COUNCIL OF THE EUROPEAN UNION

Brussels, 19 January 2007

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JAI 670

DRAFT MINUTES

Subject: 2768th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 4/5 December 2006
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1. **Adoption of the agenda**  
15677/06 OJ/CONS 70 JAI 630

The Council adopted the agenda as set out in 15677/06, subject to the withdrawal of the sub-item "Situation on Lithuanian-Latvian border (at the request of Lithuania)" under AOB.

2. **Approval of the list of "A" items**  
15678/06 PTS A 60

The Council approved the "A" items listed in 15678/06.

3. **The Hague programme review**  
(public debate)  
-Draft Council conclusions  
15844/06 JAI 650  
+ COR 1 (en)  
16040/06 JAI 665

The Council adopted the conclusions as set out in document 16340/06.

4. **Proposal for a Council Regulation establishing a European Union Agency for Fundamental Rights**  
(general approach)  
16018/06 JAI 663 CATS 184 COHOM 180 COEST 337

The Council examined, on the basis of document 16018/06, the outstanding questions and, pending the lifting of a parliamentary scrutiny reservation by the Netherlands and without prejudice to the examination of European Parliament's opinion, reached a general approach on the text of the Regulation.

It has to be noted that the European Commission indicated during the discussions that it could accept the compromise proposal since it reflected also the European Parliament's opinion.
5. **Council Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union** (general approach)  
15875/1/06 REV 1 COPEN 121

After discussion all Member States, with the exception of Poland, could accept the text of the draft Framework Decision, as set out in the Annex to 15875/1/06 REV 1, with the amendment that the period of implementation (Article 21(1)) should be extended by one year from two to three years.

Ireland maintained a waiting reservation while examining practical aspects of the application of the Framework Decision. The Presidency concluded that any possible solution to address Poland's concerns should be explored without, however, reopening the text.

6. **Proposal for a Council Framework Decision on certain procedural rights in criminal proceedings throughout the European Union**  
(political agreement on certain questions)  
14794/2/06 REV 2 DROIPEN 68

The Council examined this file and agreed that work should be pursued in order to conclude discussions. A majority of delegations supported the future adoption of a binding instrument.

7. **Communication from the Commission to the Council and the European Parliament on the Global Approach to Migration one year on: Towards a comprehensive European migration policy**  
(presentation by the Commission) *(public debate)*  
16106/06 ASIM 84 RELEX 864

The Council welcomed the presentation by the Commission concerning the Communication and instructed the competent Council bodies to take forward work on it taking account of the relevant conclusions of the forthcoming European Council.
8. **Communication from the Commission to the Council on Reinforcing the management of the European Union's Southern Maritime Borders**  
(presentation by the Commission)(public debate)  
16126/06 ASIM 85 FRONT 234 COMIX 1018

The Council welcomed the presentation by the Commission concerning the Communication and instructed the competent Council bodies to take forward work on it taking account of the relevant conclusions of the forthcoming European Council.

9. **Draft Council conclusions on SIS II, SIS 1+ and the enlargement of the Schengen area**  
16007/06 SIS-TECH 130 SIRIS 217 COMIX 1010  
16044/06 CATS 185 SCH-EVAL 192 SIRIS 218 SIS-TECH 131 COMIX 1015

The Council took note of the results of the discussions in the relevant working groups on the Portuguese proposal for a temporary solution for the integration of new Member States in the Schengen area. The Council adopted conclusions on the enlargement of the Schengen area, SISone4all and SIS II¹.

10. **Proposal for a Council Regulation establishing a Rapid Response and Preparedness Instrument for major emergencies (renamed "Civil protection financial instrument")**  
(political agreement)  
15936/06 PROCIV 246 FIN 606

The Council:

a) noted that no unanimous agreement could be reached among delegations on the Presidency compromise concerning the financing of transport, as contained in 15936/06,

b) instructed the Permanent Representatives Committee to continue work on this file with a view to reaching agreement as soon as possible,

c) invited the Commission to take the necessary steps to ensure the continuation of the Union's civil protection activities beyond 31 December 2006.

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¹ Note from the Secretariat: see document 16391/1/06 JAI 678 SCH-EVAL 195 SIRIS 223 SIS-TECH 139 COMIX 1042
11. **Draft Council Conclusions on the Future of Europol**

14405/4/06 REV 4 EUROPOL 93
ADD 1 REV 4

Subject to the lifting of a scrutiny reservation by the Czech Republic, agreement was reached regarding the Council Conclusions on the future of Europol. The agreed Council Conclusions will be reflected in a new document.

The following declarations were issued by delegations:

**Declaration of the Republic of Hungary**

*as provided for in Conclusion 5 of the Council Conclusions on the future of Europol*

"Taking into consideration the transposition period to be foreseen in the Council Decision replacing the Convention, the Republic of Hungary declares its intention to comply with the requirements of its own constitutional procedure, namely to abrogate the Act on introducing the Europol Convention into national legal order. To proceed this constitutional procedure is inevitable in order for Hungary to implement the provisions of the future Council Decision."

**Declaration of the Czech Republic**

*as provided for in Conclusion 5 of the Council Conclusions on the future of Europol*

"The Czech Republic will consider the act of the Council adopting, unanimously, a Decision replacing the Europol Convention and the additional Protocols thereto as including the expression of the consent of all the Contracting Parties to the Europol Convention and the Protocols to terminate these in compliance with Article 54 (b) of the Vienna Convention on the Law of Treaties. This consent shall be subject to approval in accordance with the constitutional law of the Czech Republic."
12. **Terrorism:**
   - Report of the CTC on the implementation of the EU CT strategy and of the EU Action Plan on Radicalisation and Recruitment
   - Information from the Presidency
   
   15266/1/06 REV 1 JAI 591 ECOFIN 399 TRANS 290 RELEX 801 ECO 173 PESC 1126
   COTER 47 COSDP 922 PROCIV 235 ENER 274 ATO 132
   + ADD 1 REV 2

   The Counter Terrorism Coordinator introduced his report on the implementation of the EU CT strategy and of the EU Action Plan on Radicalisation and Recruitment. The Presidency thanked the Coordinator for his report and urged the Member States as well as the Institutions to fully, and in a timely manner, implement the measures foreseen in the aforementioned Strategy and Action Plan.

13. **Report on the implementation of the Strategy for the External Dimension of JHA**
   - Information from the Presidency
   
   15708/1/06 REV 1 JAI 632 RELEX 836
   15001/06 JAI 574 RELEX 773
   15363/06 JAI 600 RELEX 807

   The Council took note of the reports in the heading, underlying the results achieved in JHA External relations' work, both through Action Oriented Papers, the Ministerial dialogues and the Commission's activities.

14. **AOB**
   - **Council Framework decision on the European Evidence Warrant (EEW) for obtaining objects documents and data for use in proceedings in criminal matters (state of play)**

   The Council was informed about the state of play of the negotiations on the form and the recitals.

   - **State of play of European Contract Law** (at the request of Estonia)

   At the Request of the Estonian delegation, the Council took note of an oral explanation by the Commission on the state of play on the European Contract Law.
- Violent video and computer games (at the request of the Commission)

This item was not discussed during the formal session.

- Progress report on the Prüm Treaty and integration of the Prüm Treaty into the EU (at the request of Germany)

This item was not discussed during the formal session.