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THE EUROPEAN UNION**



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2899th Council meeting

Justice and Home Affairs

Luxembourg, 24 October 2008

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Main results of the Council

The Council discussed in particular the way ahead regarding European cooperation on internal security. In this connection, the Council adopted conclusions on setting up national alert platforms and a European alert platform for reporting offences noted on the Internet, and conclusions on promoting closer operational cooperation among the law-enforcement authorities of the Member States.

It also reviewed progress on a proposal for establishing a passenger name record (PNR) system which would enable air carriers to collect personal data when passengers book their trip.

As regards Justice items, the Council reached agreement on rules which will enable decisions on maintenance obligations given by a Member State to circulate freely in the other Member States. It also agreed on a Decision providing for the establishment of a European Criminal Records Information System (ECRIS).

Lastly, the Council adopted, without debate, a Directive on the protection of the environment through criminal law and a Directive which includes aviation activities in the scheme for greenhouse gas emission allowance trading within the Community.

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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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PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

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Mr Jo VANDEURZEN

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Deputy Prime Minister and Minister for Justice and
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Minister for Justice
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Czech Republic:

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Estonia:

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Minister for Internal Affairs

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Greece:

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Mr Alberto COSTA

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Minister for Justice

Romania:

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Mr Gabriel TANASESCU

State Secretary, Head of the Schengen Department
State Secretary, Ministry of Justice

Slovenia:

Mr Lovro ŠTURM

Minister for Justice

Slovakia:

Mr Štefan HARABIN

Deputy Prime Minister and Minister for Justice

Finland:

Ms Tuija BRAX
Ms Anne HOLMLUND

Minister for Justice
Minister for the Interior

Sweden:

Ms Beatrice ASK

Minister for Justice

United Kingdom:

Mr Jack STRAW

Secretary of State for Justice and Lord Chancellor

.....
Commission:

Mr Jacques BARROT

Vice-President

ITEMS DEBATED

CYBERCRIME – Council conclusions

The Council adopted the following conclusions:

"The Council,

recalling that:

1. one of the objectives of the European Union is the progressive establishment of an area of justice, freedom and security by developing common action among the Member States in the field of police and judicial cooperation in criminal matters;
2. to attain that objective, a single communications network needs to be created to improve the circulation of information on cybercrime. Europol is the body best placed to promote closer cooperation between Member States in order to guard against this form of international crime and combat it more effectively;
3. within the general framework of exchange of information and the application of the principle of availability between Member States law enforcement authorities, the aim is to promote common practices with regard to the tracing, acquisition, compilation and storage of data, search and seizure of computer data;
4. similarly, it is becoming a matter of urgency to coordinate the action taken against cybercrime and to set up joint structures to deal with this type of crime;
5. the rules on personal data protection set out in Chapter V of the Decision establishing the European Police Office (Europol)¹ will apply to exchanges carried out within this framework.

¹ This Decision is expected to be adopted before the end of 2008. The data protection provisions are based mainly on the principles of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and of Recommendation No R (87) 15 of the Committee of Ministers of the Council of Europe of 17 September 1987.

invites the Member States to:

1. take the necessary steps where no platforms currently exist to set up a national alert platform or an alert platform common to several Member States, or one or several central national points where several platforms exist, to be managed by public and/or private bodies, for the purpose of centralising alerts on offences noted on the Internet;
2. embed in the national alert platform or the central national point an appropriate technical solution that will ensure that the reported information can be transmitted to the European alert platform;
3. equip the national platform or the central national point with the possibility for the public to report illicit contents, preferably by a public internet site.
4. foster partnership between public and private players working to combat cybercrime;
5. compile statistics on alerts, showing the development of cybercrime at national level;
6. take appropriate action on reported information.

invites Europol to:

1. establish and host a European platform which will be the point of convergence of national platforms and will have as its purpose to:
 - (a) collect and centralise information about offences noted on the Internet, supplied by national platforms and first analysed by them to determine whether the offences are European or extra-national in nature and hence need to be notified to the European platform¹;

¹ National platforms will keep data of a strictly national nature which are likely to be requested by the European platform.

- (b) send the information concerning them back to national platforms and ensure ongoing mutual information;
 - (c) set up a European information website on cybercrime and disseminate information about the existence of national platforms;
 - (d) draw up regular operational and statistical reports on the information collected;
2. report to the Council on the implementing measures taken pursuant to these conclusions, in particular by drawing up an appropriate impact assessment.

invites the Commission to:

- 1. consider financial support for related national and transnational projects."

