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THE EUROPEAN UNION**



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3207th Council meeting

Justice and Home Affairs

Brussels, 6 and 7 December 2012

Presidents

Ms Eleni MAVROU

Cyprus Minister for the Interior

Mr Loukas LOUKA

Cyprus Minister for Justice and Public Order

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 2074 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

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Main results of the Council

*Home affairs ministers took note of the state of play regarding the establishment of a **common European asylum system (CEAS)**, in particular with reference to the directive on asylum procedures, the regulation on "Eurodac" (a fingerprint database) and the so-called Dublin regulation.*

*The EU Counter-terrorism coordinator presented his annual implementation report on the **EU Counter-terrorism strategy**.*

*Moreover, the Council adopted conclusions on **aviation security** against terrorist threats.*

*Home affairs and justice ministers discussed in a joint session the **mid-term review of the Stockholm programme**, which establishes the strategic guidelines for the period 2010-2014 in the area of freedom, security and justice.*

*The **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland), meeting in the margins of the Council, was briefed on the developments in relation to the **Schengen Information System (SIS II)**. It also discussed the **functioning of the Schengen area** on the basis of the second bi-annual report on this issue, presented by the Commission, and took note of a report by the Presidency on the **obstacles related to effective information exchange**. Finally, the Committee took stock of progress made on the proposal for a **directive on the protection of individuals when authorities process personal data in dealing with criminal offences**.*

***Important items adopted without discussion** (A items) include the proposal for a **regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast) (Brussels I)** and the political agreement reached with the European Parliament on **the so-called Dublin regulation** which establishes the procedures for determining the member state responsible for examining an application for international protection. In addition, the Council approved the agreement with the European Parliament on the **2013 EU budget** and the **draft amending budget no 6 for 2012**.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 - Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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PARTICIPANTS

Belgium:

Ms Joëlle MILQUET
Ms Annemie TURTELBOOM
Ms Maggie DE BLOCK

Mr Dirk WOUTERS

Deputy Prime Minister and Minister for the Interior
Minister for Justice
State Secretary for Asylum, Immigration and Social
Integration, attached to the Minister for Justice
Permanent Representative

Bulgaria:

Ms Diana KOVATCHEVA
Mr Tsvetan TSVETANOV

Minister for Justice
Deputy Prime Minister and Minister for the Interior

Czech Republic:

Mr Jan KUBICE
Mr Pavel BLAŽEK

Minister for the Interior
Minister for Justice

Denmark:

Mr Morten BØDSKOV

Minister for Justice

Germany:

Ms Sabine LEUTHEUSSER-SCHNARRENBERGER
Mr Ole SCHROEDER

Federal Minister for Justice
Parliamentary State Secretary to the Federal Minister for
the Interior

Estonia:

Mr Ken-Marti VAHER
Mr Kristen MICHAL

Minister for the Interior
Minister for Justice

Ireland:

Mr Alan SHATTER

Minister for Justice and Equality, Defense

Greece:

Mr Konstantinos KARAGOUNIS

Mr Patroklos GEORGIADIS

State Secretary for Justice, Transparency and Human
Rights
Secrétaire Général de la Protection Civile (Ministère de la
Protection du Citoyen)

Spain:

Mr Fernando ROMÁN GARCÍA
Mr Ignacio ULLOA RUBIO
Mr Alfonso DASTIS QUECEDO

State Secretary for Justice
State Secretary for Security
Permanent Representative

France:

Mme Christiane TAUBIRA
Mr Philippe ETIENNE

Minister for Justice
Permanent Representative

Italy:

Ms Paola SEVERINO DI BENEDETTO
Mr Ferdinando NELLI FEROCI

Minister for Justice
Permanent Representative

Cyprus:

Ms Eleni MAVROU
Mr Loukas LOUCA

Minister for the Interior
Minister for Justice and Public Order

Latvia:

