

6545/99 (Presse 70)

2166th Council meeting

– **JUSTICE AND HOME AFFAIRS** –

Brussels, 12 March 1999

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Minister for the Interior

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For further information: 285.84.15 - 285.81.11

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## EUROPOL

### **PREPARATION OF THE TAKING-UP OF ACTIVITIES**

Following the entry into force of the Europol Convention on 1 October 1998, the Council examined the state of play of the last three outstanding legal acts which are preventing Europol from taking up its full activities and thus replacing its precursor EDU (European Drugs Unit).

With regard to the Protocol on the privileges and immunities of Europol's officials which was adopted in 1997, the Council took note that the last two Member States which need to complete the national ratification procedures, namely France and Italy, will be able to do so by the end of May.

The Council was informed on the progress made on the last outstanding questions relating to the draft rules of procedure for the Joint Supervisory Body, which will be responsible for data protection with regard to Europol's activities. It mandated the Permanent Representatives Committee to finalise the draft rules once the Joint Supervisory Body has examined the latest text, with the aim of reaching a final agreement at its next session in May.

The bilateral protocols on privileges and immunities of national Liaison Officers and their families still have to be agreed by half of the Member States with The Netherlands. The Presidency called on the remaining Member States to do their utmost to finalise these protocols in order to enable Europol to take up its full activities before the end of the first half of 1999.

**EXTENSION OF EUROPOL'S MANDATE TO INCLUDE THE COMBATING OF FORGERY OF MONEY AND MEANS OF PAYMENT**

Further to a request by the Dutch delegation, the Council agreed to mandate its competent bodies to draw up a clear definition of forgery of money and means of payment, before formally adopting the relevant decision on the extension of Europol's mandate to include the combating of forgery of money and means of payments, on which agreement in principle was reached at the last session in December. At the same time, the respective responsibilities of the institutions involved in the field of the fight against the forgery of money and means of payment should also be clarified. The Council agreed, however, that, in the meantime, preparatory work within Europol for the taking up of this new remit could go ahead.

## EURODAC PROTOCOL - COMPARISON OF FINGERPRINTS OF ASYLUM APPLICANTS

Following the agreement reached on 3/4 December 1999 on the text of the Eurodac Convention, the Council also secured political consensus on the "Protocol extending the scope *ratione personae* of the Convention concerning the establishment of Eurodac for the comparison of fingerprints of applicants of asylum". Like the text of the Convention which was "frozen" until the entry into force of the Amsterdam Treaty in view of a new Community instrument to be tabled by the Commission, the Council agreed, with the same objective, to "freeze" the text of this Protocol.

Immediately after the entry into force of the Amsterdam Treaty, the Commission will forward a proposal for a Community instrument taking on board the content of both the Convention and the Protocol. It will also take account of the opinion of the European Parliament.

The Eurodac Convention and Protocol which provide for the setting up of a centralised system for the comparison of fingerprints, are aimed at ensuring the better functioning of the 1990 Dublin Convention which determines the Member State responsible for examining an application for asylum.

Under the Convention, Member States will take the fingerprints of asylum seekers who are at least 14 years old and transmit them to the Central Unit to be set up within the Commission. The Protocol extends the scope of the Convention to the taking of fingerprints of "illegal immigrants".

In particular, the Protocol establishes that Member States shall promptly take the fingerprints of every alien of at least 14 years of age who is apprehended in connection with the irregular border crossing and is not turned back. The Member State shall communicate these fingerprints to the Eurodac Central Unit which will record the data for the sole purpose of comparison with data on asylum applicants transmitted subsequently to the Central Unit. The data will be stored for two years; however, should the alien within these 2 years obtain a residence permit or leave the EU, the data will be erased.

With regard to aliens not apprehended in connection with the irregular border crossing, but found illegally present in a Member State, the Protocol establishes that Member States may take their fingerprints and communicate them to the Central Unit for checking only whether the alien has previously lodged an asylum application in another Member State. This data shall not be stored.

