COUNCIL OF
THE EUROPEAN UNION

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PRESS RELEASE

2600th Council Meeting

Justice and Home Affairs

Brussels, 19 July 2004

President **Mr Piet Hein DONNER**
Minister for Justice
Mr Johannes REMKES
Minister for the Interior and Kingdom Relations
Ms Rita VERDONK
Minister for Immigration and Integration

of the Netherlands

P R E S S

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Main Results of the Council

The Council held a first debate on the Multi-Annual Programme for Justice and Home Affairs. In particular, the Council debated on the following elements of the Programme:

– access to justice and protection of rights,

– civil and commercial cooperation,

– terrorism,

– fight against organised crime, and

– asylum and immigration issues.

The Multi-Annual Programme will be discussed again at the informal meeting of Justice and Home Affairs ministers on 30 September and 1 October as well as at the Council on 25 and 26 October, with a view to its endorsement by the European Council on 5 November.

The Council also discussed the follow-up to the European Council Declaration on Terrorism.

Commissioner Vitorino briefed the Council on a number of recently adopted Commission Communications on readmission/return policy, on immigration and integration, and on a single procedure for processing applications for protection in the Member States.

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- The documents whose references are given in the text are available on the Council's Internet site http://ue.eu.int.
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PARTICIPANTS

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

Belgium:	
Mr Patrick DEWAEL	Deputy Prime Minister and Minister for the Interior
Ms Laurette ONKELINX	Deputy Prime Minister and Minister for Justice
Czech Republic:	
Mr Miloslav KOUDELNÝ	First Deputy Minister for the Interior
Mr Jakub CAMRDA	Deputy Minister, Ministry of Justice
Denmark:	
Ms Lene ESPERSEN	Minister for Justice
Mr Bertel HAARDER	Minister for Refugees, Immigration and Integration
Germany:	
Mr Otto SCHILY	Federal Minister for the Interior
Ms Brigitte ZYPRIES	Federal Minister for Justice
Mr Klaus BUSS	Minister for the Interior, Schleswig-Holstein
Estonia:	
Mr Väino REINART	Permanent Representative
Greece:	
Mr Anastasis PAPALIGOURAS	Minister for Justice
Mr Giorgos VOULGARAKIS	Minister for Public Order
Spain:	
Mr José Antonio ALONSO SUÁREZ	Minister for the Interior
Mr Juan Fernando LÓPEZ AGUILAR	Minister for Justice
France:	
Mr Dominique de VILLEPIN	Minister for the Interior, Internal Security and Local Freedoms
Mr Dominique PERBEN	Keeper of the Seals, Minister for Justice
Ireland:	
Mr Michael McDOWELL	Minister for Justice, Equality and Law Reform
Italy:	
Mr Rocco Antonio CANGELOSI	Permanent Representative
Cyprus:	
Mr Andreas CHRISTOU	Minister for the Interior
Mr Doros THEODOROU	Minister for Justice and Public Order
Latvia:	
Mr Ēriks JĒKABSONS	Minister for the Interior
Ms Vineta MUIŽNIECE	Minister for Justice
Lithuania:	
Mr Virgilijus Vladislovas BULOVAS	Minister for the Interior
Luxembourg:	
Mr Luc FRIEDEN	Minister for Justice, Minister for the Treasury and the Budget
Hungary:	
Mr Tibor PÁL	Political State Secretary, Ministry of the Interior
Mr Miklós HANKÓ FARAGÓ	Political State Secretary, Ministry of Justice
Malta:	
Mr Tonio BORG	Deputy Prime Minister, Minister for Justice and Home Affairs
Netherlands:	
Mr Piet Hein DONNER	Minister for Justice
Mr Johan REMKES	Minister for the Interior and Kingdom Relations
Ms Rita VERDONK	Minister for Immigration and Integration

Austria:	
Mr Ernst STRASSER	Federal Minister for the Interior
Ms Karin MIKLAUTSCH	Federal Minister for Justice
Poland:	
Mr Ryszard KALISZ	Minister for the Interior and Administration
Mr Marek SADOWSKI	Minister for Justice
Portugal:	
Mr Álvaro MENDONÇA E MOURA	Permanent Representative
Slovenia:	
Mr Rado BOHINC	Minister for the Interior
Ms Zdenka CERAR	Minister for Justice
Slovakia:	
Mr Vladimír PALKO	Minister for the Interior
Mr Daniel LIPŠIC	Deputy Prime Minister and Minister for Justice
Finland:	
Mr Kari RAJAMÄKI	Minister for the Interior
Mr Johannes KOSKINEN	Minister for Justice
Sweden:	
Ms Barbro HOLMBERG	Minister at the Ministry of Foreign Affairs with responsibility for Migration Policy
United Kingdom:	
Ms Caroline FLINT	Parliamentary Under-Secretary of State, Home Office

Commission:	
Mr António VITORINO	Member

ITEMS DEBATED

MULTI-ANNUAL PROGRAMME FOR JUSTICE AND HOME AFFAIRS

The Council held an orientation debate on the Multi-Annual Programme for Justice and Home Affairs. The discussion was held on the basis of both a Presidency paper *(11122/04)* and a Commission Communication *(10249/04)*.

