



JUSTICE and HOME AFFAIRS COUNCIL **Thursday 9 and Friday 10 June in Luxembourg**

The meeting will be chaired by **Ard VAN DER STEUR**, Minister for Security and Justice of the Netherlands and by **Klaas DIJKHOFF**, Minister for Migration of the Netherlands.

On Thursday, Justice ministers will be invited to express support on an additional set of articles of the regulation establishing a **European public prosecutor's office**.

The Council will adopt the decision to have an enhanced cooperation on **matrimonial property regimes** and the **property consequences of registered partnerships** and will also be invited to reach a general approach on the regulations implementing enhanced cooperation.

Criminal justice in cyberspace will be also debated and ministers are expected to adopt conclusions on the improving of criminal justice in cyberspace as well as on the European Judicial Cybercrime Network

Finally, ministers will discuss the state of play and way forward on several other legislative proposals, namely the directive on the revision of the **European Criminal Records Information System** (ECRIS) and the directive on the **fight against fraud to the Union's financial interest** by means of criminal law. In the field of civil law, the Council will be invited to endorse basic principles and political guidelines for the future work on the directive on the **supply of digital content**.

On Friday, Home Affairs ministers will try to reach a general approach on the **weapons** directive. Ministers are expected to endorse a roadmap to enhance **information exchange** and information management in the justice and home affairs areas. This will be followed by a discussion on the **feeding and consultation of databases**.

On **migration** related issues, ministers will exchange views on the implementation of the EU-Turkey statement and on the developments regarding the Central Mediterranean.

The presidency will inform the Council about the latest developments regarding the **European Border Guard**. These include negotiations with the European Parliament and the preparatory work in view of an early implementation.

The Council will also discuss **visa liberalisation**. The Commission presented proposals for visa liberalisation for Kosovo and Turkey in May and for Georgia and Ukraine in March and April.

These subjects will also be discussed by the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland), in the margins of the Council.

Press conferences:

- **Justice Council** (**Thursday**, +/- 17.00)
- **Home Affairs Council** (**Friday**, before lunch +/- 13.15 and at the end of the meeting +/- 18.45)

Press conferences and public events by video streaming: <http://video.consilium.europa.eu>
Video coverage in broadcast quality (MPEG4) and photo gallery on:
<http://tvnewsroom.consilium.europa.eu/permalink/82024>

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

JUSTICE

Digital single market strategy

Ministers will discuss the ongoing work on the proposal for a directive on certain aspects concerning contracts for the supply of digital content. The objective of the discussion is to agree on a number of basic principles and provide some further guidelines for the work to continue at technical level.

Ministers will in particular be invited to reach a common understanding on:

- the objectives of the text and in particular the need for coherence with other legislation;
- the scope of the directive, including the definition of digital content;
- the requirement to ensure the new rules achieve a right balance between consumers' and suppliers' interests.

The proposed directive on certain aspects concerning contracts for the supply of digital content was presented by the Commission on 9 December 2015 together with a proposal for a Directive on certain aspects concerning contracts for the online and other distances sales of goods. They are the first new legislative initiatives adopted under the Digital single market strategy.

The directive on digital content is aimed to regulate contracts for the supply of digital content in business-to-consumer (B2C) contracts. The scope of the proposal is broad as it covers: data produced and supplied in digital form (e.g. music, online video, etc.), services allowing the creation, processing or storage of data in digital form (e.g. cloud storage), services allowing sharing of data (e.g. Facebook, YouTube, etc.) and any durable medium incorporating digital content (e.g. CDs and DVDs).

For more information:

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

Matrimonial property regimes and registered partnerships

The Council will adopt without discussion a decision ([8112/16](#)) authorising enhanced cooperation on matrimonial property regimes and registered partnerships.

In accordance with the rules on enhanced cooperation, all Member States will take part in the vote on the decision.

The following eighteen member states will take part in the enhanced cooperation: Belgium, Bulgaria, Cyprus, the Czech Republic, Germany, Greece, Spain, France, Croatia, Italia, Luxembourg, Malta, Netherlands, Austria, Portugal, Slovenia, Finland and Sweden. Other member states will be able to join in the enhanced cooperation, after its adoption.

