



Brussels, 25 November 2008

**BACKGROUND<sup>1</sup>**  
**JUSTICE AND HOME AFFAIRS COUNCIL**  
**Brussels, 27 and 28 November 2008**

*The Justice and Home Affairs Council (JHA) will hold a two-day meeting on Thursday 27 and Friday 28 November 2008 in Brussels.*

*At 9.30 on Thursday 27 November the EU Interior Ministers will begin their work by considering further action to **combat terrorism**, on the basis of work already carried out in this area by the European Coordinator Mr de Kerchove. Ministers will also examine a Presidency report on a proposal concerning the transfer and processing of passenger name records (**PNR**) within the EU.*

*In the margins of the Council meeting, the Mixed Committee (EU + Norway, Iceland, Liechtenstein and Switzerland) will meet at around 11.45 to discuss progress with the second generation Schengen Information System (**SIS II**) and the abolition of checks at internal borders with the **Swiss Confederation**.*

*On Thursday afternoon, EU Immigration Ministers will look at the implementation of the **Global Approach** to migration and the partnership with countries of origin and transit. They will also endeavour to reach agreement on a proposal to extend long-term resident status to **beneficiaries of international protection** and will take stock of progress on a proposal for a Directive establishing a **single procedure, a single permit, and a common set of rights for non-European workers**. Finally, they will examine abuses and substantive problems in connection with the **free movement of persons**, and the situation of **Iraqi refugees**, following a mission by the Commission to Syria and Jordan.*

*On Friday, EU Justice Ministers should reach agreement on a draft framework decision on the European supervision order in **pre-trial procedures** between EU Member States. In the context of a first-reading agreement with the European Parliament, they should also reach agreement on the modernisation of the judicial network in civil and commercial matters. They will also adopt a report on the common frame of reference for **European contract law**, an action plan on **European e-justice** and conclusions concerning **child abduction alerts**.*

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

**Press conferences** after each Council session (Thursday at around 13.00 and 18.00 and Friday at around 13.00).

***Press conferences and public events can be followed via video streaming:***

<http://www.consilium.europa.eu/videostreaming>

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## **HOME AFFAIRS ITEMS (Thursday 27 November from 9.30)**

### **Combating terrorism**

On the basis of work carried out during the French Presidency and proposals made by the EU counter-terrorism Coordinator, Mr Gilles de Kerchove, the Council is expected to adopt conclusions on further action to combat terrorism.

Some aspects are set out in more detailed texts, such as the strategy and action plan on the radicalisation and recruitment of terrorists or the early detection of threats linked to terrorism and organised crime. Other work has been carried out on the Check the Web initiative, the control of explosives and a handbook of best practice.

The Coordinator's proposals concern, for example, the implementation of legislative instruments, exchange of information, countering radicalisation and recruitment and external relations. The coordinator's reports can be found in 15983/08 and 15912/08 + ADD 1 REV 1.

It should be noted that the conclusions are based on the principle of convergence, a constant theme of proceedings in the area of internal security under the French Presidency.

### **European PNR**

The Presidency will present a report to the Council on the thematic work on the European PNR carried out during these six months on the basis of a Commission initiative put forward in November 2007, concerning the use of PNR data for the purposes of public security.

PNR data is information collected by airlines when a booking is made by passengers with international airlines operating in a Member State. Such data would be forwarded prior to boarding to supplement the terrorist and criminal threat analysis, and could be used in the context of specific investigations.

PNR data relate to movements, usually by air, and comprise passport details, name, address, telephone number, travel agency, credit card number, any changes to the flight schedule, seating preferences and other information. As a rule not all fields are filled in, only PNR data supplied by a passenger on a voluntary basis when making a booking or on check-in and boarding.

According to the mandate given by Ministers on 25 July 2008, the purpose of the report is to outline the essential characteristics which a future European PNR system might have, on the basis of discussions to date. The report presents the progress made in responding to the key questions raised by this initiative: What might the added value of a European PNR be, how effective could it be expected to be from an operational point of view, and what limits should be imposed to respect the necessary balance between fundamental rights and the security challenges facing the European Union? What essential characteristics should a European PNR have to ensure such balance is achieved?

