

EU COUNCIL PRESIDENCY PROGRAMME IN THE AREA OF JUSTICE AND HOME AFFAIRS

Introduction

Slovenian Presidency will conclude the first trio presidency of Germany, Portugal and Slovenia. The programme of the Slovenian Presidency therefore largely consists of the follow up on the jointly set goals. The programme that we are presenting you attempts to address issues affecting, in one way or another, our everyday lives.

The citizens of the European Union are lucky to be living in a multi-cultural environment of democratic countries striving together for peace and prosperity. All 27 states, although having different languages, cultures and traditions, advocate the respect of basic human standards – freedom, democracy, security, social justice. Following the basic values of the European Union, ensuring human rights and respecting the rule of law are permanent tasks of every presidency. We live in an era when the issue of security is becoming increasingly important. Climate changes and economic differences between the developed and non-developed countries have intensified migration flows directed towards the European Union. There are many challenges that have to be faced by the European Union, and Slovenia shall attempt to find adequate solutions to those challenges.

In the field of home affairs, key focus will be placed on strengthened cooperation between European police forces, surveillance of the external border, legislative regulation of the status of legal migrants, fight against organised crime and terrorism, prevention of illegal migration and protection of privacy of our citizens.

Slovenian Presidency has been particularly marked by the recent lifting of the internal borders and the enlargement of the free movement area. It is certainly a great privilege for all states to be part of this area, while also representing a large responsibility for Slovenia and other states located at the Union's external border, which we gladly accept.

The abolition of the borders between the EU Member States will require tighter cooperation between the judicial authorities in criminal matters, and the Slovenian Presidency shall strive to enhance mutual recognition of court decisions between the Member States, to achieve adequate protection of the environment through criminal law for the whole Community and to strengthen the role of Eurojust.

As regards the initiatives in the area of judicial cooperation in civil matters, we shall place particular attention on making headway in the field of family law, since such matters have a direct impact on the citizens' lives. Further, this relates to the follow-up on the work in the field of EJustice, which is a common priority of the trio presidency.

Slovenia shall endeavour to conclude the joint 18-month presidency programme with Germany and Portugal as successfully as possible. As the first New Member State to hold the presidency, it shall direct all its energy into meeting the goals that are outlined in this brochure. You can find more information on our work on the website of the Slovenian Presidency: www.eu2008.si.

For a freer and safer Europe

Strengthening the area of freedom, security and justice is one of the main focuses of the Slovenian Presidency. Safeguarding freedom and justice within the Union is fundamentally linked to strengthening internal security and the Community's refugee policy, as well as protecting the common external borders – in particular to prevent illegal migration – and combating international terrorism. A coherent approach is required for any European initiative or measure in the fields of asylum, immigration and borders. On the basis of the Hague Programme for Strengthening the Area of Freedom, Security and Justice, endorsed by the European Council in November 2004, this approach must adequately address the freedom and security concerns of the Community and its citizens.

High priority should still be given to implementation of the second generation of the Schengen Information System (SIS II). Slovenia is resolved to encourage all parties concerned to continue with the development of the SIS II project and to achieve the prerequisites for the system to become operational according to the established roadmap. Slovenia will also monitor the lifting of internal borders at airports at the end of March 2008 and will prepare a final report on follow up to the evaluation process of the nine new Member States joining the Schengen area on 21 December 2007.

A common asylum and migration policy has to focus on closer partnership and cooperation with third countries – especially with countries of origin and transit. In this context, Slovenia will actively follow up the results of pilot projects on regional protection programmes.

Further harmonization of European visa policy and visa procedures will play a central role in combating illegal migration and trafficking in human beings, as well as in countering international terrorism. Thus, Slovenia will favour the rapid conclusion of discussion on all necessary legislation that will enable the European Visa Information System (VIS) to become operational.

With regard to third-country nationals who are staying illegally on the territory of a Member State, Slovenia will seek intensified cooperation in return policy. In this respect, it is urgent to find a compromise for the adoption of the Directive of the European Parliament and of the Council on Common standards and procedures in Member States for returning illegally staying third-country nationals, which is currently in first reading with the European Parliament. Rapid negotiation and adoption of readmission agreements by the Community, as well as cooperation in return operations – in particular with mutual and FRONTEX support – are of particular importance.

Slovenia will also endeavour to make as much progress as possible in the negotiations on the proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals.

Due to the necessity of protecting the EU external borders and of maintaining and improving border control quality standards, Slovenia will promote a political discussion on the evaluation of the European Border Agency (FRONTEX), the results of which must be submitted by the European Commission at the beginning of 2008.; The outcome of this discussion should provide for an analysis whether and to what extent new tasks can be assigned to the Agency.

Slovenia will take forward the implementation of the Global Approach to Migration, stressing its comprehensive and regional balance. Slovenia will also actively promote further discussion regarding implementation of the priorities on migration. Based on the conclusions of the European Council of December 2007, Slovenia will undertake all necessary efforts to work closely with the Commission, Member States and relevant counterparts to explore two instruments (introduced by the Commission in May 2007) – mobility partnerships and circular migration – through pilot projects which will be launched in the beginning of 2008. The Commission will prepare a progress report no later than June 2008.