The Presidency took note of Member States' views on the themes and topics set out in the document (access to justice, civil and commercial cooperation, protection against external and internal threats to security, organised crime, and asylum and migration), as well as their proposals for additional items. The Presidency asked for written contributions by the Member States by 15 August.

Broad agreement was reached on the approach followed by the Presidency and in particular on some elements of the programme such as the need for sharing information between Member States and on the development of measures to facilitate mutual recognition. All Member States attached great importance to police cooperation, to the reinforcement of the operational role of Europol and to practical judicial cooperation.

As regards in particular asylum and immigration issues, the Presidency noted a broad consensus for a common European asylum system even if modalities to define it needed to be further examined. The importance of introducing biometric data in travel documents was also highlighted, as well as the need to develop an integrated border management system taking into account financial solidarity. There was great support for the promotion of a genuine common policy for the management of migratory flows.

The Multi-Annual Programme will be discussed again at the informal meeting of Justice and Home Affairs ministers on 30 September and 1 October as well as at the Council on 25 and 26 October.

It should be noted that the European Council, at its meeting on 17 and 18 June, invited the Council and the Commission to draw up proposals for a new programme for the coming years, with a view to resolutely pursuing the objective of further developing a common area of freedom, security and justice.

TERRORISM: FOLLOW-UP TO THE EUROPEAN COUNCIL CONCLUSIONS OF 17 AND 18 JUNE 2004

The Council took stock of the implementation of the Action Plan adopted by the European Council on 17 and 18 June 2004.

The Counter Terrorism Coordinator, Gijs de Vries, commented on the follow up to the Action Plan. In particular, he recalled the priorities identified by the European Council in the fight against terrorism: financing, civil protection, protection of critical infrastructures and external relations policy.

Commissioner Vitorino drew attention to the importance of further examining the elements identified in the Commission Communication on access to information by law enforcement authorities *(10745/04)*.

Finally, the Presidency indicated that this item would again be on the Council agenda on 25 and 26 October 2004.

COMMISSION COMMUNICATIONS

Commissioner Vitorino presented a number of Communications to the Council, in particular:

– A Communication on a common readmission/return policy,

– An annual report on migration and integration in Europe, and

– A Communication on the establishment of a single procedure for the processing of applications for protection in the Member States.

– ***Communication on a common readmission/return policy***

This communication has been produced in order to comply with a request from the European Council of 16 and 17 October 2003 which, in paragraph 31 of its conclusions, invited the Council and the Commission to produce early the following year a report identifying in particular the priorities of a common readmission policy and the measures to ensure the successful development of such a policy. It describes the main difficulties the Commission has encountered in ongoing negotiations and the concrete measures it considers necessary in order to ensure the successful development of a common readmission policy.

It should be noted that, since September 2000, the Commission has been authorised to negotiate Community readmission agreements with 11 third-countries or territories: Morocco, Sri Lanka, Russia, Pakistan, Hong Kong, Macao, Ukraine, Albania, Algeria, China and Turkey. To date, only 4 of these negotiations have been successfully completed (Hong Kong, Macao, Sri Lanka and Albania). Over the last two years, numerous Council and European Council meetings have expressed concerns about the slow progress made in this policy field.

– ***Annual report on migration and integration in Europe***

This Communication is the Commission's response to the invitation from the Thessaloniki European Council to report annually on migration and integration. The report gives an overview of migration trends in Europe, analyses and discusses the changes in immigration and describes actions taken regarding the admission and integration of immigrants at national and European level. The report constitutes a new instrument to review the development of the common immigration policy.

The report confirms that immigration continues to play an important role in the economic and social development of the European Union and underlines the need for a level-playing field in terms of admission policies for economic migrants and the need to strengthen and develop policy instruments to address the integration of third country nationals.

– ***Communication on a single procedure for the processing of application for protections in the Member States***

This Communication is intended to launch further discussion on a single procedure for the processing of applications for protection in the Member States. After a preparatory phase has been completed, the Commission will bring forward a proposal for Community legislation.

It should be noted that, at the Justice and Home Affairs Council in Luxembourg on 29 April 2004, the Council formally adopted the 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 (the Qualification Directive) and reached political agreement on the amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (the Asylum Procedures Directive). Formal adoption can take place following the outcome of the consultation of the European Parliament. The first phase of the Common European Asylum System will then be complete.

