

14995/03 (Presse 334)

**PROVISIONAL VERSION**

2548th Council meeting

**- JUSTICE AND HOME AFFAIRS -**

Brussels, 27-28 November 2003

President : **Mr Roberto CASTELLI**  
Minister for Justice

**Mr Giuseppe PISANU**  
Minister for the Interior

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- *Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.*
- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
- *Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the above mentioned Council Internet site or may be obtained from the Press Office.*

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## **PARTICIPANTS**

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

**Belgium:**

Mr Patrick DEWAELE

Deputy Prime Minister and Minister for the Interior

**Denmark:**

Ms Lene ESPERSEN

Minister for Justice

Mr Bertel HAARDER

Minister for Refugees, Immigration and Integration

**Germany:**

Mr Otto SCHILY

Federal Minister for the Interior

**Greece:**

Mr Pantelis TSERTIKIDIS

State Secretary for Public order

**Spain:**

Mr Rafael CATALÁ POLO

State Secretary for Justice

Mr Jaime Ignacio GONZÁLEZ GONZÁLEZ

State Secretary, Government Representative for Aliens' Affairs and Immigration

**France:**

Mr Pierre SELLAL

Ambassador, Permanent Representative

**Ireland:**

Mr Michael McDOWELL

Minister for Justice, Equality and Law Reform

**Italy:**

Mr Giuseppe PISANU

Minister for the Interior

Mr Roberto CASTELLI

Minister for Justice

**Luxembourg:**

Mr Luc FRIEDEN

Minister for Justice, Minister for the Treasury and the Budget

**Netherlands:**

Mr Jan Piet Hein DONNER

Minister for Justice

Ms Rita VERDONK

Minister for Aliens' Affairs and Integration

**Austria:**

Mr Ernst STRASSER

Federal Minister for the Interior

**Portugal:**

Mr António FIGUEIREDO LOPES

Minister for the Interior

**Finland:**

Mr Johannes KOSKINEN

Minister for Justice

**Sweden:**

Mr Thomas BODSTRÖM

Minister for Justice

**United Kingdom:**

Lord FILKIN

Parliamentary Secretary, Department for Constitutional Affairs

\* \* \*

**Commission:**

Mr António VITORINO

Member

**The Governments of the Acceding States were represented as follows:**

**Czech Republic :**

Mr Stanislav GROSS

First Deputy Prime Minister and Minister for the Interior

**Estonia :**

Mr Margus LEIVO

Minister for the Interior

**Cyprus :**

Mr Andreas CHRISTOU

Minister for the Interior

**Latvia :**

Mr Andris KESTERIS

Ambassador, Permanent Representative

**Lithuania :**

Mr Virgilijus BULOVAS

Minister for the Interior

**Hungary :**

Mr Tibor PÁL

State Secretary, Ministry of Justice

**Malta:**

Mr Tonio BORG

Minister of Justice and Home Affairs

**Poland :**

Mr Sylwester KROLAK

Deputy Minister for Justice

**Slovakia :**

Mr Vladimír PALKO

Minister for the Interior

**Slovenia :**

Mr Ivan BIZJAK

Minister for Justice

Mr Rado BOHINC

Minister for the Interior

**ITEMS DEBATED**

**FRAMEWORK DECISION ON DRUG TRAFFICKING**

The Council, noting that some delegations entered parliamentary scrutiny reservations, reached an agreement on the Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking. A consultation of the European Parliament will now take place.

The text agreed contains a new definition of penalties and the reports that the Commission will have to submit on the implementation of the Framework Decision. As regards penalties, each Member State will take the measures necessary to ensure that the infringements defined in the Framework Decision are punishable by effective, proportionate and dissuasive criminal penalties.

According to the agreed text, the following intentional conduct when committed without right, is punishable:

- the production, manufacture, extraction, preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of drugs;
- the cultivation of opium poppy, coca bush or cannabis plant;
- the possession or purchase of drugs with a view to conducting one of the activities listed above; and
- the manufacture, transport or distribution of precursors, knowing that they are to be used in or for the illicit production or manufacture of drugs .

