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2423rd Council meeting

- JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION -

Luxembourg, 25/26 April 2002

Presidents : **Mr Mariano RAJOY BREY**, First Deputy
Prime Minister and Minister for the Interior

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Justice

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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 :

Ms Lene ESPERSEN
Mr Bertel HAARDER

Minister for Justice
Minister for Refugees, Immigration and Integration and Minister without Portfolio with responsibility for European Affairs

Germany :

Mr Otto SCHILY
Mr Hansjörg GEIGER

Federal Minister for the Interior

Greece :

Mr Philippos PETSALNIKOS

Minister for Justice

Spain :

Mr Mariano RAJOY BREY
Mr Ángel ACEBES PANIAGUA

First Deputy Prime Minister and Minister for the Interior
Minister for Justice

France :

Mr Daniel VAILLANT

Minister for the Interior

Ireland :

Ms Anne ANDERSON

Ambassador, Permanent Representative

Italy :

Mr Roberto CASTELLI
Mr Claudio SCAJOLA

Minister for Justice
Minister for the Interior

Luxembourg :

Mr Luc FRIEDEN

Minister for Justice, Minister for the Treasury and the Budget

Netherlands :

Bernard R. BOT

Ambassador, Permanent Representative

Austria :

Mr Ernst STRASSER
Mr Dieter BÖMDORFER

Federal Minister for the Interior
Minister for Justice

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Mr Antonio FIGUEIREDO LOPES
Ms. Maria Celeste CARDONA

Minister for the Interior
Minister for Justice

Finland :

Mr Ville ITÄLÄ
Mr Johannes KOSKINEN

Minister for the Interior
Minister for Justice

Sweden :

Mr Thomas BODSTRÖM
Mr Jan O. KARLSSON

Minister for Justice
Minister at the Ministry of Foreign Affairs, with responsibility for International Development Cooperation, Migration and Immigration

United Kingdom :

Mr Robert AINSWORTH

Parliamentary Under-Secretary of State, Home Office

* * *

Commission :

Mr António VITORINO

Member

* * *

Participants from Russia at the meeting with EU Justice and Home Affairs Ministers on Thursday 25 April 2002:

Mr Yuri Y.CHAYKA
Mr Boris V. GRYZLOV
Mr Eugeny L. ZABARCHUK

Minister, Ministry of Justice
Minister, Ministry of Interior
Deputy Minister, Ministry of Justice

MINIMUM RECEPTION STANDARDS FOR ASYLUM SEEKERS

The Council reached a general understanding subject to submission of the European Parliament's opinion and the lifting of two Parliamentary scrutiny reservations, on a directive laying down minimum standards for the reception of applicants for asylum in the Member States. The Directive will be formally adopted it at one of its forthcoming sessions.

The directive establishes minimum standards of reception conditions of applicants for asylum in the European Union which are deemed sufficient to ensure them a dignified standard of living. It contains specific provisions on residence and freedom of movement, family unity, schooling and the education of minors, employment and access to vocational training. It also defines conditions for exclusion, reduction and review.

The directive covers all third-country nationals and stateless persons who make an application for asylum at the border or in the territory of a Member State as long as they are allowed to remain on the territory, as well as to certain family members.

Member States may introduce or retain more favourable reception conditions in so far as these are compatible with the directive.

ILLEGAL IMMIGRATION AND HUMAN TRAFFICKING BY SEA - Council conclusions

The Council held a brief debate on recent events involving illegal immigration and human trafficking by sea, and adopted the following conclusions:

- "1. The Council reaffirms the importance of an integrated approach to illegal immigration and trafficking of human beings in order to ensure appropriate coordination between migration policy and the best use of all the instruments available in the framework of the external relations of the European Union, in line with its conclusions of 15 April 2002.
2. The Council notes that the Commission, in line with the Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union, approved by the Council on 28 February 2002, will start immediately and submit by February 2003 a feasibility study on the improvement of sea border controls, taking into account the diversity of European Union maritime borders and the different problems affecting Member States.
3. The Council stresses the need, in order to reinforce sea border controls, as foreseen in the Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union, to adopt operational measures.