Ms Ilze PĒTERSONE-GODMANE
Mr Mārtiņš LAZDOVSKIS

State Secretary, Ministry of the Interior
State Secretary, Ministry of Justice

Lithuania:

Mr Tomas VAITKEVICIUS
Mr Evaldas GUSTAS

Deputy Minister for Justice
Chancellor to the Ministry of the Interior

Luxembourg:

Mr François BILTGEN

Minister for Justice, Minister for the Civil Service and
Administrative Reform, Minister for Higher Education
and Research, Minister for Communications and the
Media, Minister for Religious Affairs
Permanent Representative

Mr Christian BRAUN

Hungary:

Mr Sándor PINTÉR
Mr Tibor NAVRACSICS

Minister for the Interior
Deputy Prime Minister and Minister for Public
Administration and Justice

Malta:

Mr Chris SAID
Ms Marlene BONNICI

Minister for Justice, Dialogue and the Family
Permanent Representative

Netherlands:

Mr Fred TEEVEN

State Secretary for Security and Justice

Austria:

Ms Beatrix KARL
Mr Walter GRAHAMMER

Federal Minister for Justice
Permanent Representative

Poland:

Mr Michał KRÓLIKOWSKI
Mr Piotr STACHAŃCZYK

Deputy State Secretary, Ministry of Justice
State Secretary, Ministry of the Interior and
Administration

Portugal:

Ms Paula TEIXEIRA DA CRUZ
Mr Juvenal SILVA PENEDA
Mr Domingos FEZAS VITAL

Minister for Justice
State Secretary attached to the Minister for the Interior
Permanent Representative

Romania:

Mr Ovidiu PUȚURA
Mr Marian TUTILESCU

State Secretary, Ministry of Justice
State Secretary, Head of the Schengen Department,
Ministry of Administration and Internal Affairs

Slovenia:

Mr Senko PLIČANIČ
Mr Robert MAROLT

Minister for Justice and Public Administration
State Secretary at the Ministry of the Interior

Slovakia:

Ms Monika JANKOVSKÁ
Mr Ivan KORČOK

State Secretary at the Ministry of Justice
Permanent Representative

Finland:

Ms Anna-Maja HENRIKSSON
Ms Marjo ANTTOORA

Minister for Justice
State Secretary, Ministry of the Interior

Sweden:

Ms Beatrice ASK
Mr Tobias BILLSTRÖM

Minister for Justice
Minister for Migration

United Kingdom:

Mr Chris GRAYLING
Ms Theresa MAY
Ms Roseanna CUNNINGHAM

Lord Chancellor, Secretary of State for Justice
Secretary of State for the Home Department
Minister for Community Safety and Legal Affairs

Commission:

Ms Viviane REDING
Ms Cecilia MALMSTRÖM

Vice President
Member

The government of the acceding state was represented as follows:

Croatia:

Mr Vladimir DROBNJAK

Permanent Representative

ITEMS DEBATED**Common European Asylum System (CEAS)**

The Council was informed about the state-of-play of negotiations on the various outstanding legislative proposals concerning the Common European Asylum System (CEAS), on the basis of a presidency paper ([16853/12](#)).

The situation on the four outstanding files can be described as follows:

- Negotiations between the Council and the European Parliament on the **Dublin regulation** have been finalized and the Council adopted without discussion this political agreement (as an A-item).

The Dublin regulation establishes the procedures for determining the member state responsible for examining an application for international protection. The new rules will introduce a mechanism for early warning, preparedness and crisis management. This mechanism is aimed at evaluating the practical functioning of national asylum systems, assisting member states in need and preventing asylum crises. The mechanism would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they had occurred.

As a complement to the mechanism for early warning, preparedness and crisis management in the amended Dublin regulation, the Council adopted in March 2012 [conclusions](#) on a common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows. These conclusions are intended to constitute a toolbox for EU-wide solidarity towards those member states most affected by such pressures and/or encountering problems in their asylum systems.