CONVERGENCE OF INTERNAL SECURITY – Council conclusions

The Council adopted the following conclusions:

"Recalling the Council agreement of 1 and 2 June 2006 outlining a process for the establishment of a reference framework for the internal security of the European Union, approved by the Council at its meeting on 1 and 2 June 2006¹,

Considering the avenues for future work and the guidelines identified by the Ministers for Home Affairs of the European Union at their informal meeting on 7 July 2008 in Cannes,

Taking account of the report by the High-Level Advisory Group on the Future of European Home Affairs Policy²,

Taking account of the strategy for the external dimension of the area of freedom, security and justice, approved by the Council at its meeting on 1 and 2 December 2005³,

In view of the substantial progress achieved in the area of justice and home affairs in connection with the implementation of the Tampere and Hague programmes,

Given the need to strengthen the action of the European Union, by giving it a real operational aspect, to guarantee a high level of security for European citizens within the common area of freedom, security and justice,

In view also of European citizens' desire to see the added value of action undertaken at the European level,

Considering that regular evaluation would contribute to enhancing the effectiveness and coherence of actions undertaken in the area of the internal security of the European Union,

¹ 9596/06 JAI 271 CATS 104.

² 11657/08 JAI 373 and 11960/08 JAI 388.

³ 15446/05 JAI 488 RELEX 741.

The Council of the European Union:

Supports the consolidation and reinforcement of the European Union's work in protecting the safety and security of its citizens, within the framework of a process of convergence consisting in promoting closer operational cooperation among the law enforcement authorities of the Member States,

Considers that this convergence may, in addition to the principles of mutual recognition and availability of information, constitute a guiding principle for the continued construction of the common European area of security and for improved operational cooperation between law enforcement agencies,

Invites the Member States to develop approaches that facilitate operational cooperation among their law enforcement authorities, where such cooperation will deliver practical benefit to the partners, while taking account of the legal, operational and other constraints in place in the Member States, in terms of:

- closer cooperation among personnel, promoted by
 - developing joint training programmes for the personnel of the law enforcement authorities of the Member States, taking advantage in particular of the potential offered by the European Police College,
 - establishing temporary exchanges of personnel among the law enforcement authorities of the Member States, in particular within the framework of European police stations,
 - creating and developing networks of senior personnel from the law enforcement authorities of the Member States, or of senior personnel in the judicial field,
 - fostering the learning of European Union languages in the law enforcement authorities of the Member States,

- approximation of equipment and practice, promoted by
 - reinforcing the interoperability of equipment, maximising opportunities to pool equipment, and developing standard approaches for its use at the level of the European Union, in border areas in particular,
 - producing manuals and guides to best practice, where they will provide added value, that can be made available to all Member States,
 - strengthening links with the security technology research sector,
- approximation through joint actions, promoted by
 - developing shared platforms and databases, where these represent added value for Member States,
 - organising joint operations which enable operational cooperation between the Member States to be strengthened, including joint investigation teams;
 - jointly preparing and organising joint exercises;
- approximation of legal frameworks, promoted by
 - establishing common legislative instruments, where these represent added value for citizens;
 - establishing common definitions, in particular where the fight against organised crime is concerned,
 - progressively simplifying procedures for exchange and cooperation between Member States in the context of cross-border criminal investigations within the European Union,

Wishes, in addition to these initiatives, to strengthen the coherence of existing and future arrangements in the area of security and promote a clear understanding by European citizens of the policies conducted by the European Union,

- on the basis of the common framework for analysis and action, in order to:
 - assess the threat facing European citizens,
 - identify the European Union's priorities for responding to this threat,
 - define a working method for implementing those priorities, and
 - carry out regular evaluations of action taken,
- by improving the threat assessment mechanism and particularly OCTA, but also by including contributions from the judicial authorities and assistance from agencies,
- by defining strategic and operational objectives more clearly, and having them approved at political level,
- by developing a project-based approach for achieving the strategic and operational objectives set within the above framework,
- by accepting that some of the projects may be conducted at regional level, by the Member States most concerned,
- by establishing precise rules for evaluating the actions undertaken,
- by continuing to improve the exchange of information within the European Union, in particular by implementing the provisions of the Council Framework Decision of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union and the Council Decision of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime,

- by ensuring a high level of protection of personal data in the European Union,
- by taking the external dimension of internal security into account in all actions undertaken by the European Union,
- by establishing the resources and structures needed to coordinate action by the various European Union actors in the area of security, in particular the agencies of the Union, and by making the fullest possible use of their resources for priority actions,
- by improving the definition of the architecture of internal security, particularly through taking the judicial aspect into account;
- by making greater use of the Council's working structures in pursuing those objectives and by continuing the process of reflection on their modus operandi, their mandates and the relationships between them,

Calls on the competent bodies to make regular evaluations, for example in the context of the evaluations relating to the five-year programme, of the measures set out in these conclusions."

