



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



11.12.09

[COM \(2009\) 658](#) - Proposal for a Council Decision supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of the operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders

In 2007 the Commission commissioned an informal group consisting of experts from the Member States, Frontex, the Office of the UN High Commissioner for Refugees and the International Organisation for Migration to produce guidelines for Frontex's maritime operations.

The Group met on five occasions between July 2007 and April 2008 and produced the "Draft guidelines for Frontex operations at sea". The participants failed to agree on issues such as the implications of human rights and refugees' rights, the role of Frontex and the prior identification of the places of disembarkation for the migrants. As a result the Commission prepared a draft decision based on the results of the informal drafting group.

This proposal is a revised version of the draft decision – revised to reflect the changes requested by the Schengen Borders Code Committee.

The aim of the proposal is to ensure that the international rules relevant to the maritime border surveillance operations carried out under the operational cooperation coordinated by the Frontex Agency (Convention on the Law of the Sea, conventions on safety at sea and search and rescue, international law on refugees and fundamental rights) are uniformly applied by all the Member States taking part in these operations. It also seeks to create the regulatory basis needed to enable one Member State to carry out surveillance of another Member State's maritime border.



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Agreement with China on drug precursors and substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

COM (2009) 653 - Proposal for a Council Decision on the position to be taken by the European Union concerning the proposal to amend the Annex A of the Agreement between the European Community and the Government of the People's Republic of China on drug precursors and substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

The EC (now replaced by the Union) has an agreement (the 'Agreement') with China on drug precursors and substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances. This Agreement sets out measures aimed at strengthening the co-operation to prevent the diversion of drug precursors for the illicit drug manufacture.

Annex A of this Agreement sets out sensitive drug precursor substances for which the strictest control provisions apply. Annex A currently covers 'safrole rich oils'. While these substances are principally covered by the European Union drug precursor legislation, such substances are outside the scope of China's legislation. Currently the Chinese drug precursor legislation covers sassafras oil. In order to enable the Government of China to fulfil its obligations under the agreement, the term 'safrole rich oils' should be replaced by 'sassafras oil'.

This proposal will enable the European Union to take a position to amend the Annex of the Agreement by replacing safrole rich oils by sassafras oil.



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COUNCIL CONCLUSIONS

A Council meeting on matters of Justice and Home Affairs was held in Brussels (between the 30th November and 1st December 2009). The main conclusions reached are the following:

Justice and home affairs ministers discussed the multi-annual strategic work programme in the area of freedom, security and justice, the Stockholm Programme.

On home affairs matters, the Council adopted the following three legislative acts;

- an agreement between the EU and Japan on mutual legal assistance in criminal matters,
- amendments to regulation No 539/2001 granting visa free travel to and throughout the Schengen area for citizens of three Western Balkan countries (the Former Yugoslav Republic of Macedonia, Montenegro and Serbia);
- an EU-US agreement on the processing and transfer of financial messaging data for purposes of the US Terrorist Finance Tracking Programme (TFTP) including two political declarations on the subject.

The Council also discussed the state-of-play of the Common European Asylum System and took note of the agreement reached between Council and Parliament on the establishment of the European Asylum Support Office (EASO). In the same context, ministers had a first exchange of views on two recent Commission proposals on asylum procedures and on qualification and status of refugees.

The Council debated a report by the EU counter-terrorism coordinator and discussed, under external relations, three ministerial meetings between the EU and the US, Russia and the Western Balkans.

On justice matters, the Council held orientation debates on two legislative proposals aimed at common rules facilitating the transfer of criminal proceedings and strengthening the fight against trafficking in human beings and the protection of victims. In this area, it has also adopted an action oriented paper focusing on the EU's external actions.

Ministers also took note of the delays in the area of e-Justice, namely the setting up of an e-Justice portal.

Finally, they reviewed progress made concerning a legislative proposal to improve the fight against sexual abuse, sexual exploitation of children and child pornography.

In the margins of the Council, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) agreed to the decision on visa liberalisation for Western Balkan countries and examined the state of play concerning the development of the Visa Information System (VIS)



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and the Schengen Information System II (SIS II).

Ministers also held an orientation debate on the possibility of setting up an agency for large-scale IT systems.

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