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**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 November 2010

**10599/10
ADD 1**

**PV/CONS 32
JAI 511**

ADDENDUM to DRAFT MINUTES

Subject: **3018th** meeting of the Council of the European Union (**JUSTICE AND HOME AFFAIRS**), held in Luxembourg on 3 and 4 June 2010

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PUBLIC DELIBERATIONS¹

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

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"A" ITEMS

- 1. Regulation of the European Parliament and of the Council amending Council Regulation (EC) no 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards certain provisions relating to financial management**

PE-CONS 9/10 FSTR 22 FC 6 REGIO 29 SOC 248 CADREFIN 26
CODEC 278
+ REV 1 (lt)
+ REV 2 (fi)

The Council approved the amendments set out in the European Parliament's opinion and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. The Czech, Maltese, Polish, Slovenian, Slovakian and the United Kingdom delegations abstained. (Legal basis: Article 177 of the Treaty on the Functioning of the European Union)

Statement by Cyprus, the Czech Republic, Hungary, Lithuania, Poland, the Slovak Republic and Slovenia

"The abovementioned Member States recognise the contribution of cohesion policy instruments to promoting energy efficiency and the use of renewable energy. At the same time, they attach great importance to the positive economic effect of such measures on overall demand, in line with the European Recovery Plan.

Therefore the abovementioned Member States support the European Commission's proposal to allow the setting up of dedicated financial engineering instruments in support of such actions.

Since in the 2007-2013 period the Cohesion Fund may also contribute to measures in the field of energy efficiency and renewable energies, and not just through large-scale infrastructure investments, the abovementioned Member States oppose limiting the use of such financial engineering instruments to the structural funds.

It should be stressed that, on the basis of the current regulations, there are no substantial reasons why the Cohesion Fund should not be allowed to also use financial engineering instruments for an objective it is already contributing to. Furthermore, such limitation is also unfair to countries where energy efficiency measures are primarily financed from the Cohesion Fund and not the ERDF, which, at the current stage of implementation of the NSRF, can no longer be corrected.

Significant Cohesion Fund resources could also be used to facilitate spending on future-oriented action in this field, thus enhancing the contribution of cohesion policy instruments to the recovery of regional and national economies in line with the long-term objectives of the Community."

Statement by the Czech Republic, Poland and the Slovak Republic

- "1. Cohesion policy is a long-term development policy. Applying any kind of short-term criteria, targeting, for example, the yearly change in GDP and the current budgetary situation, undermines significantly the long-term, anti-cyclical and structural orientation of that policy. We believe that its instruments should be used first and foremost to achieve its goals.
2. The current financial and economic crisis influences the Member States' economies and their ability to participate in the cohesion policy in many different ways – in some cases its negative consequences may be fully unveiled only later.
3. The European Commission's original proposal regarding advances and 2007 commitments included appropriate solutions for Member States' situations and the cohesion policy's long-term objectives. Many Member States have a rising profile in terms of commitments, which means that each year they have to secure more and more national resources for co-financing in the critical years ahead.
4. The focus on long-term strategic objectives remains crucial for cohesion policy and should not be put at risk by any immediate, short-term actions limited to only a few Member States. In our view, the currently proposed financial part of the regulatory package does not provide fully appropriate solutions to problems which some Member States will have to tackle in 2013 due to parallel implementation of N+3 and N+2 rules.
5. All the Member States undersigned also declare that the current modifications do not prejudice the outcome of any possible future debate on simplification of cohesion policy implementation."

2. Proposal for a Directive of the European Parliament and of the Council on the protection of animals used for scientific purposes

- Adoption of

(a) the Council's position

(b) the statement of the Council reasons

6106/10 AGRILEG 9 VETER 2 ENV 63 RECH 39 CODEC 88

+ ADD 1

9968/10 CODEC 453 AGRILEG 60 VETER 18 ENV 311 RECH 192

+ ADD 1

The Council approved its position at first reading, with the Greek and the United Kingdom delegations abstaining, in accordance with Article 294(5) of the TFEU (Legal basis: Article 114 of the TFEU).

Statement by the European Parliament, the Council and the Commission on Article 290 TFEU

"The European Parliament, the Council and the Commission state that the provisions of this Directive are without prejudice to any future position of the institutions as regards the implementation of Article 290 TFEU or individual legislative acts containing such provisions."

Statement by the Council

"The Council would refer to the statement it made on 15 December 2009 concerning the Commission communication of 9 December 2009 on the implementation of Article 290 of the Treaty on the Functioning of the European Union."

Statement by the Netherlands with regard to the reservation on non-human primates

"The Netherlands would like to thank the Presidency and former Presidencies for their efforts in this matter.

The Netherlands regrets the fact that the text provides for a derogation allowing the use of non-human primates in research with regard to human beings for purposes other than the prevention and cure of serious diseases.

However, the Netherlands does consider that the proposal constitutes an improvement for the well-being of test animals in the EU and a contribution to a level playing field for scientific research.

The Netherlands can therefore agree to this text."

3. Proposal for a Council Regulation amending Regulation (EC) No 1104/2008 and proposal for a Council Regulation amending Decision 2008/839/JHA on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)

9920/10 SIRIS 82 SCHENGEN 41 COMIX 371

9925/10 SIRIS 83 SCHENGEN 42 COMIX 372

10125/10 SIRIS 86 SCHENGEN 43 COMIX 389

The Council adopted the above Regulations as set out in 9920/10 SIRIS 82 SCHENGEN 41 COMIX 371 + COR 1 (fr) and in 9925/10 SIRIS 83 SCHENGEN 42 COMIX 372 + COR 1 + COR 2 (fr) (Legal basis: Article 74 of the TFUE).

AGENDA ITEMS

3. Proposal for a Directive of the European Parliament and of the Council on Preventing and Combating trafficking in Human beings, and protecting victims, repealing Framework Decision 2002/629/JHA

- General approach
10330/10 DROIPEN 56 MIGR 55 CODEC 491

The outcome of proceedings is contained in doc. 10845/10 DROIPEN 63 MIGR 60 CODEC 541.

4. Initiative of the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand-Duchy of Luxembourg, the Republic of Hungary, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings

- Information by the Presidency on negotiations with the European Parliament and the Commission
10420/10 DROIPEN 58 COPEN 128 CODEC 501

The Council was informed by the Presidency on the results of the negotiations with the European Parliament and the Commission on the draft Directive. The Council welcomed the agreement reached, set out in 10420/10. The declaration set out in 10574/10 will be inserted in the minutes of the Council meeting at which the Directive will be finally adopted.

5. Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Spain, the Republic of Estonia, the French Republic, the Republic of Hungary, the Italian Republic, the Republic of Poland, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the European Protection Order

- General approach
10384/10 COPEN 127 CODEC 498

After a long discussion, the Presidency concluded that there is sufficient ground for the Council to continue discussions with the European Parliament with a view to reaching an agreement on the text of the draft Directive. The Presidency noted that at the next session of the Council in October 2010, the Council should assess the position of the United Kingdom, following a reasonable period of time as referred to in Article 3(2) of Protocol 21 to the Treaty.

6. Proposal for a Council Decision authorizing enhanced cooperation in the area of the law applicable to divorce and legal separation

- Political agreement
- Request by the Council for the consent of the European Parliament
 - 9898/10 JUSTCIV 100 JAI 441
 - 9142/08 JUR 191 JUSTCIV 93
 - 10288/10 JUSTCIV 110 JAI 485
 - 10172/10 JUR 240 JUSTCIV 108 JAI 468
 - + COR 1

The Council

- (a) took note of the declaration of the Commission as set out in Annex 1;
- (b) acknowledged that there was a political agreement on the text of the proposed Decision, as set out in 9898/2/10 REV 2 JUSTCIV 100 JAI 441, subject to the consent of the European Parliament; and
- (c) decided to transmit to the European Parliament the draft text of the Decision as set out in 9898/2/10 REV 2 JUSTCIV 100 JAI 441 in order to obtain the consent of the European Parliament in accordance with Article 329(1) of TFEU.

7. Proposal for a Council Regulation (EU) implementing enhanced cooperation in the area of the law applicable to divorce and legal separation

- General approach on key elements
 - 10153/10 JUSTCIV 106 JAI 464
 - + COR 1
 - 10154/10 JUSTCIV 107 JAI 465

The Council

- (a) reached general approach on key elements of the text, as set out in 10153/10 JUSTCIV 106 JAI 464, between the Member States that participate in enhanced cooperation¹; and
- (b) agreed that further examination should be carried out on certain technical points.

¹ As defined in 9898/10 JUSTCIV 96 JAI 427

8. Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession

- Political guidelines for the future work
9703/1/10 REV 1 JUSTCIV 94 CODEC 425
 - + REV 2 (de)
 - + REV 3 (lv)

The Council approved the guidelines set out in 9703/1/10 REV 1 JUSTCIV 94 CODEC 425 as the political guidelines for the future work on the proposed Regulation.

9. Any Other Business

- **Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA**
 - State of play (*Report by the Presidency*)
10335/1/10 REV 1 DROIPEN 57 JAI 493 CODEC 493

The Council took note of the state of play on this file on the basis of document 10335/10 REV 1 DROIPEN 57 JAI 493 CODEC 493.

**17. Draft Council Conclusions on unaccompanied minors
(public debate pursuant to Article 8(2) Council's rules of procedure)**
9824/10 ASIM 62

The Council approved Conclusions on Unaccompanied Minors as set out in document 10669/10 ASIM 71.

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