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### **Justice and Home Affairs**

Luxembourg, 9 and 10 June 2011

Presidents      **Mr Tibor NAVRACSICS**  
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# **P R E S S**

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## **Main results of the Council**

*The Council paved the way for the establishment of a **European agency for the operational management of large-scale IT systems** by mid-2012. The political agreement confirms the compromise text that resulted from negotiations with the European Parliament.*

*Home affairs ministers also discussed outstanding issues to amend the **rules on Frontex**, the EU's external border management agency. The goal remains to reach agreement with the European Parliament until the end of June.*

*The Council then adopted **conclusions on borders, migration and asylum** after discussing a number of migration related Commission communications. Conclusions were also adopted on the **Schengen evaluation of Bulgaria and Romania**. The Council will revert to the issue as soon as possible, but no later than September 2011.*

*On the legislative package that aims to establish a Common European Asylum System (CEAS) by 2012, the Council had a first exchange of view on two revised Commission proposals on **procedures for granting and withdrawing international protection**, as well as on **reception conditions for asylum seekers** tabled on 1 June 2011. On legal migration, ministers took note of the state of play of three proposals (**intra-corporate transfers, seasonal workers and a single permit for third-country nationals** to reside and work in the EU).*

*Security related agenda items included the latest **discussion paper by the EU Counter-terrorism coordinator** on the implementation of the EU Counter-terrorism strategy, as well as conclusions on the EU's priorities for the **fight against organised crime** between 2011 and 2013 as well as an **air cargo security progress report** from the Commission.*

*Justice ministers agreed on the general principles governing the proposed **European Investigation Order**, which would allow one member state to carry out investigative measures based on the decision of another member state.*

*The Council also adopted a general approach on **revised rules against cybercrime**: The review of rules concerning attacks against IT systems increases the penalties and aims to address the emerging threats posed by large scale cyber attacks.*

*Finally, the Council agreed political guidelines for the proposed rules in matters of **succession** and on the creation of a European certificate for succession.*

***Important items adopted without discussion** (A-items) include a number of Council conclusions: on enhancing the **links between internal and external aspects of counter-terrorism**, on the proposed **EU strategy on readmission** and on the role of law enforcement cooperation in **combating falsified and/or counterfeit medicines**.*

*In the margins of the Council, the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed, among other things, two presentations by the Commission: a report on the **post visa liberalisation monitoring mechanism for the Western Balkans**, and a new proposal to amend the **rules that govern the EU's free visa regime**.*

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**ITEMS DEBATED**

**EU agency for large scale IT systems**

With a decisive political agreement, the Council paved the way for the establishment of a European agency for the operational management of large-scale IT systems in summer 2012 on the basis of a compromise text with the European Parliament ([10827/2/11](#)).

The presidency is now in a position to confirm to the European Parliament that, should the Parliament adopt its position at first reading in the exact form as set out in the compromise text, the Council will approve the Parliament's position in a future meeting.

The goal is that the agency will start working in summer 2012. The seat of the Agency will be in Tallin, Estonia. The tasks related to development and operational management will be carried out in Strasbourg, France. A backup site will be installed in Sankt Johann im Pongau, Austria.

Large-scale IT systems managed by the future agency will include the second-generation Schengen Information System (SIS II), the Visa Information System (VIS) and EURODAC. The agency will also be responsible for the management of any other IT systems which might be developed in the area of freedom, security and justice in the future. However, any integration of further systems will require a specific decision by the Council and the European Parliament.

**Frontex: New rules for the EU border management agency**

The Council discussed the issues outstanding on the revision of the rules concerning the European external borders agency Frontex. Negotiations with the European Parliament started in April.

Ministers focused on a number of outstanding issues including:

- the temporary secondment of border guards to the Frontex Joint Support Teams by member states;
- the monitoring of return operations;
- the establishment and name of a common pool of border guards for joint operations and Rabit intervention missions.

The goal continues to be to reach agreement with the European Parliament before the end of June in line with the European Council conclusions of 24 March 2011.



**Conclusions on borders, migration and asylum - Conclusions**

The Council adopted [conclusions](#) on borders, migration and asylum in the context of discussions on a number of recent Commission communications on migration ([9731/11](#)); on migration and asylum in the EU in 2010, which presents the second annual report on the implementation of the European Pact on Immigration and Asylum ([10772/11](#)); on a dialogue for migration, mobility and security with the Southern Mediterranean ([10784/11](#)).

