EUROPEAN UNION
THE COUNCIL

Brussels, 27 June 1994 (14.07)
(OR. f)

8062/94

RESTREINT

CK4 56

N O T E

from : General Secretariat of the Council

Subject: **Extract from the conclusions of the European Council (Corfu, 24 and 25 June 1994)**

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III. CO-OPERATION ON JUSTICE AND HOME AFFAIRS

1. Racism and Xenophobia

The European Council condemns the continuing manifestations of intolerance, racism and xenophobia and affirms its determination to step up the fight against these phenomena.

It welcomes the joint Franco-German initiative against racism and xenophobia in which it is proposed in particular to:

- constitute a Consultative Commission composed of eminent personalities charged with making recommendations on co-operation between governments and the various social bodies in favour of encouraging tolerance and understanding of foreigners;

- develop a global strategy at the Union level aimed at combating acts of racist and xenophobic violence;

- set up training efforts for officials in those parts of the national administrations most concerned by these phenomena.

The European Council invites the General Affairs Council to examine the mandate, composition and status of the Consultative Commission proposed in the Franco-German initiative and report to the European Council in Essen on the interim results of the work of that Commission. It invited the Ministers of Justice and the Interior to report on their work at the next European Council in Essen. Finally, it requests that current work in the Education and Social Affairs Councils in this field should be speeded up in the light of the Franco-German initiative.

Finally, the European Council approved a detailed timetable **and work plan** with a view to the adoption by the European Council by the end of **June 1995 of** an overall strategy of the Union (Annex III).

2. Implementation of the priority plan

The European Council notes with satisfaction the progress made in implementing its priority action plan drawn up in Brussels in December 1993, including the submission by the Commission of a new drugs plan which proposes an important new framework for the prevention of drug dependency, the reduction of drug trafficking and action on the

international level. It expects this work to be accelerated so that the Essen European Council will be able to record that concrete measures have been taken in all areas covered by the action plan (EUROPOL, global strategy on combating drugs, common list for visas, judicial co-operation, asylum, co-ordination with the common foreign and security policy).

The Council underlined in general the importance of work within the framework of the co-operation on Justice and Home Affairs to tackle the threats posed by organised crime and drugs. It invited the Justice and Home Affairs Council to complete its work on preparing a Convention setting up Europol by the beginning of October and agreed that Europol's remit should be extended to include organized crime as its next priority. The European Council invited the German Presidency to arrange a Conference with the Central and Eastern European States on drugs and organized crime. The European Council asked the Justice and Home Affairs Council to reach agreement on tackling the criminal aspects of fraud and report back to its meeting at Essen in December.

In the context of preparation of the various instruments providing for the setting up of computerized systems, the problem of data protection must be given particular attention, notably as regards the following aspects: right of access by persons concerned to the system, right of appeal by individuals and creation of a common supervisory authority. The European Council asks the competent bodies to continue to give priority to these questions and hopes to receive a progress report at its meeting in December 1994.

ANNEX III

Implementation of the Franco/German initiative against racism and xenophobia

Timetable and work plan

18/19 July:	Detailed mandate, composition and status of the Consultative Commission to be decided by the General Affairs Council. Essentially, this Commission could be charged with making recommendations, geared as far as possible to national and local circumstances, on co-operation between governments and the various social bodies in favour of encouraging tolerance and understanding of foreigners.
July to the end of November:	Work in the preparatory bodies for the JHA Council in fields coming under its responsibilities, on the basis of the joint Franco/German initiative, the conclusions reached by the Council at its meeting on 29 and 30 November 1993 and the working document from the Greek Presidency. ([5])
28/29 November:	Interim report from the Consultative Commission to the General Affairs Council on the results of its work.