In particular, the following measures should be considered as a matter of priority:

- improvement of current information systems, especially the Early Warning System,
 - strengthening coordination among liaison officers posted in the countries of origin and transit of illegal immigrants.
 - use of new technologies.
4. The Council considers that, in the framework of an integrated approach, preventive measures in co-operation with third countries of embarkation, departure or transit should be promoted and developed.
 5. The Council, concerned about the most recent arrival of boats used for smuggling immigrants or for trafficking of human beings which set in particular from specific mediterranean countries, urges the countries of embarkation, departure or transit of such boats to adopt all the necessary measures to prevent and combat these illegal activities as soon as possible.
 6. The Council urges third countries concerned to readmit immigrants who illegally enter the territory of the Member States of the European Union.
 7. The Council stresses the importance of signing, ratifying and implementing the December 2000 United Nations Convention against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Protocol against the Smuggling of Migrants by Land, Sea and Air.
 8. The Council invites the Permanent Representatives Committee, in accordance with the integrated approach mentioned in paragraph 1, to examine all the measures that could be adopted and implemented to prevent and combat illegal immigration and trafficking of human beings by sea and in particular measures against third States which refuse to cooperate with the European Union in combatting illegal immigration."

ADMINISTRATIVE CO-OPERATION IN THE FIELDS OF EXTERNAL BORDERS, VISAS, ASYLUM AND IMMIGRATION (ARGO)

The Council reached political agreement on an action programme for administrative cooperation in the fields of external administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO).

The ARGO programme, which covers the period from 1 January 2002 to 31 December 2006, is designed to help:

- promote cooperation between national agencies in implementing Community rules with special attention to the pooling of resources and coordinated and homogeneous practices;
- promote uniform application of Community law in decisions taken by the national agencies, thereby avoiding malfunctioning likely to prejudice the progressive establishment of an area of freedom, security and justice;
- improve the overall efficiency of national agencies in implementing Community rules;
- ensure that proper account is taken of the Community dimension in the organisation of national agencies helping implement Community rules;
- encourage transparency of actions taken by national agencies by strengthening their relations with the relevant national and international governmental and non-governmental organisations.

The Action programme will be formally adopted at a forthcoming session of the Council.

RISK EVALUATION AT AIRPORTS

The Council heard an oral presentation from the Presidency on the results of the RIO operation which was successfully conducted in early April at 16 major European airports. Over a three day period, this operation collected a wealth of information, including the nationalities and itineraries of persons attempting illegal entry into the EU via air routes.

EXTERNAL BORDER CONTROLS

The Council heard an oral presentation from the Presidency on the outcome of a meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) with the participation of the external border control services of the Member States.

The next meeting of the SCIFA with the control services of both the Member States and the candidate countries, will be held under the Danish Presidency.

MEETING ON CO-OPERATION WITH USA IN THE FIELD OF ASYLUM, MIGRATION AND FRONTIERS (12 APRIL 2002)

The Council heard an oral presentation from the Presidency on the outcome of the meeting with the United States in the framework of SCIFA, which was held on 12 April 2002. It noted that, at this meeting, the Union responded positively to American proposals for cooperation on border control and migration management forwarded by the United States on 26 October 2001, covering:

- Closer scrutiny of transit passengers and of transit areas of international airports by immigration police. Boarding gate checks;
- Identification of a list of data to be exchanged between border management services of the Member States and of North America. Modalities for such exchanges;
- Broadened European Carrier participation in APIS (Advanced Passenger Information System)
- Increased use of European transit facilities to support the return of criminal/inadmissible aliens from the United States to Europe or the Country of origin;
- Co-ordination USA/EU co-operation projects in the area of border security;
- Encourage adherence by other States to ICAO standards in passport/visa issuance;
- Immediate information of USA and other key partners when a breach/theft of passport/visa security is detected;
- Co-ordination of false document training;
- Improve co-operation in removals of status violators/criminals/inadmissibles.

AMENDMENTS TO THE EUROPOL CONVENTION

The Council reached consensus, pending examination of the European Parliament's opinion, on amendments to the Europol Convention to enable Europol's participation in joint investigation teams without assisting in coercive measures, and to give Europol the right to ask Member States to initiate investigations in specific cases.

The Council noted that now a general understanding has been reached, a decision will need to be taken on how to implement this measure.

