DRAFT MINUTES

Subject: 2370th meeting of the Council (Justice, Home Affairs and Civil Protection) held in Brussels on 27 and 28 September 2001

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

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1. **Adoption of the agenda**

12207/1/01 OJ/CONS 49 JAI 101 REV 1

The Council adopted the agenda, with the addition of the subitem "Fight against terrorism" under item 10. "Europol".

2. **Approval of the list of "A" items**

12138/01 PTS A 50

The Council approved the "A" items listed in 12138/01 PTS A 50, except for item 1 (Draft agreements between Europol and Poland/Hungary/Estonia/Slovenia).

Information concerning item 13 on the list will be found in Addendum 1 to these minutes and the reference documents for that item should read as follows:

13. 11225/01 FISC 137  
11063/01 FISC 133  
+ COR 1(en)

When approving item 16 (Adoption of the Council Decision on the conclusion of an Agreement on mutual recognition between the European Community and Japan), the Council agreed to enter the following statement by the French delegation in its minutes:

"The French delegation regards it as important that the measures needed for implementation of the MRA concluded between the European Community and Japan, on good manufacturing practice applicable in the pharmaceutical sector, be drawn up and adopted with a view to guaranteeing the high level of public safety sought, including in emergency situations."
3. **Combating terrorism: follow-up to the events of 11 September**

The Council held an exchange of views on implementation of the Terrorism Action Plan. The Commission informed the Council that it was in the process of checking all the measures, both already adopted or still to be adopted, from the "terrorist proof" angle. The Council agreed to return to the various aspects as soon as any blockage had been noted within a working party.

4. **Draft Council Decision setting up Eurojust: political agreement on Articles 1 to 8**
   11685/2/01 EUROJUST 11 REV 2

The outcome of discussions will be found in 11685/3/01 EUROJUST 11 REV 3.

5. **Draft Resolution on the contribution of civil society in finding missing or sexually exploited children**
   9004/3/01 DROIPEN 47 ENFOPOL 49 SOC 193 REV 3
   + COR 1(fr)

The Council unanimously approved this draft Resolution and agreed to publish it in the Official Journal. Several delegations stressed the importance of this Resolution, which would make it possible for civil society to be more closely involved in the search for missing or sexually exploited children. Implementation could receive financial support from the Commission under the Daphne programme.

6. **Draft Framework Decision on combating the sexual exploitation of children and child pornography: definitions and charges**
   11942/01 DROIPEN 79 MIGR 77
   11622/1/01 DROIPEN 75 MIGR 71 REV 1

The President collected delegations' views on the questions set out in 11942/01 DROIPEN 79 MIGR 77, with the aim of clarifying the behaviour which Member States wished to classify as offences.

Generally speaking, all delegations were in favour of a ban on any realistic pornographic image of a child and any participation by a child in a pornographic performance. This approach was qualified by some delegations, which considered that an exemption should be possible for cases where it could be shown that the person represented was not a minor at the
time or a virtual image was involved and, according to several delegations, if the images were restricted to private use. The same qualifications applied to the majority opinion that no distinction should be made between the production, acquisition or possession of child pornography, even if there was no intention of distribution in the case of possession.

One delegation proposed that certain situations could be covered by aggravating circumstances.

Discussions on this framework Decision will continue on the basis of this exchange of views.

7. Proposal for a Directive on the right to family reunification
12022/01 MIGR 78

The Council held a lengthy discussion on the key questions identified by the Presidency in 12022/01 MIGR 27.

After the discussion, which showed in particular the need to combine certain provisions on the conditions to be adopted on the integration of persons who should benefit from family reunification, the Presidency said it would endeavour to draw up proposals with the Commission to take account of delegations' comments, and would submit them to the Permanent Representatives Committee.

The Council would then take stock of the situation on the draft Directive at its meeting on 16 November 2001.

8. Proposal for a Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status
11891/01 ASILE 46

The Council held a discussion on the specific questions identified in a document drafted by the Presidency (11891/01 ASILE 46) and instructed the Permanent Representatives Committee to continue its discussions on this subject so that the Council would be able to reach political agreement at the JHA Council meeting on 6 and 7 December 2001.
9. **Security at meetings of the European Council and other events likely to have a comparable impact**

The Presidency presented the various measures envisaged to improve security during large events. After a short discussion, the Presidency noted agreement on the proposals presented.

10. **EUROPOL**
    - **List of possible amendments to the Europol Convention**
      
      11840/01 EUROPOL 76

      The Council agreed to instruct the Europol Working Party to draw up possible amendments to the Europol Convention along the lines set out in 11840/01 EUROPOL 76.

    - **Initiative of the Kingdom of Belgium and the Kingdom of Sweden with a view to adopting a Council Decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention**
      
      9093/4/01 EUROPOL 50 REV 4

      Political agreement was reached on the above initiative, as contained in 9093/4/01 EUROPOL 50 REV 4. This initiative would be formally adopted after receipt of the European Parliament's Opinion. The Council agreed that two additional statements would be adopted by the Council when this Council Decision was adopted:

      I. "The Council agrees that the inclusion of fraud among the forms of crime referred to in the Annex to the Europol Convention must take account of OLAF's competence for fraud and lead to the negotiation of an agreement between Europol and the Commission."

      II. "The Council declares that the term "organised theft" used in some language versions of the Annex to the Europol Convention also includes "organised robbery"."
– **Fight against terrorism**

The Director of Europol was invited to report on Europol's activities in the field of combating terrorism at the next meetings of the JHA Council.

11. **Other business**

– **Presentation by the Netherlands of a proposal for a Council Decision establishing a network of contact points for the pursuit of those responsible for genocide, crimes against humanity and war crimes**

11587/01 CRIMORG 90 JAI 90

The Netherlands Minister presented his initiative. The Council took note of it.

12. **Draft Framework Decision on trafficking in human beings**

12034/01 DROIPEN 80 MIGR 79
+ COR 1(en)

The outcome of discussions will be found in 13149/01 DROIPEN 88 MIGR 84.

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**Meetings with the candidate countries**

1. **Combating trafficking in human beings: open debate**

The Council and the Representatives of the candidate countries carried out a wide review of the initiatives taken by each of the candidate countries with the aim of combating this phenomenon more effectively. A reminder was given of the specific arrangements for cooperation between the EU and the candidate countries and a text was approved setting out a commitment on 12 points constituting specific measures to combat trafficking in human beings.

The replies by the candidate countries to the questionnaire drafted by the Presidency enabled the Presidency to prepare the conclusions drawn at the end of the discussion.
2. **Combating terrorism: Conclusions of the JHA Council of 20 September 2001**

The Presidency briefed the candidate countries on the measures to combat terrorism adopted by the Council on 20 September, in the wake of the attacks on 11 September 2001.