Operational cooperation between EU Member States and with EU structures, in particular EUROPOL is another of our goal. This includes legal and practical measures to intensify cooperation between all competent authorities named in Title VI of the EU Treaty, including customs and other specialized law enforcement authorities.

Our police and security authorities need quicker and easier access to relevant information. Cross-border cooperation needs to be optimized and to be governed by the same principles as cooperation at home. European institutions need to be integrated into this cooperation without duplicating efforts. For these reasons we seek to expand the European information network in a sustainable manner by giving our police and security authorities the best access to data, thus creating a base of comprehensive and current information. This is essential to fight terrorism and cross-border crime; to strengthen the role of EUROPOL by extending its legal framework in

order to enable EUROPOL to assist Member States in combating serious international crimes to an even higher degree than to date; to further improve operational cooperation between EU Member States and competent EU bodies using concrete measures, with a focus being placed on prevention as an important element in fighting crime; and to ensure that JHA requirements are given a high priority also in the EU's external relations.

In parallel in order to raise the level of security of personal data, Slovenia will conclude the drafting of the proposal of Framework Decision on Data Protection on the basis of the political agreement achieved by the Portuguese Presidency.

1. Asylum and refugee policy

As a follow-up to the public debate on the Green Paper on the future Common European Asylum System (CEAS), Slovenia will conduct a political debate in the Council on possible main elements of the future CEAS. It will focus on elaborating possibilities to strengthen practical cooperation between Member States and to explore in more depth the possible establishment of a European Support Office.

Depending on the outcome of the debate, Slovenia will also consider the adoption of Council Conclusions on strengthening practical cooperation and the possible establishment of a European Support Office in the second half of its presidency; this would serve as a basis for launching the second phase of CEAS establishment.

Slovenia will also aim at concluding negotiations on the proposal for a Council directive amending Council Directive 109/2003/EC concerning the status of third-country nationals who are long-term residents to extend its scope to beneficiaries of international protection. The possibility for this extension was agreed in May 2003 by a Joint Statement from the Council and the Commission.

In the second half of its presidency, Slovenia will also commence the first reading of a proposal for a regulation amending Council Regulation (EC) No. 2725/2000 of 11 December 2000 concerning the establishment of EURODAC for the comparison of fingerprints for the effective application of the Dublin Convention, as well as a proposal for a Council decision allowing law enforcement authorities to have access to EURODAC. Both proposals are of a great importance for making the EURODAC system more efficient.

Slovenia intends to further develop the asylum and migration policy within the framework of the Community's external relations and to place emphasis on dialogue with countries of origin and transit, based on a flexible and differentiated approach to individual third countries and regions.

Together with the European Commission, Slovenia will continue to promote the development of EU Regional Protection Programmes (including associated pilot projects), taking into account their initial evaluations. This requires a coherent policy approach which takes account of the root causes for people fleeing their countries and includes cooperation in development policy, the fight against poverty, humanitarian aid and the consolidation of administrative infrastructures. It should also take account of the existing human rights standards in the countries of origin and transit, as well as the necessary obligations of these countries. Improving cooperation with the countries of origin and transit also implies urging these countries to comply with obligations under international law related to the readmission of own nationals.

2. Fighting illegal migration

a) Visa policy

The European Visa Information System (VIS) must become a central element of European cooperation in the fight against illegal migration and "visa shopping", as well as an instrument to support measures against organized crime – in particular smuggling and trafficking in human

beings – and international terrorism. In this regard, Slovenian Presidency will explore possible interaction between the VIS, SIS and EURODAC databases.

Slovenia will actively continue work on updating Community law on visas. The adoption of amendments to the Common Consular Instructions on visas for diplomatic and consular posts in relation to the introduction of biometrics, including provisions on organizing the reception and processing of visa applications, is envisaged.

Slovenia will also focus on a Community regulation (“visa code”) that should consolidate and to a certain extent reform the existing Community Acquis governing the granting of Schengen visas, striving for considerable progress in negotiations in the Council, as well as with the European Parliament.

In addition, drawing up guidelines containing specific instructions for local consular officials at the Community level is foreseen. This instrument should then replace the existing provisions applicable in this area thus far, especially the Common Consular Instructions and the relevant sections of the Convention Implementing the Schengen Agreement. Slovenia will aim to ensure that due attention is paid to the security requirements of Member States.

Slovenia will regularly assess the list of those countries whose nationals are required to have a visa and the list of third countries whose nationals are exempt from visa requirements, and support and encourage the Commission to take all necessary measures towards visa reciprocity.

Slovenia will work together with the Commission to enable candidate countries to harmonize their visa regime with EU standards as soon as possible.

To ensure a uniform policy is applied with regard to issuing visas, Slovenia will actively promote closer cooperation between the consulates of Member States, making full use of synergistic effects. This includes, in particular, establishing joint posts where visa applications can be filed and building shared technical infrastructures.