**Schengen evaluaton of Bulgaria and Romania - Conclusions**

The Council adopted conclusions on the completion of the process of Schengen evaluation of the state of preparedness of Bulgaria and Romania to implement all provisions of the Schengen acquis.

These conclusions underline that the Schengen evaluation process for Bulgaria and Romania has been finalized and that the Council will return to the issue as soon as possible, but no later than September 2011.

**Asylum: Reception conditions and procedures**

On the legislative package that aims to establish a Common European Asylum System (CEAS) by 2012, the Council had a first exchange of views on two revised Commission proposals. They concern the procedures for granting and withdrawing international protection ([11207/11](#)) as well as the reception conditions for asylum seekers ([11214/11](#)).

The Commission tabled these proposals on 1 June 2011.

Both proposals amend existing directives. Amendments were initially tabled in October 2009 and December 2008, respectively. However, no agreement on the texts could be reached. As a consequence, the Commission decided to submit revised proposals to take account of the positions expressed by member states in the Council and by the European Parliament.

**Legal migration: Intra-corporate transfers, seasonal employment and single permit for third country nationals**

On legal migration, ministers examined the state of play of three dossiers which form part of EU plans to develop a comprehensive immigration policy.

Two proposals for directives concern conditions of entry and residence of third-country nationals:

- in the framework of an intra-corporate transfers ([12210/10](#)) and
- for the purposes of seasonal employment ([12208/10](#)).

On both files, negotiations with the European Parliament have not yet started.

The aim of the seasonal workers' proposal is to set out fair and transparent rules for entry and residence while, at the same time, providing for incentives and safeguards to prevent a temporary stay from becoming permanent. It proposes a fast-track procedure for the admission of third-country seasonal workers, based on a common definition and common criteria. Issues that require further consideration in Council include the definition of seasonal work, the admission criteria, issuance of a permit or a visa to seasonal workers and the set of rights to be granted to seasonal workers.

The aim of the proposal for a directive on intra-corporate transferees is to facilitate intra-corporate transfers of skills both to the EU and within the EU. It is specifically aimed at responding effectively and promptly to demand for managerial and qualified employees for branches and subsidiaries of multinational companies by setting up transparent and harmonised conditions of admission of this category of workers, by creating more attractive conditions of temporary stay for intra-corporate transferees and their family and by promoting efficient allocation and re-allocation of transferees between EU entities. The main issues which need further work within Council are related to the admission criteria, the rights to be granted to the permit holders and to their family members and notably the mobility between member states for the permit holders.

In addition, ministers discussed the state of play regarding a proposal for a directive on a single permit for third-country nationals to reside and work in the territory of a member state and on a common set of rights for third-country workers legally staying in a member state ([14491/07](#)).

The European Parliament adopted amendments to the above proposal at the plenary in first reading on 24 March 2011. Further negotiations between Council and Parliament will start soon. The main issues on which the positions of the two institutions still differ are the question of an additional document to be issued together with the single permit, the transfer of pension rights and the obligation for member states to provide correlation tables to the Commission.

**EU Counter-terrorism strategy**

The Council discussed and welcomed the latest discussion paper on the implementation of the EU Counter-terrorism Strategy, presented by the EU Counter-terrorism Coordinator (10622/11).

In his discussion paper on the EU Counter-terrorism Strategy, the EU Counter-terrorism Coordinator analyses the consequences of Osama Bin Laden's death for the fight against terrorism and the counter-narrative against Al Qaeda's ideology. He also looks at the risks and opportunities deriving from the recent developments in North Africa and the continuous challenges the international community faces in Pakistan.

The paper then focuses on a number of key challenges which concern the following issues:

- prevention - developing a vision and countering the terrorist narrative;
- transport security (including land transport such as high-speed trains);
- security related research and an industrial policy for the security industry; and
- the CBRN strategy on chemical, biological, radiological and nuclear security.

On 2 May 2011, the EU Counter-terrorism Coordinator issued already a [statement](#) on the death of Osama Bin Laden.

**Fight against organised crime between 2011 and 2013 - Conclusions**

The Council adopted conclusions on setting EU priorities for the fight against organised crime between 2011 and 2013 ([11050/11](#)).