The Council is also expected to reach a general approach on the two proposals for regulations ([8115/16](#) & [8118/16](#)) implementing the enhanced cooperation in the area of matrimonial property regimes, on one side, and registered partnerships, on the other side.

The Regulations cover the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the matrimonial property regimes and property consequences of registered partnerships. The eighteen participating Member States will apply the rules set out in the Regulations in cross-border cases between themselves.

European Public Prosecutor's Office

Building on the progress made at the March 2016 Council meeting and following further work at expert level, the Council will continue the discussion and be invited to express support on a range of issues within the text.

Those articles cover the rules on the case management system and data protection, on simplified prosecution procedures, on general provisions and on financial and staff provisions.

The proposed regulation is aimed at helping combat crimes against the EU's financial interests by introducing a European Public Prosecutor's Office with competence in that area. The proposed regulation requires the unanimous support in the Council which adopts it after having obtained the consent of the European Parliament. The proposal was presented by the Commission on 17 July 2013.

In previous meetings, the Council has already reached a provisional agreement on a number of articles, including the structure and organisation of the Office, as well as the rules on investigation and prosecution.

For more information:

- [Outcome of the Council meeting, October 2015](#)
- [Outcome of the Council meeting, December 2015](#)
- [Outcome of the Council meeting, March 2016](#)

Fight against fraud to the Union's financial interests ("PIF" directive)

The Council will be invited to discuss the state of play and way forward after the work made at technical level during the Netherlands presidency. Ministers are expected to reflect in particular on the issue of the possible inclusion of some aspects of VAT fraud within the scope of the directive and to give guidance on the continuation of the efforts to find a compromise solution with the European Parliament.

The Council has adopted its general approach at first reading on the draft directive in June 2013. At the latest trilogue in June 2015, the Parliament and the Council came close to an agreement. However, the two institutions concluded that they were still in disagreement on one key issue, namely the inclusion or not of VAT related fraud in the scope of the directive.

The objective of the so-called PIF directive is to deter fraudsters, improve the prosecution and sanctioning of crimes against the EU budget, and facilitate the recovery of misused EU funds thereby increasing the protection of EU taxpayers' money.

The proposed directive provides common definitions of a number of offences against the EU budget, such as fraud, and other fraud related crimes such as active and passive corruption, the misappropriation of funds, money laundering and minimum rules on prescription periods, within which the case must be investigated and prosecuted, as well as minimum rules on sanctions, including imprisonment for the most serious cases to strengthen the deterrent effect. These common rules should help to ensure a level playing field and improved investigation and prosecution across the EU.

European Criminal Records Information System (ECRIS)

Ministers will take stock of the progress made at working level and be invited to support the way forward on the proposal presented, in January 2016, by the Commission to amend the European Criminal Records Information System (ECRIS) in order to render more effective the exchange of information on convicted third country nationals through ECRIS.

The discussions at working and technical level focused on the appropriateness of a decentralised automated system, as foreseen in the initial proposal, as well as following a feasibility study from the Commission - to other appropriate technical solutions and their respective cost.

Ministers will be invited to support the change of approach towards a centralised automated system for the exchange and storage of both fingerprints and alphanumeric data on convicted third country nationals.

ECRIS was established in 2012. It aims at allowing an efficient information exchange between member states regarding criminal convictions in the EU. It takes the form of an electronic interconnection of criminal records databases which enables the central authorities to provide judges and prosecutors with easy access to comprehensive information on the criminal history of persons concerned, no matter in which member states that person has been convicted in the past. This system removes the possibility for offenders to escape their criminal past by moving from one EU country to another. At the moment, mostly information on EU citizens is exchanged. Although it is already possible to exchange information on third country nationals through ECRIS, there is currently no common European procedure or mechanism in place to do so effectively.

Criminal justice in cyberspace

Under the non-legislative items, ministers are expected to adopt conclusions on improving criminal justice in cyberspace, as well as on the European Judicial Cybercrime Network.

The conclusions set out concrete measures for future follow up and action aiming at streamlining mutual legal assistance proceedings, enhancing the cooperation with service providers and reviewing the rules on enforcement jurisdiction in cyberspace. Enhancing the existing exchanges between judicial authorities and experts in the field of cybercrime is among the objectives of the European Judicial Cybercrime Network.

