

Programme of Czech Presidency in the Council of the European Union in the Area of Justice and Home Affairs

1 January – 30 June 2009

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AREA OF JUSTICE

Faster and More Efficient Justice for European Citizens

More efficient legal proceedings and more certainty for citizens - that is the objective of the Czech Presidency in the area of justice. Instruments prepared at the European level should contribute to the establishment of fast and efficient justice, which will be available to all European citizens. We believe that in Europe without barriers it is necessary to strengthen legal certainty of citizens, i.e. ensure that their legal matters will be governed by clear and foreseeable legal rules. Therefore, the Czech Republic is, for example, going to open the discussion within the Council on the new regulation on successions and wills, which in future should facilitate and speed up the settlement of succession claims in the cross border cases. In addition, the efficient criminal justice should not conduct several proceedings regarding the very same facts in various states, which may nowadays happen and it does happen. This so-called conflict of jurisdictions should be prevented and settled by an initiative that the Czech Republic will submit at the beginning of its Presidency. Finally, the justice in Europe will be faster and more open to the citizens also through the use of modern technologies - e.g. by introduction of the use of videoconferences in cross-border court proceedings and by making available maximum of information at the European Justice Portal.

In short, the Czech Presidency would like to help to ensure that European citizens will know in advance, where they can or have to go to the court and under which legal rules - whether in civil or criminal matters. At the same time, this information should be readily available and the eventual cross-border proceeding as little burdensome, as possible.

Judicial Cooperation in Criminal Matters

Prevention and settlement of conflicts of jurisdictions

In January 2009, the Czech Republic will introduce its own initiative on prevention and settlement of conflicts of jurisdiction in criminal proceedings. The Czech Republic plans to submit a proposal of Council Framework Decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings in view of problems which have been arising recently due to the increased movement of persons and capital within the EU, the

progress in technology and the extended scope of the national jurisdictions of the Member States. The abovementioned facts often lead to situations where two or more States have jurisdiction for conducting criminal proceedings for the same facts.

The proposal of Framework Decision on prevention and settlement of conflicts of jurisdiction aims to prevent such undesirable parallel proceedings through means of an early exchange of information between Member States on ongoing criminal proceedings. Moreover, in cases where the conflict of jurisdiction has already arisen, the proposal establishes a consultation procedure between the respective Member States purpose of which is to agree on best placed jurisdiction for conduct of the criminal proceedings. The proposal puts forward guidelines for settlement of the respective conflict.

Fourth round of mutual evaluations on practical application of EAW

The finalisation of the fourth round of mutual evaluation focused on practical application of European Arrest Warrant presents another significant issue which shall be dealt with during the Czech Presidency. After examination of the remaining evaluation reports in the first half of the up-coming year 2009, a final evaluation report shall be submitted. The Czech Republic is prepared to discuss during the term of its Presidency the final evaluation report, which shall conclude the multi-annual evaluation process.

Ship-source Pollution Directive

In the area of substantive criminal law the Czech Presidency is willing to work on the final agreement on the amendment of the Ship-source Pollution Directive, which shall introduce criminal law provisions in order to establish an effective protection of seas against marine pollution which may have far reaching consequences to the marine environment. A dialogue between the Presidency, the European Parliament and the Commission shall finalize during the Czech Presidency. The Czech Presidency will aim to reach an agreement with the European Parliament on the text of the amendment in the first reading.

Amendment of Council Framework Decision on combating the sexual exploitation of children and child pornography

Fight against sexual exploitation of children presents an important part of a more general and horizontal priority "International protection of children", which is a common priority of the Czech Presidency in the area of justice as well as home affairs. The European Commission announced its plan to submit a revision of the Council framework Decision on combating the sexual exploitation of children and child pornography to the Council by

March 2009. The respective initiative will mainly aim to establish a more effective criminal law framework for punishment of this serious type of illegal conduct. The amendment will deal with jurisdiction rules, relevant sanctioning mechanism as well as preventive measures and specific rules on protection of victims.

As for the area of justice the Czech Republic supports the announced initiative, which aims to create a more effective instrument for fight against the sexual criminality concerning children. The incoming Czech Presidency is prepared to launch actively the negotiations of the Commission's initiative in this area. The revision of the Framework decision shall be based on practical experience gained from implementation and application of the respective instrument, the emphasis shall be put namely on prevention of this type of criminality.

Amendment of the Council Framework Decision on combating trafficking in human beings

Together with revision of the Framework Decision on combating the sexual exploitation of children and child pornography, the Commission plans to submit an amendment to the Framework Decision on combating trafficking in human beings, also by March 2009. The respective initiative will mainly aim to establish a more effective criminal law framework and will deal with definition of the offences falling under the scope of the Framework Decision, jurisdiction rules, relevant sanctioning mechanism as well as preventive measures and specific rules on protection of victims.

The Czech Republic has a generally positive approach towards introduction of necessary modifications of the respective Framework decision. The revision thereof should be based namely on the practical experience gained from actual implementation and application of this instrument. The emphasis shall be put namely on prevention of this type of criminality.

Implementation reports

In the course of the Czech Presidency the Commission reports on implementation of the following instruments are being expected: the Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings; the Council Framework Decision 2003/577/JHA on the execution in the European Union of orders freezing property or evidence; the Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties; the Council Framework Decision 2004/757/JHA laying down minimum provisions on the constituent elements of criminal

acts and penalties in the field of illicit drug trafficking and Council Framework Decision 2005/222/JHA on attacks against information systems.

The Czech Republic considers the implementation reports as an important tool, which should be, namely in the area of judicial cooperation, followed by discussions on practical experience with application of the respective instruments.

