COUNCIL OF THE EUROPEAN UNION

Brussels, 18 July 2001

7181/01

LIMITE

PV/CONS 13
JAI 23

DRAFT MINUTES

Subject: 2337th meeting of the Council (Justice, Home Affairs and Civil Protection), held in Brussels on 15 and 16 March 2001

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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**In the margins of the Council meeting**
- Mixed Committee at ministerial level
- Meeting with the Candidate Countries

|   |   |   |   |   |   |   |   |   |
1. **Adoption of the agenda**
   
   **doc. 6942/1/01 OJ/CONS 12 JAI 19 REV 1**

   The Council adopted the agenda as set out in document 6942/1/01 REV 1, with the addition of the following item under "Other Business":
   - Follow-up of the October ECOFIN/JAI Council on financial delinquency.

2. **Approval of the list of “A” items**

   **doc. 6943/01 PTS A 14**

   The Council approved the list of "A" items with the exception of item 2 which was withdrawn.

   Addendum 1 to these minutes gives information on item 1 on that list.

3. **Proposal for a Council Directive on minimum standards for giving temporary protection in the event of mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof**

   **doc. 6709/01 ASILE 22**

   The Council took note of the progress report from the Presidency (doc. 6709/01 ASILE 22) and instructed the Permanent Representatives Committee to actively pursue work on this proposal in order to enable the Council to reach agreement at its session on 28 and 29 May 2001.
4. **Council Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications**  
   docs 7016/01 VISA 37  
   + ADD 1  
   6470/01 VISA 23 COMIX 147  
   + COR 1  
   + COR 2 (fr,it,el,fi,sv)  
   + COR 3 (fi)

5. **Council Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance**  
   docs 7017/01 FRONT 19 + ADD 1  
   6611/01 FRONT 10 COMIX 171 + COR 1

   The Council had to note that the unanimity necessary for the adoption of these two regulations was not forthcoming due to a substantive parliamentary reservation by the Netherlands delegation. The Council instructed the Permanent Representatives Committee to pursue, as a matter of urgency, the examination of the outstanding questions with a view to enabling the Council to adopt the Regulations as soon as possible.

6. **Preparations of the meeting with JHA ministers of the candidate countries**

   The Council had a brief discussion to prepare the informal meeting on 16 March 2001 with JHA Ministers from the candidate countries.

7. **Civil crisis management**

   The Council held an exchange of views on civil crisis management, as part of the preparation for the Police Capabilities Commitment Conference on 10 May 2001.

8. **Fight against drugs by law enforcement (open debate)**  
   doc. 6640/01 JAI 17 CORDROGUE 18 DROIPEN 22 STUP 9 ELARG 29  
   + COR 1(en)

   The Council's public debate shed light on the seriousness of the current drug situation in Europe and made it clear that although much is already being done the fight against drugs must be intensified and made more effective, in particular with a view to accelerating the implementation of the Tampere conclusions and the EU Action Plan on Drugs 2000-2004.
The debate focused on three main issues, namely legislation, law enforcement and EU action *vis-à-vis* candidate countries. The Council emphasised in particular, on the basis of a paper submitted by the UK delegation, the priority of establishing the definition of minimum penalties for drug trafficking, rapid ratification of the EU convention on mutual legal assistance and targeted, co-ordinated action *vis-à-vis* candidate countries. The Council welcomed the intention of the Commission to present, in April 2001, proposals on the aforementioned minimum penalties and expressed strong support for the efforts of the Commission in candidate countries, notably through the PHARE Programme. From the outset it was clearly indicated that law enforcement is a part of a comprehensive approach in which demand reduction has an important role.


docs 6245/1/01 CATS 4 CRIMORG 21 REV 1
5893/1/01 CRIMORG 13 REV 1
 + ADD 1
14245/00 CRIMORG 163
6234/01 CATS 3 CRIMORG 20
6563/01 CATS 6 CRIMORG 22

The Council reached an agreement on a European crime prevention policy and its constituent elements in accordance with the document proposed by the Presidency, including a provisional agreement - pending examination of the European Parliament opinion - on the European crime prevention network, the main vehicle of the European crime prevention policy. It confirmed a provisional agreement on the substantive content of articles 1-4 of the Commission proposal for a Council decision establishing a programme of incentives and exchanges, training and co-operation for the prevention of crime (Hippocrates).

10. **Draft Framework Decision on the protection of the environment through criminal law**
doc. 6977/01 DROIPEN 27 ENV 118
 + COR 1 (en)

The Council held an extensive exchange of views on the basis of the Presidency paper and reached a preliminary agreement concerning the objectives and, in principle, the substance of the Draft Framework Decision on the protection of the environment through criminal law. It instructed the Council's relevant working groups to consider whether it would be necessary to complement the Framework Decision in the light of the Commission proposal on a draft directive on the protection of the environment through criminal law.
The Council agreed to reconsult the European Parliament in due course on the basis of the agreement reached by the Council. The Council noted requests from Ministers that discussions in the Council on the appropriate choice of legal base (3rd or a combined 1st and 3rd Pillar instrument), to reach the objectives on this issue, had not been finalised.

11. **Fight against cybercrime**  
doc. 5894/01 CRIMORG 14 ECO 22

Commissioner VITORINO reported on its Communication and on the outcome of a hearing on cybercriminality that took place in Brussels on 17 March 2001, and outlined plans for a European forum on cybercrime to be launched during the Belgian Presidency.

The Council took note of the Commission's communication and agreed that the priorities listed in the Communication, namely the need for an EU instrument to ensure that Member States have effective sanctions in place to combat child pornography on the Internet, the approximation of substantive law in the area of high tech crime and the promotion of the creation of specialised computer-crime police units at a national level where they do not already exist, are the areas that should be targeted for further work with a view to a follow-up discussion at the May JHA Council.

12. **Any other business**  
- **Follow-up of the October ECOFIN/JAI Council on financial delinquency**

The Council heard a brief presentation from the Italian delegation on the need to strengthen EU co-ordination and input in the relevant international organisations involved in the fight against financial delinquency and a request to mandate the Presidency to initiate negotiations with a view to concluding agreements with certain countries in accordance with the Council conclusions of the October 2000 ECOFIN/JAI Council on financial delinquency.
In the margins of the Council meeting: Mixed Committee at ministerial level
The minutes of the Mixed Committee are contained in 9333/01 JAI 48 COMIX 416.

In the margins of the Council meeting: Meeting with the Candidate Countries
The minutes of the meeting with the Candidate Countries are contained in 10905/01 JAI 79.