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THE EUROPEAN UNION**



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Justice and Home Affairs

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President

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Main results of the Council

*The Council started with the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland). Ministers held a political and strategic discussion and finalised conclusions regarding the **strengthening of Schengen governance**. The conclusions were adopted later in the Council session. The discussions on Schengen governance were partly based on a presidency paper, notably on co-operation with third countries on effective external border control and major sporting events.*

Other issues discussed in the committee include:

- **the situation in Greece in relation to Schengen;**
- **illegal immigration**, on the basis of information from the Commission and the European external borders management agency (Frontex);
- the state of play of the **Schengen Information System (SIS)**;
- information provided by the presidency on the **EU conference on innovation border management**, held in Copenhagen on 2 and 3 February.

*The Council then adopted - apart from the conclusions on Schengen governance - conclusions on a common framework for **solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows**. Ministers also discussed the latest developments in relation to the implementation of **Greece's national action plan** to reform its migration and asylum systems in addition to a discussion border management issues.*

*The Council looked finally, in a public session, at the state of play regarding the various legislative proposals to improve the **Common European Asylum System (CEAS)**.*

*The topic for the **lunch discussion** was “A multidisciplinary and administrative approach to **combating organised crime**”. The director of Europol participated in this discussion.*

***Important items adopted without discussion** (A items) include a decision which establishes **common EU resettlement priorities for 2013** and new rules on EU funding for resettlement activities carried out by member states as well as a regulation laying down **rules on export authorisation for firearms** for the purpose of implementing article 10 of the United Nations protocol against the illicit manufacturing of and trafficking in firearms. The Council also adopted its position at first reading on a draft directive establishing a **single European railway area**.*

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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>).
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The Government of the Acceding State was represented as follows:**Croatia:**

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Minister for the Interior

ITEMS DEBATED

Schengen governance - Conclusions

The Council adopted [conclusions](#) regarding guidelines for the strengthening of political governance in the Schengen cooperation.

These conclusions follow up a discussion at the JHA Council in December 2011 ([18498/11](#)) in which support for strengthening the political guidance on developments in the Schengen area was expressed. At the time, the Council also examined a number of issues concerning two legislative Commission proposals regarding a regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis ([14358/11](#)) and an amendment to the Schengen Borders Code as regards the rules for the temporary reintroduction of border controls at internal borders in exceptional circumstances ([14359/11](#)). These legislative proposals were not addressed today. Discussions in the Council preparatory bodies are ongoing.

Solidarity in situations of particular pressures on asylum systems - Conclusions

The Council adopted [conclusions](#) on a common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows.

The 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. They address, among other things, the issues of solidarity through responsibility and mutual trust, solidarity through preventive cooperation, solidarity in emergency situations, solidarity through strengthened cooperation between EASO and FRONTEX, financial solidarity, solidarity through relocation and solidarity through strengthened cooperation with key countries of transit, origin and first countries of asylum.

The conclusions also aim to complement and help the implementation of the envisioned mechanism for early warning, preparedness and crisis management in the amended Dublin regulation. The Dublin regulation establishes the procedures for determining the member state responsible for examining an application for international protection. In this sense, the conclusions will contribute to reaching an agreement not only on this file but also on an overall compromise regarding the development of the Common European Asylum System (CEAS).

Greek national action plan on asylum and migration

The Council discussed the implementation of Greece's national action plan on asylum reform and migration management on the basis of a state of play presented by the Greek minister, the Commission, the European asylum support office (EASO) and the European border management agency (Frontex).

The Council noted that progress had been made in a number of areas including the return of illegally staying third country nationals, an increase in the number of examined asylum cases and a decrease of the backlog of pending cases as well as structural reforms as regards the creation of a National Coordination Centre and staffing for the Hellenic Coast Guard. Ministers noted, however, that further progress needs to be made in all areas covered by the action plan.

Member states underlined their readiness to continue to support Greece in implementing the action plan and highlighted that cooperation with third countries of origin and transit, particularly in the area of return policy, must be improved. One of the key countries is Turkey.

Ministers asked the Council preparatory bodies to follow-up on the discussion and to continue monitoring the situation as it evolves.

This was the sixth time that the implementation of the Greek Action plan to reform the national asylum and immigration system was on the Council's agenda, most recently in October 2011.

