

16526/14

(OR. en)

**PROVISIONAL VERSION**

PRESSE 630  
PR CO 66

## **PRESS RELEASE**

3354th Council meeting

### **Justice and Home Affairs**

Brussels, 4 and 5 December 2014

Presidents      **Andrea Orlando**  
Minister for Justice of Italy  
**Angelino Alfano**  
Minister for the Interior of Italy

# **P R E S S**

## **Main results of the Council**

### **JUSTICE**

#### **Data protection**

Progress was made by justice ministers on the EU data protection framework. The Council reached a partial general approach on specific aspects of the draft regulation setting out a general EU framework for data protection. The partial general approach includes provisions which are crucial to the question of the public sector as well as provisions relating to specific data processing situations.

The Council also held a debate on the "one stop shop" mechanism on the basis of a proposal presented by the Presidency. A majority of ministers endorsed the general architecture of the proposal and the Presidency concluded that further technical work will need to be done in the coming months.

Andrea Orlando, Italian Minister for Justice and President of the Council, said: "Today we have agreed on two of the most politically sensitive issues on data protection reform. We see this as an important result for the Presidency, and a decisive step towards achieving global agreement on this complex and important file".

#### **Insolvency proceedings**

The Council approved a political agreement reached with the European Parliament on new EU-wide rules on insolvency proceedings.

The new rules are aimed at making cross-border insolvency proceedings more efficient and effective, benefiting debtors and creditors, facilitating the survival of businesses and presenting a second chance for entrepreneurs.

#### **Other issues**

The Council reached a general approach on two proposals: a directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings and a regulation amending the European small claims regulation and the European order for payment regulation.

Both agreements pave the way to a start of negotiations with the European Parliament.

## **HOME AFFAIRS**

### **Managing migratory flows**

Ministers welcomed the progress achieved so far in the implementation of the operational actions identified by the Task Force Mediterranean and in the Council Conclusions of 10 October 2014 on "Taking action to better manage migratory flows".

They also welcomed the successful launch on 1 November of the EU-funded operation Triton aimed at reinforcing border surveillance in the waters close to Italian shores. The presidency thanked all countries participating in this Frontex led-operation for their active contribution to its success.

Regarding action in third countries, the Council expressed its appreciation for the results of the recent ministerial meetings hosted by the Italian Presidency.

Angelino Alfano, Italian Minister for the Interior and President of the Council, said: "During our discussions we reiterated the importance of the conclusions adopted in Luxembourg in October. We have now a sustainable approach to respond to migratory pressure in a structured manner, going beyond the immediate emergency measures. We need to progress on this line"

### **Foreign Fighters**

The Council had an in-depth discussion on the issue of foreign fighters on the basis of a discussion paper prepared by the EU Counter-Terrorism Coordinator. Ministers provided political guidance on two specific areas where further progress must be achieved: the judicial response and further improvements in information exchange.

Angelino Alfano, Italian Minister for the Interior and President of the Council, said: "We took good note of the of the progress achieved in the implementation of the measures designed to tackle the phenomenon of foreign fighters. We all expressed our support to further work in these areas."

The Council also adopted the guidelines for the EU Strategy for combating radicalization and recruitment to terrorism.

### **EU PNR directive**

Ministers agreed on the urgency of adopting the directive on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crimes, as mandated by the European Council.

The Council called again on the European Parliament to adopt as soon as possible its position so as to start negotiations with the Council.

**CONTENTS**<sup>1</sup>

<b>PARTICIPANTS</b> .....	<b>6</b>
<b>ITEMS DEBATED</b>	
JUSTICE .....	8
Data protection regulation.....	8
Presumption of innocence.....	9
European Public Prosecutor's Office.....	9
European Union Agency for Criminal Justice Cooperation (EUROJUST).....	10
Insolvency proceedings.....	11
European small claims procedure .....	11
Mutual recognition of public documents .....	12
Matrimonial property regimes and property consequences of registered partnerships .....	13
Information from the presidency.....	14
HOME AFFAIRS .....	15
Managing migratory flows.....	15
Fight against terrorism .....	15
– Foreign fighters .....	15
– Guidelines for the EU Radicalisation and Recruitment Strategy.....	16
– EU Counter Terrorism Strategy.....	17
– Strategy on Terrorist Financing.....	17
– EU-PNR Directive.....	17
OTHER BUSINESS .....	19

<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.

