



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	The future Polish, Danish and Cypriot Presidencies
to:	Delegations
Subject:	18 month programme of the Council (1 July 2011 - 31 December 2012)

Delegations will find attached the final version of the 18 month programme of the Council, prepared by the future Polish, Danish and Cypriot Presidencies.

Contributions regarding the External Relations activities of the Foreign Affairs Council have not been communicated by the President of this Council formation.

JUSTICE AND HOME AFFAIRS

HOME AFFAIRS

General

223. Work in the area of Justice and Home Affairs will continue within the framework of the Stockholm Programme. Four overarching principles will define activities in this area:

- Coherence of actions and policies among the area of JHA and other EU policies, notably as regards fundamental rights and migration policy and developments in the policy areas of trade, foreign affairs and development.
- Increased cooperation and complementarity among action taken at the national and action taken at the EU level.
- Necessary flexibility to respond timely to emerging challenges and changing trends in migration flows.
- Enhanced solidarity among Member States, including sharing of responsibilities as outlined in the Stockholm Programme.

Free Movement of EU Citizens

224. During the coming 18 months, efforts to monitor the full implementation and application of rules on the free movement of EU citizens and their family members will continue. Monitoring trends, exchange of information, as well as combating of systemic fraud and abuse will remain key objectives.

External Borders

225. Work will be taken forward on the integrated border management system in order to better manage migration and to protect external borders more efficiently, through the further development of the common visa policy, as well as through the development of the "smart border" concept. Work will focus in particular on the immediate follow-up to Council Conclusions on activities to better handle the situation in the Southern Mediterranean and also the possibilities which new and interoperable technologies offer for improving border control, in a cost effective manner while facilitating the movement of *bona fide* travellers. A "needs based" approach will be developed, within a spirit of solidarity, and by drawing on the lessons learnt in the development of existing systems.
226. The three Presidencies will seek to promote improved effectiveness of existing border control instruments by ensuring the adoption and implementation of the FRONTEX Amendment Regulation by making necessary amendments to the Schengen Borders Code, and by providing ongoing support to the work of FRONTEX.
227. The legislative instruments underpinning the development of an entry / exit system, a Registered Traveller Programme, and the European Border Surveillance System (EUROSUR) will be initiated.
228. The successful enlargement of the Schengen zone as well as improvements in efficiency of the Schengen evaluation process remain key goals. The three Presidencies will also work towards the finalisation of the SIS II project as scheduled, and taking also into account the assessment of progress achieved. Fully establishing and bringing into operation the IT Agency will remain a key objective.

Visas

229. The three Presidencies will pursue the development of the common visa policy by taking forward the visa liberalisation dialogues with relevant third countries, which meet the relevant conditions, concluding visa facilitation agreements where appropriate, and the roll out of the VIS. The three Presidencies will endeavour to strengthen local Schengen Cooperation taking into account, *inter alia*, the challenges of implementing the Visa Code. Furthermore Regulation (EC) no 539/2001 will be kept under review and updated as necessary and appropriate.

Legal Migration and Integration of third country nationals

230. The development of a common immigration policy, capable of responding to future demographic challenges and to the needs of the labour markets of individual Member States will contribute to the achievement of the objectives of the EU 2020 Strategy. This will take place in full respect of the principle of "Union preference" and in conformity with the competences of Member States.

231. During the next 18 months the Council will focus in particular on the finalisation of the legal instruments required for the purpose of implementing the **Policy Plan on Legal Migration**. A strategic debate on the consolidation of legislation in this area will be initiated.

232. In the area of **integration** the priority will be the further development of the EU's integration agenda, in line with the objectives set out in the Stockholm Programme. The aim is to provide support to Member States' integration policies aimed at maximizing the benefits of immigration and promoting social cohesion. In this context, work on the development of the coordination mechanism and of core indicators, as tools to measure the effects of integration efforts at the national level and the development best practices will be taken forward.

233. The three Presidencies will also continue to address challenges in relation to social cohesion, democratic values, equal rights and participation by further exploring the links between general integration efforts and the prevention of radicalization and extremism. Against this background, the Council will also examine the upcoming Communication by the Commission on Integration.

Illegal immigration

234. The three Presidencies will promote more effective action to **combat illegal immigration** as a central element of the **Union's common immigration policy**. The focus will be in particular on the development of an **effective strategy on readmission** and the further development of the **common policy on return** with a tangible output in a manner which takes account of the needs of Member States and is consistent with full respect of fundamental rights, freedoms and human dignity.

235. This will include taking forward negotiations on **readmission agreements** in the context of the development of a comprehensive strategy on readmission, which will include a practical cooperation and a common approach towards third countries which do not cooperate on return and readmission. It will also include the development of a common policy on return which will include promoting voluntary return. In this context, the Commission evaluation of readmission agreements will be a starting point for the discussions in the Council.

