DRAFT MINUTES

Subject 2529th meeting of the Council of the European Union (JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION) held in Brussels on 2 and 3 October 2003

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Adoption of the agenda</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>Approval of the list of A-items</td>
<td>3</td>
</tr>
<tr>
<td>3.</td>
<td>Follow-up of Thessaloniki</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>- on the development of a common policy on legal and illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status</td>
<td>4</td>
</tr>
<tr>
<td>5.</td>
<td>Proposal for a Council Regulation on the creation of an Immigration Liaison Officers (ILO) network</td>
<td>4</td>
</tr>
<tr>
<td>6.</td>
<td>Operational project entitled &quot;Multinational ad hoc teams for exchanging information on terrorists - start of activities&quot;</td>
<td>5</td>
</tr>
<tr>
<td>7.</td>
<td>Co-operation agreement between Europol and Russia</td>
<td>5</td>
</tr>
<tr>
<td>8.</td>
<td>Draft Council Framework Decision on the execution of confiscation orders</td>
<td>5</td>
</tr>
<tr>
<td>9.</td>
<td>Draft Council Framework Decision on the application of the &quot;ne bis in idem&quot; principle</td>
<td>6</td>
</tr>
<tr>
<td>10.</td>
<td>Proposal for a Council Regulation on parental responsibility</td>
<td>6</td>
</tr>
<tr>
<td>11.</td>
<td>Decision in the perspective of concluding the 1996 Hague Convention</td>
<td>6</td>
</tr>
<tr>
<td>12.</td>
<td>Any other business</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>- Afghanistan and drugs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Draft Council Resolution on a more coherent contract law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Training of police officers in Iraq</td>
<td></td>
</tr>
</tbody>
</table>
1. **Adoption of the agenda**
   13054/03 OJ/CONS 51 JAI 272

   The Council adopted the above agenda, with the addition under A.O.B. of the following item:
   - Training of police officers in Irak.

2. **Approval of the list of A-items**
   13058/03 PTS A 47
   - ADD 1

   The Council approved the "A" items as contained in document 13058/03 PTS A 47 + ADD 1. Information concerning item 1 on the list of “A” items is given in Addendum 1 to these Minutes.

   The reference documents for item 5 should read as follows:

   12413/03 CATS 55 COPEN 85
   - REV 1 (fi)
   - REV 1 COR 1 (fi).

3. **Follow-up of Thessaloniki:**
   - on the development of a common policy on legal and illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents

   The Council had a profound exchange of views on the follow-up to be given to the Thessaloniki European Council Conclusions.

   The Presidency took note of the broad agreement of the delegations on the importance attached to the development of a common policy on legal and illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents, and in particular:

   - of the wide agreement regarding the creation of an Agency for the management of external borders and of the intention of the Commission to present the necessary proposal at the beginning of November 2003;
of the common agreement on the inclusion of biometric identifiers in travel documents and on the necessity of reaching an agreement, as soon as possible, on the two proposals from the Commission dealing with biometric identifiers in uniform format for visas and in uniform format for residence permits for third-country nationals;

- of the convergence regarding the return policy and the invitation to the Commission to present the appropriate proposals relating to the Communautary financing of return operations.

The question of the possible setting up of an immigration European quota system will be examined when the study to be carried out by the Commission, which is expected in Spring 2004, will be available.

4. **Amended proposal for a Council Directive on minimum standards on procedures in member States for granting and withdrawing refugee status**  
12888/1/03 ASILE 53 REV 1

The Council focussed its debate on the provisions regarding safe countries of origin and a minimum common list of such countries. The text of the relevant provisions (Articles 30, 30A and 30B as well as Annex III) of the above Directive resulting from the discussion in the Council is contained in document 12734/1/03 ASILE 51 REV 1.

5. **Proposal for a Council Regulation on the creation on an Immigration Liaison Officers network**  
13024/03 CIREFI 43 FRONT 130 COMIX 583

The Council, pending the opinion of the European Parliament and the lifting of some parliamentary reservations, reached a general approach on the above Regulation.
6. **Operational project entitled "Multinational ad hoc teams for exchanging information on terrorists - start of activities"**

The Presidency informed the Council about the operational project "Multi-national ad hoc teams for exchanging information on terrorists", and stressed the need for the teams to become fully operational as rapidly as possible.

Following the information given by the Presidency, the Council mandated its preparatory bodies to pursue work on the project with a view to reaching agreement as soon as possible.

7. **Co-operation agreement between Europol and Russia**
   
   12583/03 EUROPOL 45

The Council reached political agreement on the draft Agreement between Europol and the Russian Federation. The formal adoption of the Agreement will take place at a forthcoming meeting of the Council.

8. **Draft Framework Decision on the execution in the European Union of confiscation orders**
   
   13040/03 COPEN 90
   + COR 1
   + ADD 1

The Council examined some key provisions of the above draft Framework Decision, in particular Article 14 concerning the disposal of confiscated property, and a proposal from Germany for a new Article 7a on fundamental rights.

Having reached agreement on Article 14, the Council instructed its preparatory bodies to further examine the German proposal in the light of comments from delegations, with a view to reaching agreement on the draft Framework Decision before the end of the year.
9. **Draft Framework Decision on the application of the "ne bis in idem" principle**
   12893/03 DROIPEN 54 COMIX 579
   + COR 1

   The Council (Mixed Committee) focussed its discussion on Articles 2 to 4 of the above Framework Decision, the results of which are contained in document 13281/03 DROIPEN 57 COMIX 597.

    12992/03 JUSTCIV 162
    + ADD 1

   The Council:
   - noted that there was political agreement on the proposal for a Regulation, as set out in 12992/03 JUSTCIV 162 + ADD 1;
   - agreed that the Regulation would be adopted after the Netherlands' parliamentary reservation had been withdrawn and the text finalised by the Legal/Linguistic Experts.

11. **Proposal for a Council Decision authorising the Member States to ratify, or accede to, in the interest of the European Community, the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Hague Convention)**
    12995/03 JUSTCIV 163

   The Council
   - noted that there was agreement of principle on the proposal for a Decision;

   - asked for the proposal for a Decision to be submitted to it for adoption:
     
     $\begin{align*}
     &= \text{once the European Parliament Opinion has been examined;} \\
     &= \text{once the difficulty concerning the rules applicable to the authorities in the context of the 1996 Hague Convention (Gibraltar) has been resolved;} \\
     &= \text{once the text has been finalised by the Council Legal/Linguistic Experts.}
     \end{align*}$

13207/03

DG H

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12. **Any other business**

- **Afghanistan and drugs**
  
The Council took note of information from the United Kingdom delegation concerning the problems linked to drugs trafficking in Afghanistan.

- **Draft Council Resolution on a more coherent contract law**
  
The Council

  - noted that the Competitiveness Council had adopted a Resolution on "A more coherent European Contract Law";

  - noted that discussions on this subject would also take place in the subsidiary bodies of the "Justice and Home Affairs" Council.

- **Training of police officers in Irak**
  
The German delegation informed the Council about the possibility for Member States to participate in the training of police officers in Irak.