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**2370th Council meeting - JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION -**

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Brussels, 27 and 28 September 2001

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<b>2370th Council meeting</b> <b>- JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION -</b>	
President :	<b>Mr Antoine DUQUESNE</b> Minister for the Interior <b>Mr Marc VERWILGHEN</b> Minister for Justice of the Kingdom of Belgium

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*For further information call 02 285 8415 or 285 7459*

**PARTICIPANTS**

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

<b><u>Belgium :</u></b>	
Mr Antoine DUQUESNE	Minister for the Interior
Mr Marc VERWILGHEN	Minister for Justice
<b><u>Denmark :</u></b>	
Ms Karen JESPERSEN	Minister for the Interior
Mr Frank JENSEN	Minister for Justice
<b><u>Germany :</u></b>	
Mr Otto SCHILY	Federal Minister for the Interior
Ms Herta DÄUBLER- GMELIN	Federal Minister for Justice
<b><u>Greece :</u></b>	
Mr Michalis STATHOPOULOS	Minister for Justice
<b><u>Spain :</u></b>	
Mr Mariano RAJOY BREY	First Deputy Prime Minister and Minister for the Interior
Mr Angel ACEBES PANIAGUA	Minister for Justice
<b><u>France :</u></b>	
Ms Marylise LEBRANCHU	Keeper of the Seals, Minister for Justice
Mr Christian PAUL	State Secretary to the Minister for the Interior, with responsibility for Overseas Territories
<b><u>Ireland :</u></b>	
Ms Mary HANAFIN	Minister of State at the Department of Health and Children (with special responsibility for Children), at the Department of Justice, Equality and Law Reform and at the Department of Education and Science

<b><u>Italy :</u></b>	
Mr Roberto CASTELLI	Minister for Justice
Mr Alfredo MANTOVANO	Secretary of State for the Interior
Mr Jole SANTELLI	Secretary of State for Justice
<b><u>Luxembourg :</u></b>	
Mr Luc FRIEDEN	Minister for Justice
<b><u>Netherlands :</u></b>	
Mr Benk KORTHALS	Minister for Justice
Ms Ella KALSBECK	Secretary of State for Justice
<b><u>Austria :</u></b>	
Mr Ernst STRASSER	Federal Minister for the Interior
Mr Dieter BÖHMDORFER	Federal Minister for Justice
<b><u>Portugal :</u></b>	
Mr Nuno TEIXEIRA	Minister for the Interior
Mr Antonio COSTA	Minister for Justice
<b><u>Finland :</u></b>	
Mr Ville ITÄLÄ	Minister for the Interior
Mr Johannes KOSKINEN	Minister for Justice
<b><u>Sweden :</u></b>	
Mr Thomas BODSTRÖM	Minister for Justice
Ms Maj-Inger KLINGVALL	Minister at the Ministry of Foreign Affairs, with responsibility for International Development Cooperation, Migration and Immigration
<b><u>United Kingdom :</u></b>	
Mr David BLUNKETT	Secretary of State for the Home Department
Ms Angela EAGLE	Parliamentary Under-Secretary of State, Home Office
* * *	
<b><u>Commission :</u></b>	
Mr António VITORINO	Member

**FIGHT AGAINST TERRORISM: FOLLOWING THE EVENTS OF 11 SEPTEMBER**

The Council reviewed the timetable and the implementing procedures for the various measures coming under the powers of the JHA Ministers which had been decided on by the JHA Council on 20 September and the extraordinary European Council on 21 September concerning the fight against terrorism, and to that end drafted a "route map" to mark out work to be done by the time of the JHA Council meeting on 6/7 December with a view to drawing up a report for the European Council at Laeken on 14/15 December.

The Presidency said that it would closely follow the progress of the work planned on this chart and that it would convene ad hoc Council sessions if that proved necessary to give political impetus to overcome technical obstacles to the work.