The end of the first stage of the legislative programme under the Amsterdam Treaty requires the EU to take a view both of what will be the characteristics of the second stage of the Common European Asylum System as well as to reflect on and assess the impact of the instruments agreed over the last four years.

Conclusion 27 of the Thessaloniki European Council of June 2003 called for further reinforcement of asylum procedures in order to make them more efficient with a view to accelerating, as much as possible, the processing of non-international protection related applications. This calls for a response on how the EU can build such reinforcement and acceleration into the procedures which lead to the two forms of international protection defined in the Qualification Directive. According to the Commission Communication, taking steps towards a single procedure would answer those demands.

OTHER BUSINESS

– ***Exchange of data in judicial records***

At the request of the Belgium delegation, and following the case of the paedophile, Michel Fourniret, the Council discussed the prospect of a European criminal record.

Commissioner Vitorino announced that, by the end of the year, the Commission would present a "white book" on the subject as well as two legislative proposals, one on mutual recognition of convictions and another on the interconnection of national criminal registers.

He also announced that a legislative proposal would be presented in October to implement these two measures for certain very serious crimes (paedophilia, sexual attacks and crimes committed by repeat offenders).

– ***Security at the Olympic Games***

The Greek delegation briefed the Council about the security plan which had been implemented in Greece in the context of the celebration of the Olympic Games in Athens, from 13 to 29 August.

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The President of the Council referred to the issue of the appointment of the Director of Europol and, noting that the Council had been unable to unanimously adopt a decision on the basis of the present opinion submitted to it by the Management Board of Europol, announced his intention to inform the Management Board of this situation.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

European Police College (CEPOL)

The Council adopted the European Police College 2003 Annual Report *(10057/04)*, the 2005 Annual Work Programme *(10058/04)*, the 2005 Budget *(10059/04)*, an amendment to the Financial Regulation of CEPOL *(10061/04)* and the amending Budget for 2004 *(10060/04)*.

Data protection - Monaco

The Council decided to start negotiations with Monaco leading to an agreement on the transmission of personal data by Europol to Monaco. The decision was based on a report submitted by the Europol Management Board and concluded that no obstacles exist for the Director of Europol to start negotiations with Monaco.

Transmission of personal data - Switzerland

The Council decided to authorise the Director of Europol to conclude an agreement between Europol and the Swiss Confederation on the transmission of personal data by Europol to Switzerland.

The purpose of this agreement is to enhance the cooperation of Europol and Switzerland in the combating of serious forms of international crime. Cooperation will particularly be conducted through the exchange of both strategic and operational information and regular contacts between Europol and Switzerland at all appropriate levels.

The agreement mainly covers the following areas:

- unlawful drug trafficking
- trafficking in nuclear and radioactive substances

- illegal immigrant smuggling
- trade in human beings
- motor vehicle crime
- crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property
- forgery of money and means of payment.

Framework Decision on the application of the "ne bis in idem" principle

The Council took note of the current situation in relation to negotiations on the ne bis in idem proposal and adopted the following statement in relation to future work on this proposal:

> "The Council noted the importance of the ne bis in idem principle as presently enshrined in the Schengen acquis.
>
> The Council stressed that further work should continue on ne bis in idem in particular in the light of the publication of the Commission's Communication on Conflicts of Jurisdiction in order to ensure that proven added value could be achieved.
>
> The Council instructed the Article 36 Committee to keep the position in this respect under review, in particular following publication of the Commission's Communication and any relevant developments in the case law of the European Court of Justice".

Drugs

The Council approved a report on progress in relation to implementation plans on demand and supply reduction of drugs and the supply of synthetic drugs *(10481/04)*. The report summarises the work done on actions initiated and on actions needed at the end of each Presidency.

The Council noted that the implementation plans have been useful in advancing work in many areas and that progress has generally been good but that further action is still required to complete the plans. Work is ongoing on the implementation plan on synthetic drugs on almost all actions. Progress is also proceeding well in relation to the implementation plan on demand and supply reduction, although there are a number of outstanding issues regarding anti-drug bilateral assistance and tackling the heroin and cocaine routes.

In December 1999, the European Council adopted the European Union Drugs Strategy (2000 - 2004), which lays down the overall guidelines and objectives for the European effort in the drugs sphere. The EU Action Plan on Drugs, which transposes the strategy into concrete actions, was adopted by the European Council in June 2000.

