2350th Council meeting

- JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION -

Brussels, 28-29 May 2001

President : **Mr Thomas BODSTRÖM**
Minister for Justice

Mrs Maj-Inger KLINGVALL
Minister for Development Cooperation,
Migration and Asylum Policy

of the Kingdom of Sweden

Internet: http://ue.eu.int/Newsroom
E-mail: press.office@consilium.eu.int

CONTENTS

PARTICIPANTS **5**

ITEMS DEBATED

PROTOCOL TO THE 2000 CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION 7

COUNCIL FRAMEWORK DECISION ON COMBATTING TRAFFICKING IN HUMAN BEINGS 9

COOPERATION BETWEEN THE COURTS OF THE MEMBER STATES OF THE EUROPEAN UNION ON THE TAKING OF EVIDENCE IN CIVIL AND COMMERCIAL MATTERS 10

OPENING OF NEGOTIATIONS WITHIN THE FRAMEWORK OF THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW FOR A WORLDWIDE CONVENTION ON JURISDICTION AND FOREIGN JUDGEMENTS IN CIVIL AND COMMERCIAL MATTERS 11

TEMPORARY PROTECTION IN CASE OF MASS INFLUX OF DISPLACED PERSONS IN NEED OF INTERNATIONAL PROTECTION 12

RIGHT TO FAMILY REUNIFICATION 14

PROTECTION OF THE EURO 15

– PROTECTION OF THE EURO AGAINST COUNTERFEITING 15

– EUROPOL's ROLE IN PROTECTING THE EURO - CONCLUSIONS 16

PRINCIPLES FOR FINANCING SIS II - CONCLUSIONS 17

ANY OTHER BUSINESS 18

– GREEK INITIATIVE - EUROPEAN OBSERVATORY FOR MIGRATION 18

– EUROPOL - AGREEMENTS WITH NORWAY, ICELAND AND INTERPOL 18

– DISAPPEARANCE AND SEXUAL EXPLOITATION OF CHILDREN 18

ITEMS DISCUSSED DURING LUNCH 19

– PROTECTION OF THE COMMUNITIES FINANCIAL INTERESTS 19

– UPTDATING OF THE JHA SCOREBOARD 19

– ENLARGEMENT 19

MIXED COMMITTEE

PROTOCOL TO THE 2000 CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION 20
FACILITATION OF UNAUTHORISED ENTRY, MOVEMENT AND RESIDENCE AND STRENGTHENING OF THE PENAL FRAMEWORK TO PREVENT THE FACILITATION OF UNAUTHORISED ENTRY AND RESIDENCE 20
CARRIERS LIABILITY - COUNCIL DIRECTIVE SUPPLEMENTING THE PROVISIONS OF ARTICLE 26 OF THE CONVENTION IMPLEMENTING THE SCHENGEN AGREEMENT OF 14 JUNE 1985 22
ILLEGAL IMMIGRATION VIA WESTERN BALKANS 23

ITEMS APPROVED WITHOUT DEBATE

JUSTICE AND HOME AFFAIRS I
– Illegal migration flows through the Western Balkans region - Conclusions I
– Local consular cooperation IV
– Mutual recognition of decisions on the expulsion of third-country nationals * IV
– Controls on minors at the external borders of the Member States - Conclusions V
– Visas VI
– - Freedom of movement with a long-stay visa * VI
– - Common Consular Instructions - long-stay visas concurrently as short-stay visas VI
– Asylum and Migration - Progress report on activities undertaken during the Swedish Presidency VI
– Asylum and Migration - Conclusions regarding common analysis and statistics VII
– Mutual legal assistance in criminal matters VIII
– DNA - Resolution IX
– Fraud and counterfeiting of non-cash means of payment XI
– Europol XI
– - Budget for 2002 XI
– - Annual Report XI
– International high-tech and computer-related crime - Recommendation XI
– European crime prevention network XII
– Drugs XII
– - Transmission of samples of controlled substances XII
– - Synthetic drugs XII
– Schengen - continuation of work on evaluation and implementation XIII
– European Judicial Network in civil and commercial matters XIII
– Civil protection XIV

TRADE MATTERS XV

– WTO - EU-Argentina XV

AGRICULTURE XV

– Extension of the International Sugar Agreement (1992) XV

– International Grains Council XV

For further information call 02 285 84 15? 02 285 81 11

PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium :	
Mr Marc VERWILGHEN	Minister for Justice
Mr Antoine DUQUESNE	Minister for the Interior
Denmark :	
Mr Frank JENSEN	Minister for Justice
Ms Karen JESPERSEN	Minister for the Interior
Germany :	
Ms Herta DÄUBLER-GMELIN	Federal Minister for Justice
Mr Otto SCHILY	Federal Minister for the Interior
Greece :	
Mr Michalis STATHOPOULOS	Minister for Justice
Mr Michalis CHRISOCHOÏDIS	Minister for Public Order
Spain :	
Mr Mariano RAJOY BREY	First Deputy Prime Minister and Minister for the Interior
France :	
Mr Daniel VAILLANT	Minister for the Interior
Mr Christian PAUL	State Secretary to the Minister for the Interior, with responsibility for Overseas Territories
Ireland :	
Ms Mary WALLACE	Minister of State at the Department of Justice, Equality and Law Reform (with special responsibility for Equality and Disabilities)
Italy :	
Mr Enzo BIANCO	Minister for the Interior, with responsibility for coordinating civil protection
Luxembourg :	
Mr Luc FRIEDEN	Minister for Justice
Netherlands :	
Mr Benk KORTHALS	Minister for Justice
Ms Ella KALSBEEK	State Secretary for Justice
Austria :	
Mr Dieter BÖHMDORFER	Minister for Justice
Portugal :	
Mr António COSTA	Minister for Justice
Mr Nuno TEIXEIRA	Minister for the Interior
Finland :	
Mr Johannes KOSKINEN	Minister for Justice
Mr Ville ITÄLÄ	Minister for the Interior
Sweden :	
Mr Thomas BODSTRÖM	Minister for Justice
Ms Maj-Inger KLINGVALL	Minister for Development Cooperation, Migration and Asylum Policy

United Kingdom :

Mr Jack STRAW	Secretary of State for the Home Office
Ms Barbara ROCHE	Minister of State, Home Office

* * *

Commission :

Mr António VITORINO	Member
Ms Michaele SCHREYER	Member

* * *

Also participating in the Mixed Committee :

Iceland :

Mr Gunnar Snorri GUNNARSSON	Ambassador Extraordinary and Plenipotentiary, Head of the Mission

Norway :

Mr Oystein MOLAND	State Secretary for Justice

PROTOCOL TO THE 2000 CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION

The Council, having discussed in-depth the outstanding problems concerning the draft Protocol to the 2000 Convention on mutual assistance in criminal matters between the Member States of the European Union, reached political agreement on this Protocol on the basis of a compromise proposal presented by the Presidency to the Council in session.

