

11281/99 (Presse 288)

2203rd Council meeting

**- JUSTICE AND HOME AFFAIRS -**

Luxemburg, 4 October 1999

President : **Mr Johannes KOSKINEN**  
Minister for Justice

**Mr Kari HÄKÄMIES**  
Minister for the Interior

of the Republic of Finland

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***For further information call 285.84.15 or 285.68.08***

## PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

### Belgium :

Mr Marc VERWILGHEN  
Mr Antoine DUQUESNE

Minister for Justice  
Minister for the Interior

### Denmark :

Mr Frank JENSEN  
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Mr Niels PREISLER

Minister for Justice  
Minister for the Interior  
State Secretary for the Interior

### Germany :

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Mr Eckart PICK

Federal Minister for the Interior  
Parliamentary State Secretary to the Federal Minister for Justice

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Ambassador, Permanent Representative

### Spain :

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Minister for the Interior

### France :

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Minister for the Interior

### Ireland :

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Minister for the Interior  
State Secretary for Justice

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Minister for Justice

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Mr Gijs DE VRIES

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State Secretary for Justice  
State Secretary for the Interior and Overseas Territories

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Minister for the Interior

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Minister for the Interior  
State Secretary for Justice

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### United-Kingdom :

Ms Barbara ROCHE

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### Commission :

Mr António VITORINO

Member

**FINAL REPORT OF THE HIGH-LEVEL GROUP ON ASYLUM AND MIGRATION**

The Council took note of the final report (see below), and the Action Plans which are attached to it, drawn up by the High Level Working Group on Asylum and Migration in order to tackle the root causes of flight or migration in important source countries and regions (Afghanistan and neighbouring region, Iraq, Morocco, Somalia, Sri Lanka, Albania and neighbouring region).

Delegations welcomed the report and the integrated and cross-pillar approach followed by the High Level Group. It was also stressed that as a next step it is important to implement these Action Plans and to assess to this end the necessary financial means.

The final report of the High Level Group will be submitted to the General Affairs Council on 11 October 1999 in view of the Tampere Special European Council.

"Final report High Level Group on Asylum and Migration"<sup>1</sup>:

1. In response to an initiative from the Netherlands, the General Affairs Council on 7 and 8 December 1998 set up the High Level Working Group on Asylum and Migration. The Group was instructed to prepare cross-pillar Action Plans for selected countries of origin and transit of asylum seekers and migrants. At its meeting in Vienna on 11 and 12 December 1998 the European Council welcomed the setting up of the High Level Working Group. On 25 and 26 January 1999 the Council approved its terms of reference. A final report of the Group, containing Action Plans for these countries for the implementation of an integrated cross-pillar approach, was to be submitted, for approval by the Council in advance of the special session of the European Council in Tampere on 15 and 16 October 1999.
2. In carrying out its terms of reference the High Level Working Group has drawn up Action Plans for four main countries of origin and transit in the regional context and also for Iraq having made an assessment of the results yielded so far by the Action Plan of 26 January 1998 on the influx of migrants from Iraq and the neighbouring region. Action Plans have been drawn up for the following countries selected by the Council on 25 and 26 January 1999:
  - Afghanistan and neighbouring region
  - Iraq
  - Morocco
  - Somalia
  - Sri Lanka.

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<sup>1</sup> The Action Plans will be available at the Press Office.