The priorities identified include the fight against the production and distribution of drugs, including synthetic and psychoactive substances, the fight against drug trafficking, particularly from West Africa, the mitigation of the role of the Western Balkans in international crime, the fight against trafficking in human beings, the fight against crime groups that facilitate illegal immigration, the fight against mobile cross-border crime groups and the fight against cybercrime.

These conclusions should be implemented at European and, where relevant, national or regional level against agreed strategic goals and via EU annual Operational Action Plans.

The conclusions are a follow-up to the creation of the EU policy cycle for organised and serious international crime at the end of 2010 ([15358/10](#)). This document establishes a multi-annual policy cycle and clear methodology for setting, implementing and evaluating priorities in the fight against organised and serious international crime. According to the plans, an initial and reduced policy cycle should be implemented between 2011 and 2013 on the basis of the EU Organised Crime Threat Assessment (OCTA) 2011. The first fully fledged EU policy cycle will only start based on the EU SOCTA 2013 and cover the years 2013 to 2017.

In this context, ministers took also note of a publication that aims at experience sharing in the fight against organised crime. It is called "Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States" ([10899/11](#)). Delegations were invited to ensure proper dissemination through their national channels.

**Air cargo security progress report**

The Council discussed an air cargo security progress report presented by the Commission - as requested by the Council in December 2010 ([11250/11](#)).

End of October 2010, two parcel bombs sent via air freight from Yemen to the US were intercepted and defused during handling at Dubai and the UK's East Midlands Airport, respectively.

As a consequence the Justice and Home Affairs Council on 8-9 November 2010 set up a High Level Group on cargo security/civil aviation charged with finding ways to toughen air-cargo security measures without stifling the business.

The working group presented its proposals to both the Justice and Home Affairs and the Transport Council in early December 2010. Measures suggested aimed to close security gaps and to develop a coordinated approach at EU and international level for additional security measures. The plan provides for actions designed to strengthen and harmonise EU rules, improve coordination and information exchange within the EU, and enhance global standards.

At EU level, this includes measures such as upgrading detection methods and cargo security controls, establishing common criteria for assessing risks posed by cargo from non-EU countries, reviewing procedures for the designation of "trusted" consignors and carriers, and improving security training for operators and inspectors.

**Mixed Committee**

In the margin of the Council session, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following subjects:

EU visa free regime

The committee had a first exchange of view on the recent Commission proposal to amend the rules governing the EU's free visa regime ([10834/11](#)). The amendments concern regulation 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

Among other things, the Commission proposal suggests a safeguard clause allowing, under certain exceptional conditions and on the basis of well defined delimited criteria, for the temporary reintroduction of the visa requirement for citizens of a third country whose nationals can normally travel to the EU without a visa. The proposed safeguard clause is of a general nature. It does not target any particular third country or region.

After the presentation at ministerial level, the proposal will be examined by the appropriate Council bodies and, since ordinary legislative proposal applies, by the European Parliament.

Post visa liberalisation monitoring mechanism for the Western Balkans

The Commission presented, in accordance with its statement of November 2010 ([15926/1/10](#)), its post visa liberalisation monitoring report for the Western Balkans ([10997/11](#)).

Several delegations underlined that the problem of persisting high numbers of unfounded asylum applications from some of the Western Balkan countries must be addressed.

Frontex regulation

The committee discussed the issues outstanding on the revision of the rules concerning the European external borders agency Frontex - as described in the separate item above.



EU IT Agency

The committee discussed the state-of-play on the establishment of a European agency for the operational management of large-scale IT systems - as set out in the separate item above.

Schengen evaluations of Bulgaria and Romania

The committee discussed draft Council conclusions on the Schengen evaluation of Bulgaria and Romania which were later adopted in Council.

SIS II

The committee discussed the state-of-play of the implementation of the Schengen Information System II (SIS II). The global schedule presented by the Commission at the Council meeting in October 2010 provides for entry into operation of the SIS II by the first quarter of 2013.

The Schengen Information System is a common database with stringent data protection rules which facilitates the exchange of information on persons and objects between national law enforcement authorities responsible, inter alia, for border controls and other customs and police checks

VIS

The committee also looked at the progress made regarding the preparations of the Visa Information System (VIS). For the VIS to go live, the central VIS, managed by the Commission, the national VIS of each individual member state as well as preparations at the external border crossing points and in the consulates of the first roll-out region (North Africa) must be ready. The central VIS is expected to be ready by the end of June 2011. The member states have to notify the readiness of their national systems and of their consulates by the end of July at the latest. The whole system should start operating in mid-October 2011.

