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DRAFT

MINUTES

of the 1710th meeting of the  
COUNCIL (Justice and Home Affairs)  
held in Brussels  
on 29 and 30 November 1993

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**1. Adoption of the agenda**

[10269/2/93 OJ/CONS 76 JAI 5 REV 2]

The Council recorded its agreement to this agenda.

The Netherlands delegation entered a parliamentary scrutiny reservation on the whole of this agenda with the exception of items 2, 3, 4, 6, 17 and 24.

The Spanish delegation entered a reservation on the documents or parts of documents relating to asylum and a scrutiny reservation on the documents or parts of documents relating to Europol and the EDU.

**2. Approval of the list of "A" items**

[10323/93 PTS A 66 + ADD 1]

The Council recorded its agreement to this list with the exception of item 13 which was withdrawn at the request of the Greek delegation.

The Council agreed to forward to the European Parliament the documents concerning items 10 (10375/93 ENFOPOL 45), 11 (10362/93 ENFOPOL 43, Annex I), 12 (10373/93 JAI 7) and 14 (10376/93 ENFOPOL 46).

**3. Approval of the conclusions of the ministerial meeting in London**

[WGI 1284 REV 2 + COR 1]

The Netherlands delegation having lifted its parliamentary scrutiny reservation, the Council approved these conclusions.

**4. Approval of the conclusions of the ministerial meeting in Copenhagen**

[WGI 1509 REV 2]

The Netherlands delegation having lifted its parliamentary scrutiny reservation, the Council approved these conclusions.

**5. Progress report on the asylum work programme approved in Maastricht**

**[WGI 1654 REV 1]**

The Council

- noted the Spanish delegation's reservation;
- noted that the document it had received did not in itself raise any difficulties;
- proposed that the report be approved as an "A" item as soon as the problem which had prompted the Spanish reservation was solved;
- requested the K.4 Committee to examine at the appropriate time the question of forwarding the report to the European Parliament.

**6. Preparation for the European Council meeting on 10 and 11 December 1993 and priority work programme for 1994 (asylum and immigration)**

**[10290/1/93 ASIM 17 REV 1 and 10348/1/93 JAI 6 REV 1]**

The Council agreed to make certain amendments to the above documents.

The Presidency

- noted the reservation by the Spanish delegation preventing adoption of the document by the Council;
- noted that the document itself no longer raised any difficulties;
- would be submitting the document to the European Council on its own authority while indicating the Spanish reservation <sup>(1)</sup>.

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<sup>(1)</sup> See 10655/93 JAI 11 and 10684/93 JAI 12 of 2 December 1993.

7. **Implementation of paragraph 2 of the declaration on asylum annexed to the Final Act of the Treaty on European Union**  
[9924/93 ASILE 8 + COR 1 (d,i,nl,dk,gr,es,p) and 10360/93 ASIM 21 + ADD 1]
8. **Means of proof under the Dublin Convention**  
[10300/93 ASIM 19]
9. **Transfer of asylum applicants**  
[9950/93 ASIM 7 + COR 1]
10. **Report on the progress of work carried out with a view to implementation of the Dublin Convention**  
[9947/93 ASIM 4]
11. **Guidelines for joint reports on the situation in third countries**  
[9941/93 CIREA 6]
12. **Procedure for drawing up joint reports on the situation in third countries**  
[9943/93 CIREA 8]
13. **CIREA**
  - **Circulation and confidentiality of joint reports on the situation in certain third countries**  
[10298/93 CIREA 12]
14. **Report on CIREA activities**  
[9940/93 CIREA 5]

The Council

- noted that the Spanish delegation's general reservation prevented adoption of the above documents;
- noted that the documents did not in themselves raise any difficulties;
- proposed that the reports be adopted as "A" items as soon as the problem which prompted the Spanish reservation was solved.

**15. Presentation by the Commission of its proposal for the implementation of Article 100c and its proposal for the revision of the draft Convention on the Crossing of External Frontiers**

The Council took note of the fact that the Commission had presented the above proposals.

**16. Readmission**

- **Principles governing readmission agreements with third countries [10370/93 ASIM 23 + COR 1 + ADD 1]**
- **Link between Europe association and co-operation agreements and third countries' practice on readmission [10361/93 ASIM 22 + ADD 1]**

Having finalized it, the Council noted that the document on principles governing readmission agreements with third countries [10370/93 ASIM 23 + COR 1 + ADD 1] could not be formally adopted owing to the parliamentary scrutiny reservation from the Netherlands. The document would be submitted for approval by the Council as an "A" item once this delegation was able to withdraw its reservation.

The Council approved the principle of a link between Europe association and co-operation agreements and third countries' practice on readmission.

The Council requested the Permanent Representatives Committee to continue examining implementation of this principle and to report back at its next meeting.

**17. Preparation for the European Council meeting on 10 and 11 December 1993 and priority work programme for 1994 (co-operation in police and customs matters and the fight against drug addiction)**

**[10348/1/93 JAI 6 REV 1, 10350/93 ENFORC 10 + COR 1 and 10351/93 ENFORC 11 + COR 1]**

The Council agreed to make certain amendments to the above documents.