This conduct will not be included in the scope of this Framework Decision when it is committed by its perpetrators exclusively for their own personal consumption as defined by national law.

By virtue of the principle of subsidiarity, European Union action should focus on the most serious types of drug offence. The exclusion of certain types of behaviour as regards personal consumption from the scope of the Framework Decision does not constitute a Council guideline on how Member States should deal with these other cases in their national legislation.

Penalties provided for by the Member States should be effective, proportionate and dissuasive, and include custodial sentences. To determine the level of penalties, factual elements such as the quantities and the type of drugs trafficked, and whether the offence was committed within the framework of a criminal organisation should be taken into account.

Member States should be allowed to make provision for reducing the penalties when the offender has supplied the competent authorities with valuable information.

It should be noted that the need for legislative action to tackle illicit drug trafficking has been recognised in particular in the Action Plan of the Council and the Commission, adopted by the Justice and Home Affairs Council in Vienna on 3 December 1998, on how best to implement the provisions of the Amsterdam on an area of freedom, security and justice <sup>1</sup>, the conclusions of the Tampere European Council of 15 and 16 October 1999, in particular point 48 thereof, the European Union's Drugs Strategy (2000-2004) endorsed by the Helsinki European Council from 10 to 12 December 1999 and the European Union's Action Plan on Drugs (2000-2004) endorsed by the European Council in Santa Maria da Feira on 19 and 20 June 2000.

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<sup>1</sup> OJ C 19, 23.1.1999, p. 1.

**AGREEMENT WITH NORWAY AND ICELAND ON MUTUAL ASSISTANCE ON  
CRIMINAL MATTERS**

The Council reached a general approach on the Agreement with Norway and Iceland on mutual assistance on criminal matters. The Council also agreed to authorise the Presidency to designate the person to sign the Agreement. The formal authorisation for signature will be adopted, without discussion, at one of the forthcoming meetings of the Council (probably on 8 December 2003).

The text of the draft Agreement will now be revised by the Council Legal/Linguistic working Party.

The Agreement will fully incorporate Norway and Iceland into the EU Convention of 29 May 2000 and its Protocol.



**EUROPEAN ENFORCEMENT ORDER FOR UNCONTESTED CLAIMS**

The Council reached a general approach on the compromise solution proposed by the Presidency and agreed that, in the following days, it would be required to finalise some few technical aspects as those relating to the recitals or the annexes.

The Council acknowledged that the Dutch, United Kingdom and Swedish delegations entered a scrutiny parliamentary reservation.

The Council will adopt its common position on the Regulation, within the meaning of Article 251, if necessary by written procedure, by the end of December 2003, with a view to forwarding it to the European Parliament during December.

It should cover both judgements relating to uncontested claims and judgements delivered on challenges to judgements certified as a European Enforcement Order.

Finland made the following statement for entry in the Council minutes:

“Finland considers that the principle of mutual recognition would preclude Member States from erecting obstacles to the free movement of judgements which would hamper access to justice. That being the case, the article in the Regulation on the European enforcement order governing the enforcement procedure should include a provision to the effect that the creditor shall not be required to provide a mailing address or have an authorised representative in the Member State of enforcement. The Commission's original proposal was along these lines (Article 21(4)).

However, since that proposal did not receive sufficient support from the other member States, Finland does not now intend to oppose the deletion of the provision from the proposal for a Regulation. We nevertheless consider the deletion of the provision regrettable as it will significantly increase the costs incurred in cross-border enforcement. The abolition of the *exequatur* procedure should mean that an address or a representative is no longer required in the Member State of enforcement. In Finland's view, this matter should be looked at again as soon as possible, once the principle of mutual recognition is developed further.”

The purpose of this Regulation is to permit, by laying down minimum standards, the free circulation of judgements, court settlements and authentic instruments throughout all Member States without any intermediate proceedings to be taken in the Member State of enforcement prior to recognition and enforcement.

Access to enforcement in a Member State other than that in which the judgement has been given will be accelerated and simplified by dispensing with any intermediate measures to be taken prior to enforcement in the Member State in which enforcement is sought. A judgement that has been certified as a European Enforcement Order by the court of origin will, for enforcement purposes, be treated as if it had been delivered in the Member State in which enforcement is sought.

