



**COUNCIL OF
THE EUROPEAN UNION**

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10587/09

CRS/CRP 22

SUMMARY RECORD

**Subject : 2276th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 27 May 2009**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 7

Coreper Part 1

I

2. Proposal for a Council Decision authorising the Commission to open negotiations on an agreement on scientific and technological cooperation between the European Community and the Faeroe Islands

II

3. Towards a comprehensive EU adaptation strategy 8
4. Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 8 and 9 June 2009
 1. Preparation of the June European Council
 - (a) Main messages from the informal Employment Summit
 - (i) Employment Committee contribution
 - (ii) Social Protection Committee contribution
 - (b) Communication from the Commission to the June European Council: "A Shared Commitment for Employment"
 - (c) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Dealing with the impact of an ageing population in the EU (2009 Ageing Report)"
 - (d) Flexicurity in times of crisis
 - (e) Social Services as a tool for active inclusion, strengthening social cohesion and an area for job opportunities
 - (f) Skills and mobility..... 9
 2. Proposal for a Council Decision on Guidelines for the Employment Policies of the Member States, 2009 10

3.	Proposal for a Council Regulation extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No [...] to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality	10
4.	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	10
5.	Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation	10
6.	Equal opportunities for women and men: active and dignified ageing	11
7.	Inclusion of the Roma	11
8.	Proposal for a Directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC	11
9.	Pharmaceuticals package	
	(a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/83/EC as regards the prevention of the entry into the legal supply chain of medicinal products which are falsified in relation to their identity, history or source	
	(b) Proposal for a Regulation of the European Parliament and of the Council amending, as regards pharmacovigilance of medicinal products for human use, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency	
	Proposal for a Directive of the European Parliament and of the Council amending, as regards pharmacovigilance, Directive 2001/83/EC on the Community code relating to medicinal products for human use	
	(c) Proposal for a Regulation of the European Parliament and of the Council amending, as regards information to the general public on medicinal products for human use subject to medical prescription, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency	
	Proposal for a Directive of the European Parliament and of the Council amending, as regards information to the general public on medicinal products subject to medical prescription, Directive 2001/83/EC on the Community code relating to medicinal products for human use	
		11,12

Coreper Part 2

I

5. Case before the Court of Justice
 - Request for a preliminary ruling in case C-97/09, Ingrid Schmelz (Referring Court: Unabhängiger Finanzsenat, Austria)
6. Draft Joint ACP-EU Declaration on Climate Change and Development
7. Situation in Zimbabwe - draft reply to the Secretary General of the ACP Group
9. Council Joint Action on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX
10. Approval of Draft EU Exercise Programme (2010 - 2014)
11. Draft Council Conclusions on the seventh Eurojust Annual Report (calendar year 2008)
12. Follow-up on the outcome of the January Informal JHA Ministerial Meeting in the field of Modern Technologies and Security
13. Draft Council Conclusions on the European Crime Prevention Network (EUCPN) Annual Report 2008
14. Draft Council conclusions setting the EU's priorities for the fight against organised crime based on the OCTA 2009 and the ROCTA
15. Draft Council conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings
16. Draft Council Recommendation on tackling illegal motor races
17. Draft Council Decision amending Decision 2002/956/JHA setting up a European Network for the Protection of Public Figures
18. Prague declaration
 - A New European approach for a Safer Internet for children
19. Draft Council Recommendation on improving radio communication between operational units in border areas
20. Interim Report on implementing new approach to Schengen evaluation (June 2009)
21. Proposal for a Council Framework Decision on prevention and settlement of conflicts of exercise of jurisdiction ("other than bis-in idem cases")
22. Implementation of the Council conclusions on cooperation with Western Balkan countries on the fight against organised crime and terrorism

