2411th Council meeting

- JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION -

Brussels, 28 February 2002

Presidents:  

Mr Mariano RAJOY BREY  
First Deputy Prime Minister and Minister for the Interior

Mr Ángel ACEBES PANIAGUA  
Minister for Justice  
of the Kingdom of Spain
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PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium:
Mr Marc VERWILGHEN Minister for Justice
Mr Antoine DUQUESNE Minister for the Interior

Denmark:
Ms Lene ESPERSEN Minister for Justice
Mr Bertel HAARDE Minister for Refugees, Immigration and Integration and Minister without Portfolio with responsibility for European Affairs

Germany:
Ms Herta DÄUBLER-GMELIN Federal Minister for Justice
Mr Otto SCHILY Federal Minister for the Interior

Greece:
Mr Philippos PETSALNIKOS Minister for Justice

Spain:
Mr Mariano RAJOY BREY First Deputy Prime Minister and Minister for the Interior
Mr Angel ACEBES PANIAGUA Minister for Justice

France:
Mr Daniel VAILLANT Minister for the Interior

Ireland:
Mr John O’DONOGHUE Minister for Justice, Equality and Law Reform

Italy:
Mr Roberto CASTELLI Minister for Justice
Mr Claudio SCAJOLA Minister for the Interior

Luxembourg:
Mr Nicolas SCHMIT Ambassador, Permanent Representative

Netherlands:
Mr Benk KORTHALS Minister for Justice
Mr Roger van BOXTEL Minister for Policy on Cities and Integration
Ms Ella KALSBEEK State Secretary for Justice

Austria:
Mr Ernst STRASSER Federal Minister for the Interior

Portugal:
Mr Antonio COSTA Minister for Justice
Mr Nuno SEVERIANO TEIXEIRA Minister for the Interior

Finland:
Mr Ville ITÄLÄ Minister for the Interior
Mr Johannes KOSKINEN Minister for Justice

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Ms Gun-Britt ANDERSSON State Secretary at the Ministry of Foreign Affairs, with responsibility for International Development Cooperation, Migration and Immigration
Mr Dan ELIASSON State Secretary to the Minister for Justice
**United Kingdom:**  
Ms Angela EAGLE  
Parliamentary Under-Secretary of State, Home Office

* * *

**Commission:**  
Mr Antonio VITORINO  
Member  
Ms Michaele SCHREYER  
Member

* * *

**Participants of the Applicant Countries of Central and Eastern Europe, Cyprus, Malta and Turkey at the meeting with EU-JHA Ministers:**

**Bulgaria:**  
Mr Anton STANKOV  
Minister of Justice  
Mr Georgi PETKANOV  
Minister of the Interior

**Cyprus:**  
Mr Lazaros SAVIDES  
Permanent Secretary, Ministry of Justice and Public Order  
Mr Kyriakos TRIANDAFILIDES  
Permanent Secretary, Ministry of the Interior

**Czech Republic:**  
Mr Jaroslav BURES  
Minister of Justice

**Estonia:**  
Mr Ain SEPPIK  
Minister of Internal Affairs

**Hungary:**  
Mr László FELKAI  
State Secretary for the Interior

**Latvia:**  
Mrs Ingrida LABUCKA  
Minister of Justice  
Mr Mareks SEGLINŠ  
Minister of the Interior

**Lithuania:**  
Mr Vytautas MARKEVICIUS  
Minister of Justice  
Mr Juozas BERNATONIS  
Minister of the Interior

**Malta:**  
Mr Austin GATT  
Minister of Justice  
Mr Tonio BORG  
Minister for Home Affairs

**Poland:**  
Mr Sylweusz M. KRÓŁAK  
Under-Secretary of State, Ministry of Justice  
Mr Zenon KOSINIAK-KAMYSZ  
Under-Secretary of State at the Ministry of the Interior and Administration

**Romania:**  
Ms Rodica STANOIU  
Minister of Justice  
Mr Alexandru FARCAS  
State Secretary for the Interior

**Slovak Republic:**  
Mr Jan ČARNOGURSKÝ  
Minister of Justice

**Slovenia:**  
Mr Ivo BIZJAK  
Minister of Justice  
Mr Rado BOHINC  
Minister of the Interior

**Turkey:**  
Mr Rüştü Kazım YÜÇELEN  
Minister of the Interior
THE EUROPEAN UNION'S INTERNATIONAL COOPERATION IN THE FIGHT AGAINST ORGANISED CRIME - Open Debate

The Council held a debate on the Union's role, capabilities and priorities in the fight against organised crime through international cooperation.