The Protocol lays down on Member States the obligation to take the measures necessary to determine, when answering to a request sent by another Member State, whether a natural or legal person that is the subject of a criminal investigation holds or controls on one or more accounts in any bank in its territory and, if so, provide all the details of the identified accounts.

This obligation only applies if the investigation concerns an offence punishable in the requesting State by a penalty of at least four years and at least two years in the requested State or an offence covered by the Europol Convention and its Annex, or by the 1995 Convention on the protection of the EC's financial interests and the 1996 and 1997 Protocols thereto.

The requests have to specify the particular interest of the information requested, the presumption for the existence of the account and which bank may be involved as well as information which may facilitate the execution of the request.

The requested Member State shall, on request, also provide information on banking transactions carried out on one or more accounts, during a specific period or undertake the monitoring of banking operation carried out trough one or more accounts and communicate the results to the requesting Member State. Each decision to monitor a bank account shall be taken by the competent authorities of the requested Member State according to its national law.

Each Member State shall take the necessary measures to ensure confidentiality of monitoring operations with regard to third persons. A Member State shall not invoke banking secrecy as a ground to refuse any cooperation regarding a request for mutual assistance.

Mutual assistance may also not be refused solely on the ground that the request concerns an offence which the requested Member State considers a fiscal offence. For the purpose of mutual legal assistance between Member States, no request may be refused on the grounds that the offence is a political offence, or connected with a political offence, or inspired by political motives. But Member States have the faculty to restrict this provision only to certain offences referred to in the European Convention on the Suppression of Terrorism of 27 January 1977.

If a request is refused on the basis of certain provisions listed in the Protocol - and the requesting Member State maintains its demand - a reasoned decision pertaining to the refusal shall be forwarded to the Council for information for the possible evaluation of the functioning of judicial cooperation between Member States. The grounds for refusal listed are firstly those mentioned in Article 2(b) of the European Mutual Assistance Convention (sovereignty, security, public order or other essential interests), secondly those mentioned in Article 5 of that Convention, Article 51 of the Schengen Implementation Convention and Article 5(5) of the draft Protocol (dual criminality and consistency with national law in relation to search and seizure). It should in this context be noted that during the negotiations a provision on search and seizure aiming at removing the dual criminality requirement was deleted. The Council agreed that two years after the entry into force of the Protocol the Council will examine the cases where requests have been refused, in particular in relation to the dual criminality requirement concerning requests for search and seizure.

In addition, any problem encountered concerning the execution of a request may - once Eurojust has been established - be reported to Eurojust for a possible practical solution.

COUNCIL FRAMEWORK DECISION ON COMBATTING TRAFFICKING IN HUMAN BEINGS

The Council reached political agreement on the main elements of a draft framework decision on combating trafficking in human beings, apart from the level of penal sanctions for such offences.

In the light of discussions, the Council asked the Permanent Representatives Committee to continue work on the level of penal sanctions for offences related to trafficking in human beings with the aim of reaching agreement on this point at the earliest possible opportunity.

Against the background of the discussions on the penal sanctions foreseen in the draft framework decision, the Council held a general debate on two problems of a horizontal nature, namely the extent to which approximation of national criminal law is required at all, and which method should be applied. The aim of the discussion was to agree on general guidelines for the application of Article 31(e) of TEU and the implementation of conclusion n° 48 of the European Council in Tampere.

During the Ministers' discussion it emerged that approximation of the criminal law of the Member States could be necessary for certain specific types of offences, but that, when approximating criminal law, the specificity of the national systems had to be taken into account. It was concluded that this general debate should not however delay progress on the draft framework decision on the combating trafficking in human beings, or indeed on other proposals given priority by the European Council.

The Council asked the Permanent Representatives Committee and the relevant working bodies to further examine this question.

COOPERATION BETWEEN THE COURTS OF THE MEMBER STATES OF THE EUROPEAN UNION ON THE TAKING OF EVIDENCE IN CIVIL AND COMMERCIAL MATTERS

The Council adopted a Regulation on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. This regulation will play an important role in improving and facilitating cross border litigation practices.

The Regulation will apply in civil or commercial matters when a court of a Member State, in accordance with the provisions of the law of that State, requests the competent court of another Member State to take evidence or requests to take evidence directly in another Member State.

The Regulation contains provisions laying out the detailed procedure for the transmission and execution of requests which cover such questions as form and content of the request, language, transmission of requests and other communications, general provisions on the execution of the request (within 90 days), coercive measures, refusal to execute, notification of delay, direct taking of evidence by the requesting court and costs.

In particular, the Regulation provides for a new mechanism that enables a requesting Member State to directly perform the taking of evidence in accordance of the law of that Member State. However, the requested Member State shall inform if that is acceptable and where necessary under what conditions the taking of evidence is to be carried out. The competent authority may refuse the direct taking of evidence if it is contrary to fundamental principles of law in its Member State.

The United Kingdom and Ireland have given notice that they were taking part in the adoption of and application of this Regulation in accordance with the relevant protocol annexed to the TEU. Denmark, in accordance with the relevant protocol on its position concerning JHA matters annexed to the TEU and the TEC, did not participate in the adoption of this Regulation and is therefore not bound by it, nor subject to its application.

This Regulation shall enter into force on 1 July 2001. It shall apply from 1 January 2004, except for Articles 19, 21 and 22 which shall apply for 1 July 2001.

OPENING OF NEGOTIATIONS WITHIN THE FRAMEWORK OF THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW FOR A WORLDWIDE CONVENTION ON JURISDICTION AND FOREIGN JUDGEMENTS IN CIVIL AND COMMERCIAL MATTERS

The Council confirmed the agreement reached in its preparatory bodies and adopted a Decision on the opening of negotiations within the framework of the Hague Conference on Private International Law for a worldwide Convention on Jurisdiction and Foreign Judgements in Civil and Commercial matters. This decision will enable European Community to present a common negotiating position at the first part of the Diplomatic session of the Hague Conference on Private International Law (Commission II), which will take place in the Hague from 6 to 20 June 2001. The aim is to reach a balanced, useful and practicable text for the parties and the Courts.

The United Kingdom and Ireland recalled that they will take part in the application of this Decision, while Denmark, in accordance with the provisions of the Protocol on its position with respect to Justice and Home Affairs, does not participate in this Decision.

In this context, the Council took note of a statement agreed by the Permanent Representatives Committee on the relations with the Hague Conference on Private International Law with regard to the new competencies of the Community in the area of judicial cooperation in civil and commercial matters which brings the Community to consider its status within the Conference and the possibility of participation as a full right member. This statement is to be presented at the 19th Session, Commission II, that will take place on 21-22 June 2001.

