



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 26 June 2006**

**10944/06**

**LIMITE**

**CATS 129**

**NOTE**

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from :	Presidency
Subject :	The Finnish EU-Presidency agenda in Justice and Home Affairs : the outlook from the point of view of the work of the Article 36 Committee

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**1. Introduction: justice and home affairs in general during the Finnish EU Presidency**

Two themes dominate the Finnish EU Presidency agenda in justice and home affairs: the Hague Programme, and continuity. The Hague Programme not only forms the basis for the work, but also dominates the Finnish EU Presidency in the sense that an assessment of its implementation is to be carried out during the second half of 2006. This assessment provides an opportunity to review progress, and if needed give political impetus to re-launching work on key priorities, such as operational co-operation, mutual recognition, cooperation in civil law, and crime prevention. In this connection, attention shall also be paid to the possibilities of improving decision-making in the third pillar, including exploration of the so-called passerelle option (article 42 TEU).

Austria and Finland prepared a joint Council programme for 2006, and so it should be no surprise that Finland shall be continuing where the very successful Austrian Presidency left off.

During the Finnish Presidency, the enforcement of existing instruments is to be promoted through the development of the evaluation mechanisms identified in the Hague Programme. A Commission Communication on this is published at the end of June 2006, together with the Commission's first "Scoreboard Plus", on progress in implementation as well as a Communication on political challenges.

## **2. Themes in CATS discussions during the Finnish EU Presidency**

### **Combating terrorism**

Finland intends, together with her EU partners, to promote the implementation of the EU Counter-Terrorism Action Plan. We also intend, through practical work, to implement the Action Plan on Radicalisation and Recruitment. Reporting of the implementation of the recommendations formulated in the peer evaluation process shall be concluded during the Finnish Presidency, and the final report shall be drafted together with the Council Secretariat. Attention shall also be paid to movements of ex-jihadists in the Balkan region, and to assessment of the possible threat to Europe arising in particular from the Near East.

### **Strengthening the exchange of information**

Steps shall be taken to further prepare for and implement the exchange of DNA data among law enforcement authorities, based on the principle of the availability of information. This shall be done in the context of the Ad Hoc Working Party on Exchange of Information launched under the Austrian EU Presidency.

Finland shall seek to lead an examination of how the implementation of the Treaty of Prüm affects operational cross-border co-operation among law enforcement authorities in Europe, and the implementation of the principle of availability.

### **Operational co-operation among law enforcement authorities**

Operational co-operation among law enforcement authorities and the conditions governing such co-operation shall be further enhanced. Finland intends to introduce to the other EU Member States the well-functioning model of strategic and operational co-operation that exists among the Finnish police, customs and border guard authorities, with a view to seeing how the principles on which this model is based could provide added value in the EU.

Finland intends to enhance intelligence-led law enforcement on the basis of the European Criminal Intelligence Model and the EU Organised Crime Threat Assessment. Europol's analytical capacity should be utilised effectively in this work.

The role of the EU Police Chiefs shall be enhanced, on the one hand, in the devising of policies for operational work when meeting at Europol within the Police Chiefs Task Force and, on the other, in acting as a strategic adviser to political decision-makers when meeting within the Council framework in line with the approach adopted since the LU Presidency.

The idea proposed by the Austrian Presidency for the assessment of the internal security architecture of the EU and the improvement of its co-ordination shall be developed further. In this respect, improvement of the regulatory framework of Europol, development of Europol's work and the furthering of co-operation between Europol and Eurojust are of utmost importance.

In respect of customs co-operation, the implementation of the present 36-month Action Plan shall be finalized. At the same time, a new Action Plan, to be adopted by CATS, shall be prepared in accordance with the OCTA conclusions of the Council ensuring that the priorities set by the Council are to be implemented also in the future in the field of customs cooperation.

The work of the European judicial network shall be promoted. Practical cooperation can further be improved with the assistance of the judicial training network proposed by the Commission. Following work carried out in particular by the Netherlands, the United Kingdom and Austria, and the proposal of the Commission, the European Crime Prevention Network should be strengthened and professionalised.

## **Drugs**

The EU Drugs Action Plan for 2005-2008, endorsed in June 2005, shall be further implemented.

## **The Schengen Information System (SIS II)**

The SIS II project shall be continued, and its progress shall be promoted. The intention is to introduce the system in 2007. It is vital that attention be paid to the quality and the data security of the SIS II system.

## **Crisis management**

Work shall continue on the protection of critical infrastructure and on the preparation, implementation and enforcement of the integrated EU crisis management arrangements as of 1 July 2006.

## **Cooperation in criminal law**

In line with the conclusions of the European Council in June 2006, the Finnish Presidency shall seek finalisation in particular of negotiations on the Framework Decisions on the protection of personal data in the third pillar, the European Evidence Warrant, and the application of the principle of mutual recognition to the enforcement of custodial sentences, and on the procedural rights of accused persons in criminal proceedings.

The principle of mutual recognition is the cornerstone of judicial cooperation in the EU. During the Finnish Presidency, the stress will be on initiatives that promote this principle, and that promote the mutual trust and confidence on which the successful application of mutual recognition depends. Examples of this are the initiative on the transfer of prisoners, and the instruments on disqualification and on the taking into account of convictions in another EU Member State in the course of new proceedings.

Work shall also continue on e.g. the instruments on information on criminal convictions, and the anti-corruption network.

The question of the transfer of passenger name records to the United States shall be dealt with as a matter of urgency. The primary forum for this shall be Coreper.

## **External affairs**

In the field of JHA external affairs, Finland shall continue along the lines set out during the UK and Austrian Presidency. So-called “troika meetings” on the ministerial level are to be organized with the Russian Federation (in the form of a Permanent Partnership Council meeting), the United States, Ukraine, and the Western Balkan countries. The largest meeting to be held during the Finnish Presidency will be the so-called ASEM meeting, which focuses on cooperation between the EU and Asian countries. The ASEM meeting covers a broad range of topics, among them justice and home affairs.

Work shall continue on the formulation of the action-oriented papers called for in the December 2005 decision of the JHA Council on the strategy for the external dimensions of JHA (Northern Africa, and the Russian Federation).

### **3. Meetings related to justice and home affairs during the Finnish EU Presidency**

Three JHA Councils (24 July, 5-6 October and 4-5 December) and one informal Council (Tampere, Finland, 20-22 September) shall be held during the Finnish Presidency. The Article 36 Committee shall meet on 3-4 July, 12-13 September, 24-25 October and 10 November (tentative dates).

The European Union Crime Prevention Network shall hold a meeting and seminar in Hämeenlinna, Finland, on 27-28 November. The European Judicial Network shall meet in Rovaniemi, Finland, on 29 November-1 December. Meetings are also planned on restorative justice and on the training of judges (dates and locations in Finland to be confirmed).

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