DRAFT MINUTES\(^1\)

Subject: 2696th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 1 and 2 December 2005

\(^1\) 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
14989/05 OJ/CONS 66 JAI 461

The Council adopted the above agenda.

2. Approval of the list of "A" items
15055/05 PTS A 55

The Council approved the "A" items listed in 15055/05, with the exception of item 26.

Addendum 1 to these minutes gives information on items 15 and 28 on that list.

Moreover, the documents for item 15 should read as follows:

14579/05 ASILE 36
12983/05 ASILE 24
+ REV 1 (pl)
+ REV 2 (fi)
+ REV 2 COR 1 (fi)
+ REV 3 (cs).

3. Counter-Terrorism
- Progress report on work under the UK Presidency, including implementation of 13 July Council declaration (update by CT Co-ordinator)
  14734/1/05 JAI 445 ECOFIN 364 TRANS 244 RELEX 668 ECO 141 PESC 1047
  COTER 78 COSDP 835 PROCIV 188 ENER 178 ATO 108 REV 1
  + REV 1 ADD 1

- Agreement on EU CT Strategy
  14469/4/05 JAI 423 ECOFIN 353 TRANS 234 RELEX 639 ECO 136 PESC 1010
  COTER 72 COSDP 810 PROCIV 174 ENER 172 ATO 103 REV 4

- EU Strategy and Action Plan on Radicalisation and Recruitment
  14782/05 JAI 453 ENFOPOL 165 COTER 82    RESTREINT UE
  14781/1/05 JAI 452 ENFOPOL 164 COTER 81 REV 1

The Council took note of the progress report on work under the United Kingdom Presidency.
It endorsed the EU CT Strategy and decided to forward it to the European Council for adoption. It also agreed on the EU Strategy and Action Plan on Radicalisation and
Recruitment. Summing up the debate on these three documents, the Presidency highlighted four main points: more support should be given to Europol and Eurojust; policies should be developed on building democracy and integration; understanding and anticipating future threats was important; and more focus was needed on the victims of terrorism. Finally, the President said that the mandate of the JHA Council of 1 July 2005 had been fulfilled with the decisions taken today.

4. **Global Approach to Migration (follow-up to Hampton Court Informal Summit)**
15112/05 ASIM 60 RELEX 704

The Council took note of the presentation by the Commission of its Communication "Priority actions for responding to the challenges of migration: First follow-up to Hampton Court" (15204/05).

It held a first exchange of views on the basis of a note from the Presidency (15112/05), with a view to the preparation of a "priority actions" paper which would bring together the key points for the General Affairs and External Relations Council and the European Council.

The Council instructed the Permanent Representatives Committee to pursue work on the preparation of this paper to be submitted to the European Council on 15-16 December 2005.

5. **Strategy for the external dimension of Justice and Home Affairs: Global Freedom, Security and Justice**
14366/3/05 JAI 417 RELEX 628 REV 3

The Council approved the draft JHA-External Relations strategy which reflects the views of the many working parties and committees which have contributed, as well as Member States' comments made in the Permanent Representatives Committee.

The Strategy sets out thematic priorities, key principles and the policy tools at the EU's disposal, as well as EU structures and processes, to deliver concrete results.

The document was sent for formal adoption to the General Affairs and External Relations Council.
6. Council Conclusions on Increased EU Assistance to Combatting Drugs in Afghanistan
14699/1/05 CORDROGUE 76 ASIE 93 COASI 144 REV 1
   + REV 1 ADD 1

The Council approved the conclusions that are set out in 14699/1/05 REV 1 + ADD 1 REV 1.

7. Framework Decision on simplifying the Exchange of Information and Intelligence between Law Enforcement Authorities of the Member States of the European Union (general approach)
13986/5/05 CRIMORG 124 ENFOPOL 142 ENFOCUSTOM 66 COMIX 732 REV 5
   + COR 1 (en)

The outcome of the discussions is set out in 15482/05 CRIMORG 153 ENFOPOL 180
   COMIX 816 ENFOCUSTOM 90 + COR 1.

8. Data Retention
15101/05 COPEN 191 TELECOM 141
   + COR 1 (en)
   + ADD 1

The outcome of the discussions is set out in 15449/05 COPEN 196 TELECOM 145
   CODEC 1149.

15002/1/05 COPEN 190 REV 1
14760/05 COPEN 186

The Council held an exchange of views on the draft Framework Decision on the European
   Evidence Warrant (EEW) for obtaining objects, documents and data for use in proceedings in
   criminal matters on the basis of 14760/05 COPEN 186 and 15002/1/05 REV 1 COPEN 190.
   The debate concerned outstanding questions regarding grounds for refusal based on the
   principle of territoriality, definitions of offences for which double criminality may not be
   invoked, legal remedies, privileges and immunities, measures available for the execution of
   EEW's and the question of which authorities should be competent for issuing, postponing and
   refusing EEW's. No solution was agreed on these questions, and the Council asked the
   Permanent Representatives Committee to continue negotiations on the subject.
15049/05 JUSTCIV 220 CODEC 1106
   + ADD 1 REV 1
   + ADD 2
15048/05 JUSTCIV 219 CODEC 1105

The Council took note that there was a general agreement on the compromise submitted by the Presidency as set out in 15049/05 JUSTCIV 219 + ADD 1 REV 1 + ADD 2.

15054/05 JUSTCIV 221 CODEC 1107

The Council noted that

- there was a consensus on the guidelines proposed by the Presidency as set out in 15054/05;
- future work should be carried out accordingly.

15044/05 JUSTCIV 218 CODEC 1104
15043/05 JUSTCIV 217 CODEC 1103

The Council recognised that there was a common understanding on the text of the proposal

- with the exception of Article 5 where one delegation still had reservations;
- subject to the need to find a solution on the cross-border dimension of the instrument; and
- on compliance with the subsidiarity principle.
14642/05 DROIPEN 59
14248/1/05 DROIPEN 54 CATS 73 REV 1
   + REV 1 ADD 1

The Council took note of the progress report on this subject. With regard to the future of this subject, it was indicated that there would be relevant consultations with the incoming Austrian Presidency.

14. **Other business**

No items were raised under this heading.