Such a procedure should offer significant advantages as compared with the *exequatur* procedure provided for in Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters<sup>1</sup>, in that there is no need for the involvement of the judiciary in a second Member State with the resulting delays and expenses.

The text contains minimum standards with regard to the service of documents covering the admissible methods of service, enabling the preparation of a defence and the proper information of the debtor. Only the compliance with these minimum standards justifies the abolition of a control of the observation of the rights of the defence in the Member States where the judgement is to be enforced.

The adoption of this Regulation will constitute an important step in the achievement of 1999 Tampere conclusions towards the establishment of an area of Freedom, Security and Justice.

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<sup>1</sup> OJ L 12, 16.1.2001, p. 1.

**PREPARATION OF THE MEETING WITH THE WESTERN BALKANS, BULGARIA,  
ROMANIA AND TURKEY**

Over lunch, Ministers prepared the meeting with their partners from the Western Balkans, Bulgaria, Romania and Turkey, which will be held on 28 November 2003.

SG/HR Javier Solana attended the meeting during the discussions on this issue and addressed Ministers on the situation in the Balkans, in particular on the fight against organised crime in that region; the civilian crisis management structures, namely the EU Police Missions; and finally, on the European Security Strategy, to be adopted by the EU Heads of State and Government in the Brussels Summit in December.

**EXTERNAL BORDERS AGENCY**

The Council adopted the following conclusions :

“The Seville European Council on 21-22 June 2002 welcomed the Plan for the management of the external borders of the Member States of the European Union and urged the introduction without delay, within the framework of the Council, of the Common Unit for External Border Practitioners, composed of Member States' heads of border control, to coordinate the measures contained in the Plan.

The Thessaloniki European Council, at its meeting on 19 and 20 June 2003, invited the Commission to examine in due course, drawing on experience by the Common Unit activities, the necessity of creating new institutional mechanisms, including the possible creation of a Community operational structure, in order to enhance operational cooperation for the management of external borders.

At its meeting on 16 and 17 October 2003, the Brussels European Council welcomed the Commission's intention to submit a proposal for the creation of a Border Management Agency, in order to enhance operational cooperation for the coordination of the management of external borders, in time for the Council to reach a political agreement on its main elements by the end of the year.

The Council now welcomes the proposal presented by the Commission on 11 November 2003 and agrees on the following elements:

**The Agency and its tasks**

1. While considering that the responsibility for the management of the external borders lies with the Member States, the Council considers that the creation of an Agency is the most appropriate way to organise and develop the indispensable coordination of operational cooperation at the external borders.
2. In order to promote solidarity between Member States, the Council agrees that the Agency, building upon the achievements of the External Borders Practitioners Common Unit and the ad hoc Centres for cooperation in the integrated management of the external borders, should:
  - coordinate the operational cooperation between Member States in the field of management of the external borders;
  - assist Member States on training of national border guards, including the establishment of common training standards;

- carry out risk analyses;
- follow up on the development of research relevant for the control and surveillance of the external borders;
- assist Member States in circumstances requiring increased technical and operational assistance at the external borders;
- provide Member States with the necessary technical support in organising joint return operations.

Possible extensions of the tasks of the Agency should be decided, at an appropriate moment, according to the procedure provided by the appropriate legal basis in the treaties.

3. In matters covered by activities of the Agency and to the extent required for the fulfilment of its tasks, the Agency should facilitate the operational cooperation between Member States and third countries, in the framework of the European Union external relations policy in the Justice and Home Affairs field.

#### **Institutional elements**

4. The development of the policy and legislation on external border control and surveillance remains a responsibility of the EU institutions, in particular the Council. More in general, a close coordination between the Agency and these EU institutions should be guaranteed.
5. In order to deal with the specific aspects of control and surveillance of the different types of borders - land, sea and air - the Agency, building upon the experiences of the ad hoc Centres should be entitled to set up specialised, decentralised branches in the Member States that will constitute an integrated part of the Agency
6. The establishment of the Agency constitutes a measure building upon the Schengen acquis, aiming at the facilitation of the application of existing and future measures relating to the management of the external borders.

