DRAFT MINUTES

Subject: 2838th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 6 and 7 December 2007
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   – Restrictions on the marketing and use of certain dangerous substances (request by Denmark)
1. **Adoption of the agenda**  
15937/1/07 REV 1 OJ/CONS 65 JAI 656 COMIX 1029

The Council adopted the agenda as set out in 15937/1/07 REV 1.

2. **Approval of the list of "A" items**  
15938/07 PTS A 56  
+ ADD 1

The Council approved the "A" items listed in 15938/07 + ADD1.

The documents in item 7. should read as follows:

**Item 7**: 13321/3/07 REV 3 CRIMORG 141 ENFOPOL 152 ENFOCUSTOM 93  
+ REV 3 COR 1  
15720/07 CRIMORG 181 ENFOPOL 203 ENFOCUSTOM 120

Information relating to items 6, 18 and 20 is set out in Addendum 1 to these minutes.

15873/07 ASIM 93 RELEX 929 DEVGEN 272  
+ COR 1 (pl)

The Council endorsed the draft Conclusions as set out in 16283/07 ASIM 105 RELEX 956 DEVGEN 278 and agreed to submit them to the General Affairs and External Relations Council for adoption.
The CTC presented a discussion paper relating to the Implementation of the EU Counter-terrorism Strategy (15448/07) which raises five issues: information sharing; radicalisation and recruitment; financing of technical assistance to third countries; organisation of work within the Council; and implementation of EU instruments. The discussion paper is part of a package containing his reports on Implementation of the Radicalisation and Recruitment Strategy (15443/07), Implementation of the Media Communication Strategy (15445/07 RESTREINT UE) and the Implementation of the Strategy and Action Plan to Combat Terrorism (15411/1/07 REV 1) which are listed as "A" items.

On the exchange of information the CTC mentioned sharing of information at European level (systematic transition of information to Europol and Eurojust), sharing information at national level, sharing Internet-related information and sharing information with third countries. Mentioning the Radicalisation & Recruitment issue he focused on the problem of the Internet as a source of radical ideas. He also encouraged Member States to take the lead in implementing various aspects of the Radicalisation & Recruitment Strategy. Dealing with the subject of financing of technical assistance to third countries he highlighted a need for better use of the CFSP budget and the new Stability Instrument to finance various counter-terrorism projects in third countries as well as a need for experts to carry out assessment missions and specific projects.
With regard to the internal organisation of the Council working groups dealing with terrorism or related issues, the CTC pointed out four examples where the difficulty of drawing up integrated policies on terrorism appeared: terrorist financing, security of explosives, CBRN and bio-preparedness and the protection of critical infrastructures.

Finally, he highlighted insufficient implementation of some EU instruments.

   - Finalisation of Chapters VI, VII and IX of the Draft Council Decision
   15965/07 EUROPOL 127

The Council agreed on a general approach, subject to the Netherlands, Czech Republic and the United Kingdom Parliamentary reservations, on Chapters VI ("Organisation"), VII ("Confidentiality issues") and IX ("Miscellaneous provisions") of the draft Council Decision establishing the European Police Office, as set out in 15965/07 EUROPOL 127, and subject to the type of procedural decision which will be incorporated into various Articles of the draft Council Decision (budget, appointment of the Director, internal language arrangements).

   - Information from the Presidency about the first reading agreement reached with the European Parliament
   14895/07 CRIMORG 168 MI 283 CODEC 1201 COMIX 950
   + ADD 1 REV 1
   15830/07 CODEC 1356 CRIMORG 183 MI 315 COMIX 1023

The Presidency informed delegations of the fact that on 29 November 2007 the Parliament had voted by an overwhelming majority in favour of the compromise text. This was the text for which the Chairman of the Permanent Representatives Committee had established on 15 November 2007 that there was a sufficient qualified majority among delegations.
6a. **European Day against the Death Penalty**

The Council agreed on the introduction of a European Day against the Death Penalty on 10 October every year.


The Commission presented its proposal and the Council held a first exchange of views. Work will continue on this file during the incoming Slovenian Presidency.

8. **E-Justice**

The Council:

- welcomed the work achieved on E-justice during the second semester of 2007; and
- gave mandate to the continuation of work as indicated in paragraphs 21 and 22 of 15892/07.
9. **Proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome I)**
   – First reading agreement with the European Parliament
     15832/07 CODEC 1537 JUSTCIV 320
     (public deliberation pursuant to Article 8(1))

   The Council:

   – welcomed the fact that a first-reading agreement has been reached with the European Parliament on the basis of 15832/07; and
   – took note that the adoption of the Regulation by the Council would take place after the revision of the text by the legal-linguistics.

    – Adoption
      15176/1/07 REV 1 EUROJUST 61 EJN 36 COPEN 159

   The Council adopted the conclusions.

11. **Initiative presented by the Federal Republic of Germany and the French Republic with a view to the adoption by the Council of a Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences**
    – General approach
      15948/1/07 REV 1 COPEN 171

   The Council agreed on a general approach on the initiative for a Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences. The text on which the Council reached agreement is set out in 16374/07 COPEN 180.

   The Council instructed its preparatory bodies to examine and finalise the recitals, as well as the certificate and the form, with a view to adopting this instrument as soon as possible.
12. **Proposal for a Council Framework Decision on the European supervision order in pre-trial procedures between Member States of the European Union**
   – Report by the Presidency

The Council took note of oral information from the Presidency on the work carried out on the Commission proposal for a Council framework decision on the European supervision order in pre-trial procedures between Member States of the European Union.

The Presidency notably informed the Council that, on the basis of the mandate provided by the Council (Justice and Home Affairs) in September, the Portuguese Presidency, after consulting the Commission and the incoming Slovenian and French Presidencies, prepared a revised text of the proposal (see 15821/07 COPEN 169 and 16494/07 COPEN 181).

13. **JHA External Relations**

   – **Outcome of the meeting of the seventh EU-Russia Permanent Partnership Council (Justice and Home Affairs) on 22-23 November 2007, Brussels**
     15918/07 JAI 652 RELEX 930 NIS 229 COEST 324

   The Presidency highlighted the commitment on both the EU and the Russian side to implement the Common Space. **DELETED** Cooperation with Russia on drugs is strengthened through cooperation with the ECMDDA.

Vice-President Frattini confirmed that satisfactory results have been obtained so far with Russia. The Commission emphasised also the importance of enhancing civil and commercial law cooperation with Russia.
Preparation of the 2nd Conference of the Parties to the UN Convention against Corruption on 28 January-1 February 2007

Draft Council Common Position on the United Nations Convention against Corruption concerning review mechanism
14412/1/07 REV 1 CRIMORG 164

Draft Council Common Position on the United Nations Convention against Corruption concerning asset recovery
15233/1/07 REV 1 CRIMORG 172

The Council adopted common positions on review mechanism and asset recovery in view on the second Conference of the States Parties to the UN Convention against Corruption (Bali, 28 January-1 February 2008).

14449/07 JUSTCIV 281

The Council took note of the report from the Presidency.

Outcome of the First Euro-Mediterranean Ministerial Meeting on Migration (Albufeira – 18-19 November 2007)
15805/07 MED 45 JAI 633 ASIM 91
+ COR 1

The Council took note of the report from the Presidency.

14. Any Other Business

Restrictions on the marketing and use of certain dangerous substances
(request by Denmark)
15729/07 JAI 630 ENFOPOL 204 TRANS 389 MI 313 EEE 70

This item was not discussed during the formal session.