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THE EUROPEAN UNION

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PRESS RELEASE

2998th Council meeting

Justice and Home Affairs

Brussels, 25 and 26 February 2010

President **Alfredo PÉREZ RUBALCABA**
Minister for the Interior
Francisco CAAMAÑO DOMÍNGUEZ
Minister for Justice

P R E S S

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Main results of the Council

*Home Affairs ministers approved, after a public debate, an **Internal Security Strategy for the European Union**. Related to that, they adopted an institutional decision on setting up the **Standing Committee on operational cooperation on internal security (COSI)**.*

*The Council also adopted conclusions on 29 measures for reinforcing the **protection of the external borders and combating illegal immigration**.*

*Ministers also discussed the issue of **visa waiver reciprocity with Canada** and held a first orientation debate on an **European Pact Against Drug International Trafficking.** Under the agenda item **EU-US relations**, the Council heard from the Commission and discussed, among other things, about the way forward regarding the cooperation with the US on the processing and the transfer of financial messaging data for purposes of the **Terrorist Finance Tracking Programme (TFTP)**.*

*In the margin of the Council session on Thursday, the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland) examined the state of play concerning the development of the **Schengen Information System II (SIS II)**. The committee heard also a presentation from the Commission about a draft regulation amending the rules on the Agency **FRONTEX** and a second presentation from the Agency's director on its 2010 Work Programme. Under any other business and over lunch, ministers discussed **the issue of visas in relation with Libya.***

*On Friday, justice ministers held a public orientation debate regarding the initiative for a directive on a **European protection order**. Two other items were treated in public: the state of play of a directive on **rights of interpretation and translation in criminal proceedings** and the preparatory work carried out on the **EU's accession to the Council of Europe's Human Rights Convention**. Justice ministers also adopted a resolution on a **model agreement** for setting up a **Joint Investigation Team (JIT)**.*

*Important items adopted by ministers without discussion include the Council's position and a statement of the Council reasons concerning a regulation on establishing a **European Asylum Support Office (EASO)** as well as a decision determining the seat of the office.*

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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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PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

Belgium:	
Mr Stefaan DE CLERCK	Minister for Justice and Institutional Reform
Ms Annemie TURTELBOOM	Minister for Policy on Migration and Asylum Policy
Bulgaria:	
Ms Margarita POPOVA	Minister for Justice
Czech Republic:	
Ms Daniela KOVÁŘOVÁ	Minister for Justice
Mr Martin PECINA	Minister for the Interior
Denmark:	
Mr Poul Skytte CHRISTOFFERSEN	Permanent Representative
Germany:	
Ms Sabine LEUTHEUSSER-SCHNARRENBERGER	Federal Minister for Justice
Mr Thomas de MAIZIÈRE	Federal Minister for the Interior
Estonia:	
Mr Rein LANG	Minister for Justice
Mr Marko POMERANTS	Minister for the Interior
Ireland:	
Mr Rory MONTGOMERY	Permanent Representative
Greece:	
Mr Michael CHRISOCHOIDIS	Minister for Justice, Transparency and Human Rights
Spain:	
Mr Francisco CAAMAÑO DOMÍNGUEZ	Minister for Justice
Mr Alfredo PÉREZ RUBALCABA	Minister for the Interior
France:	
Mr Brice HORTEFEUX	Minister for the Interior, Overseas Territories and Local and Regional Authorities
Mr Eric BESSON	Minister for Immigration, Integration, National Identity and Development Solidarity
Italy:	
Mr Angelino ALFANO	Minister for Justice
Mr Roberto MARONI	Minister for the Interior
Cyprus:	
Mr Loukas LOUKA	Minister for Justice and Public Order
Mr Neoklis SYLIKIOTIS	Minister for the Interior
Latvia:	
Mr Mareks SEGLIŅŠ	Minister for Justice
Lithuania:	
Mr Remigijus ŠIMAŠIUS	Minister for Justice
Mr Stanislovas LIUTKEVIČIUS	Deputy Minister for the Interior
Luxembourg:	
Mr Jean-Marie HALSDORF	Minister for the Interior and Regional Planning
Mr François BILTGEN	Minister for Justice
Hungary:	
Mr Imre FORGÁCS	Minister, Ministry of Justice and Law Enforcement
Malta:	
Mr Carmelo MIFSUD BONNICI	Minister for Justice and Home Affairs
Netherlands:	
Mr Ernst HIRSCH BALLIN	Minister for Justice, Interior and Kingdom Relations

