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CONCLUSIONS

of : Steering Group I (Asylum and Immigration)

on : 6/7 October 1994

1. Adoption of the agenda

The agenda set out in telex nr. 3528 was adopted. It was agreed that an additional point should be taken under "Other Business" (see point 13 below).

2. Draft Council resolution on the admission of third country nationals to the territory of the Member States of the European Union for study purposes

(Docs 7996/2/94 REV 2 ASIM 127
9370/94 ASIM 180)

The Group examined in detail the outstanding points in respect of the above resolution as set out in docs 9370/94 ASIM 180 and 7996/2/94 REV 2 ASIM 127.

It was agreed that the Working Party (Migration) should further discuss the text which would be revised in the light of the Group's discussions (see doc. 7996/3/94 REV 3 ASIM 127) with a view to reaching consensus on the draft resolution before the next meeting of the Steering Group in November.

3. Minimum guarantees in procedures for examining asylum applications

(Doc. 8713/1/94 REV 1 ASIM 152)

Le Groupe a examiné les notes 1 à 6 incluses figurant dans l'annexe du document susmentionné.

Note 1 : La proposition de la Commission n'a pas été retenue.

Note 3 : Le texte de l'article 7, qui est le fruit d'un compromis ne sera pas modifié. Toutefois, il convient de préciser que "l'indépendance" à laquelle il fait référence est celle de l'instance visée à l'égard de l'exécutif. The Working Party agreed that clarification should be given possibly by a declaration to the Council minutes.

Note 4 : Toutes les réserves d'examen sur l'article 10 ont été levées.

Note 5 : Le membre de phrase "est autorisé à demeurer" sera remplacé par l'expression "peut rester sur le territoire" qui est dénuée de connotation juridique.

La délégation irlandaise souhaite que la Convention de Dublin soit mentionnée. Cette proposition fera d'un examen par le groupe de travail "Asile".

Note 6 : Le groupe n'a pas pu trouver de consensus à ce sujet. Ce point devra être examiné de nouveau par le groupe de travail.

En conclusion, il a été décidé que le groupe "Asile" poursuivrait son travail sur ce texte.

Il sera également saisi des observations du Haut Commissariat pour les réfugiés transmises par sa lettre du 2 septembre 1994.

4. Form of decisions concerning the harmonized application of the definition of refugee and minimum guarantee in procedures for asylum

(doc. 7736/94 ASIM 121, 6675/1/94 REV 1 ASIM 90,
8713/1/94 REV 1 ASIM 152)

The Group considered that it was preferable that the Council instrument should take the form of a resolution in both areas and not a joint action. This would be considered as the first step to what may eventually become a joint action or a convention as stated in the 1994 work programme where this is foreseen for asylum matters.

The Commission representative reminded the Group of the Council's wishes, endorsed by the European Council in December 1993, to prepare a joint action in these fields. For this reason it reserved its position on the Council adopting a resolution.

5. Rules of procedure relating to the committee foreseen by article 18 of the Dublin Convention

(Doc. 9589/94 JUR 215 ASIM 183)

Following a number of scrutiny reservations by delegations on the text prepared by the legal service, it was decided to invite the Asylum Group to examine the text in more detail paying particular attention to the following questions :

- the extent to which the Committee should deal only with general issues and the relationship between these and bilateral issues between Member States (article 1),
- the need for clarification in relation to article 7 on the speed of procedures and their relationship between general and

6. Travel facilities for third country nationals (school children) resident in a Member State

(Doc. 9370/94 ASIM 180, 9742/94 ASIM 186)

The Group was informed of the progress made on this dossier. A revised text for a joint action on travel facilities for school children from third countries who are residents of a Member State would be presented to the next meeting of the Visa Working Party on 27th October. The results of these discussions would be examined by the Steering Group in November.

The French delegation indicated that it maintained its reservation on the use of the list as a travel document until certain elements had been clarified. The Commission services also indicated a scrutiny reservation on the legal form to be adopted.

7. Proposal for a Council regulation based on article 100C concerning third country nationals who must be in possession of a visa

Following a report on the present state of discussions in the Visa Working Party in which it was stated that the presidency would present a compromise proposal at the next meeting of the Working Party based on the principles set out in the annex to document 9206/94 ASIM 171, the Group invited the Working Party to report on the outcome of its deliberations in November.