A cornerstone of the European security architecture is the use of biometric features in visas, residence permits, passports and other identification documents. Slovenia will drive forward harmonization efforts in this area in order to achieve common standards with partner countries outside the European Union as well.

b) Return policy

Germany and Portugal made significant progress in the negotiations on the proposal for a directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals. Recently Portugal started informal negotiations with the European Parliament. As a main aim, Slovenia will try to conclude these negotiations in first reading and step up the process of establishing a common European Union immigration policy.

Another important step in the same direction is for Slovenia to continue with the discussions started by Germany and brought forward by Portugal on the proposal for a directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals. Slovenia will try to reach a general approach in the Council on the proposal and begin informal negotiations with the European Parliament, with the aim of reaching an agreement in the first reading.

Slovenia will also continue to evaluate the progress made to date in the EU’s negotiations on readmission agreements with third countries on one hand, and the implementation of existing agreements on the other. This evaluation will aim to identify means for concluding pending negotiations in a more targeted and timely manner.

Slovenia will focus on improving practical cooperation in returning third-country nationals residing illegally on the territory of a Member State. This will include sharing information among Member States about the situation in the countries to which third-country nationals are returned,

as well as information on obtaining travel documents and on joint return measures. Slovenia will also actively support FRONTEX to ensure that it can fully live up to its role as a supporter and promoter of joint return measures.

c) External border protection

Slovenia considers that the Visa Information System (VIS) will become an important tool in the fight against illegal migration and “visa shopping”. For the full implementation of VIS, it is necessary to define procedures for border guard officers performing border checks at external borders to consult VIS in their everyday work. It is expected that the Commission will present a draft regulation of the European Parliament and of the Council amending Regulation (EC) No. 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) regarding the application of VIS at borders. Due to the importance of this regulation, Slovenia will open the discussions on this proposal immediately and try to achieve as much progress as possible.

During its presidency, Slovenia will closely follow the work of FRONTEX and will cooperate with FRONTEX in a way so as to properly ensure a high level of security in the Schengen area. According to the Hague Programme the Commission will issue a communication as the outcome of its evaluation of FRONTEX. Ensuring extensive debate on the basis of this communication and giving political guidance on the future of FRONTEX is a key priority for the Slovenian Presidency.

Based on a study of the Commission, Slovenia will explore with the Member States the possibilities for a development of a system for registering third-country nationals upon entry into and exit from the Schengen area. The use of this system could, if feasible, yield a significant amount of information relevant in the fight against illegal migration, organized crime and international terrorism, as it would allow, for example, identifying who or when a person enters or exits a Member State.

As a counterpoint to the entry/exit system, the Commission will present the outcome of the feasibility study on a registered traveller programme. During its presidency, Slovenia will seek for common understanding of further development and possible use of such systems in the future, with the goal of promoting the facilitation of passenger flows at the borders.

Slovenia will follow the implementation of the European Council Conclusions from December 2006 to "improve the management of the European Union's external borders on the basis of the integrated border management strategy adopted by the Council in 2006. In particular, priority will also be given to examining the creation of a European Surveillance System for the southern maritime borders." During its presidency, Slovenia will seek to launch broader discussion on the European Surveillance System, based on the Communication from the Commission, with the aim of reaching political guidance for future work to be done in strengthening the EU external borders.

The importance these discussions that will influence future development in the area of freedom, security and justice has led Slovenia to organise a ministerial conference. The conference will enable broader discussion at the political level on the basis of the Commission communications on the future of FRONTEX, and the use of modern technology and systems in the area of border security (EU Surveillance System, entry/exit system, registered traveller programme).

Our aim is for the Council to adopt conclusions providing political guidelines for future work in this field.

3. Legal migration, integration

Slovenia will continue work on a European strategy for legal immigration based on the proposals of the European Commission. Community measures for this purpose should guarantee full flexibility in the area of economic migration, so as to be able to take account of the different

situation on labour markets in the various Member States, as well as the national competence for defining the specific need for economic migrants and the prioritization of the European Union's own labour force.

Slovenia will make efforts to finish the first overview in the Council of two directives: the Directive on the conditions of entry and residence of highly qualified workers, and the Directive on application procedure for a single permit and on a common set of rights for third-country national immigrants. These proposals, presented in accordance with the December 2005 Policy Plan on Legal Migration, seek to prepare a European response to demographic demands for migrant labour on the EU labour market.

The main challenge of the upcoming proposals will be to find the right set of rights of third country workers to ensure their equal treatment and facilitate their mobility in the labour market.

Slovenia welcomes the so-called "EU blue card" and believes it will make Europe a more attractive work destination for highly qualified workers.

4. Strengthening the role of EUROPOL

The increasingly pan-European and international nature of crime requires strengthening the role of European Police Office (EUROPOL) by further amending its legal framework in order to enable EUROPOL to assist the Member States in combating serious international crimes to an even higher degree than to date. EUROPOL's capacities for sharing and analysing information must be expanded and intensified. The added value that EUROPOL presents in operational terms needs to be highlighted.

