



Brussels, 16 July 2004

**BACKGROUND <sup>1</sup>**  
**JUSTICE AND HOME AFFAIRS COUNCIL**  
**Brussels, 19 July 2004**

*The JHA Council will start its work at 10.00. The main item on the agenda is the **Multi-Annual Programme for Justice and Home Affairs**. In the morning, the Council will debate on the following elements of the Programme: access to justice and protection of rights, civil and commercial cooperation, terrorism and the fight against organised crime. In the afternoon, the debate will focus on asylum and immigration issues.*

*The Council will also discuss the follow-up to European Council **Declaration on Terrorism** and, over lunch, will address the appointment of the **director of Europol**. Finally, the Council will be briefed on some recent Commission communications.*

*The Minister for Justice, Mr Piet Hein Donner, will give a press briefing at the end of the morning session ( $\pm$  13.00). A final press Conference will be held at  $\pm$  18.00, by the Minister for Justice, Mr Piet Hein Donner, the Minister for the Interior, Mr Johan Remkes and the Minister for Integration and Immigration, Ms Rita Verdonk.*

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<sup>1</sup> This note has been drawn up under the sole responsibility of the Press Service.

## MULTI-ANNUAL PROGRAMME JUSTICE AND HOME AFFAIRS

The Council will devote most of its meeting to an orientation debate on the Multi-Annual Programme for Justice and Home Affairs. The discussion will be held on the basis of a Presidency paper (11122/04).

This document describes the various policy areas that require attention and the main items for discussion within those areas. The focus should be on collecting Member States' views on the themes and topics set out in the document, as well as their proposals for additional items. The document takes account of the Constitutional Treaty, the Commission's Communication of 2 June 2004 on the assessment of the Tampere programme and future orientations<sup>2</sup> and the EU Plan of Action on combating terrorism, dated 8 June 2004,<sup>3</sup> as well as views expressed by members of the Council during consultations by the Presidency as well as in writing.

Since the European Council has decided that future policies on drugs will be dealt with in the new drug strategy to be drawn up in December 2004, this item will not be discussed in this meeting, but the new 2005-2012 drug strategy should be considered an integral part of the Multi-Annual programme.

The Presidency is interested in Member States' views on the general direction and the perspectives of the outline presented in its document and in specific remarks on the various policy areas.

The EU Counter-Terrorism Coordinator, Mr Gijs de Vries, will contribute to the discussion as well.

One of the sensitive questions Ministers will be faced with is to decide whether and to what extent some of the provisions of the draft Constitution should be anticipated.

The Presidency intends to discuss the document in the following way:

- the specific orientations related to point 1 (access to justice), 2 (civil and commercial cooperation), 4 (protection against external and internal threats to security) and 5 (organised crime) will be dealt with in the morning
- questions related to point 3 (asylum and migration) will be discussed in the afternoon.

It should be noted that the European Council, at its meeting on 17 and 18 June, invited the Council and the Commission to draw up proposals for a new programme for the coming years, with a view to resolutely pursuing the objective of further developing a common area of freedom, security and justice.

The work programme should be practical, building on work in progress that arose from the Tampere programme and an evaluation of first-generation measures. The proposals should help to make substantial progress in enhancing mutual confidence and promoting common policies for the benefit of all our citizens.

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<sup>2</sup> COM (2004) 401 final.

<sup>3</sup> 10010/2/04 REV 2.

The Presidency foresees that a substantial part of the meetings of the Council on 19 July and 25-26 October, as well as the informal meeting of Justice and Home Affairs ministers on 30 September-1 October, will be devoted to this subject. The work will range from exploration of common ground for the outlines to an in-depth discussion of outstanding issues and finalisation of the draft conclusions for the European Council of 5 November.

