



**COUNCIL OF
THE EUROPEAN UNION**



10630/10

PROVISIONAL VERSION

PRESSE 161

PR CO 1

PRESS RELEASE

3018th Council meeting

Justice and Home Affairs

Luxembourg, 3-4 June 2010

President

Mr Francisco CAAMAÑO DOMÍNGUEZ

Minister for Justice

Alfredo PÉREZ RUBALCABA

Minister for the Interior

Anna TERRÓN I CUSÍ

State Secretary for Immigration and Emigration

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 8914 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

10630/10

1
EN

Main results of the Council

*Home Affairs ministers adopted an **European pact to combat international drug trafficking** as well as a set of **conclusions** on:*

- on **facilitating entry for citizens** of the member states of the EU at external borders;*
- on the follow-up to the **European Pact on Immigration and Asylum**;*
- on an action plan concerning **unaccompanied minors** from third countries.*

*On issues related to terrorism, ministers adopted an **EU-US declaration on the fight against terrorism** and a discussion paper by the EU counter-terrorism coordinator on the implementation of the **EU strategy and action plan to combat terrorism**.*

*The Council also discussed the outcome of the recent **EU-Russia Justice and Home Affairs Permanent Partnership Council** and held a general debate on **internal security**.*

*Justice ministers took the next steps on authorising the **first enhanced cooperation in the history of EU legislation**. It concerns the **law applicable to divorce and legal separation**. On the content of the legislation, ministers agreed on key elements. Still in public, the delegations confirmed their agreement on the **rights of interpretation and translation in criminal procedures**.*

*The Council will also continue discussions with the European Parliament on a compromise text regarding an **European protection order** with the goal to reach agreement between the two co-legislators as soon as possible. Ministers then agreed on a general approach on a directive on **combating trafficking of human beings**.*

*Concerning the **EU's accession to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms** the Council agreed on a negotiating mandate. On **European rules concerning matters of succession** ministers adopted political guidelines for future work and examined the state of play in matters of **eJustice**.*

*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)**, including a draft global schedule as presented by the Commission. The committee also discussed the issue of **visa liberalisation for Western Balkan states**.*

Under "other business", the Council examined:

- a directive on the **fight against sexual exploitation of children**;*
- the issue of **visa reciprocity and Canada** in connection with the sixth Commission report regarding visa reciprocity as set out in regulation 539/2001;*
- a study on **burden-sharing systems**;*
- recent developments on the **fight against corruption**;*
- the progress made on an **EU-Turkey readmission agreement**;*
- the issue of **police cooperation in South-Eastern Europe**;*
- the outcome of the meeting of **interior ministers of the G6** in Varese, Italy; and*
- the **priorities** in Justice and Home Affairs matters as presented by the upcoming **Belgian presidency**.*

***A-items** adopted by the Council without discussion include conclusions on the Commission's **action plan implementing the Stockholm Programme**, on the **Eurojust Annual Report for 2009**, on **psychosocial support in the event of emergencies and disasters** and on the **European Arrest Warrant**. Besides that, on the subject of **security in connection with football matches**, the Council will approve an evaluation report on the degree of implementation of a related Council decision of 2007 as well as a resolution concerning an updated handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches.*

CONTENTS¹

PARTICIPANTS	7
ITEMS DEBATED	
EUROPEAN PACT TO COMBAT INTERNATIONAL DRUG TRAFFICKING.....	9
FACILITATING ENTRY FOR CITIZENS OF THE EU AT EXTERNAL BORDERS - <i>Council conclusions</i>	10
EUROPEAN PACT ON IMMIGRATION AND ASYLUM - <i>Council conclusions</i>	11
UNACCOMPANIED MINORS - <i>Council conclusions</i>	12
EU-US 2010 DECLARATION ON COUNTER-TERRORISM.....	13
CTC DISCUSSION PAPER	14
EU-RUSSIA PERMANENT PARTNERSHIP COUNCIL.....	15
INTERNAL SECURITY	16
DIVORCE AND LEGAL SEPARATION - A PIONEER GROUP OF MEMBER STATES SEEKS COMMON RULES.....	17
PROCEDURAL RIGHTS - INTERPRETATION AND TRANSLATION.....	19
EUROPEAN PROTECTION ORDER.....	21
EU ACCESSION TO THE ECHR.....	23
SUCCESSION.....	24
TRAFFICKING IN HUMAN BEINGS.....	25
E-JUSTICE.....	26
ANY OTHER BUSINESS	27
MIXED COMMITTEE: SIS II and VISa liberalisation in the western balkans	29

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.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

