



Brussels, 23 April 2004

BACKGROUND ¹
JUSTICE AND HOME AFFAIRS COUNCIL
Luxembourg, 29 and 30 April 2004

The JHA Council will start its work on Thursday 29 at 10h00. The Council's agenda includes the following items : the draft Framework Decision on the application of the principle of mutual recognition to confiscation orders, the follow-up to the European Council Declaration on Terrorism and the Directive on minimum standards on procedures for granting and withdrawing refugee status.

Over lunch, Ministers will discuss the filling of the position of the Director of Europol.

A press conference will be held at the end of the Council meeting.

¹ This note has been drawn up under the sole responsibility of the Press Service.

APPLICATION OF THE MUTUAL RECOGNITION PRINCIPLE TO CONFISCATION ORDERS

The Council will aim at reaching a general approach on the entire draft Framework Decision on the application of the principle of mutual recognition to confiscation orders.

The purpose of this Framework Decision is to facilitate cooperation between Member States as regards the recognition and execution of orders to confiscate the proceeds of crime. By means of the Framework Decision, a Member State will have to recognise and execute in its territory confiscation orders issued by judicial authorities of another Member State.

The Council, on the basis of a Presidency proposal, will focus its debate on the only remaining outstanding issue : the grounds for non-recognition or non-execution of a confiscation order. According to the draft text, the executing state may refuse to execute confiscation orders where the offences have been committed wholly or partly within the territory of the executing state.

The European Council Declaration on combating terrorism, adopted on 25 March 2004, provides that work on the Framework Decision on confiscation orders should be concluded by June 2004. In order to respect this deadline, it is necessary to reach agreement on the body of the draft as soon as possible.

It should be noted that this Framework Decision is closely linked to the already adopted Framework Decision on the application of the principle of mutual recognition to orders freezing property or evidence. It is also linked to the draft Framework Decision on confiscation of crime-related proceeds, instrumentalities and property on which the JHA Council adopted a general approach in December 2002. For the purpose of making efficient instruments available to practitioners, it is very important to adopt the draft on confiscation orders as soon as possible. The draft is therefore high on the Presidency's list of priorities in the JHA area.

FOLLOW-UP TO THE EUROPEAN COUNCIL DECLARATION ON TERRORISM

The Council will take note of the results so far regarding the targets set by the European Council Declaration on Terrorism, in particular concerning :

- the Directive on compensation to crime victims,
- the application of the principle of mutual recognition to confiscation orders,
- the agreement between Europol and Eurojust, and
- progress in national implementation of already adopted instruments (European Arrest Warrant, etc.).

The Declaration on terrorism, adopted on 25 March 2004, can be found on the site <http://ue.eu.int/newsroom/newmain.asp?LANG=1>

MINIMUM STANDARDS ON PROCEDURES FOR GRANTING AND WITHDRAWING REFUGEE STATUS

The Council will aim at reaching a general approach on this proposal. The main outstanding issues relate to the safe third country concept, exceptional application of the safe third country concept, the safe country of origin concept, and appeal provisions.

The objective of the proposal is to establish minimum procedures in Member States for examining applications for asylum.

The European Council on 12 December 2003 took note of the persisting political obstacles that have been delaying the conclusion of these negotiations. It reaffirmed the importance of developing a common European policy on asylum and invited the Justice and Home Affairs Council to complete its work as soon as possible to ensure that the first phase of the establishment of a European asylum system is fully implemented within the deadline set out in Article 63 TEC.
