

6573/1/97  
REV 1

LIMITE

ASIM 45

**NOTE**

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from: the General Secretariat

to : the K.4 Committee

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**Subject: Draft note to COREPER/Council for information on the texts adopted in the migration and asylum areas transmitted or to be transmitted to the CEECs**

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1. Delegations will find hereafter the above-mentioned draft note, including a list of texts adopted by the Ministers (before the entry into force of the Maastricht Treaty) and by the Council, as it resulted from the Asylum Working Party with experts in migration matters on 17 April 1997. The transmission of these texts to the CEECs is of major importance to them, as they have repeatedly stated.

After the approval by the K.4 Committee of this draft note and the substance of its Annexes, these will undergo a final "toilettage" by the Presidency and the Council Secretariat from the presentational point of view, before the draft note including the annexes is submitted for information to COREPER and the Council.

The Council Secretariat will then compile the texts accordingly before they are sent to the CEECs.

2. The Spanish delegation holds a general scrutiny reservation as well as a scrutiny reservation on point 8 of Annex II.

**DRAFT**

**"I/A" NOTE**

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to : COREPER/Council

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**Subject: Texts adopted in the migration and asylum areas transmitted or to be transmitted to the CEECs**

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1. As a first step for the preparation of the Ministerial Meeting to be held during the Netherlands Presidency in the context of the structured dialogue with the CEECs on the subject of immigration and asylum policies, on 10 December 1996, the Irish Presidency transmitted to these countries the texts of the acts formally approved in the asylum area by Ministers responsible for Immigration Policies or, after the entry into force of the Treaty on European Union, by the Council (a list of these texts is contained in Annex I).
  2. Along the same lines, the Netherlands Presidency intends to transmit to the associated CEECs the texts of the acts formally approved in the migration area by Ministers responsible for Immigration Policies or, after the entry into force of the Treaty on European Union, by the Council (a list of these texts is contained in Annex II).
  3. Coreper could therefore call on the Council to take note of the above information.
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- Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities ("Dublin Convention")
- Declarations in the minutes of the Conference of Immigration Ministers of the Member States of the European Communities (Dublin 15 June 1990)
- Standard form for determining the State responsible for examining an application for asylum
- General guidelines for implementation of the Dublin Convention
- Means of proof in the framework of the Dublin Convention
- Calculation of periods of time in the framework of the Dublin Convention
- Conclusions on the transfer of asylum applicants under the provisions of the Dublin Convention
- Laissez-passer for transfer of applicants
- Conclusions on countries in which there is generally no serious risk of persecution
- Resolution on manifestly unfounded applications for asylum
- Resolution on a harmonized approach to questions concerning host third countries
- Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures
- Joint position of 4 March 1996 defined by the Council on the harmonized application of the definition of the term "refugee" in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees

- Council conclusions of 20 June 1994 concerning the possible application of Article K.9 of the Treaty on European Union to asylum policy
  - Establishment of a Centre for Information, Discussion and Exchange on Asylum (clearing house)
  - Circulation and confidentiality of joint reports on the situation in certain third countries
  - Guidelines for joint reports on third countries
  - Second activity report on the Centre for Information, Discussion and Exchange on Asylum (CIREA).
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List of texts adopted in the asylum and immigration areas

**I. by Ministers concerned with immigration prior to the entry into force of the Treaty on European Union**

1. General agreement of 8 December 1988 on the period of validity of a visa, in general 3 months from the date of entry into the State concerned, except for the United Kingdom, in which it is 6 months **(WGI 419)**
2. Reports to the European Council from the Ministers concerned with immigration on the work programme concerning immigration and asylum (1 June 1993)
3. Resolution of 1 June 1993 on certain guidelines for the reception of groups of particularly vulnerable persons in danger originating in former Yugoslavia **(WGI 1499)**
4. Resolution of 1 June 1993 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of employment **(WGI 1498)**
5. Resolution of 1 June 1993 on the harmonization of national policies on family reunification **(WGI 1497 REV 1)**
6. Draft Recommendation of 1 June 1993 concerning checks on and expulsion of third-country nationals residing or working without authorization **(WGI 1516)**
7. Recommendations of 1 June 1993 on the European Forgery Bulletin **(WGI 1324 REV 1)**
- 7a. Decision of 30 November 1992 to set up a Centre for Information, Discussion and Exchange on the Crossing of Borders and Immigration (CIREFI) **(WGI 1311)**