– SIRENE Bureaux - <i>Council conclusions</i>	30
– Psychosocial support - <i>Council conclusions</i>	30
– Community Civil Protection Mechanism - <i>Council conclusions</i>	30
– Illegal trafficking of waste - <i>Council conclusions</i>	30
– EUCPN annual report- <i>Council conclusions</i>	30
– LAC organised crime analysis- <i>Council conclusions</i>	30
– Ad hoc multinational teams with third countries - <i>Council resolution</i>	31
– Football matches with an international dimension - <i>Council resolution</i>	31
– Security at football matches with an international dimension	31
– Customs Information System - Progress report	31
– Eurojust annual report - <i>Council conclusions</i>	31
– SISNET budgets 2008 and 2009	31
– Integration as a Driver for Development and Social Cohesion.....	32
– Europol / Former Yugoslav Republic of Macedonia cooperation agreement	32
– Europol annual report 2009	32
– Confiscation and Asset Recovery - <i>Council conclusions</i>	32
– European arrest warrant - <i>Council conclusions</i>	32
– Seminars organised by the Spanish presidency	32
– Schengen Information System: migration to second generation database	33
– The Stockholm programme - <i>Council conclusions</i>	33
– EU/Georgia agreement on short-stay visas	33

ECONOMIC AND FINANCIAL AFFAIRS

– Easier access to EU structural funds	34
--	----

TRADE POLICY

– Anti-dumping - Sodium cyclamate from China and Indonesia.....	34
---	----

DEVELOPMENT COOPERATION

– EU/South Africa agreement - Customs duties	34
--	----

AGRICULTURE

– EU position for the extension of the food aid convention.....	34
– Protection of animals used for scientific purposes.....	35

FISHERIES

– EU/ Solomon Islands agreement - Renewal and fishing allocation	35
– Understanding with Chile on conservation of swordfish - Provisional application.....	35

ENVIRONMENT

– Mercury.....35

TRANSPORT

– EU/ Vietnam agreement on air services.....36

APPOINTMENTS

– Committee of the Regions36

PARTICIPANTS

Belgium:

Ms Annemie TURTELBOOM
Mr Stefaan DE CLERCK
Mr Melchior WATHELET

Minister for Home Affairs
Minister for Justice
Secretary of State for Immigration and Asylum

Bulgaria:

Mr Tsvetan TSVETANOV
Ms Margarita POPOVA

Minister for the Interior
Minister for Justice

Czech Republic:

Mr Martin PECINA
Ms Daniela KOVAROVA
Ms Lenka PTÁČKOVÁ MELICHAROVÁ
Mr Marek ZENISEK

Minister for the Interior
Minister for Justice
Deputy Minister for the Interior
Deputy Minister for Justice

Denmark:

Mr Lars BARFOED
Ms Birthe RØNN HORNBÆK

Minister for Justice
Minister for Refugees, Immigration and Integration

Germany:

Mr Thomas DE MAIZIERE

Federal Minister for Special Tasks and Head of the
Federal Chancellery
Federal Minister of Justice
State Secretary, Federal Ministry of the Interior

Ms Sabine LEUTHEUSSER-SCHNARRENBERGER
Mr Ole SCHRÖDER

Estonia:

Mr Marko POMERANTS
Mr Rein LANG

Minister for the Interior
Minister for Justice

Ireland:

Mr Dermot AHERN
Mr Rory MONTGOMERY

Minister for Justice and Law Reform
Permanent Representative

Greece:

Mr Michael CHRISOCHOIDIS
Mr Théodoros SOTIROPOULOS

Minister for Citizen Protection
Permanent Representative

Spain:

Mr Alfredo PÉREZ RUBALCABA
Mr Francisco CAAMAÑO DOMÍNGUEZ
Ms Anna TERRÓN I CUSI

Minister for the Interior
Minister for Justice
State Secretary of Immigration and Emigration

France:

Mr Brice HORTEFEUX

Mr Eric BESSON

Mr Jean-Marie BOCKEL

Minister for the Interior, Overseas Territories and Local
and Regional Authorities
Minister for Immigration, Integration, National identity
and Solidary development
Secretary of State for Justice

Italy:

Mr Roberto MARONI
Mr Angelino ALFANO

Minister for the Interior
Minister for Justice

Cyprus:

Mr Neoklis SYLIKIOTIS
Mr Loukas LOUKA

Minister for the Interior
Minister for Justice and Public Order

Latvia:

Mr Mārtiņš LAZDOVSKIS
Mr Normunds POPENS

Secretary of State for Justice
Permanent Representative

Lithuania:

Mr Raimundas PALAITIS
Mr Tomas VAITKEVICIUS

Minister for the Interior
Vice Minister of Justice

Luxembourg:

Mr Jean-Marie HALSDORF
Mr François BILTGEN
Mr Nicolas SCHMIT

Minister for the Interior and Regional Planning
Minister for Justice
Minister for Immigration

Hungary:

Mr Sándor PINTÉR
Mr Tibor NAVRACSICS

Minister for the Interior
Minister for Public Administration and Justice

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 Maria Theresia FEKTER
Ms Claudia BANDION-ORTNER

Federal Minister for the Interior
Minister for Justice

Poland:

Mr Jan TOMBIŃSKI
Mr Zbigniew WRONA

Permanent Representative
Undersecretary of State, Ministry of Justice

Portugal:

Mr Rui PEREIRA
Mr Alberto MARTINS

Minister for the Interior
Minister for Justice

Romania:

Mr Vasile BLAGA
Mr Marian Cătălin PREDOIU

Minister for the Interior and Administration
Minister for Justice

Slovenia:

Mr Aleš ZALAR
Ms Katarina KRESAL

Minister for Justice
Minister for the Interior

Slovakia:

Mr Ivan KORČOK

Permanent Representative

Finland:

Ms Astrid THORS
Ms Tuija BRAX
Mr Antti PELTTARI

Minister for Migration and European Affairs
Minister for Justice
State Secretary, Ministry of the Interior

Sweden:

Mr Tobias BILLSTRÖM
Mr Magnus G. GRANER

Minister for Migration and Asylum Policy
State Secretary, Ministry of Justice

United Kingdom:

Mr James BROKENSHIRE
Mr Kenneth CLARKE

Home Office Minister
Lord Chancellor, Secretary of State for Justice

Commission:

Ms Viviane REDING
Ms Cecilia MALMSTRÖM

Vice-President
Member

ITEMS DEBATED

EUROPEAN PACT TO COMBAT INTERNATIONAL DRUG TRAFFICKING

After a public debate, ministers adopted a European pact to combat international drug trafficking ([8821/10](#)). It focuses, at this stage, on cocaine and heroin and should serve in the future as a model for the fight against other categories of drugs, primarily cannabis and synthetics.

The pact enumerates a number of common principles for the fight against this sort of crime and elaborates on three main commitments:

- disrupting cocaine routes,
- disrupting heroin routes, and
- countering the proceeds of crime.

For each of these three commitments the pact outlines specific actions as well as target deadlines by when these actions should be implemented.

The pact is an integral part of the law enforcement aspect of the EU's anti-drug strategy (established in 2005) and the EU action plan for 2009-2012, which advocate a global balanced approach based on simultaneous reduction of supply and demand. It is a practical application of the Stockholm Programme and of the European Internal Security Strategy endorsed by the European Council in December 2009 and March 2010, respectively.

**FACILITATING ENTRY FOR CITIZENS OF THE EU AT EXTERNAL BORDERS -
Council conclusions**

The Council adopted the following conclusions on facilitating entry for citizens of the EU at external borders ([9873/10](#)). They focus on the need to improve fast-track systems for external border crossings for the benefit of EU citizens while at the same time safeguarding the right balance between the right to free movement and guaranteeing the highest level of security.

EUROPEAN PACT ON IMMIGRATION AND ASYLUM - Council conclusions

The Council adopted conclusions on the follow-up to the European Pact on Immigration and Asylum ([10302/10](#)).

These conclusions welcome the progress already made in many of the areas for action set out in the pact, as identified in the first annual report submitted by the Commission on 6 May 2010. They identify several trends and advances made since the adoption of the pact in October 2008 that are of particular importance including those in the following areas:

- labour migration;
- combating illegal migration;
- asylum; and
- cooperation with countries of transit and origin.

The conclusions also highlight a number of areas in which more efforts are needed and sets out key policy goals for the next twelve months. They include:

- further work on the policy plan on legal migration complemented by an ambitious integration agenda;
- fighting illegal immigration, smuggling of and trafficking in human beings;
- improving attention given to unaccompanied minors;
- enhancing control and surveillance of external borders; and
- taking work forward on the establishment of the Common European Asylum System as well as strengthening practical cooperation among member states in the area of asylum.

The implementation of the pact and relevant aspects of the Stockholm Programme will continue to be kept under review.

As a further step, the European Council will be invited to endorse the conclusions, at its meeting on 17 June 2010.

UNACCOMPANIED MINORS - Council conclusions

After a public debate, the Council adopted conclusions on the subject of unaccompanied minors coming to the EU regardless of whether they are asylum seekers, illegal migrants or victims of trafficking in human beings ([9824/10](#)).

The conclusions address particularly the following five issues:

- knowledge of the phenomenon (e.g. improving data collection);
- prevention of unsafe migration and trafficking in human beings (e.g. financing of preventive actions at local level; training for border guards);
- reception and procedural guarantees (e.g. assessing whether the current EU legislation offers unaccompanied minors sufficient protection to guarantee that minors are treated as such; quick decisions in the best interest of the child; exchange of best-practice guidelines; combating the phenomenon of disappearance);
- cooperation with third countries (e.g. relevant agreements; cooperation on prevention, family tracing, return to the family or to reception centres and reintegration in the countries of origin or return);
- return and reintegration in the country of origin (e.g. making a study of existing practices and legislation throughout the EU; practical cooperation between member states, countries of origin as well as international and non-governmental organisations; financing of special reception centres).

In September 2009, the Council agreed that all member states would benefit from the development of common approaches and increased cooperation with countries of origin, including cooperation to facilitate minors' return. The Stockholm Programme, adopted in December 2009, welcomed the Commission's initiative to develop an action plan on this issue which supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return. The Commission adopted the communication on the action plan on 6 May 2010 ([IP/10/534](#)).

EU-US 2010 DECLARATION ON COUNTER-TERRORISM

The Council agreed on an EU-US Declaration on the fight against terrorism ([10591/10](#)).

This declaration builds on the EU-US Joint Statement on the closure of the Guantanamo Detention Center ([10967/09](#)) and the Council conclusions of June 2009 ([10523/2/09](#)).

(see also the factsheet [The EU ready to help US in closing Guantanamo](#))

CTC DISCUSSION PAPER

After a presentation by the EU counter-terrorism coordinator, the Council examined the most recent discussion paper on the implementation of the EU strategy and action plan to combat terrorism ([9685/10](#)).

In his report, the EU counter-terrorism coordinator focuses on four main challenges:

- creating a clearer picture of the threat Europe is facing,
- securing better public transport, especially in the field of land transport,
- ensuring the monitoring of terrorist travel, and
- connecting internal and external security.

For each of these challenges, the EU counter-terrorism coordinator suggests a number of concrete actions. Other areas in which progress should be made include cyber security and the solidarity clause. Article 222 TFEU asks the EU and the member states to act jointly in a spirit of solidarity if a member state is the object of a terrorist attack or victim of a natural or man-made disaster.

EU-RUSSIA PERMANENT PARTNERSHIP COUNCIL

The Council was informed about the outcome of the EU-Russia Permanent Partnership Council on Justice and Home Affairs issues, held in Kazan on 25-26 May 2010.

Discussions focused on the implementation of the road map for a Common Space of Freedom, Security and Justice. A wide range of subjects was examined, ranging from visa facilitation and readmission agreements, migration issues and the fight against transnational crime and terrorism to judicial cooperation in criminal, civil and commercial matters.

INTERNAL SECURITY

The Council held a general debate on internal security. The so-called M.A.D.R.I.D report ([10203/10](#)) and the Internal Security Strategy for the European Union ([5842/2/10](#)) provided the main elements for the discussion.

Ministers emphasised that operational cooperation among member states must be strengthened and highlighted a number of policy areas where action should be focused on. These include organised crime and its vast financial resources, money laundering, cybercrime/-security, terrorism, trafficking in human beings, arms trafficking, illegal migration and cooperation with third countries.

The Council's recently established internal security committee (COSI) was also charged to report annually on the state of internal security in the EU.

At its meeting in February 2010, the Council approved the Internal Security Strategy for the European Union which the European Council endorsed one month later. The Commission is expected to adopt a communication on concrete actions in autumn 2010

The strategy's main objectives are:

- to present to the public the existing EU instruments which 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 sets 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 M.A.D.R.I.D report is a document from the Trio Presidency that describes the current threats and challenges to internal security in the EU, based on three strategic documents: Europol's Organised Crime Threat Assessment (OCTA), the Terrorism Situation and Trend Report (TE-SAT) and Frontex' s Annual Risk Analysis.

**DIVORCE AND LEGAL SEPARATION - A PIONEER GROUP OF MEMBER STATES
SEEKS COMMON RULES**

The Council reached a comfortable qualified majority agreement on authorising the first enhanced cooperation¹ in the history of the EU. It concerns the law applicable to divorce and legal separation (Rome III) (9898/2/10). Ministers also decided to transmit the text to the European Parliament in order to obtain its consent to the enhanced cooperation.

On the content of the legislation, a regulation implementing the enhanced cooperation, ministers agreed on a general approach on key elements (8176/1/10) and requested further examination on outstanding issues.

Both files, the decision on the authorisation of the enhanced cooperation and the regulation implementing it, were debated in public.

14 member states will participate in the enhanced cooperation. Once they reach unanimous agreement, the regulation will set clear rules on how international couples can seek divorce or legal separation in these countries. Other EU member states who are not ready yet but wish to join this pioneer group at a later stage will be able to do so.

There are approximately 122 million marriages in the EU, about 16 million (13%) are assumed to be international. The main goals of the enhanced cooperation are:

- to create in the participating member states a clear and comprehensive legal framework;
- to improve legal certainty, predictability and flexibility for citizens;
- to protect weaker partners during divorce disputes and prevent the so-called "rush to court", i.e. situations where one of the spouses applies for divorce before the other one does in order to ensure that the proceeding is governed by a given law which he or she considers more favourable to his or her own interests; and
- to lessen the burden on children in international divorce disputes.

¹ EU rules governing enhanced cooperation are provided for in [Title IV, Article 20 TEU](#) as well as in [Title III, Articles 326-334 TFEU](#).

In July 2006, the Commission adopted a proposal for a regulation amending regulation 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters ('Rome III') ([11818/06](#)). Its aim was to develop judicial cooperation in civil matters having cross-border implications, based on the principle of mutual recognition of judgments. The text was discussed during several presidencies and at its meeting in June 2008, the Council concluded that it was not possible - both then and in the near future - to reach an unanimous agreement on the proposal as required by the Nice Treaty.

Given these circumstances, Greece, Spain, Italy, Hungary, Luxembourg, Austria, Romania and Slovenia addressed in July 2008 a request to the Commission indicating that they wished to establish enhanced cooperation between them in the area of applicable law in matrimonial matters and that they expected the Commission to submit a proposal to the Council to that end. Since then Greece withdrew from this request, and another six member states joined it: Bulgaria in August 2008, France in January 2009, Germany and Belgium in April 2010, Latvia and Malta in May 2010, Portugal in June 2010.

PROCEDURAL RIGHTS - INTERPRETATION AND TRANSLATION

Regarding a directive on the rights to interpretation and translation in criminal proceedings, the Council confirmed the agreement reached on 27 May 2010 by the Permanent Representatives Committee on a compromise text which was negotiated in recent weeks between representatives of the Council, the European Parliament and the Commission ([10420/10](#)).

Ministers also welcomed that the agreement on this file was reached so quickly and that talks with the European Parliament point to a first reading agreement in the coming weeks.

The directive is based on an initiative taken by 13 member states (Belgium, Germany, Estonia, Spain, France, Italy, Luxembourg, Hungary, Austria, Portugal, Romania, Finland and Sweden) further to an agreement that was unanimously reached by the Council in October 2009 in respect of a Commission proposal from July 2009. The text also takes account of a proposal that was submitted by the Commission in March 2010.

The directive will substantially enhance the rights for suspected and accused persons, in particular as regards:

- the right to interpretation
 - A suspected or accused person who does not understand or speak the language of the criminal proceedings concerned will be provided without delay with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, during all court hearings and during any necessary interim hearings.
 - Where necessary for the purpose of ensuring the fairness of the proceedings, interpretation will also be available for communication between the suspected or accused person and his legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications, such as for bail.
- the right to translation
 - A suspected or accused person who does not understand the language of the criminal proceedings concerned will be provided with a written translation of all documents which are essential to ensure that he is able to exercise the right to defend himself and to safeguard the fairness of the proceedings.

- Essential documents include decisions depriving a person of his liberty, the charge/indictment and any judgment. The competent authorities shall decide in any given case whether any other document is essential. The suspected or accused person or his legal counsel may submit a reasoned request to this effect.
- Passages of essential documents which are not relevant for the suspected or accused person to have knowledge of the case against him do not have to be translated.
- As an exception to the general rules, an oral translation or an oral summary of essential documents may be provided instead of a written translation, on condition that such oral translation or oral summary does not affect the fairness of the proceedings.

The directive also contains provisions on the quality of interpretation and translation and on the training of judges, prosecutors and judicial staff.

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.

EUROPEAN PROTECTION ORDER

The Council discussed publicly the member state initiative for an European protection order ([PE-CONS 2/10](#)). 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.

After a long discussion, the presidency concluded that there is sufficient ground for the Council to continue discussions with the European Parliament with a view to reaching an agreement on the text of the draft directive. The presidency noted that at the next session of the Council in October 2010, the Council should assess the position of the United Kingdom, following a reasonable period of time as referred to in article 3, paragraph 2 of protocol 21 to the Lisbon Treaty.

The paragraph reads: "If after a reasonable period of time a measure referred to in paragraph 1 cannot be adopted with the United Kingdom or Ireland taking part, the Council may adopt such measure in accordance with Article 1 without the participation of the United Kingdom or Ireland."

Negotiations will now follow with the European Parliament and the Council will assess progress made at its next meeting in October 2010. Council and Parliament have to agree on a final text of the directive in the ordinary legislative procedure. Each member state will then need to transpose the new rules into national law.

The proposal for a European protection order is based on a joint initiative of twelve EU member states¹, presented in January 2010. 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.

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, such as:

- an obligation not to enter certain places or defined areas where the protected person resides or which he/she visits;

¹ Belgium, Bulgaria, Spain, Estonia, France, Italy, Hungary, Poland, Portugal, Romania, Finland and Sweden.

- a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or
- a prohibition or regulation on approaching the protected person closer than a prescribed distance.

In case of a breach of one or more of the measures taken by the member state executing the European protection order, the competent authority of that state has the competences to impose criminal sanctions and take any other criminal or non-criminal measures as consequence of the breach of such measure.

The text as it stands considers that it is necessary to allow 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.

EU ACCESSION TO THE ECHR

After a public debate, the Council adopted a negotiating mandate for the EU's accession to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

On 17 March 2010, the Commission tabled its recommendation for a negotiating mandate. Different Council working groups have discussed the proposal since then.

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".

SUCCESSION

After a public debate, the Council adopted political guidelines for future work on proposed European rules concerning matters of succession as well as an European certificate of succession ([14722/09](#) + [ADD2](#)).

Ministers underlined the importance of the proposed regulation since it has the potential to make life easier for heirs, legatees and other interested parties. Not least, the proposed rules would take some of the stress out of succession planning by enabling people to choose the law that will govern the transmission of all their assets.

On 14 October 2009, the Commission adopted a proposal that aims at simplifying the rules on successions with an international dimension in the EU. The proposal provides for the application of a single criterion for determining both the jurisdiction of the authorities and the law applicable to a cross-border succession: the deceased's habitual place of residence. People living abroad will, however, be able to opt to have the law of their country of nationality apply to the entirety of their succession.

All assets making up a succession will thus be governed by one and the same law, thereby reducing the risk that different member states will issue contradictory decisions. Likewise, a single authority will be competent for settling the succession. Lastly, there will be full mutual recognition of decisions and authentic acts in succession matters.

