COUNCIL OF
THE EUROPEAN UNION

Brussels, 19 July 2001

9205/01

LIMITE

PV/CONS 26
JAI 42

DRAFT MINUTES

Subject: 2350th meeting of the Council (Justice, Home Affairs and Civil Protection), held in Brussels on 28 and 29 May 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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1. **Adoption of the agenda**  
8943/01 OJ/CONS 26 JAI 35

The Council adopted the above agenda, with the addition of the following items under "Any Other Business":

- Resolution on the creation of national centres and organisations for the fight against the disappearance and sexual exploitation of children
- Europol - Agreements with Norway, Iceland and Interpol
- European Observatory for Migration

2. **Approval of the list of “A” items**  
8944/01 PTS A 27

With the exception of items 16, 28, 29, 30 and 34, the Council approved the "A" items as contained in doc. 8944/01 PTS A 27.

Items 3, 27 and 35 should read as follows:

   docs 9073/01 MIGR 48 COMIX 384  
   + ADD 1  
   7859/1/01 MIGR 24 COMIX 259 REV 1  
   + COR 1 (de,it,nl,en,da,es,pt,sv)  
   approved by Coreper, Part II, on 23.05.01

27. Continuation of work on Schengen evaluation and implementation, action programme and timetable  
   docs 8968/01 SCH-EVAL 18 COMIX 378  
   8881/01 SCH-EVAL 17 COMIX 371  
   + **COR 1 (d)**  
   approved by Coreper, Part II, on 16.05.01

35. Proposal for a Council Decision on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the Republic of Argentina pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 for the modification of concessions with respect to garlic provided for in Schedule CXL annexed to the GATT  
   docs 8732/01 WTO 53 COMER 49  
   8733/01 WTO 54 COMER 50  
   + COR 1 (el)  
   + **COR 2 (es)**  
   approved by Coreper, Part II, on 23.05.01
Addendum 1 to these minutes gives information on items 3, 5, 12, 24 and 31.

With regard to item 25 ("Draft Council Decision adjusting the basic salaries and allowances applicable to Europol staff") the Danish delegation requested that the following statement be put into these minutes:

"Denmark underlines that the yearly study of basic salaries and allowances applicable to Europol staff as foreseen in article 44 of the Staff Regulations of Europol should not automatically lead to the adjustment of the basic salaries and allowances applicable to Europol staff."

In respect to items 28, 29 and 30 ("Agreements between Interpol / Norway / Iceland and Europol"), the Presidency noted that political agreement has been reached on the aforementioned agreements and that - following the lifting of the French parliamentary scrutiny reservation - the points will be submitted as soon as possible to Council as "A" items for formal adoption.

The President furthermore noted that, in respect to the co-operation to be started between Interpol / Norway / Iceland and Europol, this co-operation will – apart from its operational elements – bring about close and regular contacts between Europol, including its organs and bodies, and the third states and organisations with whom co-operation agreements have been concluded. He therefore called on Europol and its organs and bodies – such as the Management Board, the Director, the Heads of national units and the Joint Supervisory body – to take appropriate measures for providing close co-operation with Norway, Iceland and Interpol whenever this is of importance for the application of the co-operation agreements and in order to achieve a high standard of data protection. This includes appropriate mechanisms for consultations and exchange of information and views on different levels.


The outcome of proceedings is set out in 9400/01 COPEN 24 COMIX 422.
4. **Council Framework Decision on combating trafficking in human beings**
   
   8599/1/01 DROIPEN 43 MIGR 41 REV 1
   
   + COR 1
   
   The outcome of proceedings is set out in 9009/01 DROIPEN 48 MIGR 45.

5. **Council Regulation on cooperation between the courts of the Member States of the European Union on the taking of evidence in civil and commercial matters**

   9047/01 JUSTCIV 76
   
   + ADD 1
   
   8607/01 JUSTCIV 62
   
   11808/00 JUSTCIV 103
   
   + COR 1 (fi)
   
   The Council

   - took note of the oral statement made by the Greek delegation, as set out in the Annex to these minutes;

   - Adopted the Regulation on co-operation between the courts of the Member States in the taking of evidence in civil or commercial matters, as set out in do. 8607/01 JUSTCIV 62 + COR 1 + COR 2(de) + COR 3;

   - took note of the statement contained in the Annex to doc. 9047/01 JUSTCIV 76. (See also Addendum 1 to these minutes).


   The Council

   - took note of an oral statement by the French delegation recalling the interest to preserve the principles and objectives set out in the directives for negotiations;

   - adopted the Directives for negotiations, as set out in Annex I of the Council Decision that was presented to the Council;
- authorised the opening of the negotiations in accordance with the joint Council and
  Commission statement, set out in Annex II, of the Council Decision that was presented
  to the Council and agreed at the Council on 22 December 2000 when adopting the
  Regulation (EC) N° 44/2001;

- took note of the statements set out in Annex III of the Council Decision that was
  presented to the Council.

7. **Directive on temporary protection in case of mass influx of displaced persons in need of
   international protection**

   8964/01 ASILE 28

   The Council reached political agreement on the draft Directive and instructed the Permanent
   Representatives Committee to actively pursue work in order to ensure the legal and linguistic
   editing of the text, as well as the examination of the opinion of the Committee of the Regions,
   with a view to adopting the Directive as soon as possible.

8. **Directive on the right to family reunification**

   9019/01 MIGR 46

   The Council held a general discussion on the principles underpinning the draft Directive on
   family reunification, and in particular on the question of the level of harmonisation to be
   striven for in this area.

   The Council addressed in particular the question of whether the scope of the proposal
   (Article 5) should be limited to members of the nuclear family or also cover other family
   members, as well as the question of the duration of various time-limits contained in Articles 8,
   13 and 14 of the draft Directive.
Noting a certain degree of progress with regard to Article 14, but also that many outstanding issues still remained, including the general reservation of the Austrian delegation due to the incompatibility of the proposed rules with the quota system prevailing in Austria, the Council instructed its relevant bodies to pursue discussions with a view to achieving a reasonable level of harmonisation on the basis of differentiated levels of rights in accordance with the extent of the family ties.

9. Protection of the euro against counterfeiting
8591/1/01 CRIMORG 53 DROIPEN 41 REV 1

Subject to a parliamentary scrutiny reservation by the United Kingdom delegation, the Council reached provisional agreement on the substance of the draft Council Decision on the protection of the euro against counterfeiting set out in Annex I of document 8591/1/01 CRIMORG 53 DROIPEN 41 REV 1.

The Council also agreed on the procedure set out in this document concerning the submission of a draft Framework Decision (containing the substance of Article 5 of the draft Council Decision), the deletion of Article 5 from the draft Council Decision, and the consultation of the European parliament on the revised draft Council Decision and the draft Framework Decision.

Finally, the Council adopted the Council conclusions on Europol's role in protecting the euro, set out in Annex II of document 8591/1/01 REV 1.

10. Principles for financing SIS II
8735/1/01 CATS 17 SIS 47 COMIX 360 REV 1

The Council adopted the conclusions set out in doc. 8735/1/01 CATS 17 SIS 47 COMIX 360 REV 1.

M. Vitorino stated that the Commission was prepared to take up its responsibilities for the execution of this task and informed the meeting that his services were already making the necessary budgetary preparations to ensure that adequate financial and human resources be made available.
The Finnish, Austrian and German delegations stressed the importance of this project in view of the enlargement of the EU.

The French, German and Spanish delegations urged that the expertise gained with the current SIS be used and that the concerned national experts be fully involved in the development of SIS II.

11. **Directive on the criminal law protection of the Community's financial interests**  
   (information from the Commission)


12. **Scoreboard**  
   (information from the Commission)

The Council took note of a presentation by Commissioner Vitorino of the latest updated version of the JHA scoreboard.

13. **Any other business**  
   - **Resolution on the creation of national centres and organisations for the fight against the disappearance and sexual exploitation of children (information from the Belgian delegation)**  
     9004/01 DROIPEN 47 ENFOPOL 49 SOC 193

The Belgian Minister made a presentation of a proposal for a resolution on the creation of national centres and organisations for the fight against the disappearance and sexual exploitation of children, which Belgium will submit to the Council for adoption during its Presidency.
- **Europol - Agreements with Norway, Iceland and Interpol**

The Council confirmed that political agreement had been reached on the signing of three agreements between Europol on the one hand, and Norway, Iceland and Interpol on the other. Following the lifting of a French parliamentary scrutiny reserve, the items will be submitted as soon as possible to Council for formal adoption.

- **European Observatory for Migration**

The Greek Minister expressed the intention of his Government to propose a regulation setting up a European Observatory for migration.

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**In the margins of the Council meeting: Mixed Committee at ministerial level**

The minutes of the Mixed Committee are contained in 9334/01 JAI 49 COMIX 417.
Re. item 5 on the agenda

REGULATION ON COOPERATION BETWEEN THE COURTS OF THE MEMBER STATES IN THE TAKING OF EVIDENCE IN CIVIL OR COMMERCIAL MATTERS

Statement by Greece

"Greece considers that public policy, i.e. fundamental principles of law, should, in the long term, be eliminated as a reason for refusing judicial assistance. Fundamental principles are universal and should therefore be common to the Member States. Initially, public policy as a reason for refusing judicial assistance could be considered as meaning European public policy and not national public policy, as the latter may include particular national characteristics which are of a less fundamental nature contrary to the idea of harmonisation and the creation of a Community based on the rule of law in the European Union."