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THE EUROPEAN UNION**



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## **PRESS RELEASE**

3244th Council meeting

**Justice and Home Affairs**

### **Justice Items Only**

Luxembourg, 6 June 2013

President

**Mr Alan Shatter**

Minister for Justice, Equality and Defence of Ireland

# **P R E S S**

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## **Main results of the Council**

*On Thursday, justice ministers had an in-depth discussion on certain key issues regarding the proposal for a regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (**General Data Protection Regulation**).*

*The Council agreed on a general approach on the draft directive on the **fight against fraud to the Union's financial interests** by means of criminal law. This text constitutes the basis for negotiations with the European Parliament in order to agree the final text of the directive.*

*Furthermore, ministers held a public debate on the proposal for a regulation creating a **European Account Preservation Order** and on the proposal for a regulation on **insolvency proceedings** and approved a number of guidelines for the continuation of the work.*

*Ministers heard a presentation by the Commission on its proposal for a regulation on promoting the free movement of citizens and businesses by simplifying the acceptance of certain **public documents** in the EU.*

*The Council **adopted conclusions on fundamental rights and rule of law and on the Commission 2012 Report on the Application of the Charter of Fundamental Rights** of the EU. These conclusions take forward the debate on the possible need for and shape of a future initiative to better safeguard fundamental values of the Union. Moreover, Ministers were also briefed by the Presidency on the state of play on the **EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**.*

*Finally, the Council adopted the new **EU Action Plan on Drugs (2013-2016)** and heard a presentation by the Director of the European Monitoring Centre for Drugs and Drug Addiction of the **2013 European Drug Report**.*

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<sup>1</sup>

- 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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**PARTICIPANTS**

**Belgium:**

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Ms Annemie TURTELBOOM  
Ms Maggie DE BLOCK

Deputy Prime Minister and Minister for the Interior  
Minister for Justice  
State Secretary for Asylum, Immigration and Social  
Integration, attached to the Minister for Justice

**Bulgaria:**

Ms Zinaida ZLATANOVA  
Mr Dimiter TZANTCHEV

Deputy Prime Minister and Minister for Justice  
Permanent Representative

**Czech Republic:**

Mr Martin POVEJŠIL

Permanent Representative

**Denmark:**

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Mr Jeppe TRANHOLM-MIKKELSEN

Minister for Justice  
Permanent Representative

**Germany:**

Mr Hans-Peter FRIEDERICH  
Mr Ole SCHROEDER

Federal Minister for the Interior  
Parliamentary State Secretary to the Federal Minister for  
the Interior  
Permanent Representative

Mr Peter TEMPEL

**Estonia:**

Mr Ken-Marti VAHER  
Mr Hanno PEVKUR  
Mr Matti MAASIKAS

Minister for the Interior  
Minister for Justice  
Permanent Representative

**Ireland:**

Mr Alan SHATTER

Minister for Justice and Equality, Defense

**Greece:**

Mr Antonios ROUPAKIOTIS  
Mr Evripidis STYLIANIDIS  
Mr Nikolaos DENDIAS  
Mr Angelos SYRIGOS  
Mr Marinos SKANDAMIS

Minister for Justice, Transparency and Human Rights  
Minister for the Interior  
Minister for Public Order and Protection of the Citizen  
State Secretary, Ministry of the Interior  
General Secretary, Ministry of Justice, Transparency and  
Human Rights

