



Brussels, 3 December 2013

BACKGROUND¹
JUSTICE and HOME AFFAIRS COUNCIL
Thursday 5 and Friday 6 December in Brussels

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

*On Thursday, starting at 9.30, Home affairs ministers will take note of the final report presented by the Commission on issues related to the **free movement of persons**.*

*In the context of fighting terrorism, the Council will have an in-depth discussion on the issue of **foreign fighters** and returnees from a counter-terrorism perspective, in particular with regard to Syria, on the basis of a document prepared by the EU Counter Terrorism.*

*The Council in the Mixed Committee format (the EU plus Norway, Iceland, Liechtenstein and Switzerland) will address the issue on the full application of the provisions of the **Schengen acquis in Bulgaria and Romania** and will discuss a Commission report regarding the work of the **Task Force for the Mediterranean** with a view to taking operational decisions. The Task Force is to identify the EU priority actions for a more efficient short term use of European policies and tools in order to avoid major disasters like the one of Lampedusa.*

*The committee will hear the Commission's report on the **functioning of the Schengen area** (1 May- 31 October 2013) and the report on **post-visa liberalisation monitoring for the Western Balkans countries**.*

*On Friday, starting at 9.30, Justice ministers will have a discussion on the concept on the **one-stop-shop mechanism**, covering also the mechanism for judicial review and judicial redress, which are articulated in Chapter VIII of the draft general data protection regulation.*

*The Council will be called on to reach a general approach on a regulation creating a **European account preservation order** to facilitate cross border debt recovery in civil and commercial matters. It will also be called on to reach a general approach on the amendments to the regulation on jurisdiction and the **recognition and enforcement of judgments in civil and commercial matters**.*

*The Council will be invited to have a policy debate on some key elements of the proposal amending Council regulation on **insolvency proceedings**.*

*The Presidency will inform the Council on the state of play on the **common European sales law** regulation.*

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

P R E S S

The Commission will present to the Council the justice related aspects of the 2014 **European Semester**, based on the communication on the 2014 annual growth survey adopted in November 2013. Thereafter, ministers may exchange views on this, on the preparation of the justice scoreboard and on the involvement of the member states in that process.

The Council is expected to adopt the conclusions on :

- the evaluation of the European Union agency for fundamental rights;
- on the EU citizenship report 2013;
- on combating hate crime.

It will also take note of the state of play on the accession of the EU to the ECHR.

Regarding **e-justice**, the Council will adopt the strategy on European e-Justice 2014-2018 and will be informed by the presidency on the work achieved during the second semester of 2013.

Moreover, on Thursday and Friday Justice and Home Affairs ministers are expected to have a discussion on the **Future development of the Justice and Home Affairs area**.

Under other business, Justice and Home Affairs ministers will be briefed by the Presidency on the outcome of the **EU-US Justice and Home Affairs Ministerial meeting** which took place in Washington on the 18 November 2013. They will also be informed about the progress in the **EU-US talks on Data Protection**.

Press conferences:

- Home Affairs Council (Thursday, at the end of the meeting +/- 18.30);
- Justice Council (Friday, before lunch +/- 13.30)

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Press conferences and public events by video streaming: <http://video.consilium.europa.eu/>

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HOME AFFAIRS

Schengen enlargement: Bulgaria and Romania

The Council will address the issue on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania.

A decision on the two countries' accession has, so far, not been taken because the required unanimity could not be achieved. In March 2013 the Council had a state of play discussion on this issue and decided to address it again by the end of 2013 with a view to considering the way forward on the basis of a two-step approach.

The two-step approach provides that: In a first phase, checks on persons would be abolished at internal sea and air borders with and between Bulgaria and Romania; at the same time, the two countries would fully join the Schengen Information System (SIS). In a second phase, a decision on the lifting of checks on persons at internal land borders would be taken.

The Council already in June 2011 adopted conclusion confirming the technical readiness of Bulgaria and Romania to accede to the Schengen area. The European Parliament issued its opinion on the accession of both countries on 7 June 2011 and adopted a resolution urging member states to take a decision on enlarging the Schengen area to include Bulgaria and Romania.

At its meeting on 1/2 March 2012, the European Council, recalling its discussions in 2011, reiterated that all legal conditions have been met for the decision on Bulgaria's and Romania's accession to the Schengen area to be taken. In December 2012 it invited the Council to revert to this issue in March 2013 and acknowledged the continuous efforts undertaken by Bulgaria and Romania in this respect.

