



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 March 2003

6906/03

LIMITE

**PV/CONS 11
JAI 61**

PUBLIC

DRAFT MINUTES¹

Subject **2489th** meeting of the Council of the European Union (**JUSTICE, HOME
AFFAIRS AND CIVIL PROTECTION**) held in Brussels on 27/28 February 2003

¹ Information relating to the final adoption of Council acts which may be released to the public may be found in Addendum 1 to these minutes.

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1. **Adoption of the agenda**
6459/03 OJ/CONS 10 JAI 43

The Council adopted the above agenda, with the addition under A.O.B. of the following items:

- Afghanistan return plan
- Safe countries.

2. **Approval of the list of A-items**
6756/03 PTS A 8

The Council approved the "A" items as contained in document 6756/03 with the exception of item 3.

Addendum 1 to these minutes gives information on items 1, 7 and 21 on that list. Moreover, the document references for items 14 and 18 (a) should read as follows:

Item 14 6812/1/03 PESC 99 NIS 24 COEST 11 COTRA 1 **REV 1**

Item 18(a) 5890/03 INF 18 API 15 JUR 43
+ COR 1.

3. **Proposal for a Council Directive on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection**
6566/03 ASILE 10

- + ADD 1
- + ADD 1 COR 1

The Council examined Articles 20 to 38 of this proposal relating in particular to the minimum obligations of Member States to those to whom they grant international protection.

The Council invited the Permanent Representatives Committee to continue examination of the proposal with a view to reaching a political agreement within the time limit decided by the Seville European Council (June 2003).

The outcome of proceedings is set out in document 6733/03 ASILE 11 + COR 1.

4. **Proposal for a Council Directive on the right to family reunification**
6585/03 MIGR 13

The Council reached a general approach on the above Directive, subject to a parliamentary reservation by one delegation. The text resulting from the discussions of the Council is contained in the Annex to document 6912/03 MIGR 16.

5. **Strengthening of the procedures for passport control at the Schengen area entry points**
– **Information by the Commission**
15737/02 FRONT 146 VISA 186 MIGR 135 COMIX 716

The Council heard an oral report from the Commission on the follow-up to the Council conclusions on external border checks and combating illegal immigration, in particular with regard to the stamping of travel documents, as set out in the Council conclusions adopted last December.

The Council welcomed the Commission's announcement of its intention to present concrete proposals on this issue by next month.

The Council also welcomed a common statement by Germany and France on the use of biometrics with a view to improving the security of travel documents.

6. **Information by the Commission and orientation debate on:**

- **Burden-sharing study for the management of the external borders**
- **Feasibility study on improving sea-border controls**
- **Effectiveness of financial resources available at Community level (Part II of the Commission communication on integrating migration issues in the European Union's relations with third countries)**
6731/03 ASIM 14 JAI 55 RELEX 75 FIN 87

The Council took note of the oral information presented by the Commission on the first interim report on the feasibility study on improving sea border controls, which was requested by the Council in the framework of the comprehensive plan to combat illegal immigration and human trafficking in the European Union. The study will be completed by beginning of June 2003.

The Council held an orientation debate on the effectiveness of financial resources available at Community level for the implementation of the EU's asylum and immigration policy, on the basis of a Presidency note (6731/03). This debate focused on the following five items:

- overall assessment of inadequacy of existing JHA Community funds
- burden-sharing on external borders
- European Refugee Fund
- return policy
- relations with third countries of origin and transit.

During the course of the debate, the Commission informed the Council about the current state of play of the burden-sharing study for the management of the external borders, which, according to the Seville European Council conclusions, should be delivered before June 2003.

In conclusion, the Presidency invited delegations to submit, by 10 March 2003, written comments on the five aforementioned items, with a view to preparing a further discussion on this issue at the informal JHA Ministerial meeting to be held in Veria, on 28-29 March 2003.

7. Open debate - Fighting organised crime in the Western Balkans

The Council held an open debate on fighting organised crime in the Western Balkans.

During the debate, the Council recalled that organised crime in South Eastern Europe is a phenomenon that is undermining the efforts of the European Union to pursue reform and establish the rule of law. Furthermore, the Council stressed the repercussions on the EU of criminal groups from the Balkans pursuing their activities on the territory of Member States.

For these reasons, the Council considered that a new dimension should be given to the fight against organised crime in the Balkans, and that Europol should play a role in the region.

The Council also decided to discuss the question with the Balkan countries at the next Justice and Home Affairs Troika meeting on 23 April 2003.

8. **Draft Agreements between EU and USA on judicial co-operation in criminal matters and on extradition**

The Council :

1. agreed that the Presidency has conducted the negotiations efficiently, with an encouraging outcome. However, some delegations have expressed concerns on specific points. For the time being, the negotiation of the Agreements should be suspended, in order to allow time to examine all relevant aspects of the texts, in order to take a final decision at the next meeting of the JHA Council;
2. authorised the Presidency to negotiate the four explanatory notes on Articles 8 and 14 of the Agreement on Mutual Legal Assistance and on Articles 10 and 17 of the Extradition Agreement, and to submit them to Council for approval;
3. agreed to take the necessary measures so that it will be able to adopt, if possible, a Decision authorising the Presidency to sign the draft Agreements at its next meeting in May;
4. agreed that the EU will make the following declaration at the time of signing of the two draft Agreements:

"The European Union states that it is in a process of development of an Area of Freedom, Security and Justice, which may have consequences that affect the Agreements with the United States. These developments will be considered carefully by the Union, in particular as regards Article 10, paragraph 2 of the Extradition Agreement. The Union will wish to consult with the United States in order to find solutions to any developments affecting the Agreements, including, if needed, through a revision of these Agreements."

9. **Proposal for a Council Framework Decision combating racism and xenophobia**

6658/03 DROIPEN 10

+ COR 1 (en)

The Council examined some outstanding issues of the proposal for a Framework Decision for combating racism and xenophobia.

The Council instructed its relevant bodies to further examine these points with a view to reaching an agreement at one of its forthcoming sessions. The text resulting from the discussions in the meeting is contained in document 7280/03 DROIPEN 14.

10. **Proposal for a Council Framework Decision on the application of the principle of mutual recognition to financial penalties**

6685/03 COPEN 16

15492/1/02 COPEN 64 REV 1

The Council examined the Presidency compromise text set out in Annex I to document 6658/03 and in particular the list of offences for which double criminality will not apply. The Council instructed its relevant bodies to continue work on the Framework Decision with a view to reaching agreement at one of its forthcoming meetings.

The text resulting from the proceedings of the Council is set out in Annex I to document 7231/03 COPEN 21.

11. **Proposal for a Council Framework Decision on attacks against information systems**

6671/03 DROIPEN 11 TELECOM 25

The Council reached a general approach on the above Framework Decision, subject to the opinion of the European Parliament and national parliamentary scrutiny reservations.

The outcome of proceedings is set out in document 6946/03 DROIPEN 12 TELECOM 31.

12. **Any other business**

Afghanistan return plan

The Council heard an oral presentation by the Commission on the current state of play of the implementation of the Afghanistan return plan.

Safe countries

Following a request from Luxembourg to work on the establishment of a EU common list of safe countries, the Presidency, taking into account that this issue is dealt with, in particular, in the framework of the current examination of the draft Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status, indicated that the Council will come back on it at a later stage.