FOOTBALL MATCH SECURITY

The Council adopted a decision on the basis of a Belgian initiative, concerning security in connection with football matches with an international dimension (doc. 8131/02). The decision establishes a national football contact point in each Member State for processing information of a police nature

COMBATTING RACISM, ANTISEMITISM AND XENOPHOBIA - Council conclusions

"The Council adopted the following conclusions:

- It strongly condemns the racist acts perpetrated in various places in the European Union in recent weeks.
- It indicates its wish to step up preventive action and the fight against racist violence and antisemitism. It will continue to make similar efforts against all forms of intolerance, in particular those which would use as their pretext the conflicts and acts of violence in the Middle East and are aimed at persons of the Jewish or Muslim faith or any other faith.
- It advocates closer cooperation between the police forces of the Member States on exchanging experience and factual evidence and action taken or to be taken to combat such intolerable acts. In this connection, full use should be made of the competent bodies of the European Union and of the data collected by those bodies, and the path made clear for use of this information by the Member States.
- National laws on combating racism and xenophobia must be harmonised in compliance with constitutional rules and the principles of respect for human rights and fundamental freedoms such as freedom of expression, assembly and association. To that end, the importance of the draft framework Decision on combating racism and xenophobia, submitted by the Commission in December 2001 and currently under discussion by the competent Council bodies, cannot be emphasised too strongly.
- The Council reiterates its appreciation of the work of the European Monitoring Centre on Racism and Xenophobia and stresses the importance of that body receiving all the comparable information necessary to enable it to produce its annual report on these matters.
- The Council asks the Commission to submit proposals for the organisation of actions to raise public awareness of what is at stake here and of measures to combat discrimination and violence of a racist, antisemitic and xenophobic nature."

OTHER BUSINESS**– *BORDER POLICE FEASIBILITY STUDY***

The Council was briefed by the Italian delegation on preparations for the ministerial meeting to discuss the results of a feasibility study on the creation of a common border police to be held in Rome on 30 May.

– *EUROMED CONFERENCE*

The Council was briefed by the Presidency on the outcome of the EUROMED conference which took place in Valencia, Spain on the 22/23 April 2002.

– *PALESTINIAN ASYLUM SEEKERS*

At the request of the Swedish delegation, the Council held an informal exchange of views on the numbers and treatment of Palestinian asylum seekers.

– *RELATIONS WITH SWITZERLAND*

At the Commission's request, the Council held an exchange of views on the negotiation mandates for agreements with Switzerland concerning their participation in the Schengen and Dublin Conventions.

JUDICIAL COOPERATION WITH THE UNITED STATES OF AMERICA

In the general framework of the Union's police and judicial co-operation with the United States of America, the Council authorised the Presidency to negotiate an agreement on judicial co-operation in criminal matters, including terrorism, on the basis of Articles 38 and 24 TEU.

The negotiating mandate covers in particular, extradition, including the temporary surrender for trials and mutual legal assistance including exchange of data, the setting up of joint investigation teams, the giving of evidence (via video conference) and the establishment of single contact points.

As regards extradition, the Union will make any agreement on extradition conditional on the provision of guarantees on the non-imposition of capital punishment sentences, and the securing of existing levels of constitutional guarantees with regards to life sentences.

The future agreement should in all cases safeguard the efficiency of the existing bilateral agreements between the Member States and the USA.

Negotiations will be led by the Presidency assisted by the Commission. The Presidency will report to the Council on progress made after each negotiation meeting with the US.

APPROXIMATION OF PENALTIES - Council conclusions

- "1. A number of legal instruments involving approximation of criminal law of the Member States have been adopted by the Council on the basis of the TEU. The instruments adopted before the entry into force of the Amsterdam Treaty were primarily aimed at establishing minimum constituent elements in respect of certain criminal offences and ensuring a proper basis for judicial cooperation between the Member States in respect of these offences. Since the entry into force of the Amsterdam Treaty, the Council has, on the basis of Articles 31 and 34 of the TEU, adopted several instruments which in addition lay down minimum requirements for the maximum level of the penalties to be provided by national law in respect of specified offences.
2. During the negotiations leading to the adoption of the most recent of the instruments referred to, a need for establishing a general approach regarding approximation of penalties emerged. At its meeting on 28 and 29 May 2001, the JHA Council held a detailed debate on the subject and instructed the relevant instances of the Council to continue the debate on the approximation of criminal law. The Council addressed the issue again at its meeting on 27 and 28 September 2001. Following that meeting, the Belgian Presidency submitted in November 2001 a document based on suggestions from various Member States and containing certain technical options for the purpose of approximation of penalties. In the light of observations made on that paper and certain ideas presented by the Spanish Presidency, the question was examined again at the informal meeting of the JHA Ministers in Santiago de Compostela on 14 and 15 February 2002. In the light of the results of that meeting, the Article 36 Committee and the Coreper have further examined the matter.
3. Having in mind the developments set out above, the Council establishes the following conclusions:

With the objective to stepping up co-operation against crime, and in accordance with conclusion n° 48 of the Conclusions of the European Council in Tampere on 15 and 16 October 1999, "efforts to agree on common definitions, incriminations and sanctions should be focused in the first instance on a limited number of sectors of particular relevance".

