COUNCIL OF THE EUROPEAN UNION

Brussels, 10 November 2009

14984/09

LIMITE

PVCONS 54
JAI 730

DRAFT MINUTES

Subject: 2969th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 23 October 2009

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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1. Adoption of the agenda
   14761/09 OJ/CONS 54 JAI 707 COMIX 782

   The Council adopted the agenda as set out in 14761/09.

2. Approval of the list of "A" items
   14762/09 PTS A 46
   + ADD 1
   + COR 1

   The Council adopted the list of "A" items as set out in 14762/09 + ADD 1 + COR 1.

   Information relating to items 10 and 21 is set out in Addendum 1 to these minutes.

   The documents in items 10, 15, 21 should read as follows:

   **Item 10:** 14568/09 COPEN 200
   + ADD 1
   + ADD 2
   + ADD 3
   + ADD 4
   + **ADD 4 COR 1**
   + ADD 5

   **Item 15:** 14018/09 FIN 346 PE-L 82
   + REV 1 (sv)

   **Item 21:** 13606/09 ATO 97 AGRI 390 COMER 154.
3. **Fifth Report from the Commission to the European Parliament and the Council on certain third countries' maintenance of visa requirements in breach of the principle of reciprocity in accordance with Article 1(5) of Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as amended by Council Regulation (EC) No 851/2005 as regards the reciprocity mechanism**

   – Presentation and first exchange of views
   14704/09 VISA 360 AUS 9 AMLAT 113 ASIE 85 CDN 28 USA 88 COMIX 781

4. **Report from the Commission to the Council on the re-introduction of the visa requirement by Canada for citizens of the Czech Republic in accordance with Article 1(4)(c) of Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as amended by Council Regulation (EC) No 851/2005 as regards the reciprocity mechanism**

   – Presentation and first exchange of views
   14700/09 VISA 359 CDN 27 COMIX 780

The Commission presented the reports following which Ministers held an exchange of views. The Council requested the Commission to continue its efforts to achieve full reciprocity in the case of those third countries continuing to impose a visa requirement in breach of the principle of reciprocity, including, in particular, through the restoration of visa free travel for Czech nationals in relation to Canada.

5. **Draft Council Framework Decision on Accreditation of Forensic Laboratory Activities**

   – General approach
   14595/09 JAI 691 ENFOPOL 253
   + ADD 1

The Council reached a general approach on the Framework Decision on Accreditation of forensic service providers carrying out laboratory activities. Poland lifted its parliamentary reservation.
Germany made the statement on Article 3 set out in the Annex to these minutes.

The Commission declared that it considered that in so far as the Framework Decision on Accreditation of forensic service providers carrying out laboratory activities relates to services within the meaning of Article 50 Treaty on establishing the European Community, it should be adopted in accordance with that Treaty.

The Commission reserved the right to take the measures it considers appropriate.

6. **Proposal for a Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA**

   - General approach
     14307/2/09 REV 2 CRIMORG 148 ENFOPOL 242
     14592/09 CRIMORG 151 ENFOPOL 251

   The Council reached a general approach on the Proposal for a Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA.

   Poland lifted its parliamentary reservation.

   France and the Netherlands have maintained their parliamentary reservations.

   Slovenia lifted its scrutiny reservation, accompanied by a statement as set out in the Annex.

   With regard to the financing aspect the Presidency reiterated that the provisions in the proposal were a transitional measure, designed to safeguard the functioning of the EUCPN until a solution could be found to accommodate the Secretariat within an existing EU agency. The Commission emphasised its commitment to supporting the implementation of the Decision by adapting the appropriate funding programmes.
The Presidency concluded that after the European Parliament had given its opinion on 26 November 2009 the legal counsellors were to work on the proposal before its adoption, foreseen for the Council meeting on 30 November/1 December 2009.