In this context, the Council heard an oral presentation from the Director of Europol, Jürgen Storbeck, on the measures taken following the JHA Council meeting on 20 September and the European Council held on 21 September. The Presidency asked the Europol Director to report on progress at each JHA Council meeting. The Presidency also asked the President of Pro-Eurojust to report on the progress of work on organising meetings with the anti-terrorist judges, in accordance with the Council's request of 20 September.

### **EUROJUST - DRAFT DECISION**

The Council recorded its political agreement on Articles 1 to 8 of the draft Decision setting up Eurojust. Those Articles are the foundation of Eurojust and determine in particular its composition, objectives, general competence and tasks.

This agreement should allow decisive progress in the work of the Permanent Representatives Committee and the Article 36 Committee on the other provisions of the proposal, with a view to reaching agreement on the whole Decision at the JHA Council meeting on 6/7 December 2001, in accordance with the timetable set by the Tampere European Council.

### **FAMILY REUNIFICATION**

The Council discussed essential questions identified by the Presidency concerning the amended proposal for a Directive on the right to family reunification, in particular:

- the position of unmarried partners in the framework of the Directive (inclusion in a specific category of family members?);
- the age of minor children who can benefit from the right to family reunification;
- time limits/waiting periods to which the sponsor and/or family members may be subject in order to benefit from the rights granted by the Directive.

Following the discussions, the President stressed Ministers' wish quickly to seek workable solutions for the outstanding questions regarding this proposal for a Directive. He thanked certain delegations in particular for their constructive contributions, and Commissioner Vitorino for sketching a number of possible ways of contributing to pragmatic solutions to the problems encountered. The Commissioner stressed inter alia that family reunification should be a factor that would help in integrating the persons concerned and that the approach taken to the problem should take a lead from this consideration.

While taking account of the discussion and, in particular, the delegations' brief replies to the questions, the Presidency will work, in consultation with the Commission, to provide possible compromise solutions.

The Council asked the Permanent Representatives Committee and the Article 36 Committee to examine/verify these suggestions from the Presidency with a view to the JHA Council resuming the examination of this dossier on 16 November 2001.

The Presidency compromise proposal deals, in the first place, with the question of the scope of the Directive (Article 5), which has given rise to numerous problems for several delegations.

The compromise proposal identifies three different categories of family members who may benefit from the right to family reunification, based on closeness of family ties:

- spouse and minor children (the "nuclear" family) (paragraph 1);
- direct ascendants and children of full age (paragraph 2);
- unmarried partners (paragraph 3).

It stipulates an obligation to grant family reunification to members of the nuclear family, while Member States are free to grant the right to the two other categories if they wish to. However, it stipulates that, if Member States decide to allow family reunification to direct ascendants, children of full age and unmarried partners, they must grant those family members the treatment laid down in the Directive.

The compromise proposal also stipulates, on the basis of the identification of the above three categories of family members, a differentiation in terms of the rights that have to be granted them and the conditions to which they must be subject, according to the category they come under.

### **REFUGEE STATUS IN MEMBER STATES**

The Council had a substantive discussion on political issues identified by the Presidency concerning the proposal for a Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status, namely:

- criteria for admissibility of an asylum application;
- the number of (legal and administrative) bodies with roles in the procedure;
  - the time limit for processing applications and the question of penalties for non-compliance with those time limits;
  - standards applicable to decisions;
  - the scope of the measures provided for by the Directive.

The discussion enabled the Presidency to sketch guidelines for continued work with a view to reaching political agreement at the JHA Council meeting on 6/7 December 2001.

These guidelines, based on the principle of setting up rapid, effective and equitable asylum procedures, should lead to an alignment of the Member States' decision-making processes for the granting of refugee status, on the basis of one administrative and one judicial stage.

## **SECURITY OF EUROPEAN COUNCIL MEETINGS**

The Council, at the request of the Italian delegation, summarised the steps taken after the measures decided/announced at the extraordinary JHA Council on 13 July 2001 regarding the security of European Council meetings and other events likely to have a comparable impact.

