



Brussels, 7 June 2011

BACKGROUND¹
JUSTICE AND HOME AFFAIRS COUNCIL
Luxembourg, 9 and 10 June 2011

*The Justice and Home Affairs Council (JHA) will hold a two-day meeting on Thursday, 9 and Friday, 10 June 2011 under the chair of **Mr Sándor PINTÉR**, Minister for the Interior, and **Mr Tibor NAVRACSICS**, Minister for Justice, in the Conference Centre - FIL, 5, rue Carlo Hemmer, Luxembourg.*

*On Thursday, home affairs ministers will discuss outstanding issues to amend the **rules on Frontex**, the EU's external border management agency. The Council will then discuss **a number of migration related Commission communications**:*

- *on migration,*
- *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 and related aspects of the Stockholm Programme,*
- *on a dialogue for migration, mobility and security with the Southern Mediterranean.*

*In this context, the Council is expected to adopt **conclusions on borders, migration and asylum**. Another set of conclusions will be adopted on the proposed **EU strategy on readmission**.*

*On the legislative package that aims to establish a Common European Asylum System (CEAS) by 2012, the Council will take note of 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 will examine 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**).*

*Concerning Schengen matters, the Council will adopt conclusions on the **Schengen evaluation of Bulgaria and Romania**. Ministers will also try to reach agreement on the establishment of a **European agency for the operational management of large-scale IT systems**.*

*Other security related agenda items include 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 and an **air cargo security progress report** from the Commission.*

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

Justice ministers will agree on the general principles governing the proposed **European Investigation Order**, which would allow one member state to carry out investigative measures based on the decision of another member state. It will also adopt a general approach on **revised rules against cybercrime**: The review of rules concerning attacks against IT systems is intended to address the emerging threats posed by large scale cyber attacks, which are increasingly reported across Europe. The Council will also adopt a roadmap for strengthening the rights and protection of victims in criminal proceedings which sets out priority actions and invites the Commission to submit proposals regarding all of the measures.

Moreover, the Council is due to agree on key issues concerning proposed **EU-wide rules in matters of succession** and the creation of a European certificate of succession. Finally, the Council will reach a political agreement to give legal value to the **electronic version of the EU's Official Journal**.

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

In the margins of the Council, the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland) will take note of 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**. It will also examine the state of play regarding the development of the Visa Information System (VIS) and of the Schengen Information System II (SIS II). Discussions on three other subjects will precede the related Council debates: on the proposal for a EU IT agency, for a revision of the rules concerning Frontex and for Council conclusions on the Schengen evaluation of Bulgaria and Romania.

* * *

The presidency intends to organise the following **press conferences**: on 9 June (around 13.00 and at the end of the proceedings) and on 10 June (around 13.00).

Press conferences and public deliberations can be followed by video streaming:

<http://video.consilium.europa.eu/>

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

* * *

Frontex: New rules for the EU border management agency

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

The goal is to reach agreement with the European Parliament before the summer in line with the European Council conclusions of 24 March 2011.

Outstanding issues include:

- the temporary secondment of border guards to the Frontex Joint Support Teams by member states;
- the establishment of a common pool of border guards for joint operations and Rabit intervention missions;
- the monitoring of return operations;
- the further development of the agency's fundamental rights strategy.

Communications on migration and conclusions on borders, migration and asylum - *Conclusions*

Ministers will discuss 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](#)).

In this context, the Council is also expected to adopt conclusions on borders, migration and asylum.

The communication on migration was presented on 4 May 2011. It includes a number of initiatives for a more structured, comprehensive, rapid-response approach from the EU to the migration challenges. These initiatives cover various aspects of migration such as strengthened border control and Schengen governance, better targeted legal migration, enhanced dissemination of best practices on integration, completion of the Common European Asylum System, and a strategic approach for relations with third countries on migration.

The latter two communications were part of a policy package proposed by the Commission on 24 May 2011. This package included three elements:

- The communication on a "Dialogue for migration, mobility and security with the Southern Mediterranean countries" aims to enhance cooperation and prepare the conditions for establishing mobility partnerships between the EU and North African countries.
- The Annual Report on Immigration and Asylum (2010) highlights the main developments at the EU and national levels in the field of migration last year.
- The proposal to amend regulation 539/2001 aims, inter alia, to introduce a safeguard clause allowing, under certain exceptional conditions, for the temporary reintroduction of the visa requirement for citizens of a third country.

EU strategy on readmission - *Conclusions*

The Council is expected to adopt conclusions on the proposed EU strategy on readmission, on the basis of the evaluation tabled by the European Commission in February 2011 ([7044/11](#)).

The strategy is a follow-up to the Stockholm Programme in which the European Council asked the Commission:

- to evaluate the implementation of the readmission agreements in force;
- to suggest means for better monitoring them;
- to assess the progress or lack of progress of ongoing negotiations; and
- to draw conclusions and provide recommendations for a comprehensive future readmission policy.

On that basis, the European Council asked the Council to define a renewed, coherent strategy on readmission. The adoption of the conclusions is a response to the invitation of the European Council.

Readmission agreements with key third countries of origin or transit constitute a cornerstone for effective migration management and, in particular, for an efficient return policy for third-country nationals illegally present in the EU.

Since 2000 the Council has issued 19 negotiating directives for readmission agreements with third countries, 13 of which have already entered into force.¹ The most recent agreement was concluded with Georgia. It entered into force on 1 March 2011.² There are also ongoing negotiations with Turkey³, Cape Verde and Morocco. In the cases of China and Algeria, formal negotiations have not yet started.

Greater cooperation in the area of mobility constitute a significant incentive during the negotiation phase of readmission agreements. So far, the EU has concluded visa facilitation agreements with eight countries, all of which have also concluded readmission agreements with the EU.⁴ Negotiations on visa facilitation are also in progress with Cape Verde.

¹ In chronological order: Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, FYROM, Bosnia and Herzegovina, Montenegro, Serbia, Moldova, Pakistan, Georgia.

² See this [press release](#).

³ In February, the Council reached political agreement on a draft EU-Turkey readmission agreement which now awaits signature by both parties and also adopted Council conclusions (see the [press release](#) of the February Council, p. 7).

⁴ Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia (FYROM), the Republic of Moldova, Montenegro, Russia, Serbia and Ukraine.

Asylum: Reception conditions and procedures

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

The Commission tabled these proposals on 1 June 2011.

Both proposals amend existing directives. They were initially tabled in October 2009 and December 2008, respectively. However, no agreement on the texts could be reached between Council and Parliament. The Commission subsequently decided to submit revised proposals to take account of the positions of Council and the European Parliament.

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

On legal migration, ministers will examine 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](#)): This draft text is specifically aimed at setting up transparent and harmonised conditions of admission for managerial and qualified employees from a third-country temporarily seconded to branches and subsidiaries of multinational companies in the territory of a member state;
- for the purposes of seasonal employment ([12208/10](#)): This draft text lays down common conditions of entry and residence of seasonal workers from third-countries and defines their rights. It also aims at facilitating the temporary legal migration as well as the circular migration of seasonal workers, while providing for protection against their exploitation.

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

In addition, ministers will discuss 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 on the basis of a common position in Council. The goal is to agree on a text as soon as possible.

Schengen evaluation of Bulgaria and Romania - *Conclusions*

The Council is expected to adopt 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.

The readiness of Romania and Bulgaria to fully implement the Schengen acquis was evaluated in 2009, 2010 and 2011. The purpose of the Council Conclusions is to establish that Romania and Bulgaria, subjected to the full evaluation procedure, fulfil all conditions for the practical application of all relevant parts of the Schengen acquis.

EU agency for large scale IT systems

The Council will discuss the state of play on the establishment of a European agency for the operational management of large-scale IT systems ([11722/09](#)). Negotiations with the European Parliament started in April. The goal is to reach agreement between the two EU institutions before the summer.

Such large-scale IT systems managed by the future agency will include, for example, 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 mandate by the legislator not given by this proposal.

EU Counter-terrorism strategy

The Council will have an exchange of views on the latest discussion paper on the implementation of the EU Counter-terrorism Strategy, presented by the EU Counter-terrorism Coordinator ([10622/11](#)).

The discussion paper on the EU Counter-terrorism Strategy 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 and proposes several recommendations to this extent, on the the following issues:

- prevention - developing a vision and countering the terrorist narrative;
- transport security;
- security related research and an industrial policy for the security industry; and
- the EU strategy and action plan on chemical, biological, radiological and nuclear security (CBRN).

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 is expected to adopt conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013.

These conclusions aim to set a limited number of priorities that can be realistically 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 policy cycle will only start based on the EU SOCTA 2013 and cover the years 2013 to 2017.

In this context, ministers will also take 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".

Air cargo security progress report

The Council will discuss the first air cargo security progress report presented by the Commission - as requested by the Council in December 2010.

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 new 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 report 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 action 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.

Cybercrime - Attacks against IT systems

The Council is expected to adopt a general approach on a draft directive on attacks against information systems, proposed by the Commission in September 2010 ([14436/10](#)). The general approach will constitute the basis for the Council's negotiations with the European Parliament on this proposal in the framework of the ordinary legislative procedure.

The purpose of the proposal is to update the existing rules dating from 2005 (framework decision 2005/222/JHA) and to bring EU legislation in line with the Council of Europe convention on cybercrime (Budapest convention). The directive establishes minimum rules for the definition of criminal offences and the penalty levels in the area of attacks against IT systems. It also aims to facilitate the prevention of such attacks and to improve the cooperation between member states' authorities in this field.

The new rules would retain most of the provisions currently in place - namely the penalisation of illegal access, illegal system interference and illegal data interference as well as instigation, aiding, abetting and attempt to commit those criminal offences - and include the following new elements:

- penalisation of the production and making available of tools (e.g. malicious software designed to create "botnets"¹ or unrightfully obtained computer passwords) for committing the offences;
- illegal interception of computer data will become a criminal offence;
- improvement of European criminal justice/police cooperation by strengthening the existing structure of 24/7 contact points, including an obligation to provide feed back within eight hours to urgent requests; and
- the obligation to collect basic statistical data on cybercrimes.

Concerning the level of criminal penalties, the new rules would raise the thresholds:

- in the general case to a maximum term of imprisonment of at least two years;
- if committed against a significant number of IT systems, e. g. in order to create a "botnet", to a maximum term of imprisonment of at least three years;
- if the attack has been committed by an organised criminal group, or has caused serious damage, e.g. through the use of a "botnet", or has affected a critical IT system, to a maximum term of imprisonment of at least five years.

These new forms of aggravating circumstances are intended to address the emerging threats posed by large scale cyber attacks, which are increasingly reported across Europe and have the potential to severely damage public interests.

Finally, the Council has clarified the rules concerning the establishment of jurisdiction by the member states on cyber crime.

While the UK and Ireland participate in the adoption and application of this directive, Denmark would not be bound by it.

¹ The term botnet indicates a network of computers that have been infected by malicious software (computer virus). Such network of compromised computers ("zombies" may be activated to perform specific actions such as attacks against information systems (cyber attacks). These 'zombies' can be controlled – often without the knowledge of the users of the compromised computers – by another computer.

European investigation order

The Council will aim to reach an agreement on the main general principles governing the proposed European Investigation Order (EIO) in criminal matters. This directive would allow one EU member state to carry out investigative measures following the decision of another EU member state on the basis of the principle of mutual recognition of judicial decisions.

The investigative measures would, for example, include the hearing of witnesses, searches and seizures as well as, with additional safeguards, interceptions of telecommunications, observation, infiltration and monitoring of bank accounts.

The agreement is due to cover the following general issues:

- Scope: Current proposals provide for using the EIO in criminal proceedings, but also in those brought by administrative authorities when there is a criminal dimension.
- Grounds for non-recognition or non-execution: A number of safeguards ensure that an EIO will not be executed if it may harm national security interests or immunities established in the executing state, for instance rules limiting criminal liability relating to freedom of the press.
- Legal remedies: Member states must ensure that interested parties are entitled to legal remedies equivalent to those available in a similar domestic case and that they are properly informed of these possibilities. Legal remedies may be brought in both the issuing and the executing state.
- Time limits for the execution of the EIO: Member states must recognise having received an EIO within 30 days and carry out the investigation measure within 90 days.
- Costs: Save in exceptional circumstances, the executing state bears the costs of the measures carried out in its territory.

This partial agreement will allow the Council to examine the remaining part of the draft directive and later to enter into negotiations with the European Parliament, co-legislator in this matter.

The EIO is an initiative of seven member states presented in April 2010 ([9288/10](#))¹. The United Kingdom decided to participate in the EIO by using the opt-in option provided for in Protocol 21 of the Lisbon Treaty. Ireland and Denmark are not taking part.

¹ Austria, Belgium, Bulgaria, Estonia, Slovenia, Spain and Sweden.

Succession

The Council will seek to agree on key principles of proposed EU-wide rules in matters of succession. The draft regulation was presented by the Commission in October 2009 ([14722/09](#) + [14722/09 ADD 2](#)).

The proposed rules have the potential to make life easier for those who want to plan their succession in advance and for heirs, legatees and other parties involved in cross-border successions.

In this regard, the draft act provides for a single criterion for determining both the jurisdiction of the authorities and the law applicable to a cross-border succession: the deceased's habitual place of residence at the time of death. People living abroad will, however, be able to choose the law of the state of their nationality as the law applicable to the entirety of their succession.

All assets making up a succession will thus be governed by one and the same law. Likewise, a single authority will be competent for settling the succession, thereby reducing the risk that different member states issue contradictory decisions. Lastly, the proposed regulation will establish mutual recognition of decisions in succession matters and the free circulation of authentic acts related to succession matters.

The proposal would also provide for a European certificate of succession, which would enable a person to prove their status and rights as heir or legatee or their powers as administrator or executor of a deceased's estate without further formalities. The result will be faster and cheaper procedures.

Denmark, Ireland and the United Kingdom do not participate in the adoption and application of the proposed regulation.

The political guidelines to be adopted will complement more general political guidelines on this file dating from June 2010 ([9703/1/10 REVI](#)).

Official Journal of the EU

The Council is due to reach political agreement on giving legal value to the electronic edition of the Official Journal of the European Union.

The draft act aims to allow everyone to rely on the electronic edition of the Official Journal of the EU as being authentic, up-to-date, complete and free of charge. As of 1 January 2012, only the electronic edition of the Official Journal will have legal value. The paper version will only be authentic in exceptional and temporary cases (when the IT system of the EU publications office is disrupted).

The Official Journal of the EU ensures the official publication of the legislation and all other acts of the European Union. It has been published on paper since 1958 and has been made available on the internet since 1998. However, until now, only the paper version has legal value.

Rights of victims in criminal proceedings

The Council will adopt a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings ([10788/11](#)). The roadmap sets out priority actions for the protection of victims of crimes and invites the Commission to submit proposals regarding all of the measures.

Among the overall objectives of EU action are establishing procedures to respect victims' dignity, integrity and privacy, enhancing their access to justice and designing procedures aimed at preventing repeat victimisation.

The roadmap lays down the following priority measures:

- revising current law (framework decision 2001/220/JHA) on the standing of victims in criminal proceedings;
- a regulation on mutual recognition of protection measures for victims taken in the context of civil matters. This would complement the European protection order in criminal matters, currently under discussion in the Council after the first reading of the European Parliament.

The Commission presented proposals for these two actions on 18 May, which the Council welcomes and intends to examine as matters of priority.

The other priority measures concern:

- guidelines on best practices among member states in the field of assistance and protection to victims of crime, once the revised legislation on the standing of victims is adopted;
- a review of the existing directive relating to compensation to crime victims;
- recommendations on how to deal with the specific needs of vulnerable victims and victims of particular types of crimes, e.g. trafficking in human beings or sexual exploitation of children.

The Council invites the Commission to also submit proposals on these priorities and commits itself to deal with them as a matter of priority.

The Commission will also present to ministers the package on victims' rights it presented on 18 May, which includes:

- a communication on strengthening victims' rights in the EU ([10612/11](#));
- the proposed regulation on mutual recognition of protection measures in civil matters ([10613/11](#));
- the proposed directive on minimum standards on the rights, support and protection of victims of crime ([10610/11](#)).

e-Justice

The Council will discuss progress in the area of European e-Justice on the basis of a report (*9369/1/11 REV 1*) and adopt a revised roadmap for the implementation of the European e-Justice action plan (*10331/11 + COR1 + COR2*).

Concerning the European e-Justice portal, the report underlines the first release of the portal in July 2010, an interim release in April 2011 and the preparations for the second release in September 2011. Moreover, the revised roadmap provides for the integration into the portal of the websites of the European Judicial Network and the Judicial Atlas in civil matters.

