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### Justice and Home Affairs

Luxembourg, 5 and 6 June 2014

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**Leonidas GRIGORAKOS**  
Deputy Minister of Interior

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# P R E S S

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## **Main results of the Council**

### ***Task Force Mediterranean***

*The Council took note of the report from the Commission about the state of the implementation of the operational actions within the context of the Task Force Mediterranean and welcomed the progress achieved so far.*

*The Council acknowledged that the situation in the Mediterranean is of great concern to all member states. The timely implementation of the initiatives identified by the Task Force, with the active contribution of all the stakeholders involved, are key to assist the member states situated in the Southern and Eastern borders to address the challenges they are currently facing.*

*The European Council will return to the issue of asylum and migration at its next meeting on 26-27 June 2014 in a broader and longer term policy perspective, when strategic guidelines for further legislative and operational planning in the area of freedom, security and justice will be adopted.*

### ***Future development of the Justice and Home Affairs area.***

*Justice and Home Affairs ministers held a concluding debate on the Future development of the Justice and Home Affairs area. The Presidency will reflect the Council's positions in a letter to the President of the European Council, which will serve as an input for the strategic guidelines to be defined by the European Council on the 26-27 of June.*

*The Presidency noted that the Council will revert to the issue of the strategic guidelines during the Italian and Latvian presidencies with an aim to discuss the modalities for their implementation.*

### ***Foreign fighters and returnees***

*The Council had an in-depth discussion on the issue of foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria.*

*Home affairs ministers welcomed the report of the Counter-Terrorism Coordinator and concluded that work should be intensified. Moreover, the suggestions for possible new actions with regard to the priorities identified should be taken forward and implemented as soon as possible.*

*Ministers concluded that the European foreign fighters is an issue of serious concern and remains of the utmost importance, also from the perspective of the internal security of the EU, as the recent attack in the Jewish Museum in Brussels has shown. This attack is an illustration of the need for all the concerted actors to step up cooperation, especially in the field of information exchange.*

***Europol***

*The Council reached a general approach on the proposal for a regulation on the European Agency for Law Enforcement Cooperation and Training (Europol). This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.*

***EU anti corruption report***

*The Council adopted conclusions on the EU anti corruption report presented by the European Commission in February this year.*

***Data Protection***

*The Council reached a partial general approach on specific aspects of the draft regulation setting out a general EU framework for data protection. The partial general approach includes the provisions on territorial scope, the respective definitions of Binding Corporate Rules and "international organisations" and the transfer of personal data to third countries or international organisations.*

*The Council also held an orientation debate on the "one-stop-shop" mechanism on the basis of a document prepared by the Presidency. The incoming Council Presidency will continue work at technical level on this issue. Charalambos ATHANASSIOU, Greek Minister of Justice, Transparency and Human Rights and President of the Council said: "We have devoted a lot of effort to this proposal. Sufficient progress has been made to support a partial general approach. Today's agreement constitutes a good basis for future work".*

***Procedural safeguards for children***

*The Council reached a general approach on the proposal for a directive on procedural safeguards for children who are suspected or accused in criminal proceedings. This will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.*

*The proposal aims at ensuring that children are able to understand and follow the criminal proceedings to which they are subject, and that they can exercise their right to a fair trial. The proposal also seeks to prevent re-offending by children and foster their social integration.*

***Insolvency proceedings***

*The Council reached a general approach on the proposal for a regulation amending the existing Council regulation (1346/2000) on insolvency proceedings.*

*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. "I would like to thank all member states for their cooperation. We have put a lot of effort into this proposal, which constitutes one of the key priorities for the Hellenic Presidency in times of economic crisis", the Greek Justice Minister stressed.*

***European public prosecutor's office***

*The Council was briefed by the Presidency on the state of play on the proposal for a regulation regarding the setting up of a European Public Prosecutor's Office (EPPO). Ministers welcomed the text set out in the document prepared by the Presidency as a basis for future work.*

*The proposed regulation aims to strengthen the fight against crimes against the Union's financial interests by the introduction of a European Public Prosecutor's Office with competence in that 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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Minister for Security and Justice

Federal Minister for the Interior  
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**ITEMS DEBATED**

**HOME AFFAIRS**

**Europol**

The Council reached a general approach on the proposal for a regulation on the European Agency for Law Enforcement Cooperation and Training (Europol) ([10033/14](#)). This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.

One of the aims of the Commission's proposal ([8229/13](#)) was for Europol to take over and build on the tasks currently carried out by CEPOL, creating a single European law enforcement agency and repealing the existing decisions on Europol and CEPOL<sup>1</sup>.