During its meeting on 4 and 5 December 2006, the Council agreed that, on the grounds that it would constitute a clear improvement of the operational and administrative functioning of EUROPOL, the EUROPOL Convention should be replaced by a Council decision, thus transforming EUROPOL into an EU agency.

On 22 December 2006, the Commission presented a proposal for a Council decision establishing the EUROPOL. The German and Portuguese Presidencies made significant progress in this discussion. During the Slovenian Presidency, the proposal for a Council decision should be finalized and political agreement reached. This timetable would enable EUROPOL to adopt all legal acts necessary to implement the proposal for a Council decision and to continue with its operative work after 1 January 2010, when the Council decision should apply.

5. Specific measures to intensify cooperation in counter-terrorism

Terrorism is a threat to all states and to all peoples. It poses a serious threat to our security, to the values of our democratic societies, and to the rights and freedoms of our citizens, especially through the indiscriminate targeting of innocent people. Terrorism is criminal and unjustifiable under any circumstances.

Slovenia will introduce a discussion of the set of proposals that the Commission adopted in November 2007 in the area of fight against terrorism. Special attention will be attached to preventing the use of explosives by terrorists. It is necessary to intensify control of primary substances used for the production of explosives to prevent or at least noticeably impede access to certain chemicals which so far have been very easily or even freely available. EU Member States must monitor more strictly in particular the routes of primary substances for certain frequently used improvised explosive devices throughout Europe. To this end, a monitoring regime by the competent authorities and all actors in the relevant industry should be set up. In this respect, the Slovenian Presidency will start a discussion on the Action Plan on Enhancing the Security of Explosives in view to have it adopted as soon as possible.

In the area of external relations the presidency would like to provide information to the Western Balkans on good practices for combating terrorism in the EU. The best practices recommended to EU Member States as a result of the first round of EU peer evaluation of national

counterterrorism arrangements (2002–2006) would serve as an appropriate base for developing counterterrorism structures and communication networks also in the Western Balkan countries.

Furthermore, the presidency will focus on possible processes of radicalization and recruitment to terrorism in the Western Balkans.

The Slovenian Presidency is also interested in identifying sources and methods of financing terrorism within and outside the EU, and in preparing recommendations which could serve as a basis for amending the EU Action Plan on Combating Terrorism and the strategy against terrorist financing. Furthermore, the Slovenian Presidency would also like to study the links between drug trafficking and terrorism in view of possibly issuing recommendations or Council conclusions on the issue. The presidency intends to see to what extent the phenomenon exists in the EU, its neighbouring regions (such as South Eastern Europe and North Africa) and in several key countries (such as Afghanistan).

Peer evaluation on national counter-terrorism arrangements focusing on preparedness and consequence management will be continued during the Slovenian Presidency.

The evaluation missions planned for the next two years will start in February 2008.

6. Expanding the European information network

Law enforcement and judicial authorities of Member States need to exchange information from their national data basis if we want continue to be efficient in the prevention of organised crime.

The Council is currently preparing the transposition of the Prüm Treaty into the European legislation. During the German and Portuguese Presidency the major part of the Council Decision on transferring the Prüm Treaty into the EU legal framework was already agreed.

Slovenia conclude the discussion on a manual which should determine technical rules in the scope of Prüm cooperation. With the adoption of this final document, the process started by the German Presidency will be concluded during the Slovenian Presidency, which will be an important achievement of the trio presidency.

To prevent crime and find criminal the police and security authorities need access to EURODAC data basis that contains fingerprints of asylum seekers. In many cases this is the only way of identifying suspected terrorists or other major offenders, or to detect the aliases of suspects. Access to EURODAC can help provide the police and security authorities of Member States with new investigative leads to prevent or clear up serious crimes. The Slovenian Presidency will start discussion on a Commission proposal amending the EURODAC Regulation and a draft Council decision granting police and law enforcement authorities access to this database.

Police and customs cooperation centres (PCCC) are permanent structures bringing together officers of police, customs and other law enforcement agencies of neighbouring countries in order to provide a fast and simplified exchange of information and to assist in coordinating cross-border measures. Since the introduction of the free movement of persons and goods, several Member States have set up such structures and gained extensive experience. Upon the initiative of France and with a view to promote this instrument at the EU level, a debate will be launched early in the Slovenian Presidency, inviting Member States that are interested to participate in an ad hoc Expert Group. The group will be given a mandate to draft a European handbook for promoting PCCCs, which would set common standards for building, operating and evaluating such structures. The handbook will be the bedrock of a centre that is likely to fit the operational requirements of any Member State that wishes to set up such an instrument.

7. Technical interoperability

Telecommunications and information technologies have developed enormously in the last years. Nevertheless, today we can ascertain that Member States use different standards that are not interoperable.