The Council also took note of the regional-level proceedings by the member countries of the Salzburg Forum, which brought together the Home Affairs Ministers of Austria, the Czech Republic, Hungary, Poland, Slovakia, Slovenia, Bulgaria and Romania, and by the Benelux countries.

DRUG TRAFFICKING IN WEST AFRICA

The Council held an exchange of views on this matter.

Delegations agreed that this was a strategic issue: West Africa has become a platform for trafficking drugs from Latin America, posing a direct and permanent threat both to the region and to the European Union.

The shared view of the United Nations Office on Drugs and Crime (UNODC), ICPO-Interpol and the Economic Community of West African States (ECOWAS) is that 10 % of the world's cocaine transits through this region. Between 2005 and 2007, seizures of cocaine from West Africa, destined for Europe, amounted to 33 tonnes. The European Commission estimates that about 250 tonnes of cocaine enter the European Union every year, at the present rate.

The Commission Communication on a Drugs Action Plan for 2009-2012 states that "cocaine use is rising in a number of Member States". It adds that "the total number of people in the EU who use drugs – or have at some time taken them ("lifetime prevalence") – is estimated at (...) at least 12 million for cocaine alone".

Through the corruption it generates, drug trafficking in West Africa also hinders economic and social development and development of the rule of law: the first to suffer from drug trafficking, or from organised crime generally, are the States of the region and the people who live there. Finally, it is not impossible that income from drug trafficking may be used to finance terrorist activities.

The outcome of the Council's discussions will shape the EU's approach to the UNODC Ministerial Conference in Praia on 28 and 29 October 2008.

The action of the EU and of specialised agencies within the Member States should therefore be strengthened. A shared, documented threat assessment should be made available and specialised agencies should concentrate their efforts with this in mind. Such action can take place only on the basis of broad consultation, involving not only the operational management of the specialised agencies but also that in the States concerned, the relevant international bodies and entities, and the EU and its agencies (Europol in particular). Enhanced cooperation between specialised agencies should thus play a part in strengthening the coordination mechanisms for the fight against drugs trafficking and organised crime planned by the ECOWAS Commission.

To give an operational dimension to the EU's action, the Council considered that it was essential to foster cooperation between specialised law-enforcement agencies in West African States and the Member States. With this in mind, beyond providing resources, it is important, for instance, to regionalise, coordinate and pool the action of liaison officers and also technical police cooperation between the Member States, particularly as regards training.

EUROPEAN PNR

The Council discussed, without yet reaching definitive conclusions, some characteristics of a future passenger name record (PNR) system for collecting personal data gathered by air carriers when passengers book their tickets on international flights serving the territory of a Member State.

The data, which would be forwarded to the public authorities before the passengers board the aircraft, would serve as input for analysing the terrorist and criminal threat and could also be used in the context of individual inquiries.

As regards including PNR data relating to intra-Community flights, the Council noted that the cost-benefit ratio was an issue and that that point therefore needed to be assessed before deciding to include the data in the European instrument. The data are already being – and will continue to be – collected by some Member States at national discretion. The Council therefore agreed to review that specific issue once the PNR system had been in operation for a few years.

An overall report will be submitted to the JHA Council for endorsement at its next meeting on 27 and 28 November 2008. The Council will decide at that point on the follow-up to be given to that dossier.

PNR data are related to travel movements, usually flights, and include passport data, name, address, telephone numbers, travel agent, credit card number, history of changes in the flight schedule, seat preferences and other information. As a rule, not all PNR fields are filled in, only those that are actually provided by the passenger on a voluntary basis at the time of the reservation or on check-in and boarding. It should be noted that air carriers already record the PNR data of passengers for their own commercial purposes. The collection and analysis of PNR data allows the law-enforcement authorities to identify high-risk persons and to take appropriate measures.

EUROPEAN CRIMINAL RECORDS INFORMATION SYSTEM (ECRIS)

The Council has agreed on a general approach on the proposal for the establishment of a European Criminal Records Information System (ECRIS).

This proposal is a follow-up to the draft Framework Decision on the exchange of information extracted from criminal records between Member States of the European Union which was adopted by the Council in June 2007. The purpose of the Framework Decision is to ensure that a Member State is able to provide the judicial authorities of another Member State of the EU with information on the criminal records of its nationals.

The ECRIS Decision aims in particular to ensure that information can be transmitted by electronic means, and it lays down the conditions and format for data exchange. Member States will therefore be fully responsible for the management of their own criminal records, but transfers of information will be facilitated by means of a common data exchange format.

