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Justice and Home Affairs

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Minister for Justice, Equality and Defence of Ireland

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Main results of the Council

*Home affairs ministers adopted 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 1987/2006 on 9 April 2013.*

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

*Ministers heard 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 was 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, looked at two decisions concerning the establishment, operation and use of the second generation **Schengen Information System (SIS II)** and had 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 took note of the Commission presentation of its "**Smart Borders Package**".*

***Important items adopted without discussion** (A items) include a regulation providing that as a general rule only the **Official Journal of the EU** published in electronic form is authentic and produces legal effects.*

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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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PARTICIPANTS

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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
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Ms Diana KOVATCHEVA

Deputy Prime Minister and Minister for the Interior
Minister for Justice

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Minister for the Interior
Permanent Representative

Denmark:

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Minister for Justice

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Mr Ole SCHROEDER

Federal Minister for the Interior
Parliamentary State Secretary to the Federal Minister for
the Interior
Parliamentary State Secretary to the Federal Minister for
Justice

Mr Max STADLER

Estonia:

Mr Ken-Marti VAHER
Mr Hanno PEVKUR

Minister for the Interior
Minister for Social Affairs

Ireland:

Mr Alan SHATTER

Minister for Justice and Equality, Defense

Greece:

Mr Nikolaos DENDIAS
Mr Konstantinos KARAGOUNIS

Minister for Public Order and Protection of the Citizen
State Secretary for Justice, Transparency and Human
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Mr Jorge FERNÁNDEZ DIAZ
Mr RUIZ-GALLARDÓN JIMÉNEZ, Alberto

Minister for the Interior
Minister for Justice

France:

Mme Christiane TAUBIRA
Mr Philippe ETIENNE

Keeper of the Seals, Minister for Justice
Permanent Representative

Italy:

Ms Annamaria CANCELLIERI, Ministre
Mr Ferdinando NELLI FEROCI

Minister for the Interior
Permanent Representative

Cyprus:

Mr Kornelios KORNELIOU

Permanent Representative

Latvia:

Mr Rihards KOZLOVSKIS, Ministre
Mr Jānis BORDĀNS, Ministre

State Secretary, Ministry of Justice
Deputy State Secretary on Strategies for the Ministry of
Justice

Lithuania:

Mr Dailis Alfonsas BARAKAUSKAS, Ministre
Mr Juozas BERNATONIS, Ministre

Minister for the Interior
Minister for Justice

Luxembourg:

Mr François BILTGEN

Minister for Justice, Minister for the Civil Service and Administrative Reform, Minister for Higher Education and Research, Minister for Communications and the Media, Minister for Religious Affairs
Permanent Representative

Mr Christian BRAUN

Hungary:

Mr Tibor NAVRACSICS

Deputy Prime Minister and Minister for Public Administration and Justice
Minister of State, Ministry of Interior

Mr Károly KONTRÁT

Malta:

Ms Marlene BONNICI

Permanent Representative

Netherlands:

Mr Ivo OPSTELTEN

Minister of Justice and Security
State Secretary for Security and Justice

Mr Fred TEEVEN

Austria:

Ms Johanna MIKL-LEITNER

Federal Minister for Interior
Federal Minister for Justice

Ms Beatrix KARL

Poland:

Mr Piotr STACHAŃCZYK

State Secretary, Ministry of the Interior and Administration
Deputy State Secretary, Ministry of Justice

Mr Michał KRÓLIKOWSKI

Portugal:

Mr Miguel MACEDO

Minister for the Interior
Secrétaire d'Etat

Mr Fernando SANTO

Romania:

Mr Radu STROE

Minister of Interior Affairs
Minister of Justice

Ms Mona Maria PIVNICERU

Slovenia:

Ms Mojca KUCLER DOLINAR

State Secretary
State Secretary

Mr Robert MAROLT

Slovakia:

