ADDENDUM TO DRAFT MINUTES

Subject: 2350th Council meeting (JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION), held in Brussels on 28 and 29 May 2001

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

"A" ITEMS


Item 5. Council Regulation on freedom of movement with a long-stay visa ................. 4

Item 12. Council Framework Decision on combating fraud and counterfeiting of non-cash means of payment ................................................................. 4

Item 24. Council Decision on the submission of samples of controlled substances ........ 5


"B" ITEM

Item 5. Council Regulation on cooperation between the courts of the Member States of the European Union on the taking of evidence in civil and commercial matters ............. 6
Agenda items released to the public concerning the final adoption of Council acts

"A" items: (list: 8944/01 PTS A 27)

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

7859/1/01 MIGR 24 COMIX 259 REV 1
+ COR 1 (de,it,nl,en,da,es,pt,sv)

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

1. Statement by the Finnish delegation

"Finland is in favour of measures which aim to ensure greater efficiency in enforcing expulsion decisions. However, Finland considers that this Directive is merely a first step towards full mutual recognition of decisions on expulsion of third-country nationals. Accordingly, a just and efficient application of the principles of this Directive, and especially fair treatment of third-country nationals, require appropriate harmonisation of national legislation in this area in future."

2. Statement by the Council on Article 7

"The Council stresses that the adoption of the criteria and practical arrangements referred to in the second paragraph of Article 7 is necessary for the proper implementation of this Directive.

It calls on the Commission to submit the relevant proposal at the earliest opportunity."
Item 5.  Council Regulation on freedom of movement with a long-stay visa
8619/01 VISA 65 COMIX 337

The Council adopted the above Regulation (Legal basis: Article 62(2)(b)(ii) and Article 63(3)(a) of the Treaty establishing the European Community).

3. Statement by the Commission

"The Commission agrees with the French initiative's aim to enable long-stay visa holders to move in the Member States' territories for a three-month period from their visas' initial date of validity, pending the issue of their residence permits.

The Commission recognises that long-stay visa holders are now afforded an appreciable advantage by the adoption of the Regulation. The proposal concerning freedom of movement for third-country nationals which the Commission departments plan to submit very shortly to the Commission will also include long-stay visa holders. Thus, the Commission will take over the French initiative's objective, placing it in a more general framework.

However, the Commission considers, as does the European Parliament, that in view of the objective pursued the Regulation's legal basis should have been Article 62(3) TEC, and that it would have been more appropriate to legislate comprehensively instead of targeting a single category of persons."

Item 12. Council Framework Decision on combating fraud and counterfeiting of non-cash means of payment
14353/00 DROIPEN 59 CRIMORG 165 ECO 372
+ COR 1
+ COR 2 (de)
+ COR 3 (fi)
+ COR 4

Item 24.  Council Decision on the transmission of samples of controlled substances
8942/01 STUP 17 CORDROGUE 33

The Council adopted the above Decision (Legal basis: Articles 30, 31, and 34(2)(c) of the Treaty on European Union).

Item 31.  Council Decision establishing a European Judicial Network in civil and commercial matters
8606/01 JUSTCIV 61

The Council adopted the above Decision.  (Legal basis: Articles 61(c) and (d), 66, and 67(1) of the Treaty establishing the European Community).

4.  Statement by the Council and the Commission

"The Council and the Commission consider that the European Judicial Network in civil and commercial matters is obliged, where appropriate, to cooperate with other networks.

5.  Statement by the Commission

"Where appropriate and in conformity with Article 12, the Commission intends to invite candidate countries to meetings of contact points and of members of the Network."
"B" item (Agenda: 8943/01 OJ/CONS 26 JAI 35)

Item 5. Council Regulation on cooperation between the courts of the Member States of the European Union on the taking evidence in civil and commercial matters

8607/01 JUSTCIV 62
+ COR 1
+ COR 2 (de)
+ COR 3

The Council adopted the above Regulation (Legal basis: Articles 61(c) and 67(1) of the Treaty establishing the European Community).

6. Statement by the Council

"The scope of this Regulation does not cover pre-trial discovery, including so-called "fishing expeditions"."