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**1. Adoption of the provisional agenda**

6757/16 OJ/CONS 14 JAI 182 COMIX 180

The Council adopted the above agenda.

HOME AFFAIRS

**LEGISLATIVE DELIBERATIONS**

***(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)***

**2. Approval of the list of "A" items**

6758/16 PTS A 18

The Council adopted the "A" items as listed in doc. 6758/16.

Details on the adoption of these items are set out in the Addendum.

**3. European Border and Coast Guard: Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC [First reading]**

* Progress report

6744/1/16 REV 1 FRONT 108 SIRIS 34 MIGR 44 CODEC 239 COMIX 176

The Council took note of the state-of-play report on the proposal for a European Border Guard, as set out in doc. 6744/1/16 REV 1, and of the discussions held in the meeting of the Mixed Committee at Ministerial level (doc. 7297 /16 JAI 227 COMIX 234).

**4. Weapons: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons [First reading]**

* Policy debate/Progress report

6755/16 GENVAL 30 JAI 181 MI 124 COMPET 111 COMIX 179 CODEC 241

The President referred to the conclusions he drew following the discussion on this item at the meeting of the Mixed Committee at Ministerial level (doc. 7297 /16 JAI 227 COMIX 234).

**5. Any other business**

* Information from the Presidency on current legislative proposals

The Presidency informed the Council on the state of play of several legislative proposals.

**NON-LEGISLATIVE ACTIVITIES**

**6. Approval of the list of "A" items**

6760/16 PTS A 19

The Council adopted the "A" items as listed in :

1) 6760/16

The documents on items 1 and 4 should read as follows:

Item 1: 6475/16 JAI 126 MIGR 36 DROIPEN 37 GENVAL 25 COSI 27 JAIEX 16

RELEX 134 COMIX 146

+ COR 1 (pt)

Item 4: 6443/16 VISA 47 COLAC 8

12096/15 VISA 306 COLAC 95

+ COR 1

12097/15 VISA 307 COLAC 96

+ COR 1

+ COR 2 (lv)

+ COR 3 (es)

12099/15 VISA 308 COLAC 97

2) 6760/16 ADD 1:

8. Draft Council implementing decision on the temporary suspension of the relocation of 30% of applicants allocated to Austria under Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

* Adoption

6671/16 ASIM 20

6715/16 ASIM 22

+ REV 1 (hu)

approved by Coreper, Part 2, on 09.03.2016

9. – Council Decision amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

* Council Implementing Regulation implementing Regulation (EU) 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

6775/16 CORLX 86 CFSP/PESC 179 RELEX 161 COEST 57 FIN 142

6069/16 CORLX 59 CFSP/PESC 126 COEST 32 FIN 92

6070/16 CORLX 60 CFSP/PESC 127 RELEX 105 COEST 33 FIN 93

approved by Coreper, Part 2, on 09.03.2016

Statements relating to these items are set out in the Annex.

**7. Migration**

a) Current situation and monitoring of the implementation of the measures taken

b) Future action

* Exchange of views

The Council took note of the outcome of the debate at the meeting of the Mixed Committee at Ministerial level (doc. 7297/16 JAI 227 COMIX 234).

**8. Fight against terrorism**[[2]](#footnote-2)

a) Follow up of the implementation of the Council conclusions of 20 November 2015

* Exchange of views

6785/16 JAI 86 CFSP/PESC 180 COSI 34 COPS 66 ENFOPOL 60 COTER 24

SIRIS 36 FRONT 112 CATS 13 EDUC 75

+ COR 1 (lv)

b) "Countering Terrorism Travel" (CTT)

* Information from the Presidency

c) "Countering Violent Extremism" (CVE)

* Information from the Presidency

The EU Counter Terrorism Coordinator presented his report, following which the Commission highlighted two issues: the need for effective controls at the external borders and the need for better information exchange. In their interventions, delegations also referred to border control and underscored some of the most important elements of in the fight against terrorism). Several agencies underlined their contributions in the Counter-Terrorism area.

The Presidency would present an Action Plan to the June Council meeting with concrete short, medium and long term actions.