7. **Procedural Rights**
   
   = **Draft Resolution of the Council on a roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings**
     - General approach
   
   = **Proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings**
     - General approach
   
   = **Proposal for a Resolution of the Council and of the Governments of the Member States meeting within the Council fostering the implementation by Member States of the right to interpretation and to translation in criminal proceedings**
     - General approach
       (public debate pursuant to Article 8(3))
       14552/1/09 REV 1 DROIPEN 125 COPEN 197

The results of the meeting of the Council on this point are set out in 14791/09 DROIPEN 131 COPEN 203 (general approach on the Roadmap), 14792/09 DROIPEN 132 COPEN 204 (general approach on the draft Framework Decision) and 14793/09 DROIPEN 133 COPEN 205 (general approach on the draft Resolution).

8. **Proposal for a Council Framework Decision on the transfer of proceedings in criminal matters**
   (public debate pursuant to Article 8(3))
   14308/1/09 REV 1 COPEN 194

The Council reached provisional agreement on selected Articles and invited its preparatory bodies to continue the examination of the rest of the proposal.

   - State of play
     14801/1/09 REV 1 DROIPEN 134 MIGR 101

   The Council discussed the state of play regarding this draft framework decision. Ministers paid particular attention to the proposed penalties system and possible situations of parallel criminal proceedings.

10. **Any Other Business**

    = **Visa liberalisation in the Western Balkans**
       (request by Slovenia)

       The Slovenian delegation presented information on the outcome of the 9th Regional Ministerial Conference in the framework of the Brdo process by reference to the discussion on visa liberalisation in the Western Balkans.

    = **Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession**

       - Presentation of the proposal by the Commission
         14722/09 JUSTCIV 210 CODEC 1209
         + ADD 1
         + ADD 2

       The Council took note that the Commission had submitted a proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession (14722/09).
ANNEX

STATEMENTS FOR THE COUNCIL MINUTES

Ad item 5: Draft Council Framework Decision on Accreditation of Forensic Laboratory Activities

STATEMENT BY THE FEDERAL REPUBLIC OF GERMANY on Article 3

"To determine the scope of the Council Framework Decision on Accreditation of forensic service providers carrying out laboratory activities, the concepts of "laboratory" and "laboratory activities" are defined by recital 15 and Article 3(a) and (b).

The Federal Republic of Germany understands this exclusively to mean classic forensic laboratories with scientifically trained staff. Facilities or departments in which there are no scientific staff and in which activities similar to laboratory activities (e.g. cyanoacrylate fuming or the Ninhydrin immersion bath process) are carried out only occasionally are not, in our opinion, laboratories within the meaning of the Framework Decision and thus exempt from the obligation of accreditation."

Ad item 6: Proposal for a Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA

STATEMENT BY SLOVENIA

"Prevention is one of the key elements of the Republic of Slovenia's strategy in the fight against crime. Given the globalisation of crime, cooperation in this regard between the EU Member States and agencies should be reinforced, while at the same time providing continuity. This is why Slovenia in principle supports the initiative of the Swedish Presidency and the Member States regarding the strengthening of the European Crime Prevention Network (EUCPN)."
The proposal for a Council Decision setting up a European Crime Prevention Network and the annulment of Decision 2001/427/PNZ fail to meet the expectations of the Republic of Slovenia due to a lack of clarity regarding the financing method. The wording of paragraph 8 of Article 6 namely deviates from the principles advocated by Slovenia when it comes to the creation of EU acquis.

Slovenia advocates greater clarity of provisions in European legal acts. This will ensure their better transposition into national legislations and, consequently, their implementation.

From the very beginning of its full membership in the EU, Slovenia has been committed to the Community approach and can therefore not agree with intergovernmental financing or participation in EU legislative initiatives.

Before drafting legislative proposals, a clear estimate is needed of the impact that the adoption and implementation of a certain legislative act will have on both the Community's and each Member State's budget. The Republic of Slovenia shall refrain from co-financing if financial implications relating to each Member State are not defined in greater detail.

Slovenia calls upon the Commission to prepare such an estimate and consider the possibility of integrating the Network's Secretariat into one of the existing EU agencies."