Free movement of persons

– *Final report from the Commission*

The Council will take note of the final report provided by the European Commission on issues related to the free movement of persons ([16930/13](#)).

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 the 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.

In its final report the Commission analyses the right to free movement and the legal situation concerning the rights of mobile EU citizens and its impact on the welfare systems of host member states. The report suggests that most EU citizens moving to another member state do so to work and that they are more likely to be more economically active than nationals and less likely to claim social benefits.

According to the report, the percentage of mobile EU citizens who receive benefits is relatively low, compared to member states' own nationals and non-EU nationals. In most member states mobile EU citizens are net contributors to the host country's welfare system.

Taking into account the concerns in some member states, the report also explains the safeguards to counter abuse, fraud and error. It also outlines social inclusion instruments available to member states and local communities facing particular pressures relating to the inflow of mobile EU citizens.

In order to help national and local authorities to effectively apply EU free movement rules, the document presents five concrete actions to be implemented together with member states:

- helping member states to fight marriages of convenience (handbook);
- helping authorities to apply EU social security coordination rules (practical guide);
- helping authorities to meet social inclusion challenges (funding);
- exchange of best practices between local authorities;
- training and support of local authorities in applying the EU free movement rules.

Task Force Mediterranean

– *Report from the Commission*

The Council is expected to discuss the European Commission communication on the work of the Task Force Mediterranean (TFM), which will be submitted on the 4th December 2013.

At the Council meeting on 8 October Ministers took note of the information provided by the Italian minister on the tragic accident which occurred off the coast of the island of Lampedusa and decided to set, as proposed by Italy, a task-force to identify the tools which the EU has at its disposal and which could be used in a more effective way to avoid such tragedies.

At its meeting on 24-25 October, the [European Council](#) agreed to take the appropriate measures in order to prevent the loss of lives at sea and to avoid that such tragedies happen again, guided by the imperative of prevention and protection and guided by the principle of solidarity and fair sharing of responsibility.

The European Council invited the Task Force Mediterranean, lead by the Commission and involving member states, the EEAS and a number of EU Agencies to identify priority actions for a more efficient short term use of European policies and tools. It asked the Commission to report on the work of the TFM to the Council on 5 December 2013 with a view to taking operational decisions. It also asked the Presidency to report to the European Council in December 2013.

The TFM has met twice on 24 October and 20 November.

Fight against terrorism: Foreign fighters and returnees

– *Presentation from the CTC and discussion*

The Council will have an in-depth discussion on the issue of foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria, on the basis of a document prepared by the EU Counter Terrorism Coordinator (CTC).

In June 2013 the Council already expressed broad support for a package of measures suggested by the CTC and tasked its working parties with preparing implementing measures where necessary. It also invited the CTC to present a report on the implementation of the proposed measures at the Justice and Home Affairs Council in December 2013.

The proposals relate to:

- the need for a common assessment of the phenomenon of young Europeans going to Syria for Jihad and the need to obtain a better picture of the different groups fighting in Syria;
- measures to prevent youngsters from going to Syria or to offer assistance on their return;
- detection of travel movements and the criminal justice response;
- cooperation with third countries.

On 5 December, the Ministers will discuss once again the problem of foreign fighters from Europe crossing the border into Syria to fight, and the security threat they may pose in the EU when they return.

The flow of foreign fighters traveling to Syria from the EU and other countries has not yet been reduced, on the contrary, numbers seem to be on the increase.

The ministers will examine proposals to more effectively dissuade individuals from traveling to Syria. They will also discuss suggestions to better use existing EU instruments for information exchange and judicial cooperation, and look into ways to further enhance the EU's engagement with relevant third countries through exchange of best practices and capacity building assistance where appropriate.

JUSTICE

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. The discussion will focus on the one-stop-shop mechanism laid down in the Commission proposal (chapters VI and VII) and related questions on judicial review and judicial redress.

In October 2013 the Council already expressed its general support for the principle that, in important transnational cases, the regulation should establish a "one-stop-shop" mechanism in order to arrive at a single supervisory decision, which should be fast, ensure consistent application, provide legal certainty and reduce the administrative burden. This is an important factor to enhance the cost-efficiency of the data protection rules for international business, thus contributing to the growth of the digital economy

It was also noted that further expert work on this should continue along a model in which a single supervisory decision is taken by the "main establishment" supervisory authority, while the exclusive jurisdiction of that authority might be limited to the exercise of certain powers. The Council also indicated that the experts should explore methods for enhancing the "proximity" between individuals and the decision-making supervisory authority by involving the local supervisory authorities in the decision-making process.