Mr Robert KALIŇÁK

Deputy Prime Minister and Minister for the Interior

Ms Monika JANKOVSKÁ

State Secretary at the Ministry of Justice

Finland:

Ms Päivi RÄSÄNEN, Ministre

Minister for Interior

Ms Anna-Maja HENRIKSSON

Minister for Justice

Sweden:

Ms Beatrice ASK

Minister for Justice

Mr Martin VALFRIDSSON

State Secretary

United Kingdom:

Mr Chris GRAYLING

Lord Chancellor, Secretary of State for Justice

Ms Theresa MAY

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 Orsat MILJENIĆ
Mr Vladimir DROBNJAK

Minister for Justice
Permanent Representative

ITEMS DEBATED

Smart Borders Package

The Council heard 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.

The Council asked its preparatory bodies to start working on these proposals.

SIS II

The Council adopted 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/JHA¹ ([6840/1/13 REV 1](#)) and regulation 1987/2006² ([6841/1/13 REV 1](#)) 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 had a state of play discussion 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.

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 by the end of 2013 with a view to considering the way forward on the basis of a two step approach.

¹ [OJL 205, 7.8.2007](#)

² [OJL 381, 28.12.2006](#)

Security situation in the Sahel/Maghreb

The Council discussed the security implications of the situation in the Sahel/Maghreb following a joint presentation by the Counter Terrorism Coordinator, the Commission and the European External Action Service.

The discussion focused on five main topics: the foreign fighters, the protection of critical infrastructure, the Sahel related aviation security, the prevention of radicalization and the kidnapping for ransoms.

The Council tasked the relevant EU actors to bring work forward on the proposals presented by the Counter Terrorism Coordinator and asked him to present to the Council a report on its implementation in October. The Council also stressed the need to maximise the synergies between the CFSP and JHA tools.

AOB

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

- the two legislative proposals outstanding in relation to the Common European Asylum System (CEAS), namely the asylum procedures directive and the Eurodac regulation. Both files have entered into the final phase of negotiations with the European Parliament. Issues that remain to be resolved in the negotiations concern: special procedures for unaccompanied minors and victims of torture on the asylum procedures directive and the modalities of access to Eurodac data by law enforcement authorities in the case of the Eurodac regulation.
- the Intra-corporate Transferees and the Seasonal Workers directive. The Presidency is aiming to achieve first reading agreements on both files on the basis of the mandates established by the Council in 2012.
- the MFF Home Affairs (Asylum and Migration Fund and Internal Security Fund - Police).

Furthermore, the Commission briefed 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 presented 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 (EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following items:

SIS II

The Committee looked 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/JHA¹ and regulation 1987/2006² on 9 April 2013.

After the discussion in the mixed committee, the Council adopted both decisions. See also separate item above.

Schengen accession Romania / Bulgaria

The Committee had a state of play discussion on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania. See item above.

Smart Borders Package

The Committee heard 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.

¹ [OJL 205, 7.8.2007](#)

² [OJL 381, 28.12.2006](#)

AOB

Under other business, the Committee was 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).

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Control of psychoactive substances

The Council adopted a decision on subjecting the new psychoactive substance 4-methylamphetamine to control measures and criminal penalties across the Union (6430/13).

GENERAL AFFAIRS

Electronic publication of Official Journal of the EU

The Council adopted a regulation providing that as a general rule only the Official Journal of the EU published in electronic form is authentic and produces legal effects ([10222/5/11](#)). This is to ensure better access to law.

Cohesion policy 2014-2020

The Council agreed a fourth partial general approach¹ on certain elements of the EU cohesion policy for the 2014-2020 period ([5609/1/13 REV 1](#) + [5609/13 ADD 5 REV 1](#)).² It also agreed a general approach concerning European Groupings of Territorial Cooperation ([5609/13 ADD 4 REV 1](#)).

The purpose of cohesion policy is to reduce disparities between the levels of development of the EU's various regions.

