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3584th Council meeting

Justice and Home Affairs

Brussels, 7 December 2017

Presidents   **Andres Anvelt**
Minister for Home Affairs
Urmas Reinsalu
Minister for Justice of Estonia

P R E S S

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ITEMS DEBATED

[1] • Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
• Documents for which references are given in the text are available on the Council's internet site (http://www.consilium.europa.eu).
• Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

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ITEMS DEBATED

HOME AFFAIRS

eu-LISA regulation

The Council agreed a general approach on a draft regulation on the European agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA). On the basis of this mandate, the presidency will be able to start negotiations with the European Parliament once the latter has established its position.

This regulation will further develop the agency's capacity to contribute to border management, law-enforcement cooperation and migration management in the EU. The agency will also have a vital role in implementing new IT architecture in the area of Justice and Home Affairs.

eu-LISA: Council agrees general approach (press release)

Interoperability

The Council took note of the Presidency progress report on the ongoing work of the Council forum on interoperability. This work feeds into the European Commission preparatory work for an upcoming legislative proposal, expected before the end of the year. Among its tasks, the group updated the roadmap on information exchange and discussed the outcome of the feasibility studies of the Commission on various aspects of interoperability.

The Commission updated ministers on the preparation of the upcoming legislative proposal, which is expected to allow for quicker, more streamlined access to the information for the authorities entitled to do so, allow authorities to get a more correct and complete picture and improve the use of biometric data to facilitate detection of multiple identities.

Presidency animation: interoperability of EU IT-systems

Counter-terrorism

Ministers exchanged views on **radicalisation**, on the basis of the interim report of the Commission's high level group on radicalisation. This report contains preliminary findings and recommendations for a range of priority areas, including:

–   radicalisation in prison and probation settings

–   online propaganda

–   involving all relevant actors at local level, including civil society

–   information and knowledge sharing at all levels

–   the role of ideology in the radicalisation process

–   addressing the risk of radicalisation of individuals belonging to groups requiring particular attention

Ministers discussed, in the presence of the counter-terrorism group (CTG), possible opportunities for further **cooperation between competent authorities** dealing with counter-terrorism.

Cooperation between CSDP missions / operations and EU JHA agencies

Ministers were informed of ongoing work on the cooperation between CSDP missions and operations and EU justice and home affairs agencies. This includes the possibility of creating a pilot project for a crime information cell in a CSDP operation, for which both the Commission and the EEAS pledged their support in principle. The Council invited the relevant actors to develop this pilot project and to report to the Council at the end of the first trimester of 2018.

PNR directive

Ministers were updated on the state of play regarding the implementation of the passenger name record (PNR) directive. The PNR directive was adopted in 2016 and has implementation deadline of 28 May 2018.

Passenger name record data (background information)

Common European asylum system reform

Ministers took stock of work carried out so far on the **reform of the common European asylum system (CEAS)**, on the basis of a progress report presented by the Presidency.

On the **EU asylum agency regulation**, on 6 December 2017, the Permanent Representatives Committee (Coreper) took note of the agreement reached with the European Parliament, excluding the parts referring to other proposals of the reform package, which will be discussed at a later stage.

Discussions with the European Parliament are ongoing on the **Eurodac regulation** and the **qualification regulation**.

Coreper also recently agreed on the Council negotiating positions on the **reception conditions directive** and the **resettlement framework regulation**. Discussions with the European Parliament will start next week.

On the **asylum procedure regulation**, a second examination on the basis of a presidency compromise proposal was finalised at the beginning of December. The examination will continue under the incoming presidency.

[Progress report - reform of the common European asylum system and resettlement](#)

Other business

–   *Third meeting of the Central Mediterranean contact group*

Ministers were briefed by Switzerland on the results of the third meeting of the Central Mediterranean Contact Group, held in Bern on 13 November 2017.

[Declaration of intent, Third meeting of the Central Mediterranean contact group, 13 November 2017](#)

– ***Work programme of the incoming presidency***

The Bulgarian Minister of the Interior, Valentin Radev, informed the Council of the priorities of the incoming Bulgarian presidency in the area of home affairs. The presidency will build on the work of previous presidencies following 3 main priorities: migration management, control of the EU external borders and. internal security.

