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OUTCOME OF THE COUNCIL MEETING

3455th Council meeting

Justice and Home Affairs

Brussels, 10 and 11 March 2016

Presidents **Klaas Dijkhoff**
State Secretary of Security and Justice and Minister for
Immigration
Ard van der Steur
Minister for Security and Justice

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

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ITEMS DEBATED

HOME AFFAIRS

Migration

Ministers exchanged views on the current migratory situation and the implementation of the statement agreed at the meeting of the EU Heads of State or Government of 7 March, following their meeting with the Turkish Prime Minister.

Ministers examined in particular the state of play of the implementation of the measures already taken to rapidly stem the flows, protect EU external borders, reduce illegal migration, safeguard the integrity of the Schengen area and reduce the negative humanitarian consequences of the current migratory situation.

European Border and Coast Guard

The Council was briefed by the Presidency on the state of play on the proposed regulation establishing a European Border and Coast Guard. The intention of the Presidency is to reach a political agreement before the end of its term, as requested by the last European Council.

This proposal, which is part of the Borders legislative package, was submitted by the Commission on 15 December 2015, aiming at setting up a European Border and Coast Guard which would be consisting of the European Border Agency (replacing Frontex) and national authorities responsible for border management.

The primary objective of the European Border and Coast Guard would be to ensure and implement, as a shared responsibility, the European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of security within the EU, while safeguarding EU-internal free movement.

The proposal consists of the European Border and Coast Guard Agency (which would replace Frontex) and national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, with a shared responsibility for the security and protection of the EU's external borders.

Weapons

The Council held a policy debate on the proposal for a directive on control of the acquisition and possession of weapons, which amends the current directive 91/477/EEC.

Based on a document submitted by the Presidency setting out five key issues, Ministers aimed at defining guidelines to continue work at technical level and expressed their preferences concerning:

- Minimum age for the possession of firearms: work will continue along a rule like in the current directive which leaves it up to national legislation to decide how to grant or withdraw authorisation to acquire and possess firearms;
- Medical tests for the authorisation to acquire and to possess firearms, in which respect work will continue to define a rule like in the current directive which leaves it up to national legislation how to grant or withdraw authorisation to acquire and possess firearms;
- Prohibition of semi-automatic firearms for civilian use: a broad majority was of the opinion that these arms should continue to be authorised for civilian use, but under stricter conditions. How these conditions will be defined in the directive will be the subject of further work at technical level.
- Exceptional possession of prohibited firearms for cultural and historical reasons: work will continue along a general rule such as in the current directive which gives leeway to member states to authorise the acquisition as well as the possession prohibited firearms as long as it is not contrary to public security or public order.
- Online sales: further work will need to be done at technical work before a choice can be made on the options put forward by the Presidency

The proposal to amend the current directive was submitted by the European Commission on 18 November 2015 and aims at enhancing public security aspect of the Directive in view of the recent terrorist attacks . Council directive 91/477/EEC on control of the acquisition and possession of weapons was originally designed as a measure to balance internal market objectives and security imperatives regarding firearms for civilian use. The Presidency intends to reach a general approach on this proposal by next June before starting negotiations with the European Parliament.

Fight against terrorism

Ministers¹ discussed and took note of a report ([6785/16](#)) prepared by the EU Counter-Terrorism Coordinator on the follow up on the implementation of measures regarding counter-terrorism. The report gives an overview and useful recommendations on areas where further progress is still needed, like information sharing and border security.

The report presents the state of play, covering progress on all of the measures set out in the conclusions on counter-terrorism agreed by the Members of the European Council on 12 February 2015. It also takes into account the conclusions of the Council of 20 November 2015 (on terrorism and on enhancing the criminal justice response to radicalization leading to terrorism and violent extremism) as well as the conclusions of the European Council of 17 and 18 December 2015.

In addition, the Presidency informed Ministers on the findings of two terrorism-related conferences held in Amsterdam: one on a comprehensive approach to countering violent extremism (CVE), and a second held at the beginning of March on countering terrorist travel (CTT).

¹ Exceptionally, in the presence of the Associated States

JUSTICE

Fight against terrorism

The ministers adopted a general approach on the proposal for a Directive on combating terrorism.

The proposed Directive strengthens the EU's legal framework in preventing terrorist attacks by criminalising preparatory acts such as training and travel abroad for terrorist purposes - hence addressing the issue of foreign fighters - as well as aiding and abetting, inciting or attempting such acts. It also reinforces rules on the rights for the victims of terrorism.

For more information:

[Press release on the adoption of the general approach on the Directive on combatting terrorism](#)

Digital agenda

The Council took stock of the work done at technical level on the new contract law proposals for Directives : one on the supply of digital content and another one on the online and other distance sales of goods (6150/16).

Ministers agreed on the importance of creating a modern and business-friendly environment for traders to boost e-commerce across the borders in the EU, while increasing consumers' trust and maintaining a high level of consumer protection.

Ministers decided to concentrate the work at technical level first on the examination of the proposal on the supply of digital content keeping in mind the need for overall coherence between the rules on online and offline sales, and between sales of goods and supply of digital content.

The two proposals aim at a full harmonisation of certain aspects of sales contracts, in order that businesses no longer have to adapt their contracts to different rules when selling cross-border and that consumers have the same legal remedies in case of non-conformity throughout internal market. The proposed Directives are limited to business-to-consumer (B2C) contracts.

The two proposals are a key component of the digital single market strategy and a priority for the Netherlands presidency.