## **CONVENTION ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS**

The Council examined the issue of interception of telecommunications carried out within the framework of a criminal investigation which is one of the last outstanding matters in this draft Convention. The other two main questions are data protection and territorial scope.

The purpose of this Convention is to supplement and facilitate the application of the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters, as well as the Schengen Agreement and the Benelux Treaty, and to adopt new investigation methods in order to provide for more efficient and faster judicial cooperation in criminal matters.

The specific aspect discussed today by Ministers concerned the "remote approach" with regard to the interception of satellite telecommunications which is to be included in the Convention. This establishes that a Member State wanting to intercept a target present on its own territory can do so (by "remote access") via the national service provider of a satellite telecommunications network whose ground-station is located in another Member State, without needing technical assistance from the latter. At present, the intercepting Member State has to apply for the assistance of the ground-station Member State which means the interception procedure of satellite telecommunications takes much longer.

With regard to the question of whether the ground-station Member State needs to be involved in cases where another Member State intercepts a target on its own territory using the "remote approach", the Italian delegation explained the reasons why it takes the view that in such cases the ground-station Member State should also have a say in order to guarantee the protection of its constitutional principles and national security, although its technical assistance is not needed. However, the large majority of delegations consider that the ground-station Member State should have no role in the interception, as the target is not on its territory, no technical assistance is needed from this Member State and the interception is carried out by remote access.

Satellite telecommunications are playing an increasingly important role, given that the first satellite telecommunications network, called Iridium, opened its ground-station last November in Italy, and others are about to follow, such as Globalstar in France which is to start operating shortly.

The Council mandated its competent bodies to continue work on this Convention with a view to settling the few outstanding issues and securing agreement at the next session in May.



**QUESTIONS RELATING TO THE TRANSITION FROM THE MAASTRICHT TO THE AMSTERDAM TREATY WITH REGARD TO CONVENTIONS**

The Council discussed questions arising from the transition from the Maastricht Treaty to the Amsterdam Treaty with regard to certain Conventions drawn up in the areas which in the future will fall under the first pillar (asylum and migration, judicial cooperation in civil matters).

Two important Conventions are concerned in particular, which are not yet ratified by Member States and hence not in force, namely the 1998 Convention on jurisdiction, recognition and enforcement of judgements in matrimonial matters ("Brussels II") and the 1997 Convention on the service of judicial and extra-judicial documents in civil or commercial matters .

The Commission announced that after the entry into force of the Amsterdam Treaty it will forward proposals for Community instruments (Regulation or Directive) taking on board the content of the above Conventions. The Commission also stressed that it was important that these instruments - which are of direct interest to the EU's citizens - are adopted through a faster procedure, given that ratification by all Member States required for the entry into force of the Conventions would take several years.

From a legal point of view, it was stated that because of the obligation of loyalty of Member States towards the objectives of the Amsterdam Treaty, the national ratification procedures of these Conventions should be suspended once a proposal for a Community instrument is tabled covering the same matters.

Delegations pointed to the advantages of continuing ratification procedures and emphasised in particular that the difficult and lengthy discussions within the Council which led to the conclusion of the two Conventions should not be reopened if proposals were tabled to replace them with Community instruments.

In concluding the debate, the Presidency stated that Member States may continue, and indeed should speed up, their national ratification procedures of these two important Conventions until the date of the adoption of the Community legal instrument which would take on board the whole content of the two Conventions, including reservations and declarations. The Council also undertook to examine the Commission's proposals without delay when they are tabled.

### **REVISION OF THE CONVENTIONS OF BRUSSELS AND LUGANO**

The Council took note of the state of play of the revision of the 1968 Brussels Convention on jurisdiction and enforcement of decisions in civil and commercial matters and the parallel 1988 Lugano Convention which extends the rules of the Brussels Convention to Switzerland, Norway and Iceland.

