairs.

One of the main priorities will be to concentrate on future developments in the area of freedom, security and justice. The Presidency intends to work intensively, in cooperation with the European Commission and in consultation with the European Parliament, towards shaping the strategic objectives and general EU policy guidelines for legislative and operational planning for the period following the Stockholm Programme. The Presidency aspires to have these post-Stockholm Strategic Guidelines presented and adopted at the June 2014 European Council.

In the justice sector, the Presidency will actively contribute to the progress of measures and initiatives within the concept of Justice for Growth and is committed to making progress on data protection and on initiatives in the area of criminal law.

In the home affairs sector, special emphasis will be placed on the issues of migration, both legal and illegal, on border surveillance, and on visa and asylum policies. Furthermore, attention will be paid to police and customs cooperation among member states.

MIXED COMMITTEE

Schengen accession BG and RO

The committee had an exchange of views on the full application of the provisions of the Schengen acquis in the Republics of Bulgaria and Romania.

See item above.

Task Force Mediterranean

The committee had a discussion on the European Commission report on the work of the Task Force Mediterranean (TFM).

See item above.

The situation in the Schengen Area

The committee had a discussion on the Commission's fourth biannual report on the functioning of the Schengen area (1 May - 31 October 2013) ([16933/13](#)) and welcomed the work that had taken place over the past months on strengthening the Schengen area and enhancing mutual trust.

The European Council in June 2011 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 its conclusions, the Council agreed to have discussions at ministerial level on that matter once during each presidency, and welcomed the intention of the Commission to present regular reports on the issue in that regard.

Post-visa liberalisation monitoring for the Western Balkans countries

The committee had a discussion on Commission's fourth report on the post-visa liberalisation monitoring for the Western Balkan countries ([17144/13](#)).

The citizens of the former Yugoslav Republic of Macedonia, as well as of Montenegro and Serbia, have enjoyed visa-free travel to the EU since 19 December 2009. This Visa liberalisation was extended to cover the citizens of two other Western Balkan countries as well – Albania, and Bosnia and Herzegovina – with effect from 15 December 2010.

At the adoption in November 2010 of the regulation providing for visa liberalisation for Albania and for Bosnia and Herzegovina, the Commission made a statement announcing the setting up of a post-visa liberalisation monitoring mechanism regarding the effective implementation of the measures taken by the countries of the Western Balkans to meet enduringly the benchmarks of the roadmaps for the visa liberalisation process.

Other business

The Committee was informed about the state of play regarding a number of legislative proposals, including:

- the proposal for amending regulation 539/2001 (reciprocity and suspension mechanism), which was adopted as an A point at this meeting;
- the proposal for amending regulation 539/2001 (transfer of third countries to the positive list);
- the Smart Borders Package;
- the Frontex Operations at Sea;
- the MFF Home Affairs: Horizontal regulation and ISF Borders;
- the Data Protection directive.

The Swiss delegation made a statement in the context of the fifth anniversary of its participation in Schengen.

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In the margins of the Council, a joint declaration was signed establishing a mobility partnership between Azerbaijan and the European Union and its member states.

OTHER ITEMS APPROVED**JUSTICE AND HOME AFFAIRS****PNR agreement EU-Canada**

The Council adopted a decision on the signing of the agreement between the European Union and Canada on the transfer and processing of Passenger Name Records (PNR) ([12653/13](#)). The European Parliament will be required to give its consent before the Council can adopt the decision on the conclusion of the agreement.

PNR is a record of each passenger's travel requirements which contains all the information necessary to enable reservations to be processed and controlled by air carriers (including name, dates of travel and travel itinerary, ticket information, address and telephone numbers, means of payment used, credit card number, travel agent, seat number and baggage information).

Visa Facilitation Agreement - Morocco

The Council adopted a decision authorising the Commission to open negotiations for the conclusion of an Agreement between the European Union and Morocco on the facilitation of the issuance of short-stay visas.

SISNET budget

The states¹ participating in the project relating to the installation and the functioning of the communication infrastructure for the Schengen environment, 'SISNET', meeting within the Council, adopted the budget for the year 2014 ([15871/13](#)). The amount of the budget for 2014 is 750 000 EUR.

