



## The Estonian Presidency Programme for the Justice and Home Affairs Council (JHA)

In justice and home affairs, the European Union (EU) is facing significant challenges that can only be tackled when the EU and its Member States work together and in cooperation with our partners in third countries, including the Eastern Partnership countries. The Estonian Presidency of the Council of the European Union will do its best to come up with solutions in an open, balanced and inclusive way.

In June 2014, the European Council defined **the strategic guidelines in the area of freedom, security and justice** for the coming years. A mid-term review of these guidelines will take place in 2017.

### JUSTICE AFFAIRS

#### Rule of law and fundamental rights

**Respect for human rights, fundamental freedoms, and rule of law** is a key pillar of the legal systems of the EU and its Member States. Estonia will uphold these principles when it chairs the work of the Council of the EU. Article 6 of the Treaty on European Union obliges the **EU to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms**. Estonia plans to continue discussions on the accession to the Convention.

It is the aim of the Estonian Presidency to reach an agreement regarding the EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (the **Istanbul Convention**).

In order to protect and promote fundamental rights and freedoms of European citizens, we will ensure the continuation of the activities of the EU Agency for Fundamental Rights by adopting a decision of the Council **on the Multiannual Framework of the Agency**, before the end of 2017. We will also hold a discussion on the **annual report** of the Agency and **the annual report on the application of the Charter of Fundamental Rights**. We will prepare the relevant conclusions of the Council on the basis of these discussions.

#### e-Justice

It is the Presidency's intention to improve the quality of European Union law, by making it more evidence-based and inclusive. Therefore, we wish to create better possibilities for the EU citizens and companies to protect their **rights in cross-border communication through practical electronic e-justice solutions**. We will work to ensure a sustainable solution for the administration of cross-border IT systems in the justice sector (e-CODEX), and for the rapid progress of the discussions on the future regulation of e-CODEX during our Presidency.





## Data protection

One of the cornerstones of the Digital Single Market is data protection. In January 2012, the European Commission started a comprehensive **reform of data protection** in the EU. Continuing the work of the Maltese Presidency, Estonia will make efforts to rapidly conclude the negotiations with the European Parliament on the regulation dealing with the **protection of individuals with regard to the processing of personal data by the institutions, bodies and agencies of the EU**. The Estonian Presidency will facilitate the EU's accession to the additional protocol of the Council of Europe convention on data protection (**Convention 108**).

## Civil law

We aim to provide fair contract law rules for all: unified and modern European contract law norms would be beneficial for consumers as well as for companies. The directive on digital content will update the European contract law by taking into account the characteristics of the modern shopping environment and the technological development. Estonia considers the **contract law reform package** a key issue. We are convinced that through modernisation of civil law the ministers of justice can contribute to the realisation of the European Digital Single Market.

**The partial harmonisation of insolvency laws** will improve the business environments of Member States. A company that is threatened by insolvency should not have to declare bankruptcy and undergo liquidation proceedings, as it may become viable again with the help of the right measures. Access to debt discharge would help honest entrepreneurs. Harmonising the laws of Member States in these issues would contribute to introducing and reinforcing modern approaches to insolvency law. During the Estonian Presidency, negotiations for finding flexible and practical solutions will continue.

Updating the rules on **cross-border proceedings in cases relating to families and children**, will in the future mean quicker proceedings and more efficient cooperation between Member States. We need to exercise due care and we should not rush when making amendments to the Brussels IIA regulation as it is the cornerstone of this policy area. The interests of children require special attention, and the Estonian Presidency will do everything to ensure that high-quality work is done with this draft in the Council.

## Criminal law

In the fight against terrorism, it is necessary to harmonise the criminal law of the Member States concerning money laundering. Therefore, it is Estonia's goal to conduct successful negotiations with the European Parliament on the draft directive on **countering money laundering by criminal law**.

Due to the cross-border nature of crime, it is important to ensure that a freezing or confiscation order of one Member State can be rapidly and effectively recognised and enforced in other Member States. Therefore, it is important to make progress in the negotiations on the **draft regulation of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders**.





Member States should be able to exchange information on criminal records in order to effectively prevent and fight crime. Our aim is to move towards the general approach of the Council on the draft legislation extending the **European Criminal Records Information System (ECRIS)** to enable the exchange of information on third country nationals.

It is important to improve the investigation of crimes affecting the EU's financial interests. For this reason, a large number of Member States have expressed the wish to establish a **European Public Prosecutor's Office (EPPO) under enhanced cooperation**. Estonia aims at finalising the procedure to establish the EPPO. Estonia is also willing to work towards an agreement on the legislation closely related to the EPPO – the revised **Eurojust Regulation**.