Once operational, the VIS will support the implementation of the common visa policy and facilitate effective border control by enabling Schengen member states to enter, update and consult visa data, including biometric data, electronically

**Cybercrime - Attacks against IT systems**

The Council adopted a general approach on a draft directive on attacks against information systems, proposed by the Commission in September 2010 ([14436/10](#)). The general approach will constitute the basis for the Council's negotiations with the European Parliament on this proposal in the framework of the ordinary legislative procedure.

The proposal aims to update the existing rules dating from 2005 (Framework Decision 2005/222/JHA), while building on the Council of Europe Convention on Cybercrime (Budapest convention). It establishes minimum rules for the definition of criminal offences and the penalty levels in the area of attacks against IT systems. It also aims to facilitate the prevention of such attacks and to improve the cooperation between member states' authorities in this field.

The new rules would retain most of the provisions currently in place - namely the penalisation of illegal access, illegal system interference and illegal data interference as well as instigation, aiding, abetting and attempt to commit those criminal offences - and include the following new elements:

- penalisation of the production and making available of tools (e.g. malicious software designed to create "botnets"<sup>1</sup> or unrightfully obtained computer passwords) for committing the offences;
- illegal interception of computer data will become a criminal offence;
- improvement of European cooperation in criminal matters by strengthening the existing structure of 24/7 contact points, including an obligation to provide feedback within eight hours to urgent requests; and
- the obligation to collect basic statistical data on cybercrimes.

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<sup>1</sup> The term botnet indicates a network of computers that have been infected by malicious software (computer virus). Such network of compromised computers ("zombies" may be activated to perform specific actions such as attacks against information systems (cyber attacks). These 'zombies' can be controlled – often without the knowledge of the users of the compromised computers – by another computer.

Concerning the level of criminal penalties, the new rules would raise the thresholds:

- in the general case to a maximum term of imprisonment of at least two years;
- if committed against a significant number of IT systems, e. g. in order to create a "botnet", to a maximum term of imprisonment of at least three years;
- if the attack has been committed by an organised criminal group, or has caused serious damage, e.g. through the use of a "botnet", or has affected a critical IT system, to a maximum term of imprisonment of at least five years.

These new forms of aggravating circumstances are intended to address the emerging threats posed by large scale cyber attacks, which are increasingly reported across Europe and have the potential to severely damage public interests.

Finally, the Council has clarified the rules concerning the establishment of jurisdiction by the member states on cyber crime.

While the UK and Ireland participate in the adoption and application of this directive, Denmark would not be bound by it.

**European investigation order**

The Council agreed on the main principles governing the proposed European Investigation Order (EIO) in criminal matters. This directive would allow one EU member state to carry out investigative measures following the decision of another EU member state, based on the principle of mutual recognition of judicial decisions.

The investigative measures would, for example, include the hearing of witnesses, searches and seizures as well as, with additional safeguards, interceptions of telecommunications, observation, infiltration and monitoring of bank accounts.

The draft act would replace the current patchwork of legal provisions in this area with a single new instrument, which aims to make legal cooperation on investigations faster and more efficient: It would introduce automatic mutual recognition of investigation orders and limit the grounds for refusing to execute the order by another EU state while at the same time providing legal remedies to protect the defence rights of concerned persons. Finally, it would for the first time establish deadlines for carrying out the investigative measures.

The agreement covers the following general issues:

- Scope: The EIO can be used in criminal proceedings, but also in those brought by administrative authorities when there is a criminal dimension.
- Grounds for non-recognition or non-execution: A number of safeguards ensure that an EIO will not be executed if it may harm national security interests or immunities established in the executing state, for instance rules limiting criminal liability relating to freedom of the press.

- Legal remedies: Member states must ensure that interested parties are entitled to legal remedies equivalent to those available in a similar domestic case and that they are properly informed of these possibilities. Legal remedies may be brought in both the issuing and the executing state.
- Deadlines for the execution of the EIO: Member states must recognise having received an EIO within 30 days and carry out the investigation measure within 90 days.
- Costs: Save in exceptional circumstances, the executing state bears the costs of the measures carried out in its territory.

This partial agreement will allow the Council to examine the remaining part of the draft directive and later to enter into negotiations with the European Parliament, co-legislator in this matter.