([5]) **Draft plan of work under Title VI**
As regards Title VI, the work should be done under the auspices of the K.4 Committee in the relevant existing Working Parties. In accordance with the conclusions of the Council meeting on 29 and 30 November 1993 and with the terms of the Franco/German initiative, these bodies should examine:
- training aspects, including the essential components of joint training measures;
- a more precise definition of what constitutes a racist or xenophobic act, leading on to a detailed examination of the scope for further approximating the laws and practices of the Member States;
- an improvement in the collection of data and statistics on racism and xenophobia;
- ways of improving cross-border co-operation and exchanges of information at operational level between the various bodies responsible for enforcing the relevant laws in the Member States.

30 November:	Report to the JHA Council on the progress made and on other specific measures deemed appropriate, on the basis of the discussions undertaken during this period.
9/10 December	Presentation to the European Council in Essen of the reports of the General Affairs and JHA Councils.
March 1995:	Examination by the JHA Council of the results of the work done pursuant to Title VI.
April–May 1995:	Establishment by the General Affairs Council of an overall Union strategy aimed at combating racist and xenophobic acts of violence on the basis of: – the final report of the Consultative Commission; – the views expressed by the Council in its various specialized formations.
June 1995:	Adoption by the European Council of the draft overall strategy of the Union.

EUROPEAN UNION
THE COUNCIL

Brussels, 23 June 1994 (04.07)
(OR. d)

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JUSTPEN 45

NOTE

from: German Presidency

to : Steering Group III (Criminal Law)

No. prev. doc.: 7906/94 JAI 22

Subject: **Criminal law aspects of the fight against racism and xenophobia**

Working on the basis of the Resolution on racism and xenophobia, the Presidency hereby submits the following work programme for the treatment of the criminal law aspects of the fight against racism and xenophobia.

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Work programme for the treatment of the criminal law aspects of the fight against racism and xenophobia

1. Racism and xenophobia - as expressed in acts of violence against people and property as well as in words, images and writing - pose a major threat to the legal peace. They represent a considerable challenge to societies whose constitutions are based on the rule of law and are designed to allow their citizens to live together in peace.

2. In addition to efforts on a variety of other fronts, the fight against racism and xenophobia at national level calls for action in terms of the criminal law including the availability of appropriate penalties.

   The way in which the legal systems of the Member States of the European Union take account of this differs in some respects. This is already evident from the comparative study on legal means of combating racism and xenophobia undertaken at the initiative of the Commission in 1992.

3. Racist and xenophobic activities call for resolute international co-operation on the part of the countries concerned even where at national level they are not affected, or only slightly affected, by such phenomena.

   As with other forms of international criminal activity the perpetrators exploit differences in the extent to which racist and xenophobic acts can be prosecuted under the criminal law. An effective overall strategy for combating racism and xenophobia must prevent perpetrators of racist and xenophobic acts from going abroad in order to escape prosecution or punishment in their home countries or in order to be able to pursue their activities largely unhindered.

4. Member States' laws against racism and xenophobia therefore need to be examined to determine whether they provide adequate penalties and can be used as a suitable basis

for cross-border legal co-operation in criminal matters, whether in the field of extradition or of other legal assistance in criminal matters.

5. In implementation of the conclusions of the European Council in Corfu and in the framework of the timetable for the fight against racism and xenophobia drawn up for that purpose, the following work programme is proposed for Steering Group III (criminal law):

(a) Taking due account of the Commission's comparative study on legal means of combating racism and xenophobia there is to be a compilation of the provisions of criminal law in force in the Member States and designed to combat racist and xenophobic activities. In particular the studies should relate to files on crimes involving:

- acts of violence committed for racist and xenophobic motives,
- the production and dissemination of racist and xenophobic propaganda materials and
- incitement to racism and xenophobia.

(b) Criminal provisions are to be analysed with a view to determining whether they provide adequate penalties at national level and also whether they provide an adequate basis for international co-operation in criminal matters so as to make it possible to counter racist and xenophobic offences in such a way as to make a lasting impact.

(c) If necessary proposals are to be drawn up in accordance with the basic principles of national law for an approximation of legal provisions for combating racist and xenophobic activities.

(d) A report is to be submitted to the Council for its meeting on 31 November 1994.
