



Brussels, 6 March 2013

BACKGROUND¹
JUSTICE AND HOME AFFAIRS COUNCIL
Brussels, 7 and 8 March 2013

*The Justice and Home Affairs Council (JHA) will hold a two-day meeting on Thursday 7 and Friday 8 March 2013, under the chair of **Mr. Alan Shatter**, Minister for Justice, Equality and Defence of Ireland.*

*On **Thursday**, home affairs ministers are due to adopt two decisions concerning the establishment, operation and use of the second generation **Schengen Information System (SIS II)**. These decisions fix the date of application of decision 2007/533/JHA and regulation 987/2006.*

*The Council will have a state of play discussion on the **full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**.*

*Ministers will hear a presentation by the Commission of its "**Smart Borders Package**", tabled on the 28 February 2013. This package aims at using new technology to speed-up, facilitate and reinforce border check procedures for foreigners travelling to the EU*

Furthermore, the Council will be briefed by the Counter Terrorism Coordinator, the Commission and the European External Action Service on the security situation in the Sahel/Maghreb and the implications for the EU internal security.

*The **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland), meeting in the margins of the Council, will be briefed on developments in relation to the **Schengen Information System (SIS II)** and will have a state of play discussion on the **full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**. Furthermore, the Committee will take note of the Commission presentation of its "**Smart Borders Package**".*

*On Friday, justice ministers are expected to confirm the compromise text of the agreement reached with the European Parliament on the regulation **on mutual recognition of protection measures in civil matters** upon request of the person at risk, aimed at strengthening the rights of victims.*

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

Moreover, ministers will hold an orientation debate on the proposal for a regulation setting out a **general EU framework for data protection**. The discussion will focus on the implementation of a risk-based approach in the regulation and on the flexibility requirement for the public sector.

Finally, ministers will have a first exchange of views on the recent proposal for a directive on the **protection of the euro and other currencies against counterfeiting by criminal law**, following its presentation by the Commission.

Presidency press conferences will be held at the end of the Council Thursday (+/- 17.30) and (+/- 13.30) Friday.

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Press conferences and public deliberations can be followed by video streaming:
<http://video.consilium.europa.eu/>

Video coverage of the event will be available for preview and download in broadcast quality (MPEG4) on <http://tvnewsroom.consilium.europa.eu>

Photos of the event can be found in our photographic library on www.consilium.europa.eu/photo **where they can be downloaded in high resolution.**

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SIS II

The Council is due to adopt two decisions concerning the establishment, operation and use of the second generation Schengen Information System (SIS II). These decisions fix the date of application of decision 2007/533/JHA² and regulation 1987/2006³ on 9 April 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.

SIS II is a more advanced version of the system and will have enhanced functionalities, such as the possibility to use biometrics, new types of alerts, the possibility to link different alerts (such as an alert on a person and a vehicle) and a facility for direct queries on the system. It will also ensure stronger data protection. SIS II will be in operation on 9 April 2013, becoming one of the world's largest IT systems in the field. It will consist of three components: a Central System, EU States' national systems and a communication infrastructure (network) between the Central and the national systems.

Schengen enlargement: Bulgaria and Romania

The Council will have a state of play discussion on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania.

A decision on the two countries' accession has, so far, not been taken because the required unanimity could not be achieved.

The current proposal provides for a two-step approach: In a first phase, checks on persons would be abolished at internal sea and air borders with and between Bulgaria and Romania. In a second phase, a decision on the lifting of checks on persons at internal land borders would be taken.

The Council already in June 2011 adopted conclusion confirming the technical readiness of Bulgaria and Romania to accede to the Schengen area. The European Parliament issued its opinion on the accession of both countries on 7 June 2011 and adopted a resolution underlining, inter alia, that both countries had fully implemented the Schengen acquis and urging member states to take a decision on enlarging the Schengen area to include Bulgaria and Romania solely on that basis.

² [OJL 205, 7.8.2007](#)

³ [OJL 381, 28.12.2006](#)

At its meeting on 1/2 March 2012, the European Council, recalling its discussions in 2011, reiterated that all legal conditions have been met for the decision on Bulgaria's and Romania's accession to the Schengen area to be taken. The European Council also acknowledged the continuous efforts undertaken by Bulgaria and Romania in this respect.

Smart Borders Package

The Council will hear a presentation by the Commission of its "Smart Borders Package", tabled on the 28 February 2013. This package aims at using new technology to speed-up, facilitate and reinforce border check procedures for foreigners travelling to the EU. It includes three proposals for regulations:

- establishing an Entry/Exit System (EES) to register entry and exit data of third country nationals crossing the external borders of the member states of the EU; which will record the time and place of entry and exit of third country nationals travelling to the EU. The system will calculate the length of the authorised short stay in an electronic way, replacing the current manual system.
- establishing a Registered Travellers Program (RTP), which will allow certain groups of frequent travellers from third countries (such as business travellers, workers on short term contracts, researchers and students) to enter the EU using simplified border checks.
- amending Schengen Borders Code as regards the use of the EES and RTP.

The aim of the "Smart Borders Package" is to simplify life for frequent third country travellers at the EU's external borders, enhance EU security and contribute to better monitoring of border-crossings.

This proposal follows a Communication on "Smart Borders - options and ways forward" ([16049/11](#)) presented by the Commission in December 2011.

The European Council in its June 2011 conclusions called for work on "smart borders" to be pushed forward rapidly. The Council conclusions on borders, migration and asylum from June 2011 ([11476/11](#)) also referred to the subject.