II

23.	Appointment of a judge of the European Union Civil Service Tribunal	13
24.	Guantanamo: roadmap for next steps, joint EU-US statement and draft submission to the Detention Policy Task Force	13
25.	Preparation of the Council meeting (Justice and Home Affairs) on 4-5 June 2009	
1.	Asylum	
a)	Proposal for a Regulation of the European Parliament and the Council establishing the criteria and mechanisms for determining the Member States responsible for examining an asylum application lodged in one of the Member States by a third-country national or a stateless person (recast)	
b)	Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the regulation establishing the criteria and mechanisms for determining the Member States responsible for examining an asylum application lodged in one of the member States by a third-country national or a stateless person (recast)	
c)	Proposal for a Directive of the European Parliament and the Council amending Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers (recast)	
d)	Proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office	
e)	Proposal for a Decision of the European Parliament and of the Council amending Decision n° 573/2007/EC establishing the European Refugee Fund for the period 2008/2013 by removing funding for certain Community actions and altering the limit for funding such actions	
		14
2.	Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for single permit holders	14
3.	Illegal immigration in Mediterranean	14
4.	Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements	15
5.	Fourth round of mutual evaluations on the European Arrest Warrant	15

6.	a)	Proposal for a Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA and	
	b)	Proposal for Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA	15
7.		Training of judges, prosecutors and judicial staff	15
8.		Preparation of the Justice, Freedom and Security Ministerial Meeting between the Troika and European Union and Ukraine, Luxembourg, 3 June 2009	16
9.		Other items in connection with the Council meeting	16
26.		Draft Council Decision authorising the Commission to open negotiations for the conclusion of an agreement between the European Community and the Republic of Cape Verde on the facilitation of issuance of short-stay visas	16
27.		Draft Council Decision authorising the Commission to open negotiations for the conclusion of a readmission agreement between the European Community and the Republic of Cape Verde	17
28.		Preparation of the Council meeting (Economic and Financial Affairs) on 9 June 2009	
	a)	Code of Conduct (Business Taxation)	17
	b)	Other items in connection with the Council meeting	17
29.		Preparation of the Council meeting (General Affairs and External Relations) on 15-16 June 2009	
	A.	General Affairs	
	-	Other items in connection with the Council meeting	17
	B.	External Relations	
	-	Other items in connection with the Council meeting	17

1. Adoption of the provisional agenda and items "I"

doc. 10268/09 OJ/CRP1 20

10236/09 OJ/CRP2 20 COMIX 436

The above mentioned agenda is approved with the following changes:

The following items are **added** :

(Coreper Part 2, under I)

30. Approval of a corrigendum to :

Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and repealing Directive 97/5/EC

10267/09 JUR 250 EF 76 ECOFIN 397 CONSOM 122 CRIMORG 86

9602/09 JUR 215

31. Draft revised Agreement on Co-operation between Eurojust and Europol

- Approval by the Council

10107/09 CATS 53 EUROJUST 30 EUROPOL 31

10019/09 CATS 52 EUROJUST 29 EUROPOL 30

32. Proposal for a Regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny - Part Four (First reading)

- Adoption of the legislative act

PE-CONS 3734/08 JUR 582 INST 195 AG 51 AGRI 473 AGRILEG 236

AVIATION 307 CONSOM 230 DENLEG 167 ECO 199

ECOFIN 641 EDUC 294 EEE 54 ENT 336 ENV 1040 FIN 572

IND 237 INF 297 MAP 74 MAR 268 MI 575 ONU 114 SAN 357

SOC 816 STATIS 177 TOUR 15 TRANS 494 CODEC 1903

9970/09 CODEC 731 JUR 230 INST 76 AG 38 AGRI 223 AGRILEG 70

AVIATION 85 CONSOM 115 DENLEG 35 ECO 77 ECOFIN 377

EDUC 93 EEE 25 ENT 110 ENV 372 FIN 186 IND 62 INF 136 MAP 5

MAR 84 MI 207 ONU 32 SAN 125 SOC 335 STATIS 62 TOUR 3

TRANS 205 + ADD 1

The following item is **withdrawn** :

(Coreper Part 2, under I)

8. (poss.) Opening of consultations with Madagascar under Article 96 of the ACP-EC Cotonou Agreement

- Letter to the authorities of the Republic of Madagascar

10046/09 ACP 127 COAFR 178 PESC 664 RELEX 479

The Committee approves the "I" items as set out in the summary. Details are contained in the document quoted under item 1.