Ministers will also hold a policy debate on some open issues related to criminal justice in cyberspace, namely :

- *grounds to investigate in cyberspace*: ministers will be invited to explore possibilities for a common EU approach on possible grounds based on which jurisdiction can be enforced, e.g. based on which the relevant authorities can undertake an investigative measure in cyberspace, in case existing frameworks do not suffice.
- *a differentiated treatment of specific categories of data in criminal proceedings*: ministers will be invited to discuss how a differentiated approach (between non-content (subscriber or traffic)/content data and between real time and stored data) would affect their national legal framework, what elements would be relevant for a common EU approach and what measures could be considered in this respect.

Ministers expressed political support in December 2015, and at the informal meeting of the Ministers of 26 January 2016 in Amsterdam, to develop solutions enabling effective investigations in cyberspace. Following the terrorist attacks in Brussels on 22 March 2016, the Ministers of Justice and Home affairs jointly emphasised the need to address these issues as a matter of priority.

HOME AFFAIRS

Weapons*

The Council is expected to agree its negotiating position regarding the proposal for a directive on control of the acquisition and possession of weapons, which reviews and completes the current directive 91/477/EEC.

The proposal was submitted by the European Commission on 18 November 2015, taking into account the recent terrorist attacks. It aims at amending Council directive 91/477/EEC on control of the acquisition and possession of weapons, which was originally designed as a measure to balance internal market objectives and security imperatives regarding "civil" firearms.

The current review is a continuation of the 2008 revision and is also aligned to the EU legislation with the provisions on the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms. While limiting legislative changes to the minimum, the proposal seeks to address certain issues of the legal firearms market in order to meet security challenges.

The amendments tackling risks for public safety and security focus on: improved control of the traffic of firearms, enhanced traceability of firearms, the measures on deactivation and reactivation or conversion of firearms, stricter rules for the acquisition and possession of firearms, ban for civilian use of the most dangerous firearms, and improving the relevant information exchange between member states.

Fight against terrorism - Roadmap information exchange and interoperability*

Ministers are expected to endorse a roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area.

The recent terrorist attacks in Paris and Brussels, continuous terrorist incidents outside the EU and the ongoing migration crisis have shown the importance of investing in swift, effective and qualitative information management, information exchange and accompanying follow-up of information to tackle migratory, terrorist and crime-related challenges. This was recently confirmed by the Council on 20 November 2015, by the European Council on 17 and 18 December 2015, by the Justice and Home Affairs Ministers and representatives of EU Institutions in their statement on 24 March as well as by the Council on 21 April 2016.

The Presidency has taken the initiative to set up a roadmap with necessary actions to improve information management and the cross-border exchange of information, including interoperability of systems. The purpose is to support operational investigations, especially in counter-terrorism, and to swiftly provide front-line practitioners such as police officers, border guards, public prosecutors, immigration officers and others with comprehensive, topical and high-quality information to cooperate and act effectively.

The roadmap describes the framework for a more integrated EU Information Architecture and specific, practical short and medium-term actions as well as long-term orientations to enhance information management and information exchange in the JHA area.

Fight against terrorism - Feeding and consultation of databases*

Ministers will discuss the systematic feeding and consistent use of European and international databases, in particular Europol and Eurojust, following up on the Ministerial Statement of 24 March 2016 and the discussion that took place during the Justice and Home Affairs Council on 21 April 2016.

* This item will be discussed by the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland), in the margins of the Council.

The EU Counter-Terrorism coordinator will present a new document setting out average data for the Union as a whole by way of a benchmark. This document outlines the best practices of member states in the area of feeding of databases and the obstacles they encounter and attempts to put forward several recommendations. It also tries to identify examples where the cooperation with Europol and Eurojust presented a clear added value.

The systematic feeding and consistent use of databases constitutes a key component in the EU's efforts to improve the exchange of information.

Renewed EU internal Security Strategy (2015-2020)

Ministers will hold an exchange of views on the implementation report of the Renewed EU Internal Security Strategy (2015 - 2020). The report gives an overview of the progress achieved in the implementation of the renewed strategy during the first semester of 2016.

