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1. Adoption of the agenda
(7666/94 OJ/CONS 43 JAI 15)

The Council adopted the above agenda.

2. Approval of the list of "A" items
(7747/94 PTS A 30 + ADD 1)

The Council approved the lists of "A" items set out in the above documents.

3. Draft Council Resolution on limitations on admissions of third-country nationals to the Member States for employment
(7705/94 ASIM 117)

The Council adopted the above Resolution as set out in the Annex to 7705/94 ASIM 117.

The Belgian delegation put forward objections based on legal considerations and those of expediency. It pointed to the undertakings entered into by the Member States of the Union in the framework, for instance, of the Council of Europe. It emphasized the contradiction between some of the principles expressed in the text and the actual content of the Resolution. It cited as an example the first indent of paragraph C(i) on page 6 of 7705/94 ASIM 117, which read *"Member States will refuse entry to their territories of third-country nationals for the purpose of employment"*, which was substantially contradicted by the many exceptions provided for, particularly on page 7 of the same document.

That delegation also queried how realistic the general consideration in paragraph A(ii) on page 3 of the document was, which stated that admission for temporary employment may be considered only as a very narrow exception.

It felt that the wording and presentation of the text could have been improved so as to obviate unnecessary political problems. However, it did not propose to stand in the way of agreement on the text.

4. Commission communication on immigration and asylum policies
(5187/94 ASIM 49, 7226/94 ASIM 107 and 7465/94 JAI 14)

The Council approved the following conclusions:

"The Council:

- *expresses its gratitude for the Commission communication, which has the great merit of encompassing the various aspects of immigration and asylum policies;*

- *notes that the various Chapters of the Commission communication have been discussed by the General Affairs Council, the Social Affairs Council, the Development Council and, in accordance with the procedural decisions taken at its meeting on 23 March 1994, the preparatory bodies of the JHA Council;*

- *recalls the exchange of views at the informal meeting of the Ministers for Internal Affairs in Thessaloniki on 6 and 7 May 1994;*

- *reiterates the importance it attaches to the action plan and the priority work programme for 1994 which were adopted at the end of 1993;*

- *calls upon the competent bodies to examine, at the time of preparation of a new work programme, the desirability of including in it the topics in that communication which come under Title I of the EU but which are not included in the priority work programme for 1994."*

5. EURODAC - selection of a consultant
(7057/1/94 ASIM 100 CK4 45 REV 1)

The Council recorded agreement on the guidelines set out in the above report.

The Council:

- established that the most attractive tender was the one from the Bossard Consultants, Team Consult and Organotecnica Consortium;

- noted that the Belgian State would conclude the contract on the basis of the terms of reference approved on 1 and 2 June 1993;

- agreed to enter in its minutes the statement set out in the Annex regarding the financing of expenditure entailed by the contract.

The Belgian delegation pointed to the importance of finalizing the reasoning for the consultant's selection.

6. EDU/Europol - 1995 budget
(7884/94 EUROPOL 61)

Since the Italian delegation had withdrawn its reservation on EDU/Europol covering permanent installation costs (see item 420), the Council recorded agreement on the EDU/Europol budget set out in Annex I to 7884/94 EUROPOL 61. It was understood that:

- the remuneration of management would be refunded by the Member States of origin;

- a solution outside the budget would be found for the appropriations earmarked for the catering service for 1995 (item 501).

The Council recorded agreement on the other guidelines set out in 7884/94 EUROPOL 61, pages 1 to 3.

The Netherlands delegation entered a parliamentary scrutiny reservation.

7. EDU/Europol - appointments

The Ministers appointed Mr Jürgen STORBECK as coordinator of the Europol Drugs Unit. The term of office of the caretaker deputy coordinator, Mr Willy BRUGGEMAN, was extended until 31 December 1994.

8. Progress report on the draft Convention on the establishment of Europol (7535/1/94 EUROPOL 55 REV 1)

(a) The Council discussed progress on the draft Convention on the establishment of Europol. It welcomed the considerable and even decisive progress which had been made towards defining Europol's objectives (Article 2), tasks (Article 3) and internal organization.

For the target set by the European Council in Brussels on 10 and 11 December 1993 to be met, namely completion of the work before October 1994, the Council felt that, in the next few weeks, attention should be focused on the architecture of the system and the data protection rules to be established.

(b) The Council examined four principal questions, viz:

- the inclusion of terrorism,

- access for Länder units,

- the role of liaison officers in the future system,

- future agreements with third countries.

The Spanish, Greek and Portuguese delegations wanted terrorism to be included amongst the objectives of Europol on the same footing as the fight against drug trafficking. Other delegations thought Europol should eventually concern itself w.th combating terrorism. To that end, terrorism was included in the Annex, under Article 2. The French delegation said it was not opposed to the inclusion of terrorism, provided Member States were unanimous on the subject and action taken on terrorism did not hamper Europol's general activities.

