COUNCIL OF
THE EUROPEAN UNION

Brussels, 18 June 2004

8990/04

LIMITE

PV/CONS 24
JAI 133

DRAFT MINUTES

Subject: 2579th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS) held in Luxembourg on 29 April 2004

Information relating to the final adoption of Council acts which may be released to the public is contained in Addendum I to these minutes.
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1. **Adoption of the agenda**
   8882/04 OJ/CONS 25 JAI 127

   The Council adopted the above agenda.

2. **Approval of the list of "A" items**
   8847/04 PTS A 19 + ADD 1

   The Council approved the "A" items as contained in document 8847/04 PTS A 19 + ADD 1, with the exception of item 25.

   **Addendum 1** to these minutes gives information on items 6, 7, 14, 17 – 22, 36 – 39, 54, 56 – 59, 67 and 69 on that list.

   The document references for items 6, 21, 22, 28, 29, 34, 45, 46, 51, 57 and 69 should read as follows:

   **Item 6:**
   8472/04 JUSTCIV 65  
   + COR 1 (de)  
   8303/04 JUSTCIV 62  
   + COR 1 (it)  
   + COR 2 (fi)  
   + COR 3 (es)  
   + COR 4 (nl)  
   + COR 5 (fr)  
   + **COR 6 (sv)**

   **Item 21:**
   8773/04 MIGR 33 COMIX 280 OC 447  
   6379/04 MIGR 8 COMIX 104 OC 387  
   + COR 1  
   + COR 2 (it)  
   + **COR 3 (fr)**  
   + **COR 4 (el)**  
   + ADD 1

   **Item 22:**
   8729/04 ASILE 31  
   8043/04 ASILE 23  
   + COR 1 (en,fr,it,nl,sv)  
   + COR 2 (pt)  
   + COR 3 (de)  
   + COR 4 (sv)  
   + **COR 5 (fi)**
Item 28 : 8412/04 PESC 245 FIN 191 PE 88

+ COR 1

Item 29 : 8856/04 PESC 302 COEST 53 NIS 57 OC 451
8686/04 PESC 269 COEST 35 NIS 42 OC 433
8687/04 PESC 270 COEST 36 NIS 43 OC 434
8657/04 PESC 263 COEST 30 NIS 37 OC 420
8658/04 PESC 264 COEST 31 NIS 38 OC 421
8741/04 PESC 282 COEST 41 NIS 49 OC 440
8742/04 PESC 283 COEST 42 NIS 50 OC 441
8743/04 PESC 284 COEST 43 NIS 51 OC 442
8744/04 PESC 285 COEST 44 NIS 52 OC 443

+ COR 1 (fr)
8696/04 PESC 272 COEST 38 NIS 45 OC 436
+ COR 1 (es)
8695/04 PESC 271 COEST 37 NIS 44 OC 435
8697/04 PESC 273 COEST 39 NIS 46 OC 437
8698/04 PESC 274 COEST 40 NIS 47 OC 438
8671/04 PESC 265 COEST 33 NIS 40 OC 427
8672/04 PESC 266 COEST 34 NIS 41 OC 428

Item 34 : 8556/04 AMLAT 38 PVD 33 WTO 51 OC 408
8538/04 AMLAT 36 PVD 31 WTO 49 OC 404

+ COR 1 (es)

Item 45 : 8619/04 SOC 195
+ ADD 1
+ ADD 2
+ ADD 3

Item 46 : 8620/04 SOC 196
+ COR 1
+ COR 2

+ COR 2 REV 1 (fr, nl, da, pt)
+ ADD 1
Item 51: 8454/04 STAT 39 FIN 201 OC 392
   + ADD 1
   8103/1/04 STAT 16 FIN 163 REV 1
   8104/1/04 STAT 17 FIN 164 REV 1
   8105/1/04 STAT 18 FIN 165 REV 1
   8107/1/04 STAT 19 FIN 166 REV 1
   8108/1/04 STAT 20 FIN 167 REV 1
   8109/1/04 STAT 21 FIN 168 REV 1
   8110/1/04 STAT 22 FIN 169 REV 1
   8111/1/04 STAT 23 FIN 170 REV 1
   + COR 1 (fr)
   8112/1/04 STAT 24 FIN 171 REV 1
   8113/1/04 STAT 25 FIN 172 REV 1
   8114/1/04 STAT 26 FIN 173 REV 1
   8116/1/04 STAT 28 FIN 175 REV 1

Item 57a) : 7653/1/04 REV 1 AGRI 77 AGRIFIN 35 AGRIORG 24 ELARG 46 OC 265
   + COR 1 (en)

Item 69: 8622/04 PECHE 165 OC 419
   + ADD 1
   + ADD 1 COR 1
   8072/04 PECHE 134 OC 330
   + COR 1.