- At its meeting on 25-26 October the Council confirmed the political agreement reached on the **reception conditions directive** ([14112/1/12](#)). This political agreement fully reflects the result of negotiations with the European Parliament. Once formally adopted, member states will need to transpose the new provisions into national law within two years. Denmark, Ireland and the United Kingdom are not bound by the directive.

For more information see [14556/12](#).

- In June, the Commission tabled its new proposal for a revised **Eurodac regulation** ([10638/12](#)) which allows law enforcement authorities to access this central EU-wide fingerprint database, subject to strict conditions on data protection, for the purposes of fighting terrorism and organised crime. In October the Council adopted its position in view of the negotiations with the European Parliament; trilogues are expected to start in the coming days, as soon as the Parliament adopts its position on this legislative text.
- On the asylum **procedures directive**, further progress has been made in negotiations with the European Parliament with a view to reaching agreement before the end of the year. These negotiations have taken place on the basis of a revised proposal of the directive which was tabled by the Commission on 1 June 2011 ([11207/11](#)). On 27 November the Committee of Permanent Representatives (Coreper) adopted a revised compromise package. Negotiations are now in their end phase and agreement is sought before the end of this year.

Four other agreements and decisions related to the CEAS have already been adopted. They concern:

- The [qualification directive](#) providing for better, clearer and more harmonised standards for identifying persons in need of international protection which was adopted in November 2011 and entered into force in January 2012.
- The [long term residence directive](#) adopted in April 2011.
- The creation of the [European Asylum Support Office \(EASO\)](#) which started operations in spring 2011.
- The decision taken in March 2012 establishing [common EU resettlement priorities for 2013](#) as well as new rules on EU funding for resettlement activities carried out by member states.

As regards the overall context, it should be remembered that the European Council confirmed in its conclusions in June 2011 that negotiations on the various elements of the CEAS should be concluded by 2012 ([EUCO 23/11](#)).

Fight against terrorism

Annual report on the implementation of the EU Counter-terrorism strategy

The EU Counter-terrorism coordinator presented his annual implementation report on the EU Counter-terrorism strategy. The annual report gives an overview of the latest results in the four strands of the strategy (prevent, protect, pursue and prepare) and lists those areas where measures are due to be taken (*16471/12 + ADD1 + ADD2*).

The EU Counter-Terrorism Strategy was adopted in December 2005 and provides the framework for EU activity in this field ([14469/4/05](#)).

Aviation security against terrorist threats

The Council adopted conclusions on aviation security against terrorist threats ([17008/12](#)). The conclusions have been prepared by the Presidency on the basis of the conclusions of the Conference on Aviation Security against Terrorist Threats held in Nicosia on 31 October 2012.

Stockholm Programme

The Council discussed the mid-term review of the Stockholm programme on the basis of a document prepared by the Presidency (15921/12). Most delegations noted that substantial progress has been made on several objectives of the Stockholm programme and asked the Commission to present the remaining proposals before the end of 2014.

The Presidency will let the European Council know about this debate in the near future.

The Stockholm Programme ([5731/10](#)) is the multi-annual strategic work programme in the area of freedom, security and justice. The programme sets out the priorities for EU action in this area for the period 2010-2014. It was adopted by the Council on 30 November 2009 and endorsed by the European Council on 10-11 December 2009 ([EUCO 6/09](#)). 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.

In its conclusions, the European Council asked that a mid-term review of its implementation be made in the course of 2012.

AOB

The Council was informed about the state-of-play of two proposals on legal migration, namely the intra-corporate transferees (ICTs) and seasonal workers.

Ministers took note of a presentation by the Commission on the future of Europol and CEPOL and the Presidency informed the Council on recent developments in Syria and referred to a letter from the UN High-Commissioner for Refugees.

Mixed Committee

In the margins of the Council meeting, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following items:

- SIS II

The committee looked at the latest developments on the implementation of the Schengen Information System II (SIS II) which is planned to come into operation by the first quarter of 2013.