II. by the Council after entry into force of the Treaty on European Union

8.<sup>(1)</sup> Council report of 29 and 30 November 1993 to the European Council on:

(a) ***an action plan in the field of Justice and Home Affairs***

(10655/93 JAI 11, pp. 5 to 7)

(b) ***a priority work programme for 1994***

(10684/93 JAI 12, pp. 1 to 4)

9. **Principles** of 6 May 1994 concerning the ***conclusion of readmission agreements*** with third countries

(5913/94 ASIM 67)

10. **Recommendations** of 20 June 1994 concerning the ***fight against trade in human beings***

Annexes I and II to

(7480/94 ENFOPOL 76)

11. **Conclusions** of 31 October 1994 concerning the ***conditions governing readmission*** by Member States of persons residing illegally in the territory of a Member State but who possess a residence permit in another Member State (Article 8(2) of the draft Convention on the crossing of external frontiers)

(9425/94 CK 4 70 + COR 1 (en))

12. **Conclusions** of 30 November 1994 of the Council of the European Union on the ***organization and development*** of the Centre for Information, Discussion and Exchange on the crossing of frontiers and immigration (***CIREFI***)

(Annex to 10884/94 JAI 50)

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<sup>(1)</sup> Reservation by the Spanish delegation.

13. Recommendation of 30 November 1994 concerning the adoption of a standard *travel document for the expulsion* of third-country nationals  
(Annex to 10721/94 JAI 43)
14. Recommendation of 30 November 1994 concerning a *specimen bilateral readmission agreement* between a Member State of the European Union and a third country  
(10880/94 JAI 46)
15. Council Resolution of 30 November 1994 relating to the *limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons*  
(Annex to 11219/94 JAI 63)
16. Resolution of 30 November 1994 on the *admission of third-country nationals to the territory of the Member States of the European Union for study purposes*  
(Annex to 11218/94 JAI 62)
17. Decision (94/795/JHA) of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3(2)(b) of the Treaty on European Union concerning *travel facilities for school pupils from third countries resident in a Member State*  
(10902/94 JAI 51 + COR 1)
18. Report of 30 November 1994 to the European Council on the implementation of the *December 1993 action plan in the field of Justice and Home Affairs*  
(11607/94 JAI 71)
19. Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for *visas*  
(7012/95 ASIM 153  
5365/1/95 ASIM 71 REV 1)

20. Council **Recommendation** of 23 July 1996 on the principles for the drafting of protocols on the implementation of *readmission agreements*  
(8202/95 ASIM 195 + COR 1 (s))
21. Council **Regulation (EC) No 2317/95** of 25 and 26 September 1995 determining the *third countries whose nationals must be in possession of visas* when crossing the external borders of the Member States  
(10043/95 ASIM 253  
9632/95 ASIM 240  
+ COR 1 (f,i,nl,en,gr,es,p,fin)  
+ COR 2)  
OJ No L 234, 3.10.1995
22. Council Resolution (95/C 262/01) of 25 and 26 September 1995 on *burden-sharing* with regard to the admission and residence of displaced persons on a temporary basis  
(10038/95 ASIM 252 + EXT 1 (fin,s)  
8515/95 ASIM 204 + COR 1 (dk)  
+ REV 1 (s) + REV 1 COR 1 (s))
23. Council **Recommendation** (96/C 5/01) of 22 December 1995 on harmonizing means of *combating illegal immigration and illegal employment* and improving the relevant means of control  
(12400/1/95 ASIM 334 REV 1  
12096/95 ASIM 328 + COR 1 (d)  
+ COR 2 (fin))
24. Council **Recommendation** (96/C 5/02) of 22 December 1995 on concerted action and cooperation in carrying out *expulsion measures*  
(12401/1/95 ASIM 335 REV 1  
12097/95 ASIM 329  
+ COR 1 (dk) + COR 2 (d)  
+ COR 3 (fin))