MIXED COMMITTEE.....	21
Managing migratory flows.....	21
The functioning of the Schengen area.....	21
– Schengen evaluations .....	21
– Sixth biannual report on the functioning of the Schengen area .....	21
Data protection directive.....	22
Other business.....	22

**OTHER ITEMS APPROVED**

*JUSTICE AND HOME AFFAIRS*

– Budget for SISNET 2015 .....	23
– Action Plan on illicit trafficking in firearms - EU and the South East Europe region.....	23
– Role of law enforcement cooperation in combating food crime.....	23
– Organised crime - @ON.....	23
– Launch of automated data exchange with regard to dactyloscopic data in Latvia.....	23
– EU internal security - Information Management Strategy.....	24
– European Union Internal Security Strategy.....	24
– Training of legal practitioners .....	24
– Fighting organised crime infiltrating the legal economy.....	24
– International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock.....	24
– The Hague Convention on Choice of Court Agreements.....	25
– e-Justice guidelines.....	25
– e-Codex .....	25
– Children's rights.....	25

*COMMON SECURITY AND DEFENCE POLICY*

– European Union Institute for Security Studies .....	25
---	----

**PARTICIPANTS**

**Belgium:**

Mr Koen GEENS  
Mr Bart TOMMELEIN

Mr Jam JAMBON

Mr Theo FRANCKEN

Minister for Justice  
State Secretary for the Prevention of Social Security Fraud, the Protection of Privacy and the North Sea, attached to the Minister for Social Affairs and Public Health Service  
Deputy Prime Minister and Minister for Security and the Interior, with responsibility for the Large Cities and the Buildings Agency  
State Secretary for Asylum and Migration, with responsibility for Administrative Simplification, attached to the Minister for Security and the Interior

**Bulgaria:**

Mr Hristo IVANOV  
Mr Vesselin VUCHKOV

Minister for Justice  
Minister for the Interior

**Czech Republic:**

Ms Helena VÁLKOVÁ  
Mr Milan CHOVANEC

Minister for Justice  
Minister for the Interior

**Denmark:**

Ms Mette FREDERIKSEN  
Mr Jeppe TRANHOLM-MIKKELSEN

Minister for Justice  
Permanent Representative

**Germany:**

Mr Heiko MAAS  
Mr Thomas DE MAIZIÈRE

Federal Minister for Justice and Consumer Protection  
Federal Minister for the Interior

**Estonia:**

Mr Andres ANVELT  
Mr Hanno PEVKUR

Minister for Justice  
Minister for Internal Affairs

**Ireland:**

Ms Frances FITZGERALD  
Mr Dara MURPHY

Minister for Justice and Equality  
Minister of State with Special Responsibility for European Affairs and Data Protection

**Greece:**

Mr Serafim TSOKAS  
Ms Alexandra PAPADOPOULOU

General Secretary for Protection Policy  
Permanent Representative

**Spain:**

Mr Rafael CATALÁ POLO  
Mr Francisco MARTINEZ

Minister for Justice  
State Secretary for Security

**France:**

Ms Christiane TAUBIRA  
Mr Bernard CAZENEUVE

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

**Croatia:**

Mr Orsat MILJENIĆ  
Mr Mato ŠKRABALO

Minister for Justice  
Permanent Representative

**Italy:**

Mr Angelino ALFANO  
Mr Andrea ORLANDO

Minister for the Interior  
Minister for Justice

**Cyprus:**

Mr Socratis HASIKOS  
Mr Ionas NICOLAOU

Minister for the Interior  
Minister for Justice and Public Order

**Latvia:**

Mr Dzintars RASNAČS  
Mr Rihards KOZLOVSKIS

Minister for Justice  
Minister for the Interior

**Lithuania:**

Mr Juozas BERNATONIS  
Mr Elvinas JANKEVIČIUS

Minister for Justice  
Deputy Minister for the Interior

**Luxembourg:**

Mr Etienne SCHNEIDER

Deputy Prime Minister, Minister for Economic Affairs,  
Minister for Internal Security, Minister for Defence  
Permanent Representative