**Spain:**

Mr Jorge FERNÁNDEZ DIAZ  
Mr Alberto RUIZ-GALLARDÓN JIMÉNEZ

Minister for the Interior  
Minister for Justice

**France:**

Mme Christiane TAUBIRA  
Mr Manuel VALLS

Keeper of the Seals, Minister for Justice  
Minister for the Interior

**Italy:**

Ms Annamaria CANCELLIERI  
Mr Angelino ALFANO

Minister for Justice  
Deputy Prime Minister and Minister for the Interior

**Cyprus:**

Mr Ionas NICOLAOU

Minister for Justice and Public Order

**Latvia:**

Mr Jānis BORDĀNS  
Ms Ilze JUHANSONE

Minister for Justice  
Permanent Representative

**Lithuania:**

Mr Juozas BERNATONIS  
Mr Dailis Alfonsas BARAKAUSKAS

Minister for Justice  
Minister for the Interior

**Luxembourg:**

Ms Octavie MODERT

Mr Nicolas SCHMIT  
Mr Jean-Marie HALSDORF

**Hungary:**

Mr Tibor NAVRACSICS

Mr László FELKAI

**Malta:**

Mr Emanuel MALLIA  
Mr Owen BONNICI

**Netherlands:**

Mr Ivo OPSTELTEN  
Mr Fred TEEVEN

**Austria:**

Ms Johanna MIKL-LEITNER  
Ms Beatrix KARL

**Poland:**

Mr Michał BONI  
Mr Piotr STACHAŃCZYK

Mr Michał KRÓLIKOWSKI

**Portugal:**

Mr Miguel MACEDO  
Mr Fernando SANTO

**Romania:**

Mr Robert Marius CAZANCIUC  
Mr Bogdan TOHĂNEANU

**Slovenia:**

Mr Gregor VIRANT  
Mr Rado GENORIO

**Slovakia:**

Mr Tomáš BOREC  
Mr Ivan KORČOK

**Finland:**

Ms Anna-Maja HENRIKSSON  
Ms Päivi RÄSÄNEN, Ministre

**Sweden:**

Ms Beatrice ASK  
Mr Tobias BILLSTRÖM

**United Kingdom:**

Mr Chris GRAYLING  
Ms Theresa MAY

Ministre de la Justice, Ministre de la Culture, Ministre de la Fonction publique et de la Réforme administrative, Ministre à la Simplification administrative auprès du Premier ministre  
Minister for Labour, Employment and Immigration  
Minister for the Interior and the Grande Région, Minister for Defence

Deputy Prime Minister and Minister for Public Administration and Justice  
Permanent Secretary, Ministry of the Interior

Minister for Home Affairs and National Security  
Parliamentary Secretary for Justice within the Ministry for Home Affairs and National Security

Minister for Security and Justice  
State Secretary for Security and Justice

Federal Minister for Interior  
Federal Minister for Justice

Minister for Administration and Digitalisation  
State Secretary, Ministry of the Interior and Administration  
Deputy State Secretary, Ministry of Justice

Minister for the Interior  
State Secretary of Property and Equipment, Ministry of Justice

Minister for Justice  
State Secretary, Ministry of Internal Affairs

Minister of the Interior and Public Administration  
Permanent Representative

Minister for Justice  
Permanent Representative

Minister for Justice  
Minister for Interior

Minister for Justice  
Minister for Migration

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

.....

**Commission:**

Ms Viviane REDING  
Ms Cecilia MALMSTRÖM

Vice President  
Member

.....

The Government of the Acceding State was represented as follows:

**Croatia:**

Mr Ranko OSTOJIC  
Mr Vladimir DROBNJAK

Minister for the Interior  
Permanent Representative

**ITEMS DEBATED**

**Data protection**

The Council discussed key issues on the proposal for a regulation setting out a general EU framework for data protection on the basis of a document prepared by the Presidency ([10227/13](#) + [ADD1](#)). Delegations generally welcomed the considerable progress achieved on the draft regulation under the Irish Presidency.

On the understanding that no part of the draft regulation can be agreed until the whole text of the regulation is agreed, it was concluded that the amended text of chapters I to IV was a good basis for further progress on the draft regulation. The Chair indicated that the legislative deliberations should take account of both the interests of citizens and of business, in particular SMEs.



**Protection of the EU's financial interest**

The Council agreed on a general approach on the draft directive on the fight against fraud to the Union's financial interests by means of criminal law. This general approach will constitute the basis for negotiations with the European Parliament in order to agree the final text of the directive ([10232/13](#)).

The goal of the proposal ([12683/12](#)) is to deter fraudsters, improve the prosecution and sanctioning of crimes against the EU budget, and facilitate the recovery of misused EU funds thereby increasing the protection of EU taxpayers' money.

The proposed directive provides common definitions of a number of offences against the EU budget, such as fraud, and other fraud related crimes such as active and passive corruption, the misappropriation of funds, money laundering and minimum rules on prescription periods, within which the case must be investigated and prosecuted, as well as minimum rules on sanctions, including imprisonment for the most serious cases to strengthen the deterrent effect. These common rules should, according to the Commission's proposal, help to ensure a level playing field and improved investigation and prosecution across the EU.

