

## **JUSTICE and HOME AFFAIRS COUNCIL** **Thursday 13 and Friday 14 October in Luxembourg**

The meeting will be chaired by **Robert Kaliňák**, Minister for the Interior of Slovakia and by **Lucia Žitňanská**, Minister for Justice of Slovakia.

On Thursday, Home affairs ministers will be informed by the Commission and Frontex on the implementation of the recently adopted regulation establishing a **European Border and Coast Guard**.

Ministers will be briefed by the Presidency on the progress made on several files regarding information technology (IT) measures related to **border management**. They will have the opportunity to exchange their views on the overall approach regarding the use of such measures.

Regarding **migration**, the Council will have a discussion on the implementation of the different measures adopted or identified so far in order to identify the main gaps and shortcomings and make the appropriate recommendations.

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

During lunch, the Commission will report on the results obtained so far as regards the establishment of the **Migration Partnership Framework** and the country specific compacts. Ministers will have the opportunity to make a first assessment of the Partnership Framework process.

After lunch, the Council will discuss the reform of the **Common European Asylum System (CEAS)**. Ministers will have a policy debate on the Eurodac regulation, the European Union Agency for Asylum regulation and the Resettlement Framework regulation. Ministers will be informed about the progress made on the remaining proposals.

On Friday, Justice ministers will discuss the regulation on the **European Public Prosecutor's Office (EPPO)** and the directive on the **protection of the financial interests of the Union by means of criminal law (PIF)**. The two files will be discussed together by the ministers as they are closely linked to one another. Indeed, the PIF directive would constitute in principle the substantive law to be applied by the EPPO.

### **Press conferences:**

- **Home Affairs Council (Thursday, +/- 18.30)**
- **Justice Council (Friday, +/- 13.30)**

*Press conferences and public events by video streaming: <http://video.consilium.europa.eu>  
Video coverage in broadcast quality (MPEG4) and photo gallery on:  
<https://tvnewsroom.consilium.europa.eu/permalink/85906>*

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<sup>1</sup> This note has been drawn up under the responsibility of the press office.

# HOME AFFAIRS

## European Border and Coast Guard\*

The Council will be briefed by the Commission and Frontex on the implementation of the recently adopted regulation establishing a European Border and Coast Guard.

The main role of the European Border and Coast Guard is to help provide integrated border management at the external borders. It will ensure the effective management of migration flows and provide a high level of security for the EU. At the same time it will help safeguard free movement within the EU and respect fully fundamental rights.

It consists of a European Border and Coast guard agency (the former Frontex agency with expanded tasks) and those national authorities responsible for border management. The main focus of its activities is the establishment of an operational strategy for border management and the coordination of assistance from all member states.

The European Border and Coast Guard regulation was adopted on 14 September 2016 and entered into force on 6 October 2016. The provisions related to the setting up of the reserve and technical equipment pools will enter into force on 7 December 2016 and those related to the return pools on 7 January 2016.

For more information:

- [Council website: Strengthening the EU's external borders](#)
- [European Border and Coast Guard: final approval](#)
- [Frontex](#)

## IT measures related to border management\*

The Presidency will brief the Council on the progress made on several files regarding information technology (IT) measures related to border management and will have the opportunity to exchange their views on the overall approach regarding the use of such measures.

Ministers will be informed about the state of the negotiations with the European Parliament on the Commission proposal to reinforce the systematic checks at the external borders, the discussions at technical level on the new Entry-Exit System (EES), the evolution of the Schengen Information System (SIS), the upcoming proposal on a European Travel Information and Authorisation System (ETIAS) and the work of the High-Level Expert Group on Information Systems and Interoperability.

The Bratislava Declaration and Roadmap, agreed by the leaders of the 27 member states on 16 September 2016, includes the following concrete measures:

- adoption of the necessary measures to ensure that all persons, including nationals from EU member states, crossing the Union's external borders will be checked against the relevant databases, that must be interconnected;
- setting up a European Travel Information and Authorisation System (ETIAS) to allow for advance checks and, if necessary, deny entry of visa-exempt travellers.

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

For more information:

- [Progress report](#)
- [Council website: Strengthening the EU's external borders](#)
- [Council website: Response to foreign terrorist fighters and recent terrorist attacks in Europe](#)
- [Council agrees its negotiating position to reinforce checks at external borders](#)
- [High-Level Expert Group on Information Systems and Interoperability](#)
- [Informal meeting of the 27 heads of state or government, 16/09/2016](#)

## **Migration\***

Home affairs ministers will have a discussion on the implementation of the different measures adopted or identified so far. The aim is to identify the main gaps and shortcomings in the actions to be taken by the member states, the Commission and the Agencies and make the appropriate recommendations in order to speed up the implementation of the different processes.

Particular attention will be paid to the state of play of the relocation, resettlement, the calls for experts of the agencies (in particular as regards EASO), the situation in Italy and Greece as well as the implementation of the EU-Turkey Statement.

