COUNCIL OF
THE EUROPEAN UNION

Brussels, 31 July 2006

10142/1/06
REV 1
LIMITE
PV/CONS 30
JAI 292

DRAFT MINUTES

Subject: 2732nd meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 1/2 June 2006

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1 Information on the final adoption of Council acts which may be released to the public can be found in Addendum 1 to these minutes.
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10142/1/06 REV 1 prk LIMITE EN
1. Adoption of the agenda
9686/06 OJ/CONS 30 JAI 274 COMIX 487

The Council adopted the above agenda.

2. Approval of the list of "A" items
9687/06 PTS A 27

The Council approved the "A" items listed in 9687/06.

Addendum 1 to these minutes gives information on items 10, 31 and 32 on that list.

With regard to Item 30 "Proposal for a Regulation of the European Parliament and of the Council on the law applicable to non-contractual obligations ("Rome II")" the Latvian and Estonian delegations, who indicated that they were opposed to the compromise and would vote against the common position upon its adoption, made the statement set out in 9143/06 ADD 1. The Greek delegation, seconded by the delegations of Cyprus and Malta, made the statement set out in 9143/06 ADD 2.

Moreover, item 1 should read as follows:

1. Europol Annual Report 2005
8475/06 EUROPOL 28
8083/06 EUROPOL 24

and the documents in items 4, 6, 10 and 21 should read as follows:

Item 4: 9506/06 PROCIV 97 ONU 67 DEVGEN 139 COSDP 379 + COR 1

Item 6: 9836/06 JAI 279 CATS 111 CADREFIN 163 PROCIV 107
+ COR 1
9586/1/06 REV 1 JAI 267 CATS 100 CADREFIN 154 PROCIV 101
+ REV 1 COR 1 (en)
3. **Proposal for a Council Framework Decision on the European Evidence Warrant (EEW) for obtaining objects, documents and data for use in proceedings in criminal matters**

9516/2/06 REV 2 COPEN 57

+ ADD 1

The Council adopted a general approach on the proposal for a Framework Decision on the European Evidence Warrant (with the exception of the form to be annexed to the instrument and recitals other than those recitals agreed specifically as a part of the general approach), on the basis of 9516/2/06 REV 2 + ADD 1 and suggestions made by the Presidency at the meeting. A consolidated version of the agreed text will be circulated. The following statement was made by the Council to be included in the minutes:

**Statement by the Council**

"One Member State has expressed concerns in relation to the issue of the scope of 6 of the 32 categories of offences for which Article 16(2) of the draft Framework Decision on the European Evidence Warrant provides that the execution of an EEW may not be subject to verification of double criminality. The Council agrees that this horizontal issue should not delay the adoption of the Framework Decision. Article 25(2c) therefore provides that the said Member State may make a declaration at the adoption of the Framework Decision indicating criteria which will apply in relation to that State in respect of the 6 offences concerned (terrorism, computer related crime, racism and xenophobia, sabotage, racketeering and extortion or swindling).

The Council instructs its preparatory bodies to examine the horizontal issue of the scope of the categories of offences further with a view to the adoption by the Council of a horizontal approach on the issue by the end of 2007. Due account should during this examination be taken of the information which will be available in accordance with the review clause in Article 25a of the draft Framework Decision as well as other relevant information, such as developments in the jurisprudence of the European Court of Justice."
4. **Draft Framework Decision 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**

9220/2/06 REV 2 COPEN 54
7570/06 JUR 114 COPEN 28
+ COR 1

The Council discussed two key issues, namely the consent of the executing State and the consent of the sentenced person. The suggestions made by the Presidency were accepted by the majority of delegations. The Council referred the draft back to the Working Party on Cooperation in Criminal Matters, with a view to reaching agreement on it as soon as possible.

5. **Proposal for a Council Framework Decision on certain procedural rights in criminal proceedings throughout the European Union**

9600/06 DROIPEN 36
12902/04 JUR 399 COPEN 117

The Council agreed that the Presidency proposal for the text of an instrument on procedural rights in criminal proceedings set out in Annex I to 9600/06 should be the basis for further work and instructed the Article 36 Committee to continue work on this basis and also to look at practical measures (Annex II to 9600/06).


