



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 November 2010

10599/10

LIMITE

PV/CONS 32

JAI 511

DRAFT MINUTES ¹

Subject: **3018th** meeting of the Council of the European Union (**JUSTICE AND HOME AFFAIRS**), held in Luxembourg on 3 and 4 June 2010

¹ Information concerning 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.

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1. **Adoption of the provisional agenda**

10305/10 OJ/CONS 31 JAI 489 COMIX 410

The agenda was adopted as stated in document 10305/10 OJ/CONS 31 JAI 489 COMIX 410

LEGISLATIVE DELIBERATIONS

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

10306/10 PTS A 48

+ ADD 1

The list of "A" items was approved as stated in documents 10306/10 PTS A 48 + ADD 1.

The documents in item 2 and 3 should read as follows:

10306/10, item 2:

6106/10 AGRILEG 9 VETER 2 ENV 63 RECH 39 CODEC 88

+ **COR 1 (fi)**

+ ADD 1

9968/10 CODEC 453 AGRILEG 60 VETER 18 ENV 311 RECH 192

+ ADD 1

10306/10 ADD 1, item 3:

3. Proposal for a Council Regulation amending Regulation (EC) No 1104/2008 and proposal for a Council Regulation amending Decision 2008/839/JHA on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)

- General approach

9920/10 SIRIS 82 SCHENGEN 41 COMIX 371

+ **COR 1**

9925/10 SIRIS 83 SCHENGEN 42 COMIX 372

+ **COR 1**

+ **COR 2**

10125/10 SIRIS 86 SCHENGEN 43 COMIX 389

3. **Proposal for a Directive of the European Parliament and of the Council on Preventing and Combating trafficking in Human beings, and protecting victims, repealing Framework Decision 2002/629/JHA**

- General approach
10330/10 DROIPEN 56 MIGR 55 CODEC 491

The outcome of proceedings is contained in doc. 10845/10 DROIPEN 63 MIGR 60 CODEC 541.

4. **Initiative of the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand-Duchy of Luxembourg, the Republic of Hungary, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings**

- Information by the Presidency on negotiations with the European Parliament and the Commission
10420/10 DROIPEN 58 COPEN 128 CODEC 501

The Council was informed by the Presidency on the results of the negotiations with the European Parliament and the Commission on the draft Directive. The Council welcomed the agreement reached, set out in 10420/10. The declaration set out in 10574/10 will be inserted in the minutes of the Council meeting at which the Directive will be finally adopted.

5. **Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Spain, the Republic of Estonia, the French Republic, the Republic of Hungary, the Italian Republic, the Republic of Poland, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the European Protection Order**

- General approach
10384/10 COPEN 127 CODEC 498

After a long discussion, the Presidency concluded that there is sufficient ground for the Council to continue discussions with the European Parliament with a view to reaching an agreement on the text of the draft Directive. The Presidency noted that at the next session of the Council in October 2010, the Council should assess the position of the United Kingdom, following a reasonable period of time as referred to in Article 3(2) of Protocol 21 to the Treaty.

6. **Proposal for a Council Decision authorizing enhanced cooperation in the area of the law applicable to divorce and legal separation**

- Political agreement
- Request by the Council for the consent of the European Parliament
 - 9898/10 JUSTCIV 100 JAI 441
 - 9142/08 JUR 191 JUSTCIV 93
 - 10288/10 JUSTCIV 110 JAI 485
 - 10172/10 JUR 240 JUSTCIV 108 JAI 468
 - + COR 1

The Council

- (a) took note of the declaration of the Commission as set out in Annex;
- (b) acknowledged that there was a political agreement on the text of the proposed Decision, as set out in 9898/2/10 REV 2 JUSTCIV 100 JAI 441, subject to the consent of the European Parliament; and
- (c) decided to transmit to the European Parliament the draft text of the Decision as set out in 9898/2/10 REV 2 JUSTCIV 100 JAI 441 in order to obtain the consent of the European Parliament in accordance with Article 329(1) of TFEU.

7. **Proposal for a Council Regulation (EU) implementing enhanced cooperation in the area of the law applicable to divorce and legal separation**

- General approach on key elements
 - 10153/10 JUSTCIV 106 JAI 464
 - + COR 1
 - 10154/10 JUSTCIV 107 JAI 465

The Council

- (a) reached general approach on key elements of the text, as set out in 10153/10 JUSTCIV 106 JAI 464, between the Member States that participate in enhanced cooperation¹; and
- (b) agreed that further examination should be carried out on certain technical points.

¹ As defined in 9898/10 JUSTCIV 96 JAI 427

8. **Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession**

- Political guidelines for the future work
9703/1/10 REV 1 JUSTCIV 94 CODEC 425
 - + REV 2 (de)
 - + REV 3 (lv)

The Council approved the guidelines set out in 9703/1/10 REV 1 JUSTCIV 94 CODEC 425 as the political guidelines for the future work on the proposed Regulation.