The partial general approach covers the following three elements:

- Recitals, as set out in [5609/13 ADD 1 REV 1 + COR 1](#). This part of the partial general approach is about ensuring coherence between the recitals and the amendments on the articles agreed upon in former partial general approaches.

¹ A general approach is a political agreement of the Council pending the adoption of a first-reading position by the European Parliament. The general approach on the cohesion policy legislative package is partial since some elements are excluded, in particular the sums to be devoted to cohesion policy and the eligibility of different regions.

² The decision was taken at a meeting of the Justice and Home Affairs Council.

- Delegations of power, implementing, transitional and final provisions, as set out in [5609/13 ADD 2 REV 1](#). This is about making sure that the wording in the five cohesion policy regulations (on the Common Provisions, the European Regional Development Fund, the European Social Fund, the European territorial cooperation and the Cohesion Fund) is aligned.
- Other pending articles, as et out in [5609/13 ADD 3 REV 1](#). This part covers notably certain definitions.

European Groupings of Territorial Cooperation (EGTC) are aimed at facilitating and promoting cross-border, transnational and interregional cooperation. Unlike the cohesion policy for the 2007-2013 period the geographic scope of EGTC is proposed to be expanded to overseas countries and territories and third countries; currently, EGTC can be established only within the EU.

The partial general approach and the general approach complement the three partial general approaches agreed on 24 April ([8925/12](#))¹, 26 June ([11221/12](#))² and 16 October 2012 ([14911/12](#))³.

All four partial general approaches and the general approach were agreed on the principle that nothing is agreed until everything is agreed; this means that they do not prejudice the outcome of negotiations with the European Parliament on other negotiation blocs or the multiannual financial framework for 2014-2020. It also means that they may be subject to change as a result of these other negotiations.

TRADE POLICY

Anti-dumping - Stainless steel fasteners - Philippines - Malaysia and Thailand

The Council adopted a regulation extending the anti-dumping duty imposed by regulation 2/2012 on imports of certain stainless steel fasteners and parts thereof originating in China to imports consigned from the Philippines, and terminating the investigation concerning possible circumvention of anti-dumping measures imposed by that regulation by imports of these products consigned from Malaysia and Thailand ([6411/13](#)).

¹ This partial general approach covered the following six items: programming; ex ante conditionality; management and control; monitoring and evaluation; eligibility; major projects.

² This partial general approach covered the following four items: thematic concentration; financial instruments; net revenue generating operations and private public partnerships; performance framework.

³ This partial general approach covered the following seven items: information and communication, technical assistance; European territorial cooperation; territorial development; financial issues not covered in the negotiations on the multiannual financial framework (MFF) for 2014-2020; country-specific recommendations; management and control; indicators.

INDUSTRY

Technical prescriptions for wheeled vehicles

The Council adopted a decision supporting certain amendments to the agreement of the United Nations economic commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts used on wheeled vehicles ([6616/13](#)).

UNECE develops harmonised requirements intended to remove technical barriers to the trade in motor vehicles between the contracting parties of the agreement. The EU is a contracting party to this agreement and votes on behalf of the member states.

DECISIONS TAKEN BY THE REPRESENTATIVES OF THE MEMBER STATES

Appointment of five judges to the General Court of the European Union

On 6 March, the representatives of the governments of the member states reappointed the following persons as judges to the General Court of the European Union (the former Court of First Instance) for further six years from 1 September 2013:

- Ms Mariyana KANCHEVA (Bulgaria)
- Ms Ingrīda LABUCKA (Latvia)
- Mr Alfred DITTRICH (Germany)
- Mr Nicolas James FORWOOD (United Kingdom).

The representatives of member states' governments also nominated Mr Carl WETTER (Sweden) as judge to the General Court of the EU in replacement of Mr Nils WAHL (Sweden) for his remaining term of office ending on 31 August 2013.

The General Court is made up of at least one judge from each member state. Judges are appointed for a term of office of six years, which is renewable. They appoint their president from among their number for a period of three years.

