

5806/94

RESTREINT

PV/CONS 11
JAI 7

DRAFT

MINUTES

of the **1738th** Council meeting
(Justice and Home Affairs)

held in Brussels on Wednesday 23 March 1994

1. Adoption of the agenda

(4901/1/94 OJ/CONS 10 JAI 1 REV 1)

The Council agreed on the agenda, adding as an Other Business item the Presidency's announcement of the informal meeting of Ministers for Justice in Crete.

The Netherlands delegation withdrew the parliamentary scrutiny reservation it had entered with regard to certain items on the Council agenda (Justice and Home Affairs) of 29 and 30 November 1993, as contained in 10624/1/93 PV/CONS 77 JAI 10 REV 1.

2. (Poss.) Approval of the list of "A" items

The Council noted that no list of "A" items had been submitted to it.

3. Commission communication on immigration and asylum policies

(5187/94 ASIM 49)

– Presentation and exchange of views

Following a presentation of the communication by the Commissioner, the Council held an initial discussion on it.

The Council considered that the communication was a good basis for future reflection but also expressed its desire that priority this year should continue to be given to the implementation of the work programme adopted in November 1993.

The Council agreed to instruct the Permanent Representatives Committee, assisted by the K.4 Committee, to decide on the bodies responsible for examining the various aspects of the communication (action on migration pressure, control of migration flows, integration policies for legal immigrants).

The Council took note of the Presidency's statement that control of migration flows would be the principle subject for discussion at the informal meeting of Ministers for the Interior on 6 and 7 May 1994.

The Council took note of the call from Belgium for Member States to deal with the problem of immigration from India as a matter of urgency.

4. European Information System (EIS)

(4077/94 CK4 2, 5331/94 CK4 22 and 5768/94 JAI 6)

The Council examined the question of whether to include in the text of the Convention provisions relating to Police and Judicial Co-operation.

The Council took note of the statements from the Spanish and United Kingdom delegations.

The President, having noted that no agreement could be reached during the meeting, invited the Permanent Representatives Committee, assisted by the K.4 Committee, to continue working on the text of the draft Convention to enable general agreement to be reached at the meeting of the Council (Justice and Home Affairs) scheduled for June.

5. EDU/EUROPOL

– Nominations

The Council agreed to extend until 1 July 1994 the term of office of the current acting co-ordinator and acting assistance co-ordinator of the EDU.

– Progress made on the draft Europol Convention

(5365/94 EUROPOL 15)

The Council took note of the above document and endorsed the guidelines set out under II: Future work.

6. Legal/Judicial interception of telecommunications

(5753/94 JAI 5 ENFOPOL 40)

The Council agreed on the principle of sending a letter from the President to his colleague the President of the Telecommunications Council.

The Council invited the Permanent Representatives Committee, assisted by the K.4 Committee, to finalize the text of the letter.

7. Combatting terrorism - Operational Co-operation

(5372/94 JAI 3 ENFOPOL 32)

The Council adopted the report annexed to the above document.

8. Extradition

(5672/94 JUSTPEN 17)

The Council examined certain aspects of the conditions of extradition, on the basis of the report on the subject submitted to the Council (5672/94 JUSTPEN 17).

It appeared that broad agreement was being reached on the aspects contained in subparagraphs (b) to (e) of point 2. Regarding point 2(a), dealing with offences leading to extradition, although this was a solution acceptable to the majority of delegations, the Council decided that further examination of the problem would be helpful, especially to determine the possibility of establishing a common threshold in the requesting and requested states. Work would also continue on other matters to examine the possibility of making further progress.

With regard to political offences (point 3(a)), the majority of delegations favoured the first solution, while no delegation favoured the third. The Council gave instructions that work should continue towards a solution which offered the best possible combination of the two solutions detailed in the first and second indents of point re(a) (page 3 of 5672/94 JUSTPEN 17).

The States which had constitutional difficulties with regard to the extradition of nationals (point 3(b)) nevertheless expressed their willingness to find a solution to the problem.

Among the suggestions for progress the Presidency recorded:

- the drafting of an agreement which would be accompanied by reservations from the member States which had constitutional problems and the preparation of an annual report on the consequences of non-extradition;

- the possibility of replacing extradition with the temporary handing-over of the person concerned for prosecution in the State where the offence was committed.

The Council instructed the Permanent Representatives Committee, assisted by the K.4 Committee, to further examine all aspects of the file in the light of the policy debate which had just taken place.

9. Other business

(a) Information from the Presidency on the activities of the European Parliament

The Council took note of information from the Presidency:

- on the action taken on the request from the European Parliament to conclude an inter-institutional agreement;
- on the Council's adoption of the text of the letter to be forwarded to the European Parliament seeking the views of the latter on the initiative of the Commission in the matter of external borders;
- on the fact that the Minister for Justice, Mr KOUVELAKIS and the Minister for Public Order, Mr PAPATHEMELIS, had come in turn before the Committee for Civil Liberties of the European Parliament. Mr PAPATHEMELIS intended to meet the Committee again in April. The Chairman of the K.4 Committee would present the results of the current Council on 24 March before the same parliamentary Committee.

- (b) Protection of the financial interests of the European Communities
(5342/94 JUSTPEN 12)

The Council noted that the Presidency proposed to present an interim report to the June meeting of the Council as part of the implementation of the resolution adopted by the Council in September 1993.

The Criminal Law/Community Law Group would continue working under the aegis of the K.4 Committee, concentrating especially on the aspects coming within the scope of the third pillar.

The Council instructed the Permanent Representatives Committee to take a procedural decision on other aspects of the file when the initiatives of the Commission were known.

- (c) Accession by the Community to the European Convention on Human Rights

The Council noted that following certain comments from the delegations, the Legal Service had adopted a draft memorandum to be presented to the Court, which could therefore now be approved in accordance with the usual procedures.

- (d) Organization of a seminar on money laundering

The Council noted the initiatives of the Italian delegation on money laundering, such as the organization during 1994 of three seminars on the subject for police officers, the first of which was held on 26 and 27 January 1994.

(e) Informal meeting of Ministers for Justice in Crete

The President informed his colleagues of the invitation to participate in this meeting which will be held on 28 and 29 May 1994. The discussions will concentrate on the prospects for legal co-operation within the framework of the European Union.