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Main results of the Council

*The Council paved the way for the establishment of a **European agency for the operational management of large-scale IT systems** by mid-2012. The political agreement confirms the compromise text that resulted from negotiations with the European Parliament.*

*Home affairs ministers also discussed outstanding issues to amend the **rules on Frontex**, the EU's external border management agency. The goal remains to reach agreement with the European Parliament until the end of June.*

*The Council then adopted **conclusions on borders, migration and asylum** after discussing a number of migration related Commission communications. Conclusions were also adopted on the **Schengen evaluation of Bulgaria and Romania**. The Council will revert to the issue as soon as possible, but no later than September 2011.*

*On the legislative package that aims to establish a Common European Asylum System (CEAS) by 2012, the Council had a first exchange of view on two revised Commission proposals on **procedures for granting and withdrawing international protection**, as well as on **reception conditions for asylum seekers** tabled on 1 June 2011. On legal migration, ministers took note of the state of play of three proposals (**intra-corporate transfers, seasonal workers and a single permit for third-country nationals** to reside and work in the EU).*

*Security related agenda items included the latest **discussion paper by the EU Counter-terrorism coordinator** on the implementation of the EU Counter-terrorism strategy, as well as conclusions on the EU's priorities for the **fight against organised crime** between 2011 and 2013 as well as an **air cargo security progress report** from the Commission.*

***Important items adopted without discussion** (A-item) include a number of Council conclusions: on enhancing the **links between internal and external aspects of counter-terrorism**, on the proposed **EU strategy on readmission** and on the role of law enforcement cooperation in **combating falsified and/or counterfeit medicines**.*

*In the margins of the Council, the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed, among other things, two presentations by the Commission: a report on the **post visa liberalisation monitoring mechanism for the Western Balkans**, and a new proposal to amend the **rules that govern the EU's free visa regime**.*

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- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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ITEMS DEBATED

EU agency for large scale IT systems

With a decisive political agreement, the Council paved the way for the establishment of a European agency for the operational management of large-scale IT systems in summer 2012 on the basis of a compromise text with the European Parliament ([10827/2/11](#)).

The presidency is now in a position to confirm to the European Parliament that, should the Parliament adopt its position at first reading in the exact form as set out in the compromise text, the Council will approve the Parliament's position in a future meeting.

The goal is that the agency will start working in summer 2012. The seat of the Agency will be in Tallin, Estonia. The tasks related to development and operational management will be carried out in Strasbourg, France. A backup site will be installed in Sankt Johann im Pongau, Austria.

Large-scale IT systems managed by the future agency will include the second-generation Schengen Information System (SIS II), the Visa Information System (VIS) and EURODAC. The agency will also be responsible for the management of any other IT systems which might be developed in the area of freedom, security and justice in the future. However, any integration of further systems will require a specific decision by the Council and the European Parliament.

Frontex: New rules for the EU border management agency

The Council discussed the issues outstanding on the revision of the rules concerning the European external borders agency Frontex. Negotiations with the European Parliament started in April.

Ministers focused on a number of outstanding issues including:

- the temporary secondment of border guards to the Frontex Joint Support Teams by member states;
- the monitoring of return operations;
- the establishment and name of a common pool of border guards for joint operations and Rabit intervention missions.

The goal continues to be to reach agreement with the European Parliament before the end of June in line with the European Council conclusions of 24 March 2011.

Conclusions on borders, migration and asylum - Conclusions

The Council adopted [conclusions](#) on borders, migration and asylum in the context of discussions on a number of recent Commission communications on migration ([9731/11](#)); on migration and asylum in the EU in 2010, which presents the second annual report on the implementation of the European Pact on Immigration and Asylum ([10772/11](#)); on a dialogue for migration, mobility and security with the Southern Mediterranean ([10784/11](#)).

