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GROUPE AD HOC IMMIGRATION

SEMDOC

Statewatch European Documentation &
Monitoring Centre on justice and home
affairs in the European Union

PO Box 1516, London N16 0EW, UK
tel: 0181 802 1882 (00 44 181 802 1882)
fax: 0181 880 1727 (00 44 181 880 1727)

AD HOC GROUP IMMIGRATION

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(OR. f)

SN 3009/2/93 (WGI 1509)
REV 2

CONFIDENTIAL

Subject: Draft conclusions of the meeting of Ministers with responsibility for immigration
(Copenhagen, 1 and 2 June 1993)

[No. prev. doc.: WGI 1488 REV 1]

- I. Ministers with responsibility for immigration met in Copenhagen under the Chairmanship of Mrs Birte WEISS, Minister for the Interior of the Kingdom of Denmark. The meeting was also attended by Mr Vanni D'ARCHIRAFI, Member of the Commission of the European Communities.
- II. Approval of the conclusions of the ministerial meeting in London on 30 November and 1 December 1992

The Danish delegation withdrew its reservation, stating that its Government did not envisage any amendments to Danish legislation.

The Netherlands delegation was upholding its reservation until the Netherlands Parliament had passed a law transposing certain aspects of the conclusions.

III. Asylum

(i) Progress on ratification of the Dublin Convention

Ministers took note of WGI 1494, which takes stock of progress on the ratification of the Dublin Convention.

Those Member States whose ratification procedures were still under way said they would do everything in their power to ensure that the Convention could come into force as quickly as possible.

(ii) Progress on the implementation of the Dublin Convention

Ministers took note of the report contained in WGI 1496 and asked the ad hoc Group to see that the work which remained to be done before the Convention came into force was brought to a swift conclusion.

(iii) Implementing arrangements for the joint handbook for the application of the Dublin Convention

Ministers recorded their agreement on the implementing arrangements for the joint handbook as contained in WGI 1495 and asked the ad hoc Group on Immigration to see to the drawing-up of the handbook.

(iv) Compilation of asylum practice

Ministers took note of the preparation of this compilation, which is contained in WGI 1505.

Ministers agreed to insert in the compilation the statements made when the Dublin Convention was signed at the Conference of Ministers with responsibility for immigration of the Member States of the European Communities meeting in Dublin on 15 June 1990 (WGI 705).

(v) Means of proof

Ministers welcomed the progress made [WGI 1490] and asked the ad hoc Group on Immigration to complete its discussions by their next meeting.

(vi) Definition of the concept of a refugee contained in Article 1 A of the Geneva Convention

Ministers asked the ad hoc Group to continue giving thought to this matter.

(vii) Eurodac

Ministers took note of the discussions held since their last meeting and approved the terms of reference for user requirement studies in respect of Eurodac [WGI 1504].

They asked the bodies responsible to continue the discussions, in particular on the legal aspects, so that a political decision either to set up Eurodac or not to do so could be taken by the end of the first half of 1994.

The Greek delegation wanted a Working Party representing all Member States to choose the co-contractor.

(viii) The clearing house

(a) Factors for determining the third States on which joint reports may be requested [WGI 1500]

(b) Progress report regarding the procedure for drafting reports in the context of the joint assessment of the situation in third countries [WGI 1502]

Ministers welcomed the co-operation initiated with EPC concerning the drafting of joint reports on the situation in third countries. They stressed that such joint reports would be all the more useful since they could be made available to the clearing house more rapidly.

Ministers agreed on WGI 1500 and asked the ad hoc Group on Immigration to continue its work on the procedure for drafting joint reports and on their dissemination and confidentiality.

(c) Dissemination of information available from the clearing house

Ministers agreed on the detailed conditions of dissemination of information available from the clearing house, as defined in WGI 1433 REV 1.

(d) Co-operation with the UNHCR's Centre for Documentation on Refugees

Ministers agreed on co-operation between the clearing house and the UNHCR documentation centre in accordance with the detailed conditions laid down in point 2 of WGI 1501.

(e) First report on the activities of the clearing house

Ministers took note of this report as contained in WGI 1503 and agreed to make it public.