Coreper Part 1

II

3. Towards a comprehensive EU adaptation strategy

- Adoption of Council conclusions

9846/09 ENV 368 SAN 119 AGRI 217 FORETS 54 ENER 178 TRANS 193
ECOFIN 361 DEVGEN 148

The Committee discussed and reached agreement on the text of the draft Council conclusions, subject to a few amendments. The revised text will be submitted as an I/A item with a view to adoption by the Council (Environment) on 25 June 2009.

4. Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 8 and 9 June 2009

1. Preparation of the June European Council

- Policy debate

10108/09 SOC 356 ECOFIN 387

(a) Main messages from the informal Employment Summit

10093/09 SOC 352 ECOFIN 385

(i) Employment Committee contribution

10015/1/09 SOC 338 ECOFIN 380 REV 1

(ii) Social Protection Committee contribution

10047/09 SOC 344 ECOFIN 381 + ADD 1

(b) Communication from the Commission to the June European Council: "A Shared Commitment for Employment"

(c) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Dealing with the impact of an ageing population in the EU (2009 Ageing Report)"

9200/09 ECOFIN 324 SOC 286 BUDGET 27 STATIS 56

(d) Flexicurity in times of crisis

- Adoption of Council conclusions

10131/09 SOC 360 ECOFIN 390

(e) Social Services as a tool for active inclusion, strengthening social cohesion and an area for job opportunities

- Adoption of Council conclusions

10052/09 SOC 346 COMPET 281 MI 211 CONSOM 116

(f) Skills and mobility

- **Endorsement of the opinion of the Employment Committee**
10132/09 SOC 361 ECOFIN 391 EDUC 97

The Committee agrees that the Council should hold a policy debate on the basis of the Presidency questionnaire in 10108/09 SOC 356 ECOFIN 387. The Committee also:

- (a) agrees to include on the agenda of the Council the following background documents: Main messages from the informal Employment Summit (10093/09 SOC 352 ECOFIN 385), the Employment Committee's contribution to the informal Summit (10015/1/09 SOC 338 ECOFIN 380 REV 1 + ADD 1), and the Social Protection Committee's contribution to the informal Summit (10047/09 SOC 344 ECOFIN 381 + ADD 1);
- (b) takes note of the Commission's Communication to the June European Council: "A Shared Commitment for Employment" in 10628/09, and agrees to forward it to the Council;
- (c) takes note of the Commission's Communication "Dealing with the impact of an ageing population in the EU (2009 Ageing Report)", in 9200/09 ECOFIN 324 SOC 286 BUDGET 27 STATIS 56, and agrees to forward it to the Council;
- (d) agrees to submit the draft Conclusions "Flexicurity in times of crisis", as set out in 10131/09 SOC 360 ECOFIN 390, to the Council, with a view to their adoption;
- (e) agrees to submit the draft Conclusions "Social Services as a tool for active inclusion, strengthening social cohesion and an area for job opportunities", as set out in 10052/09 SOC 346 COMPET 281 MI 211 CONSOM 116, to the Council, with a view to their adoption;
- (f) agrees to recommend the Council to endorse the Employment Committee's Opinion "Skills and mobility", as set out in 10132/09 SOC 361 ECOFIN 391 EDUC 97;
- (g) takes note of the Updated Joint Assessment by the Social Protection Committee and the Commission on Social monitoring of the crisis and agrees to forward it to the Council.

