COUNCIL OF
THE EUROPEAN UNION

Brussels, 13 September 2007

10699/07

LIMITE

PV/CONS  34
JAI  317
COMIX  555

DRAFT MINUTES

Subject:  2807th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 12/13 June 2007

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1 Information relating to the final adoption of Council acts which may be released to the public may be found in Addendum 1 to these minutes.

10699/07 CAB LIMITE EN
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1. **Adoption of the agenda**  
10519/07 OJ/CONS 33 JAI 303 COMIX 539

The Council adopted the agenda as set out in 10519/07.

2. **Approval of the list of "A" items**  
10520/07 PTS A 27

The Council approved the "A" items listed in 10520/07 with the exception of item 30 which was withdrawn from the list.

The Council adopted items 1 to 51, with the exception of item 40, on 12 June 2007.  
Items 40 and 52 to 61 were adopted on 13 June 2007.

Information relating to items 18, 43, 49, 50, 51, 55 and 60 on the list is set out in Addendum 1 to these minutes.

The documents in items 9, 14, 16, 18, 34, 37, 41, 49, 53, 54, 57 and 60 should read as follows:

**Item 9:** 8196/07 FEROE 3 PECHE 95 IND 33  
+ COR 1  
8197/07 FEROE 4 PECHE 96 IN 34  
+ REV 1 (It)

**Item 14:** 9313/07 MIGR 38 COEST 158  
9312/07 MIGR 37 COEST 157  
+ REV 1 (sk)  
+ REV 2 (cs)

**Item 16:** 9805/07 MIGR 41 COMIX 478  
+ COR 1 (fi)
Item 18: 10403/07 SIRIS 104 SCHEGEN 18 EUROPOL 76 EUROJUST 31 COMIX 530 14914/06 SIRIS 193 SCHEGEN 98 EUROPOL 94 EUROJUST 51
    COMIX 931 OC 865
    + COR 1 (en,fr,nl,el,pt,fi,sv,cs,pl)
    + COR 2 (it,da,es,sl)
    + COR 3 (fi)
    + COR 4 (et)
    + COR 5 (sv)
    + COR 6
    + COR 7
    + COR 8 (da)
    + REV 1 (sk)
    + REV 1 COR 1 (sk)
    + REV 2 (de)
    + REV 2 COR 1 (de)
    + REV 2 COR 2 (de)
    + REV 2 COR 3 (de)
    + REV 2 COR 4 (de)
    + REV 3 (hu)
    + REV 3 COR 1 (hu)

Item 34: 9666/07 JAI 253 ECOFIN 205 TRANS 168 RELEX 358 ECO 71 PESC 602
        COTER 43 COSDP 412 PROCIV 77 ENER 141 ATO 73
        DATAPROTECT 19 TELECOM 69
        + ADD 1 REV 2 (en)

Item 37: 10011/07 PROCIV 83 JAI 265 COSDP 441 PESC 641

Item 41: 9971/07 VISA 167 COEST 174
        + ADD 1 REV 1
        9323/07 VISA 155 COEST 159
        + COR 1 (da)
        + REV 1 (it)
        + REV 2 (es)
        + REV 3 (ro)

Item 49: PE-CONS 3616/07 FRONT 52 COMIX 424 CODEC 431
        + REV 1 (ga)
        10087/07 CODEC 598 FRONT 59 COMIX 503
        + COR 1
        + ADD 1
        + ADD 2
        + ADD 2 COR 1

Item 53: 9929/07 CRIMORG 91 ENFOPOL 101 ENFOCUSTOM 56
        75473/07 REV 3 CRIMORG 57 ENFOPOL 50 ENFOCUSTOM 31
        + REV 3 COR 1
Item 54:  9925/07 CRIMORG 90
        6692/2/07 REV 2 CRIMORG 41
        6683/07 CRIMORG 40 (en)

Item 57:  10527/07 JAI 305 DROIPEN 57 ENV 320 MI 154 PI 27 TRANS 213
        MIGR 49 ECOFIN 258
        10105/1/07 REV 1 JAI 268 DROIPEN 52 ENV 295 MI 144 PI 25
        TRANS 192 MIGR 46 ECOFIN 238
        + REV 1 COR 1 (fi)

