COUNCIL OF THE EUROPEAN UNION

Brussels, 29 January 2002 (13.02) (OR. fr)

14997/01 ADD 1

LIMITE

PV/CONS 77
JAI 169

ADDENDUM TO THE DRAFT MINUTES

Subject: 2396th meeting of the Council (Justice, Home Affairs and Civil Protection) held in Brussels on 6 and 7 December 2001

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1 The information from the Council minutes which is contained in this addendum is not confidential and may therefore be released to the public.
"A" ITEMS

Item 11. Council Decision on the protection of the euro against counterfeiting ...................... 5
Item 12. Council Framework Decision amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro ................................................................. 5

"B" ITEM

Item 14. Council Regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement ....................................................... 5
Items on the agenda concerning the definitive adoption of Council acts released to the public

"A" items: (list: 14899/01 PTS A 74)

When definitively adopting the "A" items concerning legislative acts, the Council agreed to enter the following in the minutes:

14160/01 SIS 101 SCHENGEN 16 COMIX 743
+ COR 1 (da)
14161/01 SIS 102 SCHENGEN 17 COMIX 744

The Council adopted the abovementioned Regulation (Legal basis : Article 66 of the Treaty establishing the European Community) and the abovementioned Decision (legal basis : Article 30(1)(a) and (b), Article 31(a) and (b) and Article 34(2)(c) of the Treaty on European Union).

1. Statement by the Council and Commission

"The Council and the Commission are of the view that the executive powers to be exercised by the Commission pursuant to the Regulation and the Decision on the development of the second generation Schengen Information System (SIS II), which were adopted following the conclusions of the Council of 29 May 2001 to the effect that expenditure for the development of SIS II will be charged on the budget of the European Communities as from 2002, are limited to such matters as :

- the design of the physical architecture of the system;
- the development of security requirements (including logical protection, audit/logging, encryption);
- the development of the communication network requirements (type, protocol, architecture of the network, bandwidth, technical requirements);
- the definition and development of the technical requirements of the database;
- the definition, development and application of test requirements and procedures;
- the requirements for the possible interface to national systems;
- the choice and purchase of (types) of hardware and software products;
- the requirements for a possible query interface, if common to Member States.
The Council and the Commission are of the view that the following matters are not within the executive powers conferred on the Commission by virtue of the aforementioned Regulation and Decision, but must be addressed through the appropriate legislative procedures under the Treaties, where necessary by amending or supplementing the existing provisions of the Convention of 1990 implementing the Schengen Agreement of 1985, or those of any decisions taken on the basis of these provisions:

- the legal description of the architecture of the system;
- the definition of the categories of data to be entered into the system, the purposes for which they are to be entered and the criteria for their entry;
- the content of SIS alerts;
- the definition of the authorities having access to SIS data;
- the determination of the duration of SIS alerts;
- the decision as to whether there should be a common type of N/SIS or a common type of interface to the national systems;
- rules on interlinking of alerts;
- rules on compatibility between alerts;
- rules on responsibility for the correctness of alerts;
- rules on access by interested parties to SIS data;
- rules on the protection of personal data and their control;
- rules on security."

2. Statement by the Commission

"The Commission considers that the Regulation, by providing for a Management Committee or a Regulatory Committee, depending on the subject-matter, to assist the Commission in developing SIS II, does not comply with the criteria regarding choice of procedural methods established by Council Decision No 1999/468/EC. The Commission reserves all its rights under the Treaty."

3. Statement by the German delegation

"The German delegation is proceeding on the assumption that the annual appropriations authorised by the budgetary authority will remain within the financial perspective for 2000 to 2006."
Item 11. Council Decision on the protection of the euro against counterfeiting
13436/01 CRIMORG 116 DROIPEN 89
+ REV 1 (es, sv)

The Council adopted the abovementioned Decision. (Legal basis: Article 31 and Article 34 (2)(c) of the Treaty on European Union.)

Item 12. Council Framework Decision amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro
13437/01 CRIMORG 117 DROIPEN 90
+ COR 1 (sv)

The Council adopted the abovementioned Directive. (Legal basis: Article 31 and Article 34 (2)(b) of the Treaty on European Union.)

"B" Item (Agenda: 14721/01 OJ CONS 77 JAI 158)

Item 14. Council Regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement
14093/01 VISA 134 COMIX 741

The Council adopted the abovementioned Regulation. (Legal basis: Article 62 (2)(b)(i) of the Treaty establishing the European Community.)

4. Council Statement

"Further to the report dated 29 June 2001 from the Commission to the Council on the exemption of Romanian citizens from the visa requirement (COM(2001) 361 final), the Council has decided to waive the visa requirement for Romanian nationals as from 1 January 2002."
The Council welcomes the measures already implemented and being planned and notes with satisfaction the precise and concrete commitments entered into by Romania to guarantee security and prevent illegal immigration in the Member States of the European Union. It is the wish of the Council that the implementation of these measures should lead to an effective improvement.

In the context of the analyses carried out with participation of the Member States by the Working Party on Collective Evaluation and by existing structures at the Commission on the progress achieved by each of the candidate countries and the loopholes which they still need to plug in order to align themselves on the European Union "acquis" in the field of justice and home affairs, the Council will grant special attention to the consequences for internal security and illegal migration in the Member States and the following aspects:

- border controls on entry, transit and exit;
- visa policy;
- travel documents and identity documents;
- legislation on immigration and asylum;
- laws and other rules on citizenship and stateless persons
- readmission of third-country nationals residing illegally in Member States;
- economic and social dimension.

On the basis of the periodical assessments made within the Council and where necessary, the Council will decide on all appropriate measures in accordance with the Treaty."