The EIO is an initiative of seven member states presented in April 2010 ([9288/10](#))<sup>1</sup>. The United Kingdom decided to participate in the EIO by using the opt-in option provided for in Protocol 21 of the Lisbon Treaty. Ireland and Denmark are not taking part.

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<sup>1</sup> Austria, Belgium, Bulgaria, Estonia, Slovenia, Spain and Sweden.

**Memory of crimes committed by totalitarian regimes in Europe**

The Council adopted conclusions on the memory of crimes committed by totalitarian regimes in Europe, set out in [11268/11](#).

The conclusions reaffirm the importance of raising awareness of the crimes committed by totalitarian regimes, given that this can play a role in preventing a renewed rise of totalitarian ideologies. The statement highlights the Europe-wide day of remembrance of the victims of totalitarian regimes (23 August) and invites member states to consider how to commemorate it in line with their traditions.

**Rights of victims in criminal proceedings**

The Council adopted a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings ([11108/11](#)). The roadmap sets out priority actions for the protection of victims of crimes and invites the Commission to submit proposals regarding all of the measures.

Among the overall objectives of EU action are establishing procedures to respect victims' dignity, integrity and privacy, enhancing their access to justice and designing procedures aimed at preventing repeat victimisation.

The roadmap lays down the following priority measures:

- revising current law (framework decision 2001/220/JHA) on the standing of victims in criminal proceedings;
- a regulation on mutual recognition of protection measures for victims taken in the context of civil matters. This would complement the European protection order in criminal matters, currently under discussion in the Council after the first reading of the European Parliament.

The Commission presented proposals for these two actions on 18 May, which the Council welcomes and intends to examine as matters of priority.

The other priority measures concern:

- guidelines on best practices among member states in the field of assistance and protection to victims of crime, once the revised legislation on the standing of victims is adopted;
- a review of the existing directive relating to compensation to crime victims;
- recommendations on how to deal with the specific needs of vulnerable victims and victims of particular types of crimes, e.g. trafficking in human beings or sexual exploitation of children.

The Council invited the Commission to also submit proposals on these priorities and commits itself to deal with them as a matter of priority.

The Commission also presented to ministers the package on victims' rights it published on 18 May, which includes:

- a communication on strengthening victims' rights in the EU ([10612/11](#));
- the proposed regulation on mutual recognition of protection measures in civil matters ([10613/11](#));
- the proposed directive on minimum standards on the rights, support and protection of victims of crime ([10610/11](#)).



**Succession**

The Council agreed on political guidelines for the future work on the proposed regulation on succession and the creation of a European certificate of succession.

The proposed rules have the potential to make life easier for heirs, legatees and other interested parties. Not least, the new rules would take some of the stress out of succession planning by enabling people to choose the law that will govern the transmission of their assets.

In this regard, the draft act provides for the application of a basic connecting factor for determining both the jurisdiction of the authorities and the law applicable to a cross-border succession: the deceased's habitual place of residence at the time of death. A person may also choose as the law to govern the succession to his estate as a whole the law of the state of nationality he possesses at the time of making the choice. There will also be mutual recognition and enforcement 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 status as heir or their powers as administrator or executor of a succession without further formalities. The result will be faster and cheaper procedures.

The draft regulation was presented by the Commission in October 2009 ([14722/09](#) + [14722/09 ADD 2](#)). The Council's agreement will complement more general political guidelines on this file dating from June 2010 ([9703/1/10 REVI](#)).

**Official Journal of the EU**

The Council agreed on the text of the proposed regulation on giving legal value to the electronic edition of the Official Journal of the European Union, subject to the finalisation of parliamentary scrutiny reservations in some member states. Consent of the European Parliament is needed before the draft act can be definitely adopted by the Council.

The draft act aims to allow everyone to rely on the electronic edition of the Journal of the EU as being authentic, up-to-date, complete and free of charge. The paper version would only be authentic in exceptional and temporary cases, for instance when the IT system of the EU publications office is disrupted.

The Official Journal of the EU ensures the official publication of the legislation and all other acts of the European Union. It has been published on paper since 1958 and has been made available on the internet since 1998. However, until now, only the paper version has legal value.

**e-Justice**

The Council discussed progress in the area of European e-Justice on the basis of a report (9369/1/11 REV 1) and adopted a revised roadmap for the implementation of the European e-Justice action plan (10331/11 + COR1 + COR2).