## **EUROPOL**

### *? List of possible amendments to the Europol Convention*

The Council agreed to make it a priority to deal with eight points put forward by the Presidency concerning possible amendments to the Europol Convention. In particular, these include points stipulated in the Treaty of Amsterdam and cited in the Tampere Conclusions, and certain issues linked to problems recently encountered in Europol's structure, namely:

- ? Europol participation in Joint Investigative Teams;
  - ? right to ask for investigations to be started;
  - ? extending Europol's mandate;
  - ? role in the security arrangements for meetings of the European Council;
  - ? improving Analytical Work Files;
  - ? relationship between EUROJUST and Europol;
  - ? parliamentary, judicial and administrative controls over Europol;
  - ? simplify the procedure for amending the Europol Convention.
- ? *Extension of powers*

The Council confirmed, subject to examination of the European Parliament's Opinion, the consensus within the Permanent Representatives Committee on the text of an initiative of Belgium and Sweden to extend Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention. This decision stipulates in particular that the Council, at the proposal of the Management Board of Europol, will decide unanimously what serious forms of international crime should be covered as a priority.

## **TRAFFICKING IN HUMAN BEINGS**

The Council reached political agreement, without prejudice to the parliamentary reservations of certain delegations and the examination of the European Parliament's Opinion, on the draft Framework Decision on combating trafficking in human beings, by achieving consensus on the only question still outstanding, namely the lower threshold for the maximum penalties to be imposed on persons found guilty of trafficking in human beings (eight years where there are aggravating circumstances). The European Parliament's Opinion will be examined by the Working Party of JHA Counsellors with a view to adoption of the instrument as soon as possible.

When it is formally adopted, a joint statement by Denmark, Austria and Germany will have to be entered in the minutes, expressing their opposition to the principle of approximation of penalties through the setting of a minimum level for the maximum penalty. On this point, the Presidency recalled that delegations had answered the questionnaire on approximation of penalties and that the subject would be examined by the Article 36 Committee on 8/9 October and the JHA Council on 16 November.

The aim of the Framework Decision is to ensure that each Member State take the necessary measures to ensure that the following acts are punishable:

the recruitment, transportation, transfer, harbouring, subsequent reception of a person, including exchange or transfer of control over that person, when

(a) use is made of coercion, force or threat, including abduction, or

(b) use is made of deceit or fraud, or

(c) there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or

(d) payments or benefits are given or received to achieve the consent of a person having control over another person

for the purpose of exploitation of that person's labour or services, including at least forced or compulsory labour or services, slavery or practises similar to slavery or servitude, or for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography.

In December 2000 the Commission submitted to the Council and to the European Parliament, in accordance with the Tampere Action Plan, a communication on combating trafficking in human beings and on combating the sexual exploitation of children and child pornography. The communication was presented during the informal JHA Council meeting in Stockholm in February 2001. It includes a proposal for a Council Framework Decision on combating trafficking in human beings and a proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography.

### **COMBATING THE SEXUAL EXPLOITATION OF CHILDREN AND CHILD PORNOGRAPHY**

The Council, given the divergent views that appeared during the preparatory proceedings, examined certain key questions identified by the Presidency on the draft Framework Decision on combating the sexual exploitation of children and child pornography, namely:

should the Framework Decision in principle cover child pornography in all cases involving realistic images of a child, and in particular the following two cases:

= when the person represented appears to be a child but is actually over 18 years of age on the date of the image?

= when a real person is not represented (virtual pornography)?

could the field of application covering the cases referred to above be accompanied by exceptions as regards charges and sentences?

- should child prostitution and the participation of children in pornographic performances be criminalised, whatever the age of the child involved?
- should the production, acquisition and possession of child pornography in general be criminalised, even if there is no intention of distribution, in keeping with the Joint Action of 24 February 1997, which does not contain such a limitation?
- should an exception be made from the obligation to criminalise child pornography where images of persons over the age of sexual consent are produced, acquired and possessed with the agreement of the persons concerned and solely for their own private use?