A pilot project is currently being conducted by 14 Member States with a view to interconnecting their criminal records. The results achieved in this context will provide a valuable basis for further work on computerised exchange of information at European level.

MAINTENANCE OBLIGATIONS

The Council reached agreement on a draft Regulation on the rules relating to jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. It covers all existing forms of maintenance obligation in the Member States, first and foremost those involving children.

The Regulation is an instrument of particular significance for establishing a European judicial area for European citizens.

The Regulation sets the rules on jurisdiction. Furthermore, most Member States will apply harmonised conflict-of-law rules.

The Regulation will remove the remaining obstacles to recovery of maintenance claims within the European Union. In particular, the exequatur procedure will be abolished between all Member States which apply harmonised conflict-of-law rules. Accordingly, decisions on maintenance obligations will be able to circulate freely between practically all Member States without any form of control on the substance in the Member State of enforcement. This will significantly speed up the recovery of maintenance owed.

These improvements will pave the way for a legal environment in line with the legitimate expectations of maintenance creditors. The latter should be able to obtain easily, quickly and, generally, free of charge, an enforcement order which will be able to circulate freely throughout the European judicial area and will ensure regular payment of the amounts due.

The Regulation also provides for free legal aid for all proceedings concerning a parent's maintenance obligations in respect of a child below the age of 21.

Lastly, a system of administrative cooperation between Member States' Central Authorities will enable the persons concerned to benefit from practical assistance, in particular through exchange of information (for the purposes of locating debtors, for instance).

LEGAL PROTECTION FOR VULNERABLE ADULTS – Council conclusions

The Council adopted the following conclusions:

"On the basis of the report submitted to it, the Council approves the following conclusions on the situation of vulnerable adults and their cross-border legal protection:

- (a) Member States which have already concluded that it would be in their interests to accede to the Hague Convention of 13 January 2000 on the International Protection of Vulnerable Adults are invited to begin as quickly as possible or actively to continue with procedures for its signature and/or ratification.
- (b) Member States which are still engaged in domestic consultations are invited to conclude those consultations as soon as possible.
- (c) The Commission is invited to follow closely experience with application of the Hague Convention of 13 January 2000 on the International Protection of Adults. The discussions in the Hague Conference and the Council of Europe¹ should also be borne in mind. If necessary, once sufficient experience has been acquired in operation of the Convention, discussions could be begun on the advisability of introducing additional measures at Community level."

¹ 15446/05 JAI 488 RELEX 741.

TRAINING OF JUDICIAL STAFF – Council Resolution

The Council adopted the following Resolution:

"The Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council,

Whereas:

1. National judges and prosecutors play a crucial role in guaranteeing the respect of the law of the European Union. Efficient interaction between national judges and the European Court of Justice in the framework of the procedure for obtaining a preliminary ruling from the European Court of Justice on the validity and/or interpretation of provisions of European law is of primary importance in order to ensure the coherence of the European legal order. In this context, particular attention is drawn to the existence of an urgent preliminary ruling procedure applicable to references concerning the area of freedom, security and justice.
2. The European Council, meeting in Tampere in October 1999, placed the creation of the area of freedom, security and justice at the top of the political agenda. With a view to achieving this aim, the European Council designated the principle of mutual recognition as the cornerstone of judicial cooperation in both civil and criminal matters within the European Union.
3. Courts, prosecution offices and other national competent authorities throughout the European Union can issue decisions in various stages of civil and criminal procedures. By virtue of the principle of mutual recognition, these decisions are recognised and enforced, in accordance with the applicable legislative act, in a Member State other than the one in which they were handed down. All judges and prosecutors in the European Union may thus be required to enforce decisions in civil and criminal matters handed down in another Member State.
4. In order to properly implement the principle of mutual recognition, the Member States and their judicial authorities need to have mutual trust in each other's legal systems. Moreover, the intensification of judicial cooperation, such as by direct contacts between judicial authorities, in particular through the European Judicial Networks and Eurojust, can only take place in an atmosphere of mutual trust and mutual understanding between judicial authorities.