EXTERNAL RELATIONS

Iraq - Restrictive measures - Implementation of UNSCR 1546

The Council adopted a Common Position amending Common Position 2003/495/CFSP[1] on Iraq, taking into account the formation of a sovereign Interim Government of Iraq as welcomed by UN Security Council Resolution 1546 *(11051/04)*. The amending Common Position stipulates that the ban on the sale, supply, transfer or export of arms and related material does not apply to material required by the Government of Iraq or the multinational force, to serve the purposes of UN Security Council Resolution 1546, subject to an authorisation by the competent authorities in Member States.

On 8 June 2004, the United Nations Security Council adopted UNSCR 1546 (2004) welcoming the formation of a sovereign Interim Government of Iraq. The Security Council stressed the importance for all States to abide by the prohibitions related to the sale or supply to Iraq of arms and related material and recalls the continuing obligations of Member States to freeze and transfer certain funds, assets, and economic resources under the relevant UN Security Council Resolutions. On 28 June 2004 the Coalition Provisional Authority ceased to exist and Iraq reasserted its full sovereignty.

EUROPEAN SECURITY AND DEFENCE POLICY

EU Exercise Programme 2005-2009

The Council approved an EU Exercise Programme for 2005-2009 and the transmission of the Programme to NATO for information.

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[1] As amended by Common Position 2003/735/CFSP

The EU Exercise Programme 2005-2009 covers a period during which the EU's next series of exercises will commence, reflecting the requirements for exercises as outlined in the Exercise Policy of the EU. The Exercise Programme will reflect the European Union's Security Strategy, new institutional developments, developing structures, procedures, concepts and relationships, as well as taking into account current and foreseen Crisis Management Operations. It will be based on (a) new scenario(s) as appropriate and foresees an appropriate balance between procedural and more events-driven exercises, with a view to gradually increasing the level of ambition.

The Exercise Programme 2005-2009 will provide at the earliest point in time new concepts, such as rapid response and the battle group concept.

EUPOL Proxima - Turkey

The Council adopted a Decision concerning the conclusion of an Agreement between the European Union and Turkey on the participation of Turkey in the EU Police Mission (EUPOL Proxima) in the former Yugoslav Republic of Macedonia *(11284/04)*.

It is recalled that on 29 September 2003 the Council adopted Joint Action 2003/681/CFSP on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL Proxima). The Joint Action provides that third States may be invited to participate in the Proxima mission. It further provides that detailed arrangements regarding the participation of third States shall be subject to agreements in conformity with Article 24 of the Treaty on European Union.

ECONOMIC AND FINANCIAL POLICY

Taxation of savings income - New date of application

The Council adopted a Decision changing the date of application, from 1 January 2005 to 1 July 2005, of Directive (EC) 2003/48 on taxation of savings income in the form of interest payments *(10885/04)*.

Draft General Budget of the European Communities for the financial year 2005

The Council decided to establish a draft budget for 2005 following the political agreement reached at the Economic and Financial (Budget) Council on 16 July 2004. The budget will be forwarded to the European Parliament in accordance with the timetable established *(11554/04)*.

TRADE POLICY

Mexico - Goods, certification of origin, government procurement - EU enlargement

The Council approved a Decision on a Community position within the EU-Mexico Joint Council concerning amendments to existing provisions, as laid down by Joint Council Decision 2/2000, on trade in goods, certification of origin and government procurement, in order to take account of the EU's enlargement on 1 May.

The Decision covers transitional provisions with respect to trade in transit or en route between Mexico and the EU's ten new Member States, or in temporary storage as of the date of their accession. Tariff concessions for agricultural products, processed agricultural products and fishery products have also been reviewed in order to take account of traditional trade between Mexico and the incoming new EU Member States.

Joint Council Decision 2/2000 provided for the establishment of an EU-Mexico free trade area for goods in accordance with GATT provisions.

Anti-subsidy - India - Stainless steel wire

The Council adopted a Regulation amending Regulation (EC) No1601/1999 imposing a definitive countervailing duty on imports of stainless steel wire with a diameter of less than 1 mm originating in India *(9850/04)*.

Exports of dual-use items

The Council adopted a Regulation amending and updating Regulation (EC) 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology *(10996/04)*.

TELECOMMUNICATIONS

Republic of Korea - Telecommunications

The Council adopted a Decision on the notification to the Republic of Korea of the Community's withdrawal, on Korea's request, from its Agreement with the Republic of Korea on telecommunications procurement *(10024/04)*.

Korea considers that the Agreement has become devoid of purpose because of the liberalisation of the Korean telecommunications market and the privatisation of Korea Telecom.

Preparation of the Universal Postal Union Congress 2004

The Council adopted unanimously a Resolution on the preparation of the Universal Postal Union Congress 2004, underlining the need for effective revision of the Acts of the UPU and the reinforcement of international cooperation *(11082/04)*.

The 23rd UPU Congress will take place from 15 September to 5 October 2004 in Bucharest, Romania.