In conclusion, the Chairman noted that the responses to the four questions show a large majority in favour of a broad scope for the Framework Decision. However, many delegations argued in favour of a differentiated approach which would take into account the age of the victim as regards the level of sentences to be imposed, especially when the victim has reached the age of sexual consent. In addition, the Council adopted the general approach of providing for an exception where images of a person over the age of sexual consent are produced, acquired and possessed with the agreement of the persons concerned and solely for their own private use.

The Council instructed its preparatory bodies to continue their work expeditiously on the basis of the guidelines agreed by the Council, with a view to reaching political agreement as soon as possible.

### **MISSING OR SEXUALLY EXPLOITED CHILDREN**

At the initiative of the Presidency, the Council adopted the Resolution (see below) on the contribution of civil society in finding missing or sexually exploited children:

"The Council of the European Union,

Bearing in mind:

the conclusions of the European Council meeting in Tampere, and in particular point 23 thereof,

the conclusions of the European Council meeting in Santa Maria da Feira,

the Joint Action of 24 February 1997 adopted by the Council, concerning action to combat trafficking in human beings and sexual exploitation of children, and in particular point (i) of Title II thereof,

the Council Decision of 29 May 2000 to combat child pornography on the Internet,

the European Parliament's Resolution of 30 March 2000 on sex tourism, and in particular point 27 thereof,

the European Parliament's Resolution of 19 May 2000 for further actions in the fight against trafficking in women, and in particular points 12 and 18 thereof,

the European Parliament's Resolution of 15 June 2000 on the victims of crime, and in particular point 8 thereof,

the European Commission's proposal for a Framework Decision on combating the sexual exploitation of children and child pornography,

Whereas:

Combating the disappearance and sexual exploitation of children is a priority for the European Union.

Civil society has a role to play in this fight.

Civil society organisations can provide useful support for the competent authorities in finding missing or sexually exploited children as well as in preventing and combating this phenomenon.

Cooperation between civil society organisations and the competent authorities in finding missing or sexually exploited children must be encouraged.

The degree of such cooperation must be assessed in the light of the situation in each Member State.

This Resolution is without prejudice to the Luxembourg Convention of 20 May 1980 and the Hague Convention of 25 October 1980.

Taking into account the protection of personal data as regulated by Council of Europe Convention No 108 of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data,

has adopted the following:

1. This Resolution concerns the search for missing or sexually exploited children. It covers the following situations:

*disappearance and abduction:*

runaway children

children abducted by a third party

children missing inexplicably

*sexual exploitation:*

child trafficking, prostitution and pornography

paedophile networks on the Internet

*non-organised sexual abuse outside the family.*

(...)

2. Member States are invited to encourage cooperation between the competent authorities and civil society, in particular civil society organisations, in finding missing or sexually exploited children.

This cooperation does not affect the responsibility of the competent authorities for investigations and prosecutions.

Where appropriate, such cooperation might take the following forms:

2.1. examining the possibility, account being taken of the means already existing at internal level, of providing civil society organisations with an emergency telephone line, or encouraging arrangements whereby such organisations would provide a line of this nature.

This telephone line would be intended for the collection of information and evidence on missing or sexually exploited children, and would be available free of charge 24 hours a day.

2.2. making it possible, if that is not already the case under national legislation, to support civil society organisations in the search for missing or sexually exploited children, for instance by:

- disseminating information for locating missing children, if the authorities deem this useful,
- making available to the competent authorities, at their request, volunteers for organised searches in the context of finding missing children,
- providing support for the families of missing or sexually exploited children,
- providing specific expertise in the field of missing or sexually exploited children.

2.3. Member States are invited to lay down suitable rules, in accordance with their legislation on investigations and prosecutions, for the exchange of appropriate information about the search for missing or sexually exploited children between civil society organisations and the competent authorities.

That exchange of information should be effected with every guarantee of the security of the system, the confidentiality of data and the protection of personal data.

3. Member States are invited to compile all data on missing or sexually exploited children in order to ascertain the extent of the phenomenon and analyse its trends, and to exchange such data with one another.

Such compilation should be carried out by the competent authorities, where appropriate with the support of civil society organisations.