Austria:	
Ms Claudia BANDION-ORTNER	Federal Minister for Justice
Poland:	
Mr Jerzy MILLER	Minister for the Interior and Administration
Mr Igor DZIALUK	Deputy State Secretary, Ministry of Justice
Portugal:	
Mr Rui PEREIRA	Minister for the Interior
Romania:	
Mr Vasile BLAGA	Minister for the Interior and Administration
Ms Rodica CONSTANTINOVICI	State Secretary, Ministry of Justice and Civil Liberties
Slovenia:	
Mr Aleš ZALAR	Minister for Justice
Ms Katarina KRESAL	Minister for the Interior
Slovakia:	
Mr Ivan KORČOK	Permanent Representative
Finland:	
Ms Anne HOLMLUND	Minister for the Interior
Sweden:	
Ms Minna LJUNGGREN	Secretary of State for Policy on Migration and Asylum
United Kingdom:	
Ms Meg HILLIER	Parliamentary Under-Secretary of State for Identity
Lord BACH	Parliamentary Under-Secretary of State, Ministry of Justice

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Commission:	
Ms Viviane REDING	Vice-President
Ms Cecilia MALMSTRÖM	Member

ITEMS DEBATED

HOME AFFAIRS

EU Internal Security Strategy

The Council approved, after a public debate, an Internal Security Strategy for the European Union (*5842/2/10*) - one of the priorities of the Spanish Presidency in the area. The European Council will be invited to endorse the document, in accordance with Article 68 TFEU, and the Commission is expected to adopt a communication on concrete actions in the area.

The strategy's main objectives are:

– to present to the public the existing EU instruments that already help to guarantee the security and freedom of EU citizens and the added value that EU action provides in this area;

– to further develop common tools and policies using a more integrated approach which addresses the causes of insecurity and not just the effects;

– to strengthen law enforcement and judicial cooperation, border management, civil protection and disaster management.

The strategy lays out a European security model, which integrates among others action on law enforcement and judicial cooperation, border management and civil protection, with due respect for shared European values, such as fundamental rights. It identifies the main threats and challenges the EU is facing, including terrorism, organised crime, cyber-crime, drug and arms trafficking, trafficking in human beings, sexual exploitation of minors and child pornography, economic crime and corruption and youth violence. Natural and man-made disasters, such as forest fires and energy shortages, also require cross-border preparedness and response. Another challenge is to address common phenomena that pose threats to citizens across Europe, for example road accidents.

The European Council of 10/11 December 2009, echoing the Stockholm Programme adopted at the same time, called for an internal security strategy that would further improve security in the EU and thus protect the lives and safety of European citizens. It asked to tackle, in particular, organised crime, terrorism and natural disasters.

Standing Committee on operational cooperation on internal security (COSI)

The Council adopted the decision on setting up the Standing Committee on operational cooperation on internal security (COSI) (*16515/09* and *5949/10*). Ministers also exchanged views on the scope and tasks, as well as some other key questions related to the functioning of this new committee, on the basis of a presidency paper and member states reactions.

The committee is expected to hold its first meeting on 11 March.

COSI is provided for in Art. 71 TFEU: "A standing committee shall be set up within the Council in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union."

COSI's coordination role will concern, among other things, police and customs cooperation, external border protection and judicial cooperation in criminal matters relevant to operational cooperation in the field of internal security. The committee shall regularly report on its activities to the Council which, in return, shall keep the EP and national parliaments informed.

COSI will also be responsible for evaluating the general direction and efficiency of operational cooperation with the goal to identify possible shortcomings and adopt recommendations to address them. It can also invite representatives from EUROJUST, EUROPOL, FRONTEX and other relevant bodies to its meetings and is supposed to help ensure consistency of action by these bodies.

European Pact Against Drug International Trafficking

Ministers held a first orientation debate on an European Pact Against International Drug Trafficking. This initiative seeks to reinforce EU action in the area, based on the existing EU Drugs Strategy and the EU Drugs Action Plan for 2009-2012.

Visa requirements imposed by Canada on Czech nationals

The Council called for the early restoration of visa free travel for Czech nationals in relation to Canada and concrete progress towards the achievement of full visa waiver reciprocity. The Council agreed to continue to monitor the situation closely.

In October 2009, the Commission presented a report on the subject, three months after the Czech government had notified the Commission and the Council of the measure taken by Canada.

On 14 July 2009, Canada unilaterally introduced the visa requirement for Czech nationals. Since then and in consultation with the Czech authorities, the Commission has been examining the issue with the Canadian government with a view to restoring visa-free travel for Czech nationals.