5. The Hague programme of 2004¹ emphasised the need to strengthen mutual confidence by requiring an explicit effort to improve mutual understanding among judicial authorities and different legal systems, to promote exchange programs for these authorities and to systematically include a European Union component in their training.
6. The European Commission's communication of 29 June 2006² on judicial training in the European Union stressed the need to develop judicial training in order to make effective and visible the progress achieved in establishing the area of freedom, security and justice. The communication stressed in particular the needs to improve practitioners' familiarity with legal instruments of the European Union, to improve mutual understanding of Member States' legal systems and to improve language training. While stressing that it is primarily up to the Member States to incorporate the European dimension fully into their national activities, the communication also underlined the need to develop a more fully integrated type of training, conceived and implemented at European level.
7. Mutual confidence and trust depends notably on the certainty that all judges, prosecutors and judicial staff (such as assistants, law-clerks and registrars) in the European Union receive suitable training. The training provided to judges, prosecutors and judicial staff is thus a vital tool for fostering mutual recognition.
8. Adequate judicial training requires in particular that all judges, prosecutors and judicial staff be provided with sufficient knowledge of European cooperation instruments and that they make full use of the European Union's primary and secondary law. Such training should cover all the aspects that are of relevance to the development of the internal market and of the area of freedom, security and justice. It should contribute to adequate knowledge of the law and legal systems of the other Member States of the European Union and promote relevant courses of comparative law.

¹ OJ C 53, 3.3.2005, p. 1.

² COM(2006) 356 final.

9. Following the entry into force of the Treaty on European Union, several European bodies, such as the Academy of European Law (Europäische Rechtsakademie) (ERA) and the European Centre for Judges and Lawyers at the European Institute of Public Administration (EIPA), have been organising training courses for legal professions and judicial staff, focusing mainly on primary and secondary European law.
10. The European Judicial Training Network (EJTN), which was founded in October 2000, is an association which comprises the Member States' institutions which are responsible for the training of judges and prosecutors. Its objective is to promote and organise European training programmes for judges and prosecutors of the Member States and their trainers. To that end, the EJTN organises the implementation of a catalogue containing cross-border training opportunities. The EJTN is also responsible for carrying out the implementation of an exchange programme for judicial authorities.
11. The Hague programme indicated that the EJTN should be supported by the Union. In its resolution of 24 September 2002, the European Parliament underlined the importance of the EJTN.
12. Since 1996, financial programmes of the European Union have supported judicial training developed by national training institutions and by European bodies such as ERA, EIPA and EJTN. Council Decision 2007/126/JHA of 12 February 2007, establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme "Criminal Justice"¹, established an operating grant for EJTN. ERA and EIPA are also regularly supported by the Community budget. Specific framework partnership agreements have been concluded between the European Commission and EIPA, ERA and EJTN. The latter is the privileged partner in implementing the judicial exchange programme, and its efficiency should be enhanced.
13. The national bodies which provide judicial training remain nevertheless the key vehicles for imparting a common foundation of both theory and practical applications as well as, in a broader sense, a common European judicial culture which, whilst based on unity through European law, at the same time recognises the diverse legal and judicial systems of the Member States.

¹ JO L 58, 24.2.2007, p. 13.

14. In order to promote genuine mutual trust between judiciaries of the Member States, it is important to adopt a definition of training which is as broad as possible, with the aim of establishing a common European judicial culture. Based on common values and traditions, such a common European judicial culture should *inter alia* promote the capacity of judges, prosecutors and judicial staff to demonstrate openness towards the legal culture and traditions of other Member States and to address relevant issues of deontology.
15. In its resolution of 9 July 2008 on the role of the national judge in the European judicial system, the European Parliament pointed to the insufficient knowledge by judges and prosecutors of European law due to the low number of them having received adequate training in this field. Also, mutual evaluation reports have demonstrated that judges, prosecutors and judicial staff in the Member States of the European Union are not always sufficiently familiar with European law and that, in general, they do not make sufficiently use of the European bodies which are available with a view to, notably, facilitating procedural matters, such as Eurojust and the European Judicial Networks.
16. The relevance of the further development of a European judicial culture has not yet sufficiently permeated judges, prosecutors and judicial staff in the Member States, and the sense of belonging and contributing to a common judicial area needs to be further enhanced.
17. Training in official languages of the European Union, other than the mother tongue of the person concerned, is very important for judges, prosecutors and judicial staff, *inter alia* in order to enable and facilitate direct contacts between judicial authorities of different Member States, and in order to create an interest in and openness towards the legal culture and traditions of other Member States. Language training can also contribute to allowing judges, prosecutors and judicial staff to participate in exchange programmes, as well as in training activities which are held in other Member States.