The debate showed that terrorism, money laundering, drug trafficking and trafficking in human beings are priority areas of concern. Cooperation in these areas must be developed and stepped up with the candidate countries, Russia, Ukraine, the USA, Canada and the Balkans.

As regards the instruments for enhancing cooperation, Article 36 Agreements, common positions, agreements with Europol/Eurojust were deemed to be the most appropriate tools. Moreover, specific attention has to be paid to practical implementation of present and forthcoming action plans and strategies. In addition, thought should be given to establishing common border controls and finalising work on the establishment of joint investigative teams.

Furthermore, the Council confirmed the need to implement the general orientations of the European Councils of Feira and Laeken in the area of external relations in JHA matters.
EXECUTION OF ORDERS FREEZING PROPERTY OR EVIDENCE

On the basis of a Presidency compromise text, the Council reached a common understanding, subject to the lifting of a number of Parliamentary reservations and re-consultation of the European Parliament, on the content of a Framework Decision on the execution in the European Union of orders freezing property or evidence.

The purpose of the Framework Decision is to establish the rules under which a Member State shall recognise and execute in its territory a freezing order issued by a judicial authority of another Member State. In particular the Framework Decision applies to freezing orders issued for the purposes of securing evidence or subsequent confiscation of property.

As regards the scope of the Framework Decision, the Presidency compromise has been aligned on the solutions agreed in the context of the Framework Decision on the European arrest warrant (namely the abolition of the dual criminality requirement for a list of 32 offences provided that these offences carry a sentence of at least 3 years). Decisions on a freezing order are to be recognised and enforced in compliance with the principals of legality, subsidiarity and proportionality.
RELATIONS WITH THE UNITED STATES OF AMERICA

The Council, in the general framework of the Union's police and judicial cooperation with the USA, agreed on procedures for the drawing-up of a mandate for negotiating an agreement with the USA on judicial cooperation in criminal matters, including extradition. The Council broadly welcomed the approach taken by the Presidency and

- agreed to pursue further work on the Presidency orientations,
- requested the Presidency to examine this issue in a forthcoming meeting of the Article 36 Committee, assisted, where appropriate, by experts on cooperation with the USA with a view further to flesh out the position of the EU in the future discussions with the USA,
- asked the Permanent Representatives Committee to define rapidly after that meeting the possible scope and elements of one or several agreements on cooperation in criminal matters between the European Union and the United States,
- agreed that on the basis of this work, the mandate should be adopted, if possible, at the JHA Council on 25 April 2002,
- noted that the Presidency, assisted by the General Secretariat, together with the future Presidency and the Commission, will continue the informal exploratory talks with the US side, and feed the results of these talks into the process.
GREEN PAPER ON CRIMINAL LAW PROTECTION OF THE FINANCIAL INTERESTS OF THE COMMUNITY AND THE ESTABLISHMENT OF A EUROPEAN PROSECUTOR

Following a presentation by Commissioner Schreyer, the Council held a brief debate on a Green Paper on criminal law protection of the financial interests of the Community and the establishment of a European Prosecutor.

Delegations in their interventions noted that there were a number of difficulties connected with the setting up of a European Public Prosecutor and considered that the time was not right for such a radical step. It was generally felt that newly created institutions such as Eurojust and OLAF needed time to affirm themselves in the fight against offences committed against the financial interests of the Communities. Misgivings were also voiced about the idea that the European Public Prosecutor remit, if such an institution were to be set up, should be limited to the narrow area of the protection of the Community's financial interests. Finally, the discussion highlighted the extremely complex constitutional implications raised by the Green Paper.
COMPREHENSIVE PLAN TO COMBAT ILLEGAL IMMIGRATION AND TRAFFICKING IN HUMAN BEINGS IN THE EUROPEAN UNION

The Council adopted a comprehensive action plan to combat illegal immigration and trafficking in human beings in the European Union.