The key components of the Action Plan comprise:

- Reform of asylum procedures and creation of a new asylum service;
- Establishment of screening centres (KEIYY) for the reception, identification and screening of third country nationals upon illegal entry or upon detection in Greece;
- Improvement of facilities in reception centres for asylum applicants/vulnerable groups and minors;
- Provision of services such as funding of legal aid and the provision of psychological and social services;
- Improvement of available and creation of new detention centres;
- Improvement of return policies (forced/voluntary).

Greece has experienced difficulties respecting the European minimum standards for receiving asylum applicants and examining their applications. This is linked to particular migratory pressure, particularly coming from Turkey. In 2011, over 61,000 illegal migrants have been detected on the Greek-Turkish border.

With a view to supporting the reform of the Greek asylum system, the Commission is providing financial support and coordinates contributions from member states. Practical assistance is also provided by EASO, in particular through the deployment in Greece of asylum support teams. Frontex activities in Greece directed to combating illegal immigration include Joint Operation Poseidon Land which replaced the earlier RABIT operation in March 2011 and in which virtually all member states participate.

Common European Asylum System (CEAS)

The Council looked, on the basis of a presidency paper ([7010/12](#)), at the state-of-play of negotiations on the various legislative proposals concerning the Common European Asylum System (CEAS). Ministers instructed the Council preparatory bodies to continue their work to reach an agreement at Council level and with the European Parliament as soon as possible.

The situation on the various files can be described as follows:

- The qualification directive providing for better, clearer and more harmonised standards for identifying persons in need of international protection was adopted in November 2011 and entered into force in January 2012 ([17435/11](#)).
- The asylum procedures and reception conditions directives: Revised proposals were tabled by the Commission on 1 June 2011 ([11207/11](#) and [11214/11](#), respectively). Significant progress has been made on the two instruments, in particular on the reception conditions directives where negotiations with the European Parliament are expected to start soon. The main outstanding issues here concern the grounds for detention and access to labour market for asylum applicants.
- The Dublin regulation establishes the procedures for determining the member state responsible for examining an application for international protection. Further progress has been made on almost all aspects, in particular concerning a proposal to introduce a mechanism for early warning, preparedness and crisis management. This mechanism aims at evaluating the practical functioning of national asylum systems, assisting member states in need and preventing asylum crisis. Such a mechanism would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they have occurred.

- The Eurodac regulation: discussions on amendments to the rules regulating this fingerprint database are on hold pending a revised Commission proposal. Member states have requested additional provisions which would allow their law enforcement authorities to access the Eurodac central database under strict conditions on data protection for the purposes of fighting terrorism and organised crime.

Two other agreements related to the CEAS have been achieved so far. They concern the [long term residence directive](#) and the creation of the [European Asylum Support Office \(EASO\)](#) which started operations in spring 2011. In addition, the Council took a decision without discussion (A item) which establishes common EU resettlement priorities for 2013 as well as new rules on EU funding for resettlement activities carried out by member states.

For the overall context, it is to be remembered that 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](#)).

Mixed Committee

In the margin of the Council session, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following subjects:

Schengen governance

The Committee held a political and strategic discussion on developments in the Schengen area and agreed on conclusions - later adopted in the Council session - regarding guidelines for the strengthening of political governance in the Schengen cooperation.

The discussion included a number of specific issues which are connected with the functioning of the Schengen area such as cooperation with third countries on effective control of the external land and sea borders as well as strengthening internal security during major sporting events. A presidency paper on these two particular issues was circulated.

The situation in Greece in relation to Schengen

The committee discussed Schengen-related aspects of the current situation in Greece, including the implementation of Greece's national action plan on asylum reform and migration management on the basis of a state of play presented by the Greek minister, the Commission, the European asylum support office (EASO) and the European border management agency (Frontex) - as described in the separate item above.

Illegal migration

The committee discussed developments in relation to illegal migration flows to the European Union and secondary movements on the basis of information provided by the Commission and the European border management agency (Frontex).

The Presidency reported on the work it has launched for the preparation of a roadmap to ensure a coherent EU response to continued migration pressures.

Ministers agreed that the work on the roadmap will be taken forward in the light of comments made by delegations. They also invited the Commission to continue to work with neighbouring countries to develop cooperation on the management of migration flows, particularly on readmission while offering assistance and support.

Frontex was asked to continue to monitor closely the situation at the EU's external borders.

Innovation Border Management

The committee was briefed about the main outcome of the EU Conference on Innovation Border Management which took place in Copenhagen on 2-3 February 2012 on the basis of a presidency report ([7166/12](#)).