TEMPORARY PROTECTION IN CASE OF MASS INFLUX OF DISPLACED PERSONS IN NEED OF INTERNATIONAL PROTECTION

The Council reached political agreement on a draft Directive on temporary protection in case of a mass influx of displaced persons in need of international protection. The draft will be submitted, after finalisation of the text, for formal approval to the Council before the end of June.

The Directive :

- establishes minimum standards to ensure a balance in the efforts of the Member States in receiving refugees and displaced persons;
- establishes a maximum duration for the temporary protection arrangements.
  The text provides for a duration of one year with the possibility of an automatic extension by two six-monthly periods. Where reasons for temporary protection persist, the Council may decide a further extension of up to one year;
- provides for the protection to be granted immediately, once the Council has decided by qualified majority that a mass influx has occurred; a Council decision extending the duration of temporary protection shall also be adopted by qualified majority;
- lays down the obligations of the Member States with regard to
  - = the rights to be granted to the beneficiaries of temporary protection, in particular the right to work, housing, emergency health care, maintenance support, education and the right to family reunification,
  - = mechanisms for access to the asylum procedure,
  - = measures relating to return following the end of the temporary protection measures;
- establishes a solidarity mechanism based on the principle of double voluntary actions (requiring the consent of both the person benefiting from temporary protection and the welcoming Member State). In this respect, Member States shall indicate their capacity to receive beneficiaries, when temporary protection is activated, with a view to transferral to or between the Member States.

Furthermore, the Council adopted a declaration emphasising solidarity between Member States in the framework of temporary protection.: When indicating its reception capacity in accordance with the pertinent article (25), a Member State indicates its willingness and readiness to act accordingly. It may take into account the number of third country nationals who have already sought international protection or who have otherwise recently arrived on their territory when indicating reception capacity.

It is recalled that under Title VI of the Maastricht Treaty, the Council's bodies discussed at length the text of a draft Joint Action in this area, but were unable to reach consensus, mainly due to the existing link for some delegations with the question of burden sharing. The political agreement reached on the draft Directive marks the culmination of six years work.

RIGHT TO FAMILY REUNIFICATION

The Council held a general discussion on the principles concerning a draft Directive on family reunification, addressing in particular questions relating of the scope of application of the proposal- definition of family members to be covered by the Directive- and certain time limits placed on the rights and obligations of persons benefiting from the right to family reunification and their sponsors.

The Council noted that outstanding issues still remained which required further work with a view to reaching a general consensus on the text.

PROTECTION OF THE EURO

– *PROTECTION OF THE EURO AGAINST COUNTERFEITING*

The Council agreed on the substance of a draft Decision on the protection of the euro against counterfeiting and confirmed the agreement of the Permanent Representatives Committee on the reconsultation of the European Parliament. In this context the Council also adopted conclusions on Europol's role in protecting the euro.

The Council furthermore agreed that the substance of Article 5 of the current draft Decision, which deals with the recognition of previous convictions, should be taken out of the draft Decision with a view to its adoption as soon as possible in the form of a framework Decision. This instrument is viewed as a more appropriate type of instrument for dealing with issues relating to penal sanctions. To this end, the Presidency announced it would shortly present a draft framework decision containing the substance of Article 5.

The draft Decision contains provisions on the analysis of notes and coins and exchange of information regarding the results thereof, as well as information pertaining to investigations into counterfeiting offences relating to the euro. Member States should ensure that information relating to such investigations is communicated to Europol in accordance with the Europol Convention. The draft Decision also provides for the competent authorities in the Member States to make use where appropriate of the facilities offered by the provisional Eurojust, and subsequently, when established, by Eurojust.

It is recalled that the draft Decision is linked to the draft Council Regulation laying down measures necessary for the protection of the euro against counterfeiting and the draft Council Regulation extending the effects of this Regulation. The Council (ECOFIN) agreed on a position regarding the two draft Regulations at its meeting on 12 February 2001. The European Parliament delivered its opinion on the two texts on 3 May 2001.

It is also recalled that the Council on 29 May 2000 adopted a Framework Decision on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro.

– ***EUROPOL's ROLE IN PROTECTING THE EURO - CONCLUSIONS***

In order to enhance the legal protection of banknotes and coins denominated in euro, the Council agrees that the exchange of technical information as well as strategic and operational data on counterfeiting of the euro should be encouraged.

To this end, and in accordance with the mandate of 29 April 1999 on combating the forgery of money and means of payment, Europol should in line with the provisions of the Europol Convention:

– make its resources available in order, on the one hand, to ensure the effective and permanent flow of information between the Member States' competent authorities, in particular the national central offices, in carrying out their tasks of preventing and combating counterfeiting of the euro and, on the other hand, to give those authorities early warning;

– forward the information gathered from monitoring euro counterfeiting activities to the Member States and provide strategic reports and information to the European Central Bank and the Commission (OLAF) as specified in the agreement to be established between Europol and the European Central Bank and between Europol and the Commission. The information supplied will indicate, in particular, for each type of counterfeiting, its geographical location and the modus operandi used;

– on request or on its own initiative, provide Member States with the necessary assistance in carrying out their tasks of preventing and combating counterfeiting of the euro;

– cooperate with the Central European Bank and the Commission (OLAF), within the framework of their respective powers, in protecting the euro against counterfeiting.

The Council welcomes the initiation of negotiations on agreements between Europol and the Commission (OLAF) and between Europol and the Central European Bank, as well as on a cooperation agreement with Interpol, in order to establish information exchanges and cooperation and coordination.

The Council therefore calls upon Europol to take the necessary steps to carry out the above tasks and conclude, in good time, the above-mentioned agreements.

The Council asks Europol to keep it regularly informed of its activities in combating counterfeiting of the euro.

PRINCIPLES FOR FINANCING SIS II - CONCLUSIONS

The Council took note of the need to proceed with the development of the second generation of the SIS ("SIS II"), primarily with a view to preparing for the integration of the future Member States in the system and underlines that this development should have the highest priority so that the SIS II shall be ready as soon as possible.

Recognizing the necessity to decide on the financing of the development of SIS II, the Council finds that there is no unanimity among members of the Council to finance the SIS II development through intergovernmental funding and, consequently, that such expenditure for SIS II development will be charged on the budget of the European Communities as from 2002. The Council therefore requests the competent bodies to prepare the necessary appropriations to be introduced in the draft budget 2002 and the necessary legal acts to allow for the implementation of the expenditure for the development of SIS II from 2002 onwards.

The Council instructs the Permanent Representatives Committee to ensure the necessary coordination within the Council on the different aspects of the development of SIS II and to guarantee in particular that the national authorities are involved, that the necessary expertise and resources for a timely development of SIS II are available and that the continuous operation of the SIS is maintained.