4. The Council invites the Commission to have a study drawn up on:

- the actual extent of the phenomenon of missing or sexually exploited children;

- the existence, role and structure of the civil society organisations in the Member States actively supporting the search for missing or sexually exploited children, along with the arrangements for their involvement and cooperation with the competent authorities;
- legal issues arising from the involvement of such organisations, in particular the issues of the competent authorities sending confidential information to such organisations, the impact of the involvement of such organisations on criminal procedure, and data protection rules.

Member States are invited to pool their expertise for the production of this study.

5. The Council invites the Commission to report to it on the results of this study within one year of the adoption of this Resolution.

6. On the basis of the study, the Council will determine what measures are desirable at European Union level and will invite the Commission to examine:

- the standards necessary to optimise the exchange, in particular between Member States, of information communicated between the competent authorities and civil society organisations and between the various organisations themselves;
- the safeguards necessary for the security of this information exchange, the confidentiality of the data exchanged and the protection of personal data."

## **OTHER BUSINESS**

### **? *Visas - Romania***

The Council noted that the examination of the Commission report assessing the steps taken by Romania to improve, among other things, its border control and document security arrangements was under way; the Member States may also assess the border control situation on-the-spot in the context of the High Impact operation at the beginning of October. The Council will revert to this question at its meeting on 6 and 7 December.

### **? *Pursuit of those responsible for acts of genocide, crimes against humanity and war crimes - establishment of a network of contact points***

The Council noted the presentation by the Netherlands Minister of a proposal from his Government for a decision establishing a network of contact points for the pursuit of those responsible for acts of genocide, crimes against humanity and war crimes, the main task of which should be the gathering and exchange of information on such crimes.

## **OPEN DEBATE - WITH THE PARTICIPATION OF THE CANDIDATE COUNTRIES**

### **? *TRAFFICKING IN HUMAN BEINGS***

The Council held an open debate relayed to the press and public by TV on trafficking in human beings, with the participation of Ministers from the candidate countries which also took part in the debate.

Winding up the debate, the Presidency noted a real political determination, shared by Member States and candidate countries alike, to embark on specific sustained action in this area. Ministers from the candidate countries and the Member States together pledged to honour a document (reproduced below) containing twelve specific measures to combat such trafficking.

### **12 commitments in the fight against trafficking in human beings:**

Trafficking in human beings is a phenomenon to be combated with the utmost determination. The fight against this scourge is a major political challenge. A genuine awareness of the gravity of the problem is an essential pre-condition for the implementation of any tangible measures.

The European Council in Tampere spelt out a whole series of specific objectives to be achieved in order to create an "area of freedom, security and justice" within the European Union. These objectives include a commitment to prevent and combat any form of trafficking in human beings.

The next enlargement of the European Union will heighten the need for a common approach. Today's countries of origin and transit will probably be tomorrow's countries of destination. Moreover, the candidate States will be required to play a major role in the future in controlling the Union's external borders.

There are many stories in the press, each one as tragic as the last, forming a constant reminder that trafficking in human beings causes untold suffering. It is our duty resolutely to fight against those who organise the trade and to come to the aid of the victims, without stigmatising them or treating them as criminals.

This a problem which affects all European countries. In addition to local and national action, we must now pool our energies at European level in order to act more effectively and complement each other's policies better. Action needs to be better coordinated and areas of common action need to be extended to implement real cooperation. It is essential that approaches and players genuinely complement each other.

Policies must be pursued at three levels: prevention, punishment and aid to victims. Real results can only be achieved by working on all three strands. This will require tangible measures in many areas.

In order to give tangible form to these objectives, the Ministers taking part in the meeting on 28 September 2001 undertake to use their best endeavours to apply the following measures:

#### 12 measures to combat trafficking in human beings

##### 1. Comprehensive, integrated approach

The fight against human trafficking and the smuggling of illegal immigrants is not the concern of a few people. On the contrary, it requires interlocking, complementary involvement by many different departments and administrations. A comprehensive, integrated approach is therefore needed. Amongst other things, specific multi-disciplinary national action plans, together with evaluation machinery, may provide useful added value in this regard, in particular if States exchange these plans or other information concerning their national measures with one other.

