DRAFT MINUTES

Subject: 2725th meeting of the Council of the European Council (JUSTICE and HOME AFFAIRS), held in Luxembourg on 27/28 April 2006

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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   – High level dialogue on the fight against terrorism

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1. **Adoption of the agenda**  
8628/1/06 OJ/CONS 23 JAI 197 REV 1

The Council adopted the above agenda.

2. **Approval of the list of "A" items**  
8629/06 PTS A 21

The Council approved the "A" items listed in 8629/06.

Addendum 1 to these minutes gives information on items 18 and 19 on that list.

3. **Trafficking Human Beings**
   a) Presentation by Europol
   b) Implementation of the action plan – state of play (Presentation by the Presidency and the Commission)
   c) Recommendations of the AGIS 2005 Project "Comprehensive training for Law enforcement Authorities Responsible for Combating Trafficking in Children/Minors"  
59 ENFOPOL 7945/06 CRIMORG 59 ENFOPOL 54
   d) Draft Council Conclusions on preventing and combating trafficking in human beings on the basis of the EU Action Plan and including trafficking in connection with major international events  
75 ENFOPOL 8647/06 CRIMORG 76 ENFOPOL 76
   + COR 1 (en)
   + COR 2

Europol gave a presentation on its activities in the fight against trafficking in human beings and the Presidency presented the ongoing work in the context of the implementation of the action plan on trafficking in human beings. The Council adopted the Conclusions on preventing and combating trafficking in human beings on the basis of the EU Action Plan and including trafficking in connection with major international events.
4. External relations: Information points of the Presidency and Commission

   a) Implementation JHA External Relations Strategy

   - Action Oriented Papers
     8487/06 JAI 184 RELEX 237
   - Ministerial Conference 4-5 May 2006
     8488/06 JAI 185 RELEX 238

   The Presidency informed the Council of the progress reached so far in the implementation of the JHA Relex strategy, which should allow the adoption of two Action Oriented Papers (on the Western Balkans and on Drugs/Afghanistan) by the end of this semester.

   The Council was furthermore informed of a series of meetings (with the United States as well as with the US and Russia together) and on the Ministerial Conference on the External dimension of internal security, which will be attended by more than 50 countries and 15 international organisations in early May, in Vienna.

   b) Follow-up to Hampton Court: Implementation of priority actions in the area of migration

   The Commission informed the Council on the progress achieved so far in the implementation of the European Council Conclusions adopted in December 2005, relating to the "Global approach to migration: priority actions focusing on Africa and the Mediterranean". It underlined its appreciation for the commitment shown by Member States, Frontex and Europol for providing cooperation to that end.

   Some delegations (Malta, the Netherlands, Sweden and Greece) felt that more concrete actions should be achieved sooner. Malta considered that not enough has been done with the Mediterranean region; it supported the project of a Conference in Libya and drew the attention of the Council to the recent Resolution of the European Parliament on the Maltese situation, particularly regarding the proposals for a JHA Council meeting in Malta and for reform of the Dublin Regulation.

   The Presidency concluded that there is a need to carry on the work undertaken as a considerable amount still remains to be done.
c) **Outcome of the EU - Russia PPC meeting**

7725/1/06 REV 1 JAI 122 RELEX 172 NIS 26 CATS 48 ASIM 20 JUSTCIV 80

The Council was informed of the main outcome of the Ministerial meeting with Russia, during which a number of commitments was made by both sides in order to enhance the implementation of the common space.

5. **Initiative by the French Republic with a view to amending the Council Decision amending Annex 12 of the Common Consular Instructions and Annex 14a of the Common Manual on the fees to be charged corresponding to the administrative costs of processing the visa applications**

8478/06 VISA 109 FRONT 80 COMIX 383

+ COR 1 (de)

The Council reached a political agreement on the text as it stands in 8478/06, as well as on the draft statements by the Council and the Commission and by the Council mentioned in the annex to that document.

The draft Decision will be formally adopted once the text has been reviewed by the Legal-Linguist experts.

The Greek, Hungarian and Swedish delegations announced their intention of voting against this Decision.