236. Tackling the challenge of **unaccompanied minors** will remain on the focus. The implementation of the Action Plan on Unaccompanied Minors will be a priority in this context.

Asylum

237. The three Presidencies are committed to finalising the **Common European Asylum System** by 2012, based on common protection standards resulting from fair and effective asylum procedures, capable of preventing abuse, and in accordance with the commitment set out in the Stockholm Programme.
238. The three Presidencies are also committed to promoting effective solidarity with the Member States facing particular pressures, paying special attention to Member States facing such pressures. This will include developing practical mechanisms for the voluntary and coordinated sharing of responsibilities between the Member States and supporting capacity building. The European Asylum Support Office will constitute a key element in strengthening solidarity and practical cooperation between the Member States, as well as in the further development of the external dimension of asylum (resettlement and Regional Protection Programmes).
239. Overall, the promotion of greater coherence of policies and actions among migration and other relevant policy areas, including employment, trade, external and development policies, with a view to enhancing the effectiveness of all the policies concerned, will be key objective. Progress will be reviewed in the report on the follow-up of the European Pact on Immigration and Asylum and related aspects of the Stockholm Programme as well as the mid-term review of the Stockholm Programme.

Internal security

240. In the next 18 months, the Council will pursue the implementation of the Internal Security Strategy. In this context it will establish, in close consultation and cooperation with the European Parliament, the **European Information Exchange Model (EIXM)**, setting out the necessary information exchange in the framework of the European internal security. This work will be based on the Commission's Communication on Data Protection and the subsequent proposal for a new legal act, the future communication on EIXM, as well as on reports on the implementation of the "Swedish Framework Decision" and of the Prüm Decisions. Furthermore, the implementation of the Prüm Decisions will be closely monitored, in order to ensure that all Member States set up the databases and that all necessary connections for the exchange of DNA, dactyloscopic and vehicle registration data are put in place.
241. Regarding **Passenger Name Records (PNR)**, the Council will, in cooperation with the Commission and the EP, continue its work on the conclusion of PNR Agreements with Australia, Canada and the United States and the adoption of a Directive on the collection and use of PNR data.
242. The Council will examine the upcoming evaluation Report on the application of the **Data Retention Directive** and if appropriate, the legislative proposal for the revision of the Directive.
243. In the coming 18 months, the Council will assess the EU **Drugs Strategy** on the basis of the mid-term review, and with a view to adopting, by the end of 2012, a new **Drugs Strategy** for 2013-2020 and an Action Plan for 2013-2016. In the meantime, actions to implement the current Strategy and the 2009-2012 Action Plan will continue, on the basis of the accepted approach which addresses both the drugs demand and the demand for and the supply of drugs. The Council will also look at the issue of illegal production and trafficking of synthetic drugs and address the issue of control of new psychoactive substances and tackling new psychoactive substances. The legal acts concerning precursors will be revised.

244. **Cybercrime and cybersecurity** have been identified as a growing threat. The Council, taking account of the ongoing technologies progress, will develop a number of instruments, such as the Directive on attacks against information systems and, if appropriate, the European model of public and private agreements in this area. The strengthening of cooperation between CERT teams will also be pursued.
245. Training of relevant law enforcement and judicial authorities will be examined, including the implementation of the exchange programme for law enforcement officials. If appropriate, the Council will also examine a legislative proposal for enlarging CEPOL's scope of activity.
246. Cooperation measures to ensure the security at major sports events, such as the Euro 2012 and the 2012 Olympic Games, will be reviewed and enhanced.

Fight against organised crime

247. The EU policy cycle for serious and organised crime will need to be practically implemented in the coming 18 months, with a particular focus on the "operationalisation" of the EU priorities in the fight against organised crime.
248. The Council will be invited to address a number of legal acts and policy instruments related to organised crime, such as assessing the implementation of the Council Framework Decision on the fight against organised crime, and to take forward on-going work on financial crime.
249. The adoption of the upcoming proposal for a Directive for a strengthened legal framework on confiscation and recovery of criminal assets will be pursued.

250. The fight against trafficking in human beings will be a priority for the three Presidencies. They will provide full support to the examination of the announced Commission initiatives, notably the Communication on a new comprehensive strategy on Trafficking in Human Beings and measures to protect and assist victims, the Guidelines on Consular services and border guards for the identification of victims of trafficking in human beings, as well as the report on the implementation of the 2009 Action Oriented Paper.