It is a fact that there are certain differences in the penalty level between different Member States. Those differences have evolved over time and are an expression of how Member States have chosen to deal with basic questions concerning crime and punishment.

When considering how to approximate criminal sanctions in certain areas it is necessary to keep in mind that legal traditions differ in the Member States. In order to allow Member States to preserve the coherence of their national penalty systems, a certain flexibility is needed when approximating criminal sanctions.

Where proposals for legal instruments to be adopted under Title VI of the TEU contain provisions establishing minimum constituent elements in respect of criminal offences, the possible need for establishing a minimum level for the maximum penalties for the offences concerned under national law is considered.

In some cases it may be sufficient to provide that the Member States shall provide that the offences concerned are punishable by effective, proportionate and dissuasive criminal penalties and leave it to each Member State to determine the level of the penalties.

In other cases there may be a need for going further in line with the conclusions of the Tampere European Council. The Council agrees to establish a system of penalty levels to be used in such cases. The Council agrees that this system consists of the following levels of criminal penalties:

- Level 1: Penalties of a maximum of at least between 1 and 3 years of imprisonment
- Level 2: Penalties of a maximum of at least between 2 and 5 years of imprisonment
- Level 3: Penalties of a maximum of at least between 5 and 10 years of imprisonment
- Level 4: Penalties of a maximum of at least 10 years of imprisonment (cases where very serious penalties are required)

The definition of four levels does not imply that in every legal instrument all of them should be used, neither that all the offences defined in each particular legal instrument must be subject to the approximation of sanctions. It is noted that the levels referred to are minimum levels, and that nothing prevents the Member States from going further than those levels in their national law.

The system of criminal penalties implies that where there is a need for providing the minimum level for the maximum penalty which must be provided by each Member State under its national law in respect of a specific offence, the minimum level is set at one of the levels defined above. However, the Council does not exclude the possibility of the application of a higher penalty than the minimum of level 4 in particular circumstances."

SEXUAL EXPLOITATION OF CHILDREN AND CHILD PORNOGRAPHY

The Council examined a draft Framework Decision on combatting the sexual exploitation of children and child pornography. It asked the Article 36 Committee to continue discussions with a view to resolving the very limited number of outstanding questions which relate to the definition of offences concerning child pornography and the penalties to be applied for these offences. The Council will aim to reach agreement at its meeting on 13 June.

The aim of the draft Framework Decision is to define the conduct relating to the sexual exploitation of children and child pornography that should be punished under national legislation. The provisions include a definition of child pornography and the offences concerning sexual exploitation of children. It will provide for effective, proportionate and dissuasive penalties, including criminal fines and imprisonment, to punish the sexual exploitation of children and child pornography.

IN THE MARGINS OF THE COUNCIL :**MEETING WITH RUSSIAN MINISTERS OF JUSTICE AND HOME AFFAIRS**

In the margin of the Council, the Ministers of Justice and Home Affairs of the Union met with their Russian counterparts on the afternoon of 25 April. This meeting was a practical demonstration of growing EU/Russia cooperation in Justice and Home Affairs.

The Ministers focused their discussion on the review of the Action Plan on the Fight against Organised crime, devoting special attention to the following specific areas: trafficking in human beings, drugs, stolen vehicles, cooperation against international terrorism and organised crime, money laundering and cooperation with EUROPOL.

EU Ministers welcomed the judicial and administrative reforms outlined by the Russian delegation to deal more efficiently and effectively with different forms of serious crime. In this context, EU Ministers welcomed Russia's signature and ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the proceeds of crime and the Hague Convention on International Private Law, and urged Russia to sign and ratify a number of related international Conventions.

On a practical level, Ministers welcomed the announcement of an EU funded information campaign on human trafficking aimed at Russian women and adopted a Joint Declaration on the designation of central contact points to exchange information on organised crime (see below).