ANY OTHER BUSINESS

– ***GREEK INITIATIVE - EUROPEAN OBSERVATORY FOR MIGRATION***

The Council took note of an announcement by the Greek Minister on his intention to propose a regulation for the establishment of a European Observatory for migration which should collect information on migration flows to be submitted to Member States and Community Institutions concerned and cooperate with other organisations dealing with information gathering (such as CIREFI, EUROPOL, EUROSTAT).

– ***EUROPOL - AGREEMENTS WITH NORWAY, ICELAND AND INTERPOL***

The Council confirmed political agreement had been reached on the signing of three agreements between Europol on the one hand, and Norway, Iceland and Interpol on the other. Following the lifting of French parliamentary scrutiny reservations, the points will be submitted as soon as possible to Council as "A" items for formal adoption.

The Council therefore calls on Europol and its organs and bodies - such as the Management Board, the Director, the Heads of national units and the Joint Supervisory body - to take appropriate measures for providing close cooperation with Norway, Iceland and Interpol whenever this is of importance for the application of the cooperation agreements and in order to achieve a high standard of data protection. This includes establishing appropriate mechanisms for consultations and exchange of information and views on different levels.

– ***DISAPPEARANCE AND SEXUAL EXPLOITATION OF CHILDREN***

The Council heard a presentation by the Belgian Minister on a proposal for a resolution on the creation and establishment of national centres and organisations for the fight against the disappearance and sexual exploitation of children.

*
* *

ITEMS DISCUSSED DURING LUNCH

– ***PROTECTION OF THE COMMUNITIES FINANCIAL INTERESTS***

The Council heard a presentation from Commissioner SCHREYER of a proposal for a Regulation, adopted by the Commission on 23 May, on the criminal-law protection of the Community's financial interests. The proposal aims at bringing within the Community framework certain aspects of the 1995 Convention on the protection of the Financial Interests of the Community and its two subsequent protocols of 1996 and 1997.

– ***UPTDATING OF THE JHA SCOREBOARD***

The Council took note of a presentation by Commissioner VITORINO of the latest updated version of the JHA scoreboard.

– ***ENLARGEMENT***

Ministers had an informal discussion on the JHA aspects of the enlargement negotiations.

*
* *

MIXED COMMITTEE

PROTOCOL TO THE 2000 CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION

The Mixed Committee gave its agreement on those aspects which constitute a development of the Schengen acquis in a Protocol to the 2000 Convention on Mutual Assistance in Criminal Matters, namely its Article 7 on fiscal offences, on which the Council had reached political agreement earlier (see page 7).

FACILITATION OF UNAUTHORISED ENTRY, MOVEMENT AND RESIDENCE AND STRENGTHENING OF THE PENAL FRAMEWORK TO PREVENT THE FACILITATION OF UNAUTHORISED ENTRY AND RESIDENCE

The Mixed Committee reached political agreement on

- a draft Directive defining the facilitation of unauthorised entry, movement and residence. This instrument when it comes into force will replace Article 27 of the Schengen Convention;

- a draft Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry and residence, and

Both proposals are French initiatives.

The purpose of the draft Directive is to provide a definition of the facilitation of illegal immigration and consequently to render more effective the implementation of the framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, in order to prevent that offence.

The Draft Directive contains provisions on the definition of the general infringement, on participation and instigation and on implementation.

In respect of the nature of the definition of the general infringement, the draft Directive provides that each Member State shall adopt appropriate sanctions on:

- Any person who intentionally assists or tries to assist a person who is not a national of a Member State to enter, or transit across, the territory of a Member State in breach of the laws of the State concerned on the entry or transit of aliens;

- Any person who, for financial gain, intentionally assists or tries to assist a person who is not a national of a Member State to reside within the territory of a Member State in breach of the laws of the State concerned on the residence of aliens.

Any Member State may decide by applying its national law and practices not to impose sanctions in regard of the behaviour defined above for cases where the aim of the behaviour is to provide humanitarian assistance to the person concerned.

Each Member State shall take the measures necessary to ensure that the sanctions referred to above are also applicable to any person who is the accomplice of instigator of any conduct as referred to above.

The draft Framework Decision contains provisions on penalties, the liability of legal persons, the penalties for legal persons, jurisdiction, extradition and prosecution, the application of international law on refugees and communication of information between the Member States.

Having regard to the level of sanctions, Member States shall take the necessary measures to ensure that the general infringement defined in the Directive is punishable by effective proportionate and dissuasive criminal penalties which may entail extradiction. When committed for financial gain, as an activity of a criminal organisation or if the offence was committed while endangering the lives of the person subject of the offence, the offence shall be punishable by custodial sentences, with a maximum sentence not less than eight years. In order however to preserve the coherence of national penalty systems, certain

Member States shall make the offence committed under the circumstances listed above, punishable by custodial sentences with a maximum sentence of not less than six years, provided that it is among the most severe maximum sentences available for crimes of comparable gravity.

The agreement reached is at this stage subject to parliamentary scrutiny reservations by some delegations.

CARRIERS LIABILITY - COUNCIL DIRECTIVE SUPPLEMENTING THE PROVISIONS OF ARTICLE 26 OF THE CONVENTION IMPLEMENTING THE SCHENGEN AGREEMENT OF 14 JUNE 1985

The Mixed Committee reached political agreement on a draft Directive supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, concerning the harmonisation of penalties imposed on carriers transporting into the territory of the Member States third-country nationals lacking the documents necessary for admission.

The Draft Directive will be submitted to the Council for adoption as a "A" item once the text has been finalised.

The draft Directive provides that Member States shall take the necessary measures to ensure that the penalties applicable to carriers under the existing provisions of Article 26(2) and (3) of the Schengen Convention are dissuasive, effective and proportionate, and that, with a view to harmonising current practices by the Member States, the following financial penalties shall apply:

- either the maximum amount of the applicable financial penalties is not less than € 5 000 or equivalent national currency at the rate of exchange published in the Official Journal on the day on which this Directive enters into force for each person carried, or
- the minimum amount of these penalties is not less than € 3 000 or equivalent national currency at the rate of exchange published in the Official Journal on the day on which this Directive enters into force for each person carried, or
- the maximum amount of the penalty imposed as a lump sum for each infringement is not less that € 500 000 or equivalent national currency at the rate of exchange published in the Official Journal on the day on which this Directive enters into force, irrespective of the number of persons carried.

These penalties are without prejudice to Member States' obligations in cases where a third country national seeks international protection.

ILLEGAL IMMIGRATION VIA WESTERN BALKANS

The Mixed Committee took note of the progress report drawn up by the Presidency on activities in the Western Balkans in the field of asylum and migration during the Swedish Presidency as well as progress achieved by the United Kingdom in the Framework of its initiative on the stationing of Immigration experts in the Western Balkans.