This problem is particularly acute in the justice/public safety community, where product lifecycles are especially long and proprietary manufacturer solutions abound. The problem is evidenced over and over as the police and other agencies (fire departments, emergency medical services, etc.) fail to communicate with each other during multinational events.

Slovenia is convinced that we need to take further steps to improve the situation. In this regard we intend to embark upon two projects linked to the issue of interoperability, and in broader terms, to police equipment as such. Slovenia feels it crucially important to work on the identification and approximation of police needs in terms of technology at the EU level so that, in the end, we could define the operational expectations of our officers in the field. This in turn could focus the industry on realistic proposals, based on professional needs and experience.

8. Schengen Information System II

At its December 2006 meeting, the JHA Council decided to implement Portugal's SISone4all proposal to integrate nine of the Member States which joined the European Union in May 2004 into the Schengen area. This project has now reached a successful end. We must use the momentum of SISone4all to continue the development of SIS II. It will supply end users with additional functionalities necessary for the more effective and efficient execution of their tasks. It thus represents a vital factor in the smooth running of the area of justice, freedom and security.

Slovenia reaffirms its determination to attract maximum attention to further development of SIS II. We are aware that SIS II is a very large project that involves all Member States, the Commission and external subcontractors. This demands a lot of coordination and presents many risks. In order to predict and mitigate these risks, a comprehensive and monitoring mechanism will be needed at political and expert level. If there are problems, we need to identify them and suggest corresponding solutions in close partnership with all parties involved. The migration from SISone4all to SIS II has to be well planned and carefully implemented without risks. Our aim should be that once the SIS II will be delivered it should be operational and stable. We are convinced that we could build upon the experience gained through the SISone4all project, taking into account the special character of SIS II and its implementation. In line with the aforementioned, the Slovenian Presidency intends to develop regular discussions on SIS II implementation at all levels.

9. Mutual Trust and Closer Co-operation in Criminal Matters

The basis for a good and effective co-operation between the EU Member States in criminal matters is the principle of mutual recognition of court decisions, which anticipates the recognition and enforcement of the foreign criminal court decision by the Member States without further adjudication; the enforcement may only be refused in case of explicitly specified reasons for refusal.

In order to implement this principle effectively, clear provisions are required regarding individual grounds for refusal that will on the one hand allow EU citizens to better understand their rights, while on the other hand facilitate and promote judicial co-operation by Member States in the fight against crime.

The case where the need for improvement of judicial co-operation between Member States in the fight against crime and the necessity of improving the knowledge of individual people about their rights within the EU go hand in hand, is the mutual recognition of court decisions issued in criminal proceedings carried out in the absence of the defendant. The legislative acts adopted so far on the basis of the principle of mutual recognition of judgements regulate this issue in various manners, which causes problems in their practical implementation and impedes effective cooperation.

Their unification will thus contribute to a better implementation of the existing

instruments and at the same time provide guidelines for regulating this issue in subsequent instruments to be adopted in this area. In order to settle this issue, Slovenia drafted a legislative initiative, i.e. the proposal of a Framework Decision on the enforcement of *in absentia* judgements, and intends to achieve an appropriate progress by intensively working on this dossier, and thus contribute to the establishment of quality and effective relations of Member States in the area of judicial co-operation in criminal matters. The scope of the proposal for a framework decision is limited to the definition of *in absentia* judgements within the instruments for mutual recognition and is not intended to harmonise procedural provisions of Member States.

Better clarity and consistency of individual provisions will make it easier for individual people to recognise and understand their rights.

Due to the undisputable importance of the protection of the environment, Slovenia advocates the adoption of effective legislative solutions, which could contribute to its preservation. Individual Member States are contributing to the environmental protection in various manners. However, at the EU level, the environment is one of those areas, where the highest possible level of protection should be ensured, as the violations having a cross-border impact can only be successfully confronted at the Community level. Various approaches of individual Member States enable the offenders of the national environmental legislations to abuse the regulations for their own benefit. An effective implementation of the environmental protection at the Community level therefore requires the prescription of criminal offences, which would provide an equivalent criminal and legal protection in the whole Community area. Within this framework, individual Member States keep the competence to prescribe criminal sanctions regarding the thus harmonised and defined criminal offences. Consequently, Slovenia supports early adoption of the Directive of the European Parliament and of the Council on the Protection of the Environment through criminal law, as it is of the opinion that criminal offences so defined and applied in the entire Community area will prevent the current abuse due to the non-harmonised national legislations in the area of the environmental protection.

The future of Eurojust, which was established in 2002 with a view to reinforcing the fight against cross-border serious crime, is also closely linked to further development in the area of freedom, security and justice. Eurojust must thus retain its key role in implementing the European judicial cooperation in criminal matters and facilitate further European criminal policy-making by way of practical operation. During our presidency we will for this reason start a discussion on the competences of the national members of Eurojust and its relation with the European Judicial Network. The upgrading of the legal basis for the operation of Eurojust will facilitate harmonization of criminal policy enabling the EU to fight more effectively against all forms of serious crime, in particular by providing for optimal coordination in investigations and prosecution of cross-border crime.