At its meeting on 6-7 June 2013, the Council held its first orientation debate on the proposed regulation and a very large majority of delegations opposed the merger essentially because it would not be beneficial for either agency and they were not convinced that savings could be made through a merger. On 3 March 2014 the Council decided that all the provisions linked to this idea will be removed from the draft Europol regulation and the Commission was invited to submit a new proposal on the "lisbonisation" of CEPOL.

Apart from the merger, the new draft regulation is mainly aimed at "lisbonising" the current Council Decision on Europol<sup>2</sup>, notably including provisions on parliamentary oversight, adapting Europol's external relations to the new Treaty rules and appointing the European Data Protection Supervisor as the data protection supervisory body for Europol. Moreover, the draft regulation aims at providing Europol with a flexible and modern data management regime and aligning Europol's governance with the general guidelines applicable to agencies.

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<sup>1</sup> Decision 2005/681/JHA. ([OJ L 256, 1/10/2005, p. 63](#))

<sup>2</sup> Decision 2009/371/JHA. ([OJ L 121, 15/05/2009, p. 37](#))

## **Foreign fighters**

The Council had an in-depth discussion on the issue of foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria. 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 welcomed the report of the Counter-Terrorism Coordinator and concluded that work should be intensified. Moreover, the suggestions for possible new actions with regard to the priorities identified should be taken forward and implemented as soon as possible.

The Ministers concluded that the European foreign fighters is an issue of serious concern and remains of the utmost importance, also from the perspective of the internal security of the EU, as the recent attack in the Jewish Museum in Brussels has shown. This attack is an illustration of the need for all the concerted actors to step up cooperation, especially in the field of information exchange.

The Ministers highlighted the importance to make full use of the existing tools and measures in place in the different fields and underlined the need for a continued engagement with third countries given the close links between the internal and external dimension. In this regard, the Ministers stressed the important role that the Counter Terrorism Coordinator plays in coordinating the internal and external aspects of counter-terrorism.

In June 2013 the Council already expressed broad support for a package of measures suggested by the CTC and tasked its working parties with preparing implementing measures where necessary.

In December 2013, the Council identified four priority areas where EU action in support of member states' efforts would be particularly useful: prevention, information exchange/identification and detection of travel, criminal justice response and 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.

## **Revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism**

The Council adopted the revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism ([9956/14](#)).

This revision was requested by Home Affairs ministers in June 2013 ([9447/13](#)) and was elaborated following a Commission Communication on Countering Violent Extremism of January this year ([5451/14](#)).

The main objective of the strategy should be to prevent people from becoming radicalised, being radicalised and being recruited to terrorism and to prevent a new generation of terrorists from emerging.

To do so, the revised strategy stresses the need to:

- Promote security, justice, and equal opportunities for all
- Ensure that voices of mainstream opinion prevail over those of extremism
- Enhance government communications
- Support messages countering terrorism
- Counter online radicalisation and recruitment to terrorism
- Train, build capacity and engage first line practitioners across relevant sectors
- Support individuals and civil society to build resilience
- Support disengagement initiatives
- Support further research into the trends and challenges of radicalisation and recruitment to terrorism
- Align internal and external counter-radicalisation work

## **Task Force Mediterranean**

The Council took note of the report ([10067/14](#)) from the Commission about the state of the implementation of the operational actions within the context of the Task Force Mediterranean. It also welcomed the progress achieved so far in the five key areas listed in the Commission communication showing the active involvement of all stakeholders in this process.

The Council acknowledged that the situation in the Mediterranean is of great concern to all member states, as there are indications that the current trend will continue and the situation risks even to further deteriorate. The timely implementation of the initiatives identified by the Task Force, with the active contribution of all the stakeholders involved, are key to assist the member states situated in the Southern and Eastern borders to address the challenges they are currently facing.

The Council also took note of the different proposals made by the member states more exposed to the migratory pressures and invited the Council preparatory bodies to further examine them.

It also invited the Commission to continue to inform the Council and its preparatory bodies on the implementation of the relevant actions in order to deal with the main challenges related to asylum and migration issues.

Finally, the Presidency recalled that the European Council will return to the issue of asylum and migration at its next meeting on 26-27 June 2014 in a broader and longer term policy perspective, when strategic guidelines for further legislative and operational planning in the area of freedom, security and justice will be adopted.

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.

For more information see [background note](#)

**JOINT SESSION HOME AFFAIRS AND JUSTICE**

**Future development of the JHA area**

Justice and Home Affairs ministers held a concluding debate on the future development of the Justice and Home Affairs area. The Presidency will reflect the Council's positions in a letter to the President of the European Council, that will serve as an input for the strategic guidelines to be defined by the European Council on the 26-27 of June.

