DRAFT MINUTES

Subject: 2626th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS) held in Brussels on 2 December 2004

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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**

15392/04 OJ/CONS 74 JAI 515

The Council adopted the above agenda.

2. **Approval of the list of "A" items**

15393/04 PTS A 61

The Council approved the "A" items listed in 15393/04.

*Addendum 1* to these minutes gives information on items 10, 11, 24 and 25 on that list.


15097/04 COPEN 141
  + COR 1 (en)

The Council took note of the progress report.

4. **Proposal for a Council Decision on the exchange of information extracted from the criminal record**

15281/1/04 REV 1 COPEN 144

The outcome of proceedings on this item is set out in 15640/04 COPEN 148.

5. **Draft Framework Decision on the retention of data**

15098/04 COPEN 142 TELECOM 172

The Council instructed its preparatory bodies to examine option 2 referred to in 15097/04 COPEN 141 + COR 1(en), which implies an obligation for service providers to retain relevant data defined in a common list in the Framework Decision, provided that the data is processed/generated by the service provider in the process of supplying the telecommunications service concerned. Particular consideration should be given to the proportionality of the measure in relation to costs, privacy (data protection) and efficacy. It is recalled that the Commission has entered a scrutiny reservation on the legal basis for the proposal.
6. Proposal for a Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship source pollution
15424/04 DROIPEN 66 MAR 211 ENV 651

The Council examined the draft Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution. The Presidency invited delegations to examine the proposal further on the basis of a compromise text submitted to the Council.

7. Terrorism

a) Progress report of the EU Counter-terrorism Coordinator (Revised Action Plan)
14330/1/04 REV 1 JAI 428 ECOFIN 358 TRANS 349 RELEX 496 ECO 175
PESC 939 COTER 76 COSDP 650 PROCIV 146 ENER 245
ATO 109
15523/04 JAI 525 ECOFIN 414 TRANS 376 RELEX 615 ECO 195 PESC 1082
COTER 87 COSDP 764 PROCIV 166 ENER 260 ATO 148

The Council agreed to forward the revised Action plan, via the Council (General Affairs and External Relations), to the European Council.

b) Interim Report on the peer evaluation of National Anti-Terrorism Arrangements
14306/3/04 REV 3 ENFOPOL 155
+ REV 2 ADD 1

RESTREINT UE

The Council endorsed the above-mentioned interim report, it being understood that the 15 Member States concerned will have to report on the implementation of recommendations in the report before the end of June 2005.

c) The fight against terrorist financing
14180/3/04 REV 3 JAI 417 ECOFIN 351 EF 45 RELEX 489 COTER 73

The Council agreed to forward the strategy on the fight against terrorism, via the Council (General Affairs and External Relations), to the European Council.
d) **Joint COTER/TWP document on recruitment**
14235/1/04 REV 1 ENFOPOL 154 COTER 74    RESTREINT UE

The Council agreed on the above-mentioned document.

e) **Draft Council Conclusions on Prevention, Preparedness and Response to Terrorist Attacks**
15232/04 PROCIV 157 JAI 500 ATO 136 CATS 57 COSDP 732 COTER 84
ECO 189 ENER 252 ENFOPOL 186 PESC 1038 PHARM 9
RECH 248 RELEX 584 SAN 199 TELECOM 178 TRANS 368

The Council adopted the abovementioned conclusions as they stand in 15232/04.

f) **EU Solidarity Programme on the consequences of the terrorist threats and attacks (revised/widened CBRN programme)**
15480/04 PROCIV 164 ATO 145 CIVCOM 281 COSDP 760 COCON 8
ENFOPOL 190 JAI 521 PESC 1071 PHARM 11 RECH 256
SAN 210 TELECOM 185

The Council:
– adopted the Council and Commission Solidarity Programme as it stands in 15480/04,
– agreed to take note of the summary of the achievements under the 2002 CBRN Programme to be issued as an Addendum when it will be available;
– agreed to the entry in the minutes of its meeting of the following statement:

"With a view to clarifying the matter, the German delegation points out that, in relation to paragraph 33, subparagraph 1 of the Programme, the Conclusions of the Council of 4 October 2004 on strengthening the overall Civil Protection Capacity in the European Union as set out in 11549/04 are decisive."

g) **Report to the European Council : intelligence capacity**

The Council agreed to forward the report on intelligence capacity, via the Council (General Affairs and External Relations), to the European Council.
8. **Council Decision on the exchange of information and co-operation concerning terrorist offences**
   15126/2/04 REV 2 CRIMORG 140 ENFOPOL 184 EUROPOL 58 EUROJUST 96

   The Council reached a general approach on the text set out in the annex to 15999/04
   CRIMORG 145 ENFOPOL 191 EUROPOL 59 EUROJUST 98. The following delegations
   still have parliamentary scrutiny reservations: France, Ireland, Netherlands and United
   Kingdom.

9. **Council Common Position on the transfer of certain data to Interpol (lost or stolen passports)**
   15342/04 JAI 510 SIRIS 133
   15513/04 JAI 524 SIRIS 136

   The Council agreed on the text of the Common Position on the exchange of certain data with
   Interpol, as set out in 15342/04, and on the fact that the Council statement under item 3 of
   15513/04 should be included in the minutes of the Council meeting that will adopt the
   Common Position, after Jurist-Linguist scrutiny.

10. **Preparation of the ministerial meeting JHA - Western Balkans, 2 December 2004**

    The Presidency reviewed the preparation of the ministerial meeting with the Balkans, the final
    Presidency statement of which has duly taken into account comments made at the previous
    Council meeting.

11. **A.O.B.**

    - Presidency conclusions on the Ministerial Integration Conference "Turning
      Principles into Actions" and the Ministerial Conference "Diversity and
      participation - the gender perspective"
      = Information by the Netherlands Presidency

    The Presidency informed the Council on the results of the two above mentioned
    Conferences. The Commission announced its intention of presenting a communication
    on integration next year and of setting up a European fund for integration.
- Council Decision on the application of parts of the provisions of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland
  = Note political agreement
  14504/1/04 REV 1 SCH-EVAL 67 COMIX 681

  The Council noted the political approval by all delegations of this Decision, which shall legally be adopted once all translations are available.

- Draft Decision of the Council providing for certain areas covered by title IV of Part three of the Treaty establishing the European Community to be governed by the procedure referred to in Article 251 of that Treaty
  = Information by the Netherlands Presidency
  15130/04 JAI 490 ASIM 47

  The Presidency took note of the Irish and United Kingdom parliamentary reservations.