

6162/03 (Presse 42)

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- JUSTICE AND HOME AFFAIRS -

Brussels, 27-28 February 2003

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6162/03 (Presse 42)

CONTENTS¹

PARTICIPANTS..... 4

ITEMS DEBATED

MINIMUM STANDARDS FOR THE QUALIFICATION AND STATUS OF THIRD-
COUNTRY NATIONALS AND STATELESS PERSONS AS REFUGEES OR AS
PERSONS WHO OTHERWISE NEED INTERNATIONAL PROTECTION 5

RIGHTS TO FAMILY REUNIFICATION..... 6

STRENGTHENING OF THE PROCEDURES FOR PASSPORT CONTROL AT THE
SCHENGEN AREA ENTRY POINTS 9

INFORMATION BY THE COMMISSION AND ORIENTATION DEBATE 10

FIGHTING ORGANISED CRIME IN THE WESTERN BALKANS - OPEN DEBATE..... 11

EU AND USA JUDICIAL COOPERATION IN CRIMINAL MATTERS AND ON
EXTRADITION..... 14

COMBATING RACISM AND XENOPHOBIA 17

MUTUAL RECOGNITION TO FINANCIAL PENALTIES 18

ATTACK AGAINST INFORMATION SYSTEMS..... 19

OTHER BUSINESS 20

¹

- *Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.*
- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
- *Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the above mentioned Council Internet site or may be obtained from the Press Office.*

ITEMS APPROVED WITHOUT DEBATE

JUSTICE AND HOME AFFAIRS

– Schengen - Financial Regulation SISNET	I
– Developments of the Schengen acquis with regard to Iceland and Norway.....	I
– Schengen rules on the issue of visas at the border, including visas to seamen in transit.....	I
– Visas to participants in Euromed meetings	I
– Common use of liaison officers posted abroad.....	II
– Eurojust	II
– European Union Drugs Strategy - Treatment of drug abusers in prisons - Council Resolution.....	II
– Malta - Revised report on implementation of EU acquis	IV
– Mobile equipment on matters specific to railway rolling stock.....	IV
– New Lugano Convention.....	V

EXTERNAL RELATIONS

– Moldova - Restrictive measures against the Transnistrian leadership.....	V
– Restrictive measures against Al-Qaida and the Taliban / Exceptions	V
– Relocation of EU missions in Kazakhstan from Almaty to Astana - Council conclusions	V

ESDP

– EU-led Operation in FYROM / Financing Mechanism.....	VI
– EU-led Operation in FYROM / Status of Forces Agreement.....	VI

ACP-UE

– Centre for the Development of Enterprise - Discharge for budget for 2000	VI
--	----

ENERGY

– Monitoring of imports of hard coal originating in third countries.....	VII
--	-----

TRANSPARENCY

– Public access to Council documents.....	VII
---	-----

PARTICIPANTS

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

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Mr Antoine DUQUESNE
Mr Marc VERWILGHEN

Minister for the Interior
Minister for Justice

Denmark:

Ms Lene ESPERSEN
Mr Bertel HAARDER

Minister for Justice
Minister for Refugees, Immigration and Integration and Minister without portfolio with responsibility for European Affairs

Germany:

Mr Otto SCHILY
Ms Brigitte ZYPRIES

Federal Minister for the Interior
Minister for Justice

Greece:

Mr Michalis CHRISOCHOÏDIS
Mr Philippos PETSALNIKOS

Minister for Public Order
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Minister for the Interior
State Secretary for Justice
State Secretary, Government Representative for Aliens' Affairs and Immigration

France:

Mr Pierre SELLAL

Ambassador, Permanent Representative

Ireland:

Mr Michael McDOWELL

Minister for Justice

Italy:

Mr Roberto CASTELLI
Mr Alfredo MANTOVANO

Minister for Justice
State Secretary for the Interior

Luxembourg:

Mr Luc FRIEDEN

Minister for Justice, Minister for the Treasury and the Budget

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Mr Hilbrand NAWIJN

Minister for Aliens' Affairs and Integration

Austria:

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Federal Minister for the Interior

Portugal:

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State Secretary to the Minister for the Interior

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Lord Geoffrey FILKIN

Parliamentary Under-Secretary of State, Home Office

* * *

Commission :

Mr António VITORINO

Member

ITEMS DEBATED

MINIMUM STANDARDS FOR THE QUALIFICATION AND STATUS OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS AS REFUGEES OR AS PERSONS WHO OTHERWISE NEED INTERNATIONAL PROTECTION

The Council examined some Articles of this proposal (Articles 20 to 38) relating in particular to the minimum obligations that Member States shall have to those to whom they grant international protection.

