CONCIL OF THE EUROPEAN UNION

Brussels, 22 September 2008 (02.10) (OR. fr)

12418/08

LIMITE

PV/CONS 52
JAI 417

DRAFT MINUTES¹

Subject: 2887th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 24 and 25 July 2008

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.
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1. **Adoption of the agenda**  
11869/08 OJ/CONS 45 JAI 384  

The Council adopted the agenda as given in 11869/08.

2. **Approval of the list of "A" items**  
11870/08 PTS A 39  

The Council approved the "A" items as set out in 11870/08.

Addendum 1 to these minutes contains information relating to items 1, 2, 3, 4, 28 and 29.

The documents referred to in items 1, 28, 29 et 34 are, moreover, as follows:

**Item 1:** 11847/08 VISA 254 COMIX 581  
11562/08 VISA 239 COMIX 554  
+ COR 1 (pl)  
+ COR 2 (fi)  
+ **COR 3**

**Item 28:** 11552/08 PECHE 187  
+ **COR 1 (en)**  
11858/08 PECHE 201  
+ ADD 1

**Item 29:** 11795/08 PECHE 197  
+ COR 1 (lv)  
+ REV 1 (fr, el, cs, mt, pl, sk, sl, bg, ro)  
+ REV 3 (da)  
11906/08 PECHE 202  
+ ADD 1  
+ ADD 1 COR 1

**Item 34:** 12111/08 ENV 486 ENT 189  
+ **COR 1**
3. **European Pact on Immigration and Asylum**
   – State of play

   The Council took note of the Presidency's report, held a debate on this dossier and concluded that there was broad agreement. The Council will come back to this dossier at its meeting on 25 and 26 September with a view to confirming its agreement and enabling the European Council in October to adopt the Pact.

4. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions : "A Common Immigration Policy for Europe : Principles, actions and tools"**
   – Presentation by the Commission
     11017/08 ASIM 51
     + ADD 1
     + ADD 2

   The Council took note of the communication from the Commission. The discussions on the European Pact on Immigration and Asylum enabled the Council to tackle most of the points raised by this communication.

5. **Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment**
   – Policy debate
     11734/08 MIGR 57 SOC 424

   The Council took note of the positions expressed during the ministerial debate on the questions submitted to it. It instructed its preparatory bodies to continue its work on the whole proposal and agreed to come back to this item at its next meeting on 25 and 26 September.
   - Policy debate
     (Public deliberation, pursuant to Article 8(1)(c))
     11727/08 MIGR 56 SOC 421 DROIPEN 61 CODEC 959

   The Council took note of the positions expressed during the ministerial debate on the questions submitted to it. It instructed its preparatory bodies to resubmit the whole proposal at its next meeting on 25 and 26 September.

7. **Draft Council conclusions on the reception of Iraqi refugees in the Member States of the European Union**
   11933/08 ASILE 13 COMEM 134

   The Council reached agreement and adopted the conclusions, duly modified in the light of today's debate, as set out in 12187/08 ASILE 14 COMEM 141.

8. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions : "Policy plan on Asylum : An integrated approach to protection across the EU"**
   - Presentation by the Commission
     11022/08 ASILE 10
     + ADD 1
     + ADD 2

   The Council took note of the communication from the Commission. The discussions on the European Pact on Immigration and Asylum enabled the Council to tackle most of the points raised by this communication.
9. **European PNRs**  
11772/08 CRIMORG 112 AVIATION 148 DATAPROTECT 52

The Council held an exchange of views on the working method and a number of questions raised by this dossier, on the basis of a document prepared by the Presidency. Following that exchange, the Council confirmed its resolve to see that progress was made with this dossier in cooperation with several partners such as the European Parliament, the supervisory data protection authorities and the Human Rights Agency.