Schengen evaluaton of Bulgaria and Romania - Conclusions

The Council adopted conclusions on the completion of the process of Schengen evaluation of the state of preparedness of Bulgaria and Romania to implement all provisions of the Schengen acquis.

These conclusions underline that the Schengen evaluation process for Bulgaria and Romania has been finalized and that the Council will return to the issue as soon as possible, but no later than September 2011.

Asylum: Reception conditions and procedures

On the legislative package that aims to establish a Common European Asylum System (CEAS) by 2012, the Council had a first exchange of views on two revised Commission proposals. They concern the procedures for granting and withdrawing international protection ([11207/11](#)) as well as the reception conditions for asylum seekers ([11214/11](#)).

The Commission tabled these proposals on 1 June 2011.

Both proposals amend existing directives. Amendments were initially tabled in October 2009 and December 2008, respectively. However, no agreement on the texts could be reached. As a consequence, the Commission decided to submit revised proposals to take account of the positions expressed by member states in the Council and by the European Parliament.

Legal migration: Intra-corporate transfers, seasonal employment and single permit for third country nationals

On legal migration, ministers examined the state of play of three dossiers which form part of EU plans to develop a comprehensive immigration policy.

Two proposals for directives concern conditions of entry and residence of third-country nationals:

- in the framework of an intra-corporate transfers ([12210/10](#)) and
- for the purposes of seasonal employment ([12208/10](#)).

On both files, negotiations with the European Parliament have not yet started.

The aim of the seasonal workers' proposal is to set out fair and transparent rules for entry and residence while, at the same time, providing for incentives and safeguards to prevent a temporary stay from becoming permanent. It proposes a fast-track procedure for the admission of third-country seasonal workers, based on a common definition and common criteria. Issues that require further consideration in Council include the definition of seasonal work, the admission criteria, issuance of a permit or a visa to seasonal workers and the set of rights to be granted to seasonal workers.

The aim of the proposal for a directive on intra-corporate transferees is to facilitate intra-corporate transfers of skills both to the EU and within the EU. It is specifically aimed at responding effectively and promptly to demand for managerial and qualified employees for branches and subsidiaries of multinational companies by setting up transparent and harmonised conditions of admission of this category of workers, by creating more attractive conditions of temporary stay for intra-corporate transferees and their family and by promoting efficient allocation and re-allocation of transferees between EU entities. The main issues which need further work within Council are related to the admission criteria, the rights to be granted to the permit holders and to their family members and notably the mobility between member states for the permit holders.

In addition, ministers discussed the state of play regarding a proposal for a directive on a single permit for third-country nationals to reside and work in the territory of a member state and on a common set of rights for third-country workers legally staying in a member state ([14491/07](#)).

The European Parliament adopted amendments to the above proposal at the plenary in first reading on 24 March 2011. Further negotiations between Council and Parliament will start soon. The main issues on which the positions of the two institutions still differ are the question of an additional document to be issued together with the single permit, the transfer of pension rights and the obligation for member states to provide correlation tables to the Commission.

EU Counter-terrorism strategy

The Council discussed and welcomed the latest discussion paper on the implementation of the EU Counter-terrorism Strategy, presented by the EU Counter-terrorism Coordinator (10622/11).

In his discussion paper on the EU Counter-terrorism Strategy, the EU Counter-terrorism Coordinator analyses the consequences of Osama Bin Laden's death for the fight against terrorism and the counter-narrative against Al Qaeda's ideology. He also looks at the risks and opportunities deriving from the recent developments in North Africa and the continuous challenges the international community faces in Pakistan.

The paper then focuses on a number of key challenges which concern the following issues:

- prevention - developing a vision and countering the terrorist narrative;
- transport security (including land transport such as high-speed trains);
- security related research and an industrial policy for the security industry; and
- the CBRN strategy on chemical, biological, radiological and nuclear security.

On 2 May 2011, the EU Counter-terrorism Coordinator issued already a [statement](#) on the death of Osama Bin Laden.

