



Council of the
European Union

Brussels, 20 June 2018
(OR. en)

9847/18
PV/CONS 32
JAI 606
COMIX 303

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)
4 and 5 June 2018

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JUSTICE

1. Adoption of the agenda

The Council adopted the agenda set out in 9371/1/18 REV 1.

2. Approval of "A" items

a) Non-legislative list

9372/18

The Council adopted the "A" items listed in 9372/18 including COR and REV documents presented for adoption. Statements related to these items are set out in the Addendum.

For the following items, the related documents should read as follows:

Justice and Home Affairs

8. Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism
Adoption
approved by Coreper, Part 2, on 29.05.2018
- 8956/18 + **COR 1**
9320/18 + ADD 1
9330/18 + ADD 1
+ COR 1
9331/18 + ADD 1
+ COR 1
9332/18 + ADD 1
9333/18 + ADD 1
+ COR 1
9334/18 + ADD 1
+ COR 1
9339/18 + ADD 1
9342/18 + ADD 1
+ COR 1
ENFOPOL

Institutional Affairs

Appointments

9. Two members and six alternate members (DK) of the Committee of the Regions
Adoption
approved by Coreper, Part 2, on 29.05.2018
- 8994/18 + **COR 1**
8993/18
CDR

Legislative deliberations

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

3. **Contract Law-Sales of Goods Directive** **IC** 9261/18
Policy debate

The Council held a policy debate on the questions set out in document 9261/18.

The debate showed a clear and strong wish of the Council to apply one single set of rules, namely the sales of goods rules, to all consumer goods, including goods which incorporate digital content or digital services ('smart goods'). Ministers stressed the importance of simple rules that are easy to apply in practice and that are technologically neutral and future-proof.

As regards the remedies available to the consumer in the event of a lack of conformity and the level of harmonisation with regard to the length of the legal guarantee period, the Council confirmed that the compromises found on the draft Digital Content Directive would be a good starting point for the further discussions on the sales of goods proposal. It was also pointed out that adaptations should be made where justified by the different nature of goods.

4. **Directive on Insolvency, restructuring and second chance** **IC** 9236/18 + ADD 1
Partial general approach

The Council agreed on the partial general approach as set out in document 9236/18 ADD1 and took note of a statement by Germany to this item as set out in the Annex.

5. **Brussels IIa Regulation: recast** **SC** 9227/18
Policy debate

The Council held a policy debate (document 8886/18) on the topics of the circulation of provisional, including protective, measures, the placement of children in another Member State and how to achieve the complete abolition of exequatur. Ministers broadly supported the further strengthening and improvement of the rules on the first and second topic of discussion and showed enough support to continue the work to find a compromise at technical level on the third topic.

6. **Any other business**
– **Current legislative proposals**
Information from the Presidency

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

Non-legislative activities



The Council addressed the following non-legislative discussion items (7-9)

- | | | |
|----|---|---------|
| 7. | EPPO Regulation: Implementation
<i>State of play</i> | 8939/18 |
| 8. | Strategy and action plan on e-Justice 2019-2023
<i>Information from the Presidency</i> | 8990/18 |
| 9. | Any other business | |
| | a) Misuse of Facebook data: exchanges on possible responses
<i>Information from Germany and the Commission</i> | 9644/18 |
| | b) Work programme of the incoming Presidency
<i>Presentation by Austria</i> | |

JUSTICE AND HOME AFFAIRS

Legislative deliberations

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

10. e-evidence 9418/18
- a) **Regulation on European Production and Preservation Orders for e-evidence** 
- b) **Directive on legal representatives for gathering evidence** 
Policy debate

Following a policy debate on the basis of document 9418/18, the Council requested Commission to further study the issues of direct access and real-time interception at expert level and to report on the findings in October. The Council also confirmed the common EU approach towards the US CLOUD Act and the second additional protocol to the Budapest Convention under negotiation at the Council of Europe. The Council requested Commission to provide recommendations for negotiation mandates urgently and if possible before the summer.

Non-legislative activities

The Council addressed the following non-legislative discussion items (11-12)

11. Victims of terrorism 9225/18
Exchange of views
Conclusions 9118/18
Adoption
12. Any other business 9278/18
– EU-US Justice and Home Affairs Ministerial Meeting (Sofia, 22 - 23 May 2018)
Information from the Presidency

Legislative deliberations

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

13. **Regulation amending the Community Code on Visas (Visa Code)**

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 9484/18
Policy debate

The Council confirmed the outcome of the discussions in the Mixed Committee at Ministerial level (doc. 9974/18 JAI 620 COMIX 312).

14. **Reform of the Common European Asylum System and Resettlement**

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1	C
1	C
1	C
1	C
1	C
1	C

 9520/18
a) **Dublin Regulation**
b) **Reception Conditions Directive**
c) **Qualification Regulation**
d) **Asylum Procedure Regulation**
e) **Eurodac Regulation**
f) **EU Asylum Agency Regulation**
g) **Resettlement Framework Regulation**
Policy debate/ Progress report


The Council held a policy debate on the state of play on the Common European Asylum System files and in particular on the Dublin Regulation. The President concluded that significant progress had been made regarding the Dublin Regulation, but that further work was required.

15. **Any other business**
– **Current legislative proposals**
Information from the Presidency





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

Non-legislative activities

The Council addressed the following non-legislative discussion items (16-20)

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| 16. | Migration: State of play ¹
<i>Exchange of views</i> | 9286/1/18 REV 1 |
| 17. | Counter-Terrorism: Enhancing cooperation between competent authorities ¹
<i>Exchange of views</i> |  |
| 18. | Multidisciplinary approach in the area of Internal Security: The EU Policy Cycle for organised and serious international crime 2014-2017
<i>Policy debate</i> | 8933/18 + ADD 1 |
| 19. | Cooperation between CSDP missions/operations and EU JHA agencies
<i>Report on implementation</i> | |
| 20. | Any other business | |
| | a) Seventh Brdo Process Ministerial Meeting and second Integrative Internal Security Governance (IISG) Board Meeting of 15 and 16 March 2018
<i>Information from Slovenia</i> | 9063/18 |
| | b) Work programme of the incoming Presidency
<i>Presentation by Austria</i> | |

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|  | First reading |
|  | Special legislative procedure |
|  | Item based on a Commission proposal |
|  | Restricted item |
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¹ Exceptionally, in the presence of the Schengen Associated States

STATEMENTS FOR THE COUNCIL MINUTES

Statements to the legislative "B" items set out in 9371/18 REV 1

Ad "B" item 4: **Directive on Insolvency, restructuring and second chance**
Partial general approach

STATEMENT BY GERMANY

"Germany believes that the European legal framework to be created for insolvency must be capable of making significant contributions to reducing and preventing non-performing loans. In particular, the collection of data on recovery rates foreseen in Title V (Article 29 para. 1b) should be obligatory for all Member States in order to allow a comparison of the efficiency of insolvency proceedings in the context of the banking union."