8. Conclusion of a cooperation agreement between the European Community and Vietnam and the problem of readmission

(Doc. 9329/94 ASIM 179)

Le Conseil européen des 10 et 11 décembre avait préconisé une meilleure coordination entre les secteurs Justice et Affaires intérieures et Politique étrangère et de sécurité commune dans le domaine de la réadmission de leurs ressortissants par les pays tiers.

Dans la mesure où se négocie actuellement un accord de coopération entre la Communauté européenne et le Vietnam, le Groupe a estimé qu'il était opportun de rappeler le principe de l'obligation de réadmission de ses propres ressortissants dans le préambule du texte de l'accord. Toutefois, le libellé d'un tel texte n'a pas été arrêté.

La Présidence a indiqué qu'une réserve de fond de la délégation allemande existait en ce qui concerne le mandat de négociation de la Commission, jusqu'à ce qu'un accord sur le libellé d'un texte plus contraignant concernant la réadmission des citoyens vietnamiens soit inclus dans le mandat.

9. Standard bilateral readmission agreement between a Member State and a third country

(Doc. 8036/2/94 REV 2 ASIM 131)

The Group noted the progress which has been made on the above text at the level of the Working Party.

It was acknowledged that there was a need for the Working Party to review the agreement in the light of the reservation of the Portuguese delegation to article 3, the need for some minor adjustments to the French text and the Danish scrutiny reservation.

Further work was also required to be undertaken by the Working Party on the protocol concerning the application of the agreement.

The Presidency emphasized the importance which it attached to the text being adopted by ministers at the next Council meeting.

10. Improvement in security at external borders

(Doc. 8031/94 ASIM 130)

The Group took note of the progress made on this dossier. It agreed that the proposed initiative should take the form of a Council resolution and that the Presidency would keep the parliament informed of progress made in this field in conformity with article K6 of the Treaty.

It was also agreed that the Working Party should examine further the Greek proposal for an additional text relating to border security to be included. The presidency suggested that elements could be incorporated into the preamble and be based on the text figuring in the draft external frontiers convention.

The French delegation emphasized that their agreement to the activity taking the form of a resolution depended upon there being discussions leading to a clear solution to the problems concerning joint actions and their legal status (binding or not) at the K4 level.

11. Progress report on the proposed development of CIREFI

(Docs 8831/1/94 REV 1 CIREFI 13
9286/94 CIREFI 16)

The chairman of the CIREFI Working Party reported on the outcome of the last meeting held on 29/30 September 1994 (see doc. 9777/94 CIREFI 19).

As a result of the change in approach outlined in the last report from the CIREFI Group, which would be more closely based on the Ministerial agreement of 1992, it was agreed that Council conclusions or a resolution could cover the changes envisaged in the immediate term.

The French delegation emphasized the importance of putting the necessary staff and material provisions at the disposition of the Council Secretariat to ensure that CIREFI becomes more active as an important instrument in the field of immigration.

The representative of the Secretariat stated that careful consideration would have to be given to the financial and personnel aspects ; a closer examination of the proposal would be required once the new Presidency paper was tabled.

The Steering Group invited the Working Party to continue its work on a revised text which will be submitted shortly by the Presidency (see doc. 9966/94 CIREFI 21) ; a further discussion of the text may be necessary at the November meeting of the Steering Group.

12. Burden sharing in relation to the admission of refugees

(Doc. 7773/94 ASIM 124)

The Group held a brief exchange of views on the basis of an informal Presidency text, the scope and contents of which were generally welcomed by all delegations.

It was decided that the Working Party (Migration) should examine the text in greater detail and report back to the Group at its November meeting.

13. Other business

- Follow up to the Berlin Declaration

It has been noted that the K4 Committee had entrusted the Steering Group to play a leading role in the area of the fight against trade in human beings and against illegal immigration (see doc. CK4 72).

It was agreed to examine the matter again in close liaison with the Chairman of the K4 Committee in order to clarify the role of the Steering Group in the two areas in question.