**9. Any other business**

* Draft European initiative to prevent and combat organised domestic burglary
* Information from Germany and France

6876/16 JAI 193 COSI 37 ENFOPOL 67 CRIMORG 17 ENFOCUSTOM 37

COPS 72 RELEX 168 JAIEX 18 GENVAL 32 FRONT 119

The Council took note of a presentation by Germany and France of a joint draft European initiative to prevent and combat organised domestic burglary. The Standing Committee on Operational Cooperation on Internal Security (COSI) was mandated to discuss the appropriate follow-up to this joint draft initiative.

***Meeting on 11 March 2016***

JUSTICE

**LEGISLATIVE DELIBERATIONS**

***(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)***

**10. Counter Terrorism Directive: Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism [First reading]**

* General approach

6655/16 JAI 172 DROIPEN 46 COPEN 57 CODEC 226

+ COR 1 (et)

The Council reached a general approach on the proposed Directive. The Presidency will proceed on this basis to negotiations with the European Parliament in the context of the ordinary legislative procedure. Ireland, supported orally by UK, made a statement which is set out in the Annex.

**11. Digital agenda**

**a) Supply of digital content: Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content [First reading]**

**b) Distance sales of goods: Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the online and other distance sales of goods [First reading]**

* Progress report

6150/16 JUSTCIV 17 CONSOM 30 DIGIT 10 AUDIO 12 CODEC 165

The Council

* took note of the progress report set out in doc. 6150/16;
* endorsed the approach proposed by the Presidency that the work should focus first on the examination of the proposal for a Directive on digital content.

**12. EPPO: Proposal for a Council Regulation on the establishment of the European Prosecutor's Office**

* Policy debate

6667/16 EPPO 4 EUROJUST 24 CATS 9 FIN 135 COPEN 62 GAF 6 CSC 58

The Council took note of the state of play of the file and welcomed progress made in the articles on financial provisions (48 to 53), staff provisions (54 to 58a) and general provisions (62 to 69 and 72 to 75) as well as the new articles regarding the administrative Director, as set out in Annex 1 and 2 to the Presidency document. It also had a debate on the question in the Presidency document regarding the scope of operational expenditure of the European Public Prosecutor's Office under Article 49.

**13. Any other business**

* Information from the Presidency on current legislative proposals

The Presidency informed delegations of the state of play of the different on-going legislative files.

**NON-LEGISLATIVE ACTIVITIES**

**14. Any other business**

**a) EU-US Privacy Shield: Renewed framework for transatlantic transfers of personal data**

* Information from the Commission

The Commission informed Ministers about the agreement reached with US authorities concerning a renewed framework for the transfer of personal data from the EU to the US ("EU -US Privacy Shield" as successor to the "Safe Harbour").

The Council took note of the intended timeline to formalise the new framework.

**b) EU-US Umbrella Agreement: Draft Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offenses (Umbrella Agreement)**

* Information from the Commission

The Council took note of the information provided by the Commission on the state of play regarding the EU-US Umbrella Agreement on data protection in the field of law enforcement and on the next steps towards the conclusion of this agreement.

**c) e-evidence: Effective criminal justice in the digital age: jurisdiction in cyberspace**

* Information from the Presidency on current work

The Presidency provided information about the work underway and the next steps regarding e-evidence and jurisdiction in cyberspace. Following the Presidency Conference "Crossing borders: Jurisdiction in Cyberspace" that took place on

7-8 March 2016 in Amsterdam, these issues will be further developed.

On that basis, Ministers will be invited to provide political guidance and conclude in more specific terms on the follow up measures at the Council ("Justice and Home Affairs") in June. Council conclusions on the establishment of a European Judicial Cyber Crime Network supported by Eurojust will be also presented for adoption. A Report from the Presidency Conference will be circulated shortly.

**d) Istanbul Convention Proposal: Commission proposals for Council Decisions on the conclusion and signing, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence**

* Information from the Commission

6695/16 JAI 175 FREMP 46 DROIPEN 47 COCON 2 COHOM 22 COPEN 63

EDUC 73 MIGR 41 SOC 132 ANTIDISCRIM 17

+ ADD 1

6696/16 JAI 176 FREMP 47 DROIPEN 48 COCON 3 COHOM 23 COPEN 64

EDUC 74 MIGR 42 SOC 133 ANTIDISCRIM 18

+ ADD 1

The Council took note of the information provided by the Commission on its proposal concerning the EU Accession to the Council of Europe Convention on preventing and combating violence against women, also called the Istanbul Convention.

