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DRAFT MINUTES

Subject 2514th meeting of the Council of the European Union (JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION) held in Luxembourg on 5 and 6 June 2003
CONTENTS

1. Adoption of the agenda............................................................................................................... 3
2. Approval of the list of A-items................................................................................................... 3
3. Preparation of the European Council of Thessaloniki: Follow-up to Seville
   a) Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents .............................................................. 3
   b) 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 ............................................... 4
   c) Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status ........................................... 4
   d) Presidency report and Commission communications on the follow-up to Seville on immigration, border control and asylum .......................................................................... 4
4. Draft Council conclusions on the functions of the SIS and on the SIS II architecture .......... 6
5. Council Decision concerning the signature of Agreements between EU and USA on extradition and on mutual legal assistance ................................................................. 6
7. Draft Regulation creating a European Enforcement Order for uncontested claims ............ 7
9. Framework Decision on the application on the principle "ne bis in idem" ............................ 7
10. Negotiations with Switzerland on participation in the Schengen acquis and asylum matters ........................................................................................................................................ 8
11. Commission presentation of the JHA Scoreboard ................................................................. 8
12. Any other business...................................................................................................................... 8
   - European Return Fund
   - Common rules for protection of personal data within the third pillar

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1. **Adoption of the agenda**
   9938/03 OJ/CONS 35 JAI 155

   The Council adopted the above agenda, with the addition under A.O.B. of the following items:
   - European Return Fund
   - Common rules for protection of personal data within the third pillar.

2. **Approval of the list of A-items**
   9941/03 PTS A 32
   + ADD 1

   The Council approved the "A" items as contained in document 9941/03 + ADD 1, with the exception of items 19 and 21.

   The reference documents for items 7, 18 and 20 should read as follows:

   7. 8588/03 EUROPOL 20
      9429/03 EUROPOL 30 OC **283**

   18. 5062/2/03 CORDROGUE 3 COWEB 76 REV 2
        + COR 1 (en,nl,fi,sv)
        9600/03 CORDROGUE 44 COWEB 77

   20. 9955/03 COSDP 310 COAFR 46 PESC 285 OC 354
        + COR 1 (fi)
        + COR 2 (da)
        + REV 1 (en)
        10132/03 COSDP 325 COAFR 47 PESC 286 OC 358.

3. **Preparation of the European Council of Thessaloniki: follow-up to Seville**

   a) **Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents**
      10009/03 MIGR 43
      + ADD 1

   The Council reached a general approach on the above Directive, subject to one parliamentary scrutiny reservation.

   The Council will formally adopt the Directive at one of its forthcoming meetings following lifting of the parliamentary reservation and revision of the text by the legal-linguistic experts.
The text resulting from the proceedings of the Council is contained in document 10214/03 MIGR 45.

b) **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**

9945/03 ASILE 32
+ ADD 1

The Council held a discussion concerning this proposal and instructed the Permanent Representatives Committee to actively pursue work in order to allow a prompt agreement.

c) **Amended proposal for a Council Directive on minimum standards on procedures in member States for granting and withdrawing refugee status**

9947/03 ASILE 33
+ ADD 1

The outcome of proceedings is set out in 10235/03 ASILE 35 + ADD 1.

d) **Presidency report and Commission communications on the follow-up to Seville on Immigration, Border Control and Asylum**

- Presidency report on the implementation of programmes, ad-hoc centres, pilot projects and joint operations
  10058/03 FRONT 70 COMIX 354

- Commission communication on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents
  10289/03 ASIM 35 RELEX 221 FIN 252

- Commission communication on immigration, integration and employment
  10293/03 MIGR 46 SOC 256

- Commission communication "Towards more accessible, equitable and managed asylum systems"
  10243/03 ASILE 36
Draft conclusions

1. Draft Council conclusions on a more effective management of the external borders of EU Member States
   10059/1/03 REV 1 FRONT 71 COMIX 355

2. Draft Council conclusions on the development of a common policy on illegal immigration, external borders, the return of illegal migrants and cooperation with third countries
   10063/1/03 REV 1 JAI 158 ASIM 34 RELEX 208 FIN 240

3. Draft Council conclusions on the development of the Visa Information System (VIS)
   9916/1/03 REV 1 VISA 37 COMIX 341

Following a presentation by the Commission of its three communications, the Council held a first exchange of views on the Presidency report and on the Commission communications and instructed the Permanent Representatives Committee to pursue their examination, with a view to the preparation of the European Council of Thessaloniki.

