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16395/08

LIMITE

PVCONS 75
JAI 673

DRAFT MINUTES [1]

Subject : **2908th** meeting of the Council of the European Union **(JUSTICE and HOME AFFAIRS)**, held in Brussels on 27 and 28 November 2008

[1] Information which may be released to the public concerning the final adoption of Council acts is given in Addendum 1 to these minutes.

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ANNEX 14

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1. Adoption of the agenda

16058/08 OJ/CONS 66 JAI 661 COMIX 850

The Council adopted the agenda as set out in 16058/08.

2. Approval of the list of "A" items

16059/08 PTS A 58

The Council approved the "A" items listed in 16059/08, except for items 35 and 36.

Addendum 1 to these minutes gives information relating to items 15, 32, 33, 44, 45 and 46.

The Commission asked that a statement concerning "A" item 43 (Council Decision on the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters) be entered in these minutes (see Annex).

In addition, the references to the documents concerning item 1 are as follows :

Item 2 : 15231/08 ANTIDUMPING 112 COMER 199 CHINE 67
15232/08 ANTIDUMPING 113 COMER 200 CHINE 68
+ REV 1 (ro)

Item 29 : 15520/08 PROCIV 169 COCON 33 COSDP 1016 DEVGEN 217
ENV 799 FORETS 64 ONU 97 RECH 346 RELEX 887
SAN 256 TELECOM 188
+ REV 1 (ro)
+ REV 2 (sk)
+ REV 3 (sl)
+ REV 4 (ro)

Item 30 : 15653/08 PROCIV 174 COCON 34 COSDP 1029 DEVGEN 223
ENV 813 FORETS 66 ONU 99 RECH 359 RELEX 903
SAN 260 TELECOM 192
+ REV 1 (de)
+ REV 2 (ro)
+ REV 3 (sk)
+ REV 3 COR 1 (sk)

Item 33 : 15137/2/08 REV 2 COPEN 206
15413/**1**/08 **REV 1** COPEN 219
5602/08 COPEN 12
+ COR 1 (de)
+ REV 1 (nl)
+ REV 3 (fi)

Item 42 : 15728/08 JUSTCIV 241
+ COR 1 (en)
+ REV 1 (mt)
15729/08 JUSTCIV 242
15731/08 JUSTCIV 243

Item 43 : 15769/08 JUSTCIV 246 CH 70 ISL 35 N 47
+ COR 1 (fi)
+ REV 1 (de)
9196/08 JUSTCIV 94 CH 28 ISL 15 N 18

Item 45 : 16771/07 DROIPEN 127
+ COR 1 (es)
+ COR 2 (pt)
+ COR 3 (lv)
+ COR 4
+ COR 5 (sl)
+ COR 6 (hu)
+ REV 1
16351/1/08 REV 1 DROIPEN 94
+ REV 1 COR 1 (hu)

Item 46 : 15505/08 CODEC 1528 FRONT 95 VISA 352 COMIX 798 ADD 1
15505/**1**/08 **REV 1** CODEC 1528 FRONT 95 VISA 352 COMIX 798
PE-CONS 3676/08 FRONT 77 VISA 284 COMIX 660 CODEC 1109
+ REV 1 (bg, el, en, hu, pl, pt, sl, sk)
+ REV 2 (es)

3. Terrorism :

The Chairwoman referred to the terrorist attacks in Mumbai (India) the previous evening and the ongoing hostage crisis. She offered her condolences to those affected and outlined the measures being taken by EU Member States, pointing to the need for emergency aid requirements to be defined.

The Council adopted a declaration on the terrorist attacks in Mumbai on 26 November 2008 (16435/08 JAI 675 ENFOPOL 246 COTER 89 PROCIV 184).

The Director of SITCEN briefed delegations on the security measures taken by the Indian authorities and the coordination work being carried out by the EU institutions and gave them further details about the incident and the terrorist threat in India in general.

The Commission Vice-President responsible for justice, freedom and security briefed delegations on the work being done by the Commission on combating terrorism.

Several delegations informed participants of the medical and emergency assistance their countries were providing for their citizens and for other EU nationals affected by the attacks. They also stated their priorities in the fight against terrorism, notably the protection of critical infrastructures and easy targets, the security of explosives, CBRN weapons, information exchange, coordination of activities, joint investigation teams, security research and work in relation to third countries, including transatlantic relations. Particular emphasis was placed on the importance of making coordinated efforts to improve further the prevention of and response to terrorist attacks, within the EU and beyond.

The future Czech and Swedish Presidencies stressed that combating terrorism would be among their priorities and outlined some of their initiatives in that area.

