



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 March 2012**

**18595/11  
ADD 1**

**PV/CONS 80  
JAI 949  
COMIX 841**

**ADDENDUM to DRAFT MINUTES**

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Subject: **3135th** meeting of the Council of the European Union (**JUSTICE AND HOME AFFAIRS**), held in Brussels on 13 and 14 December 2011

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

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- Item 2. - Proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border controls at internal borders in exceptional circumstances ..... 4
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  - b) Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management
  - c) Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa
  - d) Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management
  - e) Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund

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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 13.	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 .....	6
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## **LEGISLATIVE DELIBERATIONS**

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

2. - **Proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis**
  - **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border controls at internal borders in exceptional circumstances**
    - State of play  
18196/1/11 REV 1 SCHENGEN 61 SCH-EVAL 217 FRONT 195  
COMIX 810 CODEC 2331

The Presidency, on the basis of the lunch discussion, concluded that there was broad support for the approach set out in doc. 18196/1/11 which it was agreed should provide the basis for work under the incoming Presidency. The need to resolve the issue of the legal basis had also been noted.

The Presidency also noted that there was support for the suggestion that the Mixed Committee should have a new and strengthened role for the purpose of ensuring political guidance and management of the Schengen area.

3. **Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement**
  - Certain issues  
17924/2/11 REV 2 VISA 255 CODEC 2267 COMIX 793

The Council adopted the general approach set out in doc. 18775/11 on the suspension mechanism contained in Article 1(2) of the draft Regulation (new Article 1a).

#### 4. Common European Asylum System

- State of Play  
18170/11 ASILE 130 CODEC 2321

The Council took note of the progress report on the state of play of the legislative proposals comprising the Common European Asylum System and instructed its preparatory bodies to continue work to with a view to finding agreements both within Council and between Council and the European Parliament.

#### 5. Multiannual Financial Framework 2014 to 2020

- a) **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Building an open and secure Europe: the Home Affairs Budget for 2014-2020'**  
17284/11 JAI 850 CADREFIN 145 COMIX 748
  - b) **Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management**  
17285/11 JAI 851 CADREFIN 146 ENFOPOL 407 ASIM 123 PROCIV 155  
CODEC 2139
  - c) **Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa**  
17290/11 JAI 854 FRONT 175 VISA 239 CADREFIN 148 CODEC 2142  
COMIX 749
  - d) **Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management**  
17287/11 JAI 852 ENFOPOL 408 PROCIV 156 CADREFIN 147 CODEC 2140  
COMIX 754  
+ COR 1
  - e) **Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund**  
17289/11 JAI 853 ASIM 124 MIGR 188 ASILE 118 CADREFIN 151  
CODEC 2141
- Presentation by the Commission and first exchange of views

The Presidency noted that the Commission proposals had been broadly welcomed and invited the Permanent Representatives Committee to ensure the examination of the proposals in relevant Council preparatory bodies.

**13. 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**

General approach

18225/1/11 REV 1 COPEN 356 EUROJUST 212 EJM 181 CODEC 2339

+ ADD 1

The Council endorsed the general approach on the draft directive as set out in

doc. 18225/1/11 REV 1 + ADD 1.

**14. 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**

General approach

18241/11 DROIPEN 154 JUSTCIV 349 ENFOPOL 460 DATAPROTECT 150

SOC 1086 FREMP 113 CODEC 2348

+ ADD 1

+ ADD 2

The Council agreed on a general approach on the compromise package as proposed by the Presidency. EL stated that it maintains a reservation on Article 7(3), and the Commission maintains a number of reservations, as indicated in the footnotes. The outcome of proceedings is set out in 18691/11. On the basis of this approach, the incoming Presidency will start negotiations with the European Parliament.

**15. Proposal for a 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**

- General agreement on the text of the Articles  
18475/11 JUSTCIV 356 CODEC 2397  
+ ADD 1

The Council :

- (a) noted that there was a very large agreement on the text of the Articles as set out in doc. 18475/11;
- (b) agreed that future work on the exception relating to the appointment and powers of an administrator of the estate or an executor of the will be carried out as referred to in doc. 18475/11;
- (c) agreed that future work on the exception relating to the restoration of lifetime gifts is needed and that such work could be based on the elements referred in doc. 18475/11, without prejudicing the final solution on the issue and
- (d) invited the Commission to launch the preparatory work on an electronic register for European Certificates of Succession.

**16. Proposal for a Regulation of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast)**

- Agreement on certain elements  
17402/11 JUSTCIV 326 CODEC 2159  
+ REV 1 (hu)  
+ REV 2 (da)

The Council noted :

- (a) that there was general agreement on the political guidelines for the future work as set out in doc. 17402/11 + ADD 1,
- (b) that work on the proposed Regulation should continue on the basis of these political guidelines.

**17. Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law**

- State of play  
18552/11 JUSTCIV 358 CONSOM 215 CODEC 2425

After an extensive debate the Council took note of the report of the Presidency.

**18. 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**

- Report by the Presidency  
18215/11 DROIPEN 152 COPEN 355 CODEC 2335

The Council was informed by the Presidency on the progress made in respect of this file.

**19. Multiannual Financial Framework 2014 to 2020**

- a) **Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice programme**  
17278/11 JAI 849 CADREFIN 144 DROIPEN 142 COPEN 334 CATS 122  
JUSTCIV 324 EJUSTICE 90 JURINFO 62 CORDROGUE 81  
CODEC 2129
- b) **Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship programme**  
17273/11 JAI 848 CADREFIN 143 FREMP 105 DATAPROTECT 133  
CULT 108 SOC 1020 CODEC 2125
- Presentation by the Commission and first exchange of views

The Commission made a presentation of the programmes. The Council took note of the presentation.

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