The joint statement by the Council and the Commission, the statement by the Council, as well as statements made by Greece and by Hungary, are annexed to these Minutes.

6. **List of safe countries of origin**

The Commission informed the Council on the current state of play of the preparation of a forthcoming proposal for a list of safe countries of origin. The Commission is expected to submit this proposal in time for the June Council.

The Special Representative of the UN Secretary General for Migration gave a presentation of the current preparation, by the UN, of the High Level Dialogue on Migration and Development, after which an exchange of views by delegations took place.

The importance of this event was underlined by all. The Commission will be proposing a Communication on this matter around the end of May/beginning of June.

8. **Proposal for a Regulation of the European Parliament and the Council on the law applicable to non-contractual obligations ("ROME II")**

   - Political agreement (public deliberation)
     8416/06 JUSTCIV 103 CODEC 349
     8417/06 JUSTCIV 104 CODEC 350
     + ADD 1
     + ADD 2
     7645/06 JUR 119 JUSTCIV 77 CODEC 272
     7015/04 JUR 109 JUSTCIV 37

The **Council** reached political agreement on the compromise solution submitted by the Presidency (see 8417/06 + ADD 1 + ADD 2) with Estonia and Latvia voting against and gave mandate to finalise work on the recitals of the draft Regulation.

9. **Questions relating to judicial cooperation in civil matters examined in other Community draft instruments**

8254/06 JUSTCIV 96 COMPET 80 SOC 166 MI 83 ETS 11 CONSOM 22
   + COR 1

The **Council** took note of questions relating to judicial cooperation in civil matters examined in other Community draft instruments and recalled the importance to be regularly informed of such questions.
10. **Opening of the N-Lex (Interface for national law) and presentation of Eur-Lex**
(public debate)
8293/06 JAI 171 JURINFO 5 JUSTCIV 97
7672/06 JAI 165 JURINFO 4 JUSTCIV 95

"N-Lex" was formally opened and the Council took note of the way in which "EUR-Lex" is
operating.

for obtaining objects, documents and data for use in proceedings in criminal matters
8086/2/06 REV 2 COPEN 34
   + REV 2 ADD 1

   The Council discussed the list of offences for which double criminality shall not apply and the
   exclusion from the scope of the Framework Decision of telecommunications data. These
   questions were referred back to the preparatory bodies for further discussions.

12. **Proposal for a Framework Decision on the fight against organised crime**
8496/1/06 REV 1 CRIMORG 72
   + COR 1

   The outcome of discussions on this item is set out in 9067/06 CRIMORG 80.

13. **Proposal for a Council Framework decision on certain procedural rights in criminal**
proceedings throughout the European Union
8466/06 DROIPEN 28 JAI 181

   The Council was informed on the state of play of negotiations on the Framework Decision on
   procedural rights. The Council took note that an informal working group had been set up to
   examine whether common ground could be reached between the proposal for a Framework
   Decision on the one hand and the approach of a non binding instrument on the other hand. It
   was agreed that the file would be discussed again at the June 2006 JHA Council.
14. Draft Framework Decision on the application of the principle of mutual recognition to
dependencies in criminal matters imposing custodial sentences or measures involving
deprivation of liberty for the purpose of their enforcement in the European Union
8426/06 COPEN 42

The Council discussed the key issue of double criminality in relation to the Framework
Decision. It was concluded that work should continue on the basis of option B proposed by
the Presidency (8426/06 COPEN 42).

15. Authorisation for signing of the draft Agreement between the European Union and
Republic of Iceland and the Kingdom of Norway on the surrender procedure between
the Member States of the EU and Iceland and Norway
8649/06 CATS 75 COPEN 45
5653/3/06 REV 3 CATS 14 COPEN 4

The outcome of discussions on this item is set out in 8762/06 CATS 79 COPEN 48.