Ministers also discussed migration, border management, the capacity-building of the Russian judiciary and the training of Russian judges. Over dinner, Ministers had an exchange of views on the situation in Kaliningrad - focusing in particular on the free movement of persons and visa issues - and measures taken in response to the terrorist threat in the light of UN Security Resolution 1373.

Joint EU-Russia Declaration on the designation of central contact points to exchange information on organised crime:

- "1. A network of central Russian Federation contact points should be created to exchange information on organised crime with the law enforcement authorities of the EU Member States. Europol will be involved through the Europol liaison officer's network in order to reinforce strategic and operational co-ordination with Russia.
2. Each Member State will establish or designate a national contact point for information on organised crime in order to carry out the allocated duties.
3. The details concerning the designated national contact point, as well as any subsequent change, will be transmitted to the Council General Secretariat which will inform the Member States of the European Union and the Russian Federation accordingly.
4. The national contact point will operate as a direct and centralised contact point for exchanging relevant information without prejudice to the possibilities of exchanging information via other channels.
5. Each Member State and the Russian Federation, for its part, will take all the appropriate measures to guarantee that its national contact point is provided with all the necessary material and personal resources to accomplish the allocated duties efficiently.
6. The national contact points will be responsible for receiving, gathering and transmitting the processed information as referred to in the European Union Action Plan on common action for the Russian Federation on combating organised crime (section B. II. (i) (a)) to their relevant law enforcement authorities, in accordance with national legislation.
7. The information transmitted by the national contact points will, as far as possible, be classified according to its significance and/or urgency.
8. The purpose of the national contact points is to exchange police information on organised crime effectively, usefully and rapidly, while preserving data confidentiality, in accordance with national legislation.
9. The Communication between the various national contact points will be carried out in the language of the country of dispatch, with a translation into a working language common to the parties concerned, unless otherwise agreed. This can be made orally in urgent cases, followed by a written confirmation."

ITEMS APPROVED WITHOUT DEBATE

The documents whose references are given 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 may be obtained by following the procedure indicated on the Internet site or from the Press Office.

JUSTICE AND HOME AFFAIRS

Revision of Part I of the Common Manual on Border Controls*

(doc. 7679/02 Add 1 - 7961/02 - 7678/02)

The Council adopted a Decision on the revision of Part I of the Common Manual on Border Controls laying down certain detailed provisions and practical procedures for carrying out border checks and surveillance, and declassified Part II of the Common Manual - Convention implementing the Schengen Agreement of 14 June 1985.

European Union Handbook of Genuine Identity, Travel and Residence Documents to the USA

The Council authorised the forwarding of the European Union Handbook of Genuine Identity, Travel and Residence Documents to the USA and to the candidate States.

Common Consular Instructions*

(Doc. 7948/02 Add 1 - 15320/2/01 Rev 2 Cor 1)

The Council adopted a Decision amending Part III of, and creation of an Annex 16 to, the Common Consular Instructions which lays down a harmonised uniform visa application form for all EU visa applications.

C.SIS installation and operation budget for 2000

The Council approved a management report on implementation of the C.SIS installation and operation budget for 2000.

Co-operation and exchanges of information - combating trafficking in precursors in the Member States

(doc. 7234/02)

The Council adopted a Recommendation on the need to enhance cooperation and exchange of information between the various operational units specialising in combating trafficking in precursors in the Member States of the European Union.

Improving investigation methods in the fight against organised crime linked to organised drug trafficking

(doc. 7920/02)

The Council adopted Recommendations on improving investigation methods in the fight against organised crime linked to organised drug trafficking: simultaneous investigations into drug trafficking by criminal organisations and the finances/assets.

Fourth high-level meeting of the Co-ordination and Co-operation Mechanism on Drugs between the European Union, Latin America and the Caribbean region (Madrid, 7 and 8 March 2002)

(doc. 7035/02)

The Council approved a declaration on the Fourth high-level meeting of the Co-ordination and Co-operation Mechanism on Drugs between the European Union, Latin America and the Caribbean region (Madrid, 7 and 8 March 2002).

Prevention of the recreational use of drugs

(doc. 7971/02 - 5095/3/02)

The Council and the Representatives of the Governments of the Member States meeting within the Council adopted a Resolution on preventing the recreational use of drugs.

European judicial area in civil matters

(doc. 5201/1/02)

The Council adopted a Regulation establishing a general Community framework of activities to facilitate the implementation of a judicial cooperation in civil matters.