18. It is essential that other legal professions, such as lawyers, receive adequate training in the field of European law. However, in the majority of Member States these professions are themselves responsible for organising their training. It seems therefore appropriate not to include them in the scope of this resolution. This should however not preclude that national authorities and the European Union support, also financially, the training of these other legal professions in the field of European law, it being understood that the independence of these legal professions should not be jeopardised.
19. Judges and prosecutors fulfil separate tasks in the Member States. Therefore, nothing in this resolution obliges Member States to organise common training for judges and prosecutors.
20. This resolution should contain a review clause on the application of these guidelines. In the light of that review, appropriate measures should be taken in order to further improve the situation if and where necessary.
21. In view of the above, action should be taken as regards training for judges, prosecutors and judicial staff,

HEREBY ADOPT THE FOLLOWING RESOLUTION:

1. When organising training for judges, prosecutors and judicial staff (such as assistants, law-clerks and registrars), without prejudice to judicial independence or different judicial organisations in the European Union, Member States should adhere to the guidelines set out below.
2. These guidelines are designed to achieve the following general aims:
 - (a) to contribute to the development of a genuine European judicial culture, based on diversity of the legal and judicial systems of the Member States and unity through European law;

- (b) to improve the knowledge of the European Union's primary and secondary law among judges, prosecutors and judicial staff, including fostering the knowledge of the procedures before the European Court of Justice, in particular the procedure for obtaining a preliminary ruling on the validity and/or interpretation of provisions of European law;
 - (c) to promote, through appropriate training, the application of European law by judges, prosecutors and judicial staff, in a way which is in keeping with the fundamental rights and principles recognised in Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union;
 - (d) to foster the knowledge of the legal systems and law of the other Member States, notably by promoting relevant courses of comparative law;
 - (e) to enhance the language skills of judges, prosecutors and judicial staff throughout the European Union;
 - (f) to foster a shared awareness of issues that are common to the judges, prosecutors and judicial staff;
 - (g) to promote a sharing of ideas on the development of the area of freedom, security and justice and its implications for the proper operation of justice.
3. The Member States should take all practicable steps to ensure that their national bodies responsible for training the judges, prosecutors and judicial staff, building upon their existing efforts,
- (a) disseminate information on the legal systems and law of other Member States of the European Union, such as by setting up courses on comparative law;

- (b) increase opening up their national training courses to judges, prosecutors and judicial staff from other Member States;
- (c) develop and stimulate direct exchanges between judges, prosecutors and members of judicial staff of different Member States, including by playing an active part in the Judicial Exchange Programme¹, by promoting "twinning" and by any other appropriate means;
- (d) effectively develop, by all suitable means, the European Judicial Training Network (EJTN) and take an active part in its activities.

4. In order to achieve the general aims described above, the Member States should encourage and, where appropriate, develop new concrete action designed to:

- (a) highlight the European dimension of the judicial functions, by:
 - a. incorporating training on European law into their initial national training programme, if one exists, and into their continuous training programme and curricula, duly taking into account in this regard the guidelines to be laid down in this respect by the EJTN, making full use of the experience of existing training institutions;
 - b. extending the programme of exchanges referred to in point 3(c) to judicial staff, as appropriate;
 - c. promoting, among judges, prosecutors and judicial staff, the knowledge of at least one other official language of the European Union, in particular through training programmes, and favouring such knowledge if and when appropriate, taking into account the specificities of the legal and judicial system of the Member State concerned, e.g. on recruitment of judges, prosecutors and judicial staff and during evaluation;

¹ Judicial Exchange Programme based on Article 49(2) of the Council Regulation No 1605/2002 of 25 June 2002 applicable to the Financial Regulation on the general budget of the European Communities (OJ L 248, 16.9.2002 p. 1).

- d. fostering the knowledge of the legal systems and law of other Member States;
 - e. supporting the learning of European e-justice tools;
 - f. encourage e-learning and use modern techniques.
- (b) adopt common European training programmes, the content of which should be determined by the EJTN, and the implementation of which should be assured by the EJTN and/or its members, such as:
- a. one or more common training modules;
 - b. a common training programme designed for specific categories of relevant professionals, such as high-level judicial staff, specialised judges or prosecutors, and trainers;
 - c. a common training programme of a short duration which will bring together judges, prosecutors and members of judicial staff of various Member States ("European classes"), the organisation of which should initially be attributed to national training bodies.
5. The EJTN and its members should play an important role in the practical implementation of these guidelines. To that end, appropriate measures should be taken to strengthen the EJTN.
6. With a view to achieving the above objectives, Member States are invited to take the necessary measures in order to allow the members of the EJTN to increase the amount of their respective financial contributions to the EJTN and thus ensure sustainability of its functioning.
7. The Commission and the Member States are invited to consider the possibility of revising the administrative procedures for allocating Community funds to training projects for judges, prosecutors and judicial staff, notably those organised by bodies with which the Commission has concluded framework partnerships, in particular ERA, EIPA and EJTN, with a view to further simplifying these procedures and allowing available funds to be allocated within shorter timeframes.

