BACKGROUND

JUSTICE and HOME AFFAIRS COUNCIL

Monday 7 and Tuesday 8 October in Luxembourg

The meeting will be chaired by Juozas BERNATONIS, Lithuanian Minister for Justice and Dailis Alfonsas BARAKAUSKAS, Lithuanian Minister for Home Affairs.

On Monday, starting at 9.30, justice ministers will discuss the one-top-shop mechanism, which is a key issue in the proposal for a General Data Protection Regulation.

The Council is expected to agree a general approach on the proposal for a directive on the protection of the euro and other currencies against counterfeiting by criminal law.

Furthermore, ministers will hold a public debate on two proposals which will be presented by the Commission:

- on the setting up of the European Public Prosecutor’s Office.
- on the the European Union Agency for Criminal Justice Cooperation (Eurojust).

On Tuesday, starting with the working lunch at 13.00 and continued in the meeting at 15.00, home affairs ministers are expected to reach a political agreement on provisional arrangements to host the European Police College (CEPOL) seat in another member state after the United Kingdom indicated it no longer wants to host it on its territory.

Moreover, the Council is expected to take note of the interim report from the Commission on the main findings of the analysis of information provided by member states on issues related to free movement of citizens.

As regards the Syria conflict and the protection of refugees, the Council will be informed about the latest developments, in particular about the situation of the Syrian refugees and the impact of the migratory pressures on neighbouring countries and on the European Union. Ministers are also expected to discuss the tragedy at sea near the Italian island of Lampedusa where more than 100 African migrants are confirmed to have drowned.

On Monday afternoon and Tuesday morning, EU Justice and Home Affairs ministers will meet with their Eastern Partnership counterparts (from Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine) to discuss cooperation and future prospects in this field.

Press conferences:

- Justice Council (Monday, before lunch +/- 13.15);
- Home Affairs Council (Tuesday, at the end of the meeting +/- 18.00).

Press conferences and public events by video streaming: http://video.consilium.europa.eu/
Video coverage in broadcast quality (MPEG4): http://tvnewsroom.consilium.europa.eu

1 This note has been drawn up under the responsibility of the press office
Data protection
– Public debate

The Council will hold an orientation debate on the proposal for a regulation setting out a general EU framework for data protection on the basis of a document prepared by the Presidency (14260/13). The discussion will focus on the one-stop-shop mechanism laid down in the Commission proposal (chapters VI and VII). Ministers will be invited to provide guidance for further work at expert level on this key issue.

The one stop-shop-principle, together with the consistency mechanism, is one of the central planks of the Commission proposal. According to this principle, when the processing of personal data takes place in more than one member state, one single supervisory authority should be competent for monitoring the activities of the controller or processor throughout the Union and taking the related decisions, in order to increase the consistent application, provide legal certainty and reduce administrative burden for such controllers and processors. The proposal states that the competent authority providing such one-stop shop should be the supervisory authority of the member state in which the controller or processor has its main establishment.

In January 2012, in the light of rapid technological developments and globalisation, the European Commission presented a legislative package to update and modernise the principles enshrined in the 1995 Data Protection Directive (Directive 95/46/EC), to guarantee data protection rights in the future. The package includes a policy communication setting out the Commission's objectives (5852/12), and two legislative proposals: a regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (5853/12) and a directive on protecting personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offences and related judicial activities (5833/12).

These proposals are aimed at building a stronger and more coherent data protection framework in the EU, backed by strong enforcement that will allow the digital economy to develop across the internal market, put individuals in control of their own data and reinforce legal and practical certainty for economic operators and public authorities.

Protection of the euro against counterfeiting
– Public debate

The Council is expected to agree on a general approach on the proposal for a directive on the protection of the euro and other currencies against counterfeiting by criminal law (14085/13). This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the directive.

The proposed directive was tabled by the Commission on 5 February 2013 (6152/13) and will replace Framework Decision 2000/383/JHA. It aims at establishing minimum rules concerning the definition of criminal offences and sanctions in the area of counterfeiting of the euro and other currencies. It also introduces common provisions to strengthen the fight against those offences and to improve their investigation.

2 Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995)
Since the introduction of the euro, counterfeiting has led to a financial damage of at least 500 million according to data published by the European Central Bank. The euro continues to be a target of organised crime groups active in the forgery of money. In its January 2013 biannual information on euro banknote counterfeiting, the ECB noted that a total of 280,000 counterfeit euro banknotes, representing 0.002% of the average 14.9 billion in circulation during the second half of 2012, were withdrawn from circulation in that period. As indicated in the title of the Directive, it also covers other currencies circulating in the European Union.

Ireland has decided to take part in the adoption of the directive. The United Kingdom and Denmark will not participate.

**European Public Prosecutor's Office - Eurojust**

– *Public debate*

The Council will hear a presentation by the Commission on its proposals regarding the setting up of a European Public Prosecutor's Office (12558/13) as well as the European Union Agency for Criminal Justice Cooperation (Eurojust) (12566/13). Both proposals were presented by the Commission on 17 July 2013 and are closely linked as certain administrative functions will be shared between the two bodies.

According to the Commission proposal, the European Public Prosecutor’s Office will be a decentralised prosecution office of the European Union with exclusive competence for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices in offences against the EU financial interests. The proposal foresees that it will have uniform investigation powers throughout the Union based on and integrated into the national law systems of the member states.