Therefore, the Council agrees that:

- Iceland and Norway should participate in the Agency. Any necessary arrangements regarding their participation should be developed under the relevant provisions of the Association Agreement of May 1999;
- the position of the UK and Ireland will require to be determined in the context of the negotiation of the regulation, and in accordance with the relevant provisions of the Treaties.

The Council considers that Denmark, in accordance with Article 5 of the Protocol on the Position of Denmark annexed to the Treaty on the European Union and to the Treaty establishing the European Community, will decide within a period of six months after the Council has adopted the regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders, whether it will implement it in its national law or not.

7. Without prejudice to the previous point, the Council considers that each Member State should have a representative in the Management Board of the Agency, which should consist of the operational heads of the national law enforcement authorities responsible for border management. In order to allow for an efficient functioning of the Management Board, the Board should take decisions by a majority to be defined. However, the participation of Member States in common operational activities, such as joint operations and pilot projects, will take place on a voluntary basis.
8. As regards the other elements of its structure, the Council agrees that wherever possible and appropriate, the provisions on the Agency should consider the precedents offered by other Community agencies.

#### **Budget**

9. The Council takes note of the budget estimated by the Commission for the Agency and considers that a more in-depth examination is required, in particular as regards the human resources required in order to allow the Agency to be fully operational, efficient and effective.

#### **Timing**

10. The Agency should be in a position to start its activities from 1 January 2005 onwards.”

The Council took note of a statement by the Spanish Delegation concerning the non-applicability of the Regulation to Gibraltar.

**ILLEGAL IMMIGRATION ACROSS THE MARITIME BORDERS OF THE EU**

The Council adopted the Programme of measures to combat illegal immigration across the maritime borders of the Member States of the European Union.

The purpose of this programme is to improve action taken to combat illegal immigration across the maritime borders of the Member States of the European Union. The principal means of ensuring the success of any measures taken is enhanced international relations with the third countries from which illegal migration flows originate or through which they pass. The programme adopts the concept of the virtual maritime border in order to reinforce the legal borders of Member States by means of joint operations and specific measures in the places where illegal migratory flows originate or transit.

The intention of the proposed measures is to achieve coordinated and effective management of the maritime borders within a minimum time. The programme contains proposals for increasing port-to-port controls among Member States and in traffic with third countries. There are suggestions for operations in territorial waters and on the high seas. In addition to initiatives for patrols and information gathering and analysis, there are proposals for the treatment of immigrants found on board vessels which have been intercepted or prevented from leaving. The conclusion of agreements with the countries of origin or transit of illegal immigration is advocated, as well as a single management structure for maritime coordination centres. Lastly, particular attention is paid to identifying sources of Community funding.

It should be noted that in September 2003, the Commission presented the final report on the feasibility study on the control of the European Union's maritime borders. The study singled out five priority areas: identification of illegal immigration routes; cooperation with –third countries of origin and transit; the introduction of effective operational structures for coordination between Member States; identification of the best technologies available; and the legal aspects of maritime border controls.

On the basis of the feasibility study, the European Council on 16 and 17 October 2003 emphasised the importance of acting as soon as possible and called on the JHA Council to carry out a programme of work on management of the Union's maritime borders by the end of 2003.

**MODIFICATION OF FORMAT FOR VISAS AND RESIDENCE PERMITS**

The Council, pending the opinion of the European Parliament, reached a general approach on the two draft proposals laying down a uniform format for visas and for residence permits for third country nationals.

The Council also adopted the following conclusions :

“The Council

- building upon the conclusions of the European Council of Thessaloniki on 19/20 June 2003 and as requested by the European Council of Brussels on 16/17 October 2003,
- having reached a general approach on the Commission proposals laying down a uniform format for visas and a uniform format for residence permits for third-country nationals,
- confirms that the specifications for the enrolment of biometric identifiers in the Visa Information System (VIS) will be coherent and therefore in line with the specifications laid down for biometric data in the Regulation concerning a uniform format for visas,
- considers in agreement with the Commission that the implementation of the proposal on a uniform format for visas requires an additional legal instrument, creating the obligation and specifying the exceptions to the recording of fingerprints on the storage medium of the uniform format for visas,
- invites the Commission to present the relevant proposal on the amendment of the Common Consular Instructions,
- invites the Commission assisted by the Committee created under Article 6 of Regulation 1683/95 laying down a uniform format for visas to start as soon as possible with the development of the technical specifications necessary for the implementation of the measures.”