Fight against organised crime between 2011 and 2013 - Conclusions

The Council adopted conclusions on setting EU priorities for the fight against organised crime between 2011 and 2013 ([11050/11](#)).

The priorities identified include the fight against the production and distribution of drugs, including synthetic and psychoactive substances, the fight against drug trafficking, particularly from West Africa, the mitigation of the role of the Western Balkans in international crime, the fight against trafficking in human beings, the fight against crime groups that facilitate illegal immigration, the fight against mobile cross-border crime groups and the fight against cybercrime.

These conclusions should be implemented at European and, where relevant, national or regional level against agreed strategic goals and via EU annual Operational Action Plans.

The conclusions are a follow-up to the creation of the EU policy cycle for organised and serious international crime at the end of 2010 ([15358/10](#)). This document establishes a multi-annual policy cycle and clear methodology for setting, implementing and evaluating priorities in the fight against organised and serious international crime. According to the plans, an initial and reduced policy cycle should be implemented between 2011 and 2013 on the basis of the EU Organised Crime Threat Assessment (OCTA) 2011. The first fully fledged EU policy cycle will only start based on the EU SOCTA 2013 and cover the years 2013 to 2017.

In this context, ministers took also note of a publication that aims at experience sharing in the fight against organised crime. It is called "Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States" ([10899/11](#)). Delegations were invited to ensure proper dissemination through their national channels.

Air cargo security progress report

The Council discussed an air cargo security progress report presented by the Commission - as requested by the Council in December 2010 ([11250/11](#)).

End of October 2010, two parcel bombs sent via air freight from Yemen to the US were intercepted and defused during handling at Dubai and the UK's East Midlands Airport, respectively.

As a consequence the Justice and Home Affairs Council on 8-9 November 2010 set up a High Level Group on cargo security/civil aviation charged with finding ways to toughen air-cargo security measures without stifling the business.

The working group presented its proposals to both the Justice and Home Affairs and the Transport Council in early December 2010. Measures suggested aimed to close security gaps and to develop a coordinated approach at EU and international level for additional security measures. The plan provides for actions designed to strengthen and harmonise EU rules, improve coordination and information exchange within the EU, and enhance global standards.

At EU level, this includes measures such as upgrading detection methods and cargo security controls, establishing common criteria for assessing risks posed by cargo from non-EU countries, reviewing procedures for the designation of "trusted" consignors and carriers, and improving security training for operators and inspectors.

Mixed Committee

In the margin of the Council session, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following subjects:

EU visa free regime

The committee had a first exchange of view on the recent Commission proposal to amend the rules governing the EU's free visa regime ([10834/11](#)). The amendments concern regulation 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

Among other things, the Commission proposal suggests a safeguard clause allowing, under certain exceptional conditions and on the basis of well defined delimited criteria, for the temporary reintroduction of the visa requirement for citizens of a third country whose nationals can normally travel to the EU without a visa. The proposed safeguard clause is of a general nature. It does not target any particular third country or region.

After the presentation at ministerial level, the proposal will be examined by the appropriate Council bodies and, since ordinary legislative proposal applies, by the European Parliament.

Post visa liberalisation monitoring mechanism for the Western Balkans

The Commission presented, in accordance with its statement of November 2010 ([15926/1/10](#)), its post visa liberalisation monitoring report for the Western Balkans ([10997/11](#)).

Several delegations underlined that the problem of persisting high numbers of unfounded asylum applications from some of the Western Balkan countries must be addressed.

Frontex regulation

The committee discussed the issues outstanding on the revision of the rules concerning the European external borders agency Frontex - as described in the separate item above.

EU IT Agency

The committee discussed the state-of-play on the establishment of a European agency for the operational management of large-scale IT systems - as set out in the separate item above.

Schengen evaluations of Bulgaria and Romania

The committee discussed draft Council conclusions on the Schengen evaluation of Bulgaria and Romania which were later adopted in Council.