Mr Christian BRAUN

**Hungary:**

Mr László TRÓCSÁNYI  
Mr Károly KONTRÁT

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

**Malta:**

Mr Owen BONNICI  
Ms Marlene BONNICI

Minister for Justice, Culture and Local Government  
Permanent Representative

**Netherlands:**

Mr Ivo OPSTELTEN  
Mr Fred TEEVEN

Minister for Security and Justice  
Minister for Immigration  
(also charged with Security and Justice issues)

**Austria:**

Mr Wolfgang BRANDSTETTER  
Ms Johanna MIKL-LEITNER

Federal Minister for Justice  
Federal Minister for the Interior

**Poland:**

Mr Grzegorz GRABARCZYK  
Mr Piotr STACHAŃCZYK

Minister for Justice  
State Secretary, Ministry of the Interior

**Portugal:**

Mr António COSTA MOURA  
Ms Anabele RODRIGUES

Secretary of State of Justice  
Minister of Internal Administration

**Romania:**

Mr Robert-Marius CAZANCIUC  
Mr Bogdan TOHĂNEANU

Minister for Justice  
State Secretary, Ministry of Internal Affairs

**Slovenia:**

Mr Goran KLEMENČIČ  
Ms Vesna GYÖRKÖS ŽNIDAR

Minister of Justice  
Minister of the Interior

**Slovakia:**

Ms Monika JANKOVSKÁ  
Ms Marian SALOŇ

State Secretary at the Ministry of Justice  
State Secretary at the Ministry of the Interior

**Finland:**

Ms Anna-Maja HENRIKSSON  
Ms Marjo ANTTOORA

Minister for Justice  
State Secretary to the Minister for the Interior

**Sweden:**

Mr Morgan JOHANSSON  
Mr. Anders YGEMAN

Minister for Justice and Migration  
Minister for Home Affairs

**United Kingdom:**

Mr Chris GRAYLING  
Ms Theresa MAY

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

**Commission:**

Ms Věra JOUROVÁ  
Mr Dimitris AVRAMOPOULOS

Member  
Member

**ITEMS DEBATED**

**JUSTICE**

**Data protection regulation**

The Council reached a partial general approach on specific issues of the draft regulation setting out a general EU framework for data protection ([16140/14](#)), on the understanding that:

- nothing is agreed until everything is agreed;
- it is without prejudice to any horizontal questions;
- it does not mandate the presidency to engage in informal trilogues with the European Parliament on the text.

The partial general approach includes some articles which are crucial to the question of the public sector (Article 1, Article 6, paragraphs (2) and (3), Article 21) as well as chapter IX (provisions relating to specific data processing situations) and the related recitals.

The Council also held a debate on the "one stop shop" mechanism on the basis of a proposal presented by the Presidency ([15656/1/14 REV 1](#)). A majority of ministers endorsed the general architecture of the proposal and concluded that further technical work will need to be done in the coming months on the basis of these elements.

In October and December 2013 the Council already expressed its general support for the principle that, in important transnational cases, the regulation should establish a "one-stop-shop" mechanism in order to arrive at a single supervisory decision, which should be fast, ensure consistent application, provide legal certainty and reduce the administrative burden. This is an important factor to enhance the cost-efficiency of the data protection rules for international business, thus contributing to the growth of the digital economy.

Ministers also concluded that the experts should explore methods for enhancing the "proximity" between individuals and the decision-making supervisory authority by involving the local supervisory authorities in the decision-making process. Moreover, in December 2013 the Legal Service of the Council indicated that the model as it resulted from the technical work so far would confront data subjects with such a complicated system that it would be incompatible with the right to an effective remedy.

The current proposal tries to accommodate the concerns of the Council Legal Service and to enhance the "proximity". According to the proposal, the one stop shop mechanism should only intervene in important cross-border cases and will consist in a cooperation and joint-decision making between several data protection authorities concerned. The proposal clarifies that the jointly agreed decision will be adopted by the data protection authority best placed to deliver the most effective protection from the perspective of the data subject. In practice, that means that it will be the local authority the one adopting the decision in all cases where the complainant could be adversely affected by it, allowing him to have the decision of the data protection authority reviewed by his or her own court.