Informal JHA Council

Czech Republic will focus the discussion on the status quo and future of principle of mutual recognition. The Czech Republic plans to open the discussion namely with view to the Communication of the Commission concerning the principle of mutual recognition, which shall be submitted in May 2009. The discussions shall be based on the experience gained from the adoption, implementation and application of the existing instruments introducing the respective principle.

Other events

The Czech Republic will organize during its Presidency in cooperation with the European Law Academy (ERA) a criminal law conference focused on protection of vulnerable victims and their standing in criminal proceedings. The conference will focus on the topic of protection of vulnerable victims and needs of the future regulation at the EU level, namely from the perspective of the practitioners. The conclusions from the conference shall be presented in the form of JHA Council declaration.

Judicial Cooperation in Civil Matters

Succession and wills

The main priority in the field of civil justice is opening the discussion within the Council on the new regulation on successions and wills. The main benefit of this complex regulation is harmonisation of the conflict rules for jurisdiction and applicable law and introduction of the mechanism for mutual recognition and enforcement of judgements. The international conference held in April 2009 in cooperation with the Academy of European Law (ERA) will be devoted to this topic. According to Conclusions of the European Council the proposal should be presented till the end of 2008, however, the Czech Republic expects a short delay. We suppose that the proposal will be introduced by the Commission in second half of March 2009.

Mechanism for negotiation and conclusion of bilateral agreements of the Member States with third countries in the area falling under the exclusive external Community competence

The Czech Republic expects the European Commission to present till the end of 2008 two draft regulations governing the mechanism authorising the Member States to negotiate and conclude bilateral agreements with third countries in the area of civil justice falling within the exclusive Community external competence. The draft regulations shall be almost identical differing in the adoption procedure. While regulation in the area of family law will be under unanimity procedure, regulation covering another civil agenda will be under co-decision procedure. The latter one should cover the area of collision rules in the extent of already adopted Rome I and Rome II Regulations. It is the issue of vital importance for the Czech Presidency as the Czech Republic traditionally cooperates with other States on the basis of bilateral agreements. The Czech Republic was also among the Member States which actively supported in the Civil Law Committee the idea of presentation of the mechanism by the Commission. The Czech presidency shall both initiate and finish the discussion on the proposals and achieve their adoption. Nevertheless, the completion of the discussion will depend also on rapidity and readiness of the European Parliament to adopt its position on both proposals till the end of this electoral term.

Common frame of reference for European contract law

The Common frame of reference for European contract law (CFR) is intended first of all as a „tool-box" or handbook for the Community legislators that would contain definitions of legal terms, fundamental principles and model rules of the contract law based on the best solutions found in the Member States' legal orders and in the Community law. This handbook should serve the Community legislators as a source of inspiration when they will revise the existing legislation in the area of contract law or when they will prepare new one, which should contribute to a better consistency and quality of this legislation. The positions of the EU institutions still differ in the key aspects of the project, particularly its scope and purpose.

At the moment the Commission knows the positions of the Council and of the European Parliament and it has got an academic draft, which is supposed to be the main source for the preparation of the CFR. Till the end of 2008, the Commission is supposed to submit a report, in which it shall inform which parts of the academic draft it would like to use for the preparation of the CFR. However, the Czech Republic expects a delay. If the report is not submitted, the Czech Presidency can continue the work of the French Presidency and

lead a debate aiming at a specification of some aspects of the Council's position towards the project.

Report on the application of the Regulation Brussels I

In 2007, an extensive study on the application of the Regulation "Brussels I" prepared by a group of academics was published. The Commission is expected to use this study when preparing its own report. The study finds the functioning of the regulation very successful. Nevertheless, it suggests several improvements of the regulation in order to further simplify the free movement of judgments. The Czech Presidency would like to both initiate and finish the discussion on the report within the Council.

General Questions

Within its agenda the Working Group for General Questions shall deal with the following subject matters: It shall negotiate over entire questions related to The Hague Conference on Private International Law (HCCH), which will on one hand include coordination of positions of the Member States as regards the preparation of negotiations of the Council for general questions and policy of HCCH and further negotiations within HCCH, and on the other hand the preparedness of the Member States and the Community to sign, ratify or accede to HCCH Conventions shall be considered.

Further area to be dealt with by the general questions working group is RELEX (external relations of the EU), part thereof covers the cooperation in civil law matters. The Czech Presidency shall follow the relations e.g. with Russian Federation. In this area the negotiations on contractual instrument, the so-called Lugano II, which could enable a closer cooperation of the EU with Switzerland, Norway and Iceland in the area of service of judicial and extrajudicial documents in civil and commercial matters, shall continue.

The agenda will also include coordination meeting as concerns UNIDROIT Convention on Substantive Rules regarding Intermediated Securities.

Further, accession of the European Community and the Member States to some other multilateral treaties shall also be the subject to discuss (i.e. Council of Europe Convention on contact concerning Children; Athens Convention; Cape Town Convention on International Interests in Mobile Equipment and Protocol on Matters specific to Aircraft Equipment; ICAO Conventions on compensation for damage caused by aircraft to third parties and on compensation for damage to third parties, resulting from acts of unlawful interference involving aircraft).

Divorces (Regulation Rome III)

The original proposal for a regulation on jurisdiction and applicable law in matrimonial matters was not adopted. The Commission has been asked to submit a new proposal which would cover only the issue of applicable law. This new instrument would be adopted on the basis of so called enhanced cooperation. If the proposal is submitted, the Czech Presidency is prepared to launch negotiations thereof.

Informal Council

The discussions of ministers at the informal Council in Prague in January 2009 will be based on a document comprising questions on the future of family law and law of successions and wills.