The Council instructed its relevant bodies to further examine the proposal with a view to reaching a political agreement within the time limit decided by the Seville European Council (June 2003).

The purpose of the proposal (*doc. 13620/01*) is to provide a framework for an international protection regime, based on existing international and Community obligations and current Member States practice, and separated into the two complementary categories of refugee and subsidiary protection. The proposal includes provisions on the minimum rights and benefits to be enjoyed by the beneficiaries of refugee status and of subsidiary protection status.

It is recalled that at its meeting on 28 November 2002, the Council reached agreement, pending some parliamentary reservations and reservations from one delegation, on the provisions which concern the rules on the recognition of a third country national as a refugee or as a person eligible for subsidiary protection (Articles 1 to 19).

Discussions in the Council bodies have shown that the rights to be granted to beneficiaries of refugee status are widely uncontested, while divergences persist concerning the level of the rights to be granted to the beneficiaries of subsidiary protection status.

RIGHTS TO FAMILY REUNIFICATION

The Council defined a general approach on the Directive on the right to family reunification, which will become the first legal instrument adopted by the Community in the area of legal immigration.

The purpose of the Directive is to determine the conditions under which family members of a third-country national, who resides lawfully in the territory of a Member State and has reasonable prospects of obtaining the right of permanent residence, can enter into and reside in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry.

According to the text agreed, the Member States shall authorise the entry and residence of the following family members:

- the sponsor's spouse;
- the minor children of the sponsor and of his/her spouse, including children adopted in accordance with a decision taken by the competent authority in the Member State concerned or a decision which is automatically enforceable due to international obligations of that Member State or must be recognised in accordance with international obligations;
- the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. Member States may authorise the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement.

- the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her. Member States may authorise the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement.

The minor children referred to in this Article must be below the age of majority set by the law of the Member State concerned and must not be married.

By way of derogation, where a child is aged over 12 years and arrives independently from the rest of his/her family, the Member State may, before authorising entry and residence under this Directive, verify whether he or she meets a condition for integration provided for by its existing legislation on the date of implementation of this Directive.

The Member States may, by law or regulation, authorise the entry and residence of the following family members:

- first-degree relatives in the direct ascending line of the sponsor or his or her spouse, where they are dependent on them and do not enjoy proper family support in the country of origin;
- the adult unmarried children of the sponsor or his or her spouse, where they are objectively unable to provide for their own needs on account of their state of health.

The Member States may, by law or regulation, authorise the entry and residence of the unmarried partner, being a third-country national, with whom the sponsor is in a duly attested stable long-term relationship, or of a third-country national who is bound to the sponsor by a registered partnership, and the unmarried minor children, including adopted children, as well as the adult unmarried children who are objectively unable to provide for their own needs on account of their state of health, of such persons.

Member States may decide that registered partners are treated equally as spouses with respect to family reunification.

In the event of a polygamous marriage, where the sponsor already has a spouse living with him in the territory of a Member State, the Member State concerned shall not authorise the family reunification of a further spouse. Member States may limit the family reunification of minor children of a further spouse and the sponsor.

In order to ensure better integration and to prevent involuntary marriages, Member States may require the sponsor and his/her spouse to be of a minimum age, and at maximum the age of 21, before the spouse is able to join him/her.

By way of derogation, Member States may request that the applications concerning family reunification of minor children have to be submitted the age of 15, as provided for by its existent legislation on the date of implementation of this Directive. If the application is submitted after the age of 15, the Member States which decide to apply this derogation shall authorise the entry and residence of such children on grounds other than family reunification.