Item 60:  9818/07 CODEC 560 JUSTCIV 146
        PE-CONS 3604/07 JUSTCIV 32 CODEC 124
        + COR 1 (sv)
        + COR 2 (de)
        + REV 1 (fi)
        + REV 2 (lv)
        + REV 3 (pl)
        + REV 4 (ga)

3. **EUROPOL**

   a) **Proposal for a Council decision establishing the European Police Office**

      = Finalisation of Chapter 1
      10327/07 EUROPOL 75

   b) **Draft Council Conclusions on replacing the Europol Convention by a Council Decision**

      = Adoption
      10326/07 EUROPOL 74
      10325/07 EUROPOL 73

The Council agreed to a general approach on the text of Chapter I of the proposal for a
Council Decision on replacing the Europol Convention by a Council Decision, as set out in
10327/07.

The Council agreed on the Conclusions on replacing the Europol Convention by a Council
Decision, as set out in 10326/07, and invited Europol and the Commission to draw up an
implementation plan before the end of 2007.
4. **Integration of the Prüm Treaty into the Union Legal Order: Draft Council Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime**

   - Political agreement
     10232/1/07 REV 1 CRIMORG 104 ENFOPOL 109

   The Council reached a political agreement on the draft Council Decision as set out in Annex I to 10232/07.

   The Council agreed that the Council declaration as set out in Annex II to the abovementioned document would be added to the minutes of the Council meeting that will formally adopt the Council Decision (once all parliamentary reservations are lifted).

5. **Proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters**

   - Adoption of Council Conclusions
     10200/1/07 REV 1 CRIMORG 103 DROIPEN 54 ENFOPOL 108
     DATAPROTECT 25 ENFOCUSTOM 59 COMIX 511

   The Council adopted the conclusions set out in 10200/1/07 REV 1.
6. **Visa Information System (VIS)**
   a) Draft Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas
   - Information by the Chair on political agreement
   
   b) Draft Council Decision concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences
   - Political agreement
     10290/07 CATS 65 ENFOPOL 112 EURPOL 72 VISA 175 COMIX 519

   The Council confirmed the agreement reached on the draft Regulation and on the draft Decision. The Council agreed that the declarations set out in Annex 2 and 3 of 10290/07 would be entered in the minutes of the Council meeting adopting this Decision and noted that the declaration set out in Annex 4 of the same document would be entered in the minutes of the Council meeting adopting this Decision.

   The two texts would be prepared for the purpose of their formal adoption in accordance with the usual procedure. The Commission indicated that the VIS should be functioning from Spring 2009 if not earlier.

7. **Global Approach to Migration**
   a) Applying the Global Approach to Migration to the eastern and south eastern regions neighbouring the European Union

   b) Circular migration and mobility partnerships between the European Union and third countries
   - Presentation by the Commission and draft Council Conclusions on Extending and Enhancing the Global Approach to Migration
     10508/07 ASIM 44 RELEX 433
     9776/07 ASIM 39 RELEX 368
     9773/07 ASIM 38 RELEX 366

   The outcome of the Council work on this item is set out in 10746/07.
8. **Current situation on the EU’s Southern Maritime Borders**  
   - Information by the Presidency and the Commission

   The Council had a debate on the current situation on the EU’s southern maritime borders in the light of recent incidents in the Mediterranean regarding assistance to persons in distress at sea. The Council mandated the Permanent Representatives Committee to discuss suggestions put forward by Malta on a system of sharing of responsibilities with a view to ensuring an appropriate follow-up.

   - Presentation by the Commission  
     9871/07 MIGR 43 SOC 227 DROIPEN 49 CODEC 623

   The Council instructed its subordinate bodies to start the examination of the Commission proposal.

10. **Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the strengthening of integration policies in the European Union by promoting unity in diversity**  
    10504/07 MIGR 48  
    + COR 1 (de)

   The Council adopted the above conclusions.

11. **Refugee situation in Iraq and surrounding regions**  
    - Information by the Commission

   The Council invited its preparatory bodies and the Commission to continue to monitor the refugee situation in Iraq and its neighbouring regions, as well as the influx of Iraqi refugees to the EU. The Council agreed that it will come back to this issue where necessary.
12. **Common European Asylum System**
   
   
10515/07 ASIM 45
   
b) **Green Paper on the Future Common European Asylum System**
   
10516/07 ASILE 5
   
c) **Report on the evaluation of the Dublin system**
   
10517/07 ASILE 6 EURODAC 6
   
   = Presentation by the Commission

   The Council instructed its subordinate bodies to start the examination of the Commission proposal as well as of the Commission report.