– Political agreement

9853/06 JUSTCIV 138 CODEC 547
9886/06 JUSTCIV 139 CODEC 555
+ COR 1
+ ADD 1

The Council reached political agreement on the compromise solution submitted by the Presidency, as set out in 9886/06 + COR 1 + ADD 1, and invited the appropriate fora to finalise the technical work on the recitals and on the standard forms.
7. **Draft Council Decision concerning arrangements for cooperation between Asset Recovery Offices of the Member States**
   - general approach
   
   9606/1/06 REV 1 CRIMORG 84
   9859/06 JUR 230 CRIMORG 88
   + COR 1

   At the request of the Irish delegation, this item was referred back to the Permanent Representatives Committee.

8. **Intelligence-led law enforcement**
   - Council conclusions setting the EU priorities for the fight against organised crime based on OCTA
     
     8489/3/06 REV 3 CRIMORG 71 ENFOPOL 74 ENFOCUSTOM 43

   The Council adopted the conclusions set out in 10181/06 CRIMORG 94 ENFOPOL 115 ENFOCUSTOM 50. The Italian delegation made the following statement to be included in the minutes:

   "Italy continues to have strong reservations about the organised crime threat assessment (OCTA) for 2006, produced by Europol. It is unable to accept that document, for two reasons:

   - procedurally, because, despite being a Europol document, the OCTA 2006 was never examined and approved by Europol's Management Board beforehand;

   - substantively, because the failure to check with member countries before submitting the OCTA led to the inclusion in it of information and assessments which, in Italy's case at any rate, are to be regarded as inaccurate."
The Council took note of the report of the Counter-Terrorist Coordinator. The Commission announced that it will table in July 2006 a "scoreboard" assessing the state of implementation of the Hague Programme, including the EU CT strategy. A programme to protect critical infrastructure will be proposed after the summer. The incoming Presidency indicated that the monitoring of the Internet will be high on its agenda in the field of counter-terrorism.

The Council adopted the conclusions set out in 9670/2/06 REV 2.

The Council adopted the conclusions set out in 9377/1/06 REV 1.

The Council approved the text of the Action Oriented Paper improving co-operation, on organised crime, corruption, illegal immigration and counter-terrorism, between the EU and the Western Balkans as set out in 9272/06 and the text of the Action-Oriented Paper Increasing EU support for combating drug production in, and trafficking from Afghanistan, including transit routes, as set out in 9370/1/06 REV 1.
c) EU-US JHA Ministerial Troika (3 May 2006, Vienna)
9223/06 JAI 236 RELEX 302 USA 35

The Council took note of the report as set out in 9223/06.

d) Meeting between the EU Presidency, the Russian Federation and the United States of America at Ministerial level on a Tripartite Cooperation in the field of Justice and Home Affairs, 4 May 2006 - "Vienna Initiative"
9378/1/06 REV 1 JAI 252 RELEX 322
9122/06 JAI 230 RELEX 293

The Council adopted the conclusions set out in 9378/1/06 REV 1.

12. Follow-up to Hampton Court: Implementation of priority actions in the area of migration.
   – Information from the Commission

The Commission informed the Council of developments in relation to implementation of the European Council Conclusions concerning the "Global Approach to migration: priority actions focussing on Africa and the Mediterranean" by reference, in particular, to the situation in West Africa and the Canary Islands. The report was welcomed by delegations, a number of whom also emphasised the situation in the Mediterranean and the importance of the forthcoming Euro-African Ministerial meeting on migration and development taking place in Rabat in July 2006. The Presidency concluded by welcoming the progress made while emphasising the importance of continuing to take work, on all aspects of the Global Approach, forward in a comprehensive manner.

13. A.O.B
   – Security arrangements in relation with World Cup Football Championships and other major sports events
   (request from Sweden)

This item was not discussed during the formal session.