3. As regards Albania and the neighbouring region, which had also been selected by the Council on 25 and 26 January 1999, the High Level Working Group, taking into account the specific character of the situation in the Western Balkans, the important role of the European Union in the Stability Pact and the advisability of concentrating the Union's input through this framework, considered it appropriate that the Action Plan for Albania and neighbouring region be submitted as an interim report on the situation in the region.
4. Migration and the separate but related subject of asylum occupy a prominent place in the political agenda of the European Union and its Member States. Migration is a phenomenon with both positive and negative characteristics for states and individuals concerned. The institution of asylum is based on international obligations as explicitly re-iterated in the Treaty of Amsterdam. There is today a general recognition that a cross-pillar and comprehensive approach is needed to tackle the issues involved. The EC Treaty, as revised by the Treaty of Amsterdam, and the Vienna Action Plan provide appropriate instruments for the development of such an approach and should be fully applied.
5. By establishing the High Level Working Group and giving it the task of drawing up Action Plans targeted at the situation in the above mentioned countries the Council has demonstrated that it is in the interest of both the citizens of the Union and the citizens of the countries of origin and of transit of asylum seekers and migrants to address root causes of migration and flight as well as consequences.
6. The Action Plans are a concrete expression of co-operation within the EU in the field of asylum and migration as intended by the Treaty of Amsterdam. They will make a practical contribution by suggesting concrete measures to be taken in the framework of an EU asylum and migration policy, which is one of the topics for discussion at the special session of the European Council in Tampere.
7. The combined experiences of the European Community and the Member States have enabled the Group to make an in-depth assessment of the countries selected and permitted a joint analysis of the root causes of flight or migration on the basis of an up-to-date survey of the political, economic and human rights situation in the countries concerned.
8. The Group appreciates the excellent co-operation *inter alia* with the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), the International Committee of the Red Cross (ICRC), Amnesty International, and a number of NGOs specialised in asylum and migration matters, such as the European Council on Refugees and Exiles (ECRE) and the Migration Policy Group (MPG).
9. The Action Plans are based on the premise that there must be a common approach which pays attention to political and socio-economic factors conducive to, or resulting from, flight or negative consequences of migration in a country. To be efficient such an approach must be comprehensive, be maintained over the long-term and be responsive to changes of situation. All relevant measures available to the European Union, the European Community and the Member States will have to be utilised in a co-ordinated fashion.
10. The Action Plans contain operational proposals for measures for co-operation with the countries concerned in three integrated categories: foreign policy, development and economic assistance as well as migration and asylum. The Action Plans can be considered as a first attempt by the European Union to define a comprehensive and coherent approach targeted at the situation in a number of important countries of origin or transit of asylum-seekers and migrants.

11. Essential instruments of a coherent approach are dialogue, co-operation and co-development. Important components of the approach are protection of all human rights, support for democratisation and the rule of law, social and economic development, alleviation of poverty, support for conflict prevention and reconciliation, and co-operation with UNHCR and human rights organisations, observance of refugees' and asylum-seekers' right to protection, integration of migrants, and the fight against illegal immigration (*inter alia* through Community readmission agreements).
12. In order to safeguard an efficient and parallel implementation of the Action Plans the Council, the Commission and the Member States need to work closely together in a co-ordinated manner. The necessary financial and personnel resources will need to be agreed upon to ensure the implementation. The expertise of the Member States needs to be made available in various policy fields. Close co-operation with the relevant international organisations should also be aimed for in implementing the Action Plans.
13. Efficient implementation will call for good co-operation between the countries covered in the Action Plans and the Union and its Member States and the mutual respect of their obligations.
14. The objectives of the cross-pillar approach and the Action Plans can also be promoted by intensifying co-operation with the countries who have applied for membership of the European Union. The High Level Working Group considers it important that these countries participate in the efforts of the European Union to develop and implement the integrated, cross-pillar approach targeted at the situation of countries of origin of asylum-seekers and migrants and transit countries. Co-operation with the Union's traditional dialogue partners can be mutually beneficial.
15. The implementation of the measures in the Action Plans needs to be monitored and the results of the integrated cross-pillar method evaluated in a way to be determined by the Council."

**KOSOVO - SITUATION REGARDING RETURNS OF DISPLACED PERSONS**

The Council had an exchange of views on the situation regarding the return of displaced persons to Kosovo and in particular of those evacuated under the Humanitarian Evacuation Programme (HEP) organised by the UNHCR.

In presenting the situation at national level, some Ministers also set out the difficulties encountered in returning the displaced persons, such as the fact that there is no administrative interlocutor in the region.

At the end of the discussion, the Council agreed on the following conclusions:

- "1. The new situation in Kosovo has enabled a large number of Kosovar refugees to return voluntarily to their country of origin.
2. Certain Member States have stated that they will re-examine the legal arrangements applied to persons from the region in the light of the new situation.
3. This situation does not affect the discussions on a system of temporary protection within the Community."

## **CO-OPERATION WITH RUSSIA**

The Council took note of the information given by the Presidency on the progress made in the co-operation on Justice and Home Affairs with Russia, further to the Common Strategy adopted by the Cologne European Council.

With regard to the EU Action Plan on organised crime concerning Russia, a first discussion on a draft took place with a Russian delegation on 28 September at the Subcommittee "on competition, intellectual property rights, approximation of legislation, fight against organised crime" set up under the 1997 Co-operation and Partnership Agreement. The draft Action Plan deals with judicial co-operation, law enforcement co-operation and operational fields of activity (money laundering, drugs, arms trafficking, high technology crime, etc.). Work on this Action Plan will be continued in view of the EU-Russia Conference on organised crime scheduled for 14-16 December in Helsinki. It should be finalised during the Portuguese Presidency and adopted by the European Council, as well as endorsed by Russia.