9. **Any other business**

- **Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA**
 - State of play (*Report by the Presidency*)
10335/1/10 REV 1 DROIPEN 57 JAI 493 CODEC 493

The Council took note of the state of play on this file on the basis of document 10335/10 REV 1 DROIPEN 57 JAI 493 CODEC 493.

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NON-LEGISLATIVE ACTIVITIES

10. **Approval of the lists of "A" items**
10307/10 PTS A 49

The list of A-items was approved as stated in document 10307/10 PTS A 49.

The documents in item 28 should read as follows:

Item 28 10333/10 VISA 144 COEST 162
10304/10 VISA 143 COEST 160
+ **COR (sv)**
approved by COREPER, part 2, 02.06.2010

11. Debate on internal security

10203/10 JAI 473 COSI 35

Following the creation of the Committee on Internal Security (COSI, TFEU, article 71), the ES, BE and HU Presidencies drafted a report on the state of internal security in the EU (10203/10 JAI 473 COSI 35), submitted to the Council as a basis for a ministerial debate. Ministers underlined that fight against organised crime, terrorism and trafficking in human beings should remain priorities and they considered cybersecurity as a major challenge for the coming years.

Generally, the idea to have at ministerial level regular debates on internal security was welcomed. Such debates should be prepared through joint reports drafted by the Agencies concerned. These reports should focus on the description of threats, but also propose concrete and detailed actions for an adequate EU response. The coordination role of COSI in this respect was stressed.

12. Discussion paper by the Counter-terrorism Coordinator on the implementation of the EU Strategy and Action Plan to Combat Terrorism

9685/10 JAI 418 ECOFIN 269 TRANS 126 RELEX 422 ECO 35 PESC 625
COTER 36 ENFOPOL 128 COSDP 412 PROCIV 63 ENER 146 ATO 17
DATAPROTECT 40 TELECOM 47

Ministers welcomed the presentation of the Counter-terrorism Coordinator. On the basis of a discussion paper, he focused on the four following elements:

- giving a clearer picture of the terrorist threat in the EU
- better securing public transport
- monitoring of terrorist travel
- connecting internal and external security.

13. **EU-US 2010 Declaration on Counter-Terrorism**

10591/1/10 REV 1 JAIEX 54 RELEX 501 ASIM 70 CATS 46 USA 78 TRANS
149 ENFOPOL 153 COTER 53 PROCIV 83 COPEN 131 COJUR 20
DATAPROTECT 44

The Council approved the EU-US 2010 Declaration as contained in document 10591/1/10
REV 1 JAIEX 54 RELEX 501 ASIM 70 CATS 46 USA 78 TRANS 149 ENFOPOL 153
COTER 53 PROCIV 83 COPEN 131 COJUR 20 DATAPROTECT 44.

14. **Information on the EU JHA PPC with the Russian Federation**

10281/10 JAIEX 50 RELEX 462 NIS 63 COEST 158 ASIM 64 CATS 41
JUSTCIV 109
10336/10 JAIEX 51 RELEX 472 ASIM 66 CATS 42 JUSTCIV 111 NIS 64

The Presidency reported on the successful Ministerial meeting that was held in cooperation
with the Commission, Belgium and Hungary with the Russian authorities in the areas of
Justice, Mobility and Security. A detailed outcome of this meeting can be found under
reference 10336/10.

15. **Draft Council conclusions on facilitating entry for citizens of the European Union at the external borders**

9873/10 FRONT 73 COMIX 367

The Council approved Conclusions on facilitating entry for citizens of the European Union at
the external border as set out in document 9873/10 FRONT 73 COMIX 367.

16. **Draft Council conclusions on the follow-up to the European Pact on Immigration and Asylum**

10302/10 ASIM 65

The Council approved Conclusions on the follow-up of the European Pact on Immigration
and Asylum as set out in document 10674/10.

17. **Draft Council Conclusions on unaccompanied minors**
(public debate pursuant to Article 8(2) Council's rules of procedure)
9824/10 ASIM 62

The Council approved Conclusions on Unaccompanied Minors as set out in document 10669/10.

18. **Draft European pact to combat international drug trafficking - Disrupting cocaine and heroin routes**
8821/10 JAI 320 COSI 20 CORDROGUE 40 CRIMORG 79 JAIEX 39

The Council adopted the European Pact to combat international drug trafficking. Aiming to disrupt cocaine and heroine routes and to counter crime proceeds, the Pact is considered as a first important step towards a more coherent law enforcement cooperation in the fight against drug trafficking.

19. **Recommendation from the Commission to the Council for a Council Decision authorising the Commission to negotiate the Accession Agreement of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms**
- Adoption of the draft Council Decision and of the negotiating directives
10602/10 FREMP 26 JAI 512 COHOM 146 COSCE 16 **RESTREINT UE**
9693/10 JUR 222 FREMP 16 JAI 420 COHOM 120 COSCE 8

The Council examined this file on the basis of document 10602/10 FREMP 26 JAI 512 COHOM 146 COSCE 16 RESTREINT UE. The Outcome of the discussions is set out in document 10817/10 FREMP 27 JAI 523 COHOM 153 COSCE 17 RESTEEINT UE. At the end of the discussion, the Presidency made a statement (see Annexe).