## 2. Rapid information exchange

It is essential that States should have permanent access to up-to-date information on the development and the characteristics of migratory flows. The CIREFI system already in force is a first step in this direction. States must therefore work together actively in the early warning and rapid reaction system developed within the European Union.

## 3. Creation of specialist, multi-disciplinary units

Punishment of trafficking in human beings, prevention policy and aid to victims are areas requiring a special approach. In this regard, the creation in each country of a contact unit between the various departments concerned and a system for the exchange of information between these various departments would make for improved coordination, in a multi-disciplinary fashion, between all the different players and also for the development of specific expertise through the exchange of officials and good practice.

## 4. Strategic analysis of the phenomenon

In order to be able to work efficiently, Europol needs information from national police services on the origins, itineraries, modus operandi, and travel documents of the persons and organisations concerned, within the international legal framework and on the basis of the Europol Convention. On the basis of this information and other intelligence sources, Europol will supply States with the results of analyses concerning them in order to support action at national level; it will also evaluate the possibility of involving candidate States in its annual report on trafficking in human beings.

## 5. Active operational cooperation

Only a joint approach by the candidate States, the Member States and the European Union can be effective. The common fight must take place both at the police level and at the level of mutual legal assistance. Examples of open and trusting cooperation already exist and yield tangible results (e.g. the Baltic Sea Task Force on Organised Crime). They must be continued, encouraged and extended. At the Member States' side, the candidate States will participate actively, as required, in coordinated surveillance measures, in particular of the same type as the large-scale joint operation to be held in October 2001 (High Impact Operation) and in setting up joint teams for carrying out actions targeted on border crossing points and high-risk routes in the short term. In this context, the agreements to be concluded by the candidate States with both Europol and the Police Chiefs Task Force are appropriate fora.

## 6. Adaptation of legislation

Trafficking in human beings is inadmissible and must not be facilitated by any legislative shortcomings or flaws. The law must ensure the protection of victims and witnesses, the prohibition of illicit work, the prohibition of the exploitation of the prostitution of others and monitoring and regulation of residence on national territory so that such trafficking can be combated effectively. As decided in Tampere, the convergence of national laws in this context, from the viewpoint of both definition and the sentences to be handed down, is necessary to strengthen and facilitate the fight against trafficking in human beings at the European level. The most rapid possible ratification of the United Nations Convention against Transnational Organised Crime and the two Protocols thereto, particularly the

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, will also contribute to strengthening the legislative framework in this context.

#### 7. Combating corruption

A constitutional State cannot brook corruption which undermines the practical implementation of policies decided on at national and international level. In this context, combating corruption plays a full part in the fight against trafficking in human beings. States should inform each other of their best practices and exchange officials specialised in combating this phenomenon.

#### 8. Organisation of preventive campaigns

People must not be taken in by the dreams peddled by traffickers. Informing potential victims of the real potential for immigration or asylum and the sad daily life of victims of trafficking in human beings has already proved to be of some usefulness. Information campaigns targeting groups at risk within the European Union, in the candidate States and in third countries will help to prevent much disillusion and human tragedy.

#### 9. Assistance for the victims

Assistance for the victims of trafficking must be provided both in countries where exploitation is discovered and in the countries of origin. In the first stage, assistance should be provided by reception and support structures to give the persons concerned decent accommodation and take care of them. In the second stage, measures should facilitate the socio-economic reintegration of the victims in their countries of origin. In this context, the European Union's funding programmes will provide precious support and they will be continued.

#### 10. Partnership with civil society and international organisations

Work with the NGOs and international organisations concerned is proving fruitful. They have experience and a network of contacts which prove very useful with regard to prevention and assistance for victims. In these fields, the authorities can rely on them to back up their action.