Under the proposed regulation, a European Certificate of Succession would also be created to enable a person to prove their capacity as heir or their powers as administrator or executor of a succession without further formalities. At present, people sometimes have great difficulty exercising their rights. The result will be faster and cheaper procedures.

It is to be noted that Denmark, the United Kingdom and Ireland will not take part in the adoption and application of the proposed regulation.

TRAFFICKING IN HUMAN BEINGS

The Council agreed on a general approach regarding a directive aimed at strengthening the fight against trafficking in human beings and the protection of victims.

In March 2010, the Commission adopted its proposal on the file ([8157/10](#)). Once adopted, the new rules will replace framework decision 2002/629/JHA. The goal is to further approximate national legislation and to improve international law enforcement and judicial cooperation. The provisions of the future directive include:

- a definition of the crime, aggravating circumstances and higher punishment;
- extraterritorial jurisdiction making it possible to prosecute EU nationals for crimes committed abroad and to use investigative tools such as phone listening and access to financial data;
- special treatment of the victims in criminal proceedings including non-punishment of victims who bear the consequences of the criminal activities;
- a higher standard of protection and assistance for victims, and in particular special protective measures for children;
- preventive measures aimed at discouraging the demand side of the phenomenon.

E-JUSTICE

The Council adopted a report and endorsed a roadmap on e-Justice reflecting the state of play and future plans. Ministers also agreed on a note on the assessment of the implementation structure's activities as foreseen in the European e-Justice action plan.

Concerning the European e-Justice portal, the Council expressed its disappointment and regretted that the portal would not be launched in the first half of 2010 as requested by the JHA Council in November 2009 and in April 2010. The Council recalled that this would be the second delay in this work since the initial deadline (end 2009).

In this context, the Council requested the Commission to take all possible measures to ensure the prompt delivery of the first release of the portal and to continue work on future releases.

The portal is aimed to promote the use of information and communication technologies in the field of justice. The use of new technologies will rationalise and simplify judicial procedures and 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.

The development of the portal takes place gradually. In the long-term, three aspects will be covered:

- firstly, access to law and information at EU and national level (N-Lex, EUR-Lex, case-law), including pan-European databases (e.g. to find a lawyer or notary in another Member State);
- secondly, electronic communication between a judicial authority and the citizen (submission of applications to court, exchange of documents in court proceedings, such as the European order for payment procedure etc.); and
- thirdly, secure communication between judicial authorities in the cross-border context (information about videoconferencing, its availability and possibilities, secure exchange of legal assistance requests etc.).

The roadmap on e-Justice reflects the state of play in concrete terms and aims to make a realistic planning for the months and years to come. The main conclusion of the assessment of the implementation structure is that no changes should be made to the implementation structure until 2013 and that another review of the structure should be carried out in the first half of 2012.

ANY OTHER BUSINESS

Sexual exploitation of children

Under other business, the presidency informed justice ministers about the state of play concerning a directive on combating the sexual abuse, sexual exploitation of children and child pornography.

In March 2010, the Commission adopted its proposal on the file ([8155/10](#)). Once adopted, the new rules will replace framework decision 2004/68/JHA. The goal is to further approximate national legislation and to improve international law enforcement and judicial cooperation.

Among the outstanding issues are:

- the definition of child pornography;
- the categorisation of offences;
- instigation, aiding and abetting, and preparatory acts for offences of this kind;
- the criminalisation of intentional access to child pornography by computerised means;
- how to deal with unintended access to web sites;
- the length of sentences;
- the extension of territorial jurisdiction;
- the blocking of websites with child pornography content as a complementary measure to the efforts to eliminate the source content;
- including unreal characters (images, cartoons, etc.) within the concept of child pornography. In this respect, the Commission has noted that the aim is to criminalise images which reproduce reality; and
- assessing and offering rehabilitation programmes to the perpetrators of these crimes.

System of burden-sharing

In its home affairs session, the Council discussed a study of the European Parliament relating to a system of burden-sharing between member states for the reception of asylum seekers.

Corruption, police cooperation, G6

The Austrian minister then informed his colleagues of an upcoming conference on the fight against corruption which will take place in September 2010 in Vienna. The Bulgarian minister reported on the outcome of the third Ministerial meeting of the Police Cooperation Convention for Southeast Europe, held in Sofia on 20-21 May 2010, and the Italian minister gave an overview of results of the meeting of interior ministers of the G6 (IT, DE, FR, UK, ES, PL) in Varese, Italy, on 28-29 May 2010.

EU-Turkey readmission agreement

After a report by the Commission, ministers also exchanged views on the state of play concerning the negotiations of an EU-Turkey readmission agreement. These negotiations started in November 2002.

Visa reciprocity with Canada

Following the EU-Canada summit on 5 May 2010, the Council was also briefed by the Commission and the Czech Republic on the issue of the visa requirement imposed by Canada on Czech nationals. The Council requested the Commission to continue to press for the lifting of the visa requirement in consultation with the Czech Republic

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 provides for possible reciprocity measures in cases where 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.

