

8305/97

LIMITE

PV/CONS 27
JAI 20

DRAFT MINUTES (*)
of the 2008th meeting of the Council
(Justice and Home Affairs)
held in Brussels on
26 and 27 May 1997

(*) 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**
8309/97 OJ/CONS 27 JAI 21

The Council adopted the above agenda without adding any "other business" items.

2. **Approval of the list of "A" items**
8310/97 PTS A 26

The Council adopted the "A" items as listed in 8310/97.

Information concerning Item 25 on the list is given in Addendum 1 to these minutes.

The document references in the list of "A" items should read as follows:

Item 1: 8202/97 ASIM 100
8140/97 ASIM 99
+ **COR 1 (s)**
+ **REV 1 (fin)**

Item 7: 7870/97 JUSTPEN 40
7135/97 JUSTPEN 26
+ COR 1(p)
+ **REV 1 (s)**

Item 16: 8264/97 ASIM 102
+ **COR 2**

Item 17: 8271/97 ASIM 105
+ **COR 1**

Item 25: 7517/97 CODEC 228 ECO 93
+ ADD 1
PE-CONS 3607/97 ECO 71 CODEC 166
+ COR 1 (gr)
+ COR 2 (fin)
+ **COR 3 (s)**

3. Temporary protection
– **Commission presentation of its proposal**
7042/97 ASIM 64

The Council heard a Commission statement on the above proposal and took note of the announcement by the incoming Luxembourg Presidency that it planned to give priority to the examination of the proposal.

A number of delegations (EL/I/A/FIN/S) took a favourable view of the initiative and welcomed the announcement. The Austrian delegation also stressed that the proposed instrument should settle the issue of the distribution of the burden between Member States, since in crisis situations displaced persons were spread unevenly among the territories of the Member States.

The Council also noted the Italian delegation's suggestion that later on, when the matter was examined in more detail, the Council should initiate a discussion on short-term temporary protection arrangements aimed at dealing with situations involving localized violence, such as that in Albania.

4. Annotated draft agenda for the meeting of Ministers for Justice and Home Affairs and the Commission with the Ministers for Justice and Home Affairs of the associated CCEE on 27 May 1997
8193/97 JAI 19

The draft agenda, as set out in 8193/97 JAI 19, was adopted.

5. Fight against terrorism
– **Assessment of the internal and external threat**
8258/97 ENFOPOL 125

The Council noted that, as shown on the document on the assessment of the terrorist threat and in the summary and analysis of that document, the number of reported incidents in the EU was falling but that the threat from, in particular, separatist groups such as the Provisional IRA, ETA and Islamic fundamentalist groups such as the GIA (Armed Islamic Group) remained considerable. It was therefore important to maintain the current intensive cooperation within the Union in the struggle against terrorism.

6. Synthetic drugs
7071/4/97 CORDROGUE 10 REV 4
8433/97 CORDROGUE 31

The Council reached political agreement on the above joint action, on the understanding that the reference to Article K.1(4) contained in the preamble could be deleted. It invited the competent bodies to conclude the work as soon as possible, with a view to adoption of the text under the Netherlands Presidency.

7. Europol
– **Protocol on the privileges and immunities of Europol**
8035/97 EUROPOL 30
8336/97 EUROPOL 32

The Council approved the text of the Protocol on the privileges and immunities of Europol and, following a proposal from the German delegation, added to Article 17 a second paragraph which reads as follows:

"Immunity pursuant to Article 8(1)(a) shall be granted only in respect of official acts which require to be undertaken in fulfilment of the tasks set out in Article 3 of the Convention in the version signed on 26 July 1995. Prior to each amendment or extension of the tasks in Article 3 of the Convention there shall be a review in accordance with the first paragraph, in particular with regard to Articles 8(1)(a) and 13."

The Protocol will be adopted and signed in the coming weeks.

8. Draft second Protocol to the Convention on the protection of the European Communities' financial interests
7622/97 JUSTPEN 34
8346/97 JUSTPEN 48

The outcome of the proceedings is set out in 8585/97 JUSTPEN 50.

9. Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union
8092/97 JUSTPEN 45
8075/97 JUSTPEN 44
+ COR 1

The Council

- unanimously adopted the act concerned in the official languages of the European Communities, as it appears in 8075/97 JUSTPEN 44 + COR 1 following the usual legal/linguistic finalization;
- noted that the act establishing the Convention would be published together with the Convention, which would be annexed to it, in the C series of the Official Journal of the European Communities;
- decided to enter the following statements in the minutes of its meeting:

1. Statement by the Council:

"The Council invites the Member States to take stock of the practical implementation of this Convention three years after its entry into force, in particular as regards cases involving officials from other Member States or Community officials, in order to assess the practical results, in terms of proceedings initiated and convictions obtained, of charges provided for by this Convention."

2. Statement by the French delegation:

"Where the offences covered by Articles 2 and 3 of this Convention are committed outside the Republic's territory, France states, in accordance with the provisions of Article 7(2), that charges for such offences may be brought against the persons listed in Article 7(1)(b), (c) and (d) only at the request of the public prosecutor. Prosecution must be preceded by a complaint by the victim or by his legal successor(s) or by official denunciation of the offence by the authorities of the country in which it was committed."

3. Statement by the German, Austrian, Belgian, Luxembourg, Spanish, Italian, Netherlands and Portuguese delegations:

"The delegations of Germany, Austria, Belgium, Luxembourg, Spain, Italy, the Netherlands and Portugal state that the result of the deliberations concerning Article 12 of the Convention does not prejudice any position which is taken on the same subject in the Intergovernmental Conference. They would have wished that the competence of the Court had been further extended but have accepted the present text so as not to delay the adoption of the Act drawing up the Convention. The delegations will continue to demand full jurisdiction for the Court in respect of all legal instruments in the field of justice."

**10. Progress of the proceedings on mutual assistance in criminal matters
8191/97 JUSTPEN 46**

The Council approved the conclusions contained in point II of the report set out in 8191/97 JUSTPEN 46.

The United Kingdom delegation stressed the importance and urgency of the work under way on the legal interception of satellite communications.

The Council also agreed that, if the conclusions of the report proposed that some of the issues examined should be excluded from the draft Convention on mutual assistance in criminal matters, the inclusion of those issues in a future instrument should not be ruled out.

**11. Report to the Council on progress in JHA matters
7469/3/97 CK4 16 REV 3**

The Presidency invited members of the Council to send it any remarks they might have on 7469/3/97 CK4 16 REV 3.

**12. Transatlantic dialogue
7543/97 CK4 17 USA 5**

The Council noted with interest the report of the meeting which its President had had in Washington on 14 April 1997 with the US Attorney General Ms Janet RENO, the Director of the FBI Mr Louis FREEH and the Under-Secretary of State Mr Timothy WIRTH.

It also noted the report by the High-Level Group at the EU-US Summit on 28 May 1997, which takes stock of the activities carried out under the Netherlands Presidency and suggests cooperation priorities for the next six months.

13. Other business

– Trade in human beings: Commission briefing

The Commission informed the Council of the action it had taken further to its memorandum of 25 September 1996 on combating the sexual abuse and exploitation of children and its communication to the Council and the European Parliament of 20 November 1996 (COM/96/567). It also, inter alia, described the follow-up action to the STOP financing programme and the DAPHNE initiative, which it had undertaken in order to support the work of NGOs in the area of combating violence towards children, young people and women.

– Information on the work of the Task Force on Organized Crime set up in the Baltic region (Swedish delegation)

The Swedish Minister distributed to her colleagues an information note on recent developments in cooperation between the Baltic countries on combating organized crime.