However, during the discussions at the expert level it was established that there are limits to guarantee proximity for data subjects while at the same time guaranteeing one-stop-shop supervision for business operating in the internal market. The need to reconcile these two important goals of the Commission's proposal will be the core question in the Friday's debate and ministers will be invited to indicate whether they agree that the main establishment authority should be given certain exclusive powers to adopt corrective measures (17025/13).

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. 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)², 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.

European Account Preservation Order

– General approach

The Council is expected to agree on a general approach ([16991/13 ADD1](#)) on the draft regulation creating a European Account Preservation Order to facilitate cross border debt recovery in civil and commercial matters. This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the regulation.

The aim of the proposed regulation ([13260/11](#)) is to facilitate cross-border debt recovery by creating a uniform European procedure leading to the issue of a European Account Preservation order ("Preservation Order"). This European procedure will be available to citizens and businesses as an alternative to national procedures, but will not replace national procedures. It will apply only to cross-border cases.

By way of this new European procedure a creditor would be able to obtain a preservation order which would block funds held by the debtor in a bank account in a member state and thereby prevent the debtor from dissipating such funds with the aim of frustrating the creditor's efforts to recover his debt.

The Preservation Order would be available to the creditor in two situations: (1) before he obtains a judgment (that is, both before he initiates proceedings on the substance and during such proceedings) and (2) after he has obtained a title on the substance of the matter.

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](#))

In order to ensure the surprise effect of the Preservation Order, the Order would be issued in ex parte proceedings, that is without a prior hearing of the debtor. In order to counterbalance this lack of prior hearing of the debtor the proposed Regulation will make a series of remedies available to the debtor so that he can challenge the Order as soon as he is informed of the blocking of his accounts. The proposed Regulation will also contain further safeguards, in particular a minimum harmonised rule on the liability of the creditor for any damage caused by a Preservation Order to the debtor.

The Commission presented its proposal on 25 July 2011.

Insolvency proceedings

– Orientation debate

The Council will hold a public debate on the proposal for a regulation amending Council Regulation 1346/2000 on insolvency proceedings. The objective of the debate is to establish a number of guidelines for the continuation of the work ([17304/13](#)).

The proposed regulation aims at making cross-border insolvency proceedings more efficient and effective with a view to ensuring a smooth functioning of the internal market and its resilience in economic crises. This objective is in line with the European Union's current political priorities to promote economic recovery and sustainable growth, a higher investment rate and the preservation of employment, as set out under the Europe 2020 strategy, and to ensure smooth development and the survival of businesses, as stated in the Small Business Act.

The proposed regulation will also bring the current Insolvency Regulation in line with developments in national insolvency laws introduced since its entry into force in 2002.

The proposal was submitted by the Commission in December 2012 and was discussed by the Ministers for Justice at the informal Council in Dublin on 18 January 2013. The Council held a public debate on this proposal on 6 June 2013 and agreed on political guidelines for the future work ([10050/13](#)).

Judgments in civil and commercial matters

– General approach

The Council is expected to agree on a general approach on a proposal for a regulation amending Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast).

On 12 December 2012 the Council and the European Parliament adopted Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ([see press release](#)).

On 19 February 2013, 25 member states signed an Agreement on a Unified Patent Court (see press release). The creation of such a court was made necessary by the adoption of two regulations with a view to implementing enhanced cooperation in the area of the creation of unitary patent protection and its translation arrangements ([see press release](#)).

Article 31 of the UPC Agreement states that the international jurisdiction of the Unified Patent Court is to be established in accordance with Regulation 1215/2012, or, where applicable, the 2007 Lugano Convention. Article 89 of the UPC Agreement links the entry into force of that Agreement to the entry into force of the amendments to Regulation 1215/2012 concerning the relationship between those two instruments. It is therefore necessary to amend Regulation 1215/2012, in particular to insert provisions which determine how the Unified Patent Court can exercise its international jurisdiction.

The Commission submitted its proposal in July 2013. Although the main objective of the proposal is to regulate the relationship between Regulation 1215/2012 and the UPC Agreement, it also takes into account the existence of the Benelux Court of Justice and the international jurisdiction to be exercised by that Court in specific matters which are covered by Regulation 1215/2012.