The Presidency noted that the Council will revert to the issue of the strategic guidelines during the Italian and Latvian presidencies with an aim to discuss the modalities for their implementation.

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.

The European Council in its 27-28 June 2013 conclusions 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. The Greek Presidency continued this debate at the informal ministerial meeting in Athens on 23-24 January and at the Justice and Home Affairs Council in March 2013

## **Application of Article 10 of Protocol 36 to the Treaties**

The Council took note of information on the state of play as regards the preparations for the end of the post-Lisbon transition period for ex-Third pillar measures on 30 November this year. The Presidency concluded that the work on these issues will continue under the Italian Presidency.

Protocol 36 of the Treaty of Lisbon enables the United Kingdom to decide, by 31 May 2014, whether it should continue to be bound by the approximately 130 police and criminal justice measures, which were adopted by unanimity in the Council of Ministers before the Lisbon Treaty entered into force (ex-Third pillar measures), or if it should exercise its right to opt-out of them all.

In accordance with Article 10(4) of Protocol 36, the UK has notified in July 2013 the Council that it will make use of its option to opt-out from these measures (see letter [12750/13](#)). According to the said Protocol, all the pre-Lisbon ex-third pillar acquis shall therefore "cease to apply to it" as of 1 December 2014.

However, Protocol 36 also foresees that the UK may decide to notify the Council afterwards that it wishes to re-participate in acts which have ceased to apply to it, in which case the usual provisions on the UK opt-in conditions and procedures will apply (that is, Protocols 19 and 21). The UK has already informally indicated its intention to seek to opt back into a number of instruments of the relevant acquis. Preliminary discussions between the Commission and the UK, as well as within the Council, on this issue are under way.

For the non-Schengen measures (e.g. the European Arrest Warrant, Europol, Eurojust, exchange of criminal records, cooperation in criminal law and procedures, etc.), the UK must apply to the Commission to re-join measures. The Commission may then either accept the request or seek to impose conditions on the UK's participation. If the UK does not accept the conditions or fails to meet them within four months the issue can then be referred to the Council, who will decide whether to accept the UK's application by qualified majority voting (without the UK).

For the Schengen measures (e.g. SIS II, Schengen police cooperation, etc.), the UK must apply to the Council, which acts by unanimity (including the UK).

In both cases Protocol 36 requires both the EU institutions and the UK to seek to re-establish the widest possible measure of participation of the UK in the acquis of the Union in the area of freedom, security and justice without seriously affecting the practical operability of the various parts thereof and while respecting their coherence.

## **Data retention directive**

The Council had an exchange of views on the consequences of the invalidation of Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks ("Data Retention Directive").

On 8 April the European Court of Justice rendered a [judgment](#) by which it invalidated the 2006 Data Retention Directive.

The Data Retention Directive obliges member states to provide for an obligation for providers of publicly available electronic communications services and of public communications networks to retain traffic and location data for a period between six months and two years, the choice of the length of the period being left to each member state in its national law.

The retention is to be performed in order to ensure that the data are available for the purpose of the investigation, detection, and prosecution of serious crime, as defined by each member state in its national law.

## **EU Anti-corruption report**

The Council adopted conclusions on the EU anti corruption report, submitted by the European Commission in February this year.

The conclusions ([9969/14](#)) stress that the report is a valuable tool to consolidate anti-corruption efforts and promote high anti-corruption standards across the EU and that it should be seen as a next step in advancing the establishment of an EU-wide area based on integrity values.

They also call on the Commission to engage actively in close cooperation with the member states in a review of its methodology with a view to enhancing its political weight and value. Particular attention should be given to the prior involvement of the member states in the fact-finding stages of the procedure in order to collect objective and reliable data.



The conclusions invite member states to make further efforts to encourage anti-corruption prevention measures and enforce effectively anti-corruption laws and policies at national level, while noting that the situation varies from one member state to another.

Finally, they also urge the Commission to include in future reports a review of the integrity policies put in place in the EU institutions and for the full accession of the EU to the [GRECO](#)<sup>1</sup>

The Commission adopted the EU Anti corruption report In February 2014 ([6113/14](#)). The document provides a clear picture of the situation in each member state: measures in place, outstanding issues, policies that are working and areas that could be improved.

### **Fundamental rights agency annual report**

The Council took note of the annual report of the Fundamental Rights Agency (FRA).