It is necessary to further analyse the **rules on the retention of communications data** at the EU level. We intend to discuss this topic at both the technical and political level.

The effective fight against terrorism is not possible without retaining electronic evidence and communications data. **Enhancing criminal justice in cyberspace**, in particular improving the availability of electronic evidence, would make collecting evidence in cross-border criminal procedures much more effective. The European Union needs unified and clear rules on the jurisdiction of cyberspace in order to collect e-evidence.

As regards combating **counterfeiting and fraud of non-cash means of payment**, we are waiting for the initiative of the European Commission and we hope to start discussions in working groups.

## HOME AFFAIRS

In recent years, the EU has faced several tasks that need solutions, from the migration crisis to cross-border crime and the fight against terrorism. During the Estonian Presidency of the Council of the EU, we want to achieve unified EU solutions to ensure the effective functioning of the areas of freedom, security and justice.

### Migration

The Estonian Presidency considers it necessary to have a comprehensive and holistic approach to migration, focusing on issues such as legal migration, illegal migration, control of external borders, and promoting cooperation with third countries. The basic precondition for this is ensuring a balanced approach that takes account of the links between different policy areas and also keeps in mind possible connections to the general security of the EU.

The Estonian Presidency finds it important to put more emphasis on facilitating the entry into the EU and mobility within the EU of highly skilled workers, which is the aim of the Blue Card directive recast.

The Estonian Presidency will work towards finding a sustainable solution to the causes of illegal migration in cooperation with the countries of origin, among other things, through the implementation of





the Valletta Action Plan, the EU partnership framework and country-based migration partnerships. The EU is ready to offer increased support to partner countries making greater efforts in the implementation of the trans-EU partnership framework.

When handling the migration crisis, we must also consider the important issue of return policy. The Estonian Presidency is ready to focus on measures that are aimed at **improving the return policy** during its six months at the helm.

Estonia will continue efforts to **reform the Common European Asylum System (CEAS)**. Reforming the CEAS involves seven legislative proposals that aim to improve and harmonise the functioning of the system across the EU. Discussions on these proposals are held in the working groups of the Council of the EU, and in case of some of the proposals, with the European Parliament.

Estonia also wishes for the Council of the EU to reach a common position on **introducing a more secure residence permit card**, and start negotiations with the European Parliament, if possible.

### Visa policy

During its Presidency, Estonia will continue to work on **modernising the EU's common visa policy**, aiming to achieve an agreement on the Visa Code recast. Estonia also wishes to initiate discussions on the future development of visa policy, especially in regard to introducing e-visas. Estonia is ready to move forward with the negotiations regarding visa liberalisation for Turkey and Kosovo, on the precondition that these countries meet all these benchmarks. Estonia's goal for the **negotiations on visa-facilitation agreements** is to support the activities of the Commission within the mandate granted by the Council of the EU, with the aim of also reaching an agreement on readmission. It is important that the activities in other areas of migration policy, including return policy, are taken into account in the shaping of a comprehensive visa policy. In this regard, Estonia is ready to work on using visa policy as leverage in readmission.

### Migration, border and internal security information systems, the interoperability of data bases and the eu-LISA

It is necessary to create the **EU Travel Information and Authorisation System (ETIAS)** for visa-exempt third country nationals crossing the external border of the EU in order to identify any possible security, migration and public health risks associated with visa-exempt travellers wishing to enter the Schengen Area even before they arrive at the external borders of the EU. Estonia's aim is to conclude the political trilogues.

As regards reaching agreement on the legal basis for the **Entry/Exit System (EES)**, the Estonian Presidency will conclude the process.

Reviewing the regulation on the **second generation Schengen Information System (SIS II)**, which is the pillar of the internal security information systems of the EU, is necessary for increasing the interoperability of border management and police cooperation systems that are being used or will be





developed. Reviewing the legal basis for SIS II will improve the functions of the system and enable the extensive use of biometric data for making inquiries and verifying identities. Entering return decisions into the Schengen Information System is equally important in order to make the implementation of such decisions more effective. The aim of the Estonian Presidency is to achieve, by autumn, a Council general approach that would enable the start, and maybe even the conclusion, of negotiations with the European Parliament. Estonia also wishes to relaunch the discussion on the workload and ensuring the performance of SIRENE offices, and, when doing so, take into consideration the results of the upcoming review of the SIS II regulation.

During its Presidency, Estonia wishes to continue working on **database interoperability** solutions suggested in the communication of the European Commission, including establishing a common data repository (main module) as a long-term target. It is also important to achieve a common approach that would enable better access to databases for law enforcement agencies.

