



Council of the
European Union

Brussels, 26 October 2017
(OR. en)

13171/17
ADD 1

PV/CONS 53
JAI 899
COMIX 681

DRAFT MINUTES

Subject: **3564th** meeting of the Council of the European Union
(Justice and Home Affairs),
held in Luxembourg on 12 and 13 October 2017

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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).

JUSTICE

LEGISLATIVE DELIBERATIONS

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

2. EPPO: Council Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office

= Adoption

12791/17 EPPO 38 EUROJUST 149 CATS 100 FIN 591 COPEN 290 GAF 41
CSC 218

+ COR 1

9941/17 EPPO 21 EUROJUST 86 CATS 62 FIN 349 COPEN 189 GAF 25
CSC 120

+ COR 1 (bg)

+ COR 2 (fr)

+ COR 3

+ COR 4

+ REV 1 (cs, de, nl, sl)

The Council adopted the Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office as set out in 9941/17 + REV 1 + COR 1 + COR 2 + COR 3 + COR 4, with 20 Member states participating. The Commission explained the next steps to implement and consolidate the Office in order to be operational by the end of 2020. Several delegations welcomed the possibility to discuss the possible extension of the EPPO's competences, about which the Commission would submit a communication in autumn 2018, with a 2025 perspective.

3. Freezing and Confiscation: Proposal for a Regulation of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders [First reading]

= Policy debate

12685/17 JAI 849 COPEN 286 DROIPEN 123 IA 147 CODEC 1480

The Council expressed broad support for the inclusion, in the scope of the draft Regulation, of systems of "preventive confiscation" as they exist in some Member States, such as in Italy, provided there is a clear link to a criminal offence and procedural safeguards are respected. The Working Party was invited to adapt the text accordingly.

4. ECRIS-TCN: Proposal for a Regulation of the European Parliament and of the Council establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system) and amending Regulation (EU) No 1077/2011 [First reading]

= Policy debate

12596/17 COPEN 284 EJUSTICE 109 JURINFO 49 DAPIX 306 CODEC 1464
+ COR 1

The Council discussed two issues: the inclusion of dual nationals and fingerprints. As regards the first issue, a majority of Member States agreed that the central ECRIS-TCN system should contain information on all convicted citizens with a third country nationality, also those that have in addition one or more EU nationalities. Opinions diverged, however, on the need to include also persons with only two or more EU nationalities. As regards the issue of fingerprints, Ministers broadly agreed that fingerprints should be entered in the central system in respect of persons that have been convicted for a criminal offence for which a custodial sentence has been imposed. Opinions diverged, however, as to the question whether only intentionally committed criminal offences should be included. As regards the inclusion of suspended sentences, opinions diverged as well. The Working Party was invited to discuss these issues again.

5. Any other business

= Information from the Presidency on current legislative proposals

The Presidency informed delegations on the state of play of the different on-going legislative files.

HOME AFFAIRS

LEGISLATIVE DELIBERATIONS

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

14. Schengen

- b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders [First reading]**

= Policy debate

12723/17 FRONT 413 CODEC 1485 COMIX 656

The Council confirmed the outcome of the discussions in the Mixed Committee at Ministerial level (13261/17) and instructed the preparatory bodies of the Council to examine the proposal.

15. Reform of the Common European Asylum System and Resettlement

- a) Dublin: Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) [First reading]**
- b) Reception conditions: Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) [First reading]**
- c) Qualification: Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [First reading]**
- d) Procedure: Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU [First reading]**
- e) Eurodac: Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) [First reading]**

- f) **EASO: Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 [First reading]**
- g) **Resettlement Framework: Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council [First reading]**
- = Progress report
12802/17 ASILE 64 ASIM 110 CSC 219 EURODAC 30 ENFOPOL 441
RELEX 816 CODEC 1501

The Council took note of the state of play of the examination of the seven legislative proposals on the Reform of the Common European Asylum System on the basis of the above-mentioned Presidency progress report.

16. Any other business

- = Information from the Presidency on current legislative proposals

Ministers took note of the information provided by the Presidency on the state of play of different legislative files.
