



**COUNCIL OF
THE EUROPEAN UNION**



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3008th Council meeting

Justice and Home Affairs

Brussels, 23 April 2010

President

Mr Alfredo PÉREZ RUBALCABA

Minister for the Interior of Spain

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Main results of the Council

*Home affairs ministers reached political agreement on a negotiating mandate for an **EU-US agreement on the processing and transfer of financial messaging data** for purposes of the US Terrorist Finance Tracking Programme (TFTP). The Council also heard from the Commission on the issue of **visa requirements imposed by Canada** on Czech nationals.*

*The Commission presented to both justice and home affairs ministers its proposal for an **action plan implementing the Stockholm Programme**, and the Spanish presidency informed ministers about the recent **EU-US JHA ministerial meeting**.*

*Justice ministers discussed in a public session the initiative for a directive on a **European protection order**. They also examined the state of play of discussions on the **EU's accession to the Council of Europe's Convention** for the Protection of Human Rights and Fundamental Freedoms as well as on the preparations of an European **eJustice-portal**. The Council then agreed on conclusions on **actions in the field of justice in connection with the economic recovery**.*

*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)**, including a report on the results of the milestone 1 tests. The committee then heard from the Austrian delegation about the European Football Championship EURO 2008 and lessons learnt for the setting up of **ad hoc cooperation at sporting events**.*

Due to the fact that not enough member states were represented at ministerial level, the Council couldn't adopt any of the agenda items, including A-items. They will be adopted at a later Council.

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OTHER ITEMS APPROVED

none

¹ 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.

PARTICIPANTS

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

Belgium:

Mr Stefaan DE CLERCK Minister for Justice

Bulgaria:

Ms Margarita POPOVA Minister for Justice
Mr Tsvetan TSVETANOV Minister for the Interior

Czech Republic:

Ms Lenka PTÁČKOVÁ MELICHAROVÁ Deputy Minister for the Interior
Ms Milena VICENOVÁ Permanent Representative

Denmark:

Mr Jens BERING LIISBERG Deputy Permanent Representative

Germany:

Ms Birgit GRUNDMAN State Secretary for Justice
Mr Edmund DUCKWITZ Permanent Representative

Estonia:

Mr Rein LANG Minister for Justice

Ireland:

Mr Rory MONTGOMERY Permanent Representative

Greece:

Mr Théodoros SOTIROPOULOS Permanent Representative

Spain:

Mr Francisco CAAMAÑO DOMÍNGUEZ Minister for Justice
Mr Alfredo PÉREZ RUBALCABA Minister for the Interior

France:

Mr Philippe ETIENNE Permanent Representative

Italy:

Mr Alfredo MANTOVANO Secretary of State for the Interior
Mr Ferdinando NELLI FEROCI Permanent Representative

Cyprus:

Mr Loukas LOUKA Minister for Justice and Public Order

Latvia:

Mr Mārtiņš LAZDOVSKIS Secretary of State for Justice
Mr Normunds POPENS Permanent Representative

Lithuania:

Mr Rytis MARTIKONIS Permanent Representative

Luxembourg:

Mr François BILTGEN Minister for Justice

Hungary:

Ms Judit FAZEKAS Secretary of State for Justice and Law Enforcement
Mr Gábor IVÁN Permanent Representative

Malta:

Mr Richard CACHIA-CARUANA Permanent Representative

Netherlands:

Mr Thom de BRUIJN Permanent Representative

Austria:

Ms Maria Theresia FEKTER Federal Minister for the Interior
Mr Hans-Dietmar SCHWEISGUT Permanent Representative

Poland:

Mr Jan TOMBIŃSKI Permanent Representative

Portugal:

Mr José MAGALHÃES
Mr Manuel LOBO ANTUNES

Secretary of State for Justice
Permanent Representative

Romania:

Mr Vasile BLAGA
Ms Lidia BARAC

Minister for the Interior and Administration
State Secretary for Justice

Slovenia:

Mr Aleš ZALAR
Mr Andrej GROŠELJ

Minister for Justice
Counsellor

Slovakia:

Mr Ivan KORČOK

Permanent Representative

Finland:

Mr Jan STORE

Permanent Representative

Sweden:

Mr Christian DANIELSSON

Permanent Representative

United Kingdom:

Lord BACH

Parliamentary Under-Secretary of State, Ministry of
Justice

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Commission:

Ms Viviane REDING
Ms Cecilia MALMSTRÖM

Vice-President
Member

ITEMS DEBATED

EU-US AGREEMENT ON FINANCIAL MESSAGING DATA FOR COUNTER-TERRORISM INVESTIGATIONS

The Council reached political agreement on a negotiating mandate for an EU-US agreement on the processing and transfer of financial messaging data for purposes of the US Terrorist Finance Tracking Programme (TFTP). It asked the Commission, who will be the main negotiator for the EU assisted by a Council working party, to start official negotiations with the US as soon as the political agreement is confirmed by the formal adoption of the mandate at a later Council.

A final agreement with the US will need the support of a qualified majority of EU member states and the consent of the European Parliament. It is meant to allow the US Department of the Treasury to receive financial messaging data stored in the EU in order to allow targeted searches for counter-terrorism investigations, while ensuring an adequate level of data protection.

Under the TFTP, the US Department of the Treasury seeks to identify, track and pursue suspected terrorists and their providers of finance. It was set up shortly after the terrorist attacks of 11 September 2001. Relevant results of the US analysis have been shared with EU member states and have contributed to effective investigation and prevention of terrorist attacks.

VISA REQUIREMENTS IMPOSED BY CANADA ON CZECH NATIONALS

The Council was briefed by the Commission and the Czech Republic on the issue of the visa requirement imposed by Canada on Czech nationals. The Council expressed solidarity with the Czech Republic stressing that the measure adopted by Canada is a matter which impacts on the Union as a whole. The Council reiterated its call for the restoration of visa free travel for Czech nationals to Canada and 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.

