



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 February 2005**

**13899/04**

**LIMITE**

**PV/CONS 62  
JAI 398**

**PUBLIC**

**DRAFT MINUTES<sup>1</sup>**

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Subject: **2613th meeting of the Council of the European Union (JUSTICE AND  
HOME AFFAIRS), held in Luxembourg on 25 and 26 October 2004**

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<sup>1</sup> 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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1. **Adoption of the agenda**  
13812/04 OJ/CONS 61 JAI 393

The Council adopted the above agenda.

2. **Approval of the list of "A" items**  
13815/04 PTS A 50

The Council approved the list of "A" items in 13815/04, except for items 11 and 32.

Addendum 1 to these minutes gives information on items 1, 2, 36, 37 and 38 on that list.

The documents for items 7, 25 and 33 should read as follows:

7. 10690/1/04 CRIMORG 51 JUSTCIV 89 MIGR 54 REV 1 **RESTREINT UE**  
+ COR 1 (de)  
+ COR 2 (de)  
12314/04 CRIMORG 78 JUSTCIV 122 MIGR 71  
+ COR 1 (en)  
**+ COR 2 (fr)**  
**+ COR 3 (it)**
25. 13448/04 CH 61  
+ ADD1 REV1  
13054/04 CH 43 JAI 354 FRONTTEXT 4 SCHENGEN 17 FL 19 COPEN  
120 CRIMORG 90 VISA 175 EURODAC 5 ASIM 35 ASILE 56  
MIGR 81  
13466/04 CH 64 JAI 377 FRONTTEXT 7 SCHENGEN 20 FL 24 COPEN  
125 CRIMORG 108 VISA 186  
13464/04 CH 62 JAI 375 FRONTTEXT 5 SCHENGEN 18 FL 22 COPEN  
123 CRIMORG 106 VISA 184  
13049/04 CH 41 JAI 352 FRONTTEXT 2 SCHENGEN 15 FL 17 COPEN  
118 CRIMORG 88 VISA 173 EURODAC 3 ASIM 33 ASILE 54  
MIGR 79  
12352/04 CH 28 JAI 315 FIN 395 GAF 10 MI 245 UD 129 AGRI 227  
**+ COR 1 (en)**  
12755/04 CH 37 AGRI 238 MI 263 UD 139 FL 13 WTO 102 IND 117 GAF 15  
13270/04 CH 52 AUDIO 49 EDUC 177 SERVICES 10 CULT 84 BUDGET 50  
IND 132 MI 278  
13167/04 CH 48 STATIS 60 BUDGET 46 FIN 432 IND 128 TRANS 320  
TOUR 19 COMER 173 SOC 456 ECO 160 AGRI 252 PECHE 311  
ENER 220  
13358/04 CH 58 ENV 547 BUDGET 56  
12582/04 CH 32 SOC 416 MI 254 ETS 50 SERVICES 6 ELARG 150

33. 13240/04 COMER 176  
+ COR 1 (da)  
13242/04 COMER 177  
+ REV 1 (hu).

3. **Multi-annual Programme Justice and Home Affairs**  
13302/04 JAI 370 REV 2

The Council held a debate on the draft multi-annual programme for the area of freedom, security and justice ("The Hague Programme").

Following the debate, the Presidency concluded that, pending some outstanding issues, notably concerning qualified majority voting in the field of Title IV of the Treaty, there was broad agreement on the draft text, and decided to forward it to the next European Council on 4 November 2004, for approval.

4. **Draft Council Regulation on standards for security features and biometrics in passports and travel documents issued by Member States**  
13490/04 VISA 188 COMIX 613

The Council agreed, subject to scrutiny reservations by Austria and Finland, on the following general approach:

- a first mandatory biometric identifier (facial image) shall be included in the passports and travel documents at the latest 18 months after the adoption of the technical specifications,
- a second mandatory biometric identifier (fingerprints) shall be included in the passports and travel documents at the latest 36 months after the adoption of the technical specifications.

The Netherlands delegation entered a Parliamentary scrutiny reservation.

5. **Terrorism ("peer evaluations")**  
(oral presentation)

The Council took note of a report by the Counter-Terrorism Coordinator on the process of peer evaluation of national arrangements on the fight against terrorism.

The Council took also note of four communications presented by the Commission for the fight against terrorism, to enhance prevention, preparedness and response to terrorist attacks.

6. **Proposal for a Council Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship source pollution**  
13755/04 DROIPEN 58 MAR 179 ENV 575

The outcome of proceedings concerning this item is set out in 13995/04 DROIPEN 59 MAR 188 ENV 594.

7. **European Criminal Record**  
(presentation by the Commission)  
13742/04 COPEN 128

The Commission presented its proposal for a Council Decision on the exchange of information extracted from the criminal record which was submitted on 14 October 2004. The purpose of the proposal was to improve the operation of the existing mechanisms under the 1959 European Convention on mutual assistance in criminal matters, the 1990 Schengen Convention and the 2000 EU Convention on mutual assistance in criminal matters.

The Commission also announced that it will shortly submit an instrument proposing a long term solution providing for the setting up of a computerised system on information exchanges on criminal convictions between Member states.

The Belgian delegation presented a proposal for a Framework Decision designed to supplement the proposal for a Council Decision submitted by the Commission. The Belgian initiative aims at ensuring that disqualifications pronounced against someone sentenced for sexual abuse of children in one Member State be recognised and executed in another Member State without formalities.

The Council, after taking note of the Belgian initiative, instructed the Working Party to proceed to the examination of the Commission proposal .

8. **A.O.B.**

- **Draft Council Conclusions on improving access to durable solutions and**
- **Draft Council Conclusions on the priorities for the successful development of a common readmission policy**

The Presidency, underlining that partnership with third countries is indispensable in matters covered by the above-mentioned draft Council Conclusions, informed delegations that these Conclusions were expected to be adopted by the General Affairs and External Relations Council, on 2 November 2004.

- **Evaluation of the EU-action plan on drugs 2000-2004**

The Council heard a brief presentation by the Commission on the evaluation that will be taken on board in drawing up the Strategy on Drugs 2005-2012.

The strategy is expected to be endorsed by the European Council at its meeting on 17 December 2004.

- **Preparation regarding the PPC JHA Troika meeting with the Russian Federation**

The Presidency informed the delegations about the preparation and the main issues at stake in the Ministerial PPC with Russia, scheduled for meeting immediately after the Council.

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