The Renewed EU internal Security Strategy (2015-2020) was approved by the Council in June 2015 in the form of [Council conclusions](#). These conclusions stressed the importance to develop, in close cooperation with the Commission and, where appropriate, by involving other relevant actors, a well-targeted implementation document with a list of priority actions to implement the Renewed European Union Internal Security Strategy 2015-2020.

The Luxembourg presidency presented a [first implementation paper](#) in July 2015. The NL-SK-MT trio presidency decided to follow the same structure and presented a [second implementation paper](#) that was endorsed by the Standing Committee on operational Cooperation on Internal Security (COSI) at its meeting on 3-4 March 2016. This paper contained a list of forty different measures and served as a living, non exhaustive work programme for the different Council preparatory bodies under NL presidency.

The report that will be presented to ministers makes a distinction, for each of the forty different actions, between those that are being/were implemented and those that remain to be implemented.

The presidency attached great importance to the implementation and consolidation of a wide range of operational, strategic and legislative measures and significant progress has been made. The Brussels attacks on 22 March 2016 underlined again that, while substantial progress was made, work had to be accelerated in various fields that were already identified in the [Council conclusions on Counter-Terrorism](#) of 20 November 2015, notably in relation to PNR, firearms, strengthening border controls, information sharing, financing of terrorism and the criminal response to terrorism and violent extremism.

Improving the information exchange and information management in the EU has been an absolute priority for the NL presidency. The migration crisis and the Brussels attacks have underscored the importance of a solid EU information architecture in the Justice and Home Affairs area. The presidency will submit a roadmap to the Council on 10 June 2016 with specific, practical short and medium-term actions as well as long-term orientations to enhance information management and information exchange in the Justice and Home Affairs area.

Over recent months, the Commission presented an important number of legislative proposals and Communications, notably the Smart Borders package with a proposal for an Entry/Exit System (EES), the amendment of the Schengen Borders Code, the European Border and Coast Guard, Information Systems for Borders and Security as well as the implementation of the European Agenda on Security. Discussions started in the respective Council Working Parties and Committees on these topics.

For more information:

[Council website: EU fight against terrorism](#)

Migration*

Home affairs ministers will hold an exchange of views on several migration-related issues, and in particular the implementation of the EU-Turkey statement of 18 March 2016 and the developments regarding the Central Mediterranean route.

For more information:

[Council website: Finding solutions to migratory pressures](#)

Visa liberalisation*

The Council will have a horizontal discussion on visa liberalisation. The Commission has recently tabled four proposals for moving Georgia, Ukraine, Kosovo² and Turkey from Annex I to Regulation 539/2001³ (countries the nationals of which need a visa to enter the Schengen area) to Annex II to the same regulation (visa free countries).

The proposal for visa liberalisation for Georgia was published by the Commission on 9 March 2016, for Ukraine on 20 April and for Turkey and Kosovo on 4 May. Both for Georgia and Ukraine the Commission concluded that all the benchmarks for the exemption of the visa requirement are fulfilled. The Commission concluded in its third progress report that Turkey has fulfilled 65 of the 72 benchmarks. For Kosovo the Commission concluded that there are two outstanding benchmarks which remain to be fulfilled; ratification of the border agreement with Montenegro and the build-up of a track record in convicting organized crime and corruption.

European Border and Coast Guard*

The Council will be briefed by the Presidency on the state of play on the proposed regulation establishing a European Border Guard.

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

It will consist of a European border guard agency (the current Frontex agency with expanded tasks) and national authorities responsible for border management. The restructured Agency would focus its activities on the establishment of an operational strategy for European integrated border management and on the assistance of all the member states concerned as regards its implementation.

On 6 April 2016, the Permanent Representatives Committee agreed on the Council's negotiating position. The European Parliament adopted its position on 30 May 2016 and the first trilogue took place on 31 May 2016. The intention of the Presidency is to reach a political agreement before the end of its term, as requested by the European Council.

For more information:

[Council website: Strengthening the EU's external borders](#)

[European Border Guard: Council ready to negotiate with the Parliament](#)

² This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

³ Regulation (EU) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and are exempt from that requirements.