ACTION PLAN IMPLEMENTING THE STOCKHOLM PROGRAMME

Justice and home affairs ministers heard presentations by the Commission on its recommendations for an action plan implementing the Stockholm Programme ([5731/10](#)). Ministers welcomed the Commission paper, stressed, however, that the action plan should more closely mirror the objectives set out in the Stockholm Programme itself. The Council asked its preparatory bodies to swiftly start consultations on the action plan with a view to adopt the it in June 2010.

The Stockholm Programme is the multi-annual strategic work programme in the area of freedom, security and justice. It was adopted by the Council on 30 November 2009 and endorsed by the European Council on 10-11 December 2009. It sets out the priorities for EU action in the area for the next five years (2010-14). It puts the citizen at the heart of EU action and deals, among other things, with questions of citizenship, justice and security as well as asylum, migration and the external dimension of justice and home affairs.

It is ten years since the EU set itself the target of creating an area of freedom, justice and security. The Stockholm Programme will built on the progress made during the implementation of the Tampere Programme (2000-2004) and the Hague Programme (2005-2010).

EU-US MINISTERIAL MEETING

The Spanish presidency informed the Council about the recent EU-US JHA meeting at ministerial level which took place on 8-9 April 2010 in Madrid.

Subjects discussed at the meeting include a future EU-US data protection agreement, the agreement on Passenger Name Records (PNR), the US Terrorist Financing Track Programme (TFTP), the visa waiver program and ESTA as well as cybersecurity.

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](#)) on the basis of two current working documents: [8703/10](#) and [8703/10 ADD 1](#). 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.

A majority of member states spoke out in favour of the presidency approach and supported the most recent compromise texts. The goal of the presidency is to continue work in the Council preparatory bodies with a view to reach a political agreement in June and to forward the agreed text to the European Parliament (EP). In the meantime, informal contacts with the EP will continue in view of the high political importance of the file.

Among the outstanding issues discussed is the question of scope. The presidency proposal supported by most member states considers that it is necessary to work on a text allowing European protection orders to be issued and executed in all member states, in accordance with their national law. European protection orders should be issued by any judicial or equivalent authority, independent of the legal nature of such authority (criminal, civil or administrative). It proposes a three-step approach: The issuing state makes a request for an European protection order, the receiving state recognises the European protection order and executes the order by taking a decision under its national law in order to continue the protection of the person concerned.

The proposal for a European protection order is based on a joint initiative of twelve EU member states. Once adopted, the directive will specify measures that allow the executing state to continue the protection of a 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.

EU ACCESSION TO THE ECHR

In a public debate, the Council examined the state of play of the EU's accession to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Council welcomed the work carried out in the Council working parties and called for an adoption of the negotiating mandate as soon as possible.

Among the outstanding issues are the establishment of a "co-respondent" mechanism, the safeguarding of the competences of the European Court of Justice (ECJ), the accession of the EU to ECHR protocols as well as the EU negotiator.

On 17 March 2010, the Commission tabled its recommendation for a negotiating mandate. 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".

E-JUSTICE

The Council heard from the Commission on the state of play regarding the launch of the European e-Justice portal. Work is well advanced and it is suggested to officially launch the portal at an event where justice ministers, representatives of the European Parliament and of the Commission are present. The Commission suggested the informal justice and home affairs Council in July. For the benefit of EU citizens, the presidency wished the portal to be launched as soon as possible, before the end of the first semester 2010.

At the November/December 2009 Council, ministers regretted that the European e-Justice portal was not launched, as initially foreseen, by the end of 2009, and requested the Commission to take all possible measures to ensure the delivery of the first release of the portal in the first half of 2010.

The European e-Justice action plan (OJ C 75, 31.3.2009) provides for the setting up of the European e-Justice portal. The portal is aimed to promote the use of information and communication technologies in the field of justice. The use of the new technologies is intended to rationalise and simplify judicial procedures and to reduce operating costs, for the benefit of citizens, undertakings, legal practitioners and the administration of justice.

The portal will provide access to information and services in the field of justice, especially in the cross-border context. It is aimed to be a one-stop shop for justice-related information and functionalities in the EU.

JUDICIAL COOPERATION AND ECONOMIC CRISIS PREVENTION

The Council agreed on conclusions on economic crisis prevention and support for economic activity (7881/10). These conclusions, to be adopted at a later Council, provide an analysis of a large set of measures designed to mitigate the consequences of a new economic crisis as far as possible and to enhance economic activity for the benefit of citizens and businesses.

The goal of the analysis is to support the positive impact that closer judicial cooperation can have on various aspect of the economy including:

- stimulating cross border operation in the single market and ensuring a level playing field for all economic players;
- allowing economic operators, in particular SME's to take full advantage of the opportunities of the internal market, so that they can grow and operate across borders as they do in their domestic market;
- grant consumers a high level of protection while allowing them to have equal access to cross-border offers throughout the EU.

The document points to a number of possible measures relating to, amongst others, civil proceedings, applicable law, criminal law , insolvency proceedings, alternative methods of dispute resolution (ADR), intellectual property and new technologies.

MIXED COMMITTEE: SIS II AND EURO 2008

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), including a report on the results of the milestone test 1.

It also heard from the Austrian delegation about the European Football Championship EURO 2008 and lessons learnt for the setting up of ad hoc cooperation at sporting events. These lessons drawn by the Austrian delegation (7768/10) contain both recommendations for (bi-national) major sport events and lists a number of legislative and non-legislative initiatives for further consideration. The presidency decided to forward this document to the appropriate Council body for further discussion.

OTHER ITEMS APPROVED

None