Canada is among the third countries whose nationals are not subject to a visa requirement under regulation 539/2001. This regulation, however, as amended by regulation 851/2005, also foresees possible reciprocity measures in the case that a country enjoying visa-free travel to the EU introduces visa requirements for citizens of one or several EU member states.

Canada also continues to maintain a visa requirement for Bulgarian and Romanian citizens.

Protection of the external borders and combating illegal immigration - ***Conclusions***

The Council adopted conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration (*6435/3/10*).

EU-US relations

Under this item, both justice and home affairs ministers heard from the Commission and discussed about the way forward regarding the cooperation with the US on the processing and the transfer of financial messaging data for purposes of the Terrorist Finance Tracking Programme (TFTP).

MIXED COMMITTEE: SIS II*, illegal immigration and Frontex

In the margin of the Council session, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) examined the state of play concerning the development of the Schengen Information System II (SIS II). Ministers agreed to come back to the issue at their April meeting when the evaluation report of the milestone 1-test carried out until the end of January is available.

The committee also held discussions in relation to:

– the draft Council conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration, later adopted by Council; and

– a draft regulation amending the rules on the Agency FRONTEX which the Commission adopted on 24 February and presented to the Council today.

Finally, the director of FRONTEX presented the Agency's 2010 Work Programme.

JUSTICE AFFAIRS

European Protection Order

The Council held a public debate on the state of play regarding the initiative for a directive on a European protection order (*17513/09*). The aim of the directive is to facilitate and enhance the protection granted to victims of crime, or possible victims of crime, who move between EU member states.

Ministers made reference to many key issues outlined in a public note (*6538/10*). Those key issues include the scope of the instrument, the relationship with other instruments, the list of measures to which the European protection order can apply, and the powers of the issuing and executing state.

Once adopted, the directive will allow a competent authority in one member state to issue a European protection order on the basis of which a competent authority in another member state takes measures with a view to continue the protection of that person. These measures would include obligations or prohibitions imposed on the person causing danger. The focus of the initiative is on crimes which may endanger the victims' life, physical, psychological and sexual integrity, as well as their personal liberty. The ultimate goal is to avoid new acts of crime and to reduce the consequences of previous acts of crime.

The proposal for a European protection order is based on a joint initiative of twelve EU member states. According to the Stockholm programme, adopted in December 2009, mutual recognition could extend to all types of judgments and decisions of a judicial nature. The programme also points out that special protection measures should be effective within the Union, with particular attention being paid to those who are most vulnerable or who find themselves in particularly exposed situations, such as persons subjected to repeated violence in close relationships or victims of gender-based violence.

The initiative has been submitted to the European Parliament and to the Commission, as well as, in view of the subsidiarity test under the Lisbon Treaty, to the national parliaments of the member states. The delay of eigth weeks for consultation of the national Parliaments will expire on 30 March 2010.

Rights of interpretation and translation in criminal proceedings

The Council held a public debate on the state of play regarding a directive on the rights of interpretation and translation in criminal proceedings. Ministers expressed their wish to quickly move forward on the basis of the initiative tabled by 13 member states in December 2009.

The Presidency is confident that the work on the member states' initiative, which is being carried out in good cooperation between the Council, the European Parliament and the Commission, will result in a text that is satisfactory to all parties concerned. The goal is that EU citizens can benefit as soon as possible from a substantial practical improvement of their rights in criminal proceedings, for which there is a widely recognised need.

The initiative has already been submitted to the European Parliament and to the Commission, as well as, in view of the subsidiarity test under the Lisbon Treaty, to the national parliaments of the member states. The delay of eight weeks for consultation of national parliaments will expire on 30 March 2010.

The directive is part of a wider package of legislative and non-legislative initiatives that aim at strengthening procedural rights of suspected or accused persons in criminal proceedings. The Council unanimously agreed on this wider package, or roadmap, in October 2009 (*14552/1/09*).

The roadmap identifies six main areas on which legislative or other initiatives are desirable over the coming months or years:

– translation and interpretation,

– information on rights and information about charges,

– legal advice and legal aid,

– communication with relatives, employers and consular authorities,

– special safeguards for suspected or accused persons who are vulnerable, and

– a green paper on pre-trial detention.

EU accession to the ECHR

In a public debate, the Council examined the work carried out so far on the EU's accession to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Ministers underlined the political importance for a quick finalisation of the recommendation for a negotiation mandate and called on the Commission to submit this recommendation as a matter of urgency. The Presidency expressed its wish to adopt the mandate before the end of its term.