10. Providing for legal certainty in the area of family law

The opening of borders between Member States has boosted the mobility of European Union citizens and consequently boosted the number of international families, i.e. families whose members are of different nationalities or live in different Member States.

In the absence of common rules, European citizens find it difficult to anticipate which rules of private international law will apply for family relations, since national laws in the 27 Member States vary considerably.

The European Union therefore requires uniform rules in the area of private international family law. Uniform rules will provide better access to judicial protection, facilitate recognition and execution of judgements in other Member States and will contribute to greater legal certainty.

The Slovenian Presidency will therefore strive to achieve the greatest possible progress in connection with the Proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (so-called Regulation on Maintenance Obligations) and the Proposal for a Council

Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters, which is also known as Rome III.

The Regulation on Maintenance Obligations is of great importance to citizens of the EU and their free movement. The number of marriages between citizens of various states is on the rise and the same is true for the number of divorces, which is reflected in the need for maintenance of family members, i.e. the payment of maintenance obligations. Enlargement of the European Union and accession of new Member States has also led to an increase in the number of workers in other states, who leave their children, spouses and parents back home with an urgent need for means of subsistence. Adoption of the Regulation should primarily facilitate the enforcement of maintenance claims in cross-border cases and thus make lives easier for citizens (especially children), who for the time being claim maintenance obligations in the same manner as any other civil claim based on Council Regulation (EC) No 44/2001 of 22 December 2000 (the so-called Brussels I). The issue was similarly addressed by the Hague Conference, which on 23 November 2007 offered the Convention on Maintenance and the Protocol on Applicable Law for signing to countries of the world. What has been achieved should be surpassed within the framework of the European Union by allowing a wide circle of maintenance beneficiaries access to a quick and simple procedure for the execution of maintenance decisions without special procedures for recognition and execution of foreign judgements, i.e. by abolishment of *exequatur*. The Slovenian Presidency is aware of the importance of the Regulation, which is why it will deal with it in numerous meetings, thus endeavouring to obtain consensus on open issues and close as many chapters of this extensive Regulation as possible.

Furthermore, in order to increase the level of legal certainty and access to justice for spouses the European Commission has also proposed the Regulation Rome III. Regulation “Brussels IIa” stipulates international jurisdiction for divorces but does not provide for the conflict of laws rules. Therefore, in order to determine the law applicable in divorce proceedings, national conflict of laws rules apply. These rules differ considerably from one Member State to another and the spouses find it difficult to foresee which legislation will apply to their divorce. The proposed “Rome III” Regulation provides for greater autonomy of the spouses who will, in case of divorce, be able to agree on the court of jurisdiction and on the applicable law. The Slovenian Presidency will endeavour to achieve the greatest possible progress which, however, is dependent on the political will of the Member States.

11. More effective court access

The judicial system has an important strategic role at the national and EU level. It is an important factor in general security, protection of rights, economic development and welfare. At the moment, the judiciary in the EU is still rather fragmented, both in terms of substance and procedure, and is very traditional in its nature. The EU and its citizens in particular need a mechanism that will overcome this fragmentation and traditionalism and afford EU citizens simple and inexpensive access to judicial protection in cross-border cases as well. One of the possible mechanisms would be the use of modern information and communication technologies and associated services. The development of modern EU-wide information services (e-justice) whose nature is politically neutral is the fastest and at the same time socially most acceptable way to a new structure of the judiciary in the EU. With its political neutrality, positive influence on economic development and its borderless nature, e-justice is the area in which the judicial system of the EU can be provided with the highest added value with regard to the current state of affairs.

In the context of the trio presidency, Slovenia will carry on the activities initiated and conducted in this area by Germany and Portugal, in view of the fact that e-justice is an important joint priority of the entire trio.

Our activities during the presidency in this area will support:

- the development of services such as the joint European portal;
- interlinking in the area of registries;
- final implementation of modern technologies in judicial practice such as the use of video conferencing systems and electronic payment of the European payment order;

other initiatives arising in this area during the Slovenian Presidency. In accordance with the joint vision of the trio presidency, Slovenia will organise at the beginning of June 2008 an IT conference with an emphasis on e-justice under the title E-Justice and E-Law 2008.

12. External relations

In the area of external relations Slovenian Presidency will continue implementing the Strategy for the External Dimension of the JHA adopted by the Council in December 2005, and ensuring its update by the Council in June 2008.

To that end, the Commission and Secretariat General of the Council will be asked to produce a common report on the implementation of the Strategy. The Slovenian Presidency intends to adopt conclusions based on the report at the June 2008 meeting of the JHA Council.

JHA issues are becoming a vital part in the external relations of the European Union. The Strategy for the External Dimension of JHA sets out the key objectives, principles, priorities and tools for the EU's engagement with third countries, in particular on counter-terrorism, organised crime, migration and asylum. Furthermore, it reflects the Union's special relations with third countries, groups of countries and regions, and focuses on the specific needs for JHA cooperation with them. It further identifies as matters of particular priority in JHA external relations the European Neighbourhood Policy (ENP), the Western Balkans, implementation of the EU/Russia Common Space of Freedom, Security and Justice, and further development of cooperation with the United States.