2. **Proposal for a Council Decision on Guidelines for the Employment Policies of the Member States, 2009**
- **Political agreement**
5881/09 SOC 49 ECOFIN 66 EDUC 14
9897/09 SOC 330 ECOFIN 373 EDUC 91
+ COR 1 + COR 2

The Committee agrees to transmit the file to the Council for political agreement on the basis of document 9897/09 SOC 330 ECOFIN 373 EDUC 91 + COR 1 + COR 2.

3. **Proposal for a Council Regulation extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No [...] to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality**
- **(poss.) Political agreement**
12166/07 SOC 287
10049/09 SOC 345 MIGR 63

The outcome of the Committee's discussions on this item is reflected in 10585/09.

4. **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding**
- **Progress report**
13983/08 SOC 575 SAN 217 CODEC 1285 + COR 1
10064/1/09 SOC 347 SAN 133 CODEC 743 REV 1

The Committee agrees to present to the EPSCO Council a report on the progress achieved on the file during the Czech Presidency, as set out in 10064/1/09 REV 1.

5. **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation**
- **Progress report**
11531/08 SOC 411 JAI 368 MI 246
10073/09 SOC 349 JAI 312 MI 213

The Committee submits the report by the Presidency contained in 10073/1/09 REV 1 to the Council, for information.

6. Equal opportunities for women and men: active and dignified ageing

- **Adoption of Council conclusions**
9215/09 SOC 287 + ADD 1

The results of the Committee's work are to be found in 10412/09 SOC 376.

7. Inclusion of the Roma

- **Adoption of Council conclusions**
10121/09 SOC 358 JAI 318 AG 40 EDUC 96 SAN 141

The results of the Committee's work are to be found in 10394/09 SOC 375 JAI 339 AG 46
EDUC 106 SAN 158 + COR 1.

8. Proposal for a Directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC

- **Progress report**
13981/08 SOC 574 CODEC 1284
10013/09 SOC 337 CODEC 735

The Committee submits the report by the Presidency contained in 10013/09 to the Council, for information.

9. Pharmaceuticals package

- (a) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/83/EC as regards the prevention of the entry into the legal supply chain of medicinal products which are falsified in relation to their identity, history or source**
17504/08 MI 566 SAN 355 ECO 198 ENT 334 CODEC 1889
10180/09 MI 220 SAN 145 ECO 82 ENT 113 CODEC 751

- (b) **Proposal for a Regulation of the European Parliament and of the Council amending, as regards pharmacovigilance of medicinal products for human use, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency**

Proposal for a Directive of the European Parliament and of the Council amending, as regards pharmacovigilance, Directive 2001/83/EC on the Community code relating to medicinal products for human use
17501/08 MI 563 SAN 352 ECO 195 ENT 331 CODEC 1886
17502/08 MI 564 SAN 353 ECO 196 ENT 332 CODEC 1887
10181/09 MI 221 SAN 146 ECO 83 ENT 114 CODEC 752

- (c) **Proposal for a Regulation of the European Parliament and of the Council amending, as regards information to the general public on medicinal products for human use subject to medical prescription, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency**

Proposal for a Directive of the European Parliament and of the Council amending, as regards information to the general public on medicinal products subject to medical prescription, Directive 2001/83/EC on the Community code relating to medicinal products for human use

17498/08 MI 561 SAN 350 ECO 193 ENT 329 CODEC 1883

17499/08 MI 562 SAN 351 ECO 194 ENT 330 CODEC 1884

10182/09 MI 222 SAN 147 ECO 84 ENT 115 CODEC 753

– **Progress reports / Exchange of views**

The Committee agreed to forward, as Presidency progress reports, the reports set out in 10180/09, 10181/09 and 10182/09 to the Council (EPSCO) to serve as bases for the exchange of views on the "Pharmaceuticals package" scheduled for 9 June 2009.