3. **Draft Framework Decision on the application of the principle of mutual recognition to confiscation orders**
   8782/04 COPEN 48

The Council reached a general approach on the above draft Framework Decision subject to parliamentary reservations by three delegations.

The Council expects to be able to proceed to formal adoption of the Decision at its meeting in June 2004, following further technical work to be carried out on the certificate annexed to the draft and scrutiny of the complete text by Legal/Linguistic experts.

The text of the Decision agreed in the Council is set out in document 9098/04 COPEN 56.

   8560/1/04 EUROJUST 25 REV 1
   8284/1/04 EUROJUST 24 REV 1

The Council held an exchange of views on the report of Eurojust for 2003 contained in document 8284/1/04 EUROJUST 24 REV 1 following a presentation by Mr Michael KENNEDY, President of Eurojust.

The Council adopted the conclusions contained in document 8560/1/04 EUROJUST 25 REV 1.

5. **Follow up to the European Council Declaration on Terrorism**

The Council took note of progress achieved on some elements of the above Declaration, for example the adoption of the Directive on the compensation of crime victims and the Directive on the obligation of carriers to communicate passenger data, the approval of the agreement between Europol and Eurojust, as well as the general approach on the Framework Decision on the application of the principle of mutual recognition to confiscation orders.

The Commission indicated that it was in a position to bring forward proposals on the exchange of information on lost and stolen passports, in keeping with the requirement in the European Council declaration. The Council welcomed that fact.

The Council also took note of comments from delegations on progress made in implementation of instruments such as the European Arrest Warrant.

Mr de VRIES, Counter-terrorism Co-ordinator, briefed the Council on the way forward in his report to be presented to the next European Council on 17 and 18 June 2004.
The Justice and Home Affairs Council will hold a detailed discussion on this issue at its next meeting on 8 June 2004. It will, inter alia, examine a consolidated roadmap incorporating the items remaining in the 2001 Action Plan against terrorism, as well as the measures foreseen by the Declaration on combating terrorism, an interim report on the two peer-evaluation exercises underway, and a report on the implementation by the Member States of the EU instruments relevant for the fight against organised crime. It will seek to adopt the Council Decision establishing the Visa Information System (VIS).

6. **Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status**

8415/1/04 ASILE 30 REV 1

The Council reached a general approach on the above proposal, subject to parliamentary scrutiny reservations. The Council also,
- adopted the statement contained in the Annex to these minutes;
- decided to reconsult the European Parliament on its general approach, subject to the above statement.

The text resulting from the proceedings of the Council is set out in 8771/04 ASILE 33.

7. **Appointment of Director of Europol**

The Council held an exchange of views on the above appointment and agreed to return to this question at its next meeting.

8. **A.O.B.**

The Commission briefed the Council on the state of play concerning visa reciprocity and the recently approved Commission proposal requesting the Council for a mandate to negotiate a visa facilitation agreement with the Russian Federation.
Re item 6 Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status

**Statement to the Council Minutes**

Re Article 30

"The Council" recalls the conclusions of the European Council at Thessaloniki which, *inter alia*, invited the Council to examine "the possibilities to further reinforce the asylum procedures in order to make them more efficient with a view to accelerating, as much as possible, the processing of non-international protection-related applications".

The Council considers that it is necessary to identify quickly and effectively those persons in need of protection, and in parallel, to provide for mechanisms to prevent abuse in order to maintain the credibility of the institution of asylum. The establishment of a minimum common list of safe countries of origin is such a mechanism. Identification of countries for inclusion on this list is based on: the experiences of Member States with regard to the national application of the safe country of origin principle and the cessation clauses of the Geneva Convention; their fulfilment of the criteria in Annex II of the draft Directive; and the number of asylum applications lodged in the Member States by nationals of those countries.

The Council considers, having regard to the preparatory work already conducted, that apart from Romania and Bulgaria, the following countries may also be suitable for inclusion on a minimum common list of safe countries of origin to be adopted as part of this Directive:

Benin, Botswana, Cape Verde, Chile, Costa Rica, Ghana, Mali, Mauritius, Senegal, Uruguay.
The Council undertakes, prior to the date on which the European Parliament will be reconsulted with regard to this draft Directive, to conduct during the coming months an in-depth assessment of these countries to ensure that they fulfil the criteria in Annex II. When conducting this assessment, regard shall be had to a range of information sources, including information from the Member States, the UNHCR, the Council of Europe and other international organisations.

Where, following this assessment, a country is considered not to fulfil the criteria in Annex II, that country shall not be included on the minimum common list of safe countries of origin."