COUNCIL OF
THE EUROPEAN UNION

Brussels, 28 November 2003

14402/03

LIMITE

PV/CONS 62
JAI 323

DRAFT MINUTES

Subject 2538th meeting of the Council of the European Union (JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION) held in Brussels on 6 November 2003

1 Information relating to the final adoption of Council acts which may be released to the public is contained in Addendum 1 to these minutes.
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1. **Adoption of the agenda**  
14031/03 OJ/CONS 60 JAI 308  
The Council adopted the above agenda, with the addition under A.O.B. of the following items:  
- Questionnaire on custodial and non-custodial treatment  
- European Arrest Warrant  
- Meeting in Rome concerning the interreligious dialogue.

2. **Approval of the list of "A"items**  
14032/03 PTS A 55  
The Council approved the "A" items as contained in document 14032/03 PTS A 55.  
Information concerning items 9 and 10 on the list is given in Addendum 1 to these minutes.

3. **Follow-up to Brussels European Council on managing the Union's common borders and controlling migratory flows**  
- Readmission agreements: state of play  

Following a presentation by the Commission on the current state of play of the negotiations of readmission agreements, the Council underlined the importance of concluding these agreements as soon as possible and, to that end, to make every effort in finding the way to facilitate their successful negotiation. Member States expressed their willingness to provide assistance to the Commission, putting at its disposal the technical expertise acquired in bilateral negotiations with third countries.

4. **Proposal for a Council Directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been subjects of an action to facilitate illegal immigration who co-operate with the competent authorities**  
14190/03 MIGR 90  
The Council reached a general approach on the text of the above Council Directive, subject to parliamentary reservations from two delegations. The text resulting from the proceedings of the Council is set out in document 14432/03 MIGR 93.
The formal adoption of the Directive will take place following the lifting of the parliamentary reservations and examination of the text by Legal/Linguistic experts.

5. **Outcome of the Seminar "Towards more orderly and managed entry in the EU of persons in need of international protection" (Rome, 13-14 October, 2003)**

The Council took note of the information provided by the Presidency concerning the outcome of this seminar.

   - Safe third countries
   - Border procedures
     14182/03 ASILE 59

The Council held a debate on the basis of the above note from the Presidency and invited the Permanent Representatives Committee to continue work in order to allow the Council to reach agreement at its session on 27-28 November 2003.

   14325/03 CATS 64 COPEN 107

The Council welcomed information from the Presidency concerning the negotiations with Norway and Iceland contained in the above document and agreed that the Presidency should continue work to finalise negotiations in the weeks to come with a view to adopting the draft Council Decision for authorisation for signature set out in Annex I at one of its next meetings before the end of the year.

   13868/1/03 JUSTCIV 209 REV 1
   5599/03 JUR 25 JUSTCIV 8

The Council held a policy debate on the questions submitted to it by the Presidency set out in the above document.
At the close of its discussions, the Council noted the need for further work on the proposed Directive, taking account of:

- the budgetary consequences for certain Member States and the candidate States, at the time when this Directive would become applicable to them;¹ and

- the technical aspects relating to the question of the legal basis.

9. **A.O.B.**

- **Questionnaire on custodial and non-custodial treatment**
  The Presidency invited the Member States to reply to the questionnaire concerning custodial and non-custodial treatment of prisoners and persons serving alternative sentences (see document 14041/03 JAI 309).

- **European Arrest Warrant**
  The Commission reminded the Member States that the deadline for transposition into national law of the Framework Decision on the European Arrest Warrant was 31 December 2003.

- **Meeting in Rome concerning the interreligious dialogue**
  The Council took note of information from the Presidency concerning the above meeting.

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¹ It was suggested that the Commission carry out a study of the impact of this Directive in the Member States.