



COUNCIL OF
THE EUROPEAN UNION

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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)

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LIMITE

CK4 24
ASIM 21

OUTCOME OF PROCEEDINGS

from : K4 Committee
on : 29-30 April 1999

Subject : Kosovo: Establishment of a European Union Humanitarian Evacuees Programme

1. At its meeting on 29-30 April 1999, the K4 Committee held an extensive exchange of views on the proposal from the Netherlands delegation to establish a humanitarian evacuees programme for displaced persons from Kosovo on the basis of 7780/99 CK4 21 ASIM 15 containing a proposal from that delegation for a Council Decision setting up temporary protection arrangements.
2. While several delegations (B, L, A, S) welcomed the proposed decision subject to clarifying certain aspects, other delegations (ES, GR, F, IRL, I, P, FIN, UK) entered reservations believing that the proposal was out of step with the conclusions reached in the (Justice and Home Affairs) Council on 7 April 1999.

The views taken by delegations during the discussions are set out below.

3. The Austrian delegation, while welcoming the document from the Netherlands delegation, felt that certain aspects required clarification. It took the view that the Member States should have a role to play in selecting the persons to be received on their territory; with regard to financial responsibility it sought clarification as to whether EU funding would be made available for such a temporary protection regime; the re-admission aspects between the Member States should be specified.

The Luxembourg delegation welcomed and supported the broad lines of the Netherlands delegation's proposal and stressed the urgency for the Member States to adopt a common approach in this matter.

The Italian delegation, whose views were largely shared by the Spanish, Greek and Portuguese delegations, considered that the proposed decision was out of step with the conclusions reached by the (Justice and Home Affairs) Council on 7 April 1999. In particular, it thought that paragraph 3 of 7780/99 was not an appropriate response the position taken within the Council which was to give priority to maintaining the displaced persons in the region with a view to facilitating their return. The Spanish and Portuguese delegations indicated that steps were already being taken in conformity with the conclusions of the Council with regard to evacuation measures based on the principle of double voluntariness (on the part of the receiving Member States and the displaced persons themselves); the displaced persons arriving on their territory (2 500 expected in Portugal following contact with UNHCR) were able to benefit from the points outlined in paragraph 7 of the Netherlands delegation's proposal, the actions being taken in respect of the situation in Kosovo should not be mixed up with the general debate within the Council bodies on the Commission's proposals on temporary protection and solidarity. The Greek delegation underlined furthermore the efforts already being deployed by the Member States to provide assistance (shelter, food, etc.) in the region and recalled it had made available \$ 11.5 million in this respect.

The French delegation wondered what the added value of the proposal from the Netherlands delegation would be, given that the Council had just, on 29 April 1999, adopted a programme for the reception and voluntary repatriation of refugees, displaced persons and asylum seekers, including emergency aid for displaced persons from Kosovo, and that the Member States were already offering temporary protection to refugees arriving on their territory. It

considered that the only new element was the distribution of refugees among the Member States and that the criteria mentioned in paragraph 3 of 7780/99 for this distribution might not be the most appropriate one. It wondered, in particular, which criteria should be applied with regard to granting the benefits listed in paragraph 7 and especially those concerning education, medical services and the labour market. It also felt that paragraph 6 would give rise to difficulties since Member States have divergent approaches concerning the suspension of the consideration of asylum applications. In its view 7780/99 constituted a step backward with respect to the conclusions reached by the (Justice and Home Affairs) Council on 7 April 1999.

The Finnish delegation for its part felt that it was more important to maintain impetus at the political level rather than trying to seek legislative solutions which, given the procedures laid down in the Treaty, could be implemented only after a substantial time lapse. Paragraph 3 of 7780/99 was in its view not in conformity with the conclusions of the Council of 7 April 1999. Furthermore, Article 64(2) of the Treaty enables the Council to adopt measures for a maximum period of only six months. It recalled that it had already assented to receive 1000 displaced persons from Kosovo who would be given an initial residence for 6 months.

The Belgian delegation, welcoming the proposal from the Netherlands delegation, deplored the lack of consensus on this issue and entered a strong plea for action at Community level in order to avoid contradictions and divergences in the way refugees from Kosovo are treated. At present, Belgium was offering temporary protection to refugees arriving through the UNHCR channel. This delegation wondered how Member States would deal with those persons arriving through other channels who might be subject to different reception structures and end up with different rights and status to those offered temporary protection. In its view the programme adopted by the Council on 29 April 1999, while providing funding possibilities for the reception of refugees, fell far short of the ambitions set by the proposed decision.

The Swedish delegation supported the principles in the proposal from the Netherlands delegation and hoped that discussion could be taken forward expeditiously while at the same time maintaining impetus in the examination of the Commission's proposal for a temporary protection regime.

The United Kingdom delegation expressed scepticism at the added value of proposed decision to the actions currently being undertaken by the Member States in conformity with the conclusions of the Council on 7 April 1999. The United Kingdom was also granting temporary protection to refugees arriving through the UNHCR channel. If refugees arriving by other means did request asylum, that right could not be set aside and those requests would thus be processed in accordance with provisions relating to the asylum procedure.

The Irish delegation shared many of the doubts and reservations expressed by the French and Italian delegations. It underscored the need to continue to act in conformity with the conclusions of the Council on 7 April 1999 and stated that it would, in consultation with UNHCR, start taking in refugees from FYROM within the coming week.

The Presidency expressed disappointment at the lack of progress on the proposal from the Netherlands delegation which in its view built on the afore-mentioned Council conclusions. Inviting delegations to reflect further, it concluded that this item would be discussed by the Strategic Committee on Immigration, Frontiers and Asylum at its meeting on 18 May 1999 before being submitted to the Permanent Representatives Committee and then to the (Justice and Home Affairs) Council on 27/28 May 1999.