#### 11. Improving equipment and services

The task of modernising equipment must be continued so that it is as efficient as possible everywhere, in particular with regard to border controls. Those concerned must receive the best possible training, among other things by exchanging best practices. This task is meaningful only if it is carried out jointly at the European level, in particular with the support of the European Union's funding programmes.

#### 12. Stepping up the fight against false documents

There is ample proof of the wide-scale use of false documents by traffickers in human beings. To render border controls more effective, the fight against this phenomenon must be pursued by all governments not only at national level but also at the European level.

**FOLLOW-UP TO JHA COUNCIL ON 20 SEPTEMBER 2001 ON THE FIGHT AGAINST TERRORISM - INFORMATION FROM THE CANDIDATE COUNTRIES**

In line with the conclusions of the JHA Council meeting on 20 September, the Presidency informed the candidate countries of the steps agreed on and initiated at the operational and legislative level in the wake of the terrorist attacks in the United States, so as to enable them to participate in and be associated with the action undertaken. The Presidency stressed that such collaboration should not be confined to legislative activity but should of necessity take the form of specific, practical and operational measures.

### **ITEMS APPROVED WITHOUT DEBATE**

(Decisions for which statements for the Council minutes have been made available to the public are indicated by asterisks; the statements in question may be obtained from the Press Office.)

### **TAXATION**

#### **Derogation for Denmark**

The Council adopted a Decision authorising Denmark, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC, to apply a differentiated rate of excise duty to petrol distributed by petrol stations meeting certain standards of equipment and operation.

Under this Decision, Denmark may apply a reduced rate of excise duty of a maximum of DKK 0,3 per litre on petrol distributed by petrol stations meeting more stringent standards of equipment and operation designed to reduce leakage of MTBE into groundwater.

### **EXTERNAL RELATIONS**

#### **International Cocoa Agreement**

The Council adopted a Decision on the position to be taken by the Community within the International Cocoa Council regarding the extension of the International Cocoa Agreement, 1993.

The position to be adopted by the Community within the International Cocoa Council entails voting to extend the 1993 Agreement for a period not exceeding two years.

#### **EU-Mercosur/Chile/Bolivia Cooperation**

The Council established the EU position on the action programme on political cooperation between the EU and Mercosur/Chile/Bolivia.

Political cooperation will have the objective of attaining closer consultation with these countries on bi-regional and multilateral questions, especially by coordination of the positions of both Parties in the relevant fora.

#### **Relations with Japan**

The Council adopted a Decision concerning the conclusion of the Agreement on Mutual Recognition between the European Community and Japan.

The purpose of this Decision is to:

approve on behalf of the Community the mutual recognition agreement between the European Community and Japan, signed on 4 April 2001;

define the necessary internal procedures for ensuring the agreement's smooth operation.

### **European Economic Area**

The Council approved on behalf of the Community draft Decisions of the EEA Joint Committee

amending Annex XX (Environment) to the EEA Agreement. This involves incorporating into the Agreement Decision No 1753/2000/EC of the European Parliament and of the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO<sub>2</sub> from new passenger cars;

amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement. This involves applying new procedures to border inspection posts and to acts regarding imports from third countries under the Introductory Part of Chapter I of the Annex to the Agreement.

### **Relations with the associated CCEE - Lithuania: Culture 2000 Programme**

The Council adopted a Decision on the Community position to be adopted within the Association Council regarding the participation of the Republic of Lithuania in the Culture 2000 Programme.

All the associated Central and Eastern European countries have participated in one or more Community programmes in the field of culture (Ariane, Kaleidoscope and Raphael), now expired: the details of their participation were laid down by decision of the respective Association Councils. These countries also wish to take part in the new Culture 2000 programme, implemented over the period 2000-2004. In order to ensure such participation, a new decision of the Association Council is required in every case: this is the purpose of the present Directive on Lithuania.

### **Association with Poland and the Czech Republic - Establishment of Joint Consultative Committees**

The Council adopted two Decisions on the Community position to be adopted within the EU-Poland and the EU-Czech Republic Association Councils on the establishment of respective Joint Consultative Committees (Committee of the Regions).

