



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 1 March 2012**

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**LIMITE**

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**OUTCOME OF PROCEEDINGS**

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from:	General Secretariat of the Council
to:	Delegations
Subject:	Summary of conclusions of the meeting of the JHA-RELEX Working Party (JAIEX) on 17 February 2012

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**1. Adoption of the agenda**

The agenda was adopted as set out below.

**2. Plans of the Danish Presidency**

The Danish Chair presented its ambitions for this Presidency, underlining the motto of the Presidency, which is to support cooperation that works. At this meeting and in the months ahead, the Presidency would focus on EU-US and EU-Russia relations, as well as on the developments in North Africa and in the Eastern Partnership. JAIEX will be used as a one-stop-shop for JHA external relations in the Council.

Delegations supported these objectives while requesting that additional attention be paid to the Western Balkans, inter alia as regards organised crime, SELEC-Europol cooperation, the JHA matrix and the various dialogues. The discussions on North-Africa should address both Home Affairs and Justice issues in all their relevant aspects.

### **3. JHA MFF: External aspects**

COM made a comprehensive presentation of the external aspects of JHA MFF, comparing the new proposed structure and methodology to the current programmes and highlighting the priorities of the different programmes. FR and PL underlined they were in favour of such new actions, although they expressed some concern about the allocation criteria and for the amounts to be distributed. DE stressed that the expenditure ceiling should not exceed 1% of the budget. PL emphasised the necessity of a geographical balance in the allocation of funds, and NL the importance of avoiding duplication in funding. COM admitted that there was a risk of overlap but, stressed that they would pay attention to it. As regards the Justice programmes, COM explained that the priorities related to the external dimension of the fund were not yet defined in detail.

### **4. EU-Russia relations: Future structure of the JHA PPC (information point)**

The Presidency and the Commission had been approached by the RU authorities concerning the format of the PPC, RU proposing to change the frequency to one ministerial meeting per year. RU was relatively unclear as to whether the ministerial meetings would be preceded by a Senior Officials meeting, as is the case for the ministerial meeting with the US.

Initial reactions by PCY and COM were cautiously positive if the new structure allowed the continuity of cooperation with RU to be improved.

HU asked how the MS would be associated with the new structure.

The PCY also reported on the forthcoming visit of the Russian Minister of Justice to Copenhagen, which would of necessity have a bilateral character.

CY stated that it had contacts with Russia regarding the PPC meeting during the second half of the year. This meeting would probably take place in October.

## **5. Outcome of the EU-US JHA Senior Officials Meeting in Copenhagen (information point)**

The PCY referred to the outcome prepared by the Secretariat and emphasised two issues that were addressed during the EU-US SOM meeting: the US expressed serious concerns about the new proposals for a data protection Regulation and a Directive (which had at the time of the meeting not been tabled ). The US stated that these proposals might be an obstacle to fruitful law enforcement cooperation; the EU addressed the newly- adopted National Defense Authorisation Act and its consequences, inter alia for EU citizens. The EU asked that it be allowed to pass on EU concerns to the departments in charge of preparing the implementation measures for that new Act.

The EEAS said that the EU position paper on the NDAA had been adopted afterwards. It had been delivered to the Department of Justice on 7 February, and forwarded to the Department of State, the Department of Defense and the White House. The US had greatly appreciated the paper and had indicated that they would probably satisfy the EU concerns. However, it was not possible to avoid mandatory military detention regardless of nationality, as this would invalidate the purpose of the legislation. There would be waivers depending on counter-terrorism cooperation with the country concerned. These waivers would cover nationals, residents and other foreigners present in a certain country. The EU would be covered but not singled out.

Several delegations asked the EEAS to provide information about the contacts with the US Administration about the EU position in writing, which the EEAS agreed to do by COREU. One delegation said that this was a very important issue which could pose major risks to files such as PNR and to operational counter-terrorism cooperation.

The Commission stated that this SOM meeting had proved very efficient as an early-warning mechanism in both directions. The issues of data protection and law enforcement cooperation would be further discussed at a conference on 19 March in Washington. In general, cooperation was also developing in a satisfactory manner on other issues such as Mutual Legal Assistance, drugs and migration. On visa reciprocity however, the situation was still not considered satisfactory.

## **6. Preparation of the EU-US JHA Ministerial in Copenhagen**

The Danish Presidency stated that no date had been fixed for the EU-US Ministerial meeting, which was now likely to take place in June. Among the issues on the agenda, one could expect inter alia the EU-US PNR, the data protection umbrella agreement, NDDA, cyber issues, migration and counter-terrorism.

## **7. Information on bilateral activities of Member States**

The SI representative reported that on the 31 January and the 1 February 2012 the Minister of the Interior and Director-General of the Slovenian Police hosted the Executive Director of Frontex. The main topics of their discussions were trends in illegal migration in the EU MS as a consequence of the situation in the South Mediterranean and at the border crossing between Greece and Turkey as well as the forthcoming Schengen evaluation visits concerning land, maritime and air borders, for which extensive preparations have been made. The Slovenian authorities also presented the strategic position and action plan on integrated border management, and discussed the proposals for the amendment of Schengen Code and Schengen evaluation and monitoring mechanism. The Frontex delegation also visited an important Slovenian border crossing at Obrežje, situated at the external border in the South of Slovenia, where the delegation also met officials of the Specialised Unit of the State Border Control.

The PT representative stated that PT had signed with Peru, in January 2012, an agreement on drugs demand reduction, the prevention and combating of illicit traffic in narcotics and psycho-active substances.

## **8. Information on agreements and contacts**

### **a) Eurojust and third countries/ international organisations**

The representative of Eurojust indicated that on the basis of co-operation agreements between Eurojust and third States, operational information – including personal data - could be exchanged, and third States could post liaison prosecutors to Eurojust, which was currently the case with USA, Norway and Croatia. The co-operation agreement with Switzerland, signed on 27 November 2008, entered into force on 22 July 2011. With respect to Norway and Croatia, consultation meetings on the application of the provisions of the agreements were held during the second half of 2011. Negotiations were ongoing with Ukraine and Liechtenstein, and progress had been achieved with the Russian Federation, although the compliance with data protection requirements (CoE Convention n° 108 and its Additional Protocol, inter alia) remained a key issue. Contacts with Serbia, Montenegro and Albania continued – in December 2011 fact-finding data protection visits were conducted in these countries. Contacts also continued with Bosnia and Herzegovina, Israel, Cape Verde and Turkey. With respect to the latter, a Turkish delegation paid a first visit to the premises of Eurojust on 20 January 2012. Finally, contacts aimed at exploring the possibility to initiate negotiations on Memoranda of Understanding (MoU) with GRECO and Interpol were ongoing. In accordance with the Eurojust Decision, Eurojust informed the Council Presidency about Eurojust's plan for entering into negotiations with a view to concluding a MoU with Interpol on 31 January 2012 (Doc. 5785/12 EUROJUST 10 COPEN 22 JAIEX 5).

In answer to the concerns expressed by some delegations, inter alia about the need for those MoU, the representative of Eurojust explained that Eurojust aimed at initiating formal negotiations with Interpol in view of the common interest of both organisations in establishing and maintaining co-operative relations and taking into account Article 26a(1)(b) of the Eurojust Decision which specifically provided for this possibility. In addition, Eurojust did not plan to exchange any personal data with Interpol.

The chairman concluded that, if necessary, this point would be further examined at the next JAIEX meeting in March.

#### **b) "Working agreements" between FRONTEX and third countries**

The representative of Frontex distributed a table containing a non- exhaustive overview of "working agreements" with third countries and announced that an updated list would be provided before the next JAIEX. The participants also noted that Frontex was ready to provide a more detailed overview on the state of play as regards implementation of the existing Working Arrangement and state of play in the negotiations with those countries with which Frontex was mandated to negotiate .

The Commission emphasised that these Frontex activities were in line with other activities of the Union. As an example, the Commission mentioned the mission that would meet with the Turkish authorities in Ankara on 15/16 March 2012 and which would be composed of the Presidency, the Commission and the Executive Director of Frontex.

#### **9. Information about recent and upcoming meetings and activities**

- JHA-Relex general overview (in writing)

A revised version of the document taking account of changes announced by the representative of the EEAS would be available soon after the meeting.

#### **10. AOB**

SE referred to a symposium on criminology in Stockholm on June 11-13, 2012.  
(More details on: [www.criminologysymposium.com](http://www.criminologysymposium.com))

The next JAIEX meeting would take place on 19 March 2012.

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