The report and roadmap also address a number of other e-Justice projects, such as:

- the e-Justice Communication via Online Data Exchange (e-CODEX), started in January 2011, which aims to develop common technical standards in the field of justice that could be used in several e-Justice projects, where pre-requisites include e-identification, e-signatures, e-payment etc.;
- dynamic online forms for European payment procedures or European small claims procedures;
- the interconnection of member states' insolvency and land registers;
- a voluntary system of a common identifier for case-law (ECLI).

The e-Justice portal is aimed to promote the use of information and communication technologies in the field of justice so as to simplify judicial procedures and reduce operating costs, for the benefit of citizens, undertakings, legal practitioners and the administration of justice. It is aimed to be a one-stop shop for justice-related information and functionalities in the EU.

For more information on European e-Justice and the European e-Justice portal, see [press release 12179/10](#). The portal is accessible on: <https://e-justice.europa.eu>

EU accession to the European convention on human rights

The Council will be informed of the state of play of the negotiations for EU accession to the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

In June 2010, Council adopted a negotiating mandate. Several negotiating sessions have taken place since then.

The Lisbon Treaty provides the legal basis for the accession of the EU to the ECHR. Art. 6 (2) TEU stipulates: "The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms". Further to this, the Stockholm Programme calls for a "rapid" accession to the ECHR.

Fundamental rights

The Council will adopt guidelines on methodological steps to be taken to check fundamental rights compatibility at the Council's preparatory bodies ([10140/11](#)). They are aimed at helping the Council's preparatory bodies to identify and deal with the fundamental rights aspects of proposals under discussion.

The Lisbon Treaty made the Charter of Fundamental Rights of the EU legally binding to all institutions of the EU and member states when implementing EU law. The Council, like other EU institutions, is therefore responsible for ensuring that its legislative activities (proposals, amendments) are in line with the rights and freedoms outlined in the charter. The guidelines offer short and pragmatic advice on how to identify and solve issues arising during negotiations on legislative proposals, together with a list of tools for the interpretation of the charter.

Memory of crimes committed by totalitarian regimes in Europe

The Council will adopt conclusions on the memory of crimes committed by totalitarian regimes in Europe ([10455/11](#)).

The conclusions reaffirm the importance of raising awareness of the crimes committed by totalitarian regimes, given that this can play a role in preventing a renewed rise of totalitarian ideologies. Ministers also welcome the intention of the Commission to support projects aimed at informing the public or at research about Europe's totalitarian past.

The statement highlights the Europe-wide day of remembrance of the victims of totalitarian regimes (23 August) and invites member states to consider how to commemorate it in line with their traditions. According to the Commission, currently five member states commemorate this day.

The conclusions are a response to a recent Commission report on the issue ([5128/11](#)).

Eurojust annual report

The Council will adopt conclusions on the ninth annual report by Eurojust, the EU agency for cooperation in judicial matters.

The Council conclusions note that the number of cases has risen in 2010 by 4% to 1.424 new registered cases. The statement also reiterates that Eurojust should focus further on providing assistance to member states' authorities in complex cases involving more than two countries and requiring coordination. Simple bilateral cases should in general be referred to the contact points of the European Judicial Network, a network of more than 300 contact points in the member states.

It is the mission of Eurojust to stimulate and improve the coordination of investigations and prosecutions between the competent authorities in EU member states, concerning in particular the execution of international mutual legal assistance and of extradition requests. Eurojust's competence covers serious crime, such as terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering and participation in criminal organisations.

Information items

The Commission will present to the Council information on:

- a communication on the protection of the financial interests of the European Union by criminal law and by administrative investigations; and
- its package on corruption.

Mixed Committee

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

EU visa free regime

The Commission will present its recent 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 new rules would, once adopted, introduce a safeguard clause allowing, under certain exceptional conditions, 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 will, in accordance with its statement of November 2010 ([15926/1/10](#)), present its post visa liberalisation monitoring report for the Western Balkans.

Frontex regulation

The committee will discuss 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 will also discuss 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 will discuss draft Council conclusions on the Schengen evaluation of Bulgaria and Romania.

SIS II

The committee will discuss 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.

VIS

The committee will also look 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 whole system should start operating in the autumn 2011. The member states shall notify the readiness of their national systems as well as their consulates by the end of July at the latest.
