DRAFT MINUTES ¹

Subject 2411th meeting of the Council (Justice, Home Affairs and Civil Protection) held in Brussels on 28 February 2002

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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1. **The international co-operation of the European Union in the fight against organised crime (Open debate)**

   The Council held an open debate on the role and priorities of international co-operation in the fight against organised crime. During the debate, terrorism, money laundering, trafficking in drugs and in human beings were highlighted as areas of concern and many speakers stressed the necessity of cooperation with the candidate countries, Russia, Ukraine, the USA and Canada, and the Mediterranean and Balkan countries.

2. **Adoption of the agenda**
   doc. 6494/02 OJ/CONS 8 JAI 28

   The Council adopted the above agenda.

3. **Approval of the list of A items**
   doc. 6495/02 PTS A 8

   The Council approved the A items as contained in document 6495/02 PTS A 8.

   The reference documents for items 4 and 16 should read as follows:

4. docs 5018/1/02 REV 1 SCH-EVAL 1 COMIX 4
   + REV 1 COR 1 (fi)
   5987/02 SCH-EVAL 5 COMIX 82
   6578/02 SCH-EVAL 7 COMIX 140

16. docs 6290/1/02 STAT 4 REV 1 **COR 1**
   6291/1/02 STAT 5 REV 1 **COR 1**

   Information concerning items 6, 7, 8 and 21 may be found in Addendum 1 + COR 1 (fr) to these minutes.
4. **Draft framework decision on the execution in the European Union of orders freezing property or evidence (AL)**

The Council reached a general consensus on the Presidency compromise text of the draft Framework Decision contained in document 6552/02 COPEN 17 + ADD 1, subject to lifting of a number of Parliamentary scrutiny reservations and re-consultation of the European Parliament on the revised text, as contained in document 6980/02 COPEN 20.

5. **Relations with the United States of America**

The Council agreed on the procedures for drawing up a mandate for negotiating an agreement with the USA on judicial cooperation, in accordance with the policy guidelines laid down by the informal meeting of JHA Ministers in Santiago de Compostela. The Council:

a) agreed to pursue further work on the orientations set out in document 6438/1/02 CATS 5 USA 4 REV 1 RESTREINT;

b) 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;

c) asked the Committee of Permanent Representatives 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;
d) agreed that on the basis of this work, the mandate should be adopted, if possible, during the JHA Council on 25 April 2002;

e) 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.

6. **Green paper on criminal law protection of the financial interests of the Community and the establishment of a European Prosecutor: presentation by the Commission**
   
  doc. 5252/02 JAI 3 CRIMORG 4

   Following a presentation by the Commission, the Council held a brief debate on the green paper. Several delegations expressed difficulties concerning the proposal to establish a European Public Prosecutor and felt that the newly created institutions such as Eurojust and OLAF should be given sufficient time to take measures to protect Community financial interests. It was also noted that a majority of delegations had now ratified the 1995 Convention on the protection of financial instruments and its First Protocol.

   The green paper will also be presented to the ECOFIN Council on 5 March 2002. It was noted that the JHA aspects of the paper will be examined in the Working Party on substantial criminal law.

7. **Proposal for a comprehensive plan to combat illegal immigration and trafficking in human beings in the European Union**
   
  docs 6621/1/02 JAI 30 FRONT 19 MIGR 10 VISA 29 REV 1
   14239/01 MIGR 92 VISA 135 FRONT 65

   The Council adopted the comprehensive plan to combat illegal immigration and trafficking in human beings, as set out in document 6621/1/02 JAI 30 FRONT 19 MIGR 10 VISA 29 REV 1.

   The Council also agreed that examination of the actions and measures necessary for the implementation of the action plan should be continued in the relevant preparatory bodies.
8. **Report on the introduction of the euro - Police cooperation (information point)**  
doc. 6606/02 EUROPOL 11

The Council took note of the report on police cooperation on the introduction of the euro presented by the Director of Europol, Mr. Storbeck, and expressed satisfaction that no major problems had been encountered.

9. **European Police College (CEPOL) - Provisional management solution**  
docs 6605/02 ENFOPOL 32  
    6603/02 ENFOPOL 31

The Council took note of and endorsed the provisional management solution for the European Police College as contained in document 6603/02 ENFOPOL 31. The Governments of the Member States, meeting within the Council decided to inscribe the following declaration in the minutes of the meeting:

"In the event that in implementing the provisional management solution for the European Police College expenditure is incurred by the Kingdom of Denmark which cannot be met within the limits of the CEPOL budget, the Governments of the Member States, meeting within the Council, pledge to cover these additional costs".

10. **Amendments to the Europol Convention**  
doc. 6579/1/02 EUROPOL 10 REV 1

In respect to Europol's participation in joint investigation teams and Europol to ask Member States to conduct investigations in specific cases, the Council noted that at its meeting of 21/22 February 2002 the Article 36 Committee reached a broad agreement on the proposed amendments to the Europol Convention regarding Europol's participation in joint investigation teams and Europol to ask Member States to conduct investigations in specific cases (Articles 3, 3a and 39a as contained in document 5455/02 EUROPOL 5). The remaining issues will be addressed by the Article 36 Committee.
In respect to the procedure for amendment of the Europol Convention, the President drew the following conclusions:

– all delegations supported a simplification of the procedure for amendment of the Europol Convention;

– the Europol Working Party is requested to further elaborate the appropriate simplified amendment procedure with a view to preparing a debate at higher level.

11. Setting up an Air Marshal system in the European Union
   doc. 6391/02 JAI 26

The Austrian delegation presented a discussion paper on the creation of a system of air marshals in the European Union in order to enhance aircraft safety. The Council asked Coreper to examine this proposal.

12. Any other business
   - Application of Article 2.2 of the Schengen Convention

   The Austrian delegation announced the temporary re-establishment of border controls from 7 to 13 March 2002.