The revision of these Conventions was launched in December 1997 with a view to modernising these fundamental instruments for judicial co-operation in the field of civil law. After intensive discussions over the last year, important progress has been made and a first draft Convention has been drawn up. Work is now focusing on the few remaining key points to be settled concerning in particular provisions determining the jurisdiction, the question of international lis pendens (the Court first seized has to decline jurisdiction in favour of another Court) and the speeding up of the enforcement procedure.

The Council encouraged its competent bodies to continue work with a view to completing the revision of these Conventions by the end of this semester. Once the Amsterdam Treaty has entered into force, the Council should "freeze" the text and agree to transform it into a Community instrument.

### **INFORMATION ON SOME ONGOING ACTIVITIES IN THE FIELD OF INTERNAL MARKET AND CONSUMER PROTECTION**

The Presidency reported on the state of play of two proposals that are being discussed by other Council formats (Consumer Affairs and Telecommunications), but which have implications for judicial cooperation in civil matters, namely the proposal for a directive on combating late payment in commercial transactions and the proposal for a directive for a framework for electronic signatures.

The objective was to draw Ministers' attention to specific legal aspects raised by these proposals.

## **DEFINITION AND INTEGRATION OF THE SCHENGEN ACQUIS**

The Presidency reported on the state of play of the definition and integration of the Schengen Acquis into the EU's legal framework, in view of the forthcoming entry into force of the Amsterdam Treaty and the Protocol providing for that integration.

The incorporation of the Schengen Acquis requires firstly the definition of that Acquis, namely to establish which provisions of the 1985 Schengen Agreement, the 1990 Convention, the subsequent Accession Agreements and Protocols and the decisions and declarations of the Schengen Executive Committee are still legally binding, which have not been replaced by Community provisions or other legal acts and those which do not fall within the exclusive power of Member States. The provisions of the Acquis which have thus been identified need to be allocated to a legal base in the Community/EU Treaties, in order to have legal security and clarity.

The three Member States which still have reservations on the definition and integration of the Schengen Acquis set out the reasons why they could not agree to some specific provisions being allocated to the first pillar, in particular because, in their view, issues relating to the recognition of territorial entities or authorities and documents issued by them still fall under the competences of Member States.

It should be noted that those provisions of the Schengen Acquis, on which no consensus can be reached as to their integration into the EU framework will be allocated to the third pillar. Both decisions on the definition and integration of the Schengen Acquis will have to be adopted by unanimity in the Council - 13 Council Members (all countries participating in Schengen) with regard to the decision on the definition, and all 15 Council Members with regard to the decision on the integration.

The Presidency appealed to Member States to do their utmost to allow for the completion of all the preparations necessary for the Schengen integration in time for the entry into force of the Amsterdam Treaty. To this end, the General Affairs Council on 26/27 April 1999 will also deal with this issue.

Under this agenda item, the Council also took note of a statement by the British Home Secretary on the intentions of the United Kingdom with regards to its participation in Justice and Home Affairs matters after the entry into force of the Treaty of Amsterdam, in accordance with Article 4 of Protocol integrating the Schengen acquis into the framework of the European Union and with the Protocol on the position of the United Kingdom and Ireland.

The Home Secretary stated in particular :

"We are ready to participate in law enforcement and criminal judicial co-operation derived from the Schengen provisions, including the Schengen Information System. We have been in the forefront of EU co-ordination in the fight against crime and drugs and we shall maintain that position. We are also interested in developing co-operation with EU partners on asylum - an EU-wide phenomenon - and in the civil judicial co-operation measures of the Free Movement Chapter.

Our intention to maintain our frontier controls has implications for our participation in the direct operation of external frontier controls. For similar reasons, enhanced visa co-operation raises difficulties for us. But within this constraint, we shall seek discussions with EU colleagues to maximise the scope for mutual operational co-operation in combating illegal immigration, without prejudice to the maintenance of our national immigration controls. We shall also look to participation in immigration policy where it does not conflict with our frontiers-based system of control.

