COUNCIL OF THE EUROPEAN UNION

Brussels, 29 February 2008

14833/07

LIMITE

PV/CONS  54
JAI      560

DRAFT MINUTES

Subject : 2827th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 8 and 9 November 2007

1 Information concerning 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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LIMITE EN
1. **Adoption of the agenda**  
   14506/07 OJ/CONS 54 JAI 530 COMIX 929

   The Council adopted the agenda as set out in 14506/07.

2. **Approval of the list of "A" items**  
   14507/07 PTS A 46

   The Council approved the "A" items listed in 14507/07.

   Information relating to items 2 and 13 is set out in Addendum 1 to these minutes.

   The documents in items 7, 14, 15, 16, 17 and 18 should read as follows:

   **Item 7:**  
   12654/1/07 REV 1 JAI 437 CATS 101 ELARG 91 COPEN 125  
   + COR 1  
   ± COR 2  
   12012/1/07 REV 1 JAI 399 CATS 92 ELARG 86 COPEN 113

   **Item 14:**  
   14213/07 VISA 332 COWEB 215  
   13802/07 VISA 313 COWEB 197  
   + REV 1 (fr)  
   + REV 2 (cs)

   **Item 15:**  
   14213/07 VISA 332 COWEB 215  
   13803/07 VISA 314 COWEB 198  
   + REV 1 (fr)  
   + REV 2 (cs)

   **Item 16:**  
   14213/07 VISA 332 COWEB 215  
   13805/07 VISA 315 COWEB 199  
   + REV 1 (fr)  
   + REV 2 (cs)

   **Item 17:**  
   14213/07 VISA 332 COWEB 215  
   13807/07 VISA 317 COWEB 201  
   + REV 1 (fr)  
   + REV 2 (cs)

   **Item 18:**  
   14213/07 VISA 332 COWEB 215  
   13806/07 VISA 316 COWEB 200  
   + COR 1 (fr)  
   + COR 2 (fr)  
   + REV 1 (cs)
3. EUROPOL
   – Proposal for a Council Decision establishing the European Police Office
   – Finalisation of Chapters II and III
     14593/07 EUROPOL 113
     + COR 1
   – Implementation Plan
     14590/07 EUROPOL 112

The Council reached, subject to Netherlands and Czech Parliamentary reservations, a general approach on Chapters II ("Information progressing systems") and III ("Common provisions on information processing") of the draft Council Decision establishing the European Police Office, as set out in 14593/07 EUROPOL 113.

The Council endorsed the Implementation Plan (Road Map) as set out in 14590/07 EUROPOL 112.

4. Draft Council Decision on the implementation of Decision 2007/.../JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime
   14611/07 CRIMORG 165 ENFOPOL 179

The Council agreed on a general approach for the above-mentioned draft Council Decision, as set out in 14611/07 CRIMORG 165 ENFOPOL 179.

The French, German, Austrian and Spanish delegations requested that the following statement be included in the minutes of this Council meeting:

"In order to ensure that judicial investigations are as effective as possible, Germany, Austria, Spain and France will carry out a regular and systematic comparison of their national DNA records with those of other Member States."
The discussions on the text of this draft Council Decision were thereby finalised. However, the Decision would only be submitted to the Council for adoption once the following three conditions were fulfilled:

- that the Annex to the draft Decision was finalised by the technical experts;
- that the opinion of the European Parliament would be available and examined; and
- that all national parliamentary reservations were lifted.

The Commission welcomed this result and reminded the Council of the financial resources earmarked for implementation of the Prüm Decision.

5. **Draft Council Decision on the improvement of cooperation between the special intervention units of the Member States of the EU in crisis situations**

14312/07 ENFOPOL 178

+ COR 1

The Council agreed on a general approach for the above-mentioned Council Decision, as set out in 14312/07 ENFOPOL 178. A number of delegations specifically welcomed this result, which will reinforce the cooperation and confidence-building measures between the special intervention units of the Member States.

The draft Council Decision would be submitted to the Council for formal adoption once the opinion of the European Parliament was delivered and examined and all national parliamentary reservations \(^1\) were lifted.

\(^1\) NL and UK confirmed that their national parliamentary reservation is still outstanding, while SE informed the meeting that it lifted its parliamentary reservation.
(public deliberation pursuant to Article 8(2))  
– Presentation and first exchange of views  
  14490/07 MIGR 104 SOC 413  
  + ADD 1  
  + ADD 2

See item 7.

7. **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**  
(public deliberation pursuant to Article 8(2))  
– Presentation and first exchange of views  
  14491/07 MIGR 105 SOC 414  
  + ADD 1  
  + ADD 2

Items 6 and 7 were discussed together. The Commission presented the proposals for Council Directives and the Council held a first exchange of views. The Council agreed to return to the proposals in the context of a joint meeting with Employment and Social Policy Ministers to take place on 6 December and also instructed the relevant preparatory bodies to examine the texts.

8. **JHA External Relations:**  
– EU-Western Balkans Ministerial Forum on Justice and Home Affairs  
  (Brdo, 4/5 October 2007)  
  13434/07 JAI 483 RELEX 683 COWEB 177  
– EU-LAC Expert Seminar on Migration

The Council was informed by the Presidency about the results of the Brdo Ministerial conference of 4-5 October with the Western Balkans. At that meeting, Ministers discussed recent developments regarding the Police structures, the judicial services and the migration field in these countries. The importance of enhanced exchange of information was underlined.
Spain referred to the planned Expert Seminar on Migration between the EU and the Latin-American and Caribbean States (LAC) in the context of the preparations for the EU-LAC Summit to be held in 2008 and underlined its willingness to assist in its preparation.

   – Political Agreement
     14615/07 JUSTCIV 291 CODEC 1173
     14316/07 JUSTCIV 278 CODEC 1130
     14797/07 JUSTCIV 293 CODEC 1192

   The Council:
   (a) reached a political agreement on the text of the Draft Directive as set out in 14316/07;
   (b) took note that a common position will be submitted to the Council for adoption as soon as the text has been reviewed by the legal linguists;
   (c) took note of the declaration by the Belgian and Slovak delegations as set out in 14797/1/07 REV 1 JUSTCIV 293 CODEC 1192 and 14817/07 JUSTCIV 294 CODEC 1194.

10. **Proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters**
    – General approach
     14119/1/07 REV 1 CRIMORG 153 DROIPEN 94 ENFOPOL 170 DATAPROTECT 47 ENFOCUSTOM 102 COMIX 901

   The Council agreed on a general approach on the text of the Framework Decision. There is still a need to review the recitals of the text and consult the European Parliament.
11. **Initiative of the Federal Republic of Germany and of 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**
   - Debate on certain questions
     14594/1/07 REV 1 COPEN 151

   The Council discussed three outstanding issues of the draft Framework Decision, concerning Article 4 (competent authorities), Article 12 (division of competences) and Article 18 (languages) and reached a basis for agreement on these issues, subject to technical refinement in the Council preparatory bodies.

12. **Council conclusions on combating Cybercrime**
    13893/2/07 REV 2 CRIMORG 148 CATS 110
    + REV 2 COR 1
    + REV 2 COR 2

   The Council adopted the conclusions.

13. **Council conclusions on Trafficking of Human Beings**
    14186/07 CRIMORG 156 MIGR 106 SOC 451ADD 1
    14186/2/07 REV 2 CRIMORG 156 MIGR 106 SOC 451

   The Council adopted the conclusions.

14. **Any Other Business**

   No items were discussed under this point.