SIS II

The committee discussed the state-of-play of the implementation of the Schengen Information System II (SIS II). The global schedule presented by the Commission at the Council meeting in October 2010 provides for entry into operation of the SIS II by the first quarter of 2013.

The Schengen Information System is a common database with stringent data protection rules which facilitates the exchange of information on persons and objects between national law enforcement authorities responsible, inter alia, for border controls and other customs and police checks

VIS

The committee also looked at the progress made regarding the preparations of the Visa Information System (VIS). For the VIS to go live, the central VIS, managed by the Commission, the national VIS of each individual member state as well as preparations at the external border crossing points and in the consulates of the first roll-out region (North Africa) must be ready. The central VIS is expected to be ready by the end of June 2011. The member states have to notify the readiness of their national systems and of their consulates by the end of July at the latest. The whole system should start operating in mid-October 2011.

Once operational, the VIS will support the implementation of the common visa policy and facilitate effective border control by enabling Schengen member states to enter, update and consult visa data, including biometric data, electronically

AOB

Under any other business, Austria presented the “Police Equal Performance” project, an initiative for a focused operational approach in the cooperation between the EU and the Western Balkans in fighting serious and organised crime.

The incoming Polish Presidency presented its priorities for the second semester of 2011. They include: further progress on legislative instruments to establish a Common European Asylum System (CEAS) by 2012; increased cooperation with countries in the Eastern Partnership region, e.g. on border management issues or the fight against cross-border crime and trafficking in human beings; the fight against drug abuse and drug criminality, especially in the area of synthetic and new drugs; improving the EU civil protection mechanism.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Hague Convention*

The Council adopted a decision on the approval, on behalf of the European Union, of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance ([9936/11](#) + [10639/11](#)).

The Hague Convention is a system of administrative cooperation establishing a streamlined procedure for recognition and enforcement of maintenance decisions and maintenance arrangements, providing for free legal assistance in virtually all child support cases.

As agreed when the decision on the signing of the Convention was adopted ([OJ L 93, 7.4.2011](#)), the Union should approve the Convention alone and exercise its competence over all the matters governed by it. Consequently, member states should be bound by the Convention due to this approval.

Statistics on the Schengen Information System

The Council took note of the statistics for 2010 on alerts and hits in the Schengen Information System. Data was collected according to harmonized guidelines and shows an increase of 429% compared to 1997 when hits were first counted.

These figures highlight the contribution of the SIS, including the SIRENE cooperation, to the protection of an area without internal border controls.

Data protection requirements in the Schengen Information System

The Council approved the report on the implementation of article 102-A of the Schengen Convention (*13993/3/10*).

Article 102-A was added to the Schengen Convention in 2005 ([OJ L 191, 22.07.2005](#)), granting the access to the Schengen Information System (SIS) to the member states' services responsible for issuing registration certificates for vehicles, for the sole purpose of checking whether the vehicles presented to them for registration had been stolen, misappropriated or lost. This article also establishes certain conditions in order to ensure that the fundamental data protection principles would be respected in the procedure, requiring the Council to submit each year a report to the European Parliament on the implementation of its provisions.

Prevention of terrorist attacks- *Conclusions*

The Council adopted conclusions on the creation of a European network of law enforcement units specialised in prevention of terrorist attacks involving chemical, biological, radiological or nuclear (CBRN) materials (*10338/11*).

In order to encourage member states to improve their CBRN emergency response capacity, the conclusions invite them, together with the Commission and Europol, to set up such a network to facilitate the exchange of information and good practices, organise joint training exercises and provide updates on the latest developments in this area.

See also:

- Commission Communication- The EU Internal Security Strategy in Action: five steps towards a more secure Europe ([16797/10](#));
- EU CBRN Action Plan ([15505/1/09](#))

Environmental crime

The Council adopted a resolution on the creation of an informal network for countering environmental crime (EnviCrimeNet) ([10291/11](#)). Environmental crime in general and illegal waste trafficking in particular are serious offences because they pose a threat to the environment and public health and are often characterised by their international and cross-border nature.