### **Presumption of innocence**

The Council reached a general approach on the proposal for a directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings ([16531/14](#)).

The purpose of this directive is to enhance the right to a fair trial in criminal proceedings by laying down minimum rules on certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings.

This general approach constitutes the basis for negotiations with the European Parliament in order to agree the final text of the directive.

### **European Public Prosecutor's Office**

The Council was briefed by the Presidency on the state of play on the proposal regarding the setting up of a European Public Prosecutor's Office (EPPO).

Ministers also held a policy debate on how the independence of the decision making of the Office can be best ensured. The current text build on the assumption that the European Prosecutors will supervise investigations and prosecutions in their member states of origin, and that instructions to European Delegated Prosecutors in member states will be channelled through them.

In order to ensure and strength the independence of the European Prosecutors, ministers agreed to further discuss the strengthening of the rules in Articles 13 (on the appointment and dismissal of the European Chief Prosecutor and of the Deputy European Chief Prosecutors) and 14 (on the appointment and dismissal of the European Prosecutors), along the lines suggested by the Presidency ([15862/1/14 REV 1](#)) and on the basis of a new draft text.

In March 2014, the Council held a discussion on the structure of the office, and on the delimitation of its tasks and competences. Ministers generally agreed that the European Public Prosecutor's Office would be organised on the basis of a college of prosecutors originating from the member states.

In June 2014, the Council confirmed, as the basis for further discussion, the principles of a collegially structured EPPO. Ministers also confirmed the principle that the EPPO would have a priority competence to investigate and prosecute offences affecting the Union's financial interests ([9834/1/14 REV 1](#)), but that national authorities would retain a concurrent competence in principle.

The proposed regulation aims to help combat crimes against the Union's financial interests by introducing a European Public Prosecutor's Office with competence in that area. The legal basis and the rules for setting up the EPPO are laid down in article 86 of the Treaty on the Functioning of the European Union (TFEU). The proposed regulation will be adopted in accordance with a special legislative procedure: the Council will decide unanimously after obtaining the consent of the European Parliament. If unanimity cannot be reached in the Council, the treaties provide that a group of at least nine member states may enter into an enhanced cooperation.

The Commission presented its proposal on 17 July 2013 ([12558/13](#)).

### **European Union Agency for Criminal Justice Cooperation (EUROJUST)**

The Council reached a partial general approach on a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust) ([16139/14](#)). The provisions relating to the European Public Prosecutor and the chapter IV on data protection have been excluded from the partial general approach as they are linked to other legislative proposals which have yet to be concluded.

The proposal aims to increase Eurojust's efficiency by establishing a new governance model. It also aims to improve its operational effectiveness through homogeneously defining the powers and status of National Members. The main changes concern the distinction between the operational and management functions of the College; the setting up of an Executive Board; new provisions on annual and multi-annual programming; the representation of the Commission in the Executive Board; and a detailed description of the responsibilities and tasks of the Administrative Director.

This new regulation streamlines Eurojust's functioning and structure in line with the Lisbon Treaty. It also increases the democratic legitimacy of Eurojust: the European Parliament and national Parliaments will in future be more involved in the evaluation of Eurojust's activities.

The Commission presented its proposal in July 2013 ([12566/13](#)).

## **Insolvency proceedings**

The Council approved a political agreement reached with the European Parliament on new EU-wide rules on insolvency proceedings ([15414/14](#) + [ADD 1](#)).

The new rules are aimed at making cross-border insolvency proceedings more efficient and effective, benefiting debtors and creditors, facilitating the survival of businesses and presenting a second chance for entrepreneurs. They also bring the current insolvency regulation into line with developments in national insolvency laws introduced since its entry into force in 2002.

For more information see [press release](#).

## **European small claims procedure**

The Council reached a general approach on the proposal for a regulation amending the European small claims regulation and the European order for payment regulation ([15841/14](#)). That general approach constitutes the basis for negotiations with the European Parliament in order to agree on the final text of the regulation.

The objective of the proposed amending regulation is to make the European Small Claims Procedure more efficient, in particular by reflecting the technological progress made in the justice systems in the member states, and to make the procedure accessible in a larger number of cases, in particular also for businesses.