(ix) Parallel Convention to the Dublin Convention

Ministers took note of a document drawn up by the Presidency [WGI 1532] on its contacts with Austria, Finland, Norway, Switzerland, Sweden and Canada on a draft Convention parallel to the Dublin Convention.

Ministers noted that the Dublin Convention formed part of the "acquis" resulting from intergovernmental co-operation between the twelve Member States in the field of justice and home affairs, which acceding States were required to accept. They therefore asked the Presidency to continue contacts with a view to the conclusion in due course of a parallel Convention with the other European States concerned, as full negotiations could not take place until the Dublin Convention had been ratified by the twelve Member States.

IV. Former Yugoslavia

Ministers reiterated the importance of the conclusions they had adopted in London on 30 November 1992.

Ministers held an exchange of views on the situation in former Yugoslavia, at the close of which they adopted a Resolution on certain guidelines as regards the reception of particularly vulnerable groups of distressed persons from former Yugoslavia [WGI 1499].

Ministers took note of the documents drawn up in application of that decision. In this context they took note of documents on:

- the state of legislation and statistics [WGI 1390 REV 2 and WGI 1475]; ⁽¹⁾
- the list of important documents [WGI 1508];
- visa requirements [WGI 1333 REV 2];
- possibilities for co-operation within the Member States [WGI 1401 REV 1 (Annex)].

Ministers asked the ad hoc Group on Immigration to continue its proceedings by regularly updating information, establishing specific procedures for consultation between the Member States and setting up a network of contact persons.

(1) Ministers agreed on the principle that this document would be made public once it had been reviewed by the ad hoc Group on Immigration.

Ministers also asked the ad hoc Group on Immigration to examine the questions of family reunification and of procedures governing the movement from one Member State to another of displaced persons from former Yugoslavia.

V. European Council report on freedom of movement

Ministers adopted the report as contained in CIRC 3640 + ADD 1 and 2.

At the same time:

- Ministers held an exchange of views on the situation at internal and external frontiers;
- the Commission made the statement set out in the Annex.

VI. Checks at external frontiers

(i) Draft Convention on the crossing of the external frontiers of the Member States of the European Communities

- Ministers took note of statements by the Presidency, Spain and the United Kingdom on the discussions held in the context of the effort undertaken with a view to resolving the final outstanding problem and asked the Presidency and the delegations concerned to continue their efforts.
- Ministers took cognizance of the possible implications of the Treaty on European Union and of the EEA Agreement for the draft Convention on the crossing of external frontiers.

Ministers considered that:

- any amendments to the draft Convention to make it compatible with the Treaty on European Union should be technical in nature and confined to what was strictly necessary and that there was no question of re-opening negotiations on Articles other than those which appeared to warrant revision for that purpose;
- this was a purely technical question and it was necessary to avoid it leading to deadlock on legal grounds;
- any period of legal vacuum should also be avoided.

(ii) Draft conclusions with a view to the implementation of the draft Convention on the crossing of external frontiers

Ministers took cognizance of the progress that had been made [WGI 1517], and asked the ad hoc Group on Immigration to continue its work.

(iii) Setting up of Cirefi

Ministers took note of the fact that, following their decision in London, Cirefi had begun working on the basis of the work description contained in WGI 1357 REV 1.

VII. Visas

(i) Conclusions on the implementation of the common visa policy provided for in the draft Convention on the crossing of external frontiers

Ministers took note of the discussions held and on the basis of WGI 1513 agreed to record their agreement on conclusions 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28 and 29.

Ministers asked the ad hoc Group to continue its discussions on the finalization of the other conclusions.

(ii) Acceptable/unacceptable travel documents

Ministers finalized and agreed on the conclusions contained in WGI 1506 REV 1. ⁽¹⁾

The Portuguese delegation said its agreement was being given subject to ratification by Portugal of the 1954 Convention relating to the Status of Stateless Persons.

(iii) Visa requirement

Ministers noted that the nationals of 73 third countries required visas [WGI 1379 REV 2].

Pending entry into force of the Treaty on European Union, Ministers asked the ad hoc Group on Immigration to continue examining the list.