In particular, the resolution aims at:

- identifying criminal networks suspected of being involved in illicit waste trafficking and to identify routes, destinations, *modi operandi* and trends of criminal activities;
- improving the exchange of information and the gathering of criminal intelligence in this field, through reinforced cooperation among member states and member states agencies such as Europol and Eurojust.

CEPOL five-year report

The Council endorsed the CEPOL (European Police College) five-year external evaluation report which includes the recommendations of the CEPOL Governing Board ([7764/11](#)). This evaluation assesses the utility, relevance, effectiveness and efficiency of CEPOL and its working practices.

Falsified and/or counterfeit medicines - *Conclusions*

The Council adopted conclusions on the role of law enforcement cooperation in combating falsified and/or counterfeit medicines ([10293/11](#)). In particular, the conclusions invite member states to use Internet-monitoring units to identify websites with potentially illegal offers of medicines, to ensure adequate training for the personnel of competent law enforcement authorities who are active in this field and to enhance cooperation, including exchange of intelligence and operational information, between all authorities involved.

Internal and external aspects of counter-terrorism policies - *Conclusions*

The Council adopted conclusions (10336/11) on enhancing the links between internal and external aspects of counter-terrorism, which call for a closer cooperation and coordination in the field of EU security, strengthening the ties between the common foreign and security policy (CSDP) and the area of freedom, security and justice, building on the achievements of existing working structures dealing with counter-terrorism, while further developing synergies, avoiding duplication of roles and tasks in order to produce a coordinated, coherent and effective EU counter-terrorism policy.

Eurojust annual report - *Conclusions*

The Council adopted conclusions on the 2010 report by Eurojust ([10645/11](#)), the EU agency for cooperation in judicial matters. The conclusions concern in particular the execution of international mutual legal assistance and of extradition requests. Eurojust's competence also covers serious crime, such as terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering and participation in criminal organisations.

EU strategy on readmission - *Conclusions*

The Council adopted conclusions defining the European Union strategy on readmission ([11260/11](#)). The conclusions underline that readmission agreements are tools of an effective return policy in order to tackle illegal immigration.

They further recall that the EU should establish a renewed, coherent strategy on readmission, closely linked to the European Union's overall external relations policy, and including a common approach towards third countries that do not cooperate in readmitting their own nationals.

See also: Commission communication on the evaluation of the EU readmission agreements ([7044/11](#))

Cross-border cooperation in the fight against terrorism and crime - *Conclusions*

The Council adopted conclusions on the implementation of the "Prüm decisions" ([10653/11](#)), taking stock of the situation and inviting member states to take appropriate measures in order to speed up this process.

The "Prüm decisions" (2008/615/JHA and 2008/616/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime) aim to provide member states' law enforcement agencies with additional tools for fighting serious crime and terrorism, in particular by enhancing automated data exchange regarding DNA, fingerprints and vehicle registration data (VRD). The state of play on their implementation is regularly monitored by the Council Secretariat.

Access to the Schengen Information System by Liechtenstein

The Council adopted a decision on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System (SIS) in the Principality of Liechtenstein ([10354/11](#)), following the required verifications, meant to ensure that a satisfactory level of data protection existed in this country.

From 9 June 2011, real SIS data may be transferred to Liechtenstein and from 19 July 2011, the Liechtenstein shall be allowed to enter data into the SIS.

Critical infrastructure protection - *Conclusions*

The Council adopted conclusions on the development of the external dimension of the European Programme for Critical Infrastructure Protection ([10662/11](#)).

The aim of the programme's external dimension is exchanging good practices and raising critical infrastructure protection capability in relevant third countries/regions, particularly in the sectors of transport and energy, with a view to minimising the risk and negative effects of potential disruptions of foreign critical infrastructure on the Union or on the member states.