16. A.O.B.
- High level dialogue on the fight against terrorism - Information by the Presidency

The Presidency informed the Council that the High level Dialogue on the fight against
terrorism foreseen by the EU Counter-Terrorism Strategy (14469/06) will take place on 10
May 2006. Vice-President Frattini, the Chairman of the LIBE Committee of the European
Parliament and the Counter-Terrorism Coordinator will participate in the dialogue.
Statements to the Initiative by the French Republic for a Council Decision amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged, corresponding to the administrative costs of processing the visa application

1. **Statement by the Council and the Commission**

"The Council and Commission note that visa facilitation, that is simplification of visa issuing procedures for nationals of third countries who are under visa obligation, can provide further opportunities for promoting contacts between the EU and neighbouring countries, including by way of waiving or reducing the fees for certain categories of nationals of third countries.

The Council and Commission also note that the common approach on visa facilitation provides the possibility to open, on a case by case assessment, visa facilitation negotiations with third countries, while bearing in mind the European Union's overall relationship with candidate countries, countries with a European Perspective and countries covered by the European Neighbourhood Policy as well as with strategic partners.

The Council and Commission confirm their support for the development of visa facilitation agreements with third countries in accordance with the process and considerations set down in the common approach on visa facilitation, emphasising the need to negotiate parallel agreements on readmission, with a view to the simultaneous entry into force of such agreements.

The Council and Commission recall that, in the context of the promoting people to people contacts with neighbouring countries consistent with overall EU policy objectives, Member States should make use of the possibilities offered by the Schengen acquis in particular where such people to people contacts can contribute to the strengthening of civil society and democratisation in those countries. The Council and Commission also request that the impact of the new measures for this purpose is kept under review."

2. **Statement by the Council**

"On the basis of the process and considerations laid down in the common approach on visa facilitation based on a case by case assessment of the countries concerned, and having regard to Rule II.3 of this Decision, the Council invites the Commission to bring forward recommendations for mandates for initiating negotiations on visa facilitation and readmission agreements, starting with the countries with a European Perspective as referred to in the European Council Conclusions of June 2003 and June 2005."
3. **Statement by Greece**

"Greece wishes to reiterate its political concern in view of the fact that the Council Decision on the increase of the visa fees does not reflect the political and other concerns of the EU towards the Candidate Countries, the Western Balkan countries and strategic partners.

Greece recalls that the text under adoption does not contain any reference to the European Union’s declared political commitment to promote the European perspectives of the said countries, as it was once again recently reiterated in Salzburg, or the overall political enunciations of the EU towards them, also as expressed at the GAERC meeting last February.

Greece recalls that more flexibility is required regarding the issuing of visas to citizens of specifically defined geographical regions (candidate countries, Western Balkan countries, strategic partners), with specific reference, in the main text of the draft Council Decision for the current visa fee of 35 € to be upheld for the citizens of the said countries.

Greece also notes that the start day of the decision (1 January 2007), although directly coupled with the VIS preparation and its implementation, is not connected with the progress made by Member States to get VIS operational.

Moreover, Greece wishes to express its agreement with the Swedish proposal for the extension of visa fee waiver for minor applicants under 18 years of age, in order to further facilitate contacts of young people with the EU.

In view of the above and while referring to the detailed arguments on the aforementioned issues presented, over the last few months, by the Greek delegation, at various Council bodies, Greece is not in a position to accept and support the current draft Council Decision text set out in 8478/06 VISA 109 FRONT 80 COMIX 383) + COR 1 (de)."

4. **Statement by Hungary**

"The increase of the Schengen visa fees has been from the beginning not only a financial matter for Hungary, but primarily a political one. Hungary has been an active participant and shaper of this debate advocating since the beginning that the political commitment of the Union be clearly reflected in the Council Decision. Hungary's belief is that making the European perspective reality for the citizens of Western Balkan countries is crucial in the encouragement of the stability of the region, as well as that of the democratic transition processes."
Hungary acknowledges that progress has been made in this issue. Nevertheless, there is a risk of failure in keeping up to the ambitious deadlines set out in the Council Decision for conclusion of visa facilitation agreements with the Western Balkans originating from any reason beyond the competence of those involved. Thus, withdrawal of the visa-fee preference may cause great damage to the Union, as well as to the government forces of the region committed to reforms. Therefore, Hungary is not in a position to accept and support the current draft Council Decision text set out in 8478/06 VISA 109 FRONT 80 COMIX 383) + COR 1 (de)."