For more information:

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

## **Reform of the Common European Asylum System**

The Council will discuss the reform of the Common European Asylum System (CEAS). Ministers will hold a policy debate on the Eurodac regulation, the European Union Agency for Asylum regulation and the Resettlement Framework regulation.

Regarding the Eurodac regulation, Ministers will be invited to discuss the possibilities to simplify and broaden access of law enforcement authorities to Eurodac and to indicate the scope and conditions of the changes that should be introduced in the proposal.

On the European Union Agency for Asylum, Ministers will discuss the mechanism for monitoring and assessing the asylum and reception systems of member states that the Agency is tasked to establish.

On the Resettlement Framework regulation, Ministers will have a general discussion on the proposal. They will be invited to specify which elements are adequate and which elements would require further work.

Moreover, Ministers will be briefed by the Presidency on the state of play of the Dublin regulation, the Reception Conditions directive, the Qualification regulation and the Asylum Procedures regulation.

On 4 May 2016 the Commission adopted a first package of proposal to reform the Common European Asylum System, namely the recast of the Dublin regulation, the Eurodac Regulation as well as the Regulation on the European Agency for Asylum.

The proposal on the recast of the Dublin regulation aims to:

- enhance the system's capacity to determine efficiently and effectively a single member state responsible for examining the application for international protection;
- ensure fair sharing of responsibilities between member states by complementing the current system with a corrective allocation mechanism. This mechanism would be activated automatically in cases where member states would have to deal with a disproportionate number of asylum seekers;
- discourage abuses and prevent secondary movements of the applicants within the EU, in particular by including clear obligations for applicants to apply in the member state of first entry and remain in the member state determined as responsible.

The Eurodac proposal includes the necessary changes to adapt the system to the proposed Dublin rules, in line with its primary objective to serve the implementation of the Dublin regulation. Eurodac shall also become a database for wider immigration purposes, facilitating return and the fight against irregular migration.

The proposal for a European Union Agency for Asylum aims to improve the implementation and functioning of the CEAS by building on the work of the European Asylum Support Office and further develop it into an Agency responsible for facilitating the functioning of the CEAS, for ensuring convergence in the assessment of applications for international protection across the Union, and for monitoring the operational and technical application of Union law.

On 13 July the Commission presented a second package of proposals which contained:

- a regulation on qualification of third-country nationals or stateless persons as beneficiaries of international protection (replacing the Qualification directive), setting uniform standards for the recognition of persons in need of protection and the rights granted to beneficiaries of international protection;
- a regulation establishing a common procedure for international protection in the EU (replacing the Asylum Procedures Directive), in order to create a genuine common procedure, thereby removing incentives for asylum shopping and secondary movements between member states;
- a recast of the directive for the reception conditions of applicants for international protection, further harmonising reception conditions in the EU to ensure that the treatment of applicants is dignified across the EU, in accordance with fundamental rights and rights of the child, and to decrease secondary movements;
- a regulation establishing a Union Resettlement Framework, that will establish a common set of standard procedures for the selection of resettlement candidates and a common protection status for persons resettled to the EU to streamline and better focus European resettlement efforts in the future. This will ensure orderly and safe pathways to the EU for persons in need of international protection, with the aim of progressively reducing the incentives for irregular arrivals. To support member states' resettlement efforts under the targeted EU schemes, the Commission will provide €10,000 from the EU budget for each person resettled.

For more information:

- [Presidency note for the debate on Eurodac and European Union Agency for Asylum](#)
- [Presidency note for the debate on EU Resettlement Framework](#)
- [Presidency Progress report](#)

# JUSTICE

## European Public Prosecutor's Office (EPPO)

Building on the progress made during previous meetings, in particular in June 2016, and following further work at expert level, the Council will continue the discussion on the EPPO regulation.

The Commission will first present an updated cost-benefit analysis to reflect substantial changes made to the initial text. The discussion will then focus on the articles of the regulation which were not discussed during previous Council meetings. Those remaining articles relate to the rules on judicial review, the cooperation with third countries and with non-participating member states, and the relations with Eurojust.

The Slovak presidency aims at achieving an agreement in principle by ministers on these articles as well as identifying outstanding substantial concerns on the text of the regulation as it now stands.

The discussion at the Council will be closely linked to the one on the directive on the fight against fraud to the Union's financial interest by means of criminal law, so called PIF directive, which constitute in principle the substantive law to be applied by the EPPO (see part on PIF directive).

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

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

For more information:

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

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

Following discussions at the Council meeting in June 2016 and further technical work done at expert level, ministers are expected to continue their debate on the issue of the possible inclusion of some aspects of VAT fraud within the scope of the directive. Finance ministers also held an exchange of views on this topic during the ECOFIN on 11 October which will feed into the discussion.

Ministers will be asked to debate on whether and how the prosecution of serious offences related to VAT fraud should be included in the PIF directive and in the material competence of the EPPO. They will also be invited to reflect on an alternative solution which would consist of a direct inclusion of VAT fraud within the scope of the EPPO regulation.

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

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

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

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