COUNCIL OF
THE EUROPEAN UNION

Brussels, 14 June 2007

9566/07
LIMITE

PV/CONS 23
JAI 241
COMIX 464

DRAFT MINUTES

Subject: 2794th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 19/20 April 2007
## CONTENTS

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adoption of the provisional agenda</td>
<td>3</td>
</tr>
<tr>
<td>2. Approval of the list of &quot;A&quot; items</td>
<td>3</td>
</tr>
<tr>
<td>4. Proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations</td>
<td>4</td>
</tr>
<tr>
<td>5. Proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome I)</td>
<td>4</td>
</tr>
<tr>
<td>6. European Contract Law</td>
<td>4</td>
</tr>
<tr>
<td>7. Proposal for a Council Framework Decision on combating racism and xenophobia</td>
<td>4</td>
</tr>
<tr>
<td>8. Proposal for a Council Framework Decision on certain procedural rights in criminal proceedings throughout the European Union</td>
<td>5</td>
</tr>
<tr>
<td>9. Europol</td>
<td>5</td>
</tr>
<tr>
<td>10. Visa Information System (VIS)</td>
<td>5</td>
</tr>
<tr>
<td>11. Fighting the pull-factors of illegal migration : illegal employment</td>
<td>6</td>
</tr>
<tr>
<td>12. Refugee situation in Iraq and neighbouring countries</td>
<td>6</td>
</tr>
<tr>
<td>13. Global Approach on Migration</td>
<td>6</td>
</tr>
<tr>
<td>14. Any Other Business</td>
<td>6</td>
</tr>
</tbody>
</table>
1. **Adoption of the provisional agenda**  
8500/07 OJ/CONS 20 JAI 187 COMIX 369

The Council adopted the agenda as set out in 8500/07.

2. **Approval of the list of "A" items**  
8501/07 PTS A 16

The Council approved the "A" items listed in 8501/07.

The documents in items 11 and 14 should read as follows:

**Item 11:** 7743/07 PROCIV 52 JAI 151 COTER 32 ENER 102 TRANS 98  
TELECOM 37 ATO 58 ECOFIN 134 ENV 168 SAN 54  
CHIMIE 9 RECH 88 DENLEG 22 RELEX 194  
+ COR 1 (el)  
+ COR 2 (fr)

**Item 14:** 8295/07 PESC 411 RELEX 229 COMEM 58 CONOP 30  
+ ADD 1  
7642/1/07 REV 1 PESC 333 RELEX 186 COMEM 47 CONOP 24  
+ REV 2 (de)  
+ REV 3 (fr)

jurisdiction and introducing rules concerning applicable law in matrimonial matters  
(Rome III)**  
8549/07 JUSTCIV 91

The Council took note that:
- a very large majority of delegations agreed on the guidelines proposed by the  
  Presidency (see document 8549/07 JUSTCIV 91);
- two delegations were opposed to the acceptance of such guidelines regarding some  
  aspects of the choice of the applicable law by the parties (Article 20a) and the rules  
  applicable in the absence of choice of law (Article 20b), but they indicated they would  
  be prepared to continue the negotiations.

The Council gave mandate to continue work on the proposal for a Regulation.
4. **Proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations**
   - agreement on certain guidelines
   8547/07 JUSTCIV 89

   The Council agreed on the guidelines suggested by the Presidency (see 8547/07 JUSTCIV 89).

   The Council called for the work to continue with the aim of finding definitive solutions which will be acceptable to all Member States.

5. **Proposal for a Regulation of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I)**
   - agreement on certain issues
   8022/07 JUSTCIV 73 CODEC 306
   + ADD 1 REV 1

   The Council:
   - reached general agreement on the part of the text of the proposal for a Regulation as suggested by the Presidency in 8022/07;
   - gave mandate to continue work on that proposal for a Regulation.

6. **European Contract Law**
   - discussion on further proceedings
   8548/07 JUSTCIV 90

   The Council agreed to the procedure proposed by the Presidency outlined in 8548/07.

7. **Proposal for a Council Framework Decision on combating racism and xenophobia**
   - general approach
   8544/07 DROIPEN 34

   The Council reached, subject to Parliamentary scrutiny reservations and examination of the Preamble at a later stage, a general approach on the text of the Proposal for a Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, on the basis of document 8544/07.
8. **Proposal for a Council Framework Decision on certain procedural rights in criminal proceedings throughout the European Union**

- agreement concerning the scope of the Framework Decision

8545/07 DROI PEN 35

The Council examined the proposal for a Framework Decision on certain procedural rights in criminal proceedings throughout the European Union, on the basis of 8545/07 and agreed to continue discussions at Permanent Representatives Committee level on the scope of the instrument, with a view to its submission to the JHA Council in June.

9. **Europol**

- Implementation of the protocols
- Short terms options
- Future of Europol (state of play)

8203/1/07 REV 1 EUropol 36

The Council agreed to examine at its meeting in June the questions related to the financing of Europol by the Community budget as well as articles 1 to 9 of the draft decision.

10. **Visa Information System (VIS)**

(a) **Draft Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay visas**

- Report by the Presidency on outcome of Trialogue with the European Parliament and the Commission, 28 March 2007
- discussion of certain issues.

(b) **Draft Council Decision concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences**

8540/07 VISA 129 CODEC 356 CATS 31 ENFOPOL 68 EUropol 39 COMIX 380

The Council agreed that further negotiations with the European Parliament on the draft Regulation and the draft Decision should be based on the approach in 8540/07.
11. **Fighting the pull-factors of illegal migration: illegal employment**  
   - Report by the Commission

   This item was not discussed during the formal session.

12. **Refugee situation in Iraq and neighbouring countries**

   This item was not discussed during the formal session.

13. **Global Approach on Migration**  
   - Report by the Commission on the state of play of the Communications announced for May 2007

   This item was not discussed during the formal session.

14. **Any Other Business**

   No items were discussed under this point during the formal session.