Coreper Part 2

II

- 23. Appointment of a judge of the European Union Civil Service Tribunal**
- **Presentation of the opinion of the Selection Committee**
10179/09 JUR 243 COUR 40

Prof Hirsch, President of the Selection Committee for the appointment of judges to the EU Civil Service Tribunal, presented the opinion of the Selection Committee. A first exchange of views followed with a view to preparing the decision to appoint a judge to the Civil Service Tribunal to replace Mr Kanninen, who was recently appointed judge to the Court of First Instance.

- 24. Guantanamo: roadmap for next steps, joint EU-US statement and draft submission to the Detention Policy Task Force**
10030/1/09 REV 1 JAI 306 COMIX 412 COTER 50 ENFOPOL 137 USA 32 ASIM 48
COHOM 113 COJUR 9 POLGEN 89 PESC 659 POLMIL 4
10035/09 JAI 307 COMIX 413 COTER 51 ENFOPOL 138 USA 33 ASIM 49 COHOM 114
COJUR 10 POLGEN 90 PESC 660 POLMIL 5
10036/09 JAI 308 COMIX 414 COTER 52 ENFOPOL 139 USA 34 ASIM 50 COHOM 115
COJUR 11 POLGEN 91 PESC 661 POLMIL 6
10037/1/09 REV 1 JAI 309 COMIX 415 COTER 53 ENFOPOL 140 USA 35 ASIM 51
COHOM 116 COJUR 12 POLGEN 92 PESC 662 POLMIL 7

The Committee discussed the roadmap on Guantanamo closure - which sets out the overall package of the EU "enabling environment"- , the draft EU-US joint statement on Guantanamo closure and the draft letter to the Detention Policy Task Force. There was support for the Presidency approach set out in the roadmap. There was also a general consensus around the idea of having a joint statement with the US, but the timing had to be clarified with the US. Most delegations were in favour of sending the letter to the Detention Policy Task Force with in the annex the principles relevant to counter-terrorism and international law developed by CoJUR. Presidency concluded that during the upcoming video-conference with the US questions of timing etc would be clarified and that the letter could be sent. Revised versions of the joint statement and the letter would be circulated in due course.

25. Preparation of the Council meeting (Justice and Home Affairs) on 4-5 June 2009

1. Asylum

- a) Proposal for a Regulation of the European Parliament and the Council establishing the criteria and mechanisms for determining the Member States responsible for examining an asylum application lodged in one of the Member States by a third-country national or a stateless person (recast)**
- b) Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the regulation establishing the criteria and mechanisms for determining the Member States responsible for examining an asylum application lodged in one of the member States by a third-country national or a stateless person (recast)**
- c) Proposal for a Directive of the European Parliament and the Council amending Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers (recast)**
- d) Proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office**
- e) Proposal for a Decision of the European Parliament and of the Council amending Decision n° 573/2007/EC establishing the European Refugee Fund for the period 2008/2013 by removing funding for certain Community actions and altering the limit for funding such actions**
9786/09 ASILE 35 EURODAC 17 CODEC 717

The Presidency informed the Committee about its intention to invite the Council to take note of the progress report on the five legislative proposals in the field of asylum and to hold a policy debate concerning these proposals.

- 2. Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for single permit holders**
10127/09 SOC 359 MIGR 64

The Committee considered the above proposal on the basis of an overall compromise from the Presidency as set out in 10127/09 SOC 359 MIGR 64.

3. Illegal immigration in Mediterranean

The Committee confirmed the inclusion of this item on the JHA Council's agenda on 4 June 2009.

4. Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements

- **Information on the outcome of the European Parliament plenary vote/first reading agreement with European Parliament**

9266/09 DROIPEN 27 MAR 78 ENV 344 CODEC 646 (en)

+ ADD 1 + ADD 1 REV 1 (nl)

La Présidence a informé le Comité des résultats du vote au Parlement européen. Ce dossier sera soumis au Conseil JAI des 4/5 juin 2009.

La délégation de Malte a fait une déclaration qui figurera au procès-verbal du Conseil lors de l'adoption de la directive.