Fight against terrorism

251. The EU policy on counter-terrorism requires sustained efforts on the four strands of work of the EU Strategy against Terrorism. In the coming 18 months, this will include the evaluation of the Council Framework Decision on terrorism, further work to prevent and combat radicalisation and recruitment and fight terrorist financing, as well as implementation of the EU Explosives Action Plan. Another area that will require enhanced efforts is the security of public transport and cargo shipments.

252. Once the Commission and the High Representative have submitted their proposal, the Council will also have to agree on the implementation of the solidarity clause.

253. The three Presidencies will actively examine the upcoming Commission Communication on the feasibility of a European Terrorist Finance Tracking Programme (TFTP) and any legislative proposal that will follow.

Customs cooperation

254. The Fifth Action Plan to Implement the Strategy for Customs Cooperation in the (former) Third Pillar will be presented and implemented. The three Presidencies will focus on enhancing the customs cooperation as well as finding new ways of more efficient cooperation within the home affairs area. The Trio will also coordinate joint customs operation in order to ensure better cooperation between the Member States in the enforcement area.

JUSTICE

Fundamental rights

255. As regards the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the three Presidencies will endeavour to support the Commission in its negotiating efforts, to carry forward as readily as possible the discussions in the Council towards a decision authorising the conclusion of the accession agreement. Furthermore, they will proceed with work on any legislative proposal concerning the necessary internal EU rules which are accessory to the accession of the Union to the ECHR.
256. The three Presidencies will also endeavour to carry work forward on the upcoming Commission proposal on a legal framework on the protection of personal data.

Protection of the most vulnerable

257. On the basis of an evaluation of the two existing instruments, the Council will examine a new legislative proposal for a legal instrument on minimum standards on the rights, support and protection of victims of crime.
258. The Council will also examine proposals for measures concerning the mutual recognition of national protection measures issued in favour of crime victims, building on discussions which have already taken place on the Member States' initiative for a Directive on the European Protection Order.
259. Furthermore, work will be taken further on a future "Roadmap" of other measures concerning the position of victims in criminal proceedings, which have begun under the Hungarian Presidency.

260. The negotiation of a Regulation on EU hotlines for missing children will be actively supported. The three Presidencies will actively support all initiatives relating to the combat of violence against women, domestic violence and female genital mutilation, in particular its cross border aspects, taking into account also developments in other international fora, such as the Council of Europe.

Rights of the individual in criminal proceedings

261. In accordance with the Stockholm Programme, the three Presidencies will endeavour to examine swiftly the Commission proposals in relation to the "Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings", in particular, the announced measure on access to a lawyer and on the right of notification of custody to a third person in criminal proceedings, as well as the public consultation on pre-trial detention.

Mutual recognition in criminal and civil matters

262. The principle of mutual recognition has been a cornerstone of judicial cooperation. The three presidencies will further pursue the implementation of this principle be further pursued, pursuant to the Stockholm Programme.

263. As regards civil law matters related to business activity, the Council will endeavour to conclude work on the revision of the Brussels I Regulation, which constitutes a pillar in the area of recognition and enforcement of judgments in civil and commercial matters at the European level. Work will also begin on the Regulation on improving the efficiency of enforcement of judgments by way of freezing of bank accounts.

264. The examination of the draft Directive on the European Investigation Order in criminal matters will continue. The three Presidencies will also support the negotiation of the upcoming Commission proposal for a Directive on the mutual recognition of financial penalties, including those related to road traffic offences.

265. Efforts will continue on the adoption of the Regulation on Jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European certificate of succession.
266. Particular attention will be paid to the proposal for a Regulation on conflict of laws in matters concerning matrimonial property rights, including questions of jurisdiction and mutual recognition and for a Regulation on the property consequences of the separation of couples or of registered partnerships.
267. The trio of Presidencies will endeavour to adhere to the Council conclusions on the follow up to the implementation of the mutual recognition instruments and to follow up the completion of the EJN website modernisation project.
268. With a view of implementing the European Criminal Record Information System (ECRIS) framework by April 2012, the three Presidencies will guide discussions regarding the transposition of the general technical rules into the national systems and the elaboration of the Manual for Practitioners.

Minimum rules

269. The development of procedural tools needs to be accompanied by the adoption of common minimum rules, with a focus in areas on the needs of the citizens. In this endeavour, differences between the legal systems and legal traditions of the Member States will be taken into account.
270. The Council will examine the reports on the operation of the various instruments adopted in the area of judicial cooperation in civil matters, as well as any legislative proposals that will be proposed as a consequence of those reports, namely in the field of service of judicial and extrajudicial documents.

271. The Council will start work on the proposal for a legal instrument on an Optional Contract Law. In this field, the Council will promote solutions which provide added value to the functioning of the internal market.
272. The three Presidencies will foster discussions on the Commission's Communication on the training of professionals working in justice.
273. The Presidencies will streamline work on IT projects for justice in cooperation with the Commission.