For more information:

[Council website: Digital single market strategy](#)

European Public Prosecutor's Office

The Council held a policy debate on the proposal for a regulation establishing the European public prosecutor's office (EPPO) ([6667/16](#)).

Ministers welcomed the progress made by the Netherlands presidency on the work at technical level on the articles concerning external relations, financial, staff and general provisions.

Ministers exchanged views on the notion of operational expenditure contained in article 49, in particular, on whether expenditure incurred by European Delegated Prosecutors (EDP) when they act within the framework of the tasks of the EPPO should be considered as operational expenditure or be carried by national budgets.

The presidency noted that a substantial majority of Member states supported the proposal of having the investigative measures expenditure incurred by the EDPs covered by national budgets while other ministers were of the view that those costs should be considered as part of the EPPO budget, in particular to offer more guarantee of independence. Finally, another group of ministers supported the overall idea of the costs related to EDPs being covered at national level, however asking to explore the possibility of a direct EPPO financial support, in exceptional circumstances.

Based on this debate the options will be further explored at technical level.

The proposed regulation is aimed at helping combat crimes against the EU's financial interests by introducing a European Public Prosecutor's Office with competence in that area. The proposed regulation requires the unanimous support in the Council which adopts it after having obtained the consent of the European Parliament.

The Council has already reached a provisional agreement on a number of articles at its meetings in [October](#) and [December](#) 2015.

Other business

The Council was informed about the [state of play of a number of legislative proposals](#).

The presidency informed the Council about the work underway and next steps regarding one of the priorities of the presidency - tackling cybercrime and in particular the issue of jurisdiction in cyberspace.

The presidency organised on 7 and 8 March in Amsterdam an expert conference on "[Crossing Borders: Jurisdiction in Cyberspace](#)". In light of the outcome of the conference, the Presidency will continue work at expert level and expects, at the next Council in June, to conclude on the way forward for future follow up and action. Also in June, the presidency will submit conclusions on the initiative of establishing a network of cybercrime prosecutors.

The Commission informed the Council on the latest developments regarding the agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection and prosecution of criminal offenses (so-called EU-US Umbrella Agreement) following the signature by US President Obama of the Judicial Redress Bill.

Over lunch, Commissioner Jurova also updated ministers on the conclusion of a renewed framework for transatlantic transfers of personal data (EU-US Privacy shield).

The Commission also informed the ministers on its proposal concerning the EU accession to the Council of Europe Convention on preventing and combating violence against women, the so-called Istanbul convention ([6695/16](#)).

Finally, the Commission updated ministers on its dialogue with IT companies on tackling hate speech online.

MIXED COMMITTEE

The Council in the Mixed Committee format (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following items:

Migration

See item above.

European Border and Coast Guard

See item above.

Weapons

See item above.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Free movement of documents

The Council adopted a regulation on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union.

The regulation will avoid the need for legalisation or other formalities for the cross-border presentation of public documents.

For more information, see [press release](#).

Students and researchers

The Council adopted its position at first reading of a directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

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

Europol

The Council adopted its position at first reading of a regulation on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

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

Migrant smuggling - Conclusions

The Council adopted conclusions on migrant smuggling ([6995/16](#)).

Civil and commercial law

The Council adopted a decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union ([6343/16](#)).

Visa waiver agreement with Peru

The Council adopted a decision on the signing and provisional application of the agreement between the European Union and the Republic of Peru on the short-stay visa waiver. According to the decision, the agreement will be provisionally applicable from its scheduled date of signature.

The Council also decided to forward the draft decision on the conclusion of the agreement to the European Parliament for its consent once the agreement has been duly signed.

Europol's work programme 2016

The Council endorsed Europol's work programme for 2016 ([5909/16](#)) and will forward it to the European Parliament for information.

The Work Programme is Europol's annual business plan. Its purposes are to translate the organisation's five-year Strategy into annual objectives and to provide the basis for budgetary planning. It is used to communicate the organisation's objectives to Europol's stakeholders in a transparent and structured manner. The Work Programme objectives are also the basis for setting individual objectives in Europol staff development plans.

This report is prepared each year by Europol's Management Board, as required by the Council decision establishing the European Police Office, taking into account member states' operational requirements and the budgetary and staffing implications for Europol.

Relocation - Austria

The Council adopted an implementing decision ([6715/16](#)) on the temporary suspension of the relocation of 30% of applicants allocated to Austria under Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

The aim of the decision is to assist Austria in better coping with an emergency situation characterised by a sudden inflow of nationals of third countries in its territory by granting a temporary suspension of the relocation of up to 30% of applicants allocated to Austria under Council Decision (EU) 2015/1601 for a period of one year.

FOREIGN AFFAIRS

EU-Republic of Moldova Association Council

The Council approved the position of the Union regarding the agenda set for the 2nd meeting of the EU-Republic of Moldova Association Council.

The Association Council will discuss items related to the EU-Republic of Moldova relations and the EU's commitment in strengthening political association and economic integration with the Republic of Moldova. It will also stress the need for an accelerated implementation of the Association Agreement to undertake key reforms in the justice, financial, energy and public administration sectors.

COMMON FOREIGN AND SECURITY POLICY

Restrictive measures regarding Ukraine

The Council adopted the Council Decision amending Decision 2014/145/CFSP as regards restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

The Council also adopted the Council Implementing Regulation implementing Regulation (EU) No 269/2014. It approved the notices set out in Annexes I and II of document 6069/16.

See [press release](#).
