DRAFT MINUTES

Subject: 2561st meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 19 February 2004

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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.
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ANNEX.............................................................................................................8

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1. **Adoption of the agenda**
   
   6289/04 OJ/CONS 5 JAI 41
   
   The Council adopted the above agenda, with the addition under A.O.B. of the following items:
   - Implementation of the Solana Security Strategy for Europe in the field of Justice and Home Affairs
   - Sky Marshals
   - Nomination of national representatives to Eurojust.

2. **Approval of the list of "A" items**
   
   6290/04 PTS A 4
   
   The Council approved the "A" items as contained in document 6290/04 with the exception of item 20.

   Addendum 1 to these minutes gives information on items 5, 6, 18, 21, 22 and 25 on that list.

   The documents under items 9, 16, 22 and 24(a) should read as follows:

   **Item 9**
   6001/04 ACP 13 COAFR 24 PESC 97
   5952/04 ACP 10 COAFR 22 PESC 93 **OC 72**

   **Item 16**
   6051/04 CDR 19
   + COR 1 (fr)

   **Item 22**
   5991/04 ASIM 5 DEVGEN 29 FIN 42 CODEC 153 OC 80
   + COR 1
   PE-CONS 3698/03 ASIM 79 DEVGEN 169 CODEC 1853 OC 890

   **Item 24(a)**
   16305/03 AVIATION 266 CODEC 1867 OC 888
   + COR 1 (fr)
   + COR 2 (fr)
   5998/04 AVIATION 31 CODEC 155 OC 81
   + ADD 1.
3. **Draft Framework Decision on the application of the principle of mutual recognition to confiscation orders**  
6229/04 COPEN 20

The Council examined the two questions set out in the above document in connection with the draft Framework Decision: the question of fundamental rights and fundamental legal principles and the grounds for non-recognition or non-execution of a confiscation order in circumstances when the issuing state is relying on extended powers of confiscation.

The text resulting from the discussions in the Council on these questions is set out in document 6714/04 COPEN 22.

The Council invited its preparatory bodies to continue work on the other outstanding questions with a view to reaching a general approach on the above dossier at its next meeting.

4. **State of implementation of the European Arrest Warrant**  
16287/03 COPEN 131

The Council took note of information from Member States concerning the implementation of the European Arrest Warrant and urged those Member States who have not yet done so to complete their national procedures as soon as possible.

5. **EU Action against Organised Crime in the Western Balkans**  
5896/2/04 CRIMORG 7 COWEB 30 REV 2

The Council approved the setting up of an expert group for the purpose of drawing up a report on organised crime originating from the Western Balkans. The outcome of proceedings of the Council is set out in document 5896/3/04 CRIMORG 7 COWEB 30 REV 3.
6. **CEPOL - Three-year report**
   5880/1/04 ENFOPOL 15 REV 1
   15722/03 CATS 74 ENFOPOL 117

   The Council approved the conclusions as set out in document 5880/2/04 ENFOPOL 15 REV 2 and noted the forthcoming Commission proposal to improve the functioning of CEPOL.

7. **Council Recommendation concerning a handbook for the co-operation between Member States to avoid terrorist acts at the Olympic Games and other comparable sporting events**
   5744/1/04 ENFOPOL 14 REV 1.

   The Council adopted the Recommendation as set out in the above document.

8. **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**
   5926/04 ASILE 3
   . 10576/03 ASILE 40
   13620/01 ASILE 52

   The Council, noting that one delegation was not able to lift its general reservation on the Directive, decided to postpone the examination of this proposal to the next JHA Council meeting.

   5970/1/04 ASILE 4 REV 1

   The Council held an orientation debate on the above proposal concerning Articles 38, 39 and 40 of the proposal, focussing on the three questions set out in the above document. In the light of the debate, the Council preparatory bodies will continue work on the text with a view to reaching an agreement at the next JHA Council meeting to enable adoption within the time limit set by the Amsterdam Treaty.
10. **Proposal for a Council Regulation on the standards for the security features and biometrics of the EU citizens' passport**  
- presentation by the Commission

Commissioner Vitorino presented the Commission's proposal on security features in EU citizens' passports (see document 6406/04 JAI 49 VISA 31 COMIX 107). The proposal will now be examined urgently by the Council preparatory bodies.

The Council took note that the Council Legal Service intends to examine the proposed legal basis.

11. **Draft Council conclusions on the development of the visa information system (VIS)**  
6253/04 VISA 28 COMIX 93  
6375/04 JUR 60 VISA 30 COMIX 103

The Council confirmed the agreement reached in the Mixed Committee at Ministerial level on the above conclusions as set out in document 6535/04 VISA 33 COMIX 111 and invited its preparatory bodies to start examination of the draft Decision on the establishment of the Visa Information System (see document 6373/04 VISA 29 COMIX 102). The **Spanish delegation** made a statement for entry into these minutes (see ANNEX).

12. **A.O.B.**

- **Implementation of the Solana Security Strategy for Europe in the field of Justice and Home Affairs**

The **Austrian delegation** presented a room document on the above subject emphasising that initiatives and action plans in the JHA sector should reflect and implement the Solana security strategy adopted by the European Council (see document 15895/03 PESC 787). Important subject areas should be treated in a cross-pillar way. He proposed the creation of a European Intelligence Agency, European Security Monitor and a European Police Corps.
The High Representative reaffirmed the cross-pillar nature of anti-terrorism efforts. The action plan is being updated and adapted. The German and French delegations favoured the use and further development of existing structures such as Europol. It is not easy to create a European Security Service.

The Representative of the Commission stressed the connection between internal and external security. Organised crime is linked to terrorism. His Institution will present a document on security pursuant to the Solana Strategy in the course of this year.

The Presidency concluded that a certain rigidity of the pillar structure should be overcome. It noted the link between organised crime and terrorism. The issue of the financial assets of terrorists/terrorist organisations should be addressed in more depth.

- **Sky marshals**

Commissioner Vitorino addressed the Council on suggestions for putting into place a system of sky marshals or an alternative system. The Council took note that Austria will be organising a seminar in March on the above subject and the Presidency indicated that it would seek to consider these issues as soon as possible.

- **Eurojust**

Commissioner Vitorino urged the acceding Member States to nominate their national representatives to Eurojust as soon as possible.
ANNEX

Re item 11: Council conclusions on the development of the visa information system (VIS)

Statement by the Spanish delegation

"With regard to the possible participation of the United Kingdom in the Decision establishing a Visa Information System, taking into account the ongoing Anglo-Spanish dispute on Gibraltar, that territory will need to be excluded from the scope of application of the Decision."

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