It is recalled that the first proposal was presented by the Commission in January 2000. A second amended proposal was submitted by the Commission in May 2002. The European Council of Seville invited the Council to adopt this Directive by June 2003.

STRENGTHENING OF THE PROCEDURES FOR PASSPORT CONTROL AT THE SCHENGEN AREA ENTRY POINTS

The Council heard a Commission's oral report on the follow-up to the Council conclusions on external border checks and combating illegal immigration, in particular with regard to the stamping of travel documents, as set out in the Council conclusions adopted last December (*doc. 15737/02*).

The Council welcomed the Commission's presentation, in particular the Commission's announcement to present concrete proposals on this issue by next month.

The Council also welcomed a common statement by Germany and France on the use of biometrics with a view to improving the security of travel documents.

It is recalled that the issue of affixing stamps in travel documents was addressed by the French delegation at the JHA Council meeting on 14 and 15 October 2002. In particular, France asked for a common and consistent approach for those situations where third-country nationals, whose travel documents should be stamped, are apprehended when holding travel documents which do not bear a stamp.

Finally, at its meeting on 19 December 2002, the JHA Council adopted conclusions on external border checks and combating illegal immigration. These conclusions invited the Commission:

- to clarify the existing rules of the Schengen acquis and to reflect on amending the relevant rules accordingly, and
- to consider the possibility of further harmonising the procedures to be followed in general in relation to border checks and subsequent controls on third-country nationals.

INFORMATION BY THE COMMISSION AND ORIENTATION DEBATE

Under this item, the Council heard an oral presentation by the Commission on the current state of play of:

- the study concerning burden-sharing between Member States and the Union for the management of external borders, which, according to the Seville European Council conclusions, should be delivered before June 2003; and
- the feasibility study on improving sea-borders controls, which was requested by the Council in the framework of the comprehensive plan to combat illegal immigration and human trafficking in the European Union.

The Council invited the Commission to deliver these studies as soon as possible.

The Council also held an orientation debate on the effectiveness of financial resources available at Community level for the implementation of Community's policy on asylum and migration (Part II of the Commission communication on integrating migration issues in the European Union's relations with third countries) (*doc. 15284/02*). This debate focused in particular on the following five items:

- overall assessment of inadequacy of existing JHA Community Funds,
- burden-sharing on external borders,
- European Refugee Fund,
- return policy, and
- relations with third countries of origin and transit.

Following the debate, the Presidency invited delegations to submit, by 10 March 2003, written comments to these five items, with a view to a further discussion on the financial resources available at Community level in Veria, at the Informal Ministerial Meeting to be held on 28-29 March 2003.

FIGHTING ORGANISED CRIME IN THE WESTERN BALKANS - OPEN DEBATE

The Council held an open debate on fighting organised crime in the Western Balkans. This debate was transmitted, live, to the public.

During the debate, the Council recalled that organised crime in South Eastern Europe is a phenomenon that is undermining the impressive and so far successful efforts of the international community especially the European Union to pursue reform and establish the rule of law. Furthermore, the Council stressed that this repercussions on the EU itself as criminal groups from the Balkans are pursuing their activities on the territory of Member States.

For these reasons, the Council considered that a new dimension should be given to the fight against organised crime in the Balkans, and that Europol should play a role in the region.

The Council also decided to further examine this issue at the Informal Ministerial Meeting which will be held in Veria on 28-29 March 2003 and to discuss the question with the Balkan countries at the next Justice and Home Affairs Troika meeting on 23 April 2003.

It is recalled that the framework for the cooperation between the EU and the Western Balkans countries is the Stabilisation and Association Process (SAP), which is complemented by the Stability Pact. Support to the Balkan countries is offered through the CARDS programme as well as through other channels.

At the Zagreb Summit, held on 24 November 2000, the Governments of Albania, the former Yugoslav Republic of Macedonia, Bosnia-Herzegovina, Croatia and Serbia and Montenegro, undertook to establish regional cooperation conventions targeting organised crime, including illegal immigration. On 28 March 2001, a joint declaration was adopted in Sarajevo on the follow-up given to the commitments of the Zagreb Summit regarding regional co-operation in the area of asylum and immigration.

