



Brussels, 20 April 2010
REV 1

BACKGROUND¹
JUSTICE AND HOME AFFAIRS COUNCIL
Brussels, 23 April 2010

*The Justice and Home Affairs Council (JHA) will hold a one-day meeting on Friday, 23 April 2010 (under the chair of **Alfredo PÉREZ RUBALCABA, Minister for the Interior** and **Francisco CAAMAÑO DOMÍNGUEZ, Minister for Justice** in the Justus Lipsius Building, Brussels. Home affairs ministers will meet in the morning, justice ministers in the afternoon.*

*The Council is expected to adopt an **European pact to combat international drug trafficking**. Ministers will also hear from the Commission on the issue of **visa requirements imposed by Canada** on Czech nationals and discuss the proposed negotiating mandate for an **EU-US agreement on the processing and transfer of financial messaging data** for purposes of the US Terrorist Finance Tracking Programme (TFTP).*

*The Commission will present in public its proposal for an **action plan implementing the Stockholm Programme**, and the Spanish presidency will inform justice and home affairs ministers about the recent **EU-US JHA ministerial meeting**.*

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

*In the margin of the Council session, the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland) will examine the state of play concerning the development of the **Schengen Information System II (SIS II)**. In this context, the committee is expected to adopt conclusions. The committee will also hear from the Austrian delegation about the European Football Championship EURO 2008 and lessons learnt for the setting up of **ad hoc cooperation at sporting events**.*

¹ This note has been drawn up under the responsibility of the Press office.

Important A-items (for adoption by the Council without discussion) include a series of conclusions on, among others, an **exchange programme for law enforcement officers inspired by Erasmus**, the enhancement of the security of explosives, the prevention of forest fires, Bulgaria's and Romania's implementation of the Schengen acquis with respect to data protection and improving prevention to **tackle violence against women** and care to its victims within the scope of law enforcement.

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The presidency intends to organise two **press conferences** on 23 April: around 13.00 on home affairs and at the end of the proceedings on justice affairs.

Press conferences and public deliberations can be followed by video streaming:

<http://video.consilium.europa.eu/>

Video coverage of the event will be available for preview and download in broadcast quality (MPEG4) on <http://tvnewsroom.consilium.europa.eu>

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European pact to combat international drug trafficking

Ministers are expected to adopt an European pact to combat international drug trafficking. It is focused, 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 until 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 that 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.

EU-US agreement on financial messaging data for counter-terrorism investigations

The Council will discuss the proposed negotiating mandate for an EU-US agreement on the processing and transfer of financial messaging data for purposes of the US Terrorist Finance Tracking Programme (TFTP). The goal of the discussions is to agree on balanced negotiation guidelines which offer a realistic perspective for the conclusion of an EU-US TFTP agreement.

The Commission presented its proposal for a mandate on 24 March 2010. After discussions at technical level, the Council needs to adopt a mandate so that negotiations with the US can start. A final agreement will need the support of a qualified majority of EU member states and the consent of the European Parliament. It is meant to allow the US Department of the Treasury to receive financial messaging data stored in the EU in order to allow targeted searches for counter-terrorism investigations, while ensuring an adequate level of data protection.

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

Visa requirements imposed by Canada on Czech nationals

Ministers will also hear from the Commission on the issue of visa requirements imposed by Canada on Czech nationals

On 14 July 2009, Canada unilaterally introduced the visa requirement for Czech nationals. Since then and in consultation with the Czech authorities, the Commission has been examining the issue with the Canadian government with a view to restoring visa-free travel for Czech nationals.

Canada is among the third countries whose nationals are not subject to a visa requirement under regulation 539/2001. This regulation, however, as amended by regulation 851/2005, also foresees possible reciprocity measures in the case that a country enjoying visa-free travel to the EU introduces visa requirements for citizens of one or several EU member states.

Canada also continues to maintain a visa requirement for Bulgarian and Romanian citizens..

European Protection Order

The Council will hold a public debate on the initiative for a directive on a European protection order ([17513/09](#)). 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.

Among the outstanding issues is the question of scope. The presidency proposal considers that it is necessary to work on a text allowing European protection orders to be issued and executed in all member states, in accordance with their national law. It proposes a three-step approach: The issuing state makes a request for an European protection order, the receiving state recognises the European protection order and executes the order by taking a decision under its national law in order to continue the protection of the person concerned.

The proposal for a European protection order is based on a joint initiative of twelve EU member states. Once adopted, the directive will specify measures that allow the executing state to continue the protection of a person. These measures would include obligations or prohibitions imposed on the person causing danger. The focus of the initiative is on criminal acts which may endanger the victims' life, physical, psychological and sexual integrity, as well as their personal liberty. The ultimate goal is to avoid this kind of acts against the protected person.

EU accession to the ECHR

In a public orientation debate, the Council will examine the state of play of the EU's accession to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). 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".

e-Justice

The Council will hear from the Commission on the state of play regarding the launch of the European e-Justice portal.

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

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

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

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.).

Judicial cooperation and economic crisis prevention

The Council is expected to adopt conclusions on economic crisis prevention and support for economic activity.

Action plan implementing the Stockholm Programme

The Council will hear a presentation by the Commission on its recommendations for an action plan implementing the Stockholm Programme ([5731/10](#)).

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

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

EU-US JHA ministerial meeting

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

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

MIXED COMMITTEE: SIS II AND EURO 2008

In the margin of the Council session on Thursday, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) will examine the state of play concerning the development of the Schengen Information System II (SIS II). In addition to a report on the milestone 1 tests, the committee is expected to adopt conclusions.

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.

The committee will also hear from the Austrian delegation about the European Football Championship EURO 2008 and lessons learnt for the setting up of ad hoc cooperation at sporting events.

IMPORTANT A-ITEMS: Erasmus for police officers and prevention of gender violence

Important A-items (for adoption by the Council without discussion) include a series of conclusions on, among others, an exchange programme for law enforcement officers inspired by Erasmus and improving prevention to tackle violence against women and care to its victims within the scope of law enforcement.

The exchange programme for police officers inspired by Erasmus is foreseen to be put in place by the European Police College, CEPOL. The programme should start on 1 January 2011 and run for an initial period of four years. Police officers around Europe should learn from each other, exchange best practices and pool cross-border knowledge in police work. Ultimately, it is expected that the exchange programme will help increase mutual trust among European police forces. The conclusions also invite the Commission to come up with a legislative proposal at the latest by mid 2012 to enlarge the scope of activity of CEPOL so as to allow it to manage this exchange programme for police officers of all levels, including police students. Currently, the CEPOL mandate limits the body's activities to the training of senior police officers.

The conclusions on improving prevention to tackle violence against women and care to its victims call for greater police cooperation in the area. Among other things, they invite member states:

- to take into account in their police models a recently published handbook on best practices in combating violence against women (7488/2/10),
- to establish a network of national contact points, and
- to strengthen collaboration between their judicial, public prosecution and law enforcement authorities as well as other relevant actors such as NGOs for information exchange and good practices.
