COUNCIL OF
THE EUROPEAN UNION

Brussels, 31 May 2005 (10.06)
(OR. fr)

8044/05

LIMITE

PV/CONS 21
JAI 126

DRAFT MINUTES
Subject: 2652nd meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Luxembourg on 14 April 2005
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1. **Adoption of the agenda**  
7795/05 OJ/CONS 20 JAI 115

The Council adopted the above agenda.

2. **Approval of the list of "A" items**  
7796/05 PTS A 16

The Council approved the "A" items listed in 7796/05, except items 6 and 8.

The document references under the first indent of item 11 should however read as follows:  
7561/05 INF 63 API 45 JUR 116  
+ COR 1  
+ **COR 2 (ff)**

3. **Proposal for a Regulation of the European Parliament and of the Council creating a European order for payment procedure**  
7838/05 JUSTCIV 67 CODEC 221  
10107/04 JUR 267 JUSTCIV 80 CODEC 800

Pending the European Parliament's opinion, the Council held a general discussion on the proposal for a Regulation on the European order for payment procedure, on the basis of 7838/05 JUSTCIV 67 CODEC 221.

In the light of this discussion the Council noted that:

(a) a very large majority of delegations took the view that the European order for payment procedure should be confined solely to cross-border disputes,

(b) there was wide agreement on the requirement that in the European order for payment application the applicant should always give a brief description of at least one means of evidence to support his claim, and that the relevant supporting documents, or copies thereof, supporting the application should be attached to the application if the Member State of origin so required, as indicated in a communication from that Member State,
(c) a large majority of delegations thought that the court should issue a European order for payment while informing the defendant of the claim and of his right to oppose it within a period of one month. At the end of that period, and after verification, the court of the Member State of origin could issue an enforceable order for payment,

(d) it should be possible for a European order for payment issued to become enforceable in the other Member States of the European Union without any intermediate procedure, i.e. without any declaration of enforceability being required in the Member State of enforcement provided that the procedural guarantees were sufficient,

(e) work should be continued in the light of the Council discussion.

4. Policy debate on the exchange of information extracted from criminal records
7762/1/05 COPEN 66 REV 1
7198/05 COPEN 51 CATS 17

The President of the Council noted there was consensus on the draft compromise consisting of:

– extending to all 25 Member States the FR, DE, ES, BE and PL initiative on pooling national police records on Community nationals, while obliging each Member State to record in its records all convictions handed down against its own nationals;

– establishing an index for third-country nationals and Community nationals whose convictions would not be recorded.

The Commission was asked to study the technical and legal arrangements in early July 2005.
5. **JHA financial programmes**
   – Presentation by the Commission

   The Commission presented the financial programmes aimed at promoting freedom, security and justice under the next financial framework for the period 2007-2013. In particular, the Commission presented three framework programmes to the Council: "Fundamental Rights and Justice"; "Solidarity and the Management of Migration Flows"; and "Security and Safeguarding Liberties". These will replace the plethora of instruments which the Commission is currently administering. The Council held an initial exchange of views on the programmes.

   The Council instructed the appropriate Council bodies to examine these programmes.

6. **Implementation of the principle of availability laid down in point 2.1 of the Hague Programme**
   7641/2/05 CATS 20 ENFOPOL 31 ENFOCUSTOM 17 CRIMORG 30 REV 2

   The Council agreed on the gradual approach and on the six types of information referred to in 7641/05 and requested that:

   (1) the Article 36 Committee designate the appropriate Working Party to study which of the five modalities set out in the above should be chosen in order to implement the principle of availability for each of the six types of information;

   (2) an initial report on the technical modalities to implement the principle of availability on the six types of information be presented to the Council by the end of 2005;

   (3) the Article 36 Committee reflect further on other types of information for which technical modalities for the facilitation of the implementation of the principle of availability may be needed and examined the question of interoperability between EU databases on the basis of the communication to be submitted by the Commission, as requested in the Hague Programme, with a view to reporting to the Council by the end of 2005;
(4) the Article 36 Committee examine how to optimise the use of existing EU law enforcement databases (EIS, CIS, SIS) and explore the possible use of other "Justice, Freedom and Security" databases (EURODAC, VIS) for law enforcement purposes, while ensuring adequate data protection.

7. Briefing on the activities of the Police Chiefs Task Force on operational cooperation (lunch) 7470/05 ENFOPOL 30
This item was not discussed during the formal session.

– Progress report - presentation by the Commission


The Council also agreed unanimously that the headquarters of the Agency would be in Poland.

9. Cooperation with Libya in the field of immigration
– Presentation by the Commission 7753/05 ASIM 12 RELEX 143 LIBYE 1

The Commission gave a report on the technical mission to Libya on illegal immigration, which took place from 28 November to 6 December 2004.

The Ministers held an initial exchange of views on the report. The Council took note of the report and stressed the need to look in greater depth at the question of establishing closer relations with Libya; it instructed its appropriate bodies to consider the matter further, with a view, in particular, to defining and adopting conclusions on Union cooperation with Libya, especially in the area of combating illegal immigration.
10. Other business

No items were raised under "Other business".