To that end, the agreed general approach includes the following amendments:

- the duplication of the threshold for a small claim from currently €2.000 to €4.000;
- the obligation of the member states to offer distance means of payment for the payment of court fees;
- an increase of the use of modern technologies for oral hearings and taking of evidence, for communications between the court and the parties, and the set up of a general framework that allows, under certain conditions, for the use of electronic service of documents;
- the minimisation of the translation requirement (and related costs) as regards the certificate necessary for the enforcement of a judgment given in the European Small Claims Procedure;
- the creation of "a bridge" between the European Small Claims Procedure and the European Order for Payment Procedure by allowing the claimant to use the European Small Claims Procedure when a statement of opposition has been lodged against a European order for payment.

The European Small Claims Procedure is an important instrument for citizens and businesses improving access to justice by simplifying cross-border small claims litigation in civil and commercial matters and reducing costs. It was established by regulation 861/2007 and is applied since 1 January 2009.

The judgments delivered under this procedure are recognised and enforceable in the other member states without the need for a declaration of enforceability. The procedure is optional, offered as an alternative to the possibilities existing under the national laws of the member states.

### **Mutual recognition of public documents**

The Council had a discussion on the draft regulation on promoting the free movement of citizens and businesses by simplifying the requirements for presenting certain public documents in the European Union.

The discussion focused on four issues: the scope, translations, the multilingual standard forms and the relations between the future regulation and other instruments. Ministers adopted guidelines on

these issues for the continuation of the work at technical level ([15843/14](#)). According to the guidelines, the scope of the proposal will be reduced to cover civil status area only.

The proposed regulation aims at simplifying the procedures for cross-border use and acceptance of public documents between the member states, thereby contributing towards the creation of a citizens' Europe and a well-functioning Single Market for EU businesses.

The original scope of this proposal covers public documents issued by authorities of the member states and having formal evidentiary value relating to birth, death, name, marriage, registered partnership, parenthood, adoption, residence, citizenship, nationality, real estate, legal status and representation of a company or other undertaking, intellectual property rights and absence of a criminal record. Under this proposed regulation, such documents would be exempted from all forms of legalisation and similar formalities. Documents drawn up by private persons and documents issued by authorities of third states are excluded from its scope.

The proposal also establishes EU multilingual standard forms concerning birth, death, marriage, registered partnership and legal status and representation of a company or other undertaking.

The Commission presented its proposal on 24 April 2013 ([9037/13](#)).

## **Matrimonial property regimes and property consequences of registered partnerships**

The Council was briefed by the Presidency on the state of play of two proposals: the Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes and on the property consequences of registered partnerships ([16171/14](#)).

These proposals complete the framework of EU instruments of judicial cooperation in the area of family law, consisting of the Brussels IIa regulation in matters of divorce and parental responsibility ([regulation 2201/2003](#)), the Rome III regulation on the law applicable to divorce ([regulation 1259/2010](#)), the maintenance obligations regulation ([regulation 4/2009](#)) and the succession regulation ([regulation 650/2012](#)).

Both regulations aim to determine which judge will have jurisdiction for and which law will be applicable to matters of matrimonial property regimes and the property consequences of registered partnerships. The free circulation of judgments in that area will also be ensured in a similar way as judgments are recognised and enforced under the succession regulation.

The regulations leave untouched the underlying institutions of marriages and partnerships, which remain matters that are defined by the national laws of the member states. Nothing obliges member states whose law does not know the institution of registered partnership to provide for it.

The regulations also include a series of safeguards in order to respect national legal systems. For example, they do not oblige a member state whose law does not know the institution of partnership to assume jurisdiction, and alternative jurisdiction grounds are provided for in that specific case in order to ensure that partners will benefit from a foreseeable jurisdiction forum.

In so far as possible, both regulations contain parallel provisions, in order to ensure equal treatment of spouses and partners.

The negotiations that took place within the Council led to significant progress on both regulations. However, some member states required more time to complete their internal reflection process. On that basis, the Italian presidency has submitted a possible compromise text on the two regulations, which reflects the work completed so far, and has opened a period of internal reflection.

The Council will re-examine this matter as soon as possible, and by no later than the end of 2015.