We realise that much detailed discussion with our EU partners will be necessary in order to pave the way for co-operation in these areas. We shall shortly put forward a formal request for participation."

Delegations welcomed this announcement and declared their readiness to examine the proposal once it would be formally tabled. They also expressed the hope that this step by the United Kingdom would be followed by further participation in other areas of the Schengen Acquis, which provides for global co-operation in the areas covered by it.

The Irish delegation, in particular, announced that, subject to Ireland's constitutional arrangements, its Government would seek to apply for opting in to similar elements as the United Kingdom.

**ITEMS DEALT WITH UNDER " ANY OTHER BUSINESS"**

Commissioner GRADIN presented a **communication on common rules for asylum procedures** which her Institution adopted last week. The purpose of this document is to stimulate a debate, in view of the entry into force of the Amsterdam Treaty, on the different aspects relating to asylum procedures such as the competent authorities, the principle of the safe country of origin, how to handle unfounded applications, the level of minimum guarantees, etc. This debate should provide guidance to the Commission in its preparation of a formal proposal.

The Greek delegation stressed that with regard to the "**Öcalan question**", efforts had to continue to ensure that basic human rights and the rule of law principle were safeguarded. In this context, it welcomed the declaration issued on this respect by the General Affairs Council on 21/22 February 1999.

The Dutch delegation drew the Council's attention to the negotiations underway on an association agreement with Egypt and emphasised that this had to include a **readmission clause**, like all other association agreements.

Finally, the British delegation indicated that it will table two papers on the "**mutual recognition of judicial decisions and judgements in criminal matters**" and on "**a better access for the EU citizens to justice**", with a view to preparing of the Tampere Special European Council next October.

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**ADOPTION AND SIGNATURE OF THE PROTOCOL TO THE CONVENTION ON THE USE OF INFORMATION TECHNOLOGY FOR CUSTOMS PURPOSES (CIS)**

Following political agreement at its session last December, the Council formally adopted the "Protocol on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention". The Protocol was signed by the Representatives of the 15 Member States.

The purpose of the Protocol is twofold: to define and broaden, with regard to the Convention, the scope of laundering of proceeds and hence strengthen the fight against organised crime; and to provide for the inclusion of the category "registration number of the means of transport" in the data categories of the Convention in order to ensure uniformity of the existing acts for customs cooperation purposes.

The Protocol will contribute to preparing for the entry into force of the 1995 CIS Convention which is currently awaiting for ratification to be completed by all Member States. It is recalled that the Convention provides the legal basis for the third pillar Customs Information System under which customs authorities may act jointly and exchange personal and other data concerned with illicit trafficking activities of prohibited, restricted or controlled goods and drugs, using new technology.

The Protocol will enter into force following ratification by all Member States. However, as any Protocol to a Convention, it can only enter into force once the Convention itself has entered into force.

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### **MEETING WITH THE CEECs AND CYPRUS**

In the afternoon the Justice and Home Affairs Ministers met their colleagues from the CEECs and Cyprus to discuss the issue of the fight against corruption and, more specifically, criminal law aspects in the private sector and prevention of corruption in the public sector.

In his opening statement on corruption in the private sector, the President highlighted the importance of international cooperation in this area to combat this global problem, its effect on the market economy and the need for the universal adoption of criminal measures to ensure prosecution of those involved in corruption. In this context, he also indicated the international legal instruments which are already adopted such as the 1995 EU Fraud Convention and its Protocol, the OECD Convention on bribery of foreign public officials which has just entered into force as well as the Council of Europe Convention on corruption, recently signed by 21 States in Strasbourg. He further pointed to the importance of the joint action on corruption in the private sector which the Council adopted last December.

With regard to the prevention of corruption in the public sector, the President expressed the need to consider prevention together with the measures to combat corruption, and emphasised the significance of targeting organisational prevention in terms of institutional bodies to investigate and deter corruption, and cultural prevention by way of awareness and education of society as a whole.