The findings of the note represent views expressed in some cases by a majority, in others by just a few participants. Thus, the report is to be seen as a contribution to a comprehensive European approach to innovation in border management and also provides the Commission with valuable input for the purpose of preparing legislative proposals on an Entry Exit System and a Registered Travellers Programme. Both the Entry Exit System and the Registered Travellers Programme are endorsed by the Stockholm Programme adopted in 2009 ([5731/10](#)).

The European Council in its June 2011 conclusions called for work on "smart borders" to be pushed forward rapidly. JHA Council conclusions on borders, migration and asylum from June 2011 ([11476/11](#)) also referred to the subject and the Commission presented in December 2011 its Communication "Smart Borders - options and ways forward" ([16049/11](#)).

SIS II

The Commission presented to the committee an overview of the main developments during the past months on the implementation of the Schengen Information System II (SIS II). The SIS II is planned to come into operation by 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 the internal borders under the Schengen agreement, but it is also seen as a vital security factor in the EU. The European Commission is currently developing a second generation of the SIS, commonly called the SIS II.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

EU resettlement priorities for 2013 and new rules on EU funding

The Council adopted today a decision which establishes common EU resettlement priorities for 2013 and paves the way for new rules concerning the financial support that EU member states receive through the European Refugee Fund for the resettlement of refugees from third countries ([6444/12](#)). It is expected that the European Parliament will give its green light to the text at the end of March 2012.

For more information see press release [6838/12](#).

Europol: Extension of the term of office of the Director

The Council decided to extend the term of office of the Director of Europol, Robert Wainwright, for a second mandate of four years ([6752/12](#)). His first mandate was due to expire on 15 April 2013. This decision follows an earlier opinion on the extension of the term of office of the Director by the Management Board of Europol.

CEPOL Work Programme 2012

The Council approved the European Police College's (CEPOL) Work Programme 2012 as contained in document [5532/12](#) and forward it to the European Parliament and the Commission for information.

Official Journal of the European Union

The Council requested the consent of the European Parliament concerning the electronic publication of the Official Journal of the European Union.

The proposed regulation, once agreed to by Parliament and adopted by the Council, will give legal value to the electronic edition of the Official Journal of the European Union. This will allow everyone to rely on the electronic edition of the Journal of the EU as being authentic, up-to-date, complete and free of charge. The paper version would only be authentic in exceptional and temporary cases, for instance when the IT system of the EU publications office is disrupted.

The Official Journal of the EU ensures the official publication of the legislation and all other acts of the European Union. It has been published on paper since 1958 and has been made available on the internet since 1998. However, until now, only the paper version has legal value.

TRADE POLICY

Exports of firearms - Implementation of United Nations protocol

The Council adopted a regulation laying down rules on export authorisation for firearms for the purpose of implementing article 10 of the United Nations protocol against the illicit manufacturing of and trafficking in firearms ([41/11](#) and [6833/12 ADD 1 REV 1](#)).

The purpose of the UN firearms protocol is to promote, facilitate and strengthen cooperation in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in small arms such as handguns and pistols. Its article 10 requires in particular to implement or improve administrative procedures or systems to exercise effective control over the manufacturing, marking, import and export of firearms.

For more information see press release [7181/12](#).

FOREIGN AFFAIRS

Côte d'Ivoire - restrictive measures

The Council eased restrictive measures against Côte d'Ivoire. It lifted asset freezes and visa bans on all but 15 persons: eight individuals designated by the United Nations and seven persons autonomously designated by the EU due to their role in obstructing the process of peace and national reconciliation. This decision will not alter the remainder of the EU's restrictive measures on Côte d'Ivoire, which include an arms embargo.

EU-Morocco: participation in EU programmes and reciprocal trade liberalisation

The Council adopted a decision on the conclusion of a protocol to the Euro Mediterranean agreement on the general principles for the participation of Morocco in EU programmes ([12712/10](#)). It also adopted a decision on the conclusion of an agreement between the EU and Morocco concerning, inter alia, reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products ([15975/10](#)).

FOOD LAW

New EU rules on fruit juices and similar products*

The Council approved a compromise text aimed at further aligning the EU directive on fruit juices and similar products to the international food standards of the Codex Alimentarius ([74/11](#) + [6834/12 ADD 1](#)), following a first-reading agreement with the European Parliament.

For more information see press release [6839/12](#).

TRANSPORT

First-reading position on single European railway area directive

The Council adopted its position at first reading ([18581/11](#)) on a draft directive establishing a single European railway area, following the political agreement reached last December (see press release [18416/11](#), pp. 7-8). Initial technical discussions with the European Parliament have already started in order to seek agreement on a final text to be adopted jointly by both institutions at second reading.