The states participating in the project approved the C.SIS installation expenditure authorised by the Working Party for Schengen Matters (SIS/SIRENE) during the second quarter of 2013, as set out in ([15822/13](#)) and also gave a discharge in respect of the implementation of the budget for 2012 ([15832/13](#)).

The SISNET budget is governed by a specific financial regulation established by Council decision 2000/265/EC².

¹ Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, Iceland, Norway and Liechtenstein

² OJ L 85, 6.4.2000

Report on implementation of SIS rules concerning stolen, misappropriated or lost vehicles

The Council adopted a report on the implementation of Article 102A of the Convention Implementing the Schengen Agreement (CISA) during the year 2012 ([11911/2/13 REV 2](#)). The report will now be submitted to the European Parliament.

Article 102A CISA allows those services in EU member states responsible for issuing registration certificates for vehicles to have access to the Schengen Information System (SIS) for the purposes of checking whether vehicles presented to them for registration have not been stolen, misappropriated or lost, and that persons applying for a registration certificate are not using identity documents which have been stolen, misappropriated or lost.

Alerts on the establishment, operation and use of the SIS II - conclusions

The Council adopted conclusions on alerts pursuant to Article 26 of Regulation (EC) No 1987/2006 on the establishment, operation and use of the SIS II ([17112/13](#)).

EU-Western Balkans: fight against drugs

The Council approved a draft Declaration updating the EU-Western Balkans commitment to fight against drugs ([16403/13](#)) and forwarded it to the EU-Western Balkans ministerial meeting on 19-20 December 2013 in Budva, Montenegro, for endorsement.

Serbia - Europol

The Council approved the draft Agreement on Operational and Strategic Cooperation between the Republic of Serbia and the European Police Office ([15021/13](#)), with a view to allowing Europol to conclude this agreement.

Albania - Europol

The Council approved the draft Agreement on Operational and Strategic Cooperation between the Republic of Albania ([15040/13](#)) and the European Police Office, with a view to allowing Europol to conclude this agreement.

Mass evacuation in case of disaster in the EU - *conclusions*

The Council adopted conclusions on mass evacuation in case of disasters in the European Union ([16155/13](#)).

Minimising risks to safety and public order at sports events - *conclusions*

The Council approved conclusions adopting the 2014-2016 EU work programme on minimising risks to safety, security and public order in connection with sports events, in particular football matches, with an international dimension ([16373/13](#)).

FOREIGN AFFAIRS

Relations with Armenia

The Council established the position of the European Union for the fourteenth meeting of the EU-Armenia Cooperation Council on 9 December 2013. The meeting will provide an opportunity to discuss EU-Armenia relations with a particular focus on Eastern Partnership and the implementation of the EU-Armenia European Neighbourhood Policy Action Plan.

Relations with Azerbaijan

The Council established the position of the European Union for the fourteenth meeting of the EU-Azerbaijan Cooperation Council on 9 December 2013. The meeting will provide an opportunity to discuss EU-Azerbaijan relations with a particular focus on Eastern Partnership and the implementation of the EU-Azerbaijan European Neighbourhood Policy Action Plan.

Relations with Georgia

The Council established the position of the European Union for the fourteenth meeting of the EU-Georgia Cooperation Council on 12 December 2013. The meeting will provide an opportunity to discuss EU-Georgia relations with a particular focus on Eastern Partnership and the implementation of the EU-Georgia European Neighbourhood Policy Action Plan.

The negotiations of the EU-Georgia Association Agreement, including a deep and comprehensive free trade agreement (DCFTA), were successfully concluded in July 2013 and initialled at the Eastern Partnership summit in Vilnius on 29 November 2013.

Cooperation agreement with Georgia

The Council adopted two Decisions and one Protocol on the general principles for the participation of Georgia in EU programmes. The decisions refer to the conclusion of a Protocol, the EU approval for the signature and its provisional application.

TRADE POLICY

Food security, tariff rate quota administration and the monitoring mechanism

The Council adopted a decision establishing the position to be taken by the European Union within the 9th ministerial conference of the World Trade Organization regarding food security, tariff rate quota administration and the monitoring mechanism.