Concerning the European e-Justice portal, the report underlines the first release of the portal in July 2010, an interim release in April 2011 and the preparations for the second release in September 2011.

The report and roadmap address a number of other e-Justice projects, such as:

- the e-Justice Communication via **Online Data Exchange (e-CODEX)**, started in January 2011, which aims to develop common technical standards in the field of justice that could be used in several e-Justice projects, where pre-requisites include e-identification, e-signatures, e-payment etc.;
- dynamic online forms for European payment procedures or European small claims procedures;
- the interconnection of member states' insolvency and land registers;
- a voluntary system of a common identifier for case-law (ECLI).

**EU accession to the European convention on human rights**

The Council was informed of the state of play of the negotiations for EU accession to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

In June 2010, Council adopted a negotiating mandate. The EU negotiator (Commission) has had several negotiation sessions since then, which were consulted with the working party on fundamental rights, citizens' rights and free movement of persons, in its quality as special committee pursuant to Art 218 (4) TFEU.

**Information items**

The Commission briefed the Council on:

- a communication on the protection of the financial interests of the European Union by criminal law and administrative investigations ([11055/11](#));
- its package on fighting corruption in the EU ([11237/11](#), [11205/11](#), [11212/11](#)).

The presidency and the Commission also reported on the Missing Children Europe Conference, held on 25 and 26 May 2011.

**AOB**

Austria presented the “Police Equal Performance” project, an initiative for a focused operational approach in the cooperation between the EU and the Western Balkans in fighting serious and organised crime.

**Network for legislative cooperation**

The German delegation informed the Council that it would join the network for legislative cooperation between the ministries of justice of the EU as of 1 January 2012 ([11170/11](#)). The goal of the network is to improve the exchange of information on legislation in force, on judicial and legal systems, and on major legal reform projects, particularly in the fields of civil and criminal law.

**Conference of the ministers of the Western Balkans countries**

Slovenia informed delegations on the Brdo process conference of the Western Balkans, held on 15 April at Brdo pro Kranju, which focused on improving judicial cooperation in criminal matters.

**Priorities of the Polish presidency**

The incoming Polish presidency presented its priorities for the second semester of 2011. They include: further progress on legislative instruments to establish a Common European Asylum System (CEAS) by 2012; increased cooperation with countries in the Eastern Partnership region, e.g. on border management issues or the fight against cross-border crime and trafficking in human beings; the fight against drug abuse and drug criminality, especially in the area of synthetic and new drugs; improving the EU civil protection mechanism.

In the area of justice, the priorities include the protection of citizens' rights, in particular property rights, succession matters, European contract law, victims' rights, the rights of the accused and the European protection order.

**OTHER ITEMS APPROVED**

**JUSTICE AND HOME AFFAIRS**

**Hague Convention\***

The Council adopted a decision on the approval, on behalf of the European Union, of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance ([9936/11](#) + [10639/11](#)).

The Hague Convention is a system of administrative cooperation establishing a streamlined procedure for recognition and enforcement of maintenance decisions and maintenance arrangements, providing for free legal assistance in virtually all child support cases.

As agreed when the decision on the signing of the Convention was adopted ([OJ L 93, 7.4.2011](#)), the Union should approve the Convention alone and exercise its competence over all the matters governed by it. Consequently, member states should be bound by the Convention due to this approval.

**Statistics on the Schengen Information System**

The Council took note of the statistics for 2010 on alerts and hits in the Schengen Information System. Data was collected according to harmonized guidelines and shows an increase of 429% compared to 1997 when hits were first counted.

These figures highlight the contribution of the SIS, including the SIRENE cooperation, to the protection of an area without internal border controls.

## **Data protection requirements in the Schengen Information System**

The Council approved the report on the implementation of article 102-A of the Schengen Convention (*13993/3/10*).

Article 102-A was added to the Schengen Convention in 2005 ([OJ L 191, 22.07.2005](#)), granting the access to the Schengen Information System (SIS) to the member states' services responsible for issuing registration certificates for vehicles, for the sole purpose of checking whether the vehicles presented to them for registration had been stolen, misappropriated or lost. This article also establishes certain conditions in order to ensure that the fundamental data protection principles would be respected in the procedure, requiring the Council to submit each year a report to the European Parliament on the implementation of its provisions.