ITEMS APPROVED WITHOUT DEBATE

(Decisions for which statements for the Council minutes have been made available to the public are indicated by asterisks; the statements in question may be obtained from the Press Office.)

JUSTICE AND HOME AFFAIRS

Illegal migration flows through the Western Balkans region - Conclusions

The Council adopted conclusions concerning the creation of a network of national immigration liaison officers to help control illegal migration flows through the Western Balkans region.

"THE COUNCIL OF THE EUROPEAN UNION

1. Noting that Member States are faced with increasing problems of illegal migrant smuggling and trafficking through the Western Balkan region, almost all of it with the involvement of organised criminal gangs;

2. Welcoming the fact that many Member States have already posted or are planning to post national liaison officers to the region and its neighbouring area;

3. Emphasising the importance of ensuring effective operational coordination and cooperation between Member States and their liaison officers both prior to and during posting;

Recalling the Joint Action of 14 October 1996 providing for a common framework for the initiatives of the Member States concerning liaison officers;

Noting the valuable work that has already taken place under the Portuguese and French Presidencies, in particular the conclusions of the Justice and Home Affairs Council on 30 November and 1 December 2000 concerning improved cooperation between liaison officers in the same immigration source country or region of the world, and the conclusions adopted at a seminar on Immigration Liaison Officers, held in Funchal between 9 and 11 November 2000;

Invites Member States, as a first step towards the realisation of the conclusions of the Council and the Joint Action, to create, by 30 June 2001, a network of existing and planned national liaison officers in the Western Balkan region, in accordance with the guidelines annexed to these conclusions.

The discussion of the implementation of the network and its continuing development will take place in CIREFI which will keep other relevant Council bodies informed.

ANNEX

GUIDELINES FOR THE ESTABLISHMENT OF AN EU IMMIGRATION LIAISON OFFICER NETWORK FOR THE WESTERN BALKANS

1. The Member States will, as a first step, establish an Immigration Liaison Officer Network to ensure a coordinated response to the problem of illegal flows of migrants through the Western Balkan region, in particular those organised by criminal gangs, and to work with and assist countries in the region.

2. As a minimum, the network should include all appropriate immigration liaison officers of Member States based in

Albania
Bosnia-Herzegovina
Croatia
Slovenia
Federal Republic of Yugoslavia, including Montenegro
Former Yugoslav Republic of Macedonia
Greece
Italy
Austria
Hungary
Turkey
Romania
Bulgaria
Czech Republic
Slovakia
Moldova

3. Member States should maintain, through the Council Secretariat, an up-to-date list of liaison officers posted to the countries indicated in paragraph 2. They should provide the following details:

a. full name
b. positions – sending agency and rank, where appropriate
c. function – type
d. length of posting – start and finish dates
e. telephone, fax and email contacts

4. Member States remain responsible for deciding what kind of liaison officer to post and the length of the posting, according to national practice, but they should exchange information on any new posting being planned and explore opportunities for cooperation, joint working or joint representation.

5. Member States should consider including the following national liaison officers in the network:

Medium and long term missions:

- Immigration Liaison Officers
- Airline Liaison Officers
- other liaison officers dealing with immigration issues

Short Term missions:

- Document advisors with training tasks
- Upstream assistance to carriers in countries of origin and transit.

Member States should also consider involving other relevant liaison officers as appropriate (e.g. customs, military) to the extent compatible with their main function. At the very least, all liaison officers should be encouraged to exchange immigration related intelligence through the network.

6. Member States should liaise with the diplomatic representations and local authorities of a host country prior to the initial secondment of liaison officers to a particular location.

7. Officers in the network should normally be accredited to Member States ' diplomatic Missions. In the case of short-term missions, if there is no diplomatic representation of the liaison officer's home country, other Member States should make best efforts to provide appropriate support from their diplomatic representations in the host country.

8. Where possible, Member States may consider allowing their liaison officers to share common administrative practices for the gathering, storage and dissemination of intelligence material, in accordance with national law. If possible, Member States may also consider colocating them in the same offices.

9. Each Member State should be responsible for meeting its own personnel and administrative costs. Costs accrued in connection with the procurement of common equipment and premises, etc, should be shared among those countries taking part.

10. In each location where more than one liaison officer is based, officers should meet as often as necessary and at least once a month to coordinate work, avoid duplication of effort and produce regular written situation reports. Every effort should be made to minimise the barriers to working together, ensuring a free flow of information according to Member States' national legislation.

11. Member States should consider whether their ILOs should perform some or all of the following tasks:

a. to establish, maintain and develop close liaison with and between relevant enforcement officials in the host country in the area of organised immigration crime;

b. to gather proactively both strategic and tactical intelligence on illegal immigration flows and to transmit this to national contact points and through them to Europol as appropriate;

c. to encourage and help to target operational activity by host countries against the criminal syndicates organising the flows;

d. to facilitate contact between national and host country enforcement agencies;

e. to ensure, where possible, a flow of relevant information to the host law enforcement agencies;

f. to give possible advice and assistance to the host country, in particular with controls at air/land/sea ports;

g. to advise other Member States' diplomatic representations on organised immigration crime issues.

12. Liaison officers should maintain regular contact with liaison officers in other locations. Member States will ensure that relevant strategic information is exchanged through the appropriate system (e.g. the CIREFI Early Warning System, Europol or Interpol) in accordance with the rules of those systems. In general, Member States should communicate with other Member States' liaison officers via each others national contact points.

13. Member States should organise regular regional coordination meetings, involving other parties where appropriate.

14. Liaison officers should establish close working relationships with other organisations in the region such as Member States' military forces, the United Nations and appropriate third countries including Norway, Iceland and the candidate countries."

Local consular cooperation

The Council approved a report on local consular cooperation, drawn up under the French Presidency, which highlights a number of areas in which Member States' consular missions interpret or apply the Schengen Convention or the Common Consular Intructions on Visas (CCI) in different ways.

The report states that Member States should make every effort to apply these instructions in a uniform manner. If, in exceptional cases Member States' missions interpret the Common Consular Instructions in a way which is specific to local circumstances, this should happen only after agreement within the framework of local consular cooperation so that uniform application is achieved locally.

The report indicates five areas in which, in the Presidency's view, there could be uniform implementation, within the framework of local cooperation, in order to increase transparency vis-à-vis applicants and avoid visa shopping: Participation in local consultations, Stamp of the type prescribed in the Common Consular Instructions on Visas, Cooperation with travel agencies, Visas with limited territorial validity and Recognition of travel documents and processing of applications from applicants who are not permanently resident or who are in transit.

The Council approved the recommendations and measures contained in this document which will serve as a guide for current and future discussion on this issue.