The Presidency also informed the Council about two EU-Russia seminars held in July in Lapparenta, one on judicial co-operation and the other on migration.

The seminar on judicial co-operation stressed the importance of the rule of law and effective public institutions as necessary conditions for the development of a sound market economy. It also underlined that whilst the improvement of Russia's judicial infrastructure needed to be supported, Russia had to ratify international Conventions relating to judicial co-operation. The idea of drawing up a framework on judicial co-operation was also launched.

The EU-Russia seminar on migration was aimed at giving participants an idea of the current situation and future prospects in pursuing the objective of furthering co-operation in this area. It also provided information on the migration situation in Russia and of the pressure generated by illegal migration from the territory of Russia to that of the EU.

The Presidency indicated that the Council will be further updated on Justice and Home Affairs co-operation with Russia at a forthcoming session.



**DUBLIN CONVENTION - ARRANGEMENTS WITH NORWAY AND ICELAND**

Commissioner VITORINO presented to the Council a recommendation for a decision authorising the Commission to open negotiations with Iceland and Norway on an agreement on the criteria and mechanism for establishing the State responsible for examining a request for asylum lodged in any of the Member States of the EU or in Iceland or Norway.

It is recalled that within the EU such a mechanism has been established by the 1990 Dublin Convention ("determining the State responsible for examining applications for asylum lodged in one of the Member States") which entered into force on 1 September 1997.

The arrangements to be negotiated with Iceland and Norway in order to enable them to participate in the drawing up of criteria for determining the State responsible for examining an asylum application, are based on the Agreement which the EU concluded with these two countries on 18 May 1999 concerning their association with the implementation, application and development of the Schengen Acquis. Under this Agreement the arrangements must be set up before the abolition of frontier checks with the Nordic countries expected to take place during the second half of the year 2000.

Commissioner VITORINO stressed that by envisaging a Community agreement his institution had followed a pragmatic approach which should ensure that the given deadline can be respected.

Following initial comments by delegations pointing out the complex legal issues arising in this context, the Council mandated its competent bodies to start the examination of the Commission recommendation without delay.

**EU STRATEGY ON DRUGS 2000-2004**

The Council held a first debate on the EU Strategy on Drugs for the years 2000 to 2004, on the basis of the Commission's communication on a European Action Plan to combat drugs, tabled on 28 May 1999.

Commissioner VITORINO set out the main objectives in the field of Justice and Home Affairs of this multidisciplinary communication covering also areas relating to health and external relations. It contains in particular suggestions to enhance measures and instruments related to the control of chemical precursors, prevention and fight against money laundering, effective co-operation between police, customs and judicial authorities; implementation of the EU Action Plan on organised crime; prevention of the use of new communication systems as a means of developing drug abuse, production and trafficking, and international co-operation in the fight against illicit drugs trafficking.

In their interventions, Member States pointed out that better exchange of information and co-ordination was needed, as well as an increased role of Europol and the Lisbon European Drugs Observatory. The EU should continue its constant approach aimed at both demand and supply reduction whilst at the same time be able to adapt to new situations, such as synthetic drugs. Several delegations highlighted the need to combat new synthetic drugs that are largely manufactured in the EU. Furthermore it was pointed out that a balanced approach should be adopted with regard to prevention and repression in tackling the drugs problem.

In concluding this debate, the President indicated that Member States' comments will be taken into account when preparing the strategic document for the December Council session in view of the Helsinki European Council.

**RATIFICATION STATUS OF CONVENTIONS IN THE FIELD OF EXTRADITION**

With regard to the 1995 Convention on a simplified extradition procedure, and the 1996 Convention relating to extradition, the Council

- recalled that the Action Plan on the fight against organised crime, adopted by the European Council at its meeting in Amsterdam in June 1997, had foreseen that these two Conventions should have been ratified by Member States at the latest by the end of 1998;
- urged the Member States which had not yet done so, to do their utmost to ratify these Conventions as quickly as possible;
- recalling recommendation 13, paragraph 2 of the said Action Plan, requested the Member States which have not yet ratified, to report to the Council before 15 March 2000 why this has not been done.

It should be noted that the 1995 Convention on a simplified extradition procedure (applicable when the person to be extradited consents to its surrender, and aimed at reducing to a minimum the time necessary for the extradition and any period of detention), has already been ratified by Denmark, Finland, Germany, Portugal, Spain and Sweden.