The objective of FRA as set out in Article 2 of its founding [regulation 168/2007](#) is to provide the relevant institutions, bodies, offices and agencies of the European Union and its member states with assistance and expertise relating to fundamental rights. In order to meet this objective, FRA is tasked with publishing an annual report that highlights both the challenges and achievements on the fundamental-rights issues covered by the Agency.

This year's annual report of the Agency also attempts to contribute to the post-Stockholm debate in an effort to firmly embed fundamental rights in the EU's policy cycle.

### **Annual report 2014 by the EU drugs agency**

The Council took note of the presentation from European Monitoring Center for Drugs and Drug Addiction (EMCDDA) regarding its annual report 2014 ([10032/14](#)), which provides reliable information on the current drug situation in Europe and is a solid basis for the drug policy making.

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<sup>1</sup> The Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States' compliance with the organisation's anti-corruption standards

**JUSTICE**

**Data protection regulation**

The Council reached a partial general approach on specific issues of the draft regulation setting out a general EU framework for data protection ([10349/14](#)).

The partial general approach includes the text of Article 3(2) (territorial scope), the text concerning the respective definitions of Binding Corporate Rules and "international organisations" (Articles 4(17) and (21)) and the transfer of personal data to third countries or international organisations (Chapter V) of the draft regulation.

The Presidency indicated that the agreement has been reached on the following understanding:

- nothing is agreed until everything is agreed
- the agreement does not exclude future changes to be made to the text of Chapter V to ensure the overall coherence of the Regulation;
- this is without prejudice to horizontal questions, such as the legal nature of the instrument or provisions on delegated acts
- this does not mandate this or any future Presidency to engage in informal trilogues with the European Parliament on the text.

The Council also held an orientation debate on the "one stop shop" mechanism on the basis of a document prepared by the Presidency ([10139/14](#)). The Council concluded that the future Presidency will continue to work at technical level on this issue.

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

### **Data protection directive**

The Council was briefed by the Presidency on the state of play ([9873/14](#)) of the proposal for a directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

### **Insolvency proceedings**

The Council reached a general approach on the proposal for a regulation amending Council regulation 1346/2000 on insolvency proceedings ([10284/14](#)). The remaining recitals and Annexes 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 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 ([17883/12](#)).

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

## **Procedural safeguards for children in criminal proceedings**

The Council reached a general approach on the proposal for a directive on procedural safeguards for children who are suspected or accused in criminal proceedings ([10065/14](#)). This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.

The proposal aims at ensuring that children are able to understand and follow the criminal proceedings to which they are subject, and that they can exercise their right to a fair trial. The proposal also seeks to prevent re-offending by children and foster their social integration.

The Commission presented its proposal on 27 November 2013 together with a recommendation on procedural safeguards for vulnerable people suspected or accused in criminal proceedings. This recommendation, which is final, addresses adults.

## **Eurojust**

The Council held a public debate on a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust). Ministers endorsed the outcome of the discussions held at CATS<sup>1</sup> on the governance of the Agency and decided to use the text in the annex of the document prepared by the Presidency ([9486/2/14 REV 2](#)) as the starting point for future discussions at the working party.

The Commission's proposal on Eurojust introduces major changes in the structure and governance of the Agency. The main changes concern the distinction between the operational and management functions of the College; the setup of an Executive Board; new provisions on annual and multi-annual programming; the representation of the Commission in the College acting as a Management Board and in the Executive Board; and detailed description of the responsibilities and tasks of the Administrative Director.

This new regulation streamlines Eurojust's functioning and structure in line with the Lisbon Treaty. It also increases the democratic legitimacy of Eurojust: the European Parliament and national Parliaments will in future be more involved in the evaluation of Eurojust's activities.

The Commission presented its proposal in July 2013 ([12566/13](#)).

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<sup>1</sup> CATS is the Coordinating Committee in the area of police and judicial cooperation in criminal matters.

## **European Public Prosecutor's Office**

The Council was briefed by the Presidency on the state of play on the proposal regarding the setting up of a European Public Prosecutor's Office (EPPO). Ministers welcomed the text set out in the document prepared by the Presidency ([9834/1/14 REV 1](#)) as a basis for future work, on the understanding that the text may need further consideration by the working party.

Ministers confirmed, as the basis for further discussion, the principles of a collegial organization of the EPPO. They also confirmed the principle that the EPPO has a priority competence to investigate and prosecute offences affecting the Union's financial interests.

In March 2014 the Council had a discussion on the structure of the Office, on the delimitation of its tasks and competences. Ministers generally agreed that the European Prosecutor's office will be organised on the basis of a college of prosecutors originating from the member states.