(a) Implementation of the Strategy and Action Plan to Combat Terrorism

– Presentation of the report by the CTC
15983/08 JAI 658 ENFOPOL 234 ECOFIN 529 TRANS 413
RELEX 932 ECO 166 PESC 1524 COTER 86
COSDP 1056 PROCIV 182 ENER 402 ATO 111
DATAPROTECT 98 TELECOM 208
15912/08 JAI 654 ENFOPOL 233 ECOFIN 522 TRANS 408
RELEX 926 ECO 165 PESC 1520 COTER 84
COSDP 1054 PROCIV 180 ENER 394 ATO 109
DATAPROTECT 97 TELECOM 206
+ ADD 1 REV 1

The Counter-Terrorism Coordinator gave detailed information on the international terrorist threat and singled out the areas on which EU should focus in its response, in particular by continuing its work on civil protection and improving relations with third countries. He proposed expediting discussions preparing for the conclusion of an operational cooperation agreement between Europol and India. In addition, he set out the priorities in the counter-terrorism area, which he dealt with in his recent discussion paper on implementing the UE counter-terrorism strategy (15983/08), in particular the need for unstinting efforts to exchange information, counter radicalisation and recruitment and develop cooperation with third countries. He referred explicitly to certain areas in which cooperation with the United States needed to be stepped up. Mention was also made of the recent report on implementing the Strategy and Action Plan to Combat Terrorism (15192/08).

(b) Draft Council conclusions on the continuation of work on combating terrorism
15684/08 JAI 638 ENFOPOL 228
+ COR 1 (en)

The Council adopted the above conclusions.

The Chairman concluded the discussions on terrorism by specifying the priority areas for counter-terrorism work for the French Presidency: effective information exchange between the competent authorities, early detection of individuals on the Schengen Information System list on the basis of Article 99 of the Schengen Convention, implementation of best practice as described in a recent handbook on combating violent radicalisation, improving the legal framework for countering radicalisation and terrorist recruitment, combating terrorism, radicalisation and propaganda on the Internet, enhancing the security of explosives and countering CBRN terrorism, improving cooperation with third countries on combating radicalisation and extremism, particularly in the Sahel region, in Afghanistan, Pakistan and India, stepping up the dialogue with the United States on combating terrorism, improving communication on counter-terrorism by the media and the creation of synergies through closer cooperation between the Working Party on Terrorism and COTER .

4. European PNR
= Presidency report
15319/1/08 REV 1 CRIMORG 184 AVIATION 255 DATAPROTECT 86

The outcome of the proceedings is set out in 16457/08 CRIMORG 208 AVIATION 286 DATAPROTECT 100 + COR 1.

5. Civil Protection

= Briefing

The Council took note of the Presidency report on civil protection activities. The Presidency also presented a film on the "VAR 2008" exercise which took place in France from 4-7 November 2008.

6. Global Approach to Migration

(a) Briefing on the outcome of the second Euro-African Ministerial Conference on Migration and Development (Paris, 25 November 2008)

16149/08 ASIM 90 COAFR 379

The Council welcomed the outcome of the second Euro-African Ministerial Conference on Migration and Development, held in Paris on 25 November 2008, and in particular the adoption of a multiannual programme providing for the implementation of a series of activities and measures in these areas.

(b) Draft Council conclusions on the evaluation of the Global Approach to migration and on the partnership with countries of origin and transit

16041/08 ASIM 88 DEVGEN 244

The Council approved the draft conclusions, which would be submitted to the General Affairs and External Relations Council on 8 and 9 December for adoption.
A statement by Spain and Portugal is set out in the Annex hereto.

7. Integration

= Briefing on the Ministerial Conference on Integration
(Vichy, 3 and 4 November 2008)

The Council took note of the Presidency report and welcomed the outcome of the Conference.

8. **Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State**

– Progress report
16065/08 MIGR 116 SOC 705
16066/08 MIGR 117 SOC 706

The Council took note of progress on the above proposal. It instructed the competent bodies to take the work forward, with a view to the Directive's being adopted as soon as possible.

9. **Proposal for a Council Directive amending Directive 2003/109/CE to extend its scope to beneficiaries of international protection**

= Political agreement
16146/08 ASIM 89

The Presidency noted that unanimous agreement was not possible and instructed the Permanent Representatives Committee to continue discussions.

10. **Asylum**

– **Information from the Commission on the mission to Syria and Jordan concerning Iraqi refugees**
16112/08 ASILE 21 COMEM 217

The Council heard a report by the Commission Vice-President on this item.