Mutual recognition of decisions on the expulsion of third-country nationals *

The Council adopted a Directive on the mutual recognition of decisions on the expulsion of third-country nationals.

Without prejudice to the application of certain provisions of the Schengen Convention, the purpose of the Directive is to make possible the recognition of an expulsion order issued by a competent authority in one Member State within the territory of another Member State. Any decision taken shall be implemented according to the legislation of the enforcing State. The Decision does not apply to family members of EU citizens who exercised their right of free movement.

The recognition of expulsion shall apply in the following cases :

- a third country national is the subject of an expulsion decision based on a serious and present threat to public order or to national security and safety, taken in the following cases:

  = conviction of a third country national by the issuing Member State for an offence punishable by a penalty involving deprivation of liberty of at least one year,
  = the existence of serious grounds for believing that a third country national has committed serious criminal offences or the existence of solid evidence of his intention to commit such offences within the territory of a Member State.

Without prejudice to Article 25(2) of the Schengen Convention, if the person concerned holds a residence permit issued by the enforcing Member State or by another Member State, the enforcing State shall consult the issuing State and the State which issued the permit. The existence of an expulsion decision taken under this point shall allow for the residence permit to be withdrawn if this is authorised by the national legislation of the State which issued the permit;

- a third country national is the subject of an expulsion decision based on failure to comply with national rules on the entry or residence of aliens.

In the two cases referred the expulsion decision must not have been rescinded or suspended by the issuing Member State.

Controls on minors at the external borders of the Member States - Conclusions

The Council adopted conclusions concerning controls on minors at the external borders of the Member States.

"THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

The Tampere European Council on 15 and 16 October 1999 recommended the adoption of measures aimed at dismantling the networks involved in trafficking in human beings, with special emphasis on the problems of women and children;

Border control practices with regard to minors vary from one Member State to another. This diversity hinders the effectiveness of measures taken by individual States;

Youth tourism is growing sharply and the number of minors travelling unaccompanied is increasing every year;

The particular situation of unaccompanied minor asylum-seekers must be taken into consideration, subject to international agreements on the protection of refugees and the Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries, in particular Article 2 thereof.

It is necessary to adopt measures aimed at preventing the disappearance of minors.

All the EU Member States are determined to ensure that no child becomes separated from his parents against their wishes, unless the competent authorities so decide, and that all appropriate measures are taken to prevent the abduction, sale or trafficking of children.

All the EU Member States have signed and ratified the Convention on the Rights of the Child of 20 November 1989,

APPROVES THE FOLLOWING CONCLUSIONS:

The Council

1 – Agrees to commence work at European Community level with a view to examining appropriate control measures for travelling minors to be applied uniformly by the authorities of the Member States responsible for border controls;

2 – Agrees on the need to facilitate the exchange of information, in accordance with existing data protection standards, between the various authorities of the Member States, in order to dispel any doubt regarding the conditions under which a minor is travelling;

3 – Insists on the need to raise awareness among carriers and travel agents regarding the potential risks involved in carrying unaccompanied minors and the need for correct and full information concerning the travel documents and authorisations needed for minors to travel;

4 – Calls for the Member States to study ways of taking the necessary measures to ensure that they can issue travel documents that make it possible to establish the identity of the holder, as well as parentage and parental authority;

5 – Also encourages the Member States to consider the advisability of adopting, in the longer term, the principle of a single travel document for each citizen."

Visas

- Freedom of movement with a long-stay visa *

The Council adopted a Regulation on freedom of movement with a long-stay visa. This Regulation replaces Article 18 of the Convention implementing the Schengen Agreement by a new text which will enable long-stay visa holders to move in other Member State territories for a three month period from their visas' initial date of validity, pending the issue of their residence permits.

- Common Consular Instructions - long-stay visas concurrently as short-stay visas

The Council adopted a Decision on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas.

This Decision contains the necessary adaptations of the Common Consular Instructions on visas and the Common Manual in order to facilitate the application of the Council Regulation (referred to in the previous item) on freedom of movement with a long stay visa valid currently as a short stay visa in other Member State.

Asylum and Migration - Progress report on activities undertaken during the Swedish Presidency

The Council took note of a progress report on activities undertaken during the Swedish Presidency in the High Level Working Group on Asylum and Migration, covering the dialogue with countries of origin and transit, the dialogue with interested third party countries and with international organisations and NGOs as well as thematic issues.

Asylum and Migration - Conclusions regarding common analysis and statistics

The Council adopted conclusions regarding common analysis and the improved exchange of statistics on asylum and migration.

"The Council of the European Union,

RECALLS the objective of the Scoreboard to improve the exchange of statistics and information on asylum and immigration;

TAKES NOTE that the objectives set in the 1998 Action Plan on statistics, i.e. to introduce a collection of monthly statistics run by the Commission (Eurostat) and, at a second stage, to extend the collection to candidate countries, Norway and Iceland, have been implemented;

CONSIDERS that improving the exchange and analysis of Community statistics in the field of asylum and migration contributes to enhancing co-operation among Member States and developing a common asylum and migration policy;

EMPHASISES that the European Council meeting in Tampere on 15 and 16 October 1999 established that the area of freedom, security and justice should be based on the principle of transparency;

WELCOMES the fact that at the special expert meeting on 4 April 2001, attended by *inter alia* experts from Member States and the Commission, principles and objectives for improving asylum and migration statistics have been developed;

CONSIDERS that the present definitions used for the collection of Community statistics within the framework of CIREA and CIREFI are to be used until forthcoming Community legislation in accordance with the Tampere Conclusions makes possible their gradual adaptation to Community standards;

CONSIDERS that there is a need for a comprehensive and coherent framework for future action on improving statistics;

INVITES the Commission to submit as soon as possible a proposal to this end, taking into account the principles and objectives given in the Annex.

Principles and objectives for future work on improving Community statistics in the field of asylum and migration

Principles

1. The Statistical Office of the European Communities (Eurostat) is the prime source of Community statistics in this field. In view of the communitarisation of asylum and immigration policy, primarily the Commission should be responsible for proposing further steps in the improvement of common statistics and information exchange.

2. The approach to statistics in this area should be brought in line with the rules and procedures adopted for statistics in other Community policy areas. Community statistics are publicly available. In the field of asylum and migration statistics, transparency should therefore henceforth become the main principle. As with other areas of Community statistics, exceptions to this principle shall be made to protect the confidentiality of the individual.

3. Due consideration should be given to demonstrable sensitivity concerns.

Objectives

1. To stimulate the political debate on the nature of asylum and migration and the consequences for Community policy and legislation, an annual public report for policy development based on statistical information should be prepared and made available as soon as possible. This report should contain data from CIREA, CIREFI and the annual migration data collection, including data from candidate and other countries, and also include a statistical analysis of trends and indicators. The aim should be to reflect furthermore statistical data from asylum appellate bodies in the report.

