

**COUNCIL OF THE EUROPEAN UNION
GENERAL SECRETARIAT**

5790/94 (Presse 45)

1738th Council meeting
- JUSTICE AND HOME AFFAIRS -

Brussels, 23 March 1994

Presidents: **Mr Georgios KOUVELAKIS**
 Minister for Justice

Mr Stelios PAPATHEMELIS
 Minister for Public Order

 of the Hellenic Republic

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

Belgium

Mr Louis TOBBACK Minister for the Interior
Mr Melchior WATHELET Deputy Prime Minister and Minister for Justice

Denmark

Mr Gunnar RIBERHOLDT Ambassador, Permanent Representative

Germany

Mrs Sabine LEUTHEUSER-SCHNARRENBARGER Minister for Justice
Mr Kurt SCHELTER State Secretary, Ministry of the Interior
Mr Alwin ZIEL Minister for the Interior, Brandenburg

Greece

Mr Georgios KOUVELAKIS Minister for Justice
Mr Stelios PAPATHEMELIS Minister for Public Order
Mr Constantin GEITONAS State Secretary for Public Order

Spain

Mr Antonio ASUNCION HERNANDEZ Minister for the Interior
Mr Alberto BELLOCH JULVE Minister for Justice

France

Mr Pierre MEHAIGNERIE Minister for Justice
Mr Daniel HOEFFEL Minister attached to the Minister for the Interior

Ireland

Mrs Máire GEOGHEGAN-QUINN Minister for Justice

Italy

Mr Saverio D'AQUINO State Secretary for the Interior

Luxembourg

Mr Marc FISCHBACH Minister for Justice

Netherlands

Mr E. VAN THIJN Minister for the Interior

Portugal

Mr Manuel DIAS LOUREIRO Minister for the Interior
Mr Álvaro LABORINHO LÚCIO Minister for Justice

United Kingdom

Mr Michael HOWARD Secretary of State for the Home Department

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Commission

Mr Pádraig FLYNN Member
Mr Peter SCHMIDHUBER Member

IMMIGRATION AND ASYLUM

The Council heard a statement by Commissioner FLYNN introducing the Commission communication on immigration and asylum policies, which centres on three main topics, viz. reducing migration pressure, controlling migration flows and integrating legal immigrants, and which suggests a common framework for future action in the various areas.

The Council held an initial discussion on the communication, enabling Ministers to give their general reactions regarding the various points which it raised. All delegations thought the communication a sound basis for further work in this important field, while pointing to the need to implement the work programmes agreed on in late 1993.

The Council instructed the Permanent Representatives Committee to arrange for more detailed consideration of the different aspects in the Council's subordinate bodies, bearing in mind the internal allocation of responsibility for the various subject areas.

The Ministers for the Interior are to hold a more detailed discussion on controlling migration flows at their informal meeting on 6 and 7 May 1994 in Thessaloniki.

EUROPEAN INFORMATION SYSTEM – EIS

The Council discussed the main issue still to be resolved in drawing up the Convention on the EIS, viz. whether or not the Convention should include provisions on police and judicial co-operation.

The Council instructed the Permanent Representatives Committee, assisted by the Article K.4 Committee, to discuss the matter further in order in particular to try and resolve that issue with a view to reaching agreement on the Convention at the Justice and Home Affairs Council meeting scheduled for 20 and 21 June 1994.

EUROPOL/EUROPOL DRUGS UNIT

The Council took note of progress on the draft Europol Convention and appealed to all Member States to show a willingness to compromise in this difficult matter so that work on the Convention could be completed on schedule by October.

In addition, the Council agreed to appoint as soon as possible the Co-ordinator and Assistant Co-ordinators of the Europol Drugs Unit (the forerunner of Europol proper during the pre-convention stage). Pending those appointments, the Council extended the term of office of the present caretaker team.

TELECOMMUNICATIONS

The Council discussed the question of retaining, as telecommunications develop, the technical possibility of intercepting them in cases provided for under national legislation.

In practice, the idea is to have some technical studies carried out so as to ensure that telecommunications developments and standardization do not make it technically impossible to resort to that device where provided for by law in order to combat serious crime.

COMBATING TERRORISM

The Council approved a report from the Article K.4 Committee on arrangements for operational co-operation between the Twelve in this field and in particular means of developing and stepping up such co-operation on the basis of the present system, i.e. developing the system of liaison officers, increasing the frequency of meetings and contacts between police forces, organizing specialist seminars, optimum use of the communications network, etc.

EXTRADITION

On the basis of a report from the Permanent Representatives Committee, the Council discussed three aspects of the matter.

First, it noted that in the preparatory work guidelines had been established on a number of points which might, after further examination, form the basis for a future agreement improving co-operation between Member States on extradition. The issues in question were as follows:

- (a) the level of the imprisonment threshold required in order for extradition to be considered;
- (b) extradition for fiscal offences relating to excise, value added tax and customs duties;
- (c) measures relating to life sentences and permanent detention measures;
- (d) renunciation by the requested State of the speciality rule with the consent of the person concerned, accompanied by guarantees when that consent is obtained;
- (e) reference to the Convention on Human Rights and the 1951 Geneva Convention on Refugees, whereby the Member States reaffirm their commitment to those Conventions.

The Council then turned to two political issues in order to explore possible solutions: the treatment of political offences and the extradition of a country's own nationals.

The discussions, which showed that there was considerable willingness to make progress, enabled the Council to focus more clearly on the various problems arising as regards the two issues and to arrive at some pointers to guide the experts in further work on the matter.

COMBATING FRAUD

The Council heard a statement by the United Kingdom Minister introducing an initiative by his Government for joint action regarding the protection of the financial interests of the Communities under Member States' criminal law. The draft stipulates in essence that fraud against the financial interests of the Communities, or knowingly assisting in or inducing the commission of such fraud, is to be punishable by the Member States.

In that connection the Council also heard a statement by Commissioner Schmidhuber on the broad lines of action which the Commission envisaged on the issue.

The Council held an initial discussion on these initiatives and once again highlighted the importance to it of stepping up action against fraud affecting the Community's financial interests.

In conclusion, the Presidency stated that it would be pressing ahead with work on the matter, in the light of the United Kingdom initiative, the intentions stated by the Commission and the comments made by Member States during discussions, so that a report could be submitted for the meeting on 20 and 21 June 1994.

ACCESSION BY THE COMMUNITY TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The Council was briefed on progress regarding the request to be made to the Court for an opinion on the compatibility with the Community Treaties of accession by the Community to the European Convention on Human Rights.

That request is shortly to be submitted for the Council's approval.