The proposed regulation aims to strengthen the fight against crimes against the Union's financial interests by the introduction of a European Public Prosecutor's Office with competence in that area. The legal basis and the rules for the set-up of the EPPO are laid down in Article 86 of the Treaty on the Functioning of the European Union (TFEU). The proposed regulation will be adopted in accordance with a special legislative procedure: the Council will decide unanimously after obtaining the consent of the European Parliament. If unanimity cannot be reached in the Council, the Treaties foresee that a group of at least nine member states may enter into an enhanced cooperation.

The Commission presented its proposal on 17 July 2013 ([12558/13](#)).

## **Other business**

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

- the directive on the conditions of entry and residency of third-country nationals for the purpose of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing;
- the regulation on a Common European Sales Law.

The Commission presented its communications on the application of Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals ([10062/14](#)) and on the implementation of Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment ("EU Blue Card") ([10060/14](#)), which were adopted on 22 May.

The Swedish delegation informed ministers about the outcome of the 7th meeting of the Global Forum on International Migration and Development, which took place in Stockholm on 14-16 May.

The Slovenian delegation informed ministers about the outcome of the informal meeting of Interior Ministers of the BRDO process, which took place in Brdo pri Kranju on 2-3 June 2014.

The Presidency briefed Ministers about the outcome of the seminar "How can EU member states combat hate crimes effectively? Encouraging reporting and ensure proper recording on hate crimes" which took place in Thessaloniki in April 2014.

The Commission presented the outcome of the European Roma Summit, which took place in Brussels on 4 and 5 April 2014.

The Commission briefed ministers on EU-US Relations on Data Protection related issues, namely the data protection "Umbrella Agreement" and the Safe Harbour decision.

The Commission made a presentation of the pilot project on interconnection of insolvency registers among seven member states (Germany, Austria, Czech Republic, Estonia, Slovenia, Romania and the Netherlands).

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

The upcoming Italian Presidency will give its contribution to the full implementation of the Strategic Guidelines in the JHA area to be adopted by the European Council in June 2014, and will ease the delicate *momentum* of transition for European Institutions.

In the area of home affairs:

The issues of migration and control of the external borders will remain high in the agenda with a view to urging European responses to the present and upcoming challenges also by giving concrete follow-up to the work of the Task Force Mediterranean and adopting concrete measures for preventing illegal migration to the EU and possible loss of lives at sea. Specific focus will be given to the synergies between internal and external dimension of JHA area and to the interaction of all possible stakeholders and the fight against trafficking in human beings and smuggling of migrants.

On legal migration, the Italian Presidency will continue the negotiation of the Directive on students and researchers and will promote the use of legal channels of migration, focusing on the link between migration and growth, including by facilitating the access of bona fide travelers to the EU and contributing to the negotiations of the most recent proposals from the Commission on the recast of existing Visa Code and the introduction of the “circulation Visa”.

On asylum, the Italian Presidency will give its support to possible initiatives in the fields of mutual recognition of national decisions on asylum, pooling of reception places at EU level to face up possible situations of crisis and particular pressure, contingency planning and crisis management.

On internal security, focus will be put on the discussion regarding the organized crime and its infiltration in the legal economy and in public procurement, with special attention to countering money laundering activities, corruption, and confiscation of the proceeds of crime. The implementation of the Internal Security Strategy and its revision will be also one of the priorities, as well as the fight against terrorism, in its prevention and protection aspects, in particular with regard to terrorist activities conducted by lone-actors and the so called foreign fighters.

In the area of justice:

In the area of civil law, special attention will be devoted to those dossiers which can contribute to economic growth, such as the revision of the regulation on insolvency proceedings and the revision of the regulation on the European small claims procedure, and the regulation simplifying the acceptance of certain public documents and abolishing authentication.

Data protection is an area of priority for the Italian Presidency, which aims at achieving substantial progress on the Data Protection package, as well as ensuring a high standard of protection of the right to personal data in the areas of information exchange with third countries.

In the area of criminal law the Presidency will focus on achieving progress in the negotiations on the establishment of an European Public Prosecutor’s Office, and to make progress on the legislative proposals of the Commission in the field of protection of the rights of suspected or accused persons in the framework of criminal proceedings.

Criminals and criminal organizations should be deprived of proceeds of any nature deriving from their illicit activities, however acquired; in this perspective the Presidency will promote discussions on how the principle of mutual recognition could be applied to all forms of confiscation based on a judicial decision.

## **MIXED COMMITTEE**

### **Task Force Mediterranean**

The committee was briefed by the Commission about the state of the implementation of the operational actions within the context of the Task Force Mediterranean.

See item above.