Ministers set out in their interventions how far the Community and candidate countries have reached in their national legislation to combat corruption. The candidate countries in particular gave a full and detailed analysis of the adaption to the EU acquis of their legislation, and procedures regarding corruption, and outlined the state of signature, ratification and implementation by their countries of the most important international conventions in this area, mentioned above.

**OTHER DECISIONS**

(Adopted without discussion. In the case of legislative acts, votes against or abstentions are indicated. Decisions containing statements which the Council has decided to release to the public are indicated by asterisks; the statements in question may be obtained from the Press Office.)

**JUSTICE AND HOME AFFAIRS****Visa Regulation \***

The Council adopted the regulation determining the third countries whose nationals must be in a possession of a visa when crossing the external borders of the Member States (see Annex I), following the issue of the Opinion of the European Parliament on 10 February 1999 further to the Council's invitation of 14 October 1997, and implementing the ruling of the Court of Justice to rescind the visa regulation n° 2317/95.

**Transmission of personal data by Europol to third States and third bodies**

The Council approved an act adopting the rules governing the transmission by Europol of personal data to third States and third bodies. This data will normally be transmitted on the basis of an agreement between Europol and a third State or third body, or, exceptionally, when the Director of Europol considers transmission of the data to be absolutely necessary to safeguard the essential interests of the Member States or in the interests of preventing imminent danger associated with crime.

According to the act, the Council may determine the third States or non-EU-related bodies with which agreements are to be negotiated, and the Management Board the EU-related bodies. Europol may conclude the agreement regarding the details of the transmission.

These rules specifically concern the transmission and storage of any information relating to the physical, physiological, mental, economic, cultural or social identity of natural persons to competent authorities responsible under national law for preventing and combating criminal offences. However, the transmission of personal data revealing racial origin, political opinions or religious or other beliefs, or concerning health and sexual life, will be limited to the abovementioned exceptional cases. In any event, the recipient will be under a duty to correct or delete data if it is found to be inaccurate.

**EDU/Europol's Activities Report 1998**

The Council took note of the report outlining the increased activities of the EDU in the year 1998 which was a milestone in the development of Europol, given that on 1 October 1998 the Convention entered into force at last.

It is recalled that the Europol Drugs Unit (EDU) will continue its work until the date on which Europol takes up its full activities. The report stresses that final preparations are in hand for Europol to fully take up its activities during 1999 once the last outstanding legal acts are adopted or ratified.



Europol/EDU's emphasis in 1998 was, as before, on practical support to police and other investigators in the EU, through the exchange of information and intelligence, and by providing a range of services, especially analysis and co-ordination. The report underlines the increased quality and complexity of the cases dealt with by Europol Liaison Officers and analysts, reflecting the growing confidence which the agencies concerned have in Europol. It also maintained its role as adviser within the Third pillar of the EU, to Member States, and to individual law enforcement organisations combatting serious organised crime and drawing up reports on various matters.

### **Extension of mandate of EDU Management Team**

The Council decided to further extend the appointments of the Coordinator, the Assistant Coordinators and the other members of the EDU Management Team until the date at which Europol will be able to take up its activities, hence modifying the decision of 18 December 1999 which extended these appointments only until 1 April 1999.

### **Europol pension fund**

In line with the Staff Regulations of Europol approved on 3 December 1998 by the Council, and following the opinion of the Management Board, the Council approved an act adopting the rules on the Europol pension fund.

### **Explanatory report on the Second Protocol to the Convention on the protection of the EC' financial interests**

The Council approved the explanatory report on the Second Protocol to the Convention on the protection of the European Communities' financial interests signed on 26 July 1995. The Second Protocol to the Fraud Convention is aimed at introducing liability for legal persons involved in organised crime (while the first Protocol concerns the fight against acts of corruption involving either national or Community officials and affecting or likely to affect EC's financial interests). It was signed on 19 June 1997.