Security situation in the Sahel/Maghreb

The Council will hear a joint presentation by the Counter Terrorism Coordinator, the Commission and the European External Action Service on the security situation in the Sahel/ Maghreb. Following the presentation, ministers will be invited to discuss developments in the region, its implications for the EU's internal security, as well as measures that could be taken to counteract possible risks.

More information:

Factsheet: [The European Union and the Sahel](#)

Factsheet: [EU Training Mission in Mali \(EUTM Mali\)](#)

Data protection

The Council will hold an orientation debate on the proposal for a regulation setting out a general EU framework for data protection on the basis of a progress report prepared by the Presidency (6607/13). The document is a follow-up to the instructions by the December Justice and Home Affairs Council regarding two questions, namely the possibility of injecting a more risk-based approach into the regulation and checking whether and how the regulation can provide sufficient flexibility for the public sector.

In January 2012, in the light of rapid technological developments and globalisation, the European Commission presented a legislative package to update and modernise the principles enshrined in the 1995 Data Protection Directive (Directive 95/46/EC)⁴, to guarantee data protection rights in the future. The package includes a policy communication setting out the Commission's objectives (5852/12), and two legislative proposals: 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) (5853/12) and a directive on protecting personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offences and related judicial activities (5833/12).

These proposals are aimed at building a stronger and more coherent data protection framework in the EU, backed by strong enforcement that will allow the digital economy to develop across the internal market, put individuals in control of their own data and reinforce legal and practical certainty for economic operators and public authorities.

Protection of the euro against counterfeiting

The Council will have a first exchange of views on the recent proposal for a directive on the protection of the euro and other currencies against counterfeiting by criminal law on the basis of a presidency paper (6713/13), following its presentation by the Commission.

The proposed directive was tabled by the Commission on 5 February 2013 (6152/13) and will replace Framework Decision 2000/383/JHA. It aims at establishing minimum rules concerning the definition of criminal offences and sanctions in the area of counterfeiting of the euro and other currencies. It also introduces common provisions to strengthen the fight against those offences and to improve their investigation.

Since the introduction of the euro, counterfeiting has led to a financial damage of at least 500 million according to data published by the European Central Bank. The euro continues to be a target of organised crime groups active in the forgery of money. Counterfeiting is also a problem for other currencies circulating in the European Union. In its January 2013 biannual information on euro banknote counterfeiting, the ECB noted that a total of 280 000 counterfeit euro banknotes, representing 0.002% of the average 14.9 billion in circulation during the second half of 2012, were withdrawn from circulation in that period.

⁴ Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995](#))

Protection measures in civil matters

The Council is expected to confirm the compromise text of the agreement reached with the European Parliament on the regulation on mutual recognition of protection measures in civil matters upon request of the person at risk ([10613/11](#)).

This regulation is aimed at strengthening the rights of victims by establishing a legal framework to ensure that all protection measures taken in a member state benefit from an efficient mechanism of recognition which will allow their free circulation throughout the EU.

The proposed regulation also aims at complementing Directive 2011/99/EU on the European Protection Order ("EPO Directive"), which covers protection orders in criminal matters ([14517/11](#)).

AOB

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

- the two legislative proposals outstanding in relation to the Common European Asylum System (CEAS), namely the asylum procedures directive and the Eurodac regulation;
- the Intra-corporate Transferees and the Seasonal Workers directive;
- the directive on the right to access to a lawyer;
- the European Investigation Order
- the directive on confiscation of the proceeds of crime;
- the MFF on the Rights, Equality and Citizenship Programme as well as on Justice Programme (2014-2020);
- the MFF Home Affairs (Asylum and Migration Fund and Internal Security Fund - Police).

Furthermore, the Commission will brief the Ministers on the outcome of the High Level Conference "Empowering local actors to counter violent extremism", held in Brussels on 29 January 2013 and on the negotiations for the establishment of a Mobility Partnership EU-Morocco.

The Spanish delegation will present a proposal to establish a Platform in Bogota for the exchange of information on Transatlantic cocaine trafficking from the Andean Region to Europe.

Mixed Committee

In the margins of the Council meeting, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) will discuss the following items:

SIS II

The Committee will look at two decisions concerning the establishment, operation and use of the second generation Schengen Information System (SIS II). These decisions fix the date of application of decision 2007/533/JHA⁵ and regulation 1987/2006⁶ on 9 April 2013. See separate item above.

Schengen accession Romania / Bulgaria

The Committee will have a state of play discussion on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania.

Smart Borders Package

The Committee will hear a presentation by the Commission of its "Smart Borders Package", tabled on the 28 February 2013. This package aims at using new technology to speed-up, facilitate and reinforce border check procedures for foreigners travelling to the EU. See separate item above.

AOB

Under other business, the Committee will be informed about the state of play of a number of legislative proposals, including:

- the Schengen related legislative proposals that are currently under discussion, namely the Schengen evaluation mechanism and the Schengen Borders Code;
- the changes to Regulation 539/2001 (visa requirements - suspension and reciprocity mechanisms);
- the regulation for the establishment of a European Border Surveillance System (EUROSUR);
- the technical amendments to the Schengen Borders Code (Regulation 562/2006 and the Schengen Convention);
- the MFF Home Affairs (horizontal regulation and the Internal Security Fund - Borders).

⁵ [OJL 205, 7.8.2007](#)

⁶ [OJL 381, 28.12.2006](#)