A clear majority of delegations have indicated that the legal basis of the proposal should be Article 83(2) instead of Article 325(4) as proposed by the Commission. The text of the agreed general approach is based on the presumption that Article 83(2) is the legal basis.

## **European Account Preservation Order**

The Council held a public debate on the proposal for a regulation creating a European Account Preservation Order and endorsed key principles for the continuation of the work at technical level.

The package of key principles relates to the balance between the creditor's and the debtor's interests as set out in the document prepared by the Presidency ([10047/13](#)). This document addresses the following issues:

- the conditions for issuing a Preservation Order,
- the ex parte nature of the proceedings,
- the provision of security by the creditor,
- the liability of the creditor,
- the amounts exempt from preservation to protect the debtor, and
- the remedies to be made available to the parties, in particular to the debtor.

The aim of the proposed regulation ([13260/11](#)) is to facilitate cross-border debt recovery by creating a uniform European procedure leading to the issue of a European Account Preservation order ("Preservation Order"). This European procedure will be available to citizens and businesses as an alternative to national procedures, but will not replace national procedures. It will apply only to cross-border cases.

The Commission presented its proposal on 25 July 2011. The discussions in the Council's preparatory bodies are still ongoing.

**Insolvency proceedings**

The Council held a public debate on the proposal for a regulation amending Council regulation (EC) No 1346/2000 on insolvency proceedings the objective and took note that there was a wide agreement of the member states on the political guidelines for the future work as set out in the Presidency document ([10050/13](#)).

Consequently, the Council also called for work to be continued at technical level on the basis of those guidelines and taking into account the comments expressed by delegations.

The proposed regulation aims at making cross-border insolvency proceedings more efficient and effective with a view to ensuring a smooth functioning of the internal market and its resilience in economic crises. This objective is in line with the European Union's current political priorities to promote economic recovery and sustainable growth, a higher investment rate and the preservation of employment and to ensure smooth development and the survival of businesses.

The proposed regulation will also bring the current Insolvency Regulation in line with developments in national insolvency laws introduced since its entry into force in 2002.

**Mutual recognition of public documents**

The Council heard a presentation by the Commission on its proposal for a regulation on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 ([9037/13](#)) and asked its preparatory bodies to start working on these proposals.

The proposal aims at simplifying the procedures for cross-border use and acceptance of public documents between the Member States as well as harmonising the related rules, thereby contributing towards the creation of a citizens' Europe and a well-functioning Single Market for EU businesses.

For background information see the [background note](#).

**Fundamental rights and the rule of law - Council conclusions**

The Council adopted conclusions on fundamental rights and rule of law and on the Commission 2012 Report on the Application of the Charter of Fundamental Rights of the EU ([10168/13](#)).

The Commission's third annual report was submitted to the Council in May 2013 ([9297/13](#)). On that basis, the Council has adopted this set of conclusions. Besides the report, the conclusions also concern general fundamental rights and rule of law issues.

The conclusions set out some elements that could be considered in taking forward the debate on the possible need for and shape of a future initiative to better safeguard fundamental values of the Union in particular the rule of law and the fundamental rights of the persons in the Union.

In this context the conclusions call on the Commission to take that debate forward still in 2013 with all member states, EU institutions and all stakeholders.

On the basis of the Commission's reflections the Council will give further consideration to the need for and possible shape of methods or initiatives to better safeguard fundamental values, in particular the rule of law and fundamental rights of persons in the Union and to counter extreme forms of intolerance, such as racism, anti-Semitism, xenophobia and homophobia.

**Accession to the ECHR**

The Council was briefed by the Presidency on the state of play on the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

In June 2010 the Council adopted a negotiating mandate and negotiations have been ongoing since then. At the last negotiating session (3-5 April 2013) an agreement at negotiators level was reached<sup>1</sup>. Once the Court of Justice of the European Union has had the opportunity to give an opinion on the agreement, the Commission will come forward with a proposal for a Council decision authorising the signature and possibly including the internal rules and the adaptations to the EU law that need to be agreed on before the accession.