In addition to the liability of legal persons, the Second Protocol also deals with the confiscation of the proceeds of crime, money laundering and cooperation between Member States and the Commission for the purpose of protecting the EC's financial interests and protecting the personal data relating to those interests.

The purpose of the explanatory report, drawn up as customary following the adoption of a Convention or Protocol, is to facilitate the uniform application and interpretation of the legal instrument. It sets out the reasons for the establishment of the Second Protocol and contains detailed explanations on each of its 18 articles.

**Council Regulation determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100c thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the Opinion of the European Parliament <sup>(2)</sup>,

- (1) Whereas Article 100c of the Treaty requires the Council to determine the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States;
- (2) Whereas the drawing up of the common list annexed to this Regulation represents an important step towards the harmonization of visa policy; whereas the second subparagraph of Article 7a of the Treaty stipulates in particular that the internal market shall comprise an area without internal frontiers in which the free movement of, inter alia, persons is ensured in accordance with the Treaty; whereas other aspects of the harmonization of visa policy, including the conditions for the issue of visas, are matters to be determined within the appropriate framework;
- (3) Whereas risks relating to security and illegal immigration should be given priority consideration when the said common list is drawn up; whereas, in addition, Member States' international relations with third countries also play a role;
- (4) Whereas the principle that a Member State may not require a visa from a person wishing to cross its external borders if that person holds a visa issued by another Member State which meets the harmonized conditions governing the issue of visas and is valid throughout the Community or if that person holds an appropriate permit issued by a Member State is a matter that should be determined within the appropriate framework;
- (5) Whereas this Regulation should not prevent a Member State from deciding under what conditions nationals of third countries lawfully resident within its territory may re-enter it after having left the territory of the Member States of the Union during the period of validity of their permits;
- (6) Whereas, in special cases justifying an exemption where visa requirements would in principle exist, Member States may exempt certain categories of person in keeping with international law or custom;

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<sup>(1)</sup> OJ C 11, 15.1.1994, p. 15.

<sup>(2)</sup> OJ C 128, 9.5.1994, p. 350 and OJ C .

- (7) Whereas, since national rules differ on stateless persons, recognized refugees and persons who produce passports or travel documents issued by a territorial entity or authority which is not recognized as a State by all Member States, Member States may decide on visa requirements for that group of persons, where that territorial entity or authority is not on the said common list;
- (8) Whereas it is necessary, when new entities are added to the list, to take account of diplomatic implications and guidelines adopted on the matter by the European Union; whereas, at all events, the inclusion of a third country on the common list is entirely without prejudice to its international status;
- (9) Whereas the determination of third countries whose nationals must be in possession of visas when crossing the external borders of the Member States should be achieved gradually; whereas Member States will constantly endeavour to harmonize their visa policies with regard to third countries not on the common list; whereas the present provisions must not prejudice the achievement of free movement of persons as provided for in Article 7a of the Treaty; whereas the Commission should draw up a progress report on harmonization in the first half of the year 2001;
- (10) Whereas, with a view to ensuring that the system is administered openly and that the persons concerned are informed, Member States should communicate to the other Member States and to the Commission the measures which they take pursuant to this Regulation; whereas for the same reasons that information must also be published in the Official Journal of the European Communities,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. Nationals of third countries on the common list in the Annex shall be required to be in possession of visas when crossing the external borders of the Member States.
2. Nationals of countries formerly part of countries on the common list shall be subject to the requirements of paragraph 1 unless and until the Council decides otherwise under the procedure laid down in the relevant provision of the Treaty.

#### Article 2

1. Member States shall determine the visa requirements for nationals of third countries not on the common list.
2. Member States shall determine the visa requirements for stateless persons and recognized refugees.
3. Member States shall determine the visa requirements for persons who produce passports or travel documents issued by a territorial entity or authority which is not recognized as a State by all Member States if that territorial entity or authority is not on the common list.
4. Within ten working days of the entry into force of this Regulation, Member States shall communicate to the other Member States and the Commission the measures they have taken pursuant to paragraphs 1, 2 and 3. Any further measures taken pursuant to paragraph 1 shall be similarly communicated within five working days.