20. **E-justice**
a) **Assessment of the implementation structure's activities according to the Action Plan**
10097/10 EJUSTICE 61

The Council approved the assessment of the implementation structures on e-Justice, as set out in 10097/10 EJUSTICE 61.

b) **Implementation of the European E-justice Action Plan**

= Roadmap
9714/1/10 REV1 EJUSTICE 59

The Council endorsed the roadmap as set out in 9714/1/10 REV1 EJUSTICE 59.

c) **Report to the Council**

9384/10 EJUSTICE 58 JURINFO 14 JUSTCIV 88 JUSTPEN 8
+ COR 1

The Council

- a) approved the conclusions indicated in 9384/10 EJUSTICE 58 JURINFO 14 JUSTCIV 88 JUSTPEN 8 + COR 1, and
- b) took note that the opening of the e-Justice portal should take place on 16 July 2010.

21. **Any Other Business**

- **Presentation by the incoming Belgian Presidency on the priorities in JHA matters**
- **Study commissioned by the Committee for Civil Liberties, Justice and Home Affairs of the European Parliament: "What system of burden-sharing between Member States for the reception of asylum seekers?" (at the request of Malta)**

Malta drew the attention of the Council to the results of the study.

- **EU-Canada: visas (at the request of Czech Republic)**

The Commission and Czech Republic reported to the Council on the position in relation to visa reciprocity with Canada.

- **International Anti-Corruption Academy (IACA) (at the request of Austria)**

Austria presented the project and invited Member States to the founder conference on 2-3 September 2010 in Vienna.

- **EU-Turkey: readmission (at the request of the Commission)**

The Commission reported on the progress in the negotiations with Turkey on an EU-Turkey Readmission Agreement.

- **Police Cooperation Convention for South-Eastern Europe** (*at the request of Bulgaria*)

Bulgaria informed the Council on the state of play of implementation.

- **Outcome of the meeting of Ministers of the Interiors of Italy, Germany, France, UK, Spain, and Poland (G6), Commissioner Cecilia Mallström, US Attorney General, Mr: Eric Holder, Assistant Secretary for Policy at the U.S. Department of Homeland Security, David Heyman (Varese on 28-29 May)** (*at the request of Italy*)

This item was not dealt with.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 20 : **Agreement between the European Union and the Government of the Socialist Republic of Viet Nam on certain aspects of air services**

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

"Inter alia for pragmatic reasons, it is preferable that the Community alone should conclude the Agreement with the Government of the Socialist Republic of Viet Nam on certain aspects of air services. The same considerations would apply in respect of similar agreements as long as they are concluded in accordance with and within the limits of the mandate on the replacement of certain provisions in existing bilateral agreements adopted by the Council Decision of 5 June 2003.

This Decision does not constitute a precedent as to the exercise of the respective competencies of the Community and its Member States in respect of agreements other than those referred to above, such as, for example, agreements of the type envisaged by the Council Decision of 5 June 2003 authorising the Commission to open negotiations with the United States in the field of air transport, which shall be concluded as mixed agreements.

This Decision does not create any new Community competences as far as external agreements on air services are concerned, nor does it affect the division of competences between the Community and its Member States."

Ad "A" item 27 : **Draft Council conclusions on the Commission Communication "Delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme"**

DECLARATION BY THE EUROPEAN COMMISSION

"The European Commission

- Emphasizes that the Stockholm Action Plan as adopted by the Commission is in line with the objectives and the spirit set out in the Stockholm Programme and with the Resolution of the European Parliament of 25 November 2009,
- Reiterates that the Action Plan aims at delivering the political objectives set out by the European Council in the Stockholm Programme and responding to citizen's expectations and European Parliament priorities,
- Reaffirms its readiness to table proposals as it sees necessary and appropriate, while continuing to take into account the concerns of the European Parliament and the Council."

Ad item 6 of the agenda : Cooperation in the area of the law applicable to divorce and legal separation

STATEMENT BY THE EUROPEAN COMMISSION

"The European Commission when considering enhanced cooperation in the area of the law applicable to divorce and legal separation and in general before proposing to the Council to authorise enhanced cooperation following a request from at least nine Member States, carefully verifies in accordance with the Treaties that the proposed enhanced cooperation aims to further the objectives of the Union, protect its interests and reinforce its integration process. In its analysis, the Commission closely verifies that the proposed enhanced cooperation does not:

- Undermine the internal market or economic, social and territorial cohesion;
- Constitute a barrier to or discrimination in trade between Member States;
- Distort competition between them."

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Ad item 19 of the agenda : Accession Agreement of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms

ORAL STATEMENT BY SPAIN

"The Presidency considers that this mandate - like every mandate - may if necessary, be at any time adapted to the requirements of the ongoing and developing negotiations."

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