ADDENDUM to DRAFT MINUTES¹

Subject: 2863rd meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Luxembourg on 18 April 2008

¹ The information from the Council minutes which is contained in this addendum is not confidential and may therefore be released to the public.
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"A" ITEMS


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Agenda items released to the public concerning the final adoption of Council acts

"A" items: (list: 8314/08 PTS A 19)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:


13502/2/07 REV 2 VISA 303 COMIX 838
  + REV 3 (mt)
  + REV 4 (pt)

The Council adopted the above Regulation. (Legal basis: Article 63(3)(a) of the Treaty establishing the European Community).

1. Statement by the Member States re Article 1(6)

"Member States declare that for the purpose of issuing residence cards to family members of EU citizens in accordance with Article 10 of Directive 2004/38/EC, they will use the uniform format for residence permits, including biometrics, in accordance with Regulation (EC) No 1030/2002 as amended by Regulation (the present Regulation) replacing the title by "Residence card of a family member of a Union citizen". Member States invite the Committee, referred to in Article 7(2) of Regulation (EC) No 1030/2002, to examine technical solutions with the purpose of distinguishing the residence card of a family member of a Union citizen."
2. **Statement by the Council**  
**Report on the "one person one document" principle**

"The Council invites the Commission to report by the end of 2008 at the latest on the impact of rendering mandatory the application of the principle one person one document regarding residence permits to third country nationals taking into account national legislation and especially on issuing residence permits to minors, and, if needed, to submit any appropriate proposals."

11. **Council Decision amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS)**  
7789/08 SIRIS 41 SCHENGEN 7 CH 18 COMIX 239  
+ COR 1 (el)  
+ COR 2 (fr)  
+ COR 3 (es)  
+ COR 4 (de)  
+ COR 5 (sl)  
+ COR 6 (it)  
+ COR 7 (nl)  
+ COR 8 (hu)


PE-CONS 3690/07 CRIMORG 185 MI 328 CODEC 1400  
+ COR 1 (lv)

The Council adopted the above Directive, with the Austrian and Finnish delegations abstaining. (Legal basis: Article 95(1) of the Treaty establishing the European Community).
3. **Statement by the Commission on personal data protection**

"The Commission notes that the processing of personal data under this Directive is subject to compliance with Directive 95/46/EC and cannot prejudice the level of protection of individuals with regard to the processing of personal data under the provisions of Community and national law, and in particular does not alter the obligations and rights set forth in Directive 95/46/EC.

In this respect, the necessity to prolong the minimum period during which the registers containing information on the owners of weapons are kept from ten to twenty years should be justified. The Commission is convinced that such processing of personal data is justified in view both of the dangerous nature and longevity of such weapons and of their possible misuse for criminal purposes, which therefore requires the proper tracing of both firearms and their owners.

The Commission further notes that, in view of the purposes of this Directive, and in accordance with the requirements of Directive 95/46/EC, access to the centralised data filing system, or the system guaranteeing access to non-centralised filing systems, should only be available to police and judicial authorities for the prevention, investigation, detection and prosecution of criminal offences."

4. **Statement by the Commission on criminal sanctions**


The Commission notes that the Community has competence to establish criminal sanctions in conformity with Article 5 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime."
Accordingly, the Commission considers that any decision to ratify the Protocol would have to be accompanied by a declaration of competence that correctly reflects the scope of the Community competence.

The Commission reserves its institutional rights in this regard."