## **Civil protection**

The Council will take note of a progress report on work to reinforce the European Union's capacities to prevent and respond to disasters. The report will be accompanied by a roadmap identifying the next objectives to be achieved.

The Council will also adopt, without discussion, conclusions on the development of European mutual assistance, on the formation of a European network of national training centres to share know-how and bring about a more consistent European response to disasters, and on enhancing relations and the sharing of expertise between the EU and the United Nations in this area, aiming at an increasingly integrated and more effective European civil protection contribution to humanitarian operations in the event of disaster in third countries.

## **MIXED COMMITTEE**

Switzerland's admission to the Schengen area

Following the traditional evaluation process, which has been spread over three Presidencies (Portuguese, Slovenian and French), the Council is due to conclude that the Swiss Confederation is applying the Schengen acquis correctly, and that it therefore fulfils the necessary conditions for its admission to the Schengen area.

The Council should accordingly decide to lift controls at the land borders between Switzerland and its neighbours in the European Union (except for the border with Liechtenstein, for which Switzerland has had to put special control arrangements in place), on 12 December 2008.

The lifting of controls at the air borders is due to take place on 29 March 2009, corresponding to the date on which summer time begins, which will leave Swiss airports the few more weeks necessary to complete the physical adjustments remaining to be made, and allow for their verification by experts from the Schengen Evaluation Working Party.

## **IMMIGRATION ITEMS (Thursday 27 November from 15.00)**

### **Global approach to migration**

The Council is expected to adopt conclusions on implementation of the global approach to the migration issue and the partnership with countries of origin and transit. These conclusions, which follow up a Commission communication on strengthening the global approach to migration, seek to evaluate action carried out to date and to formulate a strategy for the future.

The Presidency will also present the results of the second Euro-African ministerial conference on migration and development, held in Paris on 25 November 2008.

The final declaration of that conference comprises a multiannual cooperation programme which will set precise areas for action and operational measures for the period 2009-2011, centering around the three aspects of the action plan adopted at the first conference, in Rabat in July 2006: legal migration, combating illegal immigration, and migration and development.

## **Integration**

On the basis of the final declaration approved by the conference on integration held in Vichy on 3 and 4 November 2008, the Council is likely to adopt conclusions emphasising the importance the Union attaches to the development of a coherent integration policy.

The conclusions will also identify a series of priority areas for future action.

### **Single procedure and common set of rights for non-EU citizens**

The Council will present a progress report on a proposal establishing a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country nationals legally residing in a Member State.

The proposal was presented by the Commission in October 2007. Its aim is to establish a "one-stop shop" for third-country nationals wishing to reside in a Member State for the purpose of work. It provides for a single application procedure which is simpler, shorter and faster for both the employer and the migrant.

If granted, the residence and work permit will have to be issued in the form of a single document.

Under the proposal, Member States must also indicate on all existing residence permits issued for other purposes (e.g. family reunification, asylum, study) whether the third-country national is authorised to work.

### **Extension of long-term resident status to beneficiaries of international protection**

The Council will endeavour to reach agreement on this proposal amending Directive 2003/109/EC to extend the possibility of obtaining long-term resident status to beneficiaries of international protection.

Council Directive 2003/109/EC determines the status of third-country nationals who are long-term residents (residing for more than five years in a Member State). At the time of the adoption of this Directive, the Council welcomed the Commission's commitment to follow it up with a proposal extending long-term resident status to refugees and persons benefiting from subsidiary protection. The Commission proposal, which was presented in June 2007, follows that commitment.

## **Iraqi refugees**

Against the background of the Council conclusions of 24 July and 25 September 2008 concerning the reception of Iraqi refugees, the Commission carried out a mission in Syria and Jordan from 1 to 6 November to examine the possibilities for the resettlement of Iraqi refugees in volunteer Member States.

The Vice-President of the Commission, Jacques Barrot, will present the report on that mission to the Council during lunch.

## **Free movement of persons: abuses and substantive problems**

The Council is expected to adopt conclusions underlining the importance which Member States attach to protecting the right of freedom of movement from the abuses created *inter alia* by illegal immigration.