8. The Member States and the Commission are invited to ensure the rapid implementation of this Resolution. To that end, the Presidency and the Commission are further invited to make the necessary contacts with the European training bodies.
9. The Council shall review the application of these guidelines at the latest four years after their adoption, on the basis of a report presented by the Commission. In view of the results of such revision, appropriate measures should be taken in order to further improve the situation if and where necessary."

OTHER BUSINESS

The Commission informed the Council about its plans to introduce body scanners in airports throughout the European Union.

The EU Ministers for Home Affairs discussed the following subjects over lunch:

- The European Security Research and Innovation Forum;
- the status of ratifications of mutual legal assistance and extradition agreements with the United States; and
- the concept of European mutual assistance in the area of civil protection.

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In the margins of the Council, the Mixed Committee (EU + Norway, Iceland, Liechtenstein and Switzerland) examined the state of play concerning the second-generation Schengen Information System (SIS II).

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Agreement EU / Switzerland / Liechtenstein – requests for asylum

The Council adopted a Decision on the conclusion of a Protocol between the EU, Switzerland and Liechtenstein concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Switzerland ([13831/1/08](#)).

The Protocol was signed in Brussels on 28 February 2008.

The fight against organised crime

The Council adopted a Framework Decision on the fight against organised crime ([12279/06](#)).

The Decision aims to approximate substantive criminal law to facilitate the mutual recognition of judgements and judicial decisions with cross-border dimensions by defining offences relating to participation in a criminal organisation.

The Framework Decision respects the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union, and neither reduces nor restricts national rules relating to fundamental rights or freedoms such as due process, the right to strike and freedom of assembly, of association, of the press and of expression.

European anti-corruption network

The Council adopted a Decision on a contact-point network against corruption ([11231/1/07](#)).

The network of contact points of the Member States has been set up in order to improve cooperation between authorities and agencies in preventing and combating corruption in Europe. The European Commission, Europol and Eurojust will be fully associated with the network's activities.

The network's tasks include constituting a forum for the exchange throughout the EU of information on effective measures and experience in preventing and combating corruption, and of facilitating the establishment and active maintenance of contacts between its members.

Eurojust – 2007 Activity report

The Council took note of the Activity Report of the Joint Supervisory Body of Eurojust for the year 2007 and forwarded it to the European Parliament for information. ([12622/08](#)).

SISNET accounts 2006

The Member States meeting within the Council decided to give a discharge to the Secretary-General and the Deputy Secretary-General in respect of the SISNET network (the communication infrastructure for the Schengen environment) budget's implementation in 2007, following the report of the Court of Auditors.

Schengen – SISNET – Amending budget

The Member States meeting within the Council accepted that in 2008, exceptionally, no SISNET network amending budget would be adopted.

European Police College (CEPOL) – Report for the year 2007

The Council took note of the European Police College Annual Report for the year 2007 ([12846/08](#), [12846/08 ADD1](#)).

Cooperation with Iceland and Norway

The Council adopted a Decision authorising the Presidency of the EU to start negotiations to conclude an agreement with Norway and Iceland to step up cross-border cooperation, in particular with a view to combating terrorism and cross-border crime.

Schengen Information System

The Council adopted a Regulation and a Decision on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ([13488/08](#) and [13489/08](#)).

European Best Practice Guidelines

The Council approved European Best Practice Guidelines for Police and Customs Cooperation Centres ([13815/08](#)).

Communication between operational units in border areas – *Recommendation*

The Council adopted the Recommendation set out in [13796/08](#).

EXTERNAL RELATIONS

Georgia – EU Monitoring Mission

The Council approved a Decision authorising the conclusion of an Agreement with Georgia on the status of the EU Monitoring Mission in Georgia ([13690/08](#)).

On 15 September 2008, the Council adopted a Joint Action establishing an EU Monitoring Mission in Georgia ("EUMM Georgia"), with the aim of contributing to stability in Georgia and in the region. This Mission, in which some 200 observers are participating, has been active on the ground since 1 October 2008.

See also: <http://www.consilium.europa.eu/eumm-georgia>.

EU-Russia – Permanent Partnership Council (foreign affairs)

The Council approved the position of the European Union for the fifth EU–Russia Permanent Partnership Council (foreign affairs), to be held in St Petersburg on 28 October 2008.

EU Annual Report on Human Rights

The Council approved the tenth EU Annual Report on Human Rights covering the period from July 2007 to June 2008.

The purpose of the Report is to give an overview of the EU's policies and actions in the field of human rights. It thus provides the transparency and visibility required for interaction between the EU and civil society.