2. Current restrictions on publication should be replaced by rules and methods based on the need to avoid the disclosure of confidential information about identifiable individuals.

3. Electronic dissemination of monthly statistics should be introduced to ensure a quick exchange of information between the appropriate authorities providing data and the Commission.

4. Ways and means should be developed to facilitate regular consultation and exchange of statistical information between these authorities and the Commission.

5. To avoid duplication and increase efficiency and comparability of statistics, co-ordination and co-operation among these authorities, the Commission and other relevant actors, including international organisations, should be further developed, *inter alia* through a network of statistical experts.

Working methods

1. Annual meetings of statistical experts of the Member States and the Commission should take place to further develop and evaluate co-operation on Community statistics.

2. Future work should be based on a new Action Plan on statistics to be approved by the Council. It should list all the necessary measures to implement the above-mentioned principles and objectives and thus provide for an operational framework of action for the coming years, including a time frame.

3. The Commission is invited to consider at an appropriate time the preparation of Community legislation to set out the needs of the Community for statistics in this field and how these needs can be met."

Mutual legal assistance in criminal matters

The Council took note of the final report on the first evaluation exercise on mutual legal assistance in criminal matters carried out according to the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime. The report tends to drawn conclusions from this exercise with a view to enabling the Council to take the appropriate decisions.

The Council also took note of a report dealing with the third year of evaluations, first round, on mutual legal assistance and urgent requests for the tracing and restraint of property, and agreed to forward it to the European Parliament for information.

This report was prepared in accordance with the provisions of the Joint Action of 5 December 1997 establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime. The subject for the first round of evaluation was chosen in December 1997 by the Multi Disciplinary Group.

DNA - Resolution

The Council adopted a Resolution on the exchange of DNA analysis results.

"THE COUNCIL OF THE EUROPEAN UNION

Recalling the objectives of the Treaty on European Union;

Bearing in mind the protection of personal data as regulated by the Council of Europe Convention No 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data (Strasbourg, 28 January 1981), Recommendation (87) 15 of the Council of Europe Committee of Ministers regulating the use of personal data in the police sector, and, as appropriate, Recommendation (92) 1 of 10 February 1992 of the Council of Europe Committee of Ministers on the use of DNA analysis within the framework of the criminal justice system;

Recalling the Council Resolution of 9 June 1997 on the exchange of DNA analysis results;

Taking into account the work of the DNA Working Group of the European Network of Forensic Science Institutes (ENFSI) on the harmonisation of the DNA markers and DNA technology, funded in the context of the STOP programme of the European Union;

Considering the existence of technical aspects associated with DNA investigation that must be taken into account in the development of cooperation activities;

Considering that DNA analysis has proved to be of significant value for the investigation of crime and that efficient exchange of DNA analysis results could be improved by the use of the same DNA markers;

Convinced that this exchange is essential to the fight against crime in a controlled, efficient and systematic way;

Bearing in mind that it is therefore appropriate to set out an initial minimum list of DNA markers used in forensic DNA analysis in Member States which could be used in the context of such exchange;

Stressing that the exchange of DNA analysis results should only be carried out when there are reasons to believe that such an exchange would provide relevant information in a criminal investigation,

HAS ADOPTED THE FOLLOWING RESOLUTION:

I. DEFINITIONS

1. “DNA marker” means the locus in a molecule which typically contains different information as regards different individuals;

2. “DNA analysis result” means a letter or a number code which is built up on the basis of analysing one or several loci in DNA and used for reporting. For example, DNA analysis result D3S1358 14-15, D21S11 28-30 means that the subject is type 14-15 as regards DNA marker D3S1358 and type 28-30 as regards DNA marker D21S11;

3. “European Standard Set (ESS)” means the set of DNA markers listed in Annex 1;

4. "ESS marker" means a DNA marker which is part of the European Standard Set (ESS); and

5. "ESS analysis result" means a DNA analysis result built up using the above mentioned DNA markers which are part of the ESS.

II. FORENSIC DNA TECHNOLOGY

1. In forensic DNA analysis, Member States are invited to use at least the DNA markers listed in Annex 1 which form the ESS, in order to facilitate an exchange of DNA analysis results.

2. Member States are invited to build up ESS analysis results in accordance with scientifically tested and approved DNA technology based on studies carried out in the framework of the DNA Working Group of the European Network of Forensic Science Institutes (ENFSI).
Member States should be able to specify upon request the quality requirements and proficiency tests in use.

III. EXCHANGE OF DNA ANALYSIS RESULTS

1. When exchanging DNA analysis results, Member States are urged to limit the DNA analysis results to chromosome zones containing no genetic expression, i.e. not known to provide information about specific hereditary characteristics.

2. The DNA-markers in Annex 1 are not known to contain information about specific hereditary characteristics. Should science develop in such a way that it can be determined that any of the DNA-markers recommended in this resolution provide information on specific hereditary characteristics, Member States are recommended to no longer use that marker when exchanging DNA analysis results. Member States are also recommended to be prepared to delete DNA-analysis results, which they have received, if those DNA-analysis results should prove to contain information on specific hereditary characteristics.

3. Member States are encouraged to use the form in Annex 2, which is based on the standard already in use in other international organizations such as Interpol, for the exchange of results obtained through the ESS. Member States are urged to designate one contact point for this purpose.

4. In order to facilitate the exchange of DNA analysis results between Member States the possibility of transmission through electronic means should be considered.

5. The provisions in III. 1 and 2 do not affect bilateral arrangements between Member States on the use of specific DNA-markers, established in conformity with their national legislation.

ANNEX I

The European Standard Set (ESS) comprises the following DNA markers:

D3S1358
VWA
D8S1179
D21S11
D18S51
HUMTH01
FGA

Fraud and counterfeiting of non-cash means of payment

Following the Agreement in principle reached at its meeting of 29 May 2000, the Council adopted formally a Framework Decision on combating fraud and counterfeiting of non-cash means of payment, the European Parliament having meanwhile - 5 July 2000 - approved this proposal.

Europol

- Budget for 2002

The Council formally adopted the Europol Budget for the year 2002 as agreed unanimously by the Europol Management Board on 18-19 April 2001 which provides for a global expenditure of 48,504,000 Euro (35,391,300 Euro in 2001).

- Annual Report

The Council took note and endorsed the Europol Annual Report 2000.

International high-tech and computer-related crime - Recommendation

The Council adopted a Recommendation to those Member States that have not yet joined the G8 network of contact points offering 24-hours/ 7 days service intended for the combat against high-tech crime to do so.

It further recommended Member States to ensure that the unit announced as that national contact point maintains 24h/7d service, and that the contact point really is a special unit that apply established good practise when investigating IT-related crime. The contact point should also be able to take operative measures.