The Europe Agreements provide that the Association Councils may decide to establish any other committee or body that can assist it in the performance of its duties.

In view of the interest shown by the circles concerned on both sides, the Commission now proposes establishing, again by means of an Association Council Decision, another Joint Consultative Committee with the task of promoting dialogue and cooperation between the regional and local authorities of the Community and Poland on the one hand, and the Community and the Czech Republic on the other. These new Committees would comprise representatives of the Committee of the Regions and representatives of the Polish and Czech Liaison Committees for Cooperation with the Committee of the Regions.

### **Association with Latvia**

The Council adopted a Decision on the position to be adopted by the Community within the EU-Latvia Association Council on improvement of the trade arrangements for processed agricultural products.

Each of the ten Europe Agreements with the associated countries of Central and Eastern Europe (CCEE) contains a specific protocol laying down the trade arrangements applicable to the processed agricultural products listed therein. The protocols (as adjusted to take account of the accession of Austria, Finland and Sweden to the Union and the outcome of the Uruguay Round) provide that the Association Council may decide on extension of the list of products referred to in each and on amendment of customs duties and the increase or abolition of tariff quotas.

On that basis, the Commission has negotiated with the various CCEE reciprocal improvements in access to the markets of both parties for these products. This Decision is designed to implement the outcome of the negotiations with Latvia.

### **ANTIDUMPING**

#### **Imports of hardboard from Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia**

The Council adopted an amendment to Regulation (EC) No 194/1999 imposing definitive anti-dumping duties on imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting the provisional duties imposed.

Following changes in the trading activities of certain operators, imports accompanied by an undertaking invoice shall be declared under the following TARIC additional codes:

Country	Company	TARIC Additional Code
Bulgaria	Fazerles	8496
	AD	8497
Bulgaria	Lesoplast	8498
Estonia	AD	8510
	AS	
Lithuania	Repovab	8511
Poland	riku	8600
	JSC	851

Pol and	Gri gisk es	3 854
Pol and	Alp ex-	5 854
Pol and	Kar lino SA	6 854
Pol and	Cza rna	7
Pol and	Wo da Zak lady Plyt Pils nio wyc h  Eko plyt a SA  Zak lady Plyt Pils nio wyc h SA, Prz emy sl  Kon iecp olsk ie Zak lady Plyt Pils nio wyc h	

SA
Zak lady Plyt Pils nio wyc h SA w Kro snie Odr zan ski m

### **Imports of television camera systems originating in Japan**

The Council adopted a Regulation terminating the anti-dumping review concerning the definitive anti-dumping measures imposed on imports of television camera systems originating in Japan by Council Regulation (EC) No 2042/2000.

Following the termination of the review, the anti-dumping measures set up by Regulation (EC) No 2042/2000 on imports of the product concerned originating in Japan are maintained, without amendment of the level of those measures applied to the applicant.

### **APPOINTMENTS**

#### **Committee of the Regions**

The Council adopted the Decision appointing Mr Reinhold BOCKLET as a member of the Committee of the Regions to replace Mr Edmund STOIBER, and Mr Edmund STOIBER as an alternate member to replace Mr Reinhold BOCKLET, for the remainder of their terms of office, which run until 25 January 2002.

### **TRANSPARENCY**

#### **Public access to Council documents**

The Council agreed on the reply to the confirmatory application made by Ms Emma NENDICK for access to Council documents. The Danish, Swedish and Finnish delegations voted against.

### **DECISION TAKEN BY WRITTEN PROCEDURE**

#### **International Coffee Agreement**

On 24 September the Council adopted, by written procedure, a Decision on the signing and conclusion on behalf of the European Community of the International Coffee Agreement 2001.

The aim of the Decision is to:

- ? approve on behalf of the Community the International Coffee Agreement 2001;
- ? authorise the President of the Council to appoint the appropriate person to sign the agreement and to file the approval instrument on behalf of the Community;
- ? indicate that the Community and Member States will ensure that, within a year from its entry into force, the provisions of the International Coffee Agreement which create operational difficulties for the sole Community membership are amended.