The German delegation's request that access be provided for Länder units was supported by the Italian delegation. The Spanish delegation opposed this request, which to its mind was inconsistent with the Treaty.

The Greek delegation stressed the need to give a predominant role to liaison officers.

Some delegations thought all four questions were linked.

The Council instructed the Permanent Representatives Committee, with the assistance of the Article K.4 Committee, to seek an overall solution to these four questions.

9. **Draft Convention on the use of information technology for customs purposes**
(9909/1/93 ENFOCUSTOM 2 REV 1, 7381/94 ENFOCUSTOM 21 and 7775/94 JAI 17)

The Council's conclusions on this item are set out in 7958/94 JAI 24.

10. Draft Convention establishing a European Information System
(7452/94 JAI 11 CK4 51, 7885/94 JAI 21 and 7776/94 JAI 18)

Having taken note of the progress already made with drawing up the draft EIS Convention, the Council examined a number of issues still outstanding in this respect.

Following its discussions it decided to refer back to the Permanent Representatives Committee, assisted by the Article K.4 Committee, examination of the following points in particular:

- the role of the Court of Justice;

- the status and powers of the Executive Committee;

- judicial cooperation questions (extradition);

- compatibility of the EIS with the Schengen Information System.

As regards relations with the European Parliament, the Council adopted the same solution as in the Customs Information System (CIS) for establishing the European Parliament's point of view on the Convention: the Presidency would draw up an information note addressed to the European Parliament describing the essential features of the Convention with a view to an oral debate between the Presidency and the relevant parliamentary committee.

The Commission representative said that both the spirit and the letter of the TEU should be observed. The second paragraph of Article K.6 provided for the European Parliament to be consulted by the Presidency on the principal aspects of activities in the areas covered by Title VI. The Commission saw this as an obligation to consult, although the form of such consultation was decided by the Presidency.

11. Presentation by the Commission of the overall plan to combat drugs

The Council welcomed the presentation of the above communication by the Commission representative, who said that the new plan covered a five-year period and was based on the new possibilities offered by the Treaty on European Union, such as Article 129 and Article K.1, as well as on the conclusions of the European Council in

Lisbon, which had identified the fight against drugs as an area in which a joint action under the CFSP might be carried out.

The Council agreed to instruct the Permanent Representatives Committee to decide on the procedure for examining this communication.

The Council wished to be kept informed of the progress of proceedings.

12. Title VI (JHA) – Relations with third countries
(7779/94 JAI 19)

The Council discussed this question on the basis of the above document, the general guidelines of which were well received.

The Council instructed the Permanent Representatives Committee, assisted by the Article K.4 Committee, to examine the dossier further so that the Council could adopt a definitive attitude at its meeting at the end of the year.

13. Legal protection of the Community's financial interests
- Report from the Presidency to the Council
(7418/94 JUSTPEN 40)
- Presentation of the Commission proposals

The Council held an exchange of views on the legal protection of the Community's financial interests, specifically on the basis of the Presidency's report set out in 7418/94 JUSTPEN 40.

During its discussions the Council heard a presentation by the Commission representative of the proposals which the Commission had adopted on 15 June 1994, i.e.:

- a proposal for a Regulation involving administrative penalties, on the basis of Article 235 of the Treaty; and

- a proposal for a Decision establishing a Convention involving criminal sanctions arising out of Title VI.

Following these proceedings, the Council:

- noted that the work on the comparative study of laws, regulations and administrative provisions applicable to fraud against the Union's budget had been substantially completed;

- gave instructions that work should continue as a matter of priority on the basis of the draft joint action put forward by the United Kingdom and the proposals expected from the Commission;

- asked for a progress report to be submitted to it before the end of 1994.

14. **Report to the Council on the extension of the Brussels Convention to matters of family and succession law**
(7417/94 JUSTCIV 15)

The Council examined a report on the possibility of extending the scope of the Brussels Convention to matters of family and succession law, on the basis of 7417/94 JUSTCIV 15. It endorsed to a very considerable degree the guidelines set out in the report.

In this context the Council:

- gave instructions to press on with proceedings on establishing a draft Convention covering marriage (existence, annulment and effects), divorce, legal separation and related questions concerning matrimonial property;

- expressed the hope that the initial outcome of this work would be submitted to it before the end of 1994 and the work concluded by June 1995.

15. Extradition – Oral progress report by the Presidency

The Council heard an oral report by the Presidency on progress in the field of extradition in the light of the statement adopted in the second half of 1993.

The Council exchanged views on this question. The Belgian delegation thought that priