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Justice and Home Affairs

Brussels, 5 and 6 December 2013

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Main results of the Council

*On Thursday, Home affairs ministers took note of the communication provided by the European Commission on the **free movement of EU citizens and their families** and concluded that work will continue in cooperation with the member states on the basis of the five actions outlined in the communication.*

*In the context of **fighting terrorism**, the Council had an in-depth discussion on the issue of fighters from Europe crossing the border into Syria to fight, and the security threat they may pose in the EU when they return, on the basis of a document prepared by the EU Counter Terrorism Coordinator (CTC). Home affairs ministers agreed to step up the work on the basis of the priorities identified in the report.*

*The Council in the Mixed Committee format (the EU plus Norway, Iceland, Liechtenstein and Switzerland) had a discussion on the communication of the Commission on the work of the **Task Force Mediterranean** and welcomed the set of actions contained in the document. It also had an exchange of views on the full application of the provisions of the **Schengen acquis in Bulgaria and Romania** and decided to address this issue again at its earliest convenience.*

*The committee also took note of the Commission's **report on the functioning of the Schengen area** (1 May- 31 October 2013) and the **report on post-visa liberalisation monitoring for the Western Balkans countries**.*

*A joint declaration establishing a **mobility partnership between Azerbaijan and the European Union** and its member states was signed in the margins of the Council.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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Ms Maggie DE BLOCK

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Deputy Prime Minister and Minister for the Interior

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Permanent Representative

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State Secretary for Justice

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State Secretary at the Ministry of Justice
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Permanent Secretary of the Ministry of Justice
Minister for Interior
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Mr Tobias BILLSTRÖM

Minister for Justice
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Ms Theresa MAY

Lord Chancellor and Secretary of State for Justice
Secretary of State for the Home Department

.....
Commission:

Ms Viviane REDING
Ms Cecilia MALMSTRÖM

Vice President
Member
.....

ITEMS DEBATED

HOME AFFAIRS

Free movement of persons

The Council took note of the communication provided by the European Commission on the free movement of EU citizens and their families ([16930/13](#)) and concluded that work will continue in cooperation with the member states on the basis of the five actions outlined in the communication. If required, the Council will get back to this issue in the future.

The overwhelming majority of member states agreed that the free movement of persons is a core principle of the European Union and a fundamental right of all EU citizens that should be upheld and promoted. They also agreed that individual cases of abuse have to be combated within the existing legal framework and in cooperation with local authorities in the member states.

Moreover, the Visegrad countries (Czech Republic, Hungary, Poland, and Slovakia) circulated a joint statement on this issue ([17395/13](#)), considering that the selective application of core freedoms by member states leads to an erosion of the single market.

In its communication the Commission analyses the right to free movement and the legal situation concerning the rights of mobile EU citizens and its impact on the welfare systems of host member states. The document suggests that most EU citizens moving to another member state do so to work and that they are more likely to be more economically active than nationals and less likely to claim social benefits.

In order to help national and local authorities to effectively apply EU free movement rules, the document presents five concrete actions to be implemented together with member states:

- helping member states to fight marriages of convenience (handbook);
- helping authorities to apply EU social security coordination rules (practical guide);
- helping authorities to meet social inclusion challenges (funding);
- exchange of best practices between local authorities;
- training and support of local authorities in applying the EU free movement rules.

Fight against terrorism: foreign fighters and returnees

The Council had an in-depth discussion on the issue of fighters from Europe crossing the border into Syria to fight, and the security threat they may pose in the EU when they return, on the basis of a document prepared by the EU Counter Terrorism Coordinator (CTC) in close consultation with the European Commission and the EEAS. Home affairs ministers agreed to step up the work on the basis of the priorities identified in the report:

- prevention,
- information exchange/Identification and detection of travel,
- criminal justice response,
- cooperation with third countries.

In June 2013 the Council already expressed broad support for a package of measures suggested by the CTC and tasked its working parties with preparing implementing measures where necessary. It also invited the CTC to present a report on the implementation of the proposed measures at the Justice and Home Affairs Council in December 2013.

The proposals relate to:

- the need for a common assessment of the phenomenon of young Europeans going to Syria for Jihad and the need to obtain a better picture of the different groups fighting in Syria;
- measures to prevent youngsters from going to Syria or to offer assistance on their return;
- detection of travel movements and the criminal justice response;
- cooperation with third countries.

The flow of foreign fighters traveling to Syria from the EU and other countries has not yet been reduced, on the contrary, numbers seem to be on the increase.

Task Force Mediterranean

The Council had a discussion on the communication of the Commission on the work of the Task Force Mediterranean ([17398/13](#)) and welcomed the set of actions contained in the document.

The task force identified five main areas of action which will be pursued actively during the coming months:

- Actions in cooperation with third countries.
- Regional protection, resettlement and reinforced legal avenues to Europe.
- Fight against trafficking, smuggling and organised crime.
- Reinforced border surveillance contributing to enhancing maritime situational picture and to the protection of saving of lives of migrants in the Mediterranean.
- Assistance and solidarity with member states dealing with high migration pressure.

The Presidency will report to the European Council in December on the matter.

The Task Force Mediterranean was set up following the JHA Council of 7-8 October 2013 in order to identify the tools which the EU has at its disposal and which could be used in a more effective way to avoid the tragic events that had occurred off the coast of Lampedusa.

At its meeting on 24-25 October, the [European Council](#) agreed to take the appropriate measures in order to prevent and to avoid that such tragedies happen again, guided by the imperative of prevention and protection and guided by the principle of solidarity and fair sharing of responsibility.

The European Council invited the Task Force Mediterranean, lead by the Commission and involving member states, the EEAS and a number of EU Agencies to identify priority actions for a more efficient short term use of European policies and tools. It asked the Commission to report on the work of the TFM to the Council on 5 December 2013 with a view to taking operational decisions. It also asked the Presidency to report to the European Council in December 2013.

Schengen enlargement: Bulgaria and Romania

The Council had an exchange of views on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania. The Presidency concluded the debate as follows:

The Council reverted to the issue of the Schengen accession of Romania and Bulgaria, as requested by the European Council in December 2012 and the JHA Council in March 2013.

It recalled the outcome of the European Council meeting in December 2012 as well as all relevant conclusions of previous European Councils and of the JHA Council.

The Council decided to address this issue again at its earliest convenience with a view to considering the way forward on the basis of a two-step approach.

Other business

The Council was informed of the state of play regarding a number of legislative proposals, including:

- the MFF as regards home affairs (the Asylum and Migration Fund, ISF Police, ISF Borders and the horizontal regulation);
- the legal migration proposals (seasonal workers directive, intra-corporate transferees directive and the students and researchers directive);
- the Europol regulation;
- the latest developments relating to the seat of CEPOL .

MIXED COMMITTEE

Schengen accession BG and RO

The committee had an exchange of views on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania.

See item above.

Task Force Mediterranean

The committee had a discussion on the European Commission report on the work of the Task Force Mediterranean (TFM).

See item above.

The situation in the Schengen Area

The committee had a discussion on the Commission's fourth biannual report on the functioning of the Schengen area (1 May - 31 October 2013) ([16933/13](#)) and welcomed the work that had taken place over the past months on strengthening the Schengen area and enhancing mutual trust.

The European Council in June 2011 stated that political guidance and cooperation in the Schengen area need to be further strengthened, enhancing mutual trust between member states. On 8 March 2012, the Council adopted conclusions ([7417/12](#)) regarding guidelines for the strengthening of political governance in the Schengen cooperation. In the conclusions the Council agreed to have discussions at ministerial level on that matter once during each presidency, and welcomed the intention of the Commission to present regular reports on the issue in that regard.

Post-visa liberalisation monitoring for the Western Balkans countries

The committee had a discussion on Commission's fourth report on the post-visa liberalisation monitoring for the Western Balkan countries ([17144/13](#)).

The Citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia have enjoyed visa free travel to the EU since 19 December 2009. This Visa liberalisation was extended to cover also the citizens of two other Western Balkan countries - Albania and Bosnia and Herzegovina - with effect from 15 December 2010.

At the adoption in November 2010 of the regulation providing for visa liberalisation for Albania and Bosnia-Herzegovina, the Commission made a statement announcing the setting up of a post-visa liberalisation monitoring mechanism regarding the effective implementation of the measures taken by the countries of the Western Balkans to enduringly meet the benchmarks of the roadmaps for the visa liberalisation process.

Other business

The Committee was informed about the state of play regarding a number of legislative proposals, including:

- the proposal for amending regulation 539/2001 (reciprocity and suspension mechanism), which was adopted as an A point at this meeting;
- the proposal for amending regulation 539/2001 (transfer of third countries to the positive list);
- the Smart Borders Package;
- the Frontex Operations at Sea;
- the MFF Home Affairs: Horizontal regulation and ISF Borders
- the Data protection directive.

The Swiss delegation made a statement in the context of the fifth anniversary of its participation in Schengen.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

PNR agreement EU-Canada

The Council adopted a decision on the signing of the agreement between the European Union and Canada on the transfer and processing of Passenger Name Record (PNR) ([12653/13](#)). The European Parliament will be required to give its consent before the Council can adopt the decision on the conclusion of the agreement.

PNR is a record of each passenger travel requirements which contains all information necessary to enable reservations to be processed and controlled by air carriers (including name, dates of travel and travel itinerary, ticket information, address and phone numbers, means of payment used, credit card number, travel agent, seat number and baggage information).

Visa Facilitation Agreement - Morocco

The Council adopted a decision authorising the Commission to open negotiations for the conclusion of an Agreement between the European Union and Morocco on the facilitation of the issuance of short-stay visas.

SISNET budget

The states¹ participating in the project related to the installation and the functioning of the communication infrastructure for the Schengen environment 'SISNET', meeting within the Council, adopted its budget for the year 2014 ([15871/13](#)). The amount of the budget for 2014 is 750.000 EUR.

The states participating in the project approved the C.SIS installation expenditure authorised by the Working Party for Schengen Matters (SIS/SIRENE) during the second quarter of 2013, as set out in ([15822/13](#)) and gave also a discharge in respect of the implementation of the budget for 2012 ([15832/13](#)).

The SISNET budget is governed by a specific financial regulation established by Council decision 2000/265/EC².

¹ Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, Iceland, Norway and Liechtenstein

² OJ L 85, 6.4.2000

Report on implementation of SIS rules concerning stolen, misappropriated or lost vehicles

The Council adopted a report on the implementation of article 102A of the convention implementing the Schengen Agreement (CISA) during the year 2012 ([11911/2/13 REV 2](#)). The report will now be submitted to the European Parliament.

Article 102A of the CISA allows those services in EU member states responsible for issuing registration certificates for vehicles to have access to the Schengen Information System (SIS) for the purposes of checking whether vehicles presented to them for registration have not been stolen, misappropriated or lost and that persons applying for a registration certificate are not using identity documents which have been stolen, misappropriated or lost.

Alerts on the establishment, operation and use of the SIS II - conclusions

The Council adopted conclusions on alerts pursuant to Article 26 of Regulation (EC) No 1987/2006 on the establishment, operation and use of the SIS II ([17112/13](#)).

EU-Western Balkans: fight against drugs

The Council approved a draft Declaration updating the EU-Western Balkans commitment to fight against drugs ([16403/13](#)) and forward it to the EU-Western Balkans ministerial meeting on 19-20 December 2013 in Budva, Montenegro, for endorsement.

Serbia - Europol

The Council approved the draft Agreement on Operational and Strategic Cooperation between the Republic of Serbia and the European Police Office ([15021/13](#)), with a view to allowing Europol to conclude this agreement.

Albania - Europol

The Council approved the draft Agreements on Operational and Strategic Cooperation between the Republic of Albania ([15040/13](#)) and the European Police Office, with a view to allowing Europol to conclude this agreement.

Mass evacuation in case of disaster in the EU - conclusions

The Council adopted conclusions on mass evacuation in case of disasters in the European Union ([16155/13](#)).

Minimising risks to safety and public order at sports events - conclusions

The Council approved conclusions adopting the 2014-2016 EU work programme on minimising risks to safety, security and public order in connection with sports events, in particular football matches, with an international dimension ([16373/13](#)).

FOREIGN AFFAIRS

Relations with Armenia

The Council established the position of the European Union for the fourteenth meeting of the EU - Armenia Cooperation Council on 9 December 2013. The meeting will provide an opportunity to discuss EU - Armenia relations with a particular focus on Eastern Partnership and the implementation of the EU-Armenia European Neighbourhood Policy Action Plan.

Relations with Azerbaijan

The Council established the position of the European Union for the fourteenth meeting of the EU - Azerbaijan Cooperation Council on 9 December 2013. The meeting will provide an opportunity to discuss EU - Azerbaijan relations with a particular focus on Eastern Partnership and the implementation of the EU-Azerbaijan European Neighbourhood Policy Action Plan.

Relations with Georgia

The Council established the position of the European Union for the fourteenth meeting of the EU - Georgia Cooperation Council on 12 December 2013. The meeting will provide an opportunity to discuss EU - Georgia relations with a particular focus on Eastern Partnership and the implementation of the EU-Georgia European Neighbourhood Policy Action Plan.

The negotiations of the EU-Georgia Association Agreement, including a deep and comprehensive free trade agreement (DCFTA) were successfully concluded in July 2013 and initialled at the Eastern Partnership summit in Vilnius on 29 November 2013.

Cooperation agreement with Georgia

The Council adopted two Decisions and one Protocol on the general principles for the participation of Georgia in EU programmes. The decisions refer to the conclusion of a Protocol, the EU approval for the signature and its provisional application.
