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LIMITE

DRAFT MINUTES

Subject : **2863rd** meeting of the Council of the European Union (**JUSTICE and HOME AFFAIRS**), held in Luxembourg on 18 April 2008

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1. Adoption of the agenda

8351/08 OJ/CONS 21 JAI 169 COMIX 292

The Council adopted the agenda as set out in 8351/08.

2. Approval of the list of "A" items

8314/08 PTS A 19

The Council approved the "A" items listed in 8314/08, with the exception of item 17.

Information relating to items 8, 11 and 16 is set out in Addendum 1 to these minutes.

3. Proposal for a Council Directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection

– Orientation debate

8067/08 ASIM 23

The Council requested the Permanent Representative Committee to pursue work on this proposal on the basis of the outcome of its discussions on certain questions tabled by the Presidency.

4. Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals

– State of play

The Council took account of the latest developments in connection with this proposal, including the outcome of the discussions held between the Presidency and the European Parliament on 9 April 2008.

5. Draft Council Decision authorising the Commission to open negotiations for the conclusion of an agreement between the European Community and the United States of America regarding certain conditions for access to the United States' Visa Waiver Program in accordance with Section 711 of the "Implementing Recommendations of the 9/11 Commission Act of 2007"

8089/08 JAI 154 USA 20 RELEX 199 **RESTREINT**

The Council adopted the Decision as set out in 8695/0/ JAI 191 USA 22 RELEX 246 (RESTREINT UE).

6. The problem of illegal migration in Greece as EU's external border

The Greek Minister of the Interior briefed the Council on the problem of illegal immigration faced by Greece and its response, as well as providing information on the application of community asylum legislation in Greece.

7. Proposal for a Council Decision establishing the European Police Office (EUROPOL)

– Political agreement

8296/08 EUROPOL 46
+ COR 1

The Council reached a political agreement on the basis of 8296/08 EUROPOL 46 + COR 1. The Czech Republic lifted its parliamentary reservation. The Presidency called upon Member States concerned to lift their parliamentary reservations in due time to allow for a formal adoption of the decision in 2008.

8. EU Action plan for enhancing the security of explosives

– Political agreement
8311/08 JAI 165 ENFOPOL 75 MI 117 ENT 74 CHIMIE 18
TRANS 116 RECH 125

Agreement was reached on the Action plan. A number of delegations raised the issue of fertiliser concentration and asked that security related aspects should be examined by the Article 36 Committee.

9. Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism: Amendments

– General approach
7785/3/08 REV 3 CATS 24 DROIPEN 30
+ REV 3 COR 1 REV 1

The Council reached a general approach on the draft.

10. Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany with a view to adopting a Council Framework Decision on the enforcement of decisions rendered *in absentia* and amending Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States, Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties, Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders and Framework Decision 2008/…/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

– General approach
8372/08 COPEN 72
+ ADD 1

During the discussions in the Council on the text of the draft Framework Decision, twenty-four Member States indicated that they could accept the compromise package as

submitted by the Presidency (see for a consolidated version 8378/08 COPEN 73), many Member States underlining that it was a good and strong text and that the Framework Decision should be adopted as soon as possible. Two Member States, however, indicated that they would like further modifications/refinements to be made to the text, and one Member State indicated that it was not in a position at this stage to take any decision whatsoever on the text. All Member States, including the three Member States more particularly referred to above, confirmed that they were willing to reach a general approach on the text at the Council meeting in June. The Presidency concluded that it was not possible to reach an agreement at this Council meeting in April, but that the Council was determined to agree on a general approach on the text at its meeting in June.

11. Draft Council Decision on the strengthening of Eurojust amending Council Decision 2002/187/JHA of 28 February 2002, as amended by Council Decision 2003/659/JHA setting up Eurojust with a view to reinforcing the fight against serious crime

– Certain issues
7797/1/08 REV 1 COPEN 55 EUROJUST 27 EJN 21
+ REV 1 COR 1

The Council approved the text as proposed by the Presidency.

12. Common Frame of Reference for European Contract Law

– Draft Council position
8286/08 JUSTCIV 68 CONSOM 39
+ REV 1 (pl)

The Council:

– took note of the report and endorsed it as the Council position on fundamental aspects of the future Common Frame of Reference;

– agreed to communicate the report to the Commission inviting the Commission to take due account thereof in its future work on the Common Frame of Reference
– agreed to submit the report to the June European Council for information and to send it also to the European Parliament for information.

13. Outcome of the EU-US Ministerial Troika Meeting on Justice and Home Affairs, 12-13 March 2008, Brdo pri Kranju, Slovenia: Info point

This item was not discussed during the formal session.

14. Any Other Business

– **Director General of the IOM post**

The Italian Minister of the Interior presented the candidature of Professor Luca Riccardi as Director General of the International Migration Organization to the Council.

– **Information from the Netherlands delegation on resettlement of refugees**

The Netherlands State Secretary of Justice briefed the Council on a recent visit to Thailand where the question of the possible resettlement of refugees was discussed.

– **"1st European Hearing on Crimes committed by Totalitarian Regimes", Brussels, 8 April 2008**

The Council took note of the information provided by the Commission.