The comprehensive plan, which aims at defining a common and integrated approach to all the questions linked to illegal immigration and human trafficking, identifies seven areas where action is necessary: visa policy, the exchange and analysis of information, readmission and repatriation policies, pre-frontiers measures, measures relating to border management, Europol and penalties.

In addition to actions and measures designed to develop and complete existing Union's initiatives, the plan also envisages new actions and measures for combating more effectively illegal immigration and human trafficking. A list of measures and actions in each of the areas mentioned above, indicating objectives to be reached in the short and medium term is contained in an annex to the plan. Finally, the plan foresees the introduction of an evaluation and follow-up mechanism through a report from the Commission to the Council which will allow progress in implementation to be measured.

This plan is largely inspired by the Commission action plan on a common policy in the area of illegal immigration presented to the Council in 2001 and follows up on the conclusions of the Tampere and Laeken European Councils which asked for such an action plan.
REPORT ON THE INTRODUCTION OF THE EURO - POLICE COOPERATION

The Council heard a presentation from the Director of Europol, Jürgen Storbeck, on the police cooperation aspects of the introduction of the euro, including efforts to combat counterfeiting. It expressed its satisfaction with early indications on counterfeiting which show that recorded incidents are limited in number and in their degree of sophistication. Almost all incidents were caused by individuals using colour copy machines or computer scanning equipment.

It is recalled that the Council Decision of 6 December 2001 extending Europol's mandate to deal with all serious forms of international crime entered into force on 1 January 2002. Europol's mandate was expanded to cover "forgery of money and other means of payment" by Council Decision of 29 April 1999.

EUROPEAN POLICE COLLEGE (CEPOL)

The Council endorsed a provisional management solution for the European Police College - CEPOL which includes provisionally locating the secretariat in Denmark. Denmark will assist CEPOL and its Secretariat with the administrative tasks necessary for it to function and make possible the implementation of CEPOL's annual programme and the execution of its budget, pending a permanent solution on the location of the CEPOL secretariat.
AMENDMENTS TO THE EUROPOL CONVENTION

The Council held a debate on the procedure for amending the Europol Convention. The Council confirmed that broad agreement existed for Europol participation in joint investigative teams and Europol's right to ask Member States to launch investigations in specific cases.

From the discussion it emerged that the Council favoured simplifying the procedure. However, opinions differed on the scope of the simplification to be sought. More specifically no majority view emerged on the three options put forward by the Presidency for future work in this area, namely:

i) Amendment of the entire Europol Convention by simple Council decision;
ii) Amendment of a limited number of specified articles in the Europol Convention by Council decision, with a ratification procedure for amending the other articles;
iii) Replacing the Europol Convention with a Council decision (like Eurojust) which in future could be amended by simple Council decision.

The Council instructed the relevant Council preparatory bodies to flesh out the three options, and asked the Article 36 Committee to work on the remaining outstanding issues on Europol participation to joint investigative teams and the right to ask Member States to initiate investigations.

AIR MARSHAL SYSTEM

The Council heard a presentation from the Austrian delegation on enhancing aircraft security by creating a system of air marshals in the European Union.
MEETING OF EU JHA MINISTERS WITH MINISTERS FROM THE CANDIDATE COUNTRIES

JOINT DECLARATION ON DRUGS

In the context of the meeting of the Justice and Home Affairs Ministers of the EU, with their counterparts from the candidate countries and the Commission, the Ministers of the EU and the candidate countries adopted the following declaration:

"We, the Ministers of Justice and Home Affairs of the Member States of the European Union, acting in our capacity of Members of the Council of the European Union, in association with the European Commission, and we, the Ministers of Justice and Home Affairs of Bulgaria, Cyprus, Czech Republic, Slovakia, Slovenia, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Turkey, the former hereinafter referred to as Member States of the European Union and the latter referred to as the Candidate Countries,

Having met at Brussels on the 28 February 2002,

WHEREAS

1. The European Union Strategy on Drugs (2000-2004) establishes among its general objectives the intensification of international cooperation with other countries and international organisations and the gradual integration of the candidate countries;