The legal basis and the rules for the set-up of the European Public Prosecutor's Office are laid down in Article 86 of the Treaty on the Functioning of the European Union (TFEU). The proposed regulation will be adopted in accordance with a special legislative procedure: the Council will decide unanimously after obtaining the consent of the European Parliament. If unanimity cannot be reached in the Council, the Treaties foresee that a group of at least nine member states may enter into an enhanced cooperation.

At the same time, the proposal to reform Eurojust assures the European Public Prosecutor’s Office, once the latter has been established, of Eurojust’s support in the fight against fraud to the EU.

Whilst maintaining those elements that have proved efficient in the management and operation of Eurojust, this new regulation streamlines Eurojust's functioning and structure in line with the Lisbon Treaty. It also increases the democratic legitimacy of Eurojust: the European Parliament and national Parliaments will in future be more involved in the evaluation of Eurojust's activities.
HOME AFFAIRS

Issues related to the free movement of persons

The Council will take note of the interim report provided by the European Commission on the main findings of the analysis of information provided by member states on issues related to free movement of citizens.

In April 2013 the ministers of interior of Austria, Germany, the Netherlands and the United Kingdom sent a letter to the Presidency raising some concerns as regards the free movement of EU citizens within the Union.

In June 2013 the Council discussed these issues and invited the Commission to look at the implementation of free-movement rules, including guidance on fighting abuse of these rules, and to present an interim report to the Justice and Home Affairs Council by October 2013 and a final report by December 2013. At the same time, all member states agreed that the free movement of persons was a core value of the European Union.

CEPOL

On the basis of the applications that were submitted by 7 member states, the Council is expected to reach a political agreement on provisional arrangements for another seat for the European Police College (CEPOL) in preparation of a legislative act to be adopted by the Council and the Parliament in co-decision.

The candidate seats are Templemore (Ireland), Veria (Greece), Avila (Spain), Rome (Italy), Budapest (Hungary), The Hague (The Netherlands) and Tampere (Finland).

The United Kingdom informed CEPOL in writing that it no longer wants to host the seat on its territory. In order to remain operational, a provisional arrangement is needed pending the negotiations on the Commission proposal for a new Regulation on Europol and CEPOL.

The European Police College (CEPOL) is a European Union Agency, established in 2005. CEPOL’s mission is to bring together senior police officers from police forces in Europe - essentially to support the development of a network - and encourage cross-border cooperation in the fight against crime, public security and law and order by organising training activities and research findings.

Syria: Protection of refugees, latest developments

The Council will have a discussion on Syria with particular reference to the protection of refugees, on the basis of the latest developments.

Representatives from the EEAS, EASO and FRONTEX will update Ministers on the latest developments. The Commission will also brief ministers on the progress achieved towards the establishment of a Regional Protection Programme.

The situation in Syria clearly remains a matter of deep concern for the Union. The deteriorating humanitarian situation within Syria itself and the increasing burden being placed on neighbouring countries hosting those fleeing Syria is a matter of particular concern for the EU.

Huge numbers of Syrians have been internally displaced and the numbers seeking refuge in the neighbouring countries are likewise increasing. According to the most recent information provided by the Office of the United Nations High Commission for Refugees (UNHCR) (update September 2013) there are over 2 million Syrians registered or awaiting registration as refugees in neighbouring countries and North Africa4.

The EU and its member states have provided, and will need to continue to provide, a strong response in terms of humanitarian assistance to the persons in need of protection and to the local communities in Syria and in the neighbouring countries.

The EU as a whole is one of the leading international humanitarian response actors in this crisis. Member states and the Commission have mobilised humanitarian funding of over €1 billion (€515 million from the EU humanitarian aid budget and over €493 million from member states).

In the medium to longer-term (2013-2016) the Commission, in close cooperation with the relevant international partners, is preparing a comprehensive programme on refugees and development in the Middle East: the Regional Protection Programme (RPP). The programme’s overall objectives are:

- to strengthen the protection of refugees in the region while promoting their access to basic rights and durable solutions, appropriate legal assistance as well as capacity-building of local and national authorities and civil society actors in the field of asylum and migration;

- to support socio-economic development in host countries that will benefit both refugees and host populations.

****

**Eastern Partnership Justice and Home Affairs Ministerial Meeting**

On Monday afternoon and Tuesday morning, EU Justice and Home Affairs ministers will meet with their Eastern Partnership counterparts to discuss cooperation and future prospects in this field.

On Monday, Justice Ministers will discuss issues related to justice reform, judicial cooperation and recent legislative and policy developments in the area of justice. On Tuesday, Home affairs ministers will discuss issues related to the fight against corruption, fight against organised and transnational crime, cybercrime and migration and mobility.

This ministerial meeting will also serve as input for the preparations for the third Eastern Partnership Summit in Vilnius, which will take place on 28 and 29 November 2013. The outcomes of this Ministerial meeting should send a key message for the Summit on the achievements in the field of the Justice and Home Affairs and the way forward.

The Eastern Partnership was launched by the Union at a Summit with the Eastern European partners on 7 May 2009 in Prague. It set out an ambitious path for deeper bilateral and multilateral relations with Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.

---