



Brussels, 7 March 2012

BACKGROUND¹
JUSTICE AND HOME AFFAIRS COUNCIL
Brussels, 8 March 2012

*The Justice and Home Affairs Council (JHA) will hold a one-day meeting on Thursday, 8 March 2012 starting at 10.00 with the Mixed Committee, under the chair of **Mr Morten BØDSKOV**, Minister for Justice, in the Justus Lipsius building in Brussels.*

*The Council will focus on home affairs issues (**migration, asylum and Schengen**).*

*The Council will start with the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland). One key issue is **Schengen governance**, where ministers will have a political and strategic discussion and finalise conclusions regarding the strengthening of Schengen governance which will be adopted later in the Council session. The discussions on Schengen governance will partly be based on a presidency paper, notably on co-operation with third countries on effective external border control and major sporting events.*

Other issues discussed in the committee include:

- the **situation in Greece in relation to Schengen**;*
- **illegal immigration**, to be discussed on the basis of information from the Commission and the European external borders management agency (Frontex);*
- the state of play of the **Schengen Information System (SIS)**;*
- information provided by the presidency on the **EU conference on innovation border management**, held in Copenhagen on 2 and 3 February.*

*The Council is then expected to adopt - apart from the conclusions on Schengen governance - conclusions on a common framework for **solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows**. Ministers will also discuss the latest developments in relation to the implementation of **Greece's national action plan** to reform its migration and asylum systems in addition to a discussion border management issues.*

*The Council will also look, in a public session, at the state of play regarding the various legislative proposals to improve the **Common European Asylum System (CEAS)**. The elements of the package still under discussion are the directives on asylum procedures and reception conditions, the regulation on the "Eurodac" fingerprint database, and the Dublin regulation, which determines the member state responsible for examining an application for international protection.*

*The topic for the **lunch discussion** is "A multidisciplinary and administrative approach to **combating organised crime**". The director of Europol will participate in this discussion.*

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

*Important items to be adopted without discussion (A items) include a decision which establishes common EU resettlement priorities for 2013 and new rules on EU funding for resettlement activities carried out by member states as well as a regulation laying down **rules on export authorisation for firearms** for the purpose of implementing article 10 of the United Nations protocol against the illicit manufacturing of and trafficking in firearms.*

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Mixed Committee

In the margin of the Council session, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) will discuss the following subjects:

Schengen governance and related issues

The Committee is expected to have a political and strategic discussion on developments in the Schengen area and to agree draft conclusions regarding guidelines for the strengthening of political governance in the Schengen cooperation. The discussion will be based on a presidency paper, notably on co-operation with third countries on effective external border control and major sporting events.

The Presidency will report on the outcome and proposed follow-up to the [European Council Conclusions of 1-2 March 2012](#) in relation to the question of Bulgaria and Romania's accession to the Schengen area.

The situation in Greece in relation to Schengen

The Committee will consider the Schengen-related aspects of the current situation in Greece.

Illegal migration

The committee will review and discuss developments in relation to illegal migration flows to the European Union and secondary movements on the basis of information to be provided by the Commission and the European border management agency (Frontex).

The Presidency for its part will report on the work it has launched for the preparation of a roadmap to ensure a coherent EU response to continued migration pressures.

In December 2011, the Council welcomed a report by the Polish presidency regarding the EU's response to increased migration pressures ([18302/11](#)). For more information, see [18498/11](#).

Innovation Border Management

The committee will be briefed about the recent EU Conference on Innovation Border Management which took place in Copenhagen on 2-3 February 2012 on the basis of a presidency report ([7166/12](#)).

The European Council in its June 2011 conclusions called for work on "smart borders" to be pushed forward rapidly. JHA Council conclusions on borders, migration and asylum from June 2011 ([11476/11](#)) also referred to the subject and the Commission presented in December 2011 its Communication "Smart Borders - options and ways forward" ([16049/11](#)).

SIS II

The Commission will present to the committee an overview of the main developments during the past months on the implementation of the Schengen Information System II (SIS II). The SIS II is planned to come into operation by the first quarter of 2013.

The Schengen Information System (SIS) is a database shared by participating countries' border and migration authorities, and law enforcement authorities and contains information on persons and on lost and stolen objects. Specific stringent data protection rules apply to the SIS. It is a compensatory measure for the opening of the internal borders under the Schengen agreement, but it is also seen as a vital security factor in the EU. The European Commission is currently developing a second generation of the SIS, commonly called the SIS II.

Schengen governance - Conclusions

The Council is expected to adopt conclusions regarding guidelines for the strengthening of political governance in the Schengen cooperation.

These conclusions follow up a discussion at the JHA Council in December 2011 ([18498/11](#)) in which support for strengthening the political guidance on developments in the Schengen area was expressed.

Solidarity in situations of particular pressures on asylum systems - Conclusions

The Council is expected to adopt conclusions on a common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows.

The conclusions are intended to constitute a toolbox for EU-wide solidarity towards those member states most affected by such pressures and/or encountering problems in their asylum systems. They will address, among other things, the issues of solidarity through responsibility and mutual trust, through preventive cooperation, in emergency situations, through strengthened cooperation between EASO and FRONTEX, through relocation, and through strengthened cooperation with key countries of transit, origin and first countries of asylum as well as financial solidarity.

The conclusions also aim to complement and help the implementation of the proposed mechanism for early warning, preparedness and crisis management in the amended Dublin regulation. The Dublin regulation establishes the procedures for determining the member state responsible for examining an application for international protection. In this sense, the conclusions will contribute to reaching an agreement not only on this file but also on an overall compromise regarding the development of the Common European Asylum System (CEAS).

Greek national action plan on asylum and migration

The Council will discuss the implementation of Greece's national action plan on asylum reform and migration management on the basis of a state of play presented by the Greek minister, the Commission, the European asylum support office (EASO) and the European border management agency (Frontex).

This is the sixth time that the implementation of the Greek Action plan to reform the national asylum and immigration system is on the Council's agenda, most recently on in October 2011.

The key components of the Action Plan comprise:

- Reform of asylum procedures and creation of a new asylum service;
- Establishment of a screening centre (KEITY) for the reception, identification and screening of third country nationals upon illegal entry or upon detection in Greece;
- Improvement of facilities in the reception centre for asylum applicants/vulnerable groups and minors;
- Provision of services such as funding of legal aid and the provision of psychological and social services;
- Improvement of available and creation of new detention centre;
- Improvement of return policies (forced/voluntary).

Greece has experienced difficulties respecting the European minimum standards for receiving asylum applicants and examining their applications. This is linked to particular migratory pressure, particularly coming from Turkey. In 2011, over 60,000 illegal migrants have been detected on the Greek-Turkish border.

With a view to supporting the reform of the Greek asylum system, the Commission grants financial support and coordinates contributions from member states. Practical assistance is also provided by EASO, in particular through the deployment in Greece of asylum support teams.

Frontex activities in Greece directed to combating illegal migration include Joint Operation Poseidon Land which replaced the earlier RABIT operation in March 2011 and in which virtually all member states participate.

Common European Asylum System (CEAS)

The Council will, in a public debate and on the basis of a presidency paper ([7010/12](#)), look at the state-of-play of negotiations on the various legislative proposals concerning the Common European Asylum System (CEAS).

The situation on the various files can be described as follows:

- The qualification directive providing for better, clearer and more harmonised standards for identifying persons in need of international protection was adopted in November 2011 and entered into force in January 2012 ([17435/11](#)).
- The asylum procedures and reception conditions directives: Revised proposals were tabled by the Commission on 1 June 2011 ([11207/11](#) and [11214/11](#), respectively). Significant progress has been made on the two instruments, in particular on the reception conditions directives. The Council is in the process of establishing a position which would allow negotiations with the European Parliament to start. The main outstanding issues here concern the grounds for detention and access to labour market for asylum applicants.
- The Dublin regulation establishes the procedures for determining the member state responsible for examining an application for international protection. Further progress has been made on almost all aspects, in particular concerning a proposal to introduce a mechanism for early warning, preparedness and crisis management. This mechanism aims at evaluating the practical functioning of national asylum systems, assisting member states in need and preventing asylum crisis. Such a mechanism would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they have occurred.
- The Eurodac regulation: Eurodac is a database which contains the fingerprints of asylum applicants. Discussions on the amendments to the rules of this database are on hold pending a revised Commission proposal. Member states have requested additional provisions which would allow their law enforcement authorities to access the Eurodac central database under strict conditions on data protection for the purposes of fighting terrorism and organised crime.

Two other agreements related to the CEAS have been achieved so far. They concern the [long term residence directive](#) and the creation of the [European Asylum Support Office \(EASO\)](#) which started operations in spring 2011. In addition, the Council is expected to take a decision without discussion (A item) which will establish common EU priorities for 2013 for the resettlement of refugees from third countries to EU member states as well as new rules on EU funding for resettlement activities carried out by member states.

For the overall context, it is to be remembered that the European Council confirmed in its conclusions in June 2011 that negotiations on the various elements of the CEAS should be concluded by 2012 ([EUCO 23/11](#)).