25. Council **Decision** (96/C 11/01) of 22 December 1995 on monitoring the implementation of texts already adopted concerning ***admission of third-country nationals***  
(12862/95 ASIM 340  
12637/95 ASIM 336)
26. Council **Decision** of 4 March 1996 on an alert and emergency procedure for ***burden-sharing*** with regard to the admission and residence of displaced persons on a temporary basis  
(5135/96 ASIM 23  
12107/95 ASIM 333)
27. Council **Recommendation** of 4 March 1996 relating to ***consular cooperation regarding visas***  
(5136/96 ASIM 24  
12668/95 ASIM 337  
+ COR 1 REV 1 (en)  
12668/1/95 ASIM 337 REV 1 (s))
28. Council **Resolution** of 4 March 1996 on the status of third-country nationals ***residing on a long-term basis*** in the territory of the Member States  
(5137/96 ASIM 25  
12104/95 ASIM 330  
+ COR 1 (fin)  
+ COR 2 (en))
29. **Joint action** on ***airport transit arrangements*** of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union  
(4008/1/96 ASIM 1 REV 1  
12106/95 ASIM 332 + COR 1 (s))
30. Council **conclusions** of 4 March 1996 on ***readmission clauses*** to be inserted in future mixed agreements  
(5457/96 ASIM 37  
4272/96 ASIM 6 + COR 1 (gr,p,s))

31. Council **Recommendation** of 27 September 1996 on combating *the illegal employment* of third-country nationals  
(9201/96 ASIM 109  
9185/96 ASIM 108  
+ COR 1 (s))
32. Council **Resolution** of 14 October 1996 laying down the *priorities for cooperation in the field of justice and home affairs for the period from 1 July 1996 to 30 June 1998*  
(9291/96 JAI 48  
9043/96 JAI 46  
9043/1/96 JAI 46 REV 1 (s)  
+ COR 1 (f,d,i,nl,dk,gr,es,p,fin))
33. **Joint position** of 25 October 1996 on *pre-frontier assistance and training assignments*  
(9176/96 ASIM 107 + COR 1  
8095/96 ASIM 89  
8095/1/96 ASIM 89 REV 1 (s))
34. **Joint action** adopted by the Council on the basis of Article K.3 of the Treaty on European Union introducing a programme of training, exchanges and cooperation in the field of identity documents ("*SHERLOCK*")  
(9993/1/96 JAI 56 FIN 410 REV 1  
9993/2/96 JAI 56 FIN 410 REV 1 (fin))
35. **Joint action** of 28 November 1996 adopted by the Council on the basis of Article K.3 of the TEU establishing an *incentive and exchange programme for persons responsible for combating trade in human beings and sexual exploitation of children* ("*STOP*" programme)  
(11148/96 CK4 49  
11341/96 CK4 51  
11341/1/96 CK4 51 REV 1 (s))

- \ 36. Decision of 12 December 1996 on *achievements in the field of justice and home affairs during 1996*  
- Report to the European Council  
(12523/96 JAI 81  
11118/4/96 JAI 68 REV 4)
37. Council **Decision** of 16 December 1996 on *monitoring the implementation of instruments adopted* by the Council concerning *illegal immigration, readmission, the unlawful employment of third-country nationals and cooperation in the implementation of expulsion orders*  
(11414/96 ASIM 154  
+ COR 1  
11413/96 ASIM 153  
+ COR 1 (s))
38. **Joint action** of 16 December 1996 adopted by the Council on the basis of Article K.3 of the TEU on a *uniform format for residence permits*  
(12848/96 ASIM 177  
12336/96 ASIM 172  
+ COR 1 (s)  
+ COR 2 (fin)  
+ COR 3 (fin))
39. **Joint action** of 24 February 1997 adopted by the Council on the basis of Article K.3 of the TEU concerning action to combat *trafficking in human beings and sexual exploitation of children*  
(OJ No L 63, 4.3.1997, p. 2)
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