In this declaration, Ministers supported the EU backed initiative to establish a formal network of EU immigration liaison officers in the region to work with the authorities of the SAP countries, in particular at local level, to target the criminal syndicates organising illegal migration flows. The SAP countries also undertook to align their legislation to the 2000 UN Convention against Transnational Organised Crime, including the Protocol against smuggling of migrants as well as the Protocol to prevent, suppress and punish trafficking in persons, especially women and children. Other measures stated in the Declaration include regional cooperation and alignment to EU standards with regard to asylum and immigration.

On 30 November 2001, a Senior Civil Servants meeting was organised in Belgrade on the follow-up to the Sarajevo Declaration regarding cooperation in the area of asylum and immigration. It was noted that the governments in the region had shown their commitment to address irregular migration from and through the Western Balkans i.a. by raising normative standards with regard to asylum and immigration and by regional cooperation. However, some outstanding issues were still to be addressed, in particular the fight against organised crime in the form of trafficking and smuggling in human beings.

Recent measures to combat illegal migration from and through the Western Balkans are :

- On 28 May 2001, the JHA Council adopted conclusions concerning the creation of a network of national immigration liaison officers to help control illegal migration flows through the Western Balkans region. These conclusions invited Member States to set up this network by 30 June 2001. Belgium took the lead in this project. The project started in December 2001 and is now in its second phase. A survey is being carried out among immigration liaison officers in the Balkan region on their needs and expectations. Local meetings will be organised in Romania (21/2), Albania (28/2), Croatia (7/3) and the Czech Republic (14/3). The network is expected to be operational by the end of December of 2003.

The need for the implementation of the Belgium-led ILO network in the Western Balkans was underlined by the JHA Council at its meeting on 28 and 29 November 2002. The Council also invited Member States to deploy more liaison officers.

- Another initiative in the Western Balkans was the United Kingdom-led IMMPACT project in Bosnia-Herzegovina. The so-called Blair/Amato initiative, in early 2001, proposed sending immigration experts to assist the State Border Service in Bosnia and Herzegovina. Led by the United Kingdom, a team of EU immigration experts provided training and on-the-spot assistance for a one-year period (ending 30/8/02). A similar IMMPACT project was approved by Strategic Committee on Immigration, Frontiers and Asylum and will be implemented in Serbia-Montenegro in 2003.
- Following the first CIREFI meeting with representatives from the Western Balkans, held on 24 April 2002, the Presidency intends to organise a second meeting with these countries in May 2003.
- At the General Affairs External Relations Council of 18 and 19 November 2002, the Council adopted conclusions with regard to intensified cooperation on the management of migration flows with third countries and referred, in particular, to Albania and the Federal Republic of Yugoslavia (Serbia and Montenegro).

EU AND USA JUDICIAL COOPERATION IN CRIMINAL MATTERS AND ON EXTRADITION

The Council agreed that the Presidency has conducted the negotiations efficiently, with an encouraging outcome. However, some delegations have expressed concerns on specific points. For the time being, the negotiation of the Agreement should be suspended, in order to allow time to examine all relevant aspects of the text, in order to take a final decision at the next meeting of the JHA Council.

If possible, the Council could conclude the Agreement on May or June, after having involved the parliaments in an appropriate manner.

This agreement will have two contracting parties: the EU and the USA. It is recalled that the European Union, by virtue of articles 24 and 38 of the Treaty, can conclude agreements on extradition and on mutual legal assistance.

The agreement should supplement (not replace) bilateral agreements between the US and Member States of the EU, and should add value to such bilateral agreements and provide for the necessary guarantees for the protection of human rights and fundamental freedoms and respect the constitutional principles of the Member States.

Some of the main subjects included in the draft agreement are the following:

1) Extradition

- As regards the delays in handling of requests, the draft agreement alleviates legalisation and certifications requirements, and simplifies documentation to be provided and improves channels of transmission, in particular in urgent cases concerning provisional arrest, and facilitates direct contacts between central authorities.

- Member States will be able to continue to apply their grounds of refusal of their bilateral extradition treaties. Both parties respect the right to a fair trial by an impartial tribunal established pursuant to law.
- The draft agreement contains a provision that prohibits extradition if the death penalty will be imposed or executed.
- In case of sensitive information, the draft agreement allows to ask for consultations to determine the extent to which information, in a request, can be protected by the requested State.
- As far as competing requests, the agreement deals with the issue of a concurrence between an extradition request from the USA and one from another State, or when this other State is a Member State, a European Arrest Warrant.

2) Mutual legal assistance

- The draft agreement improves co-operation in the area of investigations into financial elements of serious crime, including organised crime, terrorism and financial crime.
- It also contains practical co-operation by reducing delays in mutual legal assistance, and also allows for the creation of Joint Investigative Teams and the possibilities of videoconferencing.
- Member States will be able to continue to apply their of grounds for refusal from the bilateral mutual legal assistance treaties or legal principles of domestic law.
- Those Member States that at present do not have a mutual legal assistance treaty with the USA, may refer to their *ordre public* (security, sovereignty, or other essential interests of the requested State) in order to refuse to communicate information in certain cases.
- The agreement contains extensive provisions in relation to data protection and the provision of evidence and information.

It is recalled that the need to coordinate action against the various forms of transnational crime and strengthen judicial cooperation has been raised a number of times in proceedings at the Council, particularly at the high-level meetings with the US and Canada.

Furthermore, at its extraordinary meeting on 20 September 2001 immediately following the terrorist attacks in the US, the Council agreed on the necessity for the Union to speed up the process of creating an area of freedom, security and justice and to step up cooperation with its partners, especially the US. More specifically, the Council agreed on the principle of proposing to the US that an agreement be negotiated between the EU and the US in the field of penal cooperation on terrorism.

COMBATING RACISM AND XENOPHOBIA

The Council examined some outstanding issues of the proposal for a Framework Decision for combating racism and xenophobia. Discussions focused on the introduction in a Framework Decision of references to national constitutional rules and on the implementation of mutual legal assistance with regard to double criminality.

The Council instructed its relevant bodies to further examine these points with a view to reaching an agreement at one of its forthcoming sessions.

It is recalled that the main purpose of this Framework Decision is to define a common criminal law approach in the EU to the phenomenon of racism and xenophobia in order to ensure that the same behaviour constitutes an offence in all Member States and that effective, proportionate and dissuasive penalties and sanctions are provided for natural and legal persons having committed such offences.

The proposal concerns both the definition of the conduct, which must be punishable, the penalties applicable to this conduct and measures for ensuring effective judicial cooperation between Member States in this respect.

It aims at overcoming obstacles for efficient judicial cooperation which are mainly based on the divergence of legal approaches in the Member States. It lays down provisions for approximation of laws and regulations of the Member States and for closer cooperation between their judicial and other authorities regarding offences involving racism and xenophobia.

MUTUAL RECOGNITION TO FINANCIAL PENALTIES

The Council, on the basis of a Presidency compromise text, examined the proposal on the Framework Decision on the application of the principle of mutual recognition to financial penalties.

Delegations commented mainly on the list of offences which will give rise to recognition and enforcement of decisions and the road traffic offences.

As the original compromise text which was discussed at the Justice and Home Affairs Council on 19 December 2002, the new Presidency compromise text follows the approach that the Framework Decision would cover all financial penalties. The idea is that, regarding financial penalties imposed in respect of offences listed in Article 2 of the Framework Decision on the European arrest warrant and certain additional offences, as well as road traffic offences, the executing State would not be able to invoke the principle of double criminality as a ground for refusal. Regarding offences outside this area, the principle of double criminality could be applied .

The Council instructed its relevant bodies to pursue work on the draft Framework Decision with a view to reaching an agreement at one of its forthcoming meetings.

ATTACK AGAINST INFORMATION SYSTEMS

The Council, pending to some parliamentary scrutiny reservations and without prejudice of the examination of the opinion of the European Parliament, reached a common approach on the Framework Decision on attacks against information systems.

The Council considered that this is a very important instrument as there is a growing and worrying concern of organised criminals using communication networks to launch attacks against information systems for their own purposes.

The objective of this Framework Decision is to improve co-operation between judicial and other competent authorities, including the police and other specialised law enforcement services of the Member States, through approximating rules on criminal law in the Member States in the area of attacks against information systems.

There is evidence of attacks against information systems, in particular as a result of the threat from organised crime, and increasing concern at the potential of terrorist attacks against information systems which form part of the critical infrastructure of the Member States. This constitutes a threat to the achievement of a safer Information Society and an Area of Freedom, Security and Justice, and therefore requires a response at the level of the European Union.

Significant gaps and differences in Member States' laws in this area hamper the fight against organised crime and terrorism, and act as a barrier to effective police and judicial co-operation in the area of attacks against information systems. The trans-national and borderless character of modern electronic communication networks means that attacks against information systems are often international in nature, thus underlining the urgent need for further action to approximate criminal laws in this area.

This Framework Decision requires Member States to establish the criminal offence of illegal access to information systems. It also provides penalties for attacks against information systems which are effective, proportionate and dissuasive, including custodial sentences in serious cases.

OTHER BUSINESS

Under Any Other Business, the Council

- took note of an information by the Commission concerning the current state of the implementation of the Afghanistan return plan, which was adopted by the Council on 28 November 2002 (*doc. 15215/02*), and

- briefly discussed the question of safe countries as regards asylum.

ITEMS APPROVED WITHOUT DEBATE

JUSTICE AND HOME AFFAIRS

Schengen - Financial Regulation SISNET

(doc 5194/03)

The Council decided to amend Decision 2000/265/EC relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "Sisnet". As from 1 January 2003, the task of financial controller shall be carried out by an official or servant of the General Secretariat of the Council appointed to that end by decision of the Deputy Secretary-General, who shall define the terms of this control.

Developments of the Schengen acquis with regard to Iceland and Norway

(doc 5853/02)

The Council adopted the Decision determining which provisions of the 1995 Convention on simplified extradition procedure between EU Member States and of the 1996 Convention relating to extradition between EU Member States constitute developments of the Schengen acquis in accordance with the Agreement concerning the Republic of Iceland's and the Kingdom of Norway's association with the implementation, application and development of the Schengen acquis.

Schengen rules on the issue of visas at the border, including visas to seamen in transit

(doc 5477/03)

The Council adopted the Regulation on the issue of visas at the border, including the issue of such visas to seamen in transit.

The Regulation aims at clarifying and updating the rules for issuing visas at the border to seamen in transit, in particular to allow group transit visas to be issued at the border to seamen who are of the same nationality and are travelling in a group, as long as the period of transit is limited. The rules set out in this Regulation replace those contained in the Schengen Executive Committee Decision of 19 December 1996 on issuing visas to seamen in transit.

Visas to participants in Euromed meetings

(doc 6254/03)

The Council adopted conclusions on flexibility in issuing visas to participants in Euromed meetings in order to facilitate the issue of visas to persons participating regularly as national representatives in actions to promote the Euro-Mediterranean cooperation.

Common use of liaison officers posted abroad

(doc 15525/02)

The Council adopted the Decision on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States.

The aim of the Decision is to regulate questions relating to the fight against serious cross-border crimes. In the framework of strengthening cooperation between Member States in this respect, "liaison officers" will be posted to one or more third countries and international organisations to establish and maintain contacts with the authorities in those countries or organisations with a view to contributing to preventing or investigating criminal offences. Information from these liaison officers shall be transmitted to Europol.

Eurojust

(doc 5696/03)

The Council approved the election of Mr. Björn Blomqvist as Vice-President of Eurojust.

European Union Drugs Strategy - Treatment of drug abusers in prisons - Council Resolution

(doc 10497/4/02)

The Representatives of the Member States meeting within the Council adopted the following Resolution :

"Having regard to the European Union Drugs Strategy, approved by the European Council in Helsinki in December 1999, which states that the Union should follow a multidisciplinary strategy in which supply and demand reduction are seen as mutually reinforcing elements and that the Union should increase its efforts to reduce the negative consequences of drug abuse and to combat drug-related crime,

Having regard to the European Union Action Plan on Drugs, endorsed by the European Council in Santa Maria da Feira in June 2000, which states that the Member States should provide a wide variety of treatment services for drug users, allocate adequate resources to drug treatment so that drug users seeking treatment can be guaranteed treatment within a reasonable time, ensure that adequate attention is paid to social and professional rehabilitation and reintegration of former addicts, and intensify their efforts to provide measures to reduce health-related damage in prisons and on release from prison,

Taking into consideration Recommendation No. (98) 7 of the Committee of Ministers of the Council of Europe concerning the ethical organisational aspects of health care in prison especially recommendation 43 according to which " The care of prisoners with alcohol and drug-related problems needs to be developed further taking into account in particular the services offered for drug addicts, as recommended by the Co-operation Group to combat Drug Abuse and illicit Trafficking in Drugs ("Pompidou Group"). Therefore it is necessary to offer sufficient training to medical and prison personnel, and to improve co-operation with external counselling services, in order to ensure continuing follow-up therapy on discharge to the community", as well as the consensus declaration adopted by the Pompidou Group at its meeting in Bern in September 2000,

Whereas:

- (1) despite a major effort by the authorities in the Member States, it is very difficult to keep drugs out of prisons and similar institutions;
- (2) drug trafficking and consumption causes both health and daily management problems in prisons;
- (3) given the extent of the problem, every inmate – drug user or not – and staff members can be affected by the presence of drugs in prisons;
- (4) environment in those institutions may contribute to the continued drug abuse and in some cases to the intensification of that abuse;
- (5) experience shows that drug addiction constitutes one of the most frequent contributory factors associated with the perpetration of recidivistic property crime;
- (6) if prison sentences for drug abusers are to have any rehabilitative effect on the individual, the sentence must be accompanied with appropriate addiction treatment services and with controlled arrangements for release and rehabilitation;
- (7) drug abusers are disparate collection of individuals with very different needs as regards treatment services and other initiatives,

HEREBY CALL UPON Member States to:

1. continuously ensure that keeping illegal drugs out of all prison institutions is given the highest possible priority;
2. consider ways of introducing or expanding programmes that promote and enhance the health of drug abusers in prisons in a way that does not compromise the general efforts of keeping drugs out of prisons;
3. to the greatest extent possible, give drug abusers in prisons access to the social, health and rehabilitation services provided for non-criminal drug abusers;
4. to the greatest extent possible give prisoners who were receiving treatment for their drugs problem prior to imprisonment the possibility to continue the same treatment programme while serving the sentence;
5. make an effort to ensure that treatment and rehabilitation is provided in close cooperation with the normal treatment system which is to continue the treatment after the sentence has been served;
6. ensure that the treatment of drug abusers in prisons is aimed at rehabilitation and the prevention of future offences;
7. ensure that in connection with the treatment of drug abusers in prisons due respect is given to the principles of patient's consent and medical confidentiality;
8. ensure that drug abusers in prisons are offered as broad a range of treatment services as possible, allowing for example their participation in special treatment programmes facilitating their abstaining from drug use;
9. set up to the extent possible treatment services in close cooperation with the health authorities or others with particular experience in the treatment of drug abusers;
10. to give themselves the means of verifying whether addicts who have elected to join a support scheme after choosing to give up drugs remain committed to their choice;

11. enable former drug abusers who have served their sentences and who wish special support in connection with their re-entry to society to be released under controlled conditions into, for example, hostels or other institutions, under whose care they can receive advice from health personnel and social services, so as to reduce the risk that they slip back into drug abuse after they have served their sentences;
12. attempt to improve cooperation between social services and prison institutions in connection with the release of drug abusers after they have served their sentences, including if necessary the issue of more detailed guidelines for cooperation between such services and institutions;
13. introduce the possibility – possibly as pilot projects – of sentencing drug abusers to serve sentences in ordinary treatment institutions in cases where considerations of security, general crime prevention and the public sentiment of justice does not deem this inappropriate;
14. initiate special education programmes for prison personnel engaged in work in treatment units, and general programmes improving the ability of personnel in other units to work effectively with drug abusers and to improve the motivation of inmates to address their addiction problem.
15. monitor the effect of efforts made, for example by undertaking research into recidivism, with a view to ensuring that measures are continually being developed and rendered more effective, and
16. to the greatest extent possible, exchange information on experience and best practice in this area, partly by making full use of the European Crime Prevention Network, the EMCDDA as well as any other programs in this domain."

Malta - Revised report on implementation of EU acquis

The Council took note of a revised, updated evaluation report on the enactment, application and implementation by Malta of the European Union acquis in the field of justice and home affairs, in the context of Malta's accession to the EU.

The report covers border security, migration, asylum, police and customs, justice, human rights and corruption.

Mobile equipment on matters specific to railway rolling stock

The Council authorised the Commission to open negotiations for the adoption of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock, under the joint auspices of UNIDROIT and the Intergovernmental Organisation for International Carriage by Rail (OTIF).

New Lugano Convention

(doc 5852/03)

The Council requested for an opinion of the Court of Justice on the question whether the conclusion of the new "Lugano Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters" falls entirely within the sphere of exclusive competence of the Community or within the sphere of shared competence of the Community and the Member States.

EXTERNAL RELATIONS

Moldova - Restrictive measures against the Transnistrian leadership

The Council adopted a common position on restrictive measures (travel ban) against the leadership of the Transnistrian region of Moldova. The Council also adopted conclusions, and a joint EU-USA Statement was issued (*see Press release [6679/03 \(Presse 56\)](#)*).

Restrictive measures against Al-Qaida and the Taliban / Exceptions

The Council adopted a Common Position (*doc. 6382/03*) concerning specific exceptions to the restrictive measures imposed by Common Position 2002/402/CFSP implementing UN Security Council Resolution 1390 (2002) against Usama Bin-Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them. The decision aims to provide exceptions permitted by the UN Security Council in its Resolution 1452 (2002).

Relocation of EU missions in Kazakhstan from Almaty to Astana - Council conclusions

"The Council confirms its recognition of Astana as the capital city of Kazakhstan, and affirms the importance for the EU that it should be properly represented there. With this in mind, the EU will invite Kazakhstan to provide appropriate documentation so that Member States and the Commission may consider how to proceed with any relocation to Astana of activities currently conducted by Missions in Almaty."

ESDP

EU-led Operation in FYROM / Financing Mechanism

The Council adopted a decision establishing an operational financing mechanism to provide for the financing of the shared costs of the future European Union military Operation in the Former Yugoslav republic of Yugoslavia.

By Joint Action 2003/92/CFSP of 27 January 2003, the Council decided to conduct a military operation in FYROM. In accordance with the Treaty on European Union, the expenditure arising from this Joint Action is chargeable to the Member States. It is therefore appropriate to provide financial support for the Joint Action by establishing a financing mechanism to cover the part of the operational expenditure to be financed jointly.

EU-led Operation in FYROM / Status of Forces Agreement

The Council authorised the Presidency, assisted where necessary by the Secretary-General/High Representative, to open negotiations with the Former Yugoslav Republic of Macedonia to conclude an agreement on the status of the EU-led forces in the country.

ACP-UE

Centre for the Development of Enterprise - Discharge for budget for 2000

The Council agreed on a draft Decision giving a discharge to the Director of the Centre for the Development of Enterprise in respect of the implementation of the CDE's budget for the 2000 financial year, and decided to forward the text to the ACP states with a view to its adoption by the ACP-European Community Committee of Ambassadors by written procedure.

The revenue of the Centre for 2000 consisted principally of contributions from the European Development Fund amounting to 18.3 million euros.

ENERGY

Monitoring of imports of hard coal originating in third countries

(doc 5544/03)

The Council adopted the Regulation concerning Community monitoring of imports of hard coal originating in third countries. Applied retroactively from the expiry of the ECSC, the Regulation shall apply from 24 July 2002 and shall expire on 31 December 2010.

In the framework of the monitoring system, Member States shall provide the Commission with information on imports of hard coal and on the import prices of coal products intended for electricity production and for use in the steel industry in the Community.

TRANSPARENCY

Public access to Council documents

The Council adopted a reply to the confirmatory application made by Mr Ben HAYES (the Danish, Finnish, Swedish, German, French and Portuguese delegations voting against)

(doc. 5890/03 + COR 1).