**Information from the presidency**

The Council was briefed by the presidency on a number of legislative proposals, including:

- the directive on the protection of individuals with regards to the processing of personal data by competent authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data ([15730/14](#));
- the directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings ([15490/14](#));
- the directive on the fight against fraud to the Union's financial interests by means of criminal law ([15221/14](#)).

## **HOME AFFAIRS**

### **Managing migratory flows**

Ministers were briefed by the Commission and the European External Action Service (EEAS) on the implementation of the operational actions identified by the Task Force Mediterranean (TFM) and on the follow up to the Council Conclusions of 10 October 2014 on "Taking action to better manage migratory flows".

The Council took note of the Commission's scorecard and welcomed the progress achieved so far in the implementation of these operational actions.

Ministers welcomed the successful launch on 1 November of the EU-funded operation Triton aimed at reinforcing border surveillance in the waters close to Italian shores. The presidency thanked all countries participating in this Frontex led-operation for their active contribution to its success.

The need to enhance the EU commitment on resettlement was also at the center of the debate. The Commission underlined the urgent need for an additional European effort on resettlement of refugees and indicated that it's currently reflecting on the possibility of presenting an outline of a pilot project on resettlement.

While some member states underlined the importance of such an initiative, taking into account the particular uneven distribution of refugees among them, others considered that resettlement could only take place on the basis of a voluntary approach.

Regarding action in third countries, the Council expressed its appreciation for the results of the Ministerial Conferences on Migration and Development (Rabat Process) and on the new initiative on the Horn of Africa (Khartoum Process), which were held on the 27<sup>th</sup>-28<sup>th</sup> November in Rome. They also welcomed the results of the meeting of Ministers of Interior and Foreign Affairs of the EU, aimed at better coordinating the internal and external aspects of migration.

Ministers invited the Commission and the EEAS to continue informing the Council on the implementation of the relevant actions in order to deal with the main challenges related to asylum and migration.

### **Fight against terrorism**

#### **– *Foreign fighters***

The Council had an in-depth discussion on the issue of foreign fighters on the basis of a discussion paper prepared by the EU Counter-Terrorism Coordinator. Ministers gave political guidance on two specific areas where further progress must be achieved: the judicial response and further improvements in information exchange.

Regarding the judicial response, Ministers agreed to assess the need to update the [Framework Decision 2002/475/JHA](#) on combating terrorism, especially in light of the recent adoption of the [United Nations Security Council Resolution 2178\(2014\)](#).

Regarding the information exchange, the Council agreed on the necessity to provide Europol with all relevant information and to join the cooperation structures that are being set up in the agency. It also invited member states to make optimal use of the possibilities for exchange of information on prosecutions and convictions with Eurojust.

The Italian Presidency has also presented some concrete initiatives developed during the semester, like the establishment, in partnership with Europol, of a network of contact points on foreign fighters, which has already been joined by 10 Member States.

Ministers took note of the progress achieved in the implementation of the measures designed to tackle this phenomenon and expressed its support to further work in these areas.

The Council will come back to the issue of foreign fighters at its next meeting.

– ***Guidelines for the EU Radicalisation and Recruitment Strategy***

The Council approved guidelines for the EU Strategy for Combating Radicalisation and Recruitment to Terrorism. These guidelines have been designed to implement the revised EU strategy adopted by the Council in June 2014 ([9956/14](#)).

This revision was requested by Home Affairs ministers in June 2013 ([9447/13](#)) and was drawn up following a Commission Communication on Countering Violent Extremism in January this year ([5451/14](#)).

The main objective of the strategy is to prevent people from becoming radicalised, being radicalised and being recruited to terrorism and to prevent a new generation of terrorists from emerging.

To do so, the revised strategy stresses the need to:

- promote security, justice, and equal opportunities for all
- ensure that voices of mainstream opinion prevail over those of extremism
- enhance government communications
- support messages countering terrorism
- counter online radicalisation and recruitment to terrorism
- train, build capacity and engage first-line practitioners across relevant sectors
- support individuals and civil society to build resilience
- support disengagement initiatives
- support further research into the trends and challenges of radicalisation and recruitment to terrorism
- align internal and external counter-radicalisation work

– ***EU Counter Terrorism Strategy***

The Council took note of the report presented by the EU Counter-terrorism coordinator on the implementation of the EU Counter-terrorism strategy.