Trafficking in human beings

The Council took note of the first report on the implementation of the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings.

The report makes an update of information on member states' external action against trafficking in human beings, such as agreements in force between the EU and third countries, regions or organisations at international level, together with an overview of the Commission's and EU agencies' (Europol, Eurojust, Frontex, the Agency for Fundamental Rights and CEPOL (the European Police College) recent external activities and actions in this field. The report also makes recommendations and suggests a follow-up for future actions.

Developing forms of trafficking in human beings - *Conclusions*

The Council adopted conclusions (8776/3/11) on targeting developing forms of trafficking in human beings in the member states. The conclusions encourage member states to increase data collection within their territory and in the EU on these forms of trafficking and to take the necessary steps to improve the quality of data, so as to make them useful as a basis for policy planning and for outlining national and transnational trends in trafficking.

Furthermore, member states are also invited to elaborate or enhance regular, multidisciplinary training for professionals likely to come into contact with victims (including social workers, labour inspectorates, trade unions and workers' organisations) and to include information on trafficking in human beings, including all forms of exploitation, in training tools at all relevant levels of education.

Dactyloscopic data exchange

The Council adopted a decision on the launch of automated data exchange concerning dactyloscopic data by France. The evaluation procedure required by Council Decision 2008/616/JHA concluded that the general provisions on data protection are fully implemented by France and therefore this country is authorized to start the automated exchange of fingerprint data for the purpose of prevention and investigation of criminal offences.

EU security

The Council took note of a Presidency proposal for establishing a working method for closer cooperation and coordination in the field of EU security ([10715/11](#)).

Each security strategy adopted in recent years¹ calls for closer cooperation between the fields of the common foreign and security policy and the area of freedom, security and justice. These strategies suggest that terrorism, serious and organised crime (including cross-border crime and illicit trafficking), cybercrime and cyber-security and, in view of the solidarity clause, natural and man-made disasters represent key challenges and fundamental threats to both the external and internal aspects of EU security. Given the cross-cutting nature of these threats and challenges, integrated policy solutions must be developed at member states and European Union level.

FOREIGN AFFAIRS

EU-Montenegro Stabilisation and Association Council

The Council endorsed the Council and Commission decision on the EU position within the EU - Montenegro Stabilisation and Association Council as regards the amendment of its rules of procedure.

¹ The 2003 European Security Strategy, with its 2008 implementation report, the 2010 Internal Security Strategy ([7120/10](#)), the 2010 Commission communication on the Internal Security Strategy in Action ([16797/10](#)) and the 2005 EU Counter-Terrorism Strategy ([14469/4/05](#)).

FISHERIES

Partnership agreement between EU and Cape Verde - New protocol

The Council adopted a decision on the signing on behalf of the Union, and provisional application of the protocol setting out the fishing opportunities and financial contribution provided for in the fisheries partnership agreement between the European Community and the Republic of Cape Verde ([9483/11](#)).

The partnership agreement in the fisheries sector between the EU and Cape Verde was concluded in 2006. The main objective of the protocol to this agreement is to define the fishing opportunities offered to EU vessels as well as the financial contribution due, separately, for access rights and for sectoral support. Following the negotiations, a new protocol was initialled on 22 December 2010 covering a period of three years from 1 September 2011, the current protocol being due to expire on 31 August 2011. In order to allow EU vessels to carry out fishing activities, the new protocol should be signed and applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

Partnership agreement between EU and Cape Verde - Allocation of fishing opportunities

The Council adopted a regulation concerning the allocation on the allocation of fishing opportunities under the protocol to the fisheries partnership agreement between the European Community and the Republic of Cape Verde ([9795/11](#)).

Following the signing of the provisional application of the protocol setting out the fishing opportunities and financial contribution provided for in the partnership agreement in the fisheries sector between the European Community and the Republic of Cape Verde (see previous point), this regulation provides the allocation of fishing opportunities between Member States.