## **Prevention of terrorist attacks- *Conclusions***

The Council adopted conclusions on the creation of a European network of law enforcement units specialised in prevention of terrorist attacks involving chemical, biological, radiological or nuclear (CBRN) materials (*10338/11*).

In order to encourage member states to improve their CBRN emergency response capacity, the conclusions invite them, together with the Commission and Europol, to set up such a network to facilitate the exchange of information and good practices, organise joint training exercises and provide updates on the latest developments in this area.

*See also:*

- Commission Communication- The EU Internal Security Strategy in Action: five steps towards a more secure Europe ([16797/10](#));
- EU CBRN Action Plan ([15505/1/09](#))



## **Environmental crime**

The Council adopted a resolution on the creation of an informal network for countering environmental crime (EnviCrimeNet) ([10291/11](#)). Environmental crime in general and illegal waste trafficking in particular are serious offences because they pose a threat to the environment and public health and are often characterised by their international and cross-border nature.

In particular, the resolution aims at:

- identifying criminal networks suspected of being involved in illicit waste trafficking and to identify routes, destinations, *modi operandi* and trends of criminal activities;
- improving the exchange of information and the gathering of criminal intelligence in this field, through reinforced cooperation among member states and member states agencies such as Europol and Eurojust.

## **CEPOL five-year report**

The Council endorsed the CEPOL (European Police College) five-year external evaluation report which includes the recommendations of the CEPOL Governing Board ([7764/11](#)). This evaluation assesses the utility, relevance, effectiveness and efficiency of CEPOL and its working practices.

## **Falsified and/or counterfeit medicines - *Conclusions***

The Council adopted conclusions on the role of law enforcement cooperation in combating falsified and/or counterfeit medicines ([10293/11](#)). In particular, the conclusions invite member states to use Internet-monitoring units to identify websites with potentially illegal offers of medicines, to ensure adequate training for the personnel of competent law enforcement authorities who are active in this field and to enhance cooperation, including exchange of intelligence and operational information, between all authorities involved.

**Internal and external aspects of counter-terrorism policies - *Conclusions***

The Council adopted conclusions (10336/11) on enhancing the links between internal and external aspects of counter-terrorism, which call for a closer cooperation and coordination in the field of EU security, strengthening the ties between the common foreign and security policy (CSDP) and the area of freedom, security and justice, building on the achievements of existing working structures dealing with counter-terrorism, while further developing synergies, avoiding duplication of roles and tasks in order to produce a coordinated, coherent and effective EU counter-terrorism policy.

**Eurojust annual report - *Conclusions***

The Council adopted conclusions on the 2010 report by Eurojust ([10645/11](#)), the EU agency for cooperation in judicial matters. The conclusions concern in particular the execution of international mutual legal assistance and of extradition requests. Eurojust's competence also covers serious crime, such as terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering and participation in criminal organisations.

**EU strategy on readmission - *Conclusions***

The Council adopted conclusions defining the European Union strategy on readmission ([11260/11](#)). The conclusions underline that readmission agreements are tools of an effective return policy in order to tackle illegal immigration.

They further recall that the EU should establish a renewed, coherent strategy on readmission, closely linked to the European Union's overall external relations policy, and including a common approach towards third countries that do not cooperate in readmitting their own nationals.

See also: Commission communication on the evaluation of the EU readmission agreements ([7044/11](#))

### **Cross-border cooperation in the fight against terrorism and crime - *Conclusions***

The Council adopted conclusions on the implementation of the "Prüm decisions" ([10653/11](#)), taking stock of the situation and inviting member states to take appropriate measures in order to speed up this process.

The "Prüm decisions" (2008/615/JHA and 2008/616/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime) aim to provide member states' law enforcement agencies with additional tools for fighting serious crime and terrorism, in particular by enhancing automated data exchange regarding DNA, fingerprints and vehicle registration data (VRD). The state of play on their implementation is regularly monitored by the Council Secretariat.

### **Access to the Schengen Information System by Liechtenstein**

The Council adopted a decision on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System (SIS) in the Principality of Liechtenstein ([10354/11](#)), following the required verifications, meant to ensure that a satisfactory level of data protection existed in this country.

From 9 June 2011, real SIS data may be transferred to Liechtenstein and from 19 July 2011, the Liechtenstein shall be allowed to enter data into the SIS.