5. Fourth round of mutual evaluations on the European Arrest Warrant

- **Discussion of the Final Report**

8302/3/09 REV 3 CRIMORG 55 COPEN 68 EJN 24 EUROJUST 20

Le Comité a pris note du projet de rapport final. Une courte discussion a eu lieu, notamment sur la question du principe de la proportionnalité dans la mise en oeuvre de la décision cadre sur le mandat d'arrêt européen. NL a maintenu sa réserve sur le dossier. Il est convenu de soumettre le dossier au Conseil JAI des 4/5 juin 2009.

6. a) Proposal for a Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA and

- b) Proposal for Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA**

= **State of play**

9892/09 DROIPEN 33 MIGR 61 CRIMORG 79

Le Comité a pris note de l'état des travaux et convient de soumettre le dossier au Conseil JAI des 4/5 juin 2009, pour information.

7. Training of judges, prosecutors and judicial staff

- **Information by the Presidency**

a) Implementation of the Council resolution of 24 October 2008

b) Creation of Euro-Arab network for judicial training

10226/1/09 REV 1 JAI 327 COPEN 96 JUSTCIV 137

Le Comité a pris note de l'information donnée par la Présidence et convient de soumettre le dossier au Conseil JAI des 4/5 juin 2009.

8. Preparation of the Justice, Freedom and Security Ministerial Meeting between the Troika and European Union and Ukraine, Luxembourg, 3 June 2009

- Information by the Presidency

10248/09 JAIEX 34 RELEX 493 NIS 42 ASIM 55 CATS 58 JUSTCIV 138

The Committee took note of the draft agenda of the EU-Ukraine Ministerial meeting, to which "Money laundering" was added as a topic at the request of the FR delegation.

9. Other items in connection with the Council meeting

- Ministerial Conference "Building Migration Partnerships", held in Prague on 28-29 March 2009

La Présidence a annoncé que ce point figurera sous divers au Conseil JAI des 4/5 juin 2009.

- Guidelines on the implementation of Directive 2004/38/EC

Le Comité a pris note que la Commission présentera au Conseil JAI des 4/5 juin 2009 l'état de préparation des lignes directrices.

- Visa liberalisation in the Western Balkans (request by SI)

Le Comité a pris note que la Commission informera le Conseil JAI des 4/5 juin 2009 sur les progrès concernant la libération des VISA pour les pays des Balkans occidentaux.

26. Draft Council Decision authorising the Commission to open negotiations for the conclusion of an agreement between the European Community and the Republic of Cape Verde on the facilitation of issuance of short-stay visas
10051/09 VISA 170 COAFR 179 RESTREINT UE

The text of the draft Council Decision set out in 10411/09 VISA 183 COAFR 197 (RESTREINT UE) was supported by delegations, subject to reservations by AT and DE. The Presidency concluded that the draft Council Decision would be forwarded to the Council for adoption by qualified majority as an A point.

- 27. Draft Council Decision authorising the Commission to open negotiations for the conclusion of a readmission agreement between the European Community and the Republic of Cape Verde**
6048/09 MIGR 8 COAFR 41 RESTREINT UE

The Committee reached agreement on the draft Decision and invited the Council to adopt it as set out in 10051/09 MIGR 170 COAFR 179 (RESTREINT UE).

28. Preparation of the Council meeting (Economic and Financial Affairs) on 9 June 2009

- a) Code of Conduct (Business Taxation)**
= **Draft Council conclusions**
10200/09 FISC 69
10222/09 FISC 71
10296/09 FISC 74

The Committee had a brief exchange of views on the basis of a note from the Chair of the Code of Conduct Group and, at the request of several Member States, referred the issue back for further discussion by the Code of Conduct Group.

b) Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

29. Preparation of the Council meeting (General Affairs and External Relations) on 15-16 June 2009

- A. General Affairs**
- **Other items in connection with the Council meeting**

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session Affaires générales.

- B. External Relations**
- **Other items in connection with the Council meeting**

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session Relations extérieures.