The Council took note of the Commission’s intention to present a proposal for biometric identifiers in passports before the end of the year.



It is recalled that the Commission had been requested to prepare these two proposals by the Thessaloniki European Council in June 2003. The main objectives of the proposals are to bring forward the final date for implementation of the photograph from 2007 to 2005 and to require Member States' harmonised integration of biometric identifiers into the visa and the residence permit for third-country nationals in order to ensure interoperability.

In October 2003, the Brussels European Council "called upon the JHA Council to reach political agreement by the end of 2003 on the two proposals.

**“MINIMUM STANDARDS” DIRECTIVE**

The Council took note of the state of play of the Proposal for a Directive on minimum standards on procedures in Member States for granting and withdrawing refugees status and instructed the Permanent Representatives Committee to further continue work on the Directive, with a view to reaching an agreement under the Irish Presidency.

The Council was also briefed by Commissioner Vitorino on the situation concerning the preparation of the list of safe countries of origin.

The objective of this proposal is to establish equivalent procedures in Member States for examining applications for asylum.

The original proposal was presented by the Commission in October 2000. The Council adopted conclusions in December 2001 and invited the Commission to submit an amended proposal. The amended proposal was forwarded by the Commission in June 2002.

Ireland and the United Kingdom are participating in the adoption of this Directive. Denmark does not participate.

It is recalled that at its meeting on 5 June 2003, the Council reached agreement on certain provisions of the amended proposal and instructed the Permanent Representatives Committee to further examine the Directive with a view to reaching an early agreement. On 2 October 2003, the Council dealt with the question of safe countries of origin and safe third countries. It invited the Commission to work on the setting up of a first list of safe third countries. On 6 November 2003, the Council examined two items relating to the designation of safe countries.

**“QUALIFICATION” DIRECTIVE**

The Council took note of the state of play concerning the proposal on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection.

The Council instructed the Permanent Representatives Committee to further continue the examination of the Directive with a view to reaching an agreement during the Irish Presidency.

The purpose of the proposal is to provide a framework for an international protection regime, based on existing international and Community obligations and current Member States practice, and separated into the two complementary categories of refugee and subsidiary protection. The proposal includes provisions on the minimum rights and benefits to be enjoyed by the beneficiaries of refugee status and of subsidiary protection status.

Ireland and the United Kingdom are participating in the adoption of this Directive. Denmark does not participate.

**ENTRY IN THE EU OF PERSONS IN NEED OF INTERNATIONAL PROTECTION**

The Council was briefed by the Presidency on the outcome of the seminar : “Towards more orderly and managed entry in the EU of persons in need of international protection” (Rome, 13-14 October 2003).

It is recalled that the Thessaloniki European Council (Conclusion 26) invited the Commission “to explore all parameters in order to ensure more orderly and managed entry in the EU of persons in need of international protection, and to examine ways and means to enhance the protection capacity of regions of origin with a view to presenting to the Council, before June 2004 a comprehensive report suggesting measures to be taken, including legal implications”.

In order to inform the drafting process of the Commission’s report, the above mentioned Seminar focused on the possible advantages and disadvantages connected to the adoption, at EU level, of a Protected Entry Procedure and/or a Resettlement Scheme as complementary tools within the international protection regime.

Participants acknowledged that Protected Entry Procedures and Resettlement Schemes, set up at EU level, could be elements of a comprehensive approach to asylum and immigration issues underpinned by responsibility and burden sharing with the regions of origin. The other elements of such an approach being the enhancement of protection capacities of the regions of origin, access to legal immigration channels as well as an effective return policy and measures against illegal immigration.

**CONDITIONS OF ENTRY AND RESIDENCE FOR THE PURPOSE OF ECONOMIC  
ACTIVITIES**

The Council took note of the state of play regarding the proposal for a Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities.