2. This objective is also included in the EU Action Plan that implements the EU Strategy on Drugs (2000-2004) which specifically mentions that the Member States of the European Union and the Commission will prepare an Action Plan on Drugs with the candidate countries, which will determine the terms on which those countries will incorporate the acquis communautaire on drugs;

3. Both the EU Strategy on Drugs and its Action Plan have a global, multidisciplinary and integrated approach based on demand and supply reduction policies;

4. Drug policies must be integrated within a consistent and coherent institutional and legal framework;

5. It is necessary to develop sufficient administrative capacity to implement global and balanced drug policies as well as structures to co-ordinate between the various authorities with responsibilities concerning drugs;

6. It is important to create and develop REITOX national focal points as basic tools to assist in decision-making and in assessing drug policies;
7. In the framework of the Pre-accession Strategy, it is important to conclude rapidly the forthcoming negotiations with the Candidate Countries on their participation in the work of the EMCDDA which will be launched on the 7 March 2002;

8. The EU Strategy and Action Plan on Drugs provide a general policy framework and encourage national actions against drugs, respecting in all cases the principle of subsidiarity, national sovereignty and available resources;

9. The Pre-accession Financial Assistance (the PHARE Programme, especially the Multi-beneficiary and Twinning Programmes, Pre-accession Financial Assistance for Cyprus, Malta and Turkey) will continue to play a fundamental role in order to achieve the objectives, goals and activities contained in the EU Strategy and Action Plan on Drugs (2000-2004) in the candidate countries;

Express our will to:

1. CARRY OUT the necessary actions to comply with the objectives listed in the EU Strategy on Drugs (2000 – 2004) in order to have a global, multidisciplinary and integrated approach to the drugs phenomenon;

2. AFFIRM the commitment to consider the EU Action Plan on Drugs (2000-2004) as the general policy framework for the actions regarding drugs and to implement national actions in accord with those contained in the Plan, while complying with the principle of subsidiarity, respect for national laws and the available resources of each State;

3. CONTINUE, as regards the Candidate Countries, to consolidate the process of institutional, regulatory and administrative reinforcement that will ensure that these instruments are developed. Specifically, they continue to endeavour to develop national drug strategies and co-ordination mechanisms, and to set up REITOX national focal points;

4. CONCLUDE rapidly the forthcoming negotiations with the Candidate Countries on their participation in the work of the EMCDDA which will be launched on the 7 March 2002;

5. REINFORCE the efforts to reduce the demand for illicit drugs, including programmes to prevent drug abuse, to provide adequate treatment facilities for drug abusers, and to reduce the negative consequences of drug abuse.

6. ENHANCE regional co-operation in supply reduction, notably by strengthening law enforcement co-operation including reinforcing activities against synthetic drugs, the diversion of chemical precursors and money laundering.

7. CONTINUE to use the pre-accession financial assistance (the PHARE Programme, especially the Multi-beneficiary and Twinning Programmes, Pre-accession Financial Assistance for Cyprus, Malta and Turkey) as the main instrument for achieving the priorities defined in the Accession Partnerships taking into the account the goals and activities contained in the EU Strategy and Action Plan on Drugs (2000-2004)."
EXTERNAL BORDER CONTROLS - REMOVAL AND READMISSION:
RECOMMENDATIONS AND BEST PRACTICES

Ministers held a debate on external border controls and examined and discussed a catalogue of recommendations and best practice for the Schengen area concerning removal and readmission. In this context, several delegations from the candidate countries gave an update on measures which had come into effect with a view to improving border controls at their external boarders. The measures concern personnel, equipment and training.

The new measures are being introduced by the candidate countries in the framework of comprehensive plans which also cover police cooperation with neighbouring countries, visa policy, readmission agreements and electronic data storage networks.

Several Member States welcomed these efforts which need to be built on to ensure that all angles are covered in the fight against illegal immigration.
STRENGTHENING ADMINISTRATIVE AND JUDICIAL CAPABILITIES

Ministers held a debate on the strengthening of the administrative and judicial capabilities of the candidate countries.