E-Justice

274. Given the horizontal importance of e-Justice, work will continue on technical aspects of its functioning, in accordance with the multi-annual European Action Plan for the period 2009-2013.
275. In addition, work will also continue on better access to information in the field of justice, the “dematerialization” of proceedings, as well as the simplification and improvement of communication between the judicial authorities. In addition, the three Presidencies will work on the interconnection of insolvency registers, on improving the interconnection of other registers, and making available additional functionalities in the e-Justice system.

EXTERNAL DIMENSION OF JHA

276. Integration of JHA external elements in the other policies of the EU in order to ensure coherence of the overall policy will remain a key objective, notably ensuring coherence with other aspects of Union's foreign policy.
277. The three Presidencies will reinforce the external dimension of JHA policies in order to achieve better management of migration flows and strengthen internal and international security. The Global Approach to Migration will continue to guide the work for this purpose. The Commission's Communication on the evaluation of the Global Approach to Migration should provide useful input for further advancing and strengthening the relations with third countries on the management of migration. The Council will aim in particular to take forward efforts to address the root causes of asylum flows and illegal migration by ensuring a better coordination of EU and national efforts and, where appropriate, capacity building in third countries.
278. Efforts will also continue in the area of counter-terrorism, paying special attention to anti-radicalisation and recruitment in the regions of wars and internal conflicts. The fight against organised and transnational crime, as well as criminal and civil judicial cooperation and the protection of fundamental rights will remain key objectives. Special attention will be paid to redefining a strategy for the EU's presence in the field of civil law. In this context, actions taken by the Union and its MS in this area need to be complementary.
279. While maintaining a geographical and strategic balance, ongoing dialogues and cooperation with third country partners will continue, with a focus on the migration and asylum challenges faced by the EU, including through the Building Migration Partnership (BMP) process.

280. As regards relations with the US, cooperation will focus, *inter alia*, on mobility, security, counter-terrorism, resilience to threats and judicial cooperation. The relations with Russia will cover mobility, security and justice, judicial cooperation in criminal matters, as well as the way towards a visa-free regime, as a long term goal. Achieving a high level of data protection with both these partners will remain a key objective.
281. Cooperation with the Eastern Partnership countries will also gain importance. Issues of mobility and cooperation in law enforcement will be the key elements in the dialogue with the Eastern Partnership countries. Moreover, the EU will monitor the implementation of the Action Plan of the Stockholm Programme regarding the Eastern Partnership countries.
282. The countries in the Western Balkans will be encouraged to enhance their regional cooperation, while the EU will continue to promote and assist them in the transfer of EU acquis, in view of the perspective of EU membership. Moreover, cooperation with other regions in the world with which cooperation in JHA is highly relevant, will be further developed according to needs.
283. Within the framework of the international organisations, activities will continue as regards the Lugano Convention, the Hague Conference and Unidroit. Regarding the Lugano Convention, efforts to assess the participation of third countries to the Convention will be supported.

CIVIL PROTECTION

284. The three Presidencies will continue the work on improving response capacities of the Member States to face disasters and crises, both in the EU and in third countries, taking into account the necessary balance between prevention, preparedness and response.
285. While continuing efforts on enhancing prevention, the three Presidencies will, as a follow up to the Commission communication of 26 October 2010 "*Towards a stronger European disaster response: the role of civil protection and humanitarian assistance*", continue the work started under the previous Presidencies with a view to strengthening the European response capacity.
286. In particular, the work will focus on the assessment and possible adaptation of the main legislative instruments in the field of civil protection (the Civil Protection Mechanism and the Financial Instrument), in order for the EU to be better prepared to address major disasters around the world.
287. The progress of the European Programme for Critical Infrastructure Protection (EPCIP) will be followed-up, including a possible revision of the Programme. The review process of the EPCIP Directive 2008/114 will start in early 2012, including considering the extension of its scope.
288. Work will also continue on CBRN-related risks. The first comprehensive report on the implementation of the EU CBRN Action Plan is expected at the end of 2011, followed by a review of the priorities for its further implementation. In addition, progress on initiatives regarding forest fire prevention and preparation and preparedness of flood risks will be closely monitored.

289. The active involvement of the citizens will also be pursued. Initiatives regarding training and the active voluntary involvement of citizens will be further developed and the implementation of the Civil Protection Modules, as well as the lessons learnt programme will be strengthened.
290. Also focus will be on integrated approach to crisis communication in order to further develop its social and technological aspects.
291. Finally, once the Commission and the HR have submitted their proposal foreseen under Article 222 of the TFEU, the three Presidencies will work on the implementation of the Solidarity Clause.