The draft directive is a recast merging and amending the three directives of the "first railway package" on the development of European railways, the licensing of railway undertakings and the management of railway infrastructure (directives Nos 12, 13 and 14 of 2001). The purpose of the recast is to simplify, clarify and update this regulatory framework so as to increase competition, strengthen market supervision and improve conditions for investment in the sector.

Whilst agreeing with the objective of the recast proposal, the Council considers a number of its provisions to be too far-reaching or not clear and simple enough. It therefore modified the Commission's proposal, and in particular its key parts, namely the conditions of **access** by railway undertakings to service facilities; the **financing** of railway infrastructures and **charging** for their use; and the functions of the **regulatory body** supervising the railway market. The Council's position towards the initial Commission proposal ([13789/10](#)) and the European [Parliament's first-reading position](#) is explained in detail in its "statement of reasons" ([18581/11 ADD 1](#)).

The main points are summarised in this press release [6847/12](#).

Cooperation agreement with the International Civil Aviation Organisation *

The Council authorised the conclusion of a memorandum of cooperation with the International Civil Aviation Organisation (ICAO), following the consent given by the European Parliament (decision on conclusion: [9138/11](#); text of memorandum: [7702/11](#)).

The memorandum, which was signed in spring 2011, provides a framework for enhanced cooperation in the areas of aviation safety and security, air traffic management, and environmental protection. Besides regular dialogue, consultation, exchange of information and expertise, and participation in audit and inspection programmes, the cooperation will include financing by the EU of specific actions and the posting of experts to the ICAO secretariat. Moreover, the memorandum will allow pooling and coordination of EU support.

AGRICULTURE

Council conclusions on a Court of auditors report - Adaptation of fishing fleets

The Council adopted conclusions on the special report No 12/2011 from the European Court of Auditors entitled "Have EU measures contributed to adapting the capacity of the fishing fleets to available fishing opportunities" ([6508/12](#)).

The Council notes that in July 2011, the Commission adopted a proposal for a regulation on the Common Fisheries Policy (CFP) ([12514/11](#)) and that in December 2011, the Commission adopted a proposal for a regulation on the European Maritime and Fisheries Fund (EMFF) ([17870/11](#)). Both proposals are currently being examined in Council and by the Council's preparatory bodies and the Special Report in question has also been referred to in the context of this examination.

CUSTOMS UNION

Norway and Switzerland - EU imports from developing countries

The Council authorised the Commission to negotiate an agreement with Norway and Switzerland concerning products manufactured in beneficiary countries of the Generalised System of Preferences (GSP) incorporating materials originating in Norway, Switzerland or Turkey.

INTERNAL MARKET

Textiles - Polypropylene/polyamide bicomponent

The Council did not oppose to a Commission regulation aimed at including a new textile fibre name ('polypropylene/polyamide bicomponent') into regulation 1007/2011 on textile names and labelling. The new regulation will also update annexes VIII and IX to this regulation to take account of technical progress ([5913/12](#)).

The new Commission regulation is a delegated act. Now that the Council did not express objections, it will enter into force if the European Parliament does not object.

SPORT

World Anti-Doping Code

The Council approved the text of the EU contribution to the revision of the World Anti-Doping Code and authorised the Presidency to submit it to the World Anti-Doping Agency (WADA) ([6846/12](#)). The World Anti-Doping Code provides the basic framework for harmonised anti-doping policies, rules and regulations within sport organisations and among public authorities.

The World Anti-Doping Agency (<http://www.wada-ama.org/>) has launched a Code revision process with a view of adopting a revised Code at the 4th World Conference on Doping in Sport, which will be held in Johannesburg, South Africa, in November 2013.

TRANSPARENCY

Public access to documents

The Council approved:

- the reply to confirmatory application No 02/c/01/12, the Danish, Estonian, Slovenian, Finnish, Swedish and British delegations voting against (*doc.* [5926/12](#)); and
- the reply to confirmatory application No 03/c/01/12, the Danish, Estonian, Lithuanian, Austrian, Slovenian, Finnish, Swedish and British delegations voting against (*doc.* [6051/12](#)).

EU Publications Office: organisation and operation

The Council adopted a decision updating the rules concerning the organisation and operation of the Publications Office of the European Union ([6402/12](#)). The amendment mainly aims to add the European Council as a signatory institution, in accordance with the Lisbon Treaty.