In accordance with Art. 218 of the TFEU the Council shall act unanimously, after obtaining the consent of the European Parliament. Furthermore, the decision concluding the agreement would only enter into force after ratification by all Member States. It will also need ratification by all Parliaments of the 47 Member States of the Council of Europe.

The Lisbon Treaty provides the legal basis for the accession of the EU to the ECHR. Art. 6 (2) of the TEU stipulates: "The EU shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms". According to the Stockholm program this is "of key importance". The program also called for a "rapid" accession to the ECHR.

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[http://www.coe.int/t/dghl/standardsetting/hrpolicy/Accession/Meeting\\_reports/47\\_1\(2013\)008\\_final\\_report\\_EN.pdf](http://www.coe.int/t/dghl/standardsetting/hrpolicy/Accession/Meeting_reports/47_1(2013)008_final_report_EN.pdf)

## **Drugs**

The Council adopted the new EU Action Plan on Drugs (2013-2016) ([9963/13](#)) that foresees 54 concrete and evidence-based actions in the areas of drug demand reduction, drug supply reduction, coordination, international cooperation, information, research, monitoring and evaluation. Each action is defined by a timetable, responsible parties and data collection/assessment mechanisms. 15 overarching indicators and a number of additional indicators have been listed to assess the implementation of this action plan.

The action plan contains the following highlights:

- Demand reduction: actions to tackle the challenge of misuse of prescribed and "over the counter" opioids and to improve health care measures available for drug users in prisons and after release are foreseen.
- Supply reduction: measures to tackle the spread and use of new psychoactive substances, to promote alternatives to coercive sanctions for drug using offenders and to develop drug supply indicators are named.
- Coordination: the on-going dialogue with civil society as well as with scientific community is encouraged.
- International cooperation: the importance of dialogues on drugs with various partners is emphasised, alternative development is encouraged and EU commitment to contribute to the the mid-term review process of the 2009 UN Political Declaration is mentioned.
- Information, research, monitoring and evaluation: the research is promoted into all areas of drug phenomenon as well as evaluation of the quality of research that has been performed. Measures to improve capacity to detect the phenomenon on new psychoactive substances are also foreseen.

This action plan is the first Action Plan implementing the recently adopted EU Drugs Strategy for 2013-2020 ([17547/12](#)), which aims to contribute to a reduction in drug demand and drug supply within the EU. It also aims to reduce the health and social risks and harms caused by drugs through a strategic approach that supports and complements national policies, that provides a framework for coordinated and joint actions and that forms the basis and political framework for EU external cooperation in this field.

Moreover, the Council heard a presentation by the Director of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on its 2013 European Drug Report ([10215/13](#)).

**Any other business**

Under other business, the Council was informed about the state of play of a number of legislative proposals, including:

- the directive on the right to access to a lawyer. The European Parliament and the Council reached an agreement on the 28 of May, thus paving the way for the final adoption of the legal act in the near future (see press release [10495/13](#));
- the European Investigation Order;
- the directive on confiscation of the proceeds of crime;
- the matrimonial property regimes and registered partnerships;
- the MFF on the Rights, Equality and Citizenship Programme as well as on Justice Programme (2014-2020);

Moreover, the Lithuanian minister informed the Council about the priorities in the area of justice for its forthcoming EU Presidency.



**OTHER ITEMS APPROVED**

**JUSTICE AND HOME AFFAIRS**

**Protection measures in civil matters**

The Council adopted a regulation on mutual recognition of protection measures taken in civil matters upon request of the person at risk ([PE-CONS 7/13](#)).

For more information see press release [10412/13](#)

**Common European Asylum System**

The Council adopted its positions at first reading on the recast of three important legal instruments with a view to fulfilling the commitment of the European Council to establish a Common European Asylum System. The three recast proposals are: the reception conditions directive ([14654/1/12 REV 1](#)), the Dublin regulation ([15605/2/12 REV 2](#)) and the asylum procedures directive ([8260/1/13 REV 1](#)).

Given the agreement reached in the trilogue meetings between both co-legislators, the European Parliament is expected to approve at the next plenary session (10-13 June) the three Council's positions at first reading without amendments ("early second reading agreement"). The three legal acts will be then formally adopted.