Slovenia will act consistently with the approach presented in the Strategy and promote priorities which are underlined by the Strategy. Notwithstanding the commitment by its presidency to contribute to all external relations, Slovenia wants to put particular emphasis on certain areas, among them the Western Balkans, the United States, Russia, and the partners of the European Neighbourhood Policy.

Thematically, Slovenian efforts will to a large extent be devoted to the fight against terrorism and combating organized crime, as well as the various elements that underpin the migration policy.

The Western Balkans as a whole will be one of the priorities of the Slovenian Presidency. Among the efforts that will be undertaken, it is worth mentioning the initiative for gradual introduction of an Organized Crime Threat Assessment for the Western Balkan countries (also known as South East European OCTA). A methodology similar to that used by EUROPOL in drawing up OCTA will be used to draw up a comprehensive regional threat assessment in the field of organized crime. On this basis, common priority tasks in the region would be defined and then dealt with at the national and international level. The final goal of this project is to build cooperation among law enforcement forces in the region of the Western Balkans and the transposition of EU security standards to this area. This initiative received unanimous support by the Western Balkan countries at the 7th Ministerial Conference in Brdo held on 4 October 2007. In the field of criminal law The Slovenian Presidency will strive to strengthen the role of Eurojust, the European authority for judicial cooperation, also in its external function and will promote its cooperation with all the main partners of the EU in the field of external relations.

The presidency will continue to promote the internationally recognized standards of the Council of Europe in various fields, such as human rights, data protection and fight against cybercrime.

Slovenia will continue informal discussions on possible EU-Japan Mutual Legal Assistance Agreement which started in 2007.

In the field of civil law Slovenia will encourage enhanced international cooperation through the Hague Conference, particularly in the field of family law. The Slovenian Presidency will also continue judicial cooperation in civil matters with Norway, Iceland and Switzerland, in particular by promoting the ratification of the revised Lugano Convention.

**PROVISIONAL AGENDA
JUSTICE AND HOME AFFAIRS COUNCIL
BRUSSELS – 28/29 FEBRUARY 2008**

Proposal for a Council Framework Decision on the European supervision order in pre-trial procedures between Member States of the European Union
= certain issues

Initiative on amending Eurojust Decision
= discussion on certain issues

(poss.) Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law
= general approach

Proposal for a Council Decision establishing the European Police Office

(poss.) Council Decision on the implementation of the “Prüm Decision” on the stepping up of cross border cooperation

SIS II and SIS Communication Network
preparation of migration

Proposal for a Council Decision establishing a European Migration Network
= adoption

Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals

Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals
political agreement on the need for criminal sanctions (articles 10 to 13)

Recommendation from the Commission to the Council to authorise the Commission to open negotiations for the conclusion of a short-stay visa waiver agreement between the European Community and Brazil
adoption of the mandate for negotiations

Draft Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications
first reading agreement or discussion of certain issues

Proposal for a Council Directive amending Directive 93/109/EC of 6 December 1993 as regards certain detailed arrangements of the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

Possible "A" items

Proposal for a Decision of the European Parliament and of the Council introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, the Czech Republic, Cyprus, Latvia, Hungary, Malta, Poland, Romania, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories

Proposal for a Decision of the European Parliament and of the Council amending Decision N° 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory

Draft Council Decision authorising the Commission to open negotiations for the conclusion of an agreement between the EC and Switzerland (and Lichtenstein) on the modalities of its participation in the European Agency for the management of operational cooperation at the external borders of the Member States of the European Union

Proposal for a Directive of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters (CODEC)

(poss.) Proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome I) (CODEC)

(poss.) The Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock under the joint auspices of UNIDROIT and the Intergovernmental Organisation for International Carriage by Rail (OTIF)

(poss.) The 2001 Cape Town Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment

(poss.) The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children

(poss.) Council of Europe Convention on contact concerning children

(poss.) Convention on the Carriage of Goods

**PROVISIONAL AGENDA
JUSTICE AND HOME AFFAIRS COUNCIL
LUXEMBOURG – 17/18 APRIL 2008**

Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law
= political agreement

Initiative on amending Eurojust Decision
= discussion on certain issues

Initiative on Framework Decision on the enforcement of *in absentia* judgments
= discussion on certain issues

(poss.) Proposal for a Directive of the European Parliament and of the Council on criminal measures aimed at ensuring the enforcement of intellectual property rights

Framework decision on combating terrorism: amendments
= political agreement

Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals

Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals
= adoption

Proposal for a Council Directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection
= general approach

(poss.) Draft Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications
= common position

European Contract Law: Common Frame of Reference
= Draft Council Conclusions

Draft Regulation of the European Parliament and of the Council establishing a Community Code on Visas
= discussion on certain questions

