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Eingelangt am 20/07/11

**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 March 2011**

**16077/10  
ADD 1**

**PV/CONS 58  
JAI 935**

**ADDENDUM to DRAFT MINUTES**

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Subject: **3043rd meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Brussels on 8 and 9 November 2010**

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## **PUBLIC DELIBERATION ITEMS**<sup>1</sup>

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### **AGENDA (doc. 15781/10 OJ CONS 57 JAI 907 COMIX 718)**

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<sup>1</sup> 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).

## **LEGISLATIVE DELIBERATIONS**

*(public deliberation in accordance with Article 16(8) of the Treaty on European Union)*

### **"A" ITEMS**

#### **Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)**

PE-CONS 31/10 ENV 485 CODEC 690

- + COR 1 (pt)
- + COR 2 (fr)
- + COR 3 (cs)
- + REV 1 (lt)
- + REV 2 (nl)
- + REV 3 (pl)
- + REV 4 (ro)

The Council approved the European Parliament's amendment to the Council's position. The Directive is deemed to have been adopted in the form of the Council's position at first reading thus amended, pursuant to Article 294(8)(a) of the Treaty on the Functioning of the European Union. (Legal basis: Article 192(1) of the TFUE)

#### **Statement by Germany**

"Germany continues to have reservations regarding the broad wording of the derogation clause in Article 15(4) of the draft directive, but it is setting them aside to avoid putting the entire review procedure at risk. In comparison to the existing IPPC Directive, the draft contains core improvements which should not go unadopted, such as the introduction of a new obligation for the Commission to review the need for minimum requirements for emission reduction; strengthening of the application of best available techniques by compulsory establishment of emission limit values within BREF ranges; a clear raising of the requirements for large combustion plants; and the introduction of more uniform requirements for monitoring of installations."

## AGENDA ITEMS

### 3. **Draft Regulation of the European Parliament and of the Council of the European Union amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement**

#### – **Adoption**

15806/10 VISA 261 COWEB 279 CODEC 1194 COMIX 720  
PE-CONS 50/10 VISA 236 COWEB 258 COMIX 649 CODEC 989  
+ COR 1 (de)

#### The Council:

- adopted the Regulation, as set out in PE-CONS 50/10 + COR 1 (de), by unanimity;
- took note of the statement by the Commission set out in doc. 15926/1/10, and ordered that statement to be entered in the minutes of the meeting.

#### Commission statement

"The European Parliament and the Council have decided, at the Commission's proposal, to remove the visa obligation for those nationals of Albania and Bosnia and Herzegovina who are holders of biometric passports.

The Commission would stress in this context the great importance which it attaches to effective implementation of the measures taken by the countries of the Western Balkans to enduringly meet the benchmarks of the roadmaps for the visa liberalisation process.

To that end, the Commission is stepping up its efforts to establish a follow-up mechanism which will cover inter alia border management, document security, combating organised crime and corruption, effective implementation of readmission agreements and management of migration flows between the EU and the countries concerned.

That follow-up will form an integral part of the Commission's annual reports on the progress of reforms in those countries.

It will also be systematically broached in the relevant Stabilisation and Association Agreement Committees.

Moreover, this mechanism will have to be accompanied by the establishing of specific ways in which the European Union delegations, in collaboration with the authorities of the countries concerned, can keep their populations informed in order to forestall risks relating to abuse of asylum procedures.

Emergency consultation arrangements will be introduced so that the European Union and its Member States can, in cooperation with the authorities of the countries concerned, react in the best possible conditions to any specific difficulties which might arise with flows of persons from the countries of the Western Balkans.

In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of one or more third countries, including nationals of the Western Balkans, the Commission may propose that the Council adopt provisional measures for the benefit of the Member State(s) concerned in accordance with Article 78 of the Treaty on the Functioning of the European Union, and a rapid suspension of visa liberalisation.

The Commission will report back regularly to the Council and the European Parliament, starting six months after entry into force of the present Regulation and making use in particular of the results of work by experts from the Commission and the Member States, of the European Union delegations and of any relevant information of which the Member States are aware. In the emergency situation cited in the preceding paragraph, the Commission will inform the Council and the European Parliament by means of an ad hoc report."

#### **4. Common European Asylum System (CEAS)**

15561/10 ASILE 85 CODEC 1140

The Council took note of the progress report presented by the Presidency and held an exchange of views on this issue.

#### **5. Proposal for a Directive on measures to combat new forms of cyber crime, in particular large-scale cyber attacks**

##### **– Presentation by the Commission**

14436/10 DROIPEN 107 TELECOM 100 CODEC 952

+ ADD 1

+ ADD 2

The Council took note of the presentation.

**6. Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters**

– **Policy debate**

15531/10 COPEN 241 EJM 58 EUROJUST 122 CODEC 1136

15713/10 JUR 458 COPEN 246 EUROJUST 127 EJM 61 CODEC 1176

The Council examined the questions which were addressed to it as an outcome of the discussions carried out by the Working Party. These questions related to: 1. principle of no regression in respect of the mutual legal assistance instruments; 2. grounds for refusal; 3. proportionality; 4. costs. Following an orientation debate the Council preparatory bodies were instructed to continue the work on the directive on the basis of orientations agreed by the Council.

**7. Proposal for a Directive of the European Parliament and of the Council on the right to information in criminal proceedings**

15618/10 DROIPEN 118 COPEN 242 CODEC 1149

The Presidency informed the Council on the state of play of the discussion in the preparatory bodies of the Council regarding the above directive.

**NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES**

*(public debate pursuant to Article 8(2) of the Council's Rules of Procedure)*

**9. Draft Council conclusions on the establishment and implementation of an EU policy cycle to combat international serious and organised crime**

15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

The Council adopted conclusions on the creation of an EU policy cycle for organised and serious international crime (doc. 15358/10).

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