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Justice and Home Affairs

Brussels, 12 and 13 March 2015

Presidents **Rihards Kozlovskis**
Minister for the Interior of Latvia
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Minister for Justice of Latvia

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- 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.

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TRANSPARENCY - PUBLIC ACCESS TO DOCUMENTS

ITEMS DEBATED

HOME AFFAIRS

Fight against terrorism

The Council discussed the implementation of the measures contained in the recent counter-terrorism statements issued after the latest terrorist attacks in Europe. Ministers focused their discussion on areas where results can be achieved in the coming months.

Regarding the reinforced application of the Schengen Framework, Ministers agreed to implement systematic checks on documents and persons based on a risk assessment at the external borders without delay but no later than June 2015.

Regarding the issue of internet content promoting terrorism or violent extremism, Ministers agreed on the expediency of Europol taking on additional responsibility in this field as early as possible and have asked the Agency to set up an EU Internet Referral Unit which should be operational by July 2015.

The Council also invited the Commission to propose ways to combat illicit trafficking of firearms and, together with Europol, to enhance information exchange and operational cooperation on this phenomenon.

Ministers took note of information from the EU Counter-terrorism Coordinator and the European Commission on the progress achieved in the implementation of the measures mentioned in the European Council Statement and in the Riga Joint Statement. They stressed the importance of the Council making progress in all these areas and agreed to return to all these issues at their next meeting, with a view to reporting to the European Council in June 2015.

Finally, the Council agreed to engage actively with the European Parliament in order to achieve decisive progress in the coming months on a strong and effective EU PNR Directive with solid data protection safeguards.

For more information:

[Statement of 12 February by the Members of the European Council](#)

[Riga Joint Statement of 29 January by the Ministers of Justice and Home Affairs of the EU](#)

[Fight against terrorism: Stock taking of actions and way forward \(February 2015\)](#)

[Response to foreign fighters and recent terrorist attacks in Europe](#)

Migratory pressures: trends and further actions

Ministers discussed how to address the recent developments on migratory pressures that the EU is facing and what immediate actions can be taken to respond to the most acute issues.

The Council took note of the information provided by the Commission and welcomed the progress achieved so far in the implementation of the operational actions identified by the Task Force Mediterranean (TFM) and by the Council Conclusions of 10 October.

It also noted that recent developments show that the EU needs to reinforce its action, since migratory pressures continue to affect not only the Mediterranean region but also the land borders in the Western Balkans.

Ministers agreed to strengthen surveillance at the external borders and to reinforce the resources and operational capacities of Frontex. They also stressed that, in order to protect migrants and save their lives, the fight against the criminal networks of smugglers and traffickers should remain a priority. The reinforcement of cooperation with third countries remains essential for the efficient management of migratory flows.

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

More information:

[Illegal migration](#)

JUSTICE

Data protection regulation

The Council reached a partial general approach on specific issues related to the draft regulation setting out a general EU framework for data protection, on the understanding that nothing is agreed until everything is agreed.

The partial general approach includes the chapters and the recitals concerning the "one-stop-shop" mechanism ([chapters VI and VII](#)) as well as the chapter and the recitals relating to the principles for the protection of personal data ([chapter II](#)).

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

According to the text agreed, the one-stop-shop mechanism should only play a role in important cross-border cases and will provide for cooperation and joint decision-making between the various data protection authorities concerned. The text clarifies that the jointly agreed decision will be adopted by the data protection authority best placed to deliver the most effective protection from the perspective of the data subject.

Regarding the general principles of data processing, Ministers have endorsed a set of principles for lawful, fair and transparent data processing. Emphasis has been laid on the processing of special categories of personal data. The text also includes measures for processing on the basis of consent.

The data protection legislative reform aims at creating a more rigorous and coherent data protection framework in the EU, backed by strong enforcement that will allow the digital economy to develop across the internal market, put individuals in control of their own data and provide for greater legal and practical certainty for economic operators and public authorities. Data protection in the European Union is a fundamental right. The EU data protection reform seeks to ensure a very high level of protection of personal data.

More information:

[Data Protection](#)

Legal aid

The Council reached a [general approach](#) on the proposal for a directive on the right to provisional legal aid for citizens suspected or accused of a crime and for those subject to a European arrest warrant.

The proposed directive lays down minimum rules concerning the right to provisional legal aid for suspects or accused persons in criminal proceedings who are deprived of liberty. It also ensures that legal aid, including provisional legal aid, is made available in European arrest warrant proceedings.

The text, as it now stands, contains certain modifications to the proposal submitted by the Commission in order to define more precisely the scope of application of the Directive. In this respect, the directive should not apply to minor offences (article 2 (3)) or to situations related to temporary restrictions on the liberty of the person, where he or she might not be required or expected to exercise defence rights, and the right to provisional legal aid therefore does not arise (article 2 (4)). There is also a new provision allowing for the possibility of granting provisional legal aid in less serious offences when this is required in the interests of justice, as interpreted in the ECHR case-law (article 4 (2a)).