Other Events

The Czech Republic in cooperation with the Academy of European Law (ERA) will organise an international conference devoted to the law of successions and wills. The conference will be held on 20 – 21 April 2009 in Prague.

On 8 June 2009, a meeting of contact points of the European Judicial Network in civil and commercial matters with representatives of central authorities according to the regulation Brussels II bis and liaison judges in family matters will take place. The main topic of the meeting will be cross-border judicial and administrative cooperation in family matters.

E-Justice

The Czech Republic welcomes the progress made in implementing e-Justice during the preceding presidencies and considers the development of the European e-Justice Portal as a single access point to law for the European citizen particularly valuable. The upcoming Czech Presidency therefore formulates some issues, which respect the continuity of previous work.

Emphasis will be put on further elaborating of the European e-Justice Portal prototype, especially by consolidating the current pilot projects. A more extensive integration of these pilot projects (as for example the insolvency registers) or the introducing of further applications for future integration into the structure of the European e-Justice Portal (such as database of translators and interpreters) should be evaluated.

Further issue in focus of the Czech Presidency will be the promoting and facilitating of the use of cross border videoconferencing by possibly creating a booking application for such videoconferences.

Reflection and follow up of the Action plan for the area of European e-Justice, cooperation on defining the first operational version of the portal for the kick off by the end of 2009

In the text of the Action plan there is a distinction between a specification and management function. These roles are given to the Council and the Commission respectively. The Member States represented by the Council would, according to this definition, play a specification, defining and monitoring role.

The Commission would play the executive role in elaborating the individual technical solutions based on the Council decisions and would be further responsible for setting up the first public version of the Portal by the end of 2009. The Action Plan further assumes the creation of an expert working group, consisting of experts from both Member States and the Commission.

This model of new organisation scheme would pay due regard to the right of the Member States to set up new projects in the area of e-Justice, which would not meet the requirement of being "European". Apart from this, it is assumed that this scheme will be reviewed in 2010 if necessary. In defining the projects, the Czech Republic will closely cooperate with the European Commission.

Consolidating the current pilot projects for the use on the Portal, support and elaboration of the integrated translators and interpreters database project

The Czech Republic plans to focus on the pilot project of integrated insolvency registers and in particular on the enhanced search function. Within the framework of the Portal, there should also be an integrated database of translators and interpreters and standard forms for the standardized European procedures should be made available. Work should also continue in the area of cooperating with EBR and EULIS and the possibility of partial integration should be evaluated.

The interconnection of Criminal Records agenda is covered by the COPEN Working Party, the Czech Republic would nevertheless like to support the inclusion of further Member States.

Promoting and facilitating of the use of cross border videoconferencing by possibly creating a booking application for such videoconferences

One of the main priorities of the Czech Presidency will be promoting and facilitating of the use of cross border videoconferencing. To achieve this, following steps should be taken:

- creating a list of contacts for videoconferencing equipment used by the judicial bodies in the Member States
- preparing a booking application for cross border videoconferences, which would also facilitate the contacts between the individual judicial bodies
- support of practical use of videoconferencing between selected Member States
- finalisation of currently elaborated materials on videoconferencing

Informal Council

The priority e-Justice will be placed on the agenda of the Informal JHA Council in Prague in January 2009, where, during a working lunch, the Czech Presidency would like to start a debate between the ministers on support of cross border videoconferencing by introducing and underlining the benefits of such a solution.

Other events

One of the main events for the Czech Presidency to be held in Prague is the international Conference on e-Justice on 17 – 18 February 2009. Along with the more general issues, IT should cover the issues of videoconferencing, securing, authentication and management of identities.

AREA OF HOME AFFAIRS

European Union – future on solid foundations

The European Union is a structure built on the unshakable foundations of more than two millennia of European culture. One of the fundamental European values is the desire to live in freedom. Yet, there is no freedom without security. This truth was well understood by the authors of the idea of common Europe in the middle of the last century as they were seeking a way to ensure peace and security on the European continent. However, they too realised how difficult it is to ensure common security without restricting people's freedom.

We can see the European Union as a building – as our common European house with half a billion inhabitants, a house we have to protect against all kinds of dangers. For a house to endure, it must not only be well built and protected from outside, but it is important that its inhabitants feel well inside. It is important that they know that the caretaker of the house, the Czech Republic for the next six months, thinks not only of the facade, but also of the people living in the house. The Czech Republic will do its best to help maintaining and developing this safe and secure building, which will not only provide protection for its inhabitants, but also ensure free life inside this pulsating home.

Building the Area of Freedom, Security and Justice is currently one of the principal and most dynamic areas of EU cooperation. The key goal of this process is the development of the European area of free movement of persons, along with enhanced security and due protection of the fundamental rights and freedoms. The Czech Republic's historical experience with a totalitarian system and its transformation into a free and democratic society governed by the rule of law is significant in this respect. The key motto of the Czech Presidency is the idea of "Europe without Barriers", to be pursued also in the area of justice and home affairs; the removal of barriers and the development of human freedom stood at the very cradle of European integration. Another issue currently growing in importance is internal and external security. The enlargement of the Schengen Area by the Czech Republic and other eight EU Member States in December 2007 was a historic milestone for our country, as well as the inspiration for a further development of a free and secure Europe. The Czech Presidency is going to support the

efforts of the European Union to maintain the balance between the free movement of persons, protection of the fundamental rights and freedoms and security. Our goal is free and secure Europe in an opened world.

The Czech Republic is holding the Presidency of the EU Council under particular circumstances, which is the end of the term of the European Parliament. Given these facts, we can presume the bulk of the legislative activities to concentrate on in the first half of the Czech Presidency. An important issue of 2009 will also be the future of the Lisbon Treaty. Here, the Czech Presidency will draw upon the conclusions of the December meeting of the European Council.

In its work towards a further development of cooperation in the area of home affairs, the Czech Republic will follow the general framework given by the Hague Programme, while building upon the achievements of the French Presidency. Concrete steps of the Czech Republic will be directed by the common 18-month programme of the French, Czech and Swedish Presidencies.

One of the important aspects of the Czech Presidency will be launching the discussion on the new multi-annual programme in the area of justice and home affairs for the period 2010 – 2014 (Post-Hague Programme). The Commission will present its proposal in May 2009, and the final text should be approved during the following Swedish Presidency. The Czech Republic took an active part in the work of the Future Group, recently engaged in an intensive discussion on the future of EU policy in the area of justice and home affairs. The Czech Republic would like to draw upon this precious experience; it is convinced that the Future Group's Final Reports and the comments of the Member States on these documents are important sources of inspiration in respect of the Post-Hague Programme.

The Czech Republic is aware of the need to address the challenges of the modern world. The EU is currently looking for a new architecture of internal security. The solution for a further development of operational cooperation among the EU Member States should be based on the principle of convergence, adopted thanks to the preceding French Presidency, and on strengthening compatibility and practical interoperability.

In connection with this ongoing EU reflection in the area of home affairs policy, the Czech Republic wants to table the theme of an efficient use of modern technologies for security purposes and a secure use of modern technologies. This issue represents one of the key topics of the Czech Presidency in the home affairs area.

The EU faces the challenge of seeking balance between mobility, security and privacy. Within the European area of free movement of persons, information exchange is

fundamental to security. However, the use of modern technologies involves potential risks, reminding us of the need to maintain also the freedom and privacy of citizens and protect personal data. The nature of modern technologies in the area of security and the efficiency of European information networks and databases call for a global and unified approach. Therefore, the Czech Presidency will seek to open a debate leading to the development of methodological guidelines which would formulate the common principles of an efficient introduction of new IT networks and databases in the security agenda and assist in enhancing mutual cooperation of the EU Member States. The Czech Republic is convinced that a discussion on modern technologies, freedom and security will prove to be valuable during the preparation of the Post-Hague Programme.

In terms of its main priorities in the home affairs policy, the Czech Presidency intends to build on the effort of the French Presidency to intensify the protection of children within the European Union. In this respect, it will particularly focus on increasing the efficiency of police cooperation and the fight against illegal Internet contents, through the EC project "Safer Internet" and related activities. Furthermore, the Czech Presidency will place a great emphasis on the anti-drug policy and the start of the implementation of the new Action Plan on Drugs. The Czech Presidency will struggle for finding a way to successful finalisation of SIS II and the implementation of the Visa Information System. The Czech Presidency will strive for a complementary and flexible migration policy where migration and asylum issues are complemented with the goal of efficient management of migration flows. The Czech Republic is aware of the security risks of the current globalized world, and therefore it will also pay due attention to fighting terrorism and organized crime. As internal and external security are ever more interlinked, the Czech Presidency will seek further strengthening of cooperation with third countries and international organisations in order to ensure security of EU citizens.

Complementary and flexible migration policy – discussion built on facts

The Czech Republic will strive to contribute to creating a complementary and flexible EU migration policy which will enable efficient management of migration flows. The Czech Republic will continue promoting a balanced approach covering all aspects of migration and asylum. It will further develop a policy in which asylum and migration issues are complemented, which will arise from discussions based on real facts and from the needs

of the EU and its Member States and will be flexible enough to respond to the migration developments in the EU.

In this context, the Czech Republic will start the implementation of the European Pact on Immigration and Asylum adopted by the European Council in October 2008, concentrating in particular on the following issues:

Legal migration – one of the conditions for further development of the EU and its competitiveness

In the area of legal migration, the Czech Republic will focus mainly on pursuing the objectives of the Policy Plan on Legal Migration, being aware of its benefits. At the same time, however, it will strive for the general priority goal of removing transitional periods for the free movement of persons, believing that the EU labour markets should be entirely open to the citizens of all Member States.

The goal of the Czech Republic in this area will be to identify the needs of individual Member States and the actual migration situation.

The Czech Republic will strive to finalise the debate on the proposal for a *Council Directive on 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 workers legally residing in a Member State* (General Directive), subject to a general consensus of the Member States.

During the Czech Presidency, the European Commission plans to submit proposals for other legislative tools under the Policy Plan on Legal Migration - proposal for a *directive on the conditions for entry and residence of third-country nationals for the purposes of employment as seasonal workers*, proposal to extend the scope of the *Council Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service by the categories of remunerated trainees and au-pair*, as well as proposal for a *directive on the conditions of entry and residence of third-country nationals as intra-corporate transferees*. Concerning the last of the above-mentioned proposals, the Czech Republic will consider the options of the first reading or providing for an expert exchange of views.

Integration – a subsequent step to legal migration

In the field of integration, the Czech Republic will promote the exchange of information and the sharing of best practices on integration policies. It will support the issuing of the *third Handbook on Integration* prepared by the European Commission and the launch of

an *EU website on the integration of foreigners* which should help improve the efficiency of integration policies and their practical implementation through the exchange of information on successful strategies and the support of cooperation among Member States. The Czech Presidency should also see the first meeting of the *European Integration Forum* as another instrument for the exchange of information among the Member States in the field of integration.

The Czech Republic would like to contribute, during its Presidency, to the setting of new principles and benchmarks of the EU integration policy.

We will also pay attention to the intercultural dialogue between all members of the society which is one of the instruments of peaceful integration of immigrants of various religions and cultures into the society, of mutual learning, understanding and respect among the inhabitants of each country.

During its Presidency, the Czech Republic will hold a conference on the integration of foreigners under the title "Strengthening EU Competitiveness – Potential of Migrants on the Labour Market", to be held on 26 – 27 February 2009 in Prague.

Fight against illegal migration

Since one of the key pull factors of illegal migration is the possibility for an illegal migrant to find work in the EU without major problems, the Czech Republic is ready to take all necessary steps to find the agreement on *the proposal for a Directive of the European Parliament and the Council providing for sanctions against employers of illegally staying third-country nationals*.

To fight illegal migration, the Czech Republic will promote an efficient return policy, including negotiations of readmission agreements. During the Czech Presidency, the mandate for concluding a Community readmission agreement with the Cape Verde will be discussed.

On the EU Council level, the Czech Republic will hold *discussions on the European Commission third annual report on illegal migration* and will pay attention to the *topic of regularisation*.

International protection in the context of finalisation of the Common European Asylum System

The Czech Republic will continue building the Common European Asylum System in order to provide access to international protection to those who really need it, under equal conditions in all EU Member States.

The Czech Republic will strive for a considerable progress in the EU Council debate on the *proposal for the Regulation on the European Asylum Support Office (EASO)*, to be submitted by the Commission in February 2009.

The Czech Republic will also focus on opening the discussion on and finishing the first reading of the *proposal for an amendment of the Directive laying down minimum standards for the reception of asylum seekers*, the *proposal amending the Dublin Regulation* and the *proposal for an amendment of the Regulation on EURODAC*. During the Czech Presidency, the proposal for an amendment of the *qualification and procedure directives* should be presented as well.

External dimension of migration – efficient instrument of dialogue and cooperation with third countries

The Czech Republic will work for further strengthening of the cooperation with third countries, the main emphasis being put on the development of the *Global Approach to Migration*. The Czech Republic will promote respective instruments of this concept, such as migration platforms, migration missions or mobility partnerships. It will continue supporting the work on the pilot projects of *Mobility Partnership* which should be evaluated in the second half of 2009. The Czech Republic will also organise a migration mission to Tanzania in March 2009.

From the geographic point of view, the Czech Republic will continue the ongoing cooperation with the Mediterranean and African countries. Nevertheless, major attention will be paid to the regions neighbouring the EU in the East and South East, where the Czech Presidency will promote the principle of partnership in mutual relations.

To that end, a Ministerial Conference “Building Migration Partnerships” will be held in Prague in April 2009, with the participation of the EU and Schengen Member States and countries from the regions neighbouring the EU in the East and South East. The goal of the Conference is to qualitatively improve mutual relations towards genuine migration partnerships.

Border control, Schengen cooperation and visa policy

Schengen cooperation

The Czech Republic will work towards further development of Schengen cooperation and all measures to ensure the security of the Schengen Area including the border control of the EU external border.

Based on the previous work and the results of discussion at the informal JHA Council meeting in January 2009, the Czech Republic will struggle, together with all stakeholders, for finding a way to successful finalisation of the second generation Schengen Information System (SIS II).

During the Czech Presidency, the enlargement of the Schengen Area by Switzerland should be completed as border checks at international airports for passengers on the Schengen flights will be abolished in March 2009. We will also open the evaluations of the readiness of the two EU Member States wishing to join the Schengen Area – Bulgaria and Romania. The priority of the Czech Presidency will be a major advance in the evaluation of both states using the best practices from the last rounds of the Schengen enlargement.

Aiming for the full application of the new adjusted evaluation methods, the Czech Presidency will launch a new round of the Schengen evaluations in the Member States fully participating in the Schengen cooperation, namely the countries of Benelux, France and Germany. Another adjustment of the Schengen evaluation mechanism should arise from the discussion on the legislative proposals of the European Commission based on the Hague Programme. The Czech Presidency will strive for a maximally constructive discussion at an expert level.

The Czech Republic will also concentrate on the negotiations on the legislative proposal for establishing of an Agency for the operational management of SIS II, VIS, EURODAC, and other large-scale IT in application of Title IV of the EC Treaty, to be submitted by the European Commission in February 2009. In view of the expected demanding negotiation process, the aim of the Presidency will be a significant progress in the first reading of the proposal.

Regarding the Schengen enlargement by the new Member States, the Czech Presidency intends to submit an assessment of its impact on the Schengen Information System and SIRENE Bureaux. The aim is to provide detailed information about a situation and draw

the attention to necessary measures in order to maintain the current high effectiveness of police cooperation.

Border control

Regarding border control, the topical issue for the Czech Presidency is the Integrated Border Management. From this point of view, a set of three communications presented by the European Commission in February 2008 is particularly important, pointing out the next possible steps of the EU in the area of border control. A special attention will be paid to a discussion on the Entry/Exit system, building upon the activities of the French Presidency and the European Commission.

At the moment, external evaluations of the Frontex agency (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) is also being prepared in order to assess the scope and efficiency of the activities carried out so far. The evaluation report should be discussed at the February meeting of the Frontex Management Board in Prague. On the grounds of this evaluation, the European Commission will be able to prepare legislative proposals for an amendment of the Frontex Regulation No 2007/2004. Thus, the Czech Republic will lead the primary discussion on the evaluation results at the Council level.

At the same time, the Czech Presidency will lead a discussion in the Council on several reports to be submitted by the European Commission in the first half of 2009. These include the report on application of the Regulation of the European Parliament and of the Council on local border traffic, the report on stamping travel documents of third country nationals at the borders according to the Schengen Borders Code and the report on the European Border Surveillance System (EUROSUR).

Visa policy

In the area of visa policy, the key interest of the Czech Presidency will be preparation for the implementation of the Visa Information System (VIS). During its Presidency, the Czech Republic will strive for a maximum progress in the development of the technical support of VIS to enable its launching at the earliest possible date. For the purpose of the efficient monitoring and timely detection of possible technical problems in the implementation of VIS, as well as the coordination of related activities leading towards its start (training, public awareness, etc.), a new formation, the *Friends of VIS*, has been set up at the end of the French Presidency to adopt essential decisions concerning this project. In connection with the preparations for the launching of VIS, the Czech Republic

will also seek an adoption of the *proposal for a Regulation amending the Common Consular Instruction in relation to the introduction of biometrics* which will be a necessary legal basis concerning taking fingerprints for VIS.

A document of fundamental importance to be adopted during the Czech Presidency is the *Community Code on Visas*. The Czech Republic will strive for an agreement on this proposal before the elections to the European Parliament in May 2009. The given proposal aims to harmonise and clarify the current fragmentary Community legal instruments on visas.

In the area of visa policy towards third countries and the dialogue with the Western Balkan countries, evaluations are currently in progress as regards the meeting of criteria defined in road maps, which is the prerequisite for the *abolition of visa requirements*. In this connection, expert missions to individual countries are expected to take place during the Czech Presidency, organised by the European Commission and involving national experts.

In the area of *visa facilitation*, the Czech Presidency aims to finish the discussion and adoption of individual agreements on short-term visa facilitation between the European Community on the one hand and Georgia and Cape Verde on the other.

In relation to the USA, the Czech Republic will support further enlargement of the *Visa Waiver Program*.

In addition, during the Czech Presidency, a debate is expected on the proposal for a Regulation enabling the holders of long-stay national visas to travel in the Schengen Area under the same conditions as holders of residence permits (i.e. within the duration of three months from the date of first entry in the Schengen Area). The Czech Presidency will strive for the proposal to be adopted as quickly as possible.

Increasing the efficiency of international cooperation to improve the safety of citizens

Police cooperation

A key priority of the Czech Presidency in the area of police cooperation will be the discussion on possible further measures *to improve international protection of children*. The Czech Presidency intends to build on the work of previous Presidencies, particularly

on the French initiative Child Alert, which aims to improve the system of search for missing children.

For the sake of deepening protection of children, the Czech Republic will also focus on a better use of the SIS for the purpose of searching for missing children, as this system can be a quick information source for police authorities. The aim is to draw attention to the problem of child protection, as regards missing and kidnapped children and the protection of children against criminal offenders. The Czech Presidency will work towards the adoption of a recommendation for the activity of the SIRENE Bureaux and the use of the SIS, including its interaction with the national Child Alert systems and other means to extend search possibilities. A demand will be prepared for intensified controls of children and the accompanying persons at the external border of the EU or within. The aim is to improve the methodology and coordination of the Member States' procedures for searching for missing children and the adoption of the recommendations and best practices in the given area with a view to SIS and SIRENE.

A complementary issue to be pursued by the Czech Republic is the problem of safer Internet for children. In April 2009, it will organise, in cooperation with the European Commission, an international conference on "*Safer Internet for Children*", focusing mainly on the issue of illegal contents on the Internet and child pornography.

For ensuring security in the EU, active police cooperation between individual Member States is essential, along with a further development of instruments facilitating this cooperation. One of the priority tasks for the Czech Presidency will be to finish the negotiations of the remaining implementation measures for the transformation of Europol to an EU agency and to start the implementation of the *Council Decision establishing the European Police Office*. Europol as an EU agency can become an efficient instrument for police cooperation of the Member States and a valuable source of quality analyses and information.

During the Czech Presidency, a new director of Europol will be appointed.

In order to improve police cooperation in the area of fight against violence in connection with football matches with an international dimension, the Czech Presidency in cooperation with football experts of the Member States will focus on adoption of action plan implementing the work programme on further measures designed to maximise safety and security in connection with football matches with an international dimension and adoption of measures in the form of Council Recommendations for more effective utilisation of football handbook and websites of National Football Informational Points.

Concerning the initiative of the French Presidency, the Czech Republic will carry on creating a new Manual on cross-border operations which is meant to replace the current Schengen handbook on police cooperation. The Czech Presidency will continue the work of the Drafting Group set up under the French Presidency with a view to the implementation phase.

The Czech Presidency will also cooperate in looking for ways of enhancing cooperation between the police and customs authorities. The expected results in this area include the *evaluation of a questionnaire on the cooperation of customs and police authorities in individual Member States* to be conducted during the Czech Presidency.

The Czech Republic will intensify and streamline police cooperation within the European Union and continue the French initiative to set up a network of national contact points for security technologies. For this purpose, the Czech Presidency is going to introduce a proposal for rules of procedure for meetings of the network's national contact points. These meetings should contribute to the creation of a specific system for the exchange of information on new technologies and the exchange of practical experience in the field of police cooperation.

In the framework of the European Police College (CEPOL), the Czech Republic will continue in the adopted strategy in compliance with the CEPOL Work Programme 2009 and the EU priorities formulated in the relevant documents. It will continue the work of the French Presidency changing the organisation structure of the CEPOL Secretariat in order to increase its efficiency.

Furthermore, the Czech Republic will take over the priority of the French Presidency and work on the Guidelines for the Police and Customs Common Centres (PCCCs). We will undertake the development of the evaluation process for the Common Centres, suggesting the form of the evaluation questionnaire.

The growing volume of road traffic not only places increasing demands on the competent authorities of individual countries, but requires also closer international cooperation *in maintaining road safety*. During its Presidency, the Czech Republic would like to initiate a discussion on possible steps to strengthen this cooperation, in the form of Proposal for a Council Recommendation containing suggestions for improving road safety and the cooperation of traffic police forces in the EU and namely exchange of information on accident places on chosen communication networks of Member States or exchange of information in context of organising illegal car racing with international dimension.

Customs cooperation

The main goal of the Czech Republic in the field of customs cooperation in the third pillar is to begin the work on defining the areas in which the customs administrations and the Customs Cooperation Working Group should achieve progress. This activity is related to the preparation of the Post-Hague Programme. Activities aimed at the modification of the Customs Cooperation Strategy in the third pillar will be initiated. An important priority taken over from the French Presidency is the amendment to the Convention on the Use of Information Technology for Customs Purposes. On the basis of the proposal prepared by the French side, the legal basis of the Customs Information System should change to a Council decision. Apart from the possibility to automatically use the data from the Customs Information System for risk analysis purposes, the new draft legislation enables the access of Europol and Eurojust into this information system. The Czech Republic would like to achieve a major progress in negotiations on the proposed document.

Better provision of mutual assistance is another area in which the Czech Presidency will strive for progress. Activities will focus mainly on the central coordination units which are responsible within the customs administrations for dealing with requests and providing information. The Czech Republic will promote regular meetings of members of the central coordination units and prepare an overview of best practices.

Furthermore, the Czech Republic will focus on improving the coordination mechanism particularly concerning events organised by the customs administrations, COSPOL projects and the Frontex agency. It is an area which should help improve cooperation between the police and customs authorities.

Anti-drug policy

The area of combating drugs is a long-standing subject of interest in all EU Member States. The Czech Republic will pay a special attention to this topic. It will take the first steps in the implementation of the new *EU Action Plan on Drugs 2009 – 2012*.

One of the priorities of the Czech Presidency will be the issue of combating drug supply. A special attention will also be paid to the problem of manufacture and use of amphetamine drugs. The Czech Republic will hold a cross-disciplinary conference in May 2009 aiming to present the topic both from the point of view of law-enforcement and prevention and treatment, as well as from the view of harm reduction measures.

The Czech Republic will also attend the *UNGASS 10-year review*. In line with the tasks of the new Action Plan, the Czech Republic finds it essential to accelerate the *development*

and implementation of the advanced indicators of the efficiency and impacts of repressive interventions to combat drug supply.

A geographic priority in the given area continues to be the Eastern dimension of the EU Neighbourhood Policy. In this connection, a special attention will be given to the development of a programme of the EU's technical assistance to Ukraine, Moldova, Belarus and, if possible, Georgia. During the Czech Presidency, negotiations of a new action plan on drugs with Central Asia will also be a relevant issue. Through expert discussions, the Czech Republic will contribute to the development of the plan on combating drugs in Western Africa submitted by the French Presidency.

Fight against terrorism

An important priority of the Czech Presidency will be good progress in the fight against terrorism. In this area, the Czech Republic will take over a number of already launched or prepared activities.

A major and continuing problem in the area of fight against terrorism is *the radicalisation and recruitment of new members of terrorist groups*. The Czech Presidency will continue implementing the European Union Strategy for Combating Radicalisation and Recruitment to Terrorism and the implementing Action Plan.

Furthermore, the Czech Presidency will continue the implementation of the *European Union Action Plan on Enhancing Security of Explosives*, with a special view to the promotion of further research for related technical solutions. The Czech Republic will promote the set up of systems and databases listed in the Action Plan.

The Czech Republic will also focus on *enhancing cooperation with partners in the Western Balkans*. In the course of the Czech Presidency, a practically oriented expert seminar with the Western Balkan countries will be held under the auspices of Eurojust in May 2009.

The introduction of Passenger Name Record for law enforcement purposes is another outstanding issue, which will be addressed also from the view of fight against terrorism. During the Czech Presidency, discussions on the *proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes* will continue. Depending on actual possibilities, the Czech Presidency will strive for a good progress in the preparation of the legal text at the expert level.

The Czech Republic will also continue the *second round of the terrorism-preparedness evaluation of the Member States*. It is a regular but very important activity in the form of practical control missions in the Member States. The output of this round will be the

analysis of the structure and capacities of the Member States in the area of crisis management, internal security and public order, the identification of best practices and suggested recommendations for improvement.

Combating trafficking in human beings

In the field of organised crime, one of the fundamental issues for the Czech Presidency is *trafficking in human beings*. The Presidency shall follow-up on the activities of the Member States and the Commission in preparing mechanisms for data collection and analysis of current situation in the field of trafficking in human beings. The Czech Republic will also focus on discussing the trends in prevention of trafficking in human beings and in programmes for help to victims of this crime. Czech Republic will support establishing and activities of internal coordination mechanisms and their cooperation at the European level.

In March 2009, an *expert conference on the issue of human trafficking called "Joint Analyses, Joint Action"* will be held. In June 2009, the Czech Republic will organize an international conference of the *European Crime Prevention Network (EUCP)* with the focus on forced prostitution.

Fight against information crime and cyber threats

The Czech Republic believes it is necessary to improve the European capabilities to combat information crime and cyber threats, which are becoming some of the most serious global threats. The Czech activities in this area will aim at increasing public awareness of the potential threats and the recommended ways of behaviour to limit the risks related to cyberspace, in particular concerning child abuse via the Internet. In this field, the Czech Republic will continue already ongoing activities. In May 2009, a scientific conference *CYTER 09 – Cyber and Terrorist Crime* will be held in Prague.

Exchange of information

The Czech Presidency will continue the implementation of the Council Decision on *stepping up cross-border cooperation, particularly in combating terrorism and cross-border crime* and the implementation decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime – Prüm. Furthermore, during the Czech Presidency, a *Manual* will be drafted and issued as foreseen in the a.m. implementation decision.