The draft Directive seeks to determine the conditions in which third-country nationals may enter and reside in the Member States in order to work, either as an employee or in a self-employed capacity. It also seeks to determine standards on procedures for the issue by a Member State of permits to third-country nationals to enter and reside in its territory and to "exercise activities as employed or self-employed person".

It sets out general rules providing that a document to be called "residence permit - worker" shall only be issued to persons in accordance with the provisions of the Directive.

There are details on the procedure for submitting applications and on the content of such applications and the draft Directive also provides that it must be demonstrated that the job vacancy in question cannot be filled by other more privileged categories of people, such as citizens of the Union, or third-country nationals already enjoying full access to the national labour market concerned.

In addition, it must be shown that there is a shortage on the labour market for the sector concerned and a choice of methods for demonstrating this is offered.

Furthermore there are special rules for specific categories of persons, such as transfrontier workers and intra-corporate transferees.

**MEETING OF THE TASK FORCE OF THE CHIEFS OF POLICE**

The Council took note of the Presidency conclusions regarding the 8th Meeting of the Task Force of the Chiefs of Police of the EU Member States held on 6 and 7 October 2003 in Rome.

This meeting was attended by the representatives of the Member States, the acceding countries and candidate countries. The representatives of the European Commission and the General Secretariat of the Council, the Director of Europol, the President of Eurojust, the Chairman of the Board of CEPOL also participated in the meeting. On the second day of the meeting, participants included the General Secretary of Interpol. Norway participated as an observer.

The working session focused on the following issues: the follow-up to the JHA Informal Council held in Rome on September 12 and 13, the strengthening of the Task Force of the Chiefs of Police, the strengthening of Europol, the Europol's activities, the preparation of 2004 Olympic Games, and the employment of Law Enforcement Agencies in Civil Police Missions Abroad.

**STRENGTHENING COOPERATION IN CIVIL PROTECTION ASSISTANCE**

The Council adopted the following conclusions :

“THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING the recent exceptional events and occurrences and in particular the large forest fires that occurred during summer 2003 in many Member States, together with their tragic human toll – including casualties for fire-fighters and members of rescue teams and forestry services – as well as their damage to health, environment, infrastructure and property;
2. HAVING REGARD to the Resolution of the European Parliament, of 4 September 2003, on the effects of the summer heat-wave, which contains important elements relevant to civil protection;
3. SALUTES the dedication of the volunteers and fire-fighters that were involved in missions to combat and respond to the forest fires and other disasters and serious accidents;
4. WELCOMES the unprecedented manifestations of concrete solidarity amongst the Member States during summer 2003, i.a. by the dispatch of both aerial and terrestrial means, which resulted in the largest number of mutual assistance interventions ever performed in the Community;
5. CONSIDERS this solidarity to be in line with the outcome of the European Convention on the introduction into the draft Constitutional Treaty of provisions related to Civil Protection;
6. NOTES the positive impact of the Council Decision establishing a Community action programme in the field of civil protection<sup>1</sup> on the cooperation between Member States and the Commission, i.a. in making available fora for a still closer and more developed cooperation between Member States and the Commission;
7. RECOGNISES the positive contribution of the Community Civil Protection Mechanism established under Council Decision 2001/792/EC, Euratom<sup>2</sup> and especially of the Commission's Monitoring and Information Centre established under that Decision;
8. WELCOMES the efforts by the Commission to implement the tasks imposed by the Community Mechanism and to improve the capabilities of the monitoring and information centre in facing emergencies of an exceptional magnitude;

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<sup>1</sup> Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection, OJ C 327, 21.12.1999, p. 53.

<sup>2</sup> Council Decision 2001/792 EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate cooperation in civil protection assistance interventions, OJ L 297, 15.11.2001, p. 7.

