



Brussels, 20 July 2006

BACKGROUND¹
JUSTICE and HOME AFFAIRS COUNCIL
Brussels, 24 July 2006

The Council will start its work on Monday 24 July 2006 at 10h00 with a view to holding a public debate on the following items:

- Hague Programme Review,*
- Global approach to migration, and*
- Management of migration flows.*

This public debate can be followed live at the Press centre of the Council or recorded (as of ±14.00) by videostreaming at the following address: <http://www.consilium.europa.eu/videostreaming>

Under any other business, the Council will discuss the situation in Lebanon regarding internally displaced persons.

The Mixed Committee (EU+ Norway, Iceland and Switzerland) will meet at 15.00 with a view to discussing the progress made on the establishment of the Schengen information system (SIS II), the mechanism for the creation of rapid border intervention teams and the development of the common visa policy.

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A press conference by the Presidency will be held at the end of the working session (±17.00), which can be followed by video streaming.

The Director of Frontex, Mr Ilkka Laitinen, will give a press conference at the Europa press room (±17.30).

¹ This note has been drawn up under the sole responsibility of the Press Service.

HAGUE PROGRAMME REVIEW

The following Commission Communications will be examined by the Council:

Report on the implementation of The Hague Programme in 2005 ("Scoreboard +") - Communication by the Commission (11228/06 + ADD1 + ADD2)

This Communication is in response to the Council's call on the Commission to submit an annual report on the implementation of the Hague programme and action plan ("scoreboard")² and is the first practical instance for 2005. The methodology selected will be followed in the years' annual reports for the next four years.

As with the Tampere scoreboard, the point is initially to monitor the adoption of the measures provided for in the Hague programme, including those involving the drugs action plan, the strategy on the external aspects of the area of freedom, security and justice, and the action plan on the fight against terrorism, which supplement the Hague action plan, in accordance with the set timetable. All the measures planned for 2005 are therefore reviewed in this communication.

It gives the state of play on each measure scheduled for 2005 or on a regular/ongoing basis in the Hague action plan. A broadly positive assessment can be reached from the following tables, even though progress was not equivalent in all areas.

Evaluation of EU Policies on Freedom, Security and Justice - Communication by the Commission (11223/06)

The Hague Programme (2004)³ states that "evaluation of the implementation as well as of the effects of all measures is, in the European Council's opinion, essential to the effectiveness of Union action". The Action Plan implementing The Hague Programme (2005)⁴, which sets out a policy framework for the European Union activities on freedom, security and justice over the next five years, provides for the adoption, in 2006, of a general Communication from the Commission on how to develop an evaluation mechanism at EU level in this area⁵.

The European Council had identified evaluation of implementation as a key tool to ensure that the significant results achieved by the Union and its Member States on the development of an Area of Freedom, Security and Justice are properly implemented and constantly reviewed, where appropriate.

² The Hague programme: strengthening freedom, security and justice in the European Union (OJ C 53, 3.3.2005, p. 1) and Council and Commission action plan implementing the Hague programme on strengthening freedom, security and justice in the European Union (OJ C 198, 12.8.2005, p. 1).

³ Annex 1 to the European Council Conclusions, November 2004.

⁴ OJ C 198, 12.8.2005, p. 1.

⁵ The Action Plan also calls for a Communication on the systematic, objective and impartial evaluation of the implementation of EU policies in the field of justice, with a view to reinforcing mutual trust while fully respecting the independence of the judiciary. Later this year the Commission will present a further Communication which will address this issue in detail, in accordance with the general principles established in this Communication.

Implementing the Hague Programme : the way forward - *Communication by the Commission (11222/06)*

In the absence of the entry into force of the Constitutional Treaty, it is still necessary to draw up a first political assessment of progress made in implementing The Hague Programme and to propose the necessary adjustments. The present Communication and the above mentioned Communications constitute the answer to the call made by the European Council in December 2004.

The aim of this comprehensive package is thus not to identify new priorities compared to those set out by the Hague Programme but mainly (1) to take stock of the progress made, (2) to assess the level of implementation at EU and national level and (3) to propose a thorough evaluation of results.

The extension of the competence of the Court of Justice foreseen by Article 67(2) TEC - *Communication by the Commission (11356/06)*

The Amsterdam Treaty sets the objective of progressively establishing an area of freedom, security and justice. For this purpose, some of the matters previously covered by Title VI of the Treaty on European Union (the “third pillar”) were brought within the EC Treaty under certain conditions. Meanwhile, establishing this area has become a Union priority thanks to the political impetus given in particular by the European Council in 1999 (Tampere) and 2004 (Hague programme) and the sound cooperation of all the institutions.

The purpose of this communication is to contribute to the adaptation of the special provisions of Article 68 of the EC Treaty concerning the jurisdiction of the Court of Justice in the fields covered by Title IV. In the Commission’s opinion, this adaptation should consist of aligning that jurisdiction on the general scheme of the Treaty.

GLOBAL APPROACH TO MIGRATION

The Council will review a number of key developments related to the implementation of the Global Approach to migration.

The Council will hear an update from the Commission and FRONTEX on actions of relevance to the situation in the Mediterranean in connection with illegal immigration.

There will also be a report on the outcome of the Euro African Ministerial Conference on migration and development which is to take place in Rabat on 10/11 July and on developments regarding the EU's Common Position for the purpose of the UN High Level Dialogue on migration and development which was adopted by the GAERC on 17/18 July.

MANAGEMENT OF MIGRATION FLOWS

The Council will have a first exchange of views on the Commission Communication on a common policy on illegal immigration, adopted on 19 July 2006, and on a Policy Plan on Legal Migration.

MOLDOVA: VISA FACILITATION AND READMISSION

The Council will discuss on the possible initiating negotiations on visa facilitation and readmission agreements with Moldova.

MIXED COMMITTEE (+15.00)

SIS legal instruments

In order to allow the SIS II to be operational in April 2007, and consequently to lift the checks at the internal borders for the new Member States, the legislative instruments on SIS II (two Regulations to be adopted in co-decision with the European Parliament (EP) and a Decision to be adopted by the Council by unanimity) have to be adopted by October 2006.

- **Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen information system (SIS II)**

On 2 June 2006, the Council reached a general approach on the main Regulation on SIS II. However, the text agreed by the Council could not be entirely accepted by the EP.

Intensive discussions have taken place between the Presidency, the EP and the Commission. A compromise version would be tabled at this Council and an agreement is expected to be reached.

The main outstanding issues relate to the long-term operational management of SIS II, the use of biometrics, and the fight of access and correction and deletion of inaccurate data and right of information.

- **Proposal for a Council Decision on the establishment, operation and use of the second generation Schengen information system (SIS II)**

The main outstanding issue of this Decision relates to flagging alerts for arrest for surrender purposes.

- **Proposal for a Regulation of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates**

Within the Council, agreement has been reached on that Regulation and no major problems are expected with the EP on the text.

Rapid borders intervention teams

The Council will have a first exchange of views on this Commission proposal approved on 19 July.

The proposal is of interest in the context of the more general debate on the follow-up to Hampton Court.

Development of the Common Visa Policy

The Commission will inform the Council about its proposal for a Regulation for a Community Code on visas, which was adopted on 19 July 2006.

The Commission will also inform about its plans for a pilot project in relation to common visa application centres in relation to the introduction of biometrics.