The Council adopted the conclusions on a more effective management of the external borders of the EU Member States, as they stand in the Annex to 10274/03, and noted the willingness of the Commission to make proposals on the legal framework regarding the participation of border guards in joint missions outside their country.

The Council discussed the draft conclusions on the development of a common policy on illegal immigration, external borders, the return of illegal migrants and cooperation with third countries. It instructed the Permanent Representatives Committee to further examine the outstanding questions (financial mechanism for the return of illegal migrants and Community financial resources) with a view to submitting them to the European Council in Thessaloniki. The draft Council conclusions resulting from the Council meeting are attached to 10063/2/03.

The Council adopted the conclusions on the development of the Visa Information System (VIS) as they are set out in the Annex to 9916/1/03 REV 1.

At the request of the Danish delegation, the Commission informed the Council about the state of play of the implementation of the EU plan for return to Afghanistan which was adopted by the Council on 28 November 2002.
4. **Draft Council Conclusions on the functions of the SIS and on the SIS II architecture**  
   9808/03 SIRIS 47 CATS 34 ASIM 34 COMIX 330

The Council adopted the conclusions as set out in the annex to the above document.

5. **Council Decision concerning the signature of Agreements on extradition and on mutual legal assistance between the EU and the USA**  
   8296/2/03 REV 2 CATS 21 USA 30  
   9153/03 CATS 28 USA 41  
   + COR 1(fr)  
   + COR 2

The Council agreed the text of the EU-US Agreements on extradition and mutual legal assistance and the Decision authorising the Presidency to sign the agreements on behalf of the European Union at the EU-US Summit in Washington on 25 June 2003.

The outcome of proceedings of the Council together with the text of statements made by delegations and the Commission are contained in document 10409/03 CATS 35 USA 58.

   9990/03 JUSTCIV 81  
   9670/03 JUSTCIV 79

The Council:

- noted that there is political agreement on the proposal for a Regulation as set out in 9990/03 JUSTCIV 81 + ADD1;
- instructed the competent bodies of the Council to complete the technical work needed to enable the Council formally to adopt the proposal for a Regulation at its meeting in October 2003, with due regard for the other political decisions taken by the Council at its meeting on 29 November 2002 and in such a way that the Regulation will enter into effect on 1 July 2004, if possible.
7. **Proposal for a Council Regulation creating a European enforcement order for uncontested claims**  
9728/03 JUSTCIV 80 CODEC 711  
+ ADD 1

The Council held a policy debate on the essential issues concerning a European enforcement order for uncontested claims. After the discussions the Presidency distributed draft conclusions that took the Council discussions into account (see 10427/03 JUSTCIV 85 CODEC 826).

The Council noted that the delegations could agree to the general guidelines established in the document, and that the Council should proceed on the basis of those guidelines.\(^1\)

8. **Framework Decision on the execution in the European Union of confiscation orders**  
9918/03 COPEN 51

The Council held an orientation debate on two questions: the definition of "property" and the list of offences for which the principle of double criminality would not apply to refuse confiscation orders covered by the Framework Decision.

The Council instructed the Working Party to continue examination of the draft Framework Directive in the light of progress made on these questions.

The outcome of proceedings of the Council is contained in document 10468/03 COPEN 59.

9. **Framework Decision on the application of the principle "ne bis in idem"**  
- **State of play**

The Council took note of the state of play of the draft Framework Decision and instructed the Working Party to continue examination of the text.

\(^1\) However, the Council did not endorse the wording of the conclusions paragraph by paragraph.
10. **Negotiations with Switzerland on participation in the Schengen acquis and asylum matters**
   9751/03 AELE 19 JAI 146 ECOFIN 151 RESTREINT

The Council held an exchange of views on the ongoing negotiations with Switzerland on participation in the Schengen acquis and asylum measures. The Council instructed the Permanent Representatives Committee to continue its work on this question with a view to reaching agreement with Switzerland on the Schengen acquis.

11. **Commission presentation of the JHA scoreboard**
   9817/03 JAI 152

The Council took note of the biannual updated of the scoreboard to review progress in the adoption and implementation of measures needed to attain the objectives set by the Tampere European Council of October 1999.

12. **Any other business**
   - **European Return Fund**

      The Council had an exchange of views on the letter sent to the Presidency by four Member States (Spain, Italy, Portugal and United Kingdom) regarding the consideration which should be given to setting up a financial mechanism to support returns. The Council invited the Commission to further examine this issue.

   - **Common rules for protection of personal data within the third pillar**

      The Council took note of a document from the Greek Presidency concerning the drawing up of common rules on data protection within the third pillar.