Belgian presidency priorities

Finally, the upcoming Belgian presidency informed both, justice and home affairs ministers, about its priorities in justice and home affairs matters.

MIXED COMMITTEE: SIS II AND VISA LIBERALISATION IN THE WESTERN BALKANS

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) and the issue of visa liberalisation for the Western Balkan states.

SIS II

The committee took note of a report by the Commission on the state of play of the SIS II project and an accompanying draft global schedule. This draft global schedule provides for entry into operation of the SIS II by the first quarter of 2013. The Council also called on the Commission to present as soon as possible a final global schedule as well as a comprehensive budgetary estimate for the development of the system. Both should be confirmed by the Council in October 2010, at the latest.

SIS II was launched to replace the existing Schengen Information System (SIS). It is supposed to facilitate the exchange of information on persons and objects between national authorities responsible, inter alia, for border controls and other customs and police checks.

Visa liberalisation for the Western Balkans

The issue of visa liberalisation for the Western Balkans was discussed and the Commission reported on the adoption of a proposal to modify Regulation 539/2001 in order to extend visa liberalisation to Albania and Bosnia and Herzegovina.

Delegations welcomed the presentation of the proposal and expressed the hope that it would be possible to adopt it quickly once the two countries concerned meet the outstanding benchmarks under the visa liberalisation dialogue.

The Council decided in November 2009 to amend this regulation and to grant visa free travel to and throughout the Schengen area for citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia ([15521/09](#)). The visa waiver became effective on 19 December 2009 to holders of biometric passports.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

SIRENE Bureaux - *Council conclusions*

The Council adopted conclusions on agreed practices for SIRENE Bureaux in cases of missing persons exposed to high risk. For further details see document [9966/10](#).

Psychosocial support - *Council conclusions*

The Council adopted the conclusions on psychosocial support in the event of emergencies and disasters. For more information see document [9838/10](#).

Community Civil Protection Mechanism - *Council conclusions*

The Council adopted conclusions on the use of Community Civil Protection Mechanism in major events in the European Union, see document [9837/10](#).

Illegal trafficking of waste - *Council conclusions*

The Council adopted the conclusions on the prevention and combating of the illegal trafficking of waste. For more information see document [5956/5/10 REV 5](#).

EUCPN annual report- *Council conclusions*

The Council adopted the conclusions on the European Crime Prevention Network (EUCPN) annual report 2009. For more information see document [7770/1/10 REV 1](#).

LAC organised crime analysis- *Council conclusions*

The Council adopted the conclusions on a Latin-American and Caribbean (LAC) organised crime analysis. For more information see document [5070/4/10 REV 4](#).

Ad hoc multinational teams with third countries - *Council resolution*

The Council adopted the resolution on the setting up of ad hoc multinational teams with third countries, see document [9923/10](#).

Football matches with an international dimension - *Council resolution*

The Council adopted the resolution concerning an updated handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved, [9926/10](#).

Security at football matches with an international dimension

The Council approved an evaluation report on the degree of implementation of Council decision 2007/412 concerning security at football matches with an international dimension ([9924/10](#)). According to this report, almost three-quarters of member states' national football information points (NFIP) have access to personal data on risk supporters from their respective countries.

Customs Information System - Progress report

The Council took note of a report on the application of the Customs Information System (CIS) during the year 2009.

The CIS was created to store information in order to assist in preventing, investigating and prosecuting actions which are in breach of customs and agricultural legislation or serious contraventions of national laws. It has been running since 2003.

Eurojust annual report - *Council conclusions*

The Council adopted conclusions on the eighth Eurojust Annual Report (calendar year 2009), see document [9959/10](#).

SISNET budgets 2008 and 2009

The Council gave the Secretary-General a discharge in respect of the execution of the SISNET accounts for the year 2008 and adopted the amending budget for the year 2009.

Integration as a Driver for Development and Social Cohesion

Conclusions of the Council and the Representatives of the Governments of the Member States on Integration as a Driver for Development and Social Cohesion were adopted, see document [9248/10](#).

Europol / Former Yugoslav Republic of Macedonia cooperation agreement

The Council authorised the European Police Office ("Europol") to conclude an agreement with the Former Yugoslav Republic of Macedonia with a view to enhancing operational and strategic cooperation between the EU and FYROM in order to improve the combating of serious forms of international crime, in particular through the exchange of information ([8159/10](#)).

Europol annual report 2009

The Council endorsed the Europol annual report 2009 and forwarded it to the European Parliament for information ([10099/10](#)). The report offers an overview of the most important products and services that Europol provided last year to the member states and its cooperation partners, and summarises the activities of the Europol Liaison Bureaux.

Confiscation and Asset Recovery - *Council conclusions*

The Council adopted conclusions on Confiscation and Asset Recovery, see document [7769/3/10 REV 3](#).

European arrest warrant - *Council conclusions*

The Council adopted conclusions on follow-up to the recommendations in the final report on the fourth round of mutual evaluations concerning the European Arrest Warrant and surrender procedures among the Member States of the EU, see documents [8436/2/10](#) + [COR 1](#).