### **Schengen Governance - Fifth biannual report on the functioning of the Schengen area**

The committee had a discussion on the Commission's fifth biannual report on the functioning of the Schengen area (1 November - 30 April 2013) ([10063/14](#)) 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 the 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.

### **Data protection directive**

The committee was briefed by the Presidency on the state of play ([9873/14](#)) of the proposal for a directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.



**Other business**

Under other business, the committee was informed about the state of play the Smart Borders Package.

The Commission presented the proposal aiming at recasting the Visa Code ([8401/14](#)) and the proposal for establishing a touring visa ([8406/14](#)), which were submitted by the Commission in early April.

The Polish delegation informed ministers about the outcome of the Ministerial Forum for member states of the Schengen Area with External Land Borders, which took place in Sopot (Poland) on 13 and 14 May 2014.

**OTHER ITEMS APPROVED**

**JUSTICE AND HOME AFFAIRS**

**Violence against women**

The Council adopted conclusions on preventing and combating all forms of violence against women and girls, including female genital mutilation ([9543/14](#)).

The conclusions were drafted following the publication of an EU-wide survey carried out by the European Union Agency for Fundamental Rights recommending actions to tackle violence against women, which was presented at a conference on 5 March 2014 hosted under the auspices of the Hellenic Presidency and entitled "[Violence against women across the EU: Abuse at home, work, in public and online](#)".

**Application of the EU Charter of Fundamental Rights**

The Council adopted conclusions on the Commission 2013 report on the application of the EU Charter of Fundamental Rights ([9042/14](#)) and the consistency between the internal and the external aspects of human rights' protection and promotion in the European Union ([10116/14](#)).

The conclusions underline that the Charter is the cornerstone for the effective and systematic protection of fundamental rights in the Union framework and is fully binding on the Union institutions and on the member states when the latter are implementing Union law, while acknowledging that it complements national systems of protection of fundamental rights and does not replace them.

**Civil Protection Mechanism**

The Council adopted conclusions on multinational modules under the Union Civil Protection Mechanism<sup>1</sup>, ([8216/14](#)), which call on member states, to consider, in close consultation with the Commission, where the contribution of those modules would enhance the European disaster response capacity.

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<sup>1</sup> OJ L 347, 20.12.2013.

## **e-Justice Action Plan**

The Council adopted a Multiannual European e-Justice Action Plan (2014-2018) ([9714/14](#)), as provided for in the new Strategy on European e-Justice (2014-2018)<sup>1</sup> adopted by the JHA Council in December 2013. The strategy defines the general principles and objectives of European e-Justice and sets out general guidelines for the establishment of a corresponding new multiannual European Action Plan during the first half of 2014.

The new Action Plan contains a list of the projects to be implemented, with an indication of the participants, actions required and an indicative timetable, where possible.

## **EU Return Policy**

The Council adopted conclusions on the EU Return Policy ([9936/14](#)), in response to the Commission communication on the subject ([8415/14](#)). The conclusions start by pointing out that the focus should be placed on a more effective implementation and thorough consolidation of the existing rules rather than on new legislative initiatives.

They also underline that a key challenge for a more successful EU return policy should be to strengthen cooperation between the EU and third-countries, in particular as regards identification and documentation of returnees.

## **Integration of third-country nationals**

The Council and the Representatives of the Governments of the member states adopted conclusions on the integration of third-country nationals legally residing in the European Union ([9905/1/14 REV 1](#)), reaffirming their commitment to the common basic principles for immigrant integration policy in the EU, as established ten years ago, while setting them in the policy context of today.

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<sup>1</sup> OJ 2013/C 376/06.

## **Terrorism and Border Security**

The Council adopted conclusions on Terrorism and Border Security ([9906/14](#)), which encourage member states to exchange best practices and lessons learned regarding border management capabilities, as well as development and cooperation concerning awareness raising of border guards on counter-terrorism matters, also in cooperation with Frontex.

## **Insolvency proceedings**

The Council adopted an implementing regulation replacing Annexes A, B and C to regulation (EC) No 1346/2000 on insolvency proceedings, as set out in document [9157/14](#).

Annexes A, B and C to regulation No 1346/2000 list the designations given in the national legislation of the member states to the proceedings and liquidators to which that Regulation applies.

This Regulation will enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

## **Future role of COSI**

The Council took note of the outlines for the future role of COSI as set out in doc. 7843/3/14.

In June 2013 the Standing Committee on operational cooperation on internal security (COSI), as established by Art. 71 TFEU, started discussions on its competences and tasks with regard to terrorism which resulted in a wider debate on the future role of COSI.