The Commission shall publish the measures communicated pursuant to this paragraph and updates thereof in the Official Journal of the European Communities for information.

### Article 3

During the first half of 2001 the Commission shall draw up a progress report on the harmonization of Member States' visa policies with regard to third countries not on the common list and, if necessary, submit to the Council proposals for further measures required to achieve the objective of harmonization laid down in the Treaty.

### Article 4

1. A Member State may exempt nationals of third countries subject to visa requirements under Article 1(1) and (2) from such requirements. This shall apply in particular to civilian air and sea crew, flight crew and attendants on emergency or rescue flights and other helpers in the event of disaster or accident and holders of diplomatic passports, official duty passports and other official passports.

2. Article 2(4) shall apply *mutatis mutandis*.

### Article 5

For the purposes of this Regulation, "visa" shall mean an authorization given or a decision taken by a Member State which is required for entry into its territory with a view to:

- an intended stay in that Member State or in several Member States of no more than three months in all;
- transit through the territory of that Member State or several Member States, except for transit through the international zones of airports and transfers between airports in a Member State.

### Article 6

This Regulation shall be without prejudice to any further harmonization between individual Member States, going beyond the common list, determining the third countries whose nationals must be in possession of a visa when crossing their external borders.

### Article 7

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Communities.

**ANNEX to the ANNEX I**Common list referred to in Article 1

## I. States

|                                  |   |                  |
|----------------------------------|---|------------------|
| Afghanistan                      | Djibouti  | Kuwait           |
| Albania                          | Dominican Republic  | Laos             |
| Algeria                          | Egypt   | Lebanon          |
| Angola                           | Equatorial Guinea   | Liberia          |
| Armenia                          | Eritrea   | Libya            |
| Azerbaijan                       | Ethiopia  | Madagascar       |
| Bahrain                          | Federal Republic of Yugoslavia (Serbia<br>and Montenegro) | Maldives         |
| Bangladesh                       |   | Mali             |
| Belarus                          | Fiji  | Mauritania       |
| Benin                            | Former Yugoslav Republic of Macedonia                     | Mauritius        |
| Bhutan                           |   | Moldavia         |
| Bulgaria                         | Gabon   | Mongolia         |
| Burkina Faso                     | The Gambia  | Morocco          |
| Burma/Myanmar                    | Georgia   | Mozambique       |
| Burundi                          | Ghana   | Nepal            |
| Cambodia                         | Guinea  | Niger            |
| Cameroon                         | Guinea-Bissau   | Nigeria          |
| Cape Verde                       | Guyana  | North Korea      |
| Central African Republic         | Haiti   | Oman             |
| Chad                             | India   | Pakistan         |
| China (**)                       | Indonesia   | Papua New Guinea |
| Comoros                          | Iran  | Peru             |
| Congo                            | Iraq  | Philippines      |
| Côte d'Ivoire                    | Jordan  | Qatar            |
| Cuba                             | Kazakhstan  | Romania          |
| Democratic Republic of the Congo | Kyrgyzstan  | Russia           |
|                                  |   | Rwanda           |

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(\*\*) In respect of China, this does not include holders of the Hong Kong Special Administrative Region passport. Article 2 applies: Member States may decide whether to maintain or review their visa requirements in respect of such persons.

Sao Tomé and Príncipe  
Saudi Arabia  
Senegal  
Sierra Leone  
Somalia  
Sri Lanka  
Sudan  
Suriname

Syria  
Tajikistan  
Tanzania  
Thailand  
Togo  
Tunisia  
Turkey  
Turkmenistan

Uganda  
Ukraine  
United Arab Emirates  
Uzbekistan  
Vietnam  
Yemen  
Zambia

II. Territorial entities and authorities not recognized as states by all the Member States

Taiwan