Seminars organised by the Spanish presidency

The Council adopted the conclusions of the seminars organised by the Spanish Presidency in matters relating to justice, see document [10104/10](#).

Schengen Information System: migration to second generation database

The Council adopted two regulations on the migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II).

The new regulations extend until March 2013 the preconditions for migration from SIS 1+ to SIS II, given that these preconditions for migration will not be met by 30 June 2010, the date originally planned. At the same time, the amendments give a formal status to the hitherto informal Global Project Management Board (GPMB) which oversees the development of the second generation database.

To this end, the regulations amend decision 2008/839/JHA ([9925/10](#)) and regulation 1104/2008 ([9920/10](#)) on the conditions, procedures and responsibilities applicable to the migration from SIS 1+ to SIS II, which are to expire on 30 June 2010.

The second generation SIS II was established by regulation 1987/2006¹ and by decision 2007/533/JHA².

The Stockholm programme - *Council conclusions*

The Council adopted conclusions on the Commission Communication "Delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme", see document [9935/10](#) + [COR 1](#).

EU/Georgia agreement on short-stay visas

The Council adopted a decision approving the signing of an agreement with Georgia on the facilitation of the issuance of visas, subject to its formal conclusion at a later stage ([10304/10](#)).

The agreement will allow the issuance of visas for an intended stay in the EU territory of no more than 90 days per period of 180 days to the citizens of Georgia.

In accordance with the EU provisions, Denmark, Ireland and the United Kingdom do not take part in the adoption of the decision and therefore are not bound to the application of the agreement.

¹ OJ L 381, 28.12.2006, p. 4.

² OJ L 205, 7.8.2007, p. 63.

ECONOMIC AND FINANCIAL AFFAIRS

Easier access to EU structural funds

The Council adopted a regulation facilitating access to EU structural funds in order to counter the economic crisis ([PE-CONS 9/10](#) + [10197/10](#) + [ADD 1](#)), following a first-reading agreement with the European Parliament. The Czech, Maltese, Polish, Slovenian, Slovakian and UK delegations abstained.

The new regulation aims at ensuring the liquidity of the member states worst hit by the crisis, improve the absorption of funds for certain operational programmes and simplify the rules for the management of the structural funds.

For more details see press release [10547/10](#).

TRADE POLICY

Anti-dumping - Sodium cyclamate from China and Indonesia

The Council adopted a regulation imposing a definitive anti-dumping duty on imports of sodium cyclamate originating in China and Indonesia following an expiry review pursuant to regulation 1225/2009 ([9569/10](#)).

DEVELOPMENT COOPERATION

EU/South Africa agreement - Customs duties

The Council adopted a decision on the position to be taken by the EU within the EU-South Africa Cooperation Council on amendments to the EU/South Africa agreement on trade, development and cooperation, in order to align certain tariffs with those applied to EU products by Botswana, Lesotho and Swaziland ([9393/10](#)).

AGRICULTURE

EU position for the extension of the food aid convention

The Council adopted a decision establishing the EU position to be taken within the food aid committee on the extension of the Food Aid Convention.

Protection of animals used for scientific purposes

The Council adopted its first-reading position on a draft directive for the protection of animals used for scientific purposes, aimed at strengthening the protection of animals whilst allowing research to continue playing a key role in the fight against diseases ([6106/10](#)+ [6106/10 ADD 1](#) + [9968/10 ADD 1](#)). The German delegation abstained.

For more details see press release [10579/10](#).

FISHERIES**EU/ Solomon Islands agreement - Renewal and fishing allocation**

The Council adopted a regulation concerning the allocation of the fishing opportunities under the fisheries partnership agreement with Solomon Islands ([9334/10](#)).

Understanding with Chile on conservation of swordfish - Provisional application

The Council adopted a decision on the signing on behalf of the EU, and provisional application of the understanding with Chile concerning the conservation of swordfish stocks in the South-Eastern Pacific Ocean ([9337/10](#)). The provisional application will allow EU vessels fishing swordfish in this area to obtain access to designated Chilean ports without delay.

ENVIRONMENT**Mercury**

In view of the UN negotiations for a global legally binding instrument on mercury, the Council and the representatives of the governments of the member states adopted conclusions on addressing global mercury challenges. The conclusions set out a political framework for the participation of the EU and its member states in the first session of the international negotiating committee in Stockholm, from 7 to 11 June 2010.

TRANSPORT

EU/ Vietnam agreement on air services

The Council adopted a decision authorising the signing of an agreement with Viet Nam on certain aspects of air services, subject to its conclusion at a later stage ([7170/5/09](#)).

APPOINTMENTS

Committee of the Regions

The Council appointed Mr. Giuseppe SCOPELLITI, Mr Gianfranco VITAGLIANO, Ms Renata POLVERINI, Mr Roberto COTA, Ms Mercedes BRESSO and Ms Catuscia MARINI, from Italy ([10091/10](#)), and Mr Mieczysław STRUK, from Poland ([10057/10](#)), as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015.