### **Critical infrastructure protection - *Conclusions***

The Council adopted conclusions on the development of the external dimension of the European Programme for Critical Infrastructure Protection ([10662/11](#)).

The aim of the programme's external dimension is exchanging good practices and raising critical infrastructure protection capability in relevant third countries/regions, particularly in the sectors of transport and energy, with a view to minimising the risk and negative effects of potential disruptions of foreign critical infrastructure on the Union or on the member states.

## **Trafficking in human beings**

The Council took note of the first report on the implementation of the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings.

The report makes an update of information on member states' external action against trafficking in human beings, such as agreements in force between the EU and third countries, regions or organisations at international level, together with an overview of the Commission's and EU agencies' (Europol, Eurojust, Frontex, the Agency for Fundamental Rights and CEPOL (the European Police College) recent external activities and actions in this field. The report also makes recommendations and suggests a follow-up for future actions.

## **Developing forms of trafficking in human beings - *Conclusions***

The Council adopted conclusions (8776/3/11) on targeting developing forms of trafficking in human beings in the member states. The conclusions encourage member states to increase data collection within their territory and in the EU on these forms of trafficking and to take the necessary steps to improve the quality of data, so as to make them useful as a basis for policy planning and for outlining national and transnational trends in trafficking.

Furthermore, member states are also invited to elaborate or enhance regular, multidisciplinary training for professionals likely to come into contact with victims (including social workers, labour inspectorates, trade unions and workers' organisations) and to include information on trafficking in human beings, including all forms of exploitation, in training tools at all relevant levels of education.

## **Dactyloscopic data exchange**

The Council adopted a decision on the launch of automated data exchange concerning dactyloscopic data by France. The evaluation procedure required by Council Decision 2008/616/JHA concluded that the general provisions on data protection are fully implemented by France and therefore this country is authorized to start the automated exchange of fingerprint data for the purpose of prevention and investigation of criminal offences.

## **EU security**

The Council took note of a Presidency proposal for establishing a working method for closer cooperation and coordination in the field of EU security ([10715/11](#)).

Each security strategy adopted in recent years<sup>1</sup> calls for closer cooperation between the fields of the common foreign and security policy and the area of freedom, security and justice. These strategies suggest that terrorism, serious and organised crime (including cross-border crime and illicit trafficking), cybercrime and cyber-security and, in view of the solidarity clause, natural and man-made disasters represent key challenges and fundamental threats to both the external and internal aspects of EU security. Given the cross-cutting nature of these threats and challenges, integrated policy solutions must be developed at member states and European Union level.

## **FOREIGN AFFAIRS**

### **EU-Montenegro Stabilisation and Association Council**

The Council endorsed the Council and Commission decision on the EU position within the EU - Montenegro Stabilisation and Association Council as regards the amendment of its rules of procedure.

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<sup>1</sup> The 2003 European Security Strategy, with its 2008 implementation report, the 2010 Internal Security Strategy ([7120/10](#)), the 2010 Commission communication on the Internal Security Strategy in Action ([16797/10](#)) and the 2005 EU Counter-Terrorism Strategy ([14469/4/05](#)).

**FISHERIES**

**Partnership agreement between EU and Cape Verde - New protocol**

The Council adopted a decision on the signing on behalf of the Union, and provisional application of the protocol setting out the fishing opportunities and financial contribution provided for in the fisheries partnership agreement between the European Community and the Republic of Cape Verde ([9483/11](#)).

The partnership agreement in the fisheries sector between the EU and Cape Verde was concluded in 2006. The main objective of the protocol to this agreement is to define the fishing opportunities offered to EU vessels as well as the financial contribution due, separately, for access rights and for sectoral support. Following the negotiations, a new protocol was initialled on 22 December 2010 covering a period of three years from 1 September 2011, the current protocol being due to expire on 31 August 2011. In order to allow EU vessels to carry out fishing activities, the new protocol should be signed and applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

**Partnership agreement between EU and Cape Verde - Allocation of fishing opportunities**

The Council adopted a regulation concerning the allocation on the allocation of fishing opportunities under the protocol to the fisheries partnership agreement between the European Community and the Republic of Cape Verde ([9795/11](#)).

Following the signing of the provisional application of the protocol setting out the fishing opportunities and financial contribution provided for in the partnership agreement in the fisheries sector between the European Community and the Republic of Cape Verde (see previous point), this regulation provides the allocation of fishing opportunities between Member States.

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