The President

- noted that the Spanish scrutiny reservation made it impossible for the Council to adopt the document;
- noted that the document itself no longer raised any difficulties;
- would be submitting the document to the European Council on its own authority while indicating the Spanish reservation (unless the latter was withdrawn before then) <sup>(2)</sup>.

**18. Combating terrorism**

The Council assessed the threat of terrorism in restricted session.

The Council agreed to ask for a report containing suggestions for operational co-operation to be drawn up under the aegis of the K.4 Committee.

The Council agreed to examine this report at its next meeting;

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<sup>(2)</sup> See 10655/93 JAI 11 and 10684/93 JAI 12, 2 December 1993.

19. (a) **Establishment of the EDU and work of the Project Team**  
**[10363/93 ENFORC 12]**

The Presidency noted that

- the recommendations contained in the above document could not be adopted owing to the Spanish scrutiny reservation and the Netherlands parliamentary scrutiny reservation;
- these recommendations did not in themselves raise any problems;

The Council agreed to adopt these recommendations as "A" items as soon as the aforementioned reservations had been withdrawn.

(b) **Presidency progress report on the drafting of the Europol Convention**  
**[9756/2/93 ENFORC 2 REV 2]**

The Presidency noted that

- the above report, including its recommendations, could not be adopted owing to the Spanish scrutiny reservation and the Netherlands parliamentary scrutiny reservation;
- the report and its recommendations did not in themselves raise any problems, provided that the second indent in point II on page 3 was deleted.

The Council agreed to adopt this text as an "A" item as soon as the above reservations had been withdrawn.

It noted the fact that the French delegation was against setting up subgroups to continue work on the draft Convention in question.

The President gave a reminder of the position defined by Steering Group II that terrorism should be included among Europol's objectives in a way yet to be decided.

**20. Draft Recommendation on crime analysis**  
**[9838/93 ENFOPOL 29]**

The Council noted that the above Recommendation could be approved when the Netherlands delegation had withdrawn its parliamentary scrutiny reservation.

**21. Trade in human beings**  
**[10085/2/93 ENFOPOL 35 REV 2]**

The Danish, German and Luxembourg delegations having withdrawn the reservations indicated on page 1 of the abovementioned document, the Council noted that the recommendations in Annex I to that document could be approved when the Netherlands delegation had withdrawn its parliamentary scrutiny reservation. It took note of the grounds given in Annex II.

The Council agreed to forward this document to the European Parliament once it had been approved.

**22. Report from the ad hoc Working Group on International Organized Crime**  
**[9908/2/93 CRIMORG 1 REV 2 + ADD 1]**

The Spanish and French delegations having withdrawn their reservations, the Council

- approved the recommendations given in Annex I to the above document subject to withdrawal of the parliamentary scrutiny reservation from the Netherlands;

– took note of the report in Annex II to the above report.

It instructed the K.4 Committee to examine the matter of forwarding this document to the European Parliament.

**23. Organization of relations with third countries as regards Title VI of the Treaty on European Union**

[10385/93 JAI 8]

The Council agreed that, in a spirit of reciprocity and of search for common interests, relations with third countries should be stepped up as part of implementation of Title VI of the TEU.

The Council therefore instructed the Permanent Representatives Committee to continue examination of this topic.

The Council took note of the fact that during the meeting of the Troika and Ministers from third countries on 1 December 1993, the Presidency would be broaching informally various specific topics of mutual interest.

**24. Preparation for the European Council meeting on 10 and 11 December 1993 and priority work programme for 1994 (judicial co-operation)**

[10365/93 JUST 6 + COR 1 and 10348/1/93 JAI 6 REV 1]

The Council finalized the action plan and priority programmes and agreed to approve them <sup>(3)</sup>.

Regarding the possibility of providing for criminal sanctions against legal persons (10365/93 JUST 6, page 5), the Council agreed to instruct Steering Group III to examine Member States' current legislation on this subject under the aegis of the K.4 Committee.

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<sup>(3)</sup> See 10655/93 JAI 11 and 10684/93 JAI 12 of 2 December 1993.

The Luxembourg delegation argued in favour of simplifying the planned working structures.

Some Member States also indicated their concern at recent examples of juvenile delinquency.

The Council agreed to instruct Steering Group III to organize an exchange of views on such delinquency and its causes under the aegis of the K.4 Committee with a view to reporting back at its next meeting.

**25. Interim progress report regarding extradition**

**[10318/93 JUSTPEN 11]**

The Council took note of this report.

**26. Fraud on an international scale. Draft Resolution of the Steering Group for Judicial Co-operation on the protection of the Community's financial interests**

**[10335/93 JUSTPEN 12]**

The Council

- approved the Resolution in 10335/93 JUSTPEN 12;
- agreed to forward it to the European Parliament.

**27. Accession by the Community to the European Convention on Human Rights**

– **Presidency report [9916/1/93 CEDH 3 REV 1]**

The Presidency noted that

- there was agreement in principle on seeking the opinion of the Court of Justice of the European Communities in accordance with the second subparagraph of Article 228(1) of the EEC Treaty;
- the question to be put to the Court still needed to be finalized;
- when it had been finalized, the question to be put to the Court could be approved as an "A" item.