The report gives an overview of the latest results in the different strands of the strategy and lists those areas where measures are due to be taken. It covers the period December 2012 until mid-October 2014.

The EU Counter-Terrorism Strategy was adopted in December 2005 and provides the framework for EU activity in this field ([14469/4/05 REV 4](#)).

– ***Strategy on Terrorist Financing***

The Council took note of the report presented by the EU Counter-terrorism coordinator on the implementation of the revised strategy on terrorist financing.

The report has been drawn up in cooperation with the Commission and outlines progress in achieving the goals mentioned in the revised strategy. It also makes a number of recommendations how to implement the strategy more effectively.

The report gives an overview focusing on the period ranging from the publication of the last report in 2011 to July 2014.

The revised strategy on terrorist financing was endorsed by the Council in July 2008 ([11778/1/08 REV 1](#)). It tasked the Counter-terrorism coordinator, in cooperation with the Commission, with ensuring the follow-up.

– ***EU-PNR Directive***

The Council took note of information from the presidency regarding the proposal for a directive on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crimes.

Ministers agreed on the urgency of adopting this directive, as mandated by the European Council, and called again on the European Parliament to adopt as soon as possible its position to start the negotiations with the Council.

The Council adopted its position in April 2012 ([8916/12](#))

The overall purpose of the proposed directive is to set up a coherent EU-wide system on flight passenger data, by creating a single EU model for all member states participating in the new rules and ensuring cooperation between the relevant authorities within the Union. As a consequence, all air carriers flying on routes covered by the new rules would need to provide PNR data to member states' law enforcement authorities. These authorities would, however, only be allowed to use the data - which is already collected by air carriers - for the prevention, detection, investigation and prosecution of terrorist offences and serious (transnational) crime.

**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 conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing (Recast);
- the regulation amending regulation 604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a member state.

The presidency informed ministers about:

- the outcome of the last EU-US JHA Ministerial meeting which took place in Washington on 12-13 November 2013;
- the activities of the Special Committee on organised crime, corruption and money laundering (CRIM) established by the European Parliament;
- the IV Euro African Ministerial Conference on Migration and Development (Rabat Process), which took place in Rome on 26 and 27 November 2014;
- the EU-Horn of Africa Migration Route Initiative (Khartoum Process), which took place in Rome on 28 November 2014;
- the Joint Informal meeting of Ministers of Foreign Affairs and Ministers of Interior, which took place in Rome on 27 November 2014.

The Slovenian delegation informed ministers on the outcome of the Salzburg Forum Ministerial Conference, which took place in Brdo pri Kranju (Slovenia) on 11 and 12 November 2014

The Latvian ministers informed the Council about the upcoming Latvian EU Presidency's priorities in the area of justice and home affairs, with regard to which the Presidency intends to work intensively in cooperation with the European Commission and the European Parliament.

The Presidency focus will be on reinforcing data protection framework, enhancing protection of EU financial interests, strengthening procedural rights in criminal proceedings and the further development of justice for growth agenda.

With regards to Justice matters the Presidency focus will be on reinforcing data protection framework, enhancing protection of EU financial interests, strengthening procedural rights in criminal proceedings and the further development of justice for growth agenda.

The minister for Home affairs highlighted migration flows, fight against terrorism with special emphasis on foreign fighters, and the Internal security strategy as important topics for the Home affairs area in the upcoming six months.

**MIXED COMMITTEE**

**Managing migratory flows**

The committee was briefed by the Commission and the European External Action Service (EEAS) on the implementation of the operational actions identified by the Task Force Mediterranean (TFM) and on the follow up to the Council Conclusions of 10 October 2014 on "Taking action to better manage migratory flows".

See item above

**The functioning of the Schengen area**

– ***Schengen evaluations***

The committee had an exchange of views on the closure report and Council conclusions of 15 years of Schengen evaluations within the Council.

The report presents an overview of "Schengen" developments and accomplishments in the last 15 years within the Council and outlines the future role of the Council resulting from the implementation of the new Schengen governance system.