In their respective interventions, a majority of candidate countries reiterated their firm commitment to strengthen their administrative and judicial capabilities, outlining a number of specific measures in the process of being adopted and implemented. These include the reduction of court backlogs, enhancing investigative powers, simplifying procedures and organisation to enhance efficiency, setting up special anti-corruption units, strengthening both internal and international cooperation improving training and modernising equipment. The candidate countries saw successful implementation of these intentions and actions as an essential pre-requisite for the creation of an area of freedom, security and justice. The assistance of Member States in this process was underlined as being of great importance.

Member States and the Commission made clear their intention to continue to support the candidates in their efforts towards strengthening their administration and judicial capabilities in the framework of the PHARE and other programmes as well as through the exchange of expertise. In this respect, the French delegation emphasised the particular importance of training judicial staff and police.
ITEMS APPROVED WITHOUT DEBATE

The documents whose references are given are available on the Council's Internet site http://ue.eu.int. Acts adopted that include statements in the minutes which may be released to the public are indicated by an asterisk; these statements may be obtained by following the procedure indicated above or from the Press Office.

JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION

Counterfeiting in connection with the introduction of the euro

The Council took note of the Report on the implementation of Council Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (Doc. 14603/3/01).

Immigration

The Council adopted conclusions on Member States' methods and arrangements for obtaining travel documents for the repatriation of people who do not fulfil or no longer fulfil entry or residence conditions. The aim of these conclusions is to optimise the exchange of information between Member States with a view to drawing up, in the medium term, a guide to good practice for obtaining the documents in question.

Enlargement - Hungary

The Council took note of the revised country report on Hungary on the progress and results of its alignment to the acquis of the European Union in the field of Justice and Home Affairs.

Eurojust *

The Council adopted a Decision setting up Eurojust with a view to reinforcing the fight against serious crime (Doc. 5358/02 + 6347/02).

The objective of Eurojust is to stimulate and improve the coordination, between the competent national authorities, of investigations and prosecutions in the Member States, taking into account any request emanating from a competent national authority and any information provided by any body competent by virtue of provisions adopted within the framework of the Treaties. It is also to facilitate the execution of international mutual legal assistance and the implementation of extradition requests and to support otherwise the competent authorities of the Member States in order to render their investigations and prosecutions more effective.
Eurojust is composed of one national member seconded by each Member State in accordance with its legal system, being a prosecutor, judge or police officer of equivalent competence. Each national member may be assisted by one person, or, if necessary and with the agreement of the College, several persons.

The Decision setting up Eurojust will enter into force on the day of its publication in the Official Journal of the European Communities. On that date the Provisional Judicial Cooperation Unit (PRO-EUROJUST) will cease to exist.

**Drugs**

The Council adopted a Decision concerning control measures and criminal sanctions in respect of the new synthetic drug PMMA (*Doc. 15330/01*).

**Eurodac ***

The Council adopted a Regulation laying down certain rules implementing Regulation (EC) N° 2725/2000 concerning the establishment of Eurodac for the comparison of fingerprints of applicants for asylum and certain other categories of third country nationals (*Doc. 6328/02+ 6345/02 ADD 1*).

The Regulation lays down rules for processing and transmitting fingerprints in digital format between the relevant authorities of the Member States for the purpose of identifying the Member State responsible for examining an asylum application lodged in the EU and avoiding multiple claims by the same person.

**SCHENGEN**

**Ireland**

The Council adopted a Decision concerning Ireland's request to take part in some of the provisions of the Schengen acquis. On the basis of this decision, Ireland as of 1 April 2002 will participate in all aspects of the Schengen acquis with the exception of those elements linked to border controls as well as cross border surveillance and hot pursuit.

**Schengen acquis: Catalogue of recommendations - Frontiers + Removal and Readmission**

The Council adopted a catalogue of recommendations for the correct application of the Schengen acquis and best practices - Frontiers + Removal and Readmission. The Council also adopted conclusions concerning recommendations for the further development of the Schengen acquis.
EUROPOL

Transmission of personal data

The Council adopted a Act amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies (Doc. 14681/01).

Supplementary Budget for 2002

The Council adopted the Europol supplementary and amending budget for 2002 in order to make available the necessary funds for Europol to implement the counter terrorism measures with which it was entrusted by the extraordinary JHA Council of 20 September 2001.

