



**MALTA EU 2017**

## Informal meeting of Justice and Home Affairs Ministers



**26 – 27 January 2017**  
**The Grandmaster's Palace, Valletta**

**MEDIA BACKGROUND NOTE**

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## **MEDIA BACKGROUND NOTE**

### **26 January 2017 – Home Affairs**

The meeting will be chaired by **Carmelo Abela**, Maltese Minister for Home Affairs and National Security, and will be split into three sessions as follows<sup>1</sup>:

**Session I (09:30-11:00):** Asylum related matters

**Session II (11:45-13:00):** Asylum related matters (continued)

**Session III (15:00-17:00):** IT Systems for Borders and Security

### **Asylum related matters**

Ministers will discuss the reform of the Common European Asylum System (CEAS), which is a priority for the Maltese Presidency of the Council of the EU, within the broader context of the need for a holistic approach to addressing the challenges of migration at an EU level. This holistic approach necessitates parallel action in each of the following four areas:

- **Asylum (CEAS);**
- External dimension;
- Border control; and
- Legal migration

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<sup>1</sup> Timings/order of sessions may be subject to changes



Ministers will be invited to take stock of progress reached so far on several files falling under the scope of the CEAS. Within this discussion, the Maltese Presidency will seek the guidance of Ministers on several specific elements. This will include how best to move forward in ensuring that the concept of solidarity, as enshrined in the Treaty of the Functioning of the EU (TFEU), is implemented within the Proposal recasting the Dublin Regulation.

The European Council, in its Conclusions of 20-21 October 2016 called for work to continue on the effective application of the principles of responsibility and solidarity. In its Conclusions of 15 December 2016, the European Council again called for work to continue in this respect, and more broadly in relation to the EU's asylum policy.

Work has been taken forward following the presentation by the Commission in May and July 2016, on all the Proposals reforming the Common European Asylum System (CEAS). In December 2016, the Council reached a partial general approach on the Proposal recasting the Eurodac Regulation and the Proposal transforming the European Asylum Support Office (EASO) into a European Union Agency for Asylum (EUAA).

Work on all of these Proposals, including negotiations with the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) where applicable, as well as on the recast of the Dublin Regulation, will continue intensively during the Maltese Presidency.

## **IT Systems for Borders and Security**

Ministers will hold a discussion to take stock of the progress made to date in improving Information Technology (IT) systems, their integration and usage in order to bolster security at Europe's borders. Ministers will also be invited to provide the Maltese Presidency of the Council of the EU with their guidance on several elements relating to use of such IT systems, so as to assist in technical work on ongoing legislative negotiations.

As a prime concern for citizens, security is one of the six priorities of the Maltese Presidency, while improving border control is one of the four elements of the holistic approach to managing migration.

Among important measures which have been taken forward, the Schengen Borders Code has been amended with regard to systematic checks for EU citizens at the external borders. Work is also underway on new IT systems, namely the Entry/Exit



System (EES) and the European Travel Information and Authorisation System (ETIAS), for which the European Council has established a deadline for agreement by June and December 2017 respectively. Member States are in the process of implementing the Passenger Name Records Directive.

Furthermore, discussions on the legislative proposals amending the Schengen Information System (SIS) have just commenced, following the Commission's Proposals issued in December 2016.

## 27 January 2017 - Justice

The meeting will be chaired by **Owen Bonnici**, Maltese Minister for Justice, Culture and Local Government, and will be split into three sessions as follows<sup>2</sup>:

**Session I (09:30-11:00):** The European Public Prosecutor's Office

**Session II (11:30-13:00):** Insolvency Regulation

**Working Lunch (13:30 – 15:00):** Terrorist Financing Package

### The European Public Prosecutor's Office (EPPO)

Ministers will hold an exchange of views with regard to latest developments on the proposal for the establishment of a European Public Prosecutor's Office.

The proposed regulation is aimed at helping combat crimes against the EU's financial interests by introducing a European Public Prosecutor's Office with competence in that area. The proposed regulation would require the unanimous support in the Council which would adopt it after having obtained the consent of the European Parliament. The proposal was presented by the European Commission on 17 July 2013.

Prolonged negotiations on the proposal have spanned over three and a half years and every effort has been made to reach an agreement which is acceptable to all Member States. Despite these efforts, a meeting of EU Ambassadors (Committee of Permanent Representatives – COREPER II) on 19 January 2017 concluded that there is a lack of the necessary unanimity on the text, meaning that it cannot be approved by the Council of the EU.

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<sup>2</sup> Timings/order of sessions may be subject to changes



European and Foreign Affairs Ministers attending the General Affairs Council meeting in Brussels on 7 February 2017 will therefore be invited to confirm the absence of unanimity, within the meaning of the second subparagraph of Article 86(1) TFEU. In anticipation of this, Justice Ministers at the informal meeting on 27 January 2017 will be invited to consider the next steps, including with regard to the possibility of requesting the European Council (EU Heads of State or Government) to mandate that the proposal continue to be worked on by those Member States which wish to participate (Enhanced Cooperation).

### **Insolvency Regulation**

Ministers will hold an exchange of views on a proposal for a Directive on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures. The proposal was adopted by the European Commission on 22 November 2016.

Clear insolvency law regimes and restructuring procedures are an important element for economic operators, as it allows them to take informed investment decisions. In turn it helps businesses access funding and can promote and encourage economic growth in the EU. The proposal aims at addressing divergences amongst Member States' national insolvency frameworks which are currently causing legal uncertainty and increased costs for investors or entrepreneurs planning to conduct business in other Member States.

During the meeting, Ministers will be invited to have a first exchange of views on the scope and added value of the proposed Directive.

### **Terrorist Financing Package**

The European Commission will be invited to present Ministers with details on its package of measures, issued on 21 December 2016, aimed at strengthening the EU's capacity to fight the financing of terrorism and organised crime. Under its prioritisation of improving security within the EU, the Maltese Presidency is committed to making progress with respect to these files.

During the working lunch, Ministers are expected to hold an exchange of views on two proposals in particular.



- The proposal for a Directive on **countering money laundering by criminal law**: This proposal seeks to improve the current legal framework at an EU level, notably through the comprehensive criminalisation of money laundering offences.
- The proposal for a Regulation on the **mutual recognition of freezing and confiscation orders**: This proposal aims to improve the cross-border enforcement of freezing and confiscation orders. The proposal builds on existing EU legislation and addresses the fact that Member States have developed new forms of freezing and confiscation of criminal assets.

## Press/Media Contacts

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