The 1996 Convention relating to extradition establishes substantive conditions of extradition with a view to making them simpler and faster and hence facilitating the granting of extradition. This Convention has already been ratified by Denmark, Finland, Germany, Greece, Portugal and Spain.

**INFORMATION TO NATIONAL PARLIAMENTS ON JHA MATTERS**

The Dutch delegation drew the attention of the Council to the important role that national parliaments play in the area of Justice and Home Affairs which is of direct interest to EU citizens. Against this background, it pointed out that it needs to submit documents in Dutch to its national parliament at least a fortnight before a Council session.

In taking note of this request, the President indicated that a discussion on this matter should be prepared in view of a forthcoming Council session.

**EUROPEAN COUNCIL OF TAMPERE - State of preparations**

Justice and Home Affairs Ministers had a final exchange of views, over lunch, on the preparation of the Tampere Special European Council scheduled for 16-17 October 1999. Some delegations also submitted further written contributions on the subjects to be dealt with by Heads of State and Government (Belgium on general political guidelines ; joint paper by France, Germany and the United Kingdom on asylum and immigration).

The preparation of the Summit will be finalised by the General Affairs Council at its session of 11 October 1999.

It is recalled that in the Presidency's view Tampere should result in a strong political commitment to put in place an area of freedom, security and justice by following a comprehensive approach; with the following main themes and objectives:

- immigration and asylum policy, external borders (a comprehensive immigration and asylum strategy; a single asylum system; border control arrangements at the external borders of the enlarging Union, the fight against illegal immigration and trafficking in human beings);
- a European judicial area (access to justice; mutual recognition of judgements and decisions, approximation of legislation, improving the status of a victim of crime and safeguarding the status of a person suspected of a crime);
- fight against cross-border crime (crime prevention; effective action against crime, special action against money laundering).

With regard to external relations, the main objective is to ensure an enhanced and more coherent external action of the Union in the field of Justice and Home Affairs.

**COMMUNICATION ON CRIME VICTIMS' RIGHTS**

Under the agenda item "**Any other business**", Commissioner VITORINO presented to the Council a communication entitled "Crime Victims in the EU: Reflexions on Standards and Action" which his institution adopted on 14 July 1999.

Commissioner VITORINO stressed the importance of this communication as the number of persons travelling or living in a country other than their own is steadily increasing. He set out the four main subjects covered by the communication, namely the prevention of victimisation, the assistance to victims, the standing of victims in the criminal procedure and the compensation issues.

In their first reactions, several delegations agreed on the importance of crime victims' protection and welcomed this initiative by the Commission.

## **ITEMS APPROVED WITHOUT DEBATE**

### **JUSTICE AND HOME AFFAIRS**

#### **Financial Regulation of Europol**

The Council adopted the revised Financial Regulation, following the comments made by the Europol Joint Audit Committee, which replaces the Financial Regulation adopted on 18 January 1999.

The Financial Regulation contains provisions governing the establishment, the structure and the implementation of the budget. It also sets out how accounts have to be presented and audited.

#### **Budget of the Schengen Information System (SIS)**

The Council adopted the Central SIS installation and exploitation budget for the year 2000.

The budget estimate for C.SIS installation costs amounts to EUR 800 000, while the estimate for its operating costs is EUR 1 212 000. These estimates are based on the multi-annual plan, which takes into account the continuation of the C.SIS overhaul and the activities related to the Nordic States' integration.

#### **Collective evaluation of candidate countries**

The Council took note of the preliminary country reports on Estonia and Poland drawn up by the expert group on collective evaluation set up under a Joint Action of 29 June 1998.

This expert group, composed of representatives from the Member States and the Commission, is responsible for preparing and keeping up-to-date collective evaluations of the situation in the candidate countries on the enactment, application and effective implementation of the acquis of the Union in the field of Justice and Home Affairs.

The preliminary reports on Estonia and Poland assess progress made so far in the field of Justice and Home Affairs as well as remaining shortcomings.

In taking note of these reports, the Council invited the expert group to continue to monitor progress made by Estonia and Poland towards implementing the Acquis. The reports should also be taken into consideration when selecting and monitoring financial assistance programmes; when the Commission proposes adjustments of the priorities and objectives of the accession partnerships; and more in general, in the context of future discussions on enlargement.