**Convention Implementing the Schengen Agreement**

The Council approved the reports on the implementation of Article 102A of the Convention Implementing the Schengen Agreement during the years 2010 and 2011, as set out in documents [13680/1/11 REV 1](#) and [9217/2/12 REV 2](#), and submitted them 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.

## **CEPOL - Annual report 2012**

The Council took note of and endorsed the CEPOL Annual Report for the year 2012 ([8890/13](#)) and forwarded it to the European Parliament and the Commission for information.

### **e-Justice**

The Council took note of the report of the Working Party on e-Law (e-Justice) on progress made this semester in the area of European e-Justice ([9870/13](#)). The work was carried out on the basis of the revised roadmap endorsed by the JHA Council in June 2011 ([10331/11](#)) and in accordance with the European e-Justice action plan<sup>1</sup>.

### **Mobility partnership - Morocco**

The Council confirmed the agreement on the Joint Declaration establishing a Mobility Partnership between the Kingdom of Morocco and the European Union and its member states, to be signed on 7 June 2013, in the margins of the Justice and Home Affairs Council.

### **Rights of victims of trafficking in human beings - Council conclusions**

The Council adopted conclusions ([9203/13](#)) on an EU Framework for the Provision of Information on the Rights of Victims of Trafficking in Human Beings – Priority A, Action 4 of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016.

This conclusions are intended to improve the situation of victims of trafficking in human beings and to support and complement the publication presented by the Commission on 15 April 2013 on "[The EU rights of victims of trafficking in human beings](#)".

### **CEPOL working arrangements**

The Council approved the working arrangement between the European Police College (CEPOL) and the "Academy of Management of the Ministry of Internal Affairs" of the Russian Federation, concerning training courses for police officers which aim in particular to enhance efficiency of law enforcement agencies in the fight against cross-border crime.

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<sup>1</sup> OJ C 75 31.3.2009.

### **Europol's 5th activity report**

The Council took note of the general report on Europol's activities between 2008 -2012 ([8659/13](#)), as prepared by the Joint Supervisory Body of Europol and will forward it to the European Parliament for information.

### **Security-related research and industrial policy**

The Council adopted conclusions on strengthening the internal security authorities' involvement in security related research and industrial policy ([9814/13](#))

### **Terrorism**

The Council adopted conclusions calling for an update of the EU Strategy for Combating Radicalisation and Recruitment to Terrorism ([9447/13](#)).

### **Organised crime**

The Council adopted conclusions on setting the EU's priorities for the fight against serious and organised crime between 2014 and 2017 ([9849/13](#))

### **Information exchange**

The Council adopted conclusions following the Commission Communication on the European Information Exchange Model ([9811/13](#)).

**GENERAL AFFAIRS**

**Rules of procedure - Court of Justice and General Court**

The Council approved amendments to the rules of procedure of the Court of Justice and the General Court aimed at adding Croatian to the list of languages of a case ([8937/13](#) + [8938/13](#)). The Court of Justice and the General Court have now to adopt the amendments so that they can enter into force on 1 July when Croatia is expected to accede to the EU.

**FOREIGN AFFAIRS**

**EU human rights policy**

The Council adopted the EU Annual Report on Human Rights and Democracy in the World in 2012 (thematic reports), see [9431/13](#).

**Democratic Republic of the Congo - restrictive measures**

The Council amended the implementing legislation for the specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo. Changes were made so as to take into account of modifications to these sanctions adopted by the UN Security Council.

**Iran - restrictive measures**

The Council amended the EU restrictive measures against Iran that are motivated by the EU's serious and deepening concern about the Iranian nuclear programme. Changes were made to implement modifications of the UN sanctions regime against Iran.

**FISHERIES**

**Ban on shark finning**

Today, the Council adopted an amending regulation on the removal of fins of sharks on board vessels following a first reading agreement with the European Parliament ([76/12](#)). This text aims to eliminate existing derogations to the ban of "shark finning".

For further details, see [10419/13](#).

**APPOINTMENTS**

**Committee of the Regions**

The Council appointed Mr Peter BONELLO, Mr Paul FARRUGIA and Dr Marc SANT (Malta) as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([9983/13](#)).

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