Agreement between Europol and the Czech Republic

The Council authorised the Director of Europol to conclude cooperation agreements on the fight against crime with the Czech Republic in accordance with Article 42(2), Article 10(4) and Article 18 of the Convention on the establishment of a European Police Office, which authorise Europol to enter into relations with third States and bodies.

The cooperation agreements are designed to enhance cooperation between the Member States of the European Union, acting through Europol, and the Czech Republic, in combating serious forms of international crime in the following areas, in particular through the exchange of strategic and operational information:

– unlawful drug trafficking;
– trafficking in nuclear and radioactive substances;
– illegal immigrant smuggling;
– trade in human beings;
– motor vehicle crime;
– crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property; forgery of money and other means of payment; as well as illegal money laundering activities in connection with these forms of crime or specific manifestations thereof and related criminal offences.

Furthermore, if Europol's mandate is changed in any way, Europol may, from the date when the change to its mandate enters into force, suggest to the Czech Republic in writing, that this agreement should apply in relation to the new mandate.

The cooperation will focus in particular on organised criminal groups engaged in the forms of crime mentioned. The cooperation may – in addition to the exchange of operational information – involve all other tasks of Europol mentioned in Article 3 of the Europol Convention, including the exchange of specialist knowledge, strategic intelligence, general situation reports, information on investigative procedures, information on crime prevention methods, participation in training activities as well as providing advice in individual investigations.
EXTERNAL RELATIONS

Switzerland - Conclusion of the seven sector agreements

The Council adopted a decision whereby the following seven sectoral Agreements (Doc. 6278/02), signed on 21 June 1999 with the Swiss Confederation, are approved:

- Agreement on the Free Movement of Persons between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part,
- Agreement on Air Transport,
- Agreement on the Carriage of Goods and Passengers by Rail and Road,
- Agreement on Trade in Agricultural Products,
- Agreement on Mutual Recognition in Relation to Conformity Assessment,
- Agreement on Certain Aspects of Government Procurement,
- Agreement on Scientific and Technological Co-operation between the European Communities and the Swiss Confederation.

The Agreement on the free movement of persons, a so-called mixed agreement requiring ratification by the Member States, is approved on behalf of the European Community and the Member States, with all the procedures for ratification having now been completed. Concerning the Agreement on Scientific and Technological Co-operation, the Commission still needs to take a decision. Subsequently the decision on the conclusion of the seven agreements will be published in the Official Journal together with information on the date of their entry into force. It is recalled that the seven agreements were negotiated as a package and should come into force at the same time.

San Marino - Conclusion of the Co-operation Agreement

The Council adopted a decision on the conclusion of the Agreement on customs union and co-operation between the European Community and the Republic of San Marino and on the Protocol to the Agreement following the accession of Austria, Finland and Sweden to the European Union on 1 January 1995 (Doc. 5978/02).

The Agreement was signed on 16 December 1991. Pending its entry into force an interim Agreement on trade and customs union was signed on 27 November 1992 and entered into force on 1 December 1992 allowing for the implementation of the trade provisions. Ratification of the Agreement itself was still under way when Austria, Finland and Sweden joined the EU. Subsequently, a Protocol had to be signed (30 October 1997) between San Marino and the three new Member States, providing for the accession of Austria, Finland and Sweden to the Co-operation Agreement. As all Member States have now completed their procedures for ratification - San Marino having notified the completion of its ratification procedures on 29 October 1994 (Agreement) and on 10 December 1997 (Protocol), the decision adopted today approves, on behalf of the Community, the Agreement and its additional Protocol.
Poland - Framework decision on the participation in Community programmes

The Council agreed for the EU-Poland Association Council to adopt, by means of the written procedure, a decision on the general terms and conditions for the participation of Poland in Community programmes (Doc. UE-PL 1423/01).

The framework decision is part of the enhanced pre-accession strategy. The new method should improve substantially the present system, whereby participation in Community programmes is decided on a case-by-case basis, resulting in longer deadlines due to the adoption of specific Association Council decisions and entailing delays in concrete participation in programmes.

The framework decision establishes a number of general principles:

- the possibility for Poland to participate in all programmes which, under the basic internal act, are open to the CCEE;
- the requirement for a financial contribution to be made to the Community budget;
- participation of representatives of Poland (as observers) on programme committees;
- the fact that projects submitted by Poland will be subject to the same conditions as those for the Member States.