Practical issues related to the implementation of the Council Framework Decision on *simplifying the exchange of information and intelligence between law enforcement authorities of the Member States* (the Swedish initiative) will be tackled.

In connection with improving exchange of information, the Czech Presidency will continuously address the *issue of personal data protection*.

Civil protection – improving the protection of citizens and property

In the field of civil protection, the Czech Republic will generally support the development of initiatives conducive to better coordination of Member States, mainly in the area of mutual assistance of Member States in the event of major emergencies. Next, the Czech Republic will concentrate on *enhancing the awareness of EU inhabitants in the area of civil protection* to increase their knowledge of possible dangers, prevention, emergency warning and appropriate behaviour in emergency situations. The envisaged output is Council Conclusions to be adopted at the end of the Czech Presidency.

The Czech Republic will develop projects within the common programme of the Trio Presidency launched by the French Presidency. The Czech Republic will continue negotiating the function of the European disaster management training. This initiative is connected with another important topic, which is the education of key personnel involved in civil protection modules. During the Czech Presidency, a legislative proposal on setting up of a Critical Infrastructure and/or Warning Information Network will be discussed. The Working Party on Civil Protection will deal with individual steps undertaken by the Commission in the area of European Critical Infrastructure and focus on logical order of procedures and usage of information network.

Cooperation with partners from outside the European Union

In the area of JHA external relations, the Czech Presidency will generally build on the activities of the previous Presidencies, focusing particularly on the ongoing implementation of long-term initiatives, as outlined in the *JHA External Relations Multi-Presidency Work Programme* developed in cooperation with the French and Swedish Presidencies. Thus, in accordance with the trend of connecting internal and external security, the Czech Republic will continue striving for reinforced cooperation with third countries and international organisations for the sake of ensuring the security of EU citizens. The Czech Presidency will, based on the Communication of the European Commission on Eastern Partnership, continue in discussions on strengthening of mutual

relations with the East European countries and the Southern Caucasus in the field of mobility and security.

Another pillar issue of the Czech Presidency will be the development and implementation of the *Global Approach to Migration* with an emphasis on the Eastern and South-Eastern dimension of the dialogue and cooperation with third countries in the context of the European Neighbourhood Policy. In these activities, the Czech Republic will draw upon the strategic document of the European Commission "Strengthening the Global Approach to Migration: Increasing Coordination, Coherence and Synergies". In this connection, a *ministerial conference on "Building Migration Partnerships"* will be held on 27 – 28 April 2009 in Prague. The conference aims to promote the implementation of the Eastern and South-Eastern dimension of the Global Approach to Migration, through the preparation of the so-called migration partnerships as a qualitatively new form of close cooperation with the countries concerned. At the same time, the conference will be an opening event of the *project "Building Migration Partnerships"*, initiated by the Czech Republic in cooperation with Hungary, Poland, Slovakia and Romania.

In addition, the Czech Republic will focus on a further stepping up of cooperation with the candidate countries and countries with European perspective. The Czech Presidency will cooperate with the Western Balkans region, representing a long-term priority of the Czech foreign policy, in the field of fight against organised crime, drug trafficking, trafficking in human beings etc., in particular through expert missions, trainings and exchange of information. Eurojust will organise a seminar in Prague focused on anti-terrorism in this region. The Czech Republic also plans to organise a meeting of liaison officers of the Member States with Western Balkan law enforcement authorities.

In the context of the common visa policy, visa facilitation agreements have recently been signed with the neighbouring countries, including countries of the Western Balkans. With respect to this region, there is general willingness across the EU to gradually liberalise the visa regime. The Czech Republic will champion the fulfilment of all set out requirements on the part of these states.

Furthermore, the Czech Republic is preparing a large meeting of EU liaison officers with representatives of the Russian Federation and a similar meeting with representatives of Ukraine. In relation to Ukraine, a seminar will be held on sharing experience with DNA data collection.

In relation to African countries and the Mediterranean, the Czech Republic will support the continuation of activities within the framework of the Global Approach to Migration. It will host a meeting of a working group on the Management of Mixed Flows within the

project "EuroMed Migration II", focused on reinforcing the capacities of the Mediterranean partners in the migration policy field. The Czech Presidency will continue the negotiations on the French initiative regarding the strategy of strengthening the fight against drugs in Western Africa.

A special attention will be paid to relations with the strategic partners of the EU in the area of justice and home affairs, i.e. the United States and the Russian Federation.

Strategic partnership with the United States under the new presidential administration will be further promoted with the aim of strengthening and widening of cooperation. Based on shared values, the EU will continue discussions with the United States on issues of common long-term interests, including the visa reciprocity, personal data protection, PNR, child protection and fight against drugs. To this end, a High level Informal Senior Officials Meeting and a ministerial JHA Troika EU-US will be held on 5 – 6 February and 28 – 29 April 2009.

Strategic partnership with the Russian Federation will remain an important issue for the EU under the Czech Presidency. Discussion on negotiation of the JHA chapter of the new enhanced agreement between the EU and Russian Federation will continue as well as talks on furthering cooperation on important long-term goals, including negotiations on agreements with Europol and Eurojust, continuation of the visa dialogue and discussion on the possible agreement on cooperation in civil and commercial matters. To this end, the Permanent Partnership Council in JHA will be organised during the Czech Presidency in the Russian Federation.

To step up mutual relations at a global level, the Czech Republic will promote an active dialogue with other third countries, in Latin America, Africa and Asia, as well as international organisations (mainly the Council of Europe, Interpol and the UN).