Common European Sales Law

– *Information by the Presidency*

The Council will be briefed by the Presidency on the state of play on the proposal for a regulation on a Common European Sales Law

The proposed regulation aims at overcoming internal market barriers stemming from differences in national contract laws. It is proposed to be an optional, alternative contract law regime, which contracting parties could freely choose to apply to their contract of sale. It is designed to be a parallel law to the national law of each member state ("2nd regime").

The goal of the proposal is to enhance growth and trade in the internal market on the basis of freedom of contract and a high level of consumer protection assuming that this alternative set of rules would stimulate more cross-border business.

This "2nd regime" would cover contracts on the sales of goods and supply of digital content, as well as directly related services. It would be open to business-to-consumer contracts as well as those business-to-business contracts where at least one party is a small or medium sized enterprise (SME). It is important to underline that both parties to a cross-border contract would need to agree to use these alternative, European rules.

In order to ensure effective and uniform application, the proposal envisages as future supporting measures the development of "European model contract terms" and the creation of a publicly accessible database of relevant judicial decisions.

The Commission presented its proposal in October 2011 ([15429/11](#)).

European Semester - Justice Scoreboard

– *Presentation by the Commission and exchange of views*

The Council will hold a debate on the justice aspects of the European Semester and the preparation of the Justice Scoreboard for 2014.

The [European Semester](#) is a cycle of economic and fiscal policy coordination within the EU. The Semester contains a clear timetable, according to which the member states receive EU-level advice ("guidance") and then submit their policy plans ("national reform programmes" and "stability or convergence programmes") to be assessed at the EU level. After their evaluation, the member states are given individual recommendations ("country-specific recommendations") for their national budgetary and reform policies.

The 2014 European Semester was launched on 18 November 2013 with the Commission communication on the Annual Growth Survey 2014 that will set out the priorities for the fourth European Semester to be discussed in the different Council formations ([15803/13](#)).

In April 2013 the Commission prepared the EU Justice Scoreboard, a tool to promote effective justice and growth ([8201/13](#)). Its objective is to assist the EU and the member states to achieve more effective justice by providing objective, reliable and comparable data on the functioning of the justice systems.

Evaluation of the EU Agency for Fundamental Rights

– Council conclusions

The Council is expected to adopt conclusions ([16622/13](#)) on the evaluation of the European Union Agency for Fundamental Rights (FRA).

On 18 June 2013 the Commission transmitted to the Presidency [the final report of the external evaluation](#) together with the [recommendations of the FRA Management Board](#) on FRA's working practices and the scope of its mandate.

The aim of the conclusions is to provide input to the Commission's reflection process prior to submitting proposals for the amendment of the FRA Regulation³.

The Regulation foresees that the Agency should commission not later than 31 December 2011 an independent external evaluation of its achievements during the first five years of operations. It also specifies that the Management Board shall examine the conclusions of the evaluation and issue to the Commission such recommendations as may be necessary regarding changes in the Agency, its working practices and the scope of its mission. Subsequently the Commission shall transmit the evaluation reports and recommendations to the EU institutions and, after having assessed these documents, it may submit any proposals for amendments to the Regulation which it considers necessary.

EU Citizenship Report

– Council conclusions

The Council is expected to adopt conclusions on the EU Citizenship Report 2013 ([16783/13](#)).

On 8 May 2013 the Commission presented its second EU Citizenship Report together with a report under Article 25 TFEU on progress towards effective EU citizenship ([9590/13](#)). The aim of report is to inform EU citizens about their rights and ensure that they can enjoy them in their daily lives, without being confronted with unnecessary obstacles.

The EU citizenship report 2013 includes twelve new initiatives in six key areas aimed at facilitating citizens' enjoyment of their EU rights, in particular in cross-border situations:
removing obstacles for workers, students and trainees in the EU;

- cutting red tape in the member states;
- protecting the more vulnerable in the EU;
- eliminating barriers to shopping in the EU;
- targeted and accessible information in the EU;
- participating in the democratic life of the EU.

³ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, [OJ L 53, 22.2.2007](#).

The Treaty of Maastricht (1993) established the Citizenship of the Union and granted a set of rights to all EU citizens. The Treaty of Lisbon (Title II of the Treaty on the Functioning of the European Union) and the Charter of Fundamental Rights of the EU (Chapter V) further reinforced EU citizens' rights.