The text endorsed by the Ministers will constitute the basis for negotiations with the European Parliament in order to agree the final text of the directive.

European Union Agency for Criminal Justice Cooperation (Eurojust)

The Council reached a [general approach](#) on a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust). The provisions relating to the European Public Prosecutor's Office (EPPO) have been excluded from the general approach as the regulation is not sufficiently advanced but will be introduced at a later date.

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

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

The text endorsed will form the basis for discussion with the European Parliament.

Free movement of public documents

The Council reached a [partial general approach](#) on the draft regulation on promoting the free movement of citizens and businesses by simplifying the requirements for presenting certain public documents in the European Union.

The partial general approach covers all provisions in the draft regulation with the exception of Article 18(2b) and of those concerning translations, multilingual standard forms and the entry into force of the regulation. The remaining articles, as well as the recitals and annexes, remain subject to further discussion.

The proposed regulation aims at simplifying the requirements for cross-border submission of a considerable number of public documents between the member states, i.e. allowing for the circulation of such documents without the requirement of legalisation or apostille, thereby contributing towards the creation of a citizens' Europe.

The endorsed text provides for the circulation of documents related to civil status matters.

Taking into account concerns expressed by a majority of member states in relation to the issue of the external competence of the Union in the context of the proposed regulation, the Council agreed that the technical work will continue on Article 18(2b) (and its corresponding recital) which clarifies the rights of the member states to act in relation to third states in the area of legalisation or similar formalities relating to public documents covered by the proposed regulation.

Ministers also agreed to continue the work at a technical level with a view to reaching a general approach on the body of the regulation in June 2015.

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

European Public Prosecutor's Office

The Council discussed the proposal regarding the setting up of a European Public Prosecutor's Office (EPPO) on the basis of a [document](#) prepared by the Presidency.

The debate focused on a few key questions regarding the conditions under which the EPPO would be able to conclude transactions with suspects.

The Presidency concluded that there is broad agreement in principle on the text of article 29 presented in the document. It also noted that some member states are still not happy with all the aspects of the text and concluded that further technical work will need to be done in the coming months.

The Latvian Presidency of the Council has continued the work of the previous Italian Presidency with a view to finalising the first five chapters of the Regulation. These chapters cover most of the issues of importance for the functioning of the Office, as they include rules on the status, structure and organisation of the Office, on the procedure for investigations, prosecutions and trial proceedings and on judicial review. The Presidency will continue the work in the coming months with a view to finding agreement on a text that can be endorsed by the Council in June.

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

The proposed regulation aims to help combat crimes against the Union's financial interests by introducing a European Public Prosecutor's Office with competence in that area. The legal basis and the rules for setting up the EPPO are laid down in article 86 of the Treaty on the Functioning of the European Union (TFEU). The proposed regulation will be adopted in accordance with a special legislative procedure: the Council will decide unanimously after obtaining the consent of the European Parliament.

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

Other business

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

- the directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing (Recast);
- the regulation amending regulation 604/2013 as regards determining the member state responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a member state.
- the regulation establishing a European Union Agency for Law Enforcement Training (Cepol), repealing and replacing the Council decision 2005/681/JHA.

The Council took note of [information from the Commission on the PNR legislation](#) adopted by Mexico and Argentina asking for the transfer of PNR data from the EU, as requested by the Spanish delegation.

MIXED COMMITTEE

Migratory pressures: trends and further actions

The committee discussed how to address the recent developments on the migratory pressures that the EU is facing and what immediate actions can be taken to respond to the most acute issues.

See item above

Greek Road Map on Asylum for 2015

The Greek minister informed the committee about the new road map on asylum for 2015. This road map is a follow-up to the revised Action Plan on Asylum and Migration Management which ended on 31 December 2014.

The Council welcomed the Greek government's plans to make the Greek asylum and migration system sustainable and bring it up to European Union standards.

Other business

Under other business, the committee was informed about the state of play on the draft directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

CEPOL Work Programme 2015

The Council approved the European Police College (CEPOL)'s Work Programme 2015 ([6201/15](#)) and forwarded it to the European Parliament and the Commission for information.

Insolvency proceedings

The Council adopted its position at first reading with a view to the adoption of a regulation on insolvency proceedings (see [press release](#)).

Disaster management

The Council adopted [conclusions](#) on disability-inclusive disaster management.

Access to law

The Council endorsed a report on access to law ([5510/15](#)), summarising the achievements and different projects launched in the field of e-Law.

TRANSPARENCY - PUBLIC ACCESS TO DOCUMENTS

On 12 March 2015, the Council approved:

- the reply to confirmatory application No 03/c/01/15 (doc. 5673/15)
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