The Schengen Information System (SIS) is a database shared by participating countries' border and migration authorities, and law enforcement authorities and contains information on persons and on lost and stolen objects. Specific stringent data protection rules apply to the SIS. It is a compensatory measure for the opening of the internal borders under the Schengen agreement, but it is also seen as a vital security factor in the EU. The European Commission is currently developing a second generation of the SIS, commonly known as SIS II.

- Schengen Governance

The committee discussed the Commission's second biannual report on the functioning of the Schengen area (1 May - 31 October 2012) ([16423/12](#)). Most delegations noted that the Schengen area is working well, even if improvements are needed, and stressed the importance to discuss this issues on a regular basis.

The European Council in June 2011 stated that political guidance and cooperation in the Schengen area need to be further strengthened, enhancing mutual trust between member states. On 8 March 2012, the Council adopted conclusions ([7417/12](#)) regarding guidelines for the strengthening of political governance in the Schengen cooperation. In the conclusions the Council agreed to have discussions at ministerial level on that matter once during each presidency, and welcomed the intention of the Commission to present regular reports on the issue in that regard.

The Commission transmitted its first biannual report in May 2012, covering the period of 1 November 2011 to 30 April 2012. A second bi-annual report has been now adopted by the Commission on 23 November 2012 covering the period 1 May-31 October 2012. The report indicates that situation in the Schengen area has not been subject to any significant changes. It basically provides an update of developments regarding the external borders, migrants, border checks, video-surveillance in internal border zones, local border traffic agreements, Schengen evaluations or the extension of the Visa Information System (VIS).

- Obstacles related to effective information exchange

The committee was briefed by the Presidency about the implementation measures undertaken to simplify the exchange of information between law enforcement authorities.

- AOB

Under other business, the Committee was informed about the state of play of a number of legislative proposals, including:

- the regulation for the establishment of a European Border Surveillance System (EUROSUR);
- the Schengen related legislative proposals that are currently under discussion, namely the Schengen evaluation mechanism and the Schengen Borders Code. The Council reached a general approach on both items at the June Council (see [10760/12](#), p. 9-12);
- the amending regulation 562/2006 and the CISA – technical amendments;
- the draft Regulation amending 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;
- the JHA Financial Instruments 2014-2020 (MFF - Home Affairs)

The Irish minister informed the Committee about the priorities in the area of justice and home affairs for the forthcoming Irish EU Presidency.

In the area of home affairs, the Irish Presidency will focus on proposals designed to tackle terrorism and organised crime which will contribute to the advancement of a Europe of freedom, security and justice for all citizens. The Presidency will work closely with the Parliament to advance proposals on the use of Passenger Name Records (PNR) and the measure relating to the European Investigation Order (EIO). The Directive on the freezing and confiscation of proceeds of crime will be also a key priority.

In the areas of immigration and asylum, the proposals on intra-corporate transfer and seasonal workers as well as the completion of the Common European Asylum System will be a focus of work during the semester.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Recognition of judgments in civil and commercial matters

The Council adopted a regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (the so-called "Brussels I" regulation), ([PE-CONS 56/12](#)).

The purpose of the regulation is to make the circulation of judgments in civil and commercial matters easier and faster within the Union, in line with the principle of mutual recognition and the Stockholm Programme guidelines.

(For further details see press release [16599/12](#)).

Dublin Regulation

The Council reached political agreement on a proposal for a regulation establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third-country national or a stateless person (Dublin Regulation) ([16332/12](#)). The objective of this amending proposal is to enhance the system's efficiency, introducing a mechanism for early warning, preparedness and crisis management, as well as ensuring that the needs of the applicants are better addressed.

Customs cooperation

The Council approved a strategy for the future of customs law enforcement co-operation ([16320/12](#)), as required in resolution 2012/C 5/01¹ adopted by the Council in December 2011. The strategy calls for an integrated approach to effective co-operation by all customs authorities in combating cross-border and transnational crime.