9. WELCOMES the announcement by the Commission that it will examine, in the framework of the existing instruments, its present capabilities for dealing with natural and technological disasters and accidents and TAKES NOTE that, if appropriate, it will propose new instruments;
10. INVITES the Commission to present within the shortest time-span the appropriate proposals to achieve the developments referred to in paragraph 9 and soon to inform the Council of their form and timetable;
11. WELCOMES the intention of the Commission in the meantime to enable the Monitoring and Information Centre to play a dynamic and proactive supporting role with a view to facilitating Member States' coordination in any forthcoming emergency or threat and to that end:
  - to identify the needs, and to examine ways and means to provide it with the necessary adequate resources,
  - to continue its efforts aiming at further improving the functioning of the Monitoring and Information Centre and at eliminating difficulties in its operation and to amend its procedures as necessary;

Also INVITES the Commission as soon as possible to present the announced communication on a common approach to the prevention of risks.”

It is recalled that the Civil Protection Mechanism was established under Decision 2001/792. It offers a communication network, databases of civil protection capabilities in the Member States that could be mobilised, a Monitoring and Information Centre (MIC) and, as an option, assessment/coordination teams that may assist a Member State or third country in managing a disaster. By 1.1.2005, the Commission must evaluate the implementation of the Decision and submit any proposals for amendment.

The Civil Protection Action Programme provides for exchanges of information, training contacts to enhance common approaches to disaster prevention and management, and public awareness-raising.

The European Solidarity Fund was established in November 2002 following the floods in Europe in summer 2002. It aims at supporting the populations struck by, mainly, a natural disaster with a damage of more than EURO 3 billion or 0,6 of GNI, to contribute to a rapid return to normal living conditions. An interinstitutional agreement of 7 November 2002 allows for the mobilisation of the Fund through a flexibility mechanism, within an annual ceiling of EURO 1 billion, over and above the relevant headings of the financial perspectives.



**ANY OTHER BUSINESS**

– *European Arrest Warrant*

The Council, in accordance with Article 34(2) of the Framework Decision establishing the European Arrest Warrant, took note of the state of implementation of the Framework Decision into the law of the fifteen Member States and the Acceding countries.

All Members States declared to be ready or nearly ready to implement the Framework Decision by January 2004.

The Acceding countries declared to be ready by May 2004, date of their accession into the EU.

**IN THE MARGINS OF THE COUNCIL**

– ***MIXED COMMITTEE***

In the margins of the Council, the Mixed Committee at Ministerial level (EU + Iceland and Norway) met in the context of the Schengen arrangements under the chairmanship of Mr Björn BJARNASON, Minister for Justice and Ecclesiastical Affairs of Iceland.

– ***External Borders Agency***

The Mixed Committee reached a general agreement on Council conclusions concerning the External Border Agency (see page 12).

– ***Uniform format for visas and for residence permit***

The Mixed Committee reached a general approach on the text of the proposals amending Regulations laying down a uniform format for visas and form residence permits for third-country nationals.

It also agreed on Council conclusions (see page 16).

– ***Programme of measures to combat illegal immigration across maritime borders***

The Mixed Committee reached a general approach on this programme (see page 15).

**ITEMS APPROVED WITHOUT DEBATE**

**JUSTICE AND HOME AFFAIRS**

**Jurisdiction in matrimonial matters and the matters of parental responsibility**

Following the political agreement of 3 October 2003, the Council adopted the Regulation concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility (12513/1/03). This Regulation replaces Regulation (EC) No 1347/2000, which is consequently repealed.

In accordance with the Protocols on the position of respectively the United Kingdom and Ireland as well as Denmark, annexed to the Treaties, Ireland and the United Kingdom have given notice to their wish to take part in the adoption and application of this Regulation, whereas Denmark does not participate in its adoption and will not be bound by it or subject to its application.

**Drug – Council Resolutions**

The Council adopted the Resolution on the importance of the role of the families in preventing drug abuse by adolescents (10948/5/03), the Resolution on the posting of liaison officers with particular expertise in drugs to Albania (11051/6/03), and the Resolution on combating the impact of psychoactive substances use on road accidents (11143/4/03).

**New synthetic drugs**

The Council adopted the Decision concerning control measures and criminal sanctions in respect of new synthetic drugs (13545/03). Member States shall take the necessary measures, in accordance with their national law, to submit these new synthetic drugs to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1971 United Nations Convention on Psychotropic Substances.