## **GENERAL AFFAIRS**

### **EU summits with groups of third countries in 2014-2015**

The Council endorsed a revised calendar of EU summits with third countries. As a general rule, these summit meetings take place in the buildings of the Council in Brussels. Ad-hoc decisions are possible to allow individual summits to be hosted by the Presidency of the Council of the EU. The revised calendar provides for the following summits with third countries:

- ASEM Summit: On 16-17 October 2014, in Milan, to be organised, hosted and financed by the Italian Presidency;
- Eastern Partnership Summit: On 21-22 May 2015, in Riga, to be organised, hosted and financed by the Latvian Presidency;
- EU-CELAC Summit: On 10-11 June 2015 in Brussels.

## **DEVELOPMENT**

### **Cooperation with ACP states**

The Council adopted the EU position within the ACP - EU Council of Ministers regarding the revision of annex IV to the ACP-EU Partnership Agreement. The review is intended to align the agreement with the new financial regulation applicable to the EU budget and the provisions for implementation of the instruments for external action under the EU multi-annual financial framework 2014-2020.

## **CIVIL PROTECTION**

### **Disaster resilience**

The Council adopted the following conclusions on the post 2015 Hyogo framework for action: managing risks to achieve resilience:

- "1. Since the adoption of the United Nations Hyogo Framework for Action (HFA) in 2005, progress has been made on global, regional and national efforts for building resilience to disasters, across the entire disaster management cycle (prevention, preparedness, response and early recovery). Support for disaster risk management has gained momentum and contributed to greater attention and investments to reduce disaster risks and better prepare to deal with their consequences;
2. Furthermore, Heads of State and Government and high-level representatives, at the United Nations Conference on Sustainable Development in Rio de Janeiro in 2012, reaffirmed their commitment to the Hyogo Framework for Action and called for disaster risk reduction and the building of resilience to disasters to be addressed with a renewed sense of urgency in the context of sustainable development and poverty eradication;

3. The 3rd World Conference on Disaster Risk Reduction to be held in Sendai, Japan, from 14 to 18 March 2015 offers a unique opportunity to build on the successes of the HFA, addressing existing gaps, and to adopt an ambitious post 2015 HFA to make the world more resilient to disasters and to better address future challenges;
4. Disasters pose a significant threat to development efforts and poverty reduction. Risk reduction, prevention and management policies are essential to reduce the impacts of disasters in order to save lives, to protect the environment (especially since climate change can result in serious consequences, including natural disasters, migration flows, etc.) and health, and to ensure sustainable development, poverty eradication and economic growth worldwide - promoting investments in resilience can provide a strong driver of innovation, growth and job creation, opening new markets and business opportunities and contributing to enhanced competitiveness and sustainability of sectorial policies;
5. Within this framework, the Council welcomes the Commission Communication on "The post 2015 Hyogo Framework for Action: Managing risks to achieve resilience"<sup>1</sup>, which sets out the Commission's initial views on the shaping of the post 2015 HFA, building on the achievements of a range of EU policies including civil protection, environmental protection, climate change adaptation, as well as the resilience agenda<sup>2</sup> and its "Action Plan for Resilience in Crisis Prone Countries 2013-2020"<sup>3</sup> promoted through EU humanitarian and development action. These achievements, which have contributed to the implementation of the HFA, present important EU deliverables towards a coherent policy on disaster risk management that can be shared and underpin the new international framework on disaster risk management. The Council stresses the importance of disaster risk management across policies;
6. The Council confirms the commitment of the European Union and its Member States to play an active and constructive role in the ongoing negotiations with a view to contributing to an ambitious outcome of the Conference, which builds on the current HFA. The Council will continue to be closely involved in the developments of the negotiations in the run-up to the Sendai summit on the basis of the following five key principles and fully respecting the non-binding nature of the post 2015 HFA:

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<sup>1</sup> 8703/14 - COM(2014) 216.

<sup>2</sup> 9325/13, 14616/12 - COM(2012) 586.

<sup>3</sup> 11554/13.

**Improving accountability, transparency and governance**

7. Improving accountability, transparency and governance should constitute a key principle of the post 2015 HFA which should:
- develop a set of non-binding standards and/or guidelines and mechanisms to support implementation;
  - establish voluntary peer review mechanisms, for instance peer reviews successfully conducted in the EU context;
  - encourage the collection and sharing of non-sensitive data on disaster losses, hazards and vulnerabilities in an open data policy;
  - develop systematic actions to raise public awareness of risk and develop a culture of risk management and disaster resilience;
  - enhance governance for disaster management at all levels and across all sectors, building effective coordination mechanisms and long-term partnerships between different public authorities and relevant stakeholders, including local level actors, civil society, academia, research institutions and the private sector;
  - ensure that regional inter-governmental organisations support the national authorities to implement the new framework, including the Regional Platforms for Disaster Risk Reduction.