Reviewing the **eu-LISA regulation** and extending eu-LISA's mandate is one of the priorities for home affairs during the Estonian Presidency. It is in the interests of the entire EU to expand eu-LISA's mandate by adding the tasks of managing and developing the information systems of both the justice (e-CODEX) and customs procedures (the latter could also come under consideration during the next stage, i.e. after 2020). Estonia hopes to achieve the general approach of the Council regarding the eu-LISA regulation by the end of its Presidency.

## Internal security and the fight against terrorism

**The internal security strategy** covers the whole EU internal security sector and it will undergo interim assessment during the Estonian Presidency. By involving relevant stakeholders, like the Member States, the European Commission and the EU justice and home affairs agencies, under Estonian leadership, the results of the interim assessment will be formulated as the conclusions of the Council of the EU.

Spring 2018 will be the deadline for Member States to transpose the **passenger name record (PNR)** directive. During its Presidency, Estonia wishes to contribute in every way to transposing and implementing the directive in Member States (particularly by supporting the cooperation and training of passenger name record units). The use of passenger name records in the fight against terrorism and serious and organised crime is important, particularly for cooperation with our partners in third countries. In the very near future, an assessment from the European Court of Justice on the legality of using passenger name records is expected, which could impact the implementation of the PNR directive. Estonia's aim is to ensure the continuation of the data exchange necessary for preventing terrorism and fighting serious crime. Estonia also wishes to discuss extending the PNR data exchange to other forms of transport, like sea travel.

Through the **Prüm data exchange mechanism**, the Member States enable mutual access to each other's forensic biometric databases (DNA, fingerprints) and vehicle register data (VRD) for the purposes of law enforcement and the fight against terrorism. In addition to implementing the Prüm Treaty currently in force, Estonia wishes to initiate a discussion on improving the Prüm data exchange and potentially extending it to other data categories, during its Presidency.





In 2016, the amendments to the directive on fighting the illegal spread of firearms were adopted. As the next step, Estonia will initiate a discussion on making the **exchange of information on firearms** more effective, and whether to create a dedicated database or use existing ones (e.g. SIS II).

In relation to the 2018-2021 **EU policy cycle for fighting organised and serious crime**, Estonia has the task of chairing the discussion on the multiannual strategy plans and adopting them, approving the reporting collection mechanism prepared by the European Commission, and approving the operational roadmaps during its Presidency.

One of our priorities during the Estonian Presidency is to raise the issue of the **internal security situation of Ukraine** at the level of the Standing Committee on Operational Cooperation on Internal Security (COSI). The internal security authorities of Member States should move towards developing a common understanding of the internal security situation of Ukraine and its possible impacts on the internal security of the EU. It is also important to cooperate with Ukraine in fighting organised crime and to support Ukraine on integrated border management. The Member States' support to Ukraine has to be more coordinated and strategically managed than it has been so far. The EU Member States in turn have the opportunity to learn from Ukraine's experience in tackling hybrid threats.

To enhance the EU's **rapid reaction capacity**, it is planned to enhance the capacity of the ATLAS network and its role in the fight against terrorism (increased capability to react to terrorist events, a more unified training of special units, and joint exercises) during the Estonian Presidency. Several proposals have been made for developing the network, and Estonia will present them to the Member States for discussion during its Presidency.

Threat assessments are vital in the **fight against terrorism**. It is important to increase the practical value of threat assessments at the political level in planning anti-terrorism measures at Member State level and at EU level. During its Presidency, Estonia in close consultation with Member States, the CTC, the European Commission, the EEAS, INTCEN, and Europol will make a proposal for developing the threat assessment process.

The working group on the fight against terrorism will also discuss: improving the cooperation of internal and external dimension, strategic communication, the fight against radicalisation, and the third chapter of the roadmap to enhance information exchange and information management, including interoperability solutions, in order to integrate initiatives arising from the new regulations into the implementation plan.

The **EU Drugs Strategy** for the period of 2013-2020 and the EU Action Plan on Drugs for 2017-2020 focus on evidence-based initiatives that reduce both the supply of and the demand for drugs. During its Presidency, Estonia will support the implementation of the strategy and the action plan, as well as promoting a person-centred approach and sharing best practices. We will cooperate with third countries, research institutions and civil society to improve synergy in the field of drug policy. We will facilitate the drafting of EU's common positions and their presentation at international organisations, including the UN.





## Increasing risk awareness

Regarding civil protection, Estonia's aim for the Presidency is to stimulate discussions in the EU on **increasing public disaster risk awareness and self-resilience**, so that the public is more aware of threats and knows how to act in the case of crises, large-scale vital service disruptions or criminal attacks. The aim is to share best practices between Member States, and to identify the readiness of Member States to increase risk awareness.