**EXTERNAL RELATIONS****Kosovo/Montenegro - exemption from the oil embargo**

The Council adopted a new Regulation on the oil embargo applicable to the Federal Republic of Yugoslavia, implementing the Common Position of 3 September, which aimed to exempt Kosovo and Montenegro from the oil ban.

Specifically, the new Regulation carries over the provisions of the 30 April 1999 Regulation establishing the oil embargo, but it adds that the competent authorities may authorise the sale, supply or export of oil to the FRY, provided that conclusive evidence is presented that:

1. the oil is shipped from the Community to Montenegro or Kosovo without transiting through other parts of Serbia, and
2. the oil shall not leave the territory of Montenegro or Kosovo for any destination elsewhere in Serbia.

A declaration by the UN Special Representative for Kosovo or by the competent authorities of Montenegro shall constitute such conclusive evidence.

It can be noted that as provided in the original Regulation, exemptions are also foreseen for products used by diplomatic missions of the Member States in the FRY or by an international military peace-keeping presence, as well as those cases where there is conclusive evidence that it would serve strictly humanitarian purposes.

**Co-operation Agreement with Cambodia**

The Council approved a Decision concluding the Co-operation Agreement with Cambodia, which will enter into force on 1 November 1999.

The Agreement, signed on 29 April 1997, contains provisions on human rights and a non-execution clause - applicable in the event of one Party failing to fulfil its obligations under the Agreement - similar to those in other agreements recently signed by the Community.

Its main objectives are:

- (a) the parties agree to accord each other most-favoured-nation treatment on trade in goods in all areas specifically covered by the Agreement, save as regards advantages accorded by either Party within the context of customs unions or free trade areas, trade arrangements with neighbouring countries or specific obligations under international commodity agreements;
- (b) to promote and intensify trade between the Parties, and to encourage the steady expansion of sustainable economic co-operation, in accordance with the principles of equality and mutual advantage;
- (c) to strengthen co-operation in fields closely related to economic progress and benefiting both Parties;
- (d) to contribute to Cambodia's efforts to improve the quality of life and standards of living of the poorest sections of its population, together with measures for the country's reconstruction;
- (e) to encourage job creation in both the Community and Cambodia, with priority being accorded to programmes and operations which could have a favourable effect in this respect.
- (f) to take the requisite measures to protect the environment and manage natural resources sustainably.



The Agreement provides for co-operation on trade, economic and development issues, science and technology, intellectual property rights, the environment including protection of forests, maritime transport, clearance of mines, human resources development, energy, regional co-operation, drug abuse control as well as on readmission of citizens. It also provides for the Community to step up its co-operation with Cambodia in the field of financial and technical assistance under the Council Regulation (EEC) no 443/92 of 25 February 1992 concerning the developing countries in Asia and Latin America.

A Joint Committee will be set up to ensure the proper functioning of the Agreement.

The Agreement is concluded for five years; it includes a future-developments clause.

## **Georgia - accession to WTO**

The Council and the Representatives of the Governments of the Member States meeting within the Council gave their agreement to the accession of Georgia to the World Trade Organisation. This joint position will be submitted by the Commission to the WTO on behalf of the Community and its Member States.

## **EMPLOYMENT AND SOCIAL AFFAIRS**

### **European Foundation for the Improvement of Living and Working Conditions**

The Council appointed, for a three-year period, the new members of the Committee of Experts of the European Foundation for the Improvement of Living and Working Conditions. The Foundation which is located near Dublin in Ireland was created by a Council Regulation in 1975.

## **APPOINTMENTS**

### **Committee of the Regions**

The Council adopted a decision appointing

- full member of the Committee of the Regions  
Mr Vicente ALVAREZ ARECES to replace Mr Sergio MARQUÉS
- alternate members of the Committee of the Regions  
Mr José Luis Raniero GONZALEZ VALLVE to replace Mr Isaías LÓPEZ ANDUEZA,  
Mr Manuel COBO VEGA to replace Ms Carmen ALVAREZ-ARENAS CISNEROS,  
Mr Jaime HEVIA RUIZ to replace Mr Leonardo VERDÍN BOUZA,  
Mr Francisco IRIBARREN FENTANES to replace Mr José María ARACAMA YOLDI,

for the remainder of the latter's term of office, which runs until 25 January 2002.

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**DECISION ADOPTED BY WRITTEN PROCEDURE**

**Ethiopia/Eritrea - arms embargo**

The Council adopted on 30 September a Common Position extending until 31 March 2000 the arms embargo imposed against Ethiopia and Eritrea on 15 March 1999.

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