**1960 Paris Convention on Third Liability in the Field of Nuclear Energy**

The Council adopted a Decision authorising the Member States which are Contracting Parties to the 1960 Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to sign, in the interest of the European Community, the Protocol amending that Convention (14303/03).

The Protocol of amendment to the Paris Convention is particularly important in the light of the interests of the Community and its Member States, because it improves compensation for damage caused by nuclear accidents.

Furthermore, the Council agreed on the text of the draft Decision authorising the Member States which are Contracting Parties to the above mentioned Paris Convention to ratify, in the interest of the European Community, the Protocol amending that Convention, or to accede to it (14305/03). This proposal will be sent to the European Parliament for its assent.

With regard to these Decisions, the United Kingdom and Ireland are participating in the adoption. Denmark, in accordance with the Protocol on its position annexed to the Treaties, is not taking part in the adoption and is neither bound or subject to the application. As Austria, Ireland and Luxembourg are not parties to the Paris Convention and have no intention of becoming contracting parties to it, these three States are not participating in the application of these Decisions.

### **Combating organised crime**

The Council adopted a Recommendation on the improvement of methods of prevention and operational investigation in combating organised crime involving trafficking in human beings (15028/03). The Council recommends in particular that Member States

- devise suitable prevention strategies to reduce the opportunities that facilitate organised criminal activity in trafficking in human beings for the purpose of all forms of sexual or other exploitation,
- take measures to make law enforcement agencies more effective in tackling organisations and networks engaged in such trafficking.

### **SCHENGEN**

#### **SISNET Budgets**

The Member States, meeting within the Council, adopted the 2004 budget (12722/03) as well as the amending 2003 budget for SISNET (12721/03). Furthermore, following auditing of the 2002 accounts of Sirene Phase II/Helpdesk and SISNET by the Court of Auditors, they gave discharge to the Secretary-General and the Deputy Secretary-General respectively in respect of the 2002 budget's implementation.

#### **"Help Desk Server" / Sirene Network Phase II**

The Member States concerned, meeting within the Council, decided to repeal

- Council Decision 1999/322/EC, authorising the Secretary-General of the Council to act as a representative of certain Member States for the purposes of concluding contracts relating to the installation and functioning of the "Help Desk Server" of the Management Unit and the Sirene phase II and to manage such contracts (12137/03), as well as

- Council Decision 199/323/EC, setting out the related Financial Regulation (12138/03).

These Decisions were taken on the grounds that, for operational reasons, it is no longer necessary for the Secretary-General of the Council to carry out these tasks.

### **Schengen evaluation**

Regarding the application of the Schengen acquis, the Council took note of the state of play of the follow up to the recommendations made to the Benelux countries and approved conclusions on the evaluation of the application of the acquis by Portugal.

### **EUROPOL**

#### **Europol / Colombia Agreement**

The Council authorised the Director of Europol to conclude the draft Agreement between Europol and Colombia (12825/03). The purpose of this Agreement is to enhance the cooperation of the EU Member States, acting through Europol, and Colombia in preventing, detecting, suppressing, and investigating serious forms of international crime, in particular through the exchange of strategic and technical information. This Agreement does not authorise the transmission of data related to an identified individual or identifiable individuals.

#### **Europol Convention\***

The Council adopted an Act drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol), a Protocol amending that Convention (13650/03 + 13649/03 ADD 1).

#### **Bilateral cooperation at common land borders – Council conclusions**

The Council adopted conclusions on the adoption of bilateral cooperation arrangements in the field of controls of persons at common land borders between certain Member States of the European Union after enlargement (15013/03).

### **FISHERIES**

#### **EC/Côte d'Ivoire Fishing Agreement**

The Council unanimously adopted a Decision on the provisional extension of the EC/Côte d'Ivoire fishing agreement from 1 July 2003 to 30 June 2004 (13950/03). The Agreement sets out the fishing opportunities off the coast of Côte d'Ivoire for the European Communities, by allocating in particular licence applications to France, Spain and Portugal fishing vessels' for tuna fishing. The Community's annual financial contribution is equal to the existing contribution of EURO 957 500 under the current Protocol.