Through those conclusions, the Council could invite the Commission to draw up guidelines on the operation of Directive 2004/38/EC on the free movement of persons, in particular in terms of making full use of its provisions in order to combat possible abuse more effectively.

## **"JUSTICE" ITEMS (Friday 28 November, from 10.00)**

### **European Judicial Network in civil and commercial matters**

In the context of a first-reading agreement with the European Parliament, the Council is expected to reach agreement on a Decision amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters.

This network, which was set up in 2002, consists of contact points, central authorities, judicial authorities and liaison magistrates, and is intended to facilitate direct contacts between the judiciary. It is the only operational tool for cooperation in the civil judicial area. The Decision, on which the Member States have reached agreement with the European Parliament within a very short time-frame, is intended to modernise the network and to increase the resources available to the contact points. Under certain conditions, it opens up the network to the judicial professions and adjusts the tasks of the network to developments in Community law, so as to facilitate its application.

### **Frame of reference for European contract law**

The Council will adopt a report on the setting up of a Common Frame of Reference for European contract law, which will be a non-binding instrument at the service of lawmakers.

The report defines the broad outline which should guide the Commission's work on the future Common Frame of Reference. It seeks to specify its structure and its scope and calls for respect for legal diversity. Finally, it confirms the Council's desire to be associated with the European Parliament in the drawing up of the future Common Frame of Reference.

### **European e-Justice action plan**

The Council will be asked to adopt a European e-Justice action plan which aims to lend structure to work in this area, by entrusting the Commission with the task of setting up a European "e-Justice" portal and managing horizontal issues (technical standards, security, etc), and by setting priorities for its implementation.

The aim of e-Justice is to develop the use of new information technologies in the field of justice. About 10 million Europeans are currently involved in cross-border civil proceedings. That figure is likely to rise, both because of the increase in the movement of persons within the EU and because of the development of European procedural instruments.

A European portal will be created to facilitate access to European information and procedures. Several practical initiatives will also be implemented in the medium term, to establish electronic communications between jurisdictions, to rationalise certain European procedures, to promote the use of video-conferencing and to make automated translations possible.

E-Justice will help to promote access to justice and to improve cross-border judicial procedures, by reducing procedural deadlines and operating costs to the benefit of citizens, undertakings, legal practitioners and the administration of justice.

### **Network for legislative cooperation between the Ministries of Justice of the EU**

The Council is to adopt a Resolution on the establishment of a network for legislative cooperation between the Ministries of Justice of the Member States of the European Union.

It is nowadays indispensable to take comparative law into account, when drawing up legislation and transposing Community law.

This network will enable Ministries of Justice to exchange information on their legislation, judicial and legal systems and ongoing reforms rapidly, reliably and flexibly by means of correspondents and the creation of a common database.

This tool will make a practical contribution to the construction of a Europe of justice. By increasing understanding of the legislation of the other Member States, it will improve mutual trust and promote mutual recognition.

## **Judicial supervision of pre-trial procedures**

The Council is expected to agree a general approach on a proposal for a Framework Decision on the European supervision order in pre-trial procedures between EU Member States.

This draft text forms the counterpart to the Framework Decision on post-trial probation measures, on which the Council reached agreement in December 2007.

The draft text lays down rules according to which one Member State recognises a decision on supervision measures issued in another Member State as an alternative to provisional detention, monitors the supervision measures imposed on a natural person and surrenders the person concerned to the issuing State in case of breach of those measures.

## **Child abduction alert**

The Council will adopt conclusions on this subject.

The text follows on from the simulation exercises organised by France with other Member States. The subject was on the agenda of the informal meetings of Justice Ministers in Lisbon in October 2007 and in Cannes in July 2008.

The conclusions call on Member States to attain the following objectives:

- to introduce and develop national mechanisms for alerting the general public to the criminal abduction of children;
  - to define the national implementing arrangements for cross-border alerts to be triggered;
  - in introducing and developing such arrangements, to take as a basis the good practices established by the European Commission.
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