The Bulgarian Presidency will apply a holistic approach towards migration management, taking into consideration the internal and external aspects. This includes the root causes of migration and the measures for reducing incentives for illegal migration, return policy and the reform of the Common European Asylum System (CEAS).

On the effective control of the EU external borders the Presidency will consolidate progress made to return to the proper functioning of the Schengen area. It will focus on implementation of the decisions that have already been taken, including new systems like Entry/Exit. The Presidency will work to reach political agreement on the proposed amendments to the Schengen Borders Code.

The Presidency will also aim at concluding on-going negotiations with the European Parliament on the Schengen Information System (SIS). Extending the mandate of eu-LISA will also be a high priority. The presidency will work to reach an agreement within the Council on the expected proposal on interoperability.

Further strengthening internal security will remain high on the agenda. Efforts will be focused on the implementation of the renewed Internal Security Strategy (ISS), striving for tangible results in the three main pillars: fight against organised crime, countering terrorism and tackling cybercrime.

– ***Current legislative proposals***

The presidency updated the Council on the state of play of a number of legislative proposals.

JUSTICE AND HOME AFFAIRS

Data retention

Ministers discussed data retention and provided guidance for future work at expert level. They focused on three aspects: ensuring coherence with the draft e-privacy regulation, restricting the scope of the data retention framework, and setting out strong safeguards for access to retained data.

Encryption

Justice and home affairs ministers held a joint discussion on encryption on the basis of the measures presented by the European Commission in October. They welcomed the technical measures presented and urged the Commission to continue examining the issue.

These technical measures presented include:

−   supporting Europol to further develop its decryption capacity supporting law enforcement and judicial authorities at national level, by establishing a network of points of expertise

−   developing a toolbox of alternative investigation techniques to facilitate the obtention of information encrypted by criminals

−   collaborating with internet service providers so that they can help provide solutions while keeping strong encryption

−   providing training to law enforcement and judicial authorities

The Commission was invited to report on progress on implementation of the proposed technical measures in March 2018.

Ministers also discussed the need to define a legal framework for cross border access to electronic evidence and looked forward to the presentation of the legislative proposal on e-evidence, expected to take place in January.

Other business

– *EU internet forum*

Ministers were briefed on the outcome of the EU internet forum ministerial meeting, which took place on 6 December 2016.

– *Mid-term review of the JHA strategic guidelines*

Minsters were informed by the presidency on the mid-term review of the JHA strategic guidelines, which were defined by the European Council in June 2014

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

FRA multiannual framework 2018-2022

The Council adopted a decision establishing a multiannual framework for the EU agency for fundamental rights for 2018-2022. This framework determines the thematic areas of the agency's activity. ([14423/16](#))

SISNET budget

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden, as well as Iceland and Norway, meeting within the Council, gave a discharge to the Secretary-General in respect of the SISNET budget's implementation both for the year 2015 and 2016, in accordance with Council Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council of contracts concluded in his name, on behalf of certain member states, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET".

e-visa: online visa application and digital visa sticker

The Council took note of a report on the discussions on e-visas, including on digital visa and on online visa application, held in the visa working party and suggestions for in-depth assessments. ([14616/17](#))

Civil Protection: Presidency report

The Council took note of a report from the Estonian presidency on the main achievements at EU level in the field of civil protection. ([14529/17](#))

Illegal tobacco trade

The Council adopted conclusions on stepping up the fight against illegally traded tobacco products in the EU. ([11761/3/17](#) + 11761/3/17 REV3 COR1)

COSI - report to parliaments

The Council transmitted the report to the European Parliament and national parliaments on the proceedings of the standing committee on operational cooperation on internal security (COSI) for the period January 2016-June 2017. ([14108/1/17](#))

Roadmap on information exchange and interoperability

The Council endorse the updating of the roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area. ([14750/17](#)) This follows the adoption of the Council conclusions on interoperability in June 2017, where the Council invited the Presidency to update the roadmap.

The roadmap was initially endorsed by the Council in June 2016.

ATLAS network

The Council adopted conclusions on the strengthening of the ATLAS network, an association of special police units of EU member states.

CBRN risks, explosive precursors, protection of public spaces

The Council adopted conclusions on strengthening the EU response to chemical, biological, radiological and nuclear (CBRN) related risks, reducing access to explosive precursors and protecting public spaces.

These conclusions follow the presentation of the Commission's anti, terrorism package, which included an action plan to support the protection of public spaces, an action plan to enhance preparedness against CBRN security risks and a recommendation on immediate steps to prevent misuse of explosive precursors.

EU-Ukraine: cooperation on internal security

The Council adopted conclusions on strengthening EU-Ukraine cooperation on internal security

Schengen evaluation

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Denmark on the application of the Schengen acquis in the field of the common visa policy.

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Denmark on the application of the Schengen acquis in the field of the Schengen Information System.

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Iceland on the application of the Schengen acquis in the field of the Schengen Information System.

EU-Canada PNR data

The Council adopted a decision authorising the opening of negotiations for an agreement between the EU and Canada for the transfer and use of Passenger Name Record (PNR) data. (13672/1/17 REV 1 + 13672/17 REV1 ADD1)

This decision follows the opinion of the Court of Justice of the EU from 26 July 2017. In it the Court stated that the agreement between Canada and the EU may not be concluded in its current form.

Interconnection of registers of wills

The Council and the representatives of the member states meeting within the Council adopted Conclusions on interconnection of electronic registers of wills.

SIRENE bureaux

The Council adopted conclusions on the development of the SIRENE bureaux in the framework of the Schengen Information System (SIS). (15222/17)

Cyber crime: presidency report

The Council endorsed a presidency report on the EU law enforcement response in the EU's fight against cybercrime.

GENERAL AFFAIRS

EU-China Ocean Partnership – opening of negotiations

The Council authorised the Commission to open negotiations on the EU-China Ocean Partnership.

The intended EU-China Ocean Partnership aims at setting up a framework for cooperation between the two sides to ensure effective ocean governance for the conservation and sustainable use of the oceans, seas and marine resources. It is a non-binding instrument, which does not create rights or obligations under international law.

FOREIGN AFFAIRS

EU monitoring mission in Georgia

The Council adopted a budget of € 19.97 million for the EU monitoring mission in Georgia (EUMM Georgia) for the period from 15 December 2017 to 14 December 2018.

The objective of EUMM Georgia is to contribute to long-term stability throughout Georgia and the surrounding region.

EUMM Georgia

EU-Georgia relations

EUCAP Sahel Mali mission: budget

The Council adopted a budget of € 28.45 million for the mission EUCAP Sahel Mali for the period from 15 January 2018 until 14 January 2019

The EUCAP Sahel Mali mission supports the Malian state in ensuring constitutional and democratic order, establishing the conditions for lasting peace and maintaining its authority throughout the entire territory. EUCAP Sahel Mali comprises a team of advisers and trainers based in Bamako who are working with the internal security forces and at ministerial level to improve the human resources system, reorganise training policies, and give training courses to officers in the sector who show high potential (the 'officers of the future'). Its current mandate runs until 14 January 2019. The headquarters of the mission are located in Bamako, Mali.

EUCAP Sahel Mali website

Libya restrictive measures and UN resolution transposition

On 27 November 2017, the United Nations Security Council Committee established following a United Nations Security Council Resolution 1970 (2011) a change to the listing of a vessel subject to restrictive measures.

The Council adopted a decision transposing this change into EU law concerning the flag state of the listed vessel.

Council conclusions on Libya, 17 July 2017

EU-Libya relations

TRANSPORT

Civil aviation safety – cooperation with the United States

The Council adopted Amendment 1 to Memorandum of Cooperation NAT-I-9406 between the United States of America and the EU, and a decision on the signing, on behalf of the EU, and provisional application of this Amendment, in order to allow their signing on 13 December 2017.