Customs should be the leading authority for controlling the movement of goods within the area of freedom, security and justice, in order to enhance the protection of Union's citizens, as well as Union's economy against smuggling, fraud and other threats caused by organised crime in the EU territory.

¹ [OJ C 5, 7. 1. 2012.](#)

Solidarity on asylum issues

The Council was updated on the implementation of the common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows ([16467/12](#)).

In March 2012, the Council adopted conclusions ([7485/12](#)) which included a series of co-ordinated measures that would enhance EU solidarity towards member states encountering problems in their asylum systems, also underlining the need for cooperation between member states, institutions and agencies in providing assistance.

In its third Annual Report on Immigration and Asylum 2011 ([10950/12](#)), the Commission already provided an outline of activities achieved at EU level and national level in support to those member States facing specific and disproportionate asylum pressures.

Management of large-scale IT systems

The Council adopted a decision authorizing Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ([14987/12](#)), such as the second-generation Schengen Information System (SIS II) and the Visa Information System (VIS).

The agency was established in October 2011 by regulation 1077/2011¹ and has its seat in Tallin, Estonia.

Trafficking in human beings

The Council took note of the second and final report ([13661/3/12](#)) on the implementation of the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings ([6865/10](#)).

¹ [OJ L 286, 1.11.2011](#)

The report presents the state of play on the follow-up of recommendations from the first report and 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 suggests future actions.

See also:

- *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016* ([11780/12](#))
- *Directive on prevention and combating trafficking in human beings and protecting its victims* ([OJ L 101, 15.4.2011](#)).
- <http://ec.europa.eu/anti-trafficking/index.action>

BUDGET

EU budget 2013 and draft amending budget no 6 for 2012 - approval of agreement

The Council approved the agreement with the European Parliament on the 2013 EU budget and draft amending budget no 6 for 2012 ([17146/1/12 REV 1](#) + [ADD 1](#) + [ADD 2](#) + [ADD 3](#) + [ADD 4](#) + [ADD 5](#) + [ADD 6](#) + [ADD 7](#) + [17145/1/12 REV 1](#)). It herewith confirmed the deal reached between the Cyprus presidency, representatives of the European Parliament and of the Commission at a trilogue on 28 November. If the European Parliament approves¹ the package the 2013 EU budget and the draft amending budget no 6 for 2012 are considered to be adopted.

For details, see [17397/12](#).

¹ The European Parliament is expected to vote on the compromise on 13 December.

EMPLOYMENT**Mobilisation of the European Globalisation Adjustment Fund for seven member states**

The Council adopted seven decisions mobilising a total amount of EUR 24.3 million under the European Globalisation Adjustment Fund (EGF), providing support for workers made redundant in Sweden, Finland, Austria, Romania, Italy, Denmark and Spain.

The decision may be summarized as follows:

- An amount of EUR 5.5 million is allocated to dismissed workers of the Swedish car manufacturer Saab which went bankrupt due to falling sales and a decrease of the passenger car production.
- An amount of EUR 5.3 million is mobilised for former workers of the Finnish producer of mobile phones Nokia which decided to transfer the functions linked to the production of mobile phones from Finland outside of Europe.
- Further EUR 5.2 million are made available for workers made redundant in the Austrian mobile social services sector following the decision of the region of Styria to cut the resources for social services substantially.
- An amount of EUR 2.9 million is allocated to dismissed workers of Nokia at its production site in Romania due to the decision to move all manufacturing activities to Asia.
- Further EUR 2.7 million are deployed for workers made redundant of Italian manufacturers of mopeds and motorcycles that have suffered from a significant drop in the domestic and European demand and growing exports from Asia.
- An amount of EUR 1.4 million is mobilised for former workers of the Danish producer of printed circuit boards Flextronics which had to close its production site due to a growing competition from Asian producers and to relocate the manufacturing of the electronic equipment outside Europe.
- An amount of EUR 1.3 million is deployed for dismissed workers of the Spanish metal products sector.