On the Community side, the specific terms and conditions, in particular the financial contribution, for participation in each individual programme will be determined by the Commission in collaboration with the Polish authorities. The Commission is hereby assisted by a special committee appointed by the Council. As a result, once the framework decisions are in force there will no longer be any need for ad hoc Association Council decisions.

Similar decisions have already been taken for a number of other candidate countries.

Russia - Establishment of a High-Level Group to study common European Economic space

As a follow-up of the EU/Russia Summit on 3 October 2001, where the decision was taken to establish a High-Level Group to elaborate the concept of a common European Economic space, the Council agreed on the position to be taken by the Community in the Co-operation Council with the Russian Federation.

Gulf States/GCC - Preparation of the EU-GCC Joint Council (Granada, 28 February 2002)

The Council endorsed the Union's position for the 12th EU-GCC Joint Council and Ministerial meeting in Granada on 28 February 2002 (see Press Release CE-GOLFE 3502/02, Presse 40).
TRADE POLICY

Steel products from Kazakhstan, the Russian Federation and Ukraine - extension of the double checking system

The Council agreed on the following texts:

− Three decisions for Kazakhstan (Doc. 5352/02 + 5353/02), the Russian Federation (Doc 5354/02 + 5355/02) and Ukraine (Doc. 5356/02 + 5357/02) on the conclusion of an Agreement in the form of an Exchange of Letters, aimed at re-establishing a double-checking system without quantitative limits for exports of certain steel products from the three countries concerned to the Community for the period 2002-2004.
− a regulation on administering the double checking system.

China - Antidumping duty on zinc oxides

The Council, with the abstention of the Netherlands delegation, adopted a regulation imposing a definitive anti-dumping duty on certain zinc oxides originating in the People's Republic of China (Doc. 6042/02). The regulation also provides for the definitive collection of the provisional duties imposed pursuant to Regulation (EC) No 1827/2001.

AGRICULTURE

National aid in the wine sector *

The Council unanimously adopted the Decision authorising the French and Italian governments to grant national aids for the distillation of certain wine products, for a respective maximum amount of 39.4 Millions Euro and 8.27 Millions Euro. The Danish, Netherlands, Spanish, Swedish and United-Kingdom delegations abstained. The Agriculture Council had previously reached a political agreement on 18 February 2002, pending the withdrawal of the Danish delegation's parliamentary scrutiny reservation (Doc.6182/02, 6183/02 and 6513/02 ADD 1).

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DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

FINANCIAL CONSEQUENCES OF THE EXPIRY OF THE EUROPEAN COAL AND STEEL COMMUNITY

The Representatives of the Governments of the Member States meeting within the Council adopted a decision on 27 February which transfers ECSC funds to the European Community on 24 July 2002 when the European Coal and Steel Community Treaty expires (Doc. 5650/02 + ADD 1). The decision also creates a common fund for research in sectors related to the coal and steel sectors. The Commission will manage these funds in accordance with special rules which are set out in the decision.

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DECISIONS ADOPTED BY WRITTEN PROCEDURE

EUROPEAN CONVENTION *

On 26 February 2002, three acts relating to the financing and budget of the European Convention were approved by written procedure:

– a Decision of the Representatives of the Governments of the Member States meeting within the Council setting up a Fund for the financing of the Convention and laying down the financial rules for its management (Doc. 6459/02). This decision lays down detailed arrangements for collecting revenue and managing expenditure for the Convention, as well as procedures for presenting and auditing the accounts.

– the Interinstitutional Agreement on the financing of the Convention (Doc. 6463/02), signed on 28 February, which foresees contributions by the European Parliament, the Council and the Commission to the Fund. This agreement estimates expenditure under the Fund up to the end of the year of EUR 4 million comprising a contribution of EUR 1 million from the European Parliament, EUR 400,000 from the Council and EUR 2.6 million from the Commission. This expenditure is additional to expenditure linked to the infrastructure necessary for the operation of the Convention.

– Preliminary Draft Amending Budget N° 1 to the 2002 Budget, which creates lines and transfers of appropriations to allow payment of contributions from the three institutions to the Fund, and which will be forwarded for final approval to the European Parliament.

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