The year 2013 marks the twentieth anniversary of the establishment of Union citizenship and has been designated as the European Year of Citizens in order to promote debates and raise awareness about the rights and responsibilities attached to Union citizenship. The European Year of Citizens closing event will take place in Vilnius on 12-13 December 2013.

The first EU Citizenship Report was prepared in 2010.

Hate Crime

– Council conclusions

The Council is expected to adopt conclusions on combating hate crime ([17057/13](#)).

EU action in countering hate crime, racism, anti-Semitism, xenophobia and homophobia has been in focus throughout 2013, starting with the informal meeting of Justice and Home Affairs Ministers on 17-18 January 2013 in Dublin. On 6 June, the Council adopted conclusions ([10168/13](#)) on fundamental rights and rule of law and on the Commission 2012 Report on the Application of the Charter of Fundamental Rights of the European Union, referring in its point 8 to hate crimes and to the need for assessing the effectiveness of the existing EU legal norms on fighting hate crimes.

A conference on combating hate crime in the EU, hosted by the Fundamental Rights Agency in cooperation with the Presidency and held in Vilnius on 12-13 November 2013, brought together more than 400 policy makers and practitioners from national governments, international organisations, civil society, EU institutions and bodies.

The conclusions of the Conference ([16278/13](#)) called on EU institutions to strengthen their efforts to prevent and combat hate crime, inter alia by extending the protection to cover other forms of discrimination than those mentioned in Framework Decision 2008/913/JHA and by improving the coordination and cooperation between institution and agencies. Member states were invited to pay particular attention to victims of hate crimes and to ensure an adequate level of assistance and protection.

The Council conclusions reflect these invitations. They aim at raising awareness about hate crimes, and to give some concrete proposals for improving the combating of hate crime at both EU and member state level. Another important element is to ensure that victims of hate crime are properly assisted, supported and protected.

Accession of the EU to the ECHR

– State of play

The Council will be briefed by the Presidency on the state of play on the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

The Lisbon Treaty provides the legal basis for the accession of the EU to the ECHR. Art. 6 (2) of the TEU stipulates: "The EU shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms". According to the Stockholm program this is "of key importance". The program also called for a "rapid" accession to the ECHR.

In June 2010 the Council adopted a negotiating mandate and negotiations have been ongoing since then.

At the last negotiating session (3-5 April 2013) an agreement at negotiators level was reached. Subsequently in July 2013 the Commission requested the Court of Justice of the European Union to give an opinion on the agreement's compatibility with the EU Treaties. That opinion is currently pending. In the meantime member states are keen to work on the adaptations to the EU law that need to be agreed on before the accession.

In accordance with Art. 218 of the TFEU the Council shall act unanimously, after obtaining the consent of the European Parliament. Furthermore, the decision concluding the agreement would only enter into force after ratification by all member states. It will also need ratification by all Parliaments of the 47 member states of the Council of Europe.

e-Justice

- *Strategy on European e-Justice 2014-2018 - Adoption*
- *Work achieved during the second semester of 2013 - Information by the Presidency*

The Council is expected to adopt the Strategy on European e-Justice 2014-2018 ([17006/13](#)) and to take note of the report of the Working Party on e-Law (e-Justice) on the work achieved during this semester in the area of European e-Justice ([16269/13](#)).

In November 2008 the Council adopted the European e-Justice action plan (2009-2013)⁴. This action plan sets forth a multiannual working programme in the field of European e-Justice and puts in place a structure to coordinate e-Justice efforts at EU level.

The existing Action Plan will expire at the end of 2013 and the work under the Lithuanian Presidency in e-Law (e-Justice) Working Party has largely focused on the preparations for the new Strategy, which will form the basis for continuation of the work in this area for post-2013.

After the adoption of the Strategy, a separate Action Plan setting out the concrete work plan with concrete projects will be prepared under the Greek Presidency during the first half of 2014.

EU-US relations

- *Outcome of the EU-US JHA Ministerial meeting*
- *Final report on the findings EU-US Working Group on data protection*

Under other business, the Council will be briefed by the Presidency on the outcome of the EU-US Justice and Home Affairs Ministerial meeting which took place in Washington on the 18 November 2013 (see joint press statement [16418/13](#)).

The Council will also be briefed by the EU co-chairs of the EU-US Working Group on Data Protection on the main findings of their report ([16987/13](#)).

