ADDENDUM TO DRAFT MINUTES

Subject: 2469th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 28 and 29 November 2002

The information from the Council minutes which is contained in this addendum is not confidential and may therefore be released to the public.
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"A" items: (list: 14754/02 PTS A 62)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:

Item 8. Council Decision establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against terrorism
12715/02 ENFOPOL 124 COTER 18

The Council adopted the above Decision. (Legal basis: Articles 29 and 34(1) of the Treaty on European Union).

Item 9. Council Decision setting up a European Network for the Protection of Public Figures
9555/02 ENFOPOL 83

The Council adopted the above Decision. (Legal basis: Article 30(1)(a) and (c) and Article 34(2)(c) of the Treaty on European Union).
Item 21. – Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence
11909/02 DROIPEN 59 MIGR 78 COMIX 503 + COR 1

The Council adopted the above Framework Decision. (Legal basis: Article 29, Article 1(e) and Article 34(2)(b) of the Treaty on European Union.)

– Council Directive defining the facilitation of unauthorised entry, transit and residence
11910/02 DROIPEN 60 MIGR 79 COMIX 504 + COR 1 (nl)

The Council adopted the above Directive. (Legal basis: Article 61(a) and Article 63(3)(b) of the Treaty establishing the European Community.)

Statements

1. Council statement


Facilitation nowadays takes the serious form of illegal immigration networks which deceive those who have recourse to them and place them in very dangerous situations, as was dramatically demonstrated by the deaths in Dover in June 2000. Such networks are now inextricably linked with organised crime.

Taking into account the fact that Member States always have the option of applying a more severe penalty than is specified in the texts adopted and aware that the leaders of illegal immigration networks are criminals who cause serious harm to others, the United Kingdom, France and Luxembourg undertake to implement measures in their national law laying down, for the conduct referred to in Article 1(3) of the Framework Decision, a maximum penalty of at least ten years' imprisonment."
2. **Commission statement**

"Given the importance of stepping up the fight against this form of crime without delay, the Commission is in favour of the adoption of sanctions at national level in cases of breach of Community rules intended to prevent unauthorised entry, movement and residence.

The Commission takes the view, however, that the Framework Decision is not the appropriate legal instrument by which to require Member States to introduce such sanctions and considers that its adoption cannot constitute a precedent. The Commission believes that the Community has competence to require the Member States to impose sanctions at national level, including penal sanctions where appropriate, where this is necessary to achieve a Community objective, under the powers conferred on it for the purpose of achieving the aims set out in Article 2 of the Treaty establishing the European Community."