After the exchange of views, the Council approved the [conclusions](#).

– ***Sixth biannual report on the functioning of the Schengen area***

The committee discussed the Commission's sixth biannual report on the functioning of the Schengen area (1 May 2014 - 31 October 2014) ([15783/14](#)) 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.

## **Data protection directive**

The committee was briefed by the Presidency on the state of play ([15730/14](#)) of the proposal for a directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

## **Other business**

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

- the Smart borders package;
- the regulation establishing a touring visa and amending the Convention implementing the Schengen Agreement and regulations 562/2006 and 767/2008
- the regulation on the Union Code on Visas (Visa Code) (recast).

**OTHER ITEMS APPROVED**

**JUSTICE AND HOME AFFAIRS**

**Budget for SISNET 2015**

The Council adopted the budget for the installation and the functioning of the communication infrastructure for the Schengen environment (SISNET) for 2015. The total budget is €755.000. For more information, see [15483/14](#).

**Action Plan on illicit trafficking in firearms - EU and the South East Europe region**

The Council approved the Action Plan on illicit trafficking in firearms between the EU and the South East Europe region for the period of 2015-2019. For more details, see [15516/14](#).

**Role of law enforcement cooperation in combating food crime**

The Council approved conclusions concerning the role of law enforcement cooperation in combating food crime ([15623/14](#)).

**Organised crime - @ON**

The Council adopted a resolution on the creation of an operational network - @ON - to counter mafia-style serious and organised crime groups.

For more information, see [14929/1/14 REV 1](#).

**Launch of automated data exchange with regard to dactyloscopic data in Latvia**

The Council adopted a decision concerning the launch of automated data exchange with regard to dactyloscopic data in Latvia ([15445/14](#)).

Latvia has fully implemented the general provisions on data protection and is entitled to receive and supply personal data.

### **EU internal security - Information Management Strategy**

The Council adopted conclusions on an updated Information Management Strategy (IMS) for EU internal security as set out in [15701/1/14 REV 1](#).

The IMS aims at supporting, streamlining and facilitating the management of information necessary for carrying out expedient cross-border information exchange between law enforcement authorities, authorities responsible for border management and judicial authorities dealing with criminal matters. The IMS provides guidance on how to translate business needs into structures and content, and contained under a number of focus areas the strategic goals to be achieved.

### **European Union Internal Security Strategy**

The Council adopted conclusions on the development of a renewed European Union Internal Security Strategy, as set out in [15670/14](#).

### **Training of legal practitioners**

The Council adopted conclusions on the "Training of legal practitioners: an essential tool to consolidate the EU acquis" as set out in [16142/14](#).

### **Fighting organised crime infiltrating the legal economy**

The Council approved conclusion concerning the combat of organised crime infiltration in the legal economy through financial flow traceability and monitoring, in particular regarding public procurement ([13311/5/14](#)).

### **International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock**

The Council adopted a decision on the approval, on behalf of the European Union, of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007 ([15113/13](#)).

## **The Hague Convention on Choice of Court Agreements**

The Council adopted a decision on the approval, on behalf of the European Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements ([12052/14](#)).

### **e-Justice guidelines**

The Council adopted the guidelines for the practical implementation of the e-Justice Action Plan for the period from 2014 until 2018. For more details, see [15771/14](#).

### **e-Codex**

The Council approved conclusions on the sustainability of e-CODEX. For more information, see [15774/14](#).

The large-scale pilot project e-CODEX was launched under the multiannual European e-Justice Action Plan 2009-2013, with the aim of working exclusively on the realisation of some of the foreseen functions of European e-Justice as described in this Action Plan, especially the dematerialisation of judicial proceedings and communication between judicial authorities.

### **Children's rights**

The Council adopted conclusions on the promotion and protection of the rights of the child, as set out in [15559/14](#).

## **COMMON SECURITY AND DEFENCE POLICY**

### **European Union Institute for Security Studies**

The Council gave its assent to financial regulations applicable to the general budget of the European Union Institute for Security Studies (EUISS). The revised financial regulations take into account the changes introduced to the budgetary procedure by Council Decision 2014/75/CFSP, as well as recommendations received from the EUISS College of Auditors.