Final report on Schengen evaluation of 9 New Member States

Proposal for a Council Decision establishing the European Police Office
= political agreement on open questions

(poss.) Council Decision on the implementation of the “Prüm Decision” on the stepping up of cross border cooperation, particularly in combating terrorism and cross border crime – annex

SIS II and SIS Communication Network

= state of play

Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No. 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States

= general approach

(poss.) Draft Council Conclusions on the further development of practical cooperation on asylum

Proposal for a Directive of the Council on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection

= adoption

EU Action plan for enhancing the security of explosives

= political agreement

Possible "A" items

Proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters

Draft Council Decisions authorising the Commission to open negotiations for the conclusion of visa waiver agreements between the European Community and Antigua and Barbuda, Barbados, Mauritius, Saint Kitts and Nevis, and Seychelles

(poss.) Proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome I) (CODEC)

(poss.) The Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock under the joint auspices of UNIDROIT and the Intergovernmental Organisation for International Carriage by Rail (OTIF)

(poss.) The 2001 Cape Town Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment

(poss.) The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children

(poss.) Council of Europe Convention on contact concerning children

(poss.) Convention on the Carriage of Goods

**PROVISIONAL AGENDA
JUSTICE AND HOME AFFAIRS COUNCIL
LUXEMBOURG – 5/6 JUNE 2008**

Proposal for a Council Regulation on Jurisdiction, applicable law, recognition and enforcement of judgements and cooperation in matters relating to maintenance obligations
= agreement on the Regulation or certain parts of it

Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters (Rome III)
= political agreement

(poss.) Decision amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters
= general agreement

Amendment of the provisions of the Statute of the Court of Justice instituting an emergency preliminary ruling procedure
= political agreement

Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law

Proposal for a Council framework Decision on the European supervision order in pre-trial procedures between Member States of the European Union
= general approach on certain issues

Initiative on amending Eurojust Decision
= general approach on certain issues

Initiative on Framework Decision on the enforcement of *in absentia* judgments
= general approach

(poss.) Proposal for a Directive of the European Parliament and of the Council on ship-source pollution
= general approach

EU Passenger Name Records (PNR)
= general approach

EU - Australia: PNR Agreement

(poss.) EU - Japan: Mandate for negotiation of a Mutual Legal Assistance Agreement

E-justice
= state of play

Short-stay visa waiver agreement between the European Community and Brazil
= Draft Council Decision on the signature

Draft Regulation of the European Parliament and of the Council amending Regulation (EC) no 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
application of VIS at borders

= formal adoption

Draft Regulation of the European Parliament and of the Council establishing a Community Code on Visas

= political agreement

Proposal for a Council Decision establishing the European Police Office

= political agreement

(poss.) Council Decision on the implementation of the “Prüm Decision” on the stepping up of cross border cooperation, particularly in combating terrorism and cross border crime – annex

SIS II and SIS Communication Network

= state of play

External dimension of JHA

Report on implementation of JHA external strategy

Draft Council Conclusion on SEE OCTA

Debrief of the Ministerial meetings with Third Countries

Terrorism

(poss.) Draft Council Conclusions on links between drugs trafficking and terrorism

(poss.) Draft Council Conclusions on Close Circuit TV (CCTV)

(poss.) Draft Council Conclusions on Explosives

SISone4ALL: possible evolution

Schengen Evaluations

Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

= discussion on certain issues

Draft Council Conclusions on the strengthening of the external borders / FRONTEX

(poss.) Fourth Report on Visa Waiver Reciprocity

Proposal for a Directive of the Council on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection

= adoption

EU Disaster Response

= draft Council Conclusions

Possible "A" items

Draft Council Decision on the signature of an agreement between the EC and Switzerland (and Lichtenstein) on the modalities of its participation in the European Agency for the management of operational cooperation at the external borders of the Member States of the European Union

(poss.) Council Decision on the conclusion, on behalf of the Community, of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

(poss.) Proposal for a Council Decision concerning the signing of the Hague Convention of 13 December 2002 on the law applicable to certain rights in respect of securities held with an intermediary: adoption

(poss.) The Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock under the joint auspices of UNIDROIT and the Intergovernmental Organisation for International Carriage by Rail (OTIF)

(poss.) The 2001 Cape Town Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment

(poss.) The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children

(poss.) Council of Europe Convention on contact concerning children

(poss.) Convention on the Carriage of Goods

Further possible "A" items with no timing foreseen

Modified draft Council Regulation amending Regulation (EC) 1030/2002 laying down a uniform format for residence permits for third country nationals

Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between the Member States on short stay visas (VIS Regulation)

Draft Europol budget 2009

Europol work program 2009

Europol annual report 2007

(poss.) Proposal for a Council Decision concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences

(poss.) Council Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime

(poss.) Draft Council Decision on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations

(poss.) [Third] Annual Report of the European Network for the Protection of Public Figures

(poss.) CEPOL annual report for the year 2007

(poss.) Draft Council Decision on the implementation of Decision 2007/.../JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime