



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 22 February 2012**

**16902/11  
ADD 1**

**PV/CONS 66  
JAI 832  
COMIX 722**

**ADDENDUM to DRAFT MINUTES**

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Subject: **3121st meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Brussels on 27 and 28 October 2011**

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

Page

### "A" ITEMS list (doc. 15908/11 PTS A 96)

Item 1.	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology .....	4
Item 2.	Proposal for a Regulation of the European Parliament and of the Council on the professional cross-border transport of euro cash by road between euro-area Member States.....	4
Item 3.	Amended draft budget of the European Union for 2012.....	5
Item 4.	Amended draft amending budget No 5 for 2011 .....	5

### AGENDA ITEMS (doc. 16033/11 OJ/CONS 65 JAI 774 COMIX 665)

Item 3.	Common European Asylum System .....	6
Item 4.	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) N° 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area .....	6
Item 5.	Proposal for a Directive of the European Parliament and of the Council on a single application procedure for a single permit for Non-EU Member Country nationals to reside and work in the territory of a Member State and on a common set of rights for Non-EU Member Country workers legally residing in a Member State .....	7
Item 6.	Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast) .....	7

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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).

Item 18.	Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law .....	7
Item 19.	Proposal for a Directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest .....	7
Item 20.	Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime .....	8
Item 21.	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 .....	8
Item 22.	Proposal for a Directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation .....	8

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## **LEGISLATIVE DELIBERATIONS**

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

### **"A" ITEMS**

**1. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology**

PE-CONS 38/11 COMER 147 PESC 963 CONOP 45 ECO 94 UD 186 ATO 84  
CODEC 1214

The Council approved the amendment set out in the European Parliament's position in first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 207(2) of the TFEU).

#### **Statement by the Commission**

"The Commission intends to review this Regulation no later than 31 December 2013, in particular as regards assessing the possibility of introducing a General Export Authorisation on low-value shipments."

#### **Statement by the European Parliament, the Council and the Commission on low-value shipments**

"This Regulation does not affect the National General Export Authorisations on low value shipments issued by Member States in accordance with Article 9(4) of Regulation (EC) No 428/2009."

**2. Proposal for a Regulation of the European Parliament and of the Council on the professional cross-border transport of euro cash by road between euro-area Member States**

PE-CONS 18/11 EF 66 MI 245 COMPET 178 ECOFIN 248 ENFOPOL 133  
CODEC 776  
+ REV 1 (fr)

The Council approved the amendment set out in the European Parliament's position in first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 133 of the TFEU).

**Statement by the Council and the Commission**

"The Council and the Commission state that the very specific provisions related to Directive 96/71/EC are without prejudice to the admissibility of future comparable labour law provisions in other contexts."

**Statement by Germany**

"Germany requests that, in the context of the evaluation of the regulation envisaged in Article 26 of the draft regulation which is to take place four years after its entry into force, consideration should in particular be given to an extension of the modes of transport to be recognised by the Member States in Article 13 from at least one option to at least two options.

The regulation aims to facilitate the cross-border transportation of euro cash between Member States of the euro zone. It is therefore desirable for the Member States to permit more than one mode of transport for cross-border euro cash transports. Germany believes that, were each Member State only to permit one mode of transport which corresponds to the respective national rules, it would be difficult to achieve the aim of facilitating cross-border euro cash transports."

**Statement by the Netherlands**

"The Netherlands support this proposal but we also would like to express our wish that in the future the scope of the regulation will be extended to all the EU Member States."

**Statement by the Commission**

"The Commission remains committed to availing itself of all relevant expertise which may include the social partners. The Commission regrets that the wording in recital 20 on consultations does not fully reflect the Common Understanding on delegations of legislative power under Article 290 of the TFEU."

**3. Amended draft budget of the European Union for 2012**

15376/11 FIN 733 PE-L 118

The Council decided not to approve all amendments to its position on the draft budget for 2012 voted by the European Parliament.

In accordance with Article 314(5) of the Treaty on the Functioning of the EU, a Conciliation Committee will now be convened in order to agree on a joint text within 21 days.

**4. Amended draft amending budget No 5 for 2011**

15374/11 FIN 732 PE-L 117

The Council decided to approve, with the United Kingdom delegation voting against, the amendment to its position on draft amending budget No 5 for 2011 voted by the European Parliament.

AGENDA ITEMS

**3. Common European Asylum System**

- State of play  
15843/11 ASILE 99 CODEC 1757

The Council reviewed the state-of-play in relation to the legislative proposals in the area of asylum on the basis of a report from the Presidency.

**4. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) N° 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area**

- General approach  
15810/1/11 REV 1 FRONT 137 VISA 212 CODEC 1747 COMIX 653  
13344/11 FRONT 101 VISA 148 CODEC 1297 COMIX 502

The JHA Council reached a general approach on the basis of the text of the proposal submitted by the Commission as set out in doc. 13344/11 and the Joint Declaration of the Council and the Commission as set out in doc. 15810/1/11 REV 1. The Council also took note of the unilateral Declaration of Poland as set out in doc. 15810/1/11 REV 1.

- 5. Proposal for a Directive of the European Parliament and of the Council on a single application procedure for a single permit for Non-EU Member Country nationals to reside and work in the territory of a Member State and on a common set of rights for Non-EU Member Country workers legally residing in a Member State**
- Information from the Presidency concerning state of play after the tripartite agreement on correlation tables

The Presidency informed the Council that final agreement was reached between the Council and the European Parliament on the Directive on the creation of a single permit for third-country nationals to reside and work in the EU. The formal adoption of this instrument is expected to happen before the end of the year.

- 6. Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast)**
- Information from the Presidency concerning state of play after the tripartite agreement on correlation tables

The Presidency informed the Council that, after the European Parliament adopted the new rules, the formal adoption by the Council is expected to happen before the end of the year.

- 18. Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law**
- Presentation by the Commission  
15429/11 JUSTCIV 265 CONSOM 158 CODEC 1667  
15432/11 JUSTCIV 268 CONSOM 159 CODEC 1668

The Council took note of:

- an oral presentation of the proposal by the Commission, and
- the first preliminary reactions of delegations on the content of the proposal.

- 19. Proposal for a Directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest**
- State of play  
15812/11 DROIPEN 121 COPEN 282 CODEC 1748

The Presidency presented the state of play on this file.

**20. Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime**

- Orientation debate

15494/11 DROIPEN 115 JUSTCIV 271 ENFOPOL 359

DATA PROTECT 113 SOC 873 FREMP 93 CODEC 1685

The Council held an orientation debate on two specific issues of the draft proposal.

The approach suggested by the Presidency was agreed, and the Working Party was invited to continue its work on the text and, if needed, to further specify the provisions in question.

**21. 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**

- Information from the Presidency concerning the state of play

15456/11 PE 423 INST 480 POLGEN 156 CODEC 1675

The Council took note of the information by the Presidency on the correlation tables. This Directive will now be able to be adopted by the Council.

**22. Proposal for a Directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation**

- Presentation by the Commission

16000/11 DROIPEN 125 EF 145 ECOFIN 717 CODEC 1811

+ COR 1 (en)

The Proposal was presented by the Commission. The Council took note of the presentation.

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