The tenth Report covers the EU's actions in the field of human rights vis à vis third countries, in multilateral bodies and on certain specific thematic issues.

The Report will be available on the Council's website:

[EU Annual Report on Human Rights](#)

Union for the Mediterranean – Conference of Ministers for Industry

The Council approved draft conclusions with a view to the Barcelona Process: Union for the Mediterranean Conference of Ministers for Industry, which is due to be held in Nice on 5 and 6 November 2008.

The text will be forwarded to the Mediterranean partner countries and will be finalised after negotiations with them.

COMMON FOREIGN AND SECURITY POLICY

Export controls on dual-use items – Weapons of mass destruction

The Council adopted a Regulation updating the EU's common list for the control of exports of dual-use items and technology in order to bring it into line with new international commitments in this field ([13225/08](#)).

The list of dual-use items is contained in Regulation No 1334/2000. That Regulation requires dual-use items (including software and technology) to be subject to effective control when they are exported from the Community.

BUDGET

Mobilisation of the European Globalisation Adjustment Fund for Spain and Lithuania

The Council adopted a Decision on the mobilisation of the European Globalisation Adjustment Fund (EGA) for Spain and Lithuania following an agreement with the European Parliament ([12819/08](#)). The Decision concerns a total sum of EUR 10,77 million, EUR 10,47 million of which is intended for the Spanish automobile sector, which has been hit by redundancies, and EUR 298,994 of which is intended for the textile sector in Lithuania, following the closure of production activities.

COMPANY LAW

International accounting standards – regulatory procedure with scrutiny

In accordance with the regulatory procedure with scrutiny, the Council has decided not to oppose draft regulations of the European Commission:

- adopting certain international accounting standards in accordance with Regulation No 1606/2002;

- amending Regulation No 1725/2003 adopting certain international accounting standards in accordance with Regulation No 1606/2002 as regards International Accounting Standard (IAS) 23;
- adopting certain international accounting standards in accordance with Regulation No 1606/2002 as regards International Financial Reporting Interpretation Committee (IFRIC) Interpretation 14;
- adopting certain international accounting standards in accordance with Regulation No 1606/2002 as regards International Financial Reporting Standard (IFRS) 2;
- adopting certain international accounting standards in accordance with Regulation No 1606/2002 as regards International Financial Reporting Interpretation Committee (IFRIC) Interpretation 13;
- adopting certain international accounting standards in accordance with Regulation No 1606/2002 as regards International Accounting Standard (IAS) 1.

AVIATION

Airworthiness of aircraft – regulatory procedure with scrutiny

The Council decided not to oppose the adoption by the Commission of the following two Regulations amending requirements as regards the airworthiness of aircraft:

- Commission Regulation amending Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks;
- Commission Regulation amending Appendix II of Annex I to Regulation (EC) No 1702/2003 concerning the Airworthiness Review Certificate (EASA Form 15a).

Those amendments were made further to an opinion from the European Aviation Safety Agency which recommended adapting the existing requirements to the complexity of the different categories of aircraft and the types of operations without impairing the level of safety.

The amending Regulation is subject to the regulatory procedure with scrutiny. This means that after being agreed by the competent committee of experts it needs to be given the green light by the Council and the European Parliament, upon which it can be formally adopted by the Commission.

ENVIRONMENT

Environmental protection through criminal law *

The Council adopted a Directive on the protection of the environment through criminal law after reaching agreement with the European Parliament at first reading ([3639/08](#) + [14242/08 ADD 1](#)).

The new legislative act obliges Member States to provide for effective, proportionate and dissuasive criminal penalties in their national legislation for serious infringements of provisions of Community law on the protection of the environment. These infringements include, for example, the emission of materials or ionising radiation into air, soil or water, the shipment of waste, the destruction or taking of specimens of protected wild fauna or flora species and the placing on the market of ozone-depleting substances.

Inclusion of aviation in the quota exchange system *

The Council adopted a Directive whose purpose is to include aviation in the scheme for greenhouse gas emission allowance trading within the Community ([3657/08](#) and [14243/08 ADD 1 REV 1](#)). From 2012, the system will cover all flights leaving from and landing in the EU.

See press release [14664/08](#) for more information.

TRANSPARENCY

Public access to documents

The Council adopted:

- the reply to confirmatory application 14/c/01/08, with the Finnish and Swedish delegations voting against ([13289/08](#)).

 - the reply to confirmatory application 15/c/01/08 submitted by Mr Sander SCHUITEMAKER, with the Finnish and Swedish delegations voting against ([13423/08](#)).
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