– **Draft conclusions on the reception of Iraqi refugees**
16113/1/08 REV 1 ASILE 22 COMEM 218

The Council adopted the conclusions set out in 16481/08 ASILE 24 COMEM 222.

11. Free movement of persons: abuses and substantive problems

– Draft conclusions
16151/1/08 REV 1 MI 478 JAI 667

The Council adopted the conclusions as set out in 16483/08 MI 50 JAI 678.

12. Proposal for a Decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters

– Agreement with the European Parliament at first reading
15774/08 JUSTCIV 247 JURINFO 73
+ COR 1
15803/08 JUSTCIV 248
+ COR 1

The Council signified its agreement to the draft Decision and the draft statement with a view to reaching agreement at first reading with the European Parliament, which will vote on the text on 17 December 2008.

13. Draft report to the Council on the establishment of a common frame of reference for European contract law

15306/08 JUSTCIV 236 CONSOM 167
+ REV 1 (sl)

The Council signified its agreement to the report submitted by the Presidency and agreed to forward it to the European Parliament and to the Commission.

14. e-Justice : European e-Justice action plan

– Adoption
15315/08 JURINFO 71 JAI 612 JUSTCIV 239 COPEN 216

The Council adopted the European e-Justice action plan and requested that work continue actively in that area.

15. Online founding of companies by Portuguese citizens in Estonia and by Estonian citizens in Portugal, using digital signatures usable in both countries

The Council took note of a presentation by the Estonian and Portuguese delegations.

16. Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a network for legislative cooperation between the Ministries of Justice of the Member States of the European Union

15312/08 JAI 610 COPEN 213 JUSTCIV 237

The Council and the Representatives of the Governments of the Member States, meeting within the Council, adopted a Resolution on the establishment of a network for legislative cooperation between the Ministries of Justice of the Member States of the European Union. The text approved is set out in 16533/08.

The Resolution will shortly be published in the Official Journal of the European Union.

Further to that Resolution, France announced its intention of organising, in spring 2009, an informal meeting of Member States in Paris to discuss implementation of the Resolution and the arrangements for the practical establishment of the legislative cooperation network.

17. Proposal for a Council Framework Decision on the European supervision order (ESO) in pre-trial procedures between Member States of the European Union

= General approach

16007/08 COPEN 228

The Council arrived at a general approach on the proposal for a Framework Decision on the supervision order in pre-trial procedures between Member States of the European Union. The text approved is set out in 16382/08.

The Council invited its preparatory bodies to discuss the preamble, along with the certificate and the forms which would accompany the Framework Decision..

As soon as the full text has been approved, the European Parliament should be consulted again, given the number of substantial amendments introduced with respect to the original Commission proposal.

18. Draft Council conclusions on child abduction alerts

– Adoption
14612/2/08 REV 2 CRIMORG 171 CATS 83

The conclusions were adopted. Member States should send the Council General Secretariat details of existing mechanisms.

19. Other business

= **Briefing by the Commission on its future proposals for arrangements for authorising Member States to negotiate bilateral agreements with non-member countries on judicial cooperation in civil matters within the Community's exclusive sphere of competence**

The Council noted that the Commission intended to submit proposals on the introduction of arrangements for authorising Member States to negotiate bilateral agreements with non-member countries on judicial cooperation in civil matters.

= **Europol-Eurojust cooperation agreement**

– Briefing

The Council noted the state of play regarding the revised draft agreement between Europol and Eurojust. The revised agreement will be formally submitted to the Council following consultation of the supervisory authorities and approval by the Management Board of Europol and the Eurojust College.

ANNEX

STATEMENTS FOR ENTRY IN THE COUNCIL MINUTES

Re item 43 on the list of "A" items :

Council Decision concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

STATEMENT BY THE COMMISSION

"Following the declaration made by the European Community in accordance with Article II(2) of Protocol 1 to the Lugano Convention, the Commission recalls that it did not propose such a declaration. This declaration has the effect of breaching the parallelism between the Lugano Convention and the parallel Community instrument Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, while the principal objective of the new Lugano Convention was to reinstall such parallelism. As a result, for the Commission this declaration is without prejudice to the ongoing revision of the rules on third party proceedings/notices in the context of Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters."

Re item 6(b) on the agenda :

Draft Council conclusions on the evaluation of the Global Approach to migration and on the partnership with countries of origin and transit

STATEMENT BY SPAIN AND PORTUGAL

"Spain and Portugal underline the importance of further developing, as soon as possible, the structured and comprehensive dialogue on migration between the EU and LAC regions, as foreseen in the Lima Declaration.

This dialogue may eventually unfold into different agreed arrangements for cooperation on mutually identified areas of interest, while fully respecting the respective existing acquis."