The discussion also highlighted a number of legal and technical issues which will have to be addressed in the negotiating mandate and in the negotiations proper. Among the issues raised, are:

– the question of the scope of the EU accession to the ECHR system, i.e. whether the EU shall accede not only to the Convention as such , but also to its additional protocols; and, if yes, to which of these protocols;

– the question of the most appropriate manner to ensure that the accession complies with conditions set in the Treaty of Lisbon, such as: the non affectation of individual member states' situation vis-à-vis the ECHR, the non affectation of the Union's competences, or the preservation of the monopoly of the Court of Justice of the EU in the interpretation of EU law;

– the advisability to devise a "co-respondent" mechanism, ensuring that in certain cases both the EU and the member state concerned may, where appropriate, be parties in any proceedings before the European Court of Human Rights;

– the representation of the EU in the Council of Europe bodies which exercise functions related to the ECHR, such as the Parliamentary Assembly for what concerns the appointment of Judges to the European Court of Human Rights, or the Committee of Ministers in its functions of supervision of the execution of judgements according to Article 46 (2) ECHR;

– the relations between the Court of Justice of the EU and the European Court of Human Rights.

The Treaty of Lisbon provides the legal basis for the accession of the EU to the ECHR. Art. 6 (2) TEU stipulates: "The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms".

Further to this, the Stockholm Programme calls for a "rapid" accession to the ECHR and invites the Commission to submit a recommendation to the Council "as a matter of urgency".

Model Agreement for setting up a Joint Investigation Team (JIT)

Justice ministers adopted a resolution on a new model agreement for setting up a Joint Investigation Team (JIT).

The new model agreement replaces the existing model agreement agreed upon in 2003, and is based on best practices collected over the past years. The non-binding template will be a useful tool and serve as a checklist for the practitioners setting up JITs. It is comprehensive but also flexible so as to ensure that the competent authorities may adapt it to the particular circumstances of each case.

JITs are established for cross-border and multi-national crime investigations. Their main objective is to obtain information and evidence about the crime under investigation. A need to updated the model agreement from 2003 is recognized in the Stockholm Programme.

AOB

Italy informed that it will organize the first meeting of justice ministers of the Union for the Mediterranean (UfM) on 10 and 11 May 2010 in Agrigento, Sicily.

Lituania presented the book: "Europe 70 years after the Molotov-Ribbentrop Pact".

OTHER ITEMS APPROVED

COMMON FOREIGN AND SECURITY POLICY

EU special representatives - extensions and amendments of mandates

The Council adopted decisions regarding the following EU special representatives' (EUSRs) mandates:

- for Afghanistan and Pakistan, the mandate of Mr Ettore F. SEQUI will be extended for an additional month as from 1 March until 31 March 2010. Mr. Sequi's mandate has also been completed notably with a view to strengthening the overall EU political coordination in the region *(6193/10)*;

- for the African Union, the mandate of Mr Koen VERVAEKE will be extended as from 1 March until 31 August 2010 or until the entry into force of the decision establishing the European External Action Service, whichever comes sooner. Mr. Vervaeke's mandate has also been completed notably with a view to strengthening the overall EU coordination in the region (*6191/10*);

- for Kosovo, the mandate of Mr Pieter FEITH will be extended as from 1 March until 31 August 2010 or until the entry into force of the decision establishing the European External Action Service, whichever comes sooner (*6082/10*).

EXTERNAL RELATIONS

EU-Serbia interim committee - rules of procedure

The Council adopted a decision setting up the EU position to be taken in the EU-Serbia interim committee concerning the rules of procedure of this committee (*6098/10*).

ECONOMIC AND FINANCIAL AFFAIRS

Insolvency proceedings, winding-up proceedings and liquidators

The Council adopted an implementing regulation amending the lists of insolvency proceedings, winding-up proceedings and liquidators in annexes A, B and C to regulation 1346/2000 on insolvency proceedings and codifying the annexes A, B and C to that regulation.

INSTITUTIONAL AFFAIRS

Court of Justice and General Court - Duties of judges and advocates-general

The Council adopted a decision approving the operating rules of the panel in charge of delivering an opinion on candidates' suitability to perform the duties of Judge and Advocate-General *(6176/10)*.

The Judges and Advocates-General of the Court of Justice and the General Court are appointed by common accord of the governments of the member states, after consultation of a panel provided for in article 255 of the Treaty on the functioning of the EU

The Council also adopted a decision appointing the seven members of the panel for a period of four years as from 1 March 2010 *(6177/10)*.

APPOINTMENTS

President of Eurojust

The Council approved the election of Mr. Aled WILLIAMS (United Kingdom) as new President of the college of Eurojust *(6653/10)*.

http://www.eurojust.europa.eu/press_releases/2010/17-02-2010.htm

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