**Role of targets and indicators to measure progress and encourage implementation**

8. The Council stresses the importance for the new framework of delivering results, measuring progress and encouraging implementation by setting targets at the appropriate level (global, regional, national or local) and with an appropriate time frame, which are politically acceptable, operationally feasible, measurable and achievable;
9. A simplified new monitoring system should become a more effective tool for encouraging implementation at different levels, sharing successes and measuring progress, including through indicators that measure the changes in the impact of disasters over time and contribute to the tracking of progress towards building resilience to disasters and reducing vulnerabilities.

**Strengthening the contribution to sustainable and smart growth**

10. The Council emphasises the need for the post 2015 HFA to strengthen the contribution of disaster risk management to smart, sustainable and inclusive growth, inter alia by:
- promoting disaster-proofing in economic and financial decisions and strategies, in both the public and private sectors and promoting risk sensitivity as well as climate and disaster resilience for all major infrastructure and projects;
  - promoting disaster risk assessment and scenario-based capability analyses;
  - developing and implementing the new framework in close partnership with the private sector, international financial institutions and major investors as well as promoting new initiatives for the engagement of all businesses, including encouraging the use of the insurance/reinsurance value chain;
  - promoting the use of innovative technologies and instruments to support disaster management;
  - encouraging a more systematic and reinforced science-policy interface, including foresight to address future risks and challenges;
  - ensuring long-term sustainable, inclusive and green growth through a joint approach with climate change adaptation as part of a risk management approach to address the risks of climate change and other environmental policies, with a strengthened focus on the reduction of the underlying risk drivers in ecosystem management and on building the resilience of ecosystems for adaptation, as well as on resource efficiency, land use, spatial planning including urbanisation, environmental monitoring and promoting impact assessment;
  - promoting the implementation of disaster risk management measures and strengthening the capacity at local level through the application of horizontal and vertical approach in developing sectoral policies.



**Addressing vulnerabilities and needs in a comprehensive framework**

11. A post 2015 HFA should address vulnerabilities and needs where it matters most in an overarching framework, factoring in conflict and fragility as well as technological risks alongside natural hazards, including slow-onset natural disasters, local disasters, as well as global shocks and stresses;
12. This framework should better target and empower the poorest and most vulnerable, harness the important potential of civil society and the private sector to contribute to the achievement of sustainable development objectives, and have a specific focus on the local level and on building urban resilience.

**Ensuring coherence with the international agenda**

13. Taking into account the importance of disaster resilience and its related risk factors outlined above concerning the design of a post 2015 HFA, the Council notes that the post 2015 HFA should be developed in close coherence with related ongoing international processes, in particular with discussions on the post 2015 development agenda and on the design of the 2015 agreement on climate change. The latter provides another opportunity to enhance adaptation efforts in the poorest and most vulnerable countries where the needs are greatest and to integrate disaster risk management. Policies, goals and targets, as well as related monitoring arrangements which are the subject of discussion in the respective aforementioned fora, and the post 2015 HFA should be mutually supportive and reinforcing."

**EUROPEAN ECONOMIC AREA**

**Employment and Social Innovation**

The Council adopted a decision on the position to be adopted within the EEA joint committee with a view to amending the EEA agreement in order to include the EU programme for Employment and Social Innovation ([8536/14](#)).

The Employment and Social Innovation programme, which runs from 2014 to 2020, aims at contributing to the implementation of the Europe 2020 strategy by providing financial support in terms of promoting a high level of quality and sustainable employment, guaranteeing adequate and decent social protection, combating social exclusion and poverty and improving working conditions.

**AGRICULTURE**

**Common agricultural policy - specific support under article 68**

The Council adopted conclusions on a special report from the European Court of Auditors entitled "Common agricultural policy: is the specific support provided under article 68 of Council regulation 73/2009 well designed and implemented?". The conclusions are set out in [9778/14 ADD 1](#).

**ENVIRONMENT**

**Convention on the conservation of migratory species of wild animals**

The Council adopted a decision authorising the Commission to submit, on behalf of the Union, a proposal for amendments to the appendices to the convention on the conservation of migratory species of wild animals with a view to the eleventh meeting of the conference of the parties ([10036/14](#)).

The eleventh meeting of the conference of the parties is to take place in Quito (Ecuador) from 4 to 9 November 2014. The convention on the conservation of migratory species of wild animals aims to conserve terrestrial, marine and avian migratory species throughout their range. The EU has been a party to the convention since 1 November 1983.

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