Exchange of information and closer cooperation between the Working Party on Frontiers/False Documents and Europol, Interpol, the USA and Canada - Council conclusions
(doc. 7209/02)

The Council adopted the following conclusions on the exchange of information and closer cooperation between the Working Party on Frontiers/False Documents and Europol, Interpol, the USA and Canada:

- "- For matters within Europol's remit, a Europol representative could participate actively within the Working Party on Frontiers/False Documents in the information exchange on the counterfeiting of identity and travel documents, and after the Member States have made their contributions both bodies should exchange the strategic information that they have.
- appropriate measures could be taken for Interpol, the USA and Canada to be involved in the information exchanges as well.
 - = In the case of Interpol, information would be exchanged through the intermediary of Europol, with the possible transmission of Council documents to be carried out in accordance with established procedures.
 - = Information exchange with the United States and Canada would be based on the existing procedures for exchanging information within the framework of CIREFI, which would entail in particular holding regular meetings between the Working Party on Frontiers/False Documents and these two countries. It should be borne in mind that the United States and Canada already attend international meetings that deal with specific matters relating to the counterfeiting of documents (such as the recent seminars on the detection of false documents for European Union experts on controlling identity documents and travel documents, and the annual meetings of the Immigration Fraud Conference (IFC), attended by most of the Member States of the European Union)."

New readmission agreements with third countries

The Council adopted criteria for identifying third countries with which new readmission agreements need to be negotiated.

Exchanging information on terrorists

The Council adopted a recommendation establishing multinational ad hoc teams for gathering and exchanging information on terrorists.

EXTERNAL RELATIONS**Annual report from the Council to the EP on the main aspects and basic choices of the CFSP**

The Council adopted its annual report to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) (doc. 7330/02). The report is provided for in the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure which stipulates under point H, paragraph 40, that once a year the Council Presidency consults the European Parliament on a document setting out the main aspects and basic choices of the CFSP, including the financial implications for the general budget of the European Communities.

Decentralised cooperation - extension and modification of Regulation No 1659/98

The Council adopted a regulation extending and amending Council regulation (EC) No 1659/98 on decentralised cooperation in the framework of the Union's development policy (doc. 3619/02). The Council accepted all the amendments voted by the European Parliament to the Commission's proposal. The act is thus approved after first reading and will enter into force following its publication in the Official Journal. This new Regulation, in particular, extends the old Regulation until 31 December 2003 and adjusts the financial allocation and reference period, setting for the period 1999 to 2003 the financial framework at EUR 24 million.

Discharge of the Centre for the Development of Industry (financial years 1997-1999)

Following examination of the reports from the auditors, the Council adopted a draft decision giving a discharge to the Director of the Centre for the Development of Industry in respect of the implementation of the Centre's budget for the financial years 1997, 1998 and 1999 (doc. 2124/02). The draft decision will now be forwarded to the ACP States with a view to its adoption by the ACP-EC Committee of Ambassadors.

TRANSPARENCY**Public access to Council documents**

The Council has responded :

- to the third confirmatory application for access to Council documents introduced by Mr. Steve PEERS in 2002 (with the German, Danish, French, Portuguese and Swedish delegations voting against);
(*doc. 7117/02 + COR1 + COR2*)
- to the confirmatory application for access to Council documents introduced by Ms Gisela GÜNTER (with the Danish, Dutch and Swedish delegations voting against);
(*doc. 7745/02 + COR1*)
- to the confirmatory application for access to Council documents introduced by Ms Pauline LE MORE (with the Danish, Spanish, French, Finnish and Portuguese delegations voting against);
(*doc. 7857/02 + COR1*).

ENVIRONMENT**Kyoto protocol on climate change**

The Council adopted the decision on ratification by the European Community of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, following the agreement reached at its meeting on 4 March 2002.

Under the Kyoto Protocol, concluded in 1997, contracting parties committed themselves to reducing the six greenhouse gases responsible for climate change, in particular carbon dioxide (CO₂). The European Community committed itself to achieving an overall reduction of 8% of CO₂ emissions in the 2008-12 period as compared with 1990 levels. For the protocol to enter force, it has to be ratified by 55 contracting parties, accounting for 55% of total CO₂ emissions in 1990.

Public participation in the drawing up of environmental plans and programmes

The Council adopted a common position, following the agreement reached at its meeting on 12 December 2001, on the draft directive providing for public participation in the drawing up of certain plans and programmes relating to the environment. The common position will be sent to the European Parliament for a second reading in accordance with the codecision procedure.