13. **Visa waiver reciprocity**
   
- Information by the Commission

   The Commission briefed the Council on the state of play regarding visa reciprocity. It announced that in the light of recent developments in the USA and Canada, the presentation of the third report of the Commission on visa reciprocity would be delayed until September 2007. The Council agreed that the Commission and the Presidency would continue consultations with the USA and Canada on visa reciprocity.
14. **Proposal for a Council framework decision on the organisation and content of the exchange of information extracted from criminal records between Member States**
   - General approach
     10194/1/07 REV 1 COPEN 80

   Following the discussion on the outstanding issues as set out in 10194/01/07 and in the working document containing drafting proposals relating to Article 9(3) and a declaration of the Council to be entered into the minutes of the Council upon the adoption of this instrument, the Council reached an agreement on a general approach on the text of the proposal as set out in the above documents. Further examination will still be carried out in relation to the Preamble and the form annexed to the proposal.

15. **Initiative presented by the Federal Republic of Germany and the French Republic with a view to adopting a Council Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences**
   - Common understanding on certain key elements
   - Question on the issue of double criminality
     10201/1/07 REV 1 COPEN 81

   The Council reached a common understanding on certain key elements of the draft Framework Decision as set out in the Annex to 10201/1/07 REV 1 + REV 1 COR 1. The Council also held a discussion on the issue of double criminality. The Council instructed its preparatory bodies to continue the work on this file with a view to reaching tangible results as soon as possible.
16. **Violent video games**
- Report concerning the answers to the questionnaire sent to Member States, including Council conclusions
  - 10109/1/07 REV 1 DROIPEN 51
  - 9651/07 DROIPEN 41
  - + ADD 1
  - 7068/07 DROIPEN 14

The Council adopted the Council conclusions as set out in 10109/2/07 REV 2.

17. **Proposal for a Council Framework Decision on certain procedural rights in criminal proceedings throughout the European Union**
- Political discussion and general approach
  - (Public deliberation pursuant to Article 8(2))
  - 10287/07 DROIPEN 56

The Council discussed this item on the basis of 10287/07 + COR 1. The Presidency of the Council concluded that, despite various proposals made by the Presidency at several Councils to secure a compromise, an agreement on this file could not be attained within the Council. The Commission expressed its readiness to consider submitting a proposal for an enhanced cooperation in this field if at least eight Member States were to address a request to it in conformity with the provisions on enhanced cooperation laid down in Article 40 to 45 of the TEU. The French delegation indicated that it was in favour of launching an enhanced cooperation.

18. **Horizontal approach in relation to certain categories of offences**
- State of play
  - 9886/07 COPEN 70

The Council took note of the state of play on this file as set out in 9886/07.

- State of play

9875/1/07 REV 1 DROIPEN 46 ENV 277 CONSOM 66 CODEC 568

The Council took note of the Presidency report on the state of play on this file, as set out in 9875/1/07 REV 1.

20. **E-Justice**

- Council conclusions

10509/07 JURINFO 23 JAI 301 JUSTCIV 163 COPEN 89
10393/07 JURINFO 21 JAI 293 JUSTCIV 159 COPEN 86

The Council:

- took note of the Report submitted by the Council Working Party on Legal Data Processing (E-justice) with the arguments for an assignment for E-justice tasks within the Council fora (10393/07);
- took note of the "Work on E-justice" Conference, held in Bremen (10364/07);
- adopted the Conclusions on E-justice (10509/07);
- requested the Permanent Representatives Committee to organise work in the field of E-justice in line with the conclusions adopted by the Council.
21. **Regulation Rome II**  
   - Oral report by the Presidency about the result of the conciliation with the European Parliament

   The Council took note:

   - of the agreement reached between the European Parliament and the Council on the draft Regulation on Rome II, in the context of the conciliation procedure, and requested that the formal adoption by the Council take place in June 2007, after the revision of the text by the legal linguists;

   - that the Estonian and the Latvian delegations will vote against the adoption of the Regulation and that Denmark, that is not participating in the adoption of the Regulation and is therefore not bound by it nor subject to its application, expressed also some concerns on the adoption of this Regulation.

22. **Any Other Business**  
   - Commission Communication on Cyber-crime  
     = Presentation by the Commission

   The Commission presented the recent communication recalling the attack on one of the Member States.