10. **Future Group (Police and Immigration)**  
– Conclusion of proceedings  
   11960/08 JAI 388  
   11657/08 JAI 373

The Presidency gave a presentation to the Council of the report from the Future Group (Police and Immigration) and the contributions received from some Member States which, with the Council's agreement, will be sent to the Commission so that it can take account of them in its preparatory work on the 2010-2014 Multiannual Programme in the JHA field.

The Commission reiterated that these constituted an excellent contribution and would be a source of inspiration when the post-Hague programme was being drawn up

The Netherlands raised the question of evaluation of the rule of law in the Member States. They would be giving their specific ideas on this at the Council's next meeting.
11. **Cybercrime**

- Presentation of the Presidency's intentions
  
  11784/08 ENFOPOL 139 CRIMORG 113
  
  + COR 1

The Presidency presented its proposals (11784/08 ENFOPOL 139 CRIMORG 113 + COR 1) for stepping up action to combat cybercrime. If cooperation on this is to be improved and strengthened overall, further concrete measures are required without any delay. To that end, the Presidency would like increased training for the police and judicial authorities and a strengthening of cooperation between the public authorities and the private sector. In the very short term, the Presidency proposes establishing an information-exchange platform at Europol.

The delegations supported the Presidency's proposal. Some indicated that the priorities should in any case include the fight against child pornography.

It was also stressed that better use should be made of existing legislation such as the Council of Europe's Convention and the Framework Decision on attacks against information systems.

The Presidency concluded as follows:

- the relevant working parties would frame designs for the platform to combat cybercrime, with a view to agreement at the October Council so that the platform could be launched without delay;
- the Commission was invited to submit a proposal for an overall action plan, taking account of the priorities expressed and focusing on practical cooperation aimed at achieving concrete results.
   - Political agreement
     - 11769/08 COPEN 143 EUROJUST 70 EJN 53
     - + ADD 1
     - + ADD 2
     - + ADD 2 COR 1

   The Council agreed on a general approach for this dossier.

   - Political agreement
     - 11703/1/08 REV 1 COPEN 139 EUROJUST 69 EJN 52
     - + REV 1 ADD 1

   The Council agreed on a general approach for this dossier.

   - Presentation of the Presidency's intentions
     - 10122/08 COPEN 110

   The Council took note of the Commission's presentation of its draft Decision.

   – Progress of proceedings
     11984/08 JUSTCIV 150
     + COR 1

   **The Council** noted that:

   (a) at least eight Member States intended to ask the Commission to submit a proposal for enhanced cooperation and that other Member States were likely to join in that cooperation following the Commission proposal;

   (b) only an official request to the Commission by those Member States would lead to a Commission proposal, enabling each delegation to make up its mind as to whether enhanced cooperation would be appropriate and whether it would take part in such cooperation;

   (c) the Commission was ready to consider a formal request from at least eight Member States to submit a proposal for enhanced cooperation, but did not wish to indicate beforehand what the content of that proposal might be. It stressed that it would consider the request in the light of the political, legal and practical aspects of a proposal of this nature;

   (d) any request by at least eight Member States to the Commission to present a proposal for enhanced cooperation was without prejudice to the rest of the procedure and, in particular, to the authorisation which the Council would be asked to grant.
16. **Future Group (Justice)**
   - Conclusion of proceedings
     11962/08 JAI 389
     11549/08 JAI 369

   The *Presidency* gave a presentation to the Council of the report from the Future Group (Police and Immigration) and the contributions received from some Member States.

   The Council decided to send them to the Commission so that it could take account of them in its preparatory work on the 2010-2014 Multiannual Programme in the JHA field.

17. **Other business**
   - **Training of the judiciary**
     (at the request of the Netherlands)

     The *Council* took note of the Netherlands Minister's statement on the importance of this topic.

   - **Regulation on the law applicable to contractual obligations (Rome I)**
     (at the request of the United Kingdom)

     The *Council* took note of the United Kingdom's wish to accept, in its entirety, the Regulation on the law applicable to contractual obligations (Rome I)