## **TERRORISM: FOLLOW-UP TO THE EUROPEAN COUNCIL CONCLUSIONS OF 17 AND 18 JUNE 2004**

The Presidency intends to take stock of the implementation of the Action Plan adopted by the European Council on 17 and 18 June 2004. The Commission will first present its communication "Towards enhancing access to information by law enforcement agencies" (10745/04) and then the Counter Terrorism Coordinator, Gijs de Vries, will be invited to comment on the follow up to the Action Plan. Finally, the Presidency will indicate how it plans to deal with the various tasks that have been assigned to the JHA Council.

## **COMMISSION COMMUNICATIONS**

Commissioner Vitorino will present a number of documents to the Council. In particular:

- A Communication on the establishment of a single procedure for the processing of applications for protections in the Member States (COM (2004) 503 final),
- An annual report on migration and integration in Europe, and
- A Communication on a common readmission/return policy.

### **Communication on a single procedure for the processing of applications for protections in the Member States**

At the Justice and Home Affairs Council in Luxembourg on 29 April 2004, the Council formally adopted the Council Directive on 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 Qualification Directive) and reached political agreement on the Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (the Asylum Procedures Directive). Formal adoption can take place following the outcome of the consultation of the European Parliament. The first phase of the Common European Asylum System will then be complete.

The end of the first stage of the legislative programme under the Amsterdam Treaty requires the EU to take a view both of what will be the characteristics of the second stage of the Common European Asylum System as well as to reflect on and assess the impact of the instruments agreed over the last four years.

Conclusion 27 of the Thessaloniki European Council of June 2003 called for further reinforcement of 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. This calls for a response on how the EU can build such reinforcement and acceleration into the procedures which lead to the two forms of international protection defined in the Qualification Directive. According to the Commission Communication, taking steps towards a single procedure would answer those demands.

The Communication puts into context a recent study on the single procedure and is intended to launch further discussion on the single procedure which will take place in the Council and the European Parliament. After a preparatory phase has been completed the Commission will bring forward a proposal for Community legislation.

### **Annual report on migration and integration in Europe**

This Communication is the Commission's response to the invitation from the Thessaloniki European Council to report annually on migration and integration. The report gives an overview of migration trends in Europe, analyses and discusses the changes in immigration and describes actions taken regarding the admission and integration of immigrants at national and European level. The report constitutes a new instrument to review the development of the common immigration policy.

The report confirms that immigration continues to play an important role in the economic and social development of the European Union and underlines the need for a level-playing field in terms of admission policies for economic migrants and the need for strengthening and develop policy instruments to address the integration of third country nationals.

### **Communication on a common readmission/return policy**

This communication has been produced in order to comply with a request from the European Council of 16/17 October 2003 which, in paragraph 31 of its conclusions, invited the Council and the Commission to produce early next year a report identifying in particular the priorities of a common readmission policy and the measures to ensure the successful development of such a policy. It describes the main difficulties the Commission has encountered in ongoing negotiations and the concrete measures it considers necessary in order to ensure the successful development of a common readmission policy.

It should be noted that since September 2000, the Commission has been authorized to negotiate Community readmission agreements with 11 third-countries or territories: Morocco, Sri Lanka, Russia, Pakistan, Hong Kong, Macao, Ukraine, Albania, Algeria, China and Turkey. To date, only 4 of these negotiations have been successfully completed (Hong Kong, Macao, Sri Lanka and Albania), the main obstacle to their conclusion being that third countries see these agreements as being in the interest of the Community only. Over the last two years, numerous Council and European Council meetings have expressed concerns about the slow progress made in this policy field.

## **OTHER BUSINESS**

### **- European Judicial Record**

This item has been requested by Belgium, following the tragic events that took place in Belgium and France (Fourniret). The Commission will indicate what it is being prepared: a "white book" on the subject as well as two legislative proposals, one on mutual recognition of disqualification and another on the interconnection of national criminal registers.

### **- Security at the Olympic Games**

The Greek delegation will brief the Council about the Security measures which will be taken at the Olympic Games in Athens (from 13 to 29 August).

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