VIII. Admission

(i) Draft Resolution ~~on limiting~~ admission of third-country nationals to the Member States for purposes of employment

Ministers took note of progress made [WGI 1498] during the Danish Presidency and asked the ad hoc Group to complete its examination of this issue before the next ministerial meeting.

(1) Reservation by the Greek delegation.

(ii) Draft Resolution on the harmonization of national policies on family reunification

Ministers finalized and agreed on WGI 1497 REV 1. ⁽¹⁾

IX. EXPULSION

(i) Greater flexibility in the application of the provisions on transit for the purposes of expulsion

Ministers agreed on the conclusions contained in WGI 1310 REV 3.

(ii) Draft Recommendation concerning checks on and expulsion of third-country nationals residing or working without authorization

Ministers agreed on the recommendation contained in WGI 1516.

Ministers asked the ad hoc Group to study ways of improving the methods used by Member States for checking illegal aliens.

(1) The Netherlands delegation tabled a parliamentary scrutiny reservation.

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(iii) **Readmission agreements with third countries**

Ministers noted the progress made and asked the ad hoc Group to continue its work on this subject.

X. FALSE DOCUMENTS

Ministers approved the recommendations on the European Forgery Bulletin [WGI 1324 REV 1].

Ministers asked the ad hoc Group on Immigration actively to pursue the discussions on a computerized system for the filing and transmission of document images.

XI. Contacts with the European Parliament

Ministers took note of statements from Mrs WEISS on her contacts with the European Parliament.

Ministers took note of the information the Greek Minister for Public Policy had supplied to the European Parliament's Committee on Civil Liberties.

XII. Contacts with third countries

Ministers took note of information on the contacts which the Presidency had had or was to have with:

- Canada and the United States of America;
- Austria, Finland, Norway and Sweden;
- Switzerland;
- Morocco.

XIII. Next meeting

Subject to entry into force of the Treaty on European Union, Ministers agreed to meet on 29 and 30 November and 1 December 1993.

COMMISSION STATEMENT
ON THE REPORT TO THE EUROPEAN COUNCIL IN COPENHAGEN
ON THE IMPLEMENTATION OF ARTICLE 8a OF THE TREATY OF ROME
WITH REGARD TO THE FREE MOVEMENT OF PERSONS

1. The last European Council in Edinburgh reaffirmed its commitment to the full and rapid implementation of Article 8a and invited Ministers to accelerate their work, and to report back to the Copenhagen European Council. The Commission considers that the report which has now been prepared does not fully reflect the directions given at Edinburgh as regards acceleration of progress.
 2. Article 8a has not yet been implemented, and the situation described in the report reveals a disappointing lack of progress on these three main compensatory measures which the Edinburgh European Council referred to as particularly needing further progress. The Dublin Asylum Convention has been ratified by only 6 Member States even though it is now some three years since it was opened for signature. The wording of the report is limited to stating that the remaining Member States will ratify it "as soon as possible". There is no indication that this will be before the end of this year. The External Frontiers Convention has been blocked for the last two years over one outstanding problem and there are no signs that a solution is in sight or that negotiations are actively being pursued. Finally, the continuing negotiations at expert level on the European information System are moving forward slowly and will require considerable impetus if the objective of a signature by the end of 1993 is to be met.
 3. The inevitable conclusion is that the free movement of persons is unlikely to be achieved this year, 12 months beyond the target date set in the Treaty. The Commission could not be satisfied with this outcome.
 4. The Commission considers that the attention of the European Council should be drawn to the fact that the obligation to implement Article 8a is overdue and that a timetable for completion of compensatory measures has not been set. The unhurried approach on which reliance continues to be placed is at variance with public opinion throughout the Community that 1993 is going to produce positive and tangible results regarding the abolition of border controls and the realization of the free movement of persons. Real progress in the forthcoming months needs to be supported by greater political determination to meet the Treaty obligations. If such progress is not achieved, the Commission is determined to take appropriate action within the scope of its responsibility to ensure that the goals of Article 8a in the area of the free movement of persons are realized.
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