In June 2013, the existence of a number of US surveillance programmes involving the large-scale collection and processing of personal data was revealed. The programmes concern in particular the collection of personal data from US internet and telecommunication service providers and the monitoring of data flows inside and outside the US. Given the central position of US information and communications technology companies in the EU market, the transatlantic routing of electronic data flows, and the volume of data flows across the Atlantic, significant numbers of individuals in the EU are potentially affected by the US programmes.

⁴ [OJ C 75, 31.3.2009](#)

An ad hoc EU-US Working Group was established in July 2013 to examine these matters. The purpose was to establish the main elements about US surveillance programmes and their impact on fundamental rights in the EU and personal data of EU citizens. A "second track" was established under which member states may discuss with the US authorities, in a bilateral format, matters related to their national security, and the EU institutions may raise with the US authorities questions related to the alleged surveillance of EU institutions and diplomatic missions.

On the EU side, the ad hoc Working Group is co-chaired by the Commission and the Presidency of the Council. It is composed of representatives of the Presidency, the Commission services, the European External Action Service, the incoming Presidency, the EU Counter-Terrorism Coordinator, the Chair of the Article 29 Working Party, as well as ten experts from member States, having expertise in the area of data protection and law enforcement/security. On the US side, the group is composed of senior officials from the Department of Justice, the Office of the Director of National Intelligence, the State Department and the Department of Homeland Security.

A preparatory meeting took place in Washington, D.C. on 8 July 2013. Meetings of the Group took place on 22 and 23 July 2013 in Brussels, on 19 and 20 September 2013 in Washington, D.C., and on 6 November 2013 in Brussels.

Future development of the JHA Area

Justice and Home Affairs ministers are expected to have a discussion on the Future development of the Justice and Home Affairs area, which will serve as a basis for continuing the discussions on the post-2014 period under the Greek Presidency.

In December 2009, the European Council adopted the [Stockholm Programme](#), a multi-annual instrument for the development of an area of freedom, security and justice for the years 2010-2014.

Since the Lisbon Treaty introduced major changes in the freedom, security and justice area, future developments on this field should be discussed in the light of Article 68 TFUE which provides that the European Council "shall define the strategic guidelines for legislative and operational planning" in this regard.

The European Council in its 27-28 June 2013 conclusions mandated the future Presidencies to start discussions on the future strategic guidelines in the area of freedom, security and justice with a view to its June 2014 meeting. The Lithuanian Presidency, being the first to take office after the conclusions were adopted, started this discussion by holding a ministerial debate on 18-19 July 2013 at the informal ministerial meeting in Vilnius.

MIXED COMMITTEE

Schengen accession BG and RO

The committee will address the issue on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania.

See item above

Task Force Mediterranean

The committee will discuss the European Commission report on the work of the Task Force Mediterranean (TFM), which will be submitted on the 4th December 2013.

See item above

The situation in the Schengen Area

The committee will discuss the Commission's fourth biannual report on the functioning of the Schengen area (1 May - 31 October 2013) ([16933/13](#))

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.

Post-visa liberalisation monitoring for the Western Balkans countries

The committee will discuss the Commission's fourth report on the post-visa liberalisation monitoring for the Western Balkan countries ([17144/13](#)).

The Citizens of the former Yugoslav republic of Macedonia, Montenegro and Serbia have enjoyed visa free travel to the EU since 19 December 2009. This Visa liberalisation was extended to cover also the citizens of two other Western Balkan countries - Albania and Bosnia and Herzegovina - with effect from 15 December 2010.

At the adoption in November 2010 of the regulation providing for visa liberalisation for Albania and Bosnia-Herzegovina, the Commission made a statement announcing the setting up of a post-visa liberalisation monitoring mechanism regarding the effective implementation of the measures taken by the countries of the Western Balkans to enduringly meet the benchmarks of the roadmaps for the visa liberalisation process.

In this context, the Commission tabled also a proposal in May 2011 amending the rules governing the EU's visa-free regime. It concerns regulation 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders (Annex I to the regulation) and those whose nationals are exempt from that requirement (Annex II of the regulation) ([10834/11](#)).

The Council and the European Parliament have recently reached an agreement on these amendments and the Council is expected to adopt the amended regulation without discussion on Thursday. The amendments focus on the introduction of a safeguard clause allowing the temporary reintroduction of the visa requirement - in specific circumstances - for nationals of a third country who can normally travel to the EU without a visa (those countries in Annex II). The new rules would also strengthen the notion of reciprocity, i.e. how to deal with situations where a country in Annex II reintroduces a visa requirement for citizens of particular EU member states or the EU as a whole.