It is recalled that the G8 network's principles of national points of contact for the purpose of combating high-tech crime were adopted at the G8 meeting for Ministers of Justice and Home Affairs in Washington DC on 9 and 10 December 1997. To the principles were added an action plan for the establishment of the network and an account of the commitments that individual states take on if they join the network. In the action plan, the G8 also welcomes countries from outside the G8 circle into the network.

The Council on 19 March 1998 had taken position on this initiative, inviting the Member States to join the G8 24h/7d information network for combating high-tech crime and had endorsed the network's principles.

European crime prevention network

Following political agreement reached at its meeting of 15-16 March, the Council formally adopted a Decision establishing a European crime prevention network (see Press Release, doc. 6757/01, Presse 98).

Drugs

- Transmission of samples of controlled substances

The Council adopted a Decision establishing a system for the transmission between Member States of samples of controlled substances for the purposes of detection, investigation and prosecution of criminal offences or for the forensic analysis of samples that would increase the effectiveness of the fight against the illicit production and trafficking of drugs.

Transmission of samples of controlled substances shall be considered lawful in all Member States when it is conducted in accordance with this Decision, which contains the necessary definitions and establishes the appropriate mechanisms.

In particular, each Member State shall designate a national contact point for the purpose of implementing this Decision (to be published in the Official Journal). These national contact points shall, if appropriate in association with other relevant national bodies, be solely competent for authorising the transmission of samples under this Decision. The Decision contains further rules on the agreement to transmit samples and for the acknowledgement of receipt, the means of transport, the quantity of the sample and its use.

An evaluation of the Decision shall be carried out within the Council after at least two or no more than five years after its entry into force.

- Synthetic drugs

Following an initiative of Sweden with a view to the adoption of a Council Decision establishing a system of special forensic profiling analysis of synthetic drugs, the Council underlined the importance of a rapid development of such a system based on the following principles :

- The system shall primarily be based on the exchange of forensic data from forensic profiling results. To this end common protocols for the analysis of samples should be developed.
- The question of possible implication for the Community budget shall be addressed in the light of an assessment that will be submitted to the Council.
- The system shall cover all synthetic drugs for which suitable common protocols can be developed and laboratories found, taking into account the prevalence of each drug.

Schengen - continuation of work on evaluation and implementation

The Council approved a document specifying the objectives of the evaluations provided for by the Schengen acquis which contains a mechanism for evaluating states before they apply the Schengen acquis as well as for monitoring its application where it is already applied. The document also defines a programme of evaluations for the coming years.

European Judicial Network in civil and commercial matters

The Council adopted a Decision establishing a European Judicial Network in civil and commercial matters, with the dual task of improving judicial cooperation between Member States and providing the public with practical information in order to facilitate access to justice in cross-border litigation.

The Network shall be composed of:

- contact points designated by the Member States;
- central bodies and central authorities provided for in Community instruments, instruments of international law to which the Member States are parties or rules of domestic law in the area of judicial cooperation in civil and commercial matters;
- the liaison magistrates to whom Joint Action (96/277/JAI) of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union applies, where they have responsibilities in cooperation in civil and commercial matters;
- any other appropriate judicial or administrative authority with responsibilities for judicial cooperation in civil and commercial matters whose membership of the Network is considered to be useful by the Member State to which it belongs**.**

Each Member State shall designate a contact point. Each Member State may, however, designate a limited number of other contact points if they consider this necessary on the basis of the existence of separate legal systems, the domestic distribution of jurisdiction, the tasks to be entrusted to the contact points or in order to associate judicial bodies that frequently deal with cross-border litigation directly with the activities of the contact points.

The Network shall be responsible for the following task and activities :

- facilitating judicial cooperation between the Member States in civil and commercial matters, including devising, progressively establishing and updating an information system for the members of the Network,
- devising, progressively establishing and updating an information system that is accessible to the public.

Without prejudice to other Community or international instruments relating to judicial cooperation in civil or commercial matters, the Network shall develop its activities for the following purposes in particular:

- the smooth operation of procedures having a cross-border impact and the facilitation of requests for judicial cooperation between the Member States, in particular where no Community or international instrument is applicable;
- the effective and practical application of Community instruments or Conventions in force between two or more Member States;
- the establishment and maintenance of an information system for the public on judicial cooperation in civil and commercial matters in the European Union, relevant Community and international instruments and the domestic law of the Member States, with particular reference to access to justice.

The Network shall accomplish its tasks in particular by the following means:

- it shall facilitate appropriate contacts between the authorities of the Member States mentioned above for the accomplishment of its tasks;
- it shall organise periodic meetings of the contact points and of the members of the Network;
- it shall draw up and keep updated the information on judicial cooperation in civil and commercial matters and the legal systems of the Member States.

Civil protection

The Council confirmed that there exists a common approach on a Decision establishing a Community mechanism for the coordination of civil protection intervention in the event of emergencies subject to the lifting of Parliamentary scrutiny reservations by the German, French and United Kingdom delegations and subject to the examination of the Opinion of the European Parliament which is expected for next week.

The Decision, which is based upon Article 308 of the TEC, aims at improving and coordinating the Member States' response to major natural, technological, radiological or environmental emergencies by setting up a common emergency communication system and by establishing a mechanism for the pre-identification, common training and fast mobilisation of assessment/coordination teams and intervention teams.

Other assets for achieving the objectives of the Decision are the establishment and management of a monitoring and information centre, national contact points, the pooling of information on serums and vaccines, the stimulation of new technologies, the facilitation of the transport of resources and provisions on interventions in third countries.

The Decision will supplement the Resolution of 8 July 1991 on improving mutual aid between Member States in the event of a natural and technological disaster. It will also build upon earlier Community action in Civil Protection and, in particular, the successive Community Action Programmes in the field of Civil Protection, which aim at improving the training, intervention techniques and public information actions of civil protection services in the Member States.

With regard to the principles of Civil Protection assistance, the Decision provides that such principles will be established on the basis of the Resolution of 1991.

TRADE MATTERS

WTO - EU-Argentina

The Council approved an Agreement in the form of an exchange of letters between the European Community and the Republic of Argentina pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 for the modification of concessions with respect to garlic provided for in Schedule CXL annexed to the GATT.

AGRICULTURE

Extension of the International Sugar Agreement (1992)

The Council authorised the Commission to indicate at the 19th session of the International Sugar Organisation on 28-30 May 2001 in New Delhi that, ad referendum and in principle, the Community would be in favour of a two-year roll-over of the current International Sugar Agreement, which expires on 31 December 2001.

International Grains Council

The Council approved a Decision establishing the position to be adopted on behalf of the Community at the 13th session of the International Grains Council (IGC), London, 12-13 June 2001.