**e) Hate speech online: Dialogue with IT companies on hate speech online**

* Information from the Commission

The Commission updated Ministers on its latest meeting with the IT industry on improving effectiveness of taking down illegal content and notably hate speech that is contrary to EU and national law.

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**ANNEX**

STATEMENTS FOR THE COUNCIL MINUTES

|  |  |
| --- | --- |
| **Ad "B" item 10:** | **Counter Terrorism Directive: Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism [First reading]*** **General approach**
 |

**STATEMENT BY IRELAND supported orally by** **UK**

"The Irish delegation notes that the Council is reaching a general approach on the Proposal for a Directive of the European Parliament and the Council on combating terrorism and replacing Framework Decision 2002/475/JHA on combating terrorism less than 3 months after presentation of the proposal to the Council.

In the exceptional circumstances, where Ireland has taken an active part in the discussions on the Proposal for a Directive and has participated in Framework Decision 2002/475/JHA and Framework Decision 2008/919/JHA and mindful of the very great importance of the instrument, in particular the need to ensure its speedy implementation in order to combat terrorism, Ireland will not insist upon its right to exercise an option to notify the President of the Council of its wish to participate in the adoption and application of the Proposal for a Directive in accordance with the provisions of Article 3 of the Protocol 21 on the Position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union.

Rather, Ireland declares its intention, subject to Parliamentary approval as required by the Constitution of Ireland, to exercise the option provided in Article 4 of the said Protocol 21 and to indicate its acceptance of the measure after its adoption."

|  |  |
| --- | --- |
| **Ad "A" item 2:** | **Draft Council Decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union*** **Adoption**
 |

**STATEMENT BY THE UNITED KINGDOM**

"The United Kingdom fully supports the accession of, and ratification by, Austria and Malta to the 1965 Hague Convention on the Service of Judicial and Extra-Judicial Documents (the Convention).

The United Kingdom continues to dispute the existence of EU exclusive external competence in relation to this proposed Council Decision. The uniform and consistent application of the parallel EU internal rules has not been shown to be capable of being undermined by the operation of the Convention between an EU Member State and a third state party to the Convention.

In the opinion of the United Kingdom, the Council Decision is unnecessary, and Austria and Malta are entitled to accede to and ratify the Convention without the need for authorisation by the European Union.

The question of exclusive external competence impacts across the whole range of EU work, and has profound implications for how the EU and its Member States engage internationally. The United Kingdom welcomes the fact that detailed discussions took place in the Working Group on this aspect of the proposal, and places great importance on such discussions, not only on individual dossiers but more horizontally, to ensure a consistent and effective analysis of the test and its application.

Notwithstanding the points set out above, the United Kingdom notes that, in accordance with the provisions of Protocol 21 to the Treaties, the United Kingdom has notified the President of the Council that it wished to take part in the adoption of this Decision, and considers the inclusion of the word “therefore” in the text of Recital 6 to be inaccurate. The fact that the United Kingdom is taking part in Regulation 1393/2007 or indeed in Regulation 1215/2012 does not, in its view, render inoperative the provisions of Protocol 21."

**STATEMENT BY GERMANY**

"The Federal Republic of Germany supports the efforts of the Republic of Austria to ratify and of Malta to accede to the 1965 Hague Service Convention, and thus to become Contracting States to that Convention.

However, the Federal Republic of Germany continues to doubt whether the Decision which the Council has today submitted for adoption falls within the exclusive external competence of the European Union. It is not clear why the future application of the Hague Service Convention to Austria and Malta could affect common rules on judicial cooperation between Member States in civil matters or alter their scope (Article 3(2) TFEU). The Hague Service Convention applies in relation to third countries. Between European Union Member States, Regulation (EC) No 1393/2007 (the 'Service of Documents Regulation') clearly takes precedence over that Convention. This Decision should therefore not be used as a model for and should be without prejudice to any other measures in which the exclusive external competence of the European Union may play a role which may be taken by the European Union to resolve other similar cases."

1. Information on Council legislative deliberations, on other cases of Council deliberations open to the public and on public debates may be found in Addendum 1 to these minutes. [↑](#footnote-ref-1)
2. Exceptionally, in the presence of the Schengen Associated States [↑](#footnote-ref-2)