

Tuesday 13 December 2011

Justice and Home Affairs Council - overview of the agenda (home affairs items)

With a view to agreeing on political guidelines, home affairs ministers will examine certain issues concerning two proposals for regulations:

- on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis ([14358/11](#));
- amending regulation 562/2006 in order to provide for common rules on the temporary reintroduction of border controls in exceptional circumstances ([14359/11](#)). This proposal calls for a mechanism to be introduced in order to respond to exceptional circumstances putting the overall functioning of Schengen cooperation at risk, without jeopardising the principle of free movement of persons.

In the context of the "Dublin regulation", which sets out the criteria and mechanisms for determining the member state responsible for examining an application for international protection, ministers will discuss the possible inclusion of a clause establishing a process for early warning, preparedness and management of asylum crises with the aim of addressing the ability of the member states to manage constantly fluctuating mixed migration flows and of facilitating decisions on the application of emergency measures in such situations.

Furthermore, the Council will have a first exchange of views on the Commission communication "Building an open and secure Europe: the Home Affairs budget for 2014-2020" ([17284/11](#)), as well as on the package of proposals also presented by the Commission in the context of the multiannual financial framework (2014-2020):

- regulation laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management ([17285/11](#));
- two regulations establishing, as part of the Internal Security Fund, the instrument for financial support for
 - external borders and visa ([17290/11](#));
 - police cooperation, preventing and combating crime and crisis management ([17287/11](#));
- regulation establishing the Asylum and Migration Fund ([17289/11](#)).

Finally, the Council is expected to adopt a decision on the signing of the Agreement between the EU and the USA on the use and transfer of passenger name record data (PNR) ([17429/11](#)), which is the information provided by passengers to air carriers during the reservation and check-in procedures. The Council has already negotiated PNR agreements with the Canada and Australia.

Event

Meeting of the Justice and Home Affairs Council - Justus Lipsius building, Brussels (10.00).
The presidency will hold a briefing in the Council press room on Monday 12 December at 13.30.
Press conferences will take place around 13.00 and at the end of the meeting.

Contacts

Press officer: Jochen Müller, tel. + 32 477 97 42 24, jochen.mueller@consilium.europa.eu
Polish presidency: Kacper Chmielewski, tel. + 32 2 780 42 25, kacper.chmielewski@msz.gov.pl

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Justice and Home Affairs Council - overview of the agenda (Mixed Committee)

In the margins of the Council, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) will examine certain issues concerning Schengen governance regarding the two proposals for regulations:

- on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis ([14358/11](#));
- amending regulation 562/2006 in order to provide for common rules on the temporary reintroduction of border controls in exceptional circumstances ([14359/11](#)).

The Mixed Committee will have a first exchange of views on the Multiannual Financial Framework (2014- 2020), concerning in particular the proposals for regulations establishing, as part of the Internal Security Fund, the instrument for financial support for

- external borders and visa ([17290/11](#));
- police cooperation, preventing and combating crime and crisis management ([17287/11](#)).

Finally, the Committee will also have an exchange of views on

- the joint Presidency and Commission position paper regarding the EU response to increased migration pressures;
- the state of play of the Schengen Information System (SIS).

Event

Meeting of the Mixed Committee, in the margins of Justice and Home Affairs Council - Justus Lipsius building, Brussels (10.00).

The presidency will hold a briefing in the Council press room on Monday 12 December at 13.30. Press conferences will take place around 13.00 and at the end of the meeting.

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Wednesday 14 December 2011

Justice and Home Affairs Council - overview of the agenda (justice items)

The Council will try to agree on a general approach on a directive establishing minimum standards on the rights, support and **protection of victims of crime** ([10610/11](#)). The directive aims to amend and expand the existing provisions on the standing of victims in criminal proceedings.

The Council will also seek a general approach on a European **investigation order** on criminal matters. The goal is to allow member states to carry out investigative measures at the request of another member state on the basis of mutual recognition. The investigative measures would, for example, include interviewing witnesses, searches and seizures, and (with additional safeguards) interception of telecommunications, observation, infiltration and monitoring of bank accounts.

Moreover, the Council will try to reach a general agreement on the articles of a 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. The new rules will enable people to choose the law that will govern the transmission of their assets, thereby making life easier for heirs, legatees and other interested parties.

The Council will also try to agree on certain elements of a recast of the regulation on jurisdiction and the **recognition and enforcement of judgments in civil and commercial matters**. The recast, which is a overhaul of the so-called "Brussels I" regulation of 2001, aims to remove the remaining obstacles to the free movement of judicial decisions in line with the principle of mutual recognition.

Ministers will hold a debate on certain aspects of the draft regulation on a **common sales law** ([15429/11](#)), which aims to establish a common set of contract law rules for cross-border transactions, thus reducing unnecessary costs while providing a high degree of legal certainty. The regulation also includes consumer protection rules to ensure a high level of consumer protection in the internal market.

The Council will take note of a report drawn up by the presidency on a directive on **the right of access to a lawyer and on the right to communicate upon arrest** ([11497/11](#))

Finally, the Council will hold a first exchange of views on two proposals for regulations establishing the **Justice programme** and the **Rights and Citizenship programme** under the **multiannual financial framework** for 2014-2020. The proposals will be presented to the ministers by the Commission.

Event

Meeting of the Justice and Home Affairs Council (justice items) - Justus Lipsius building, Brussels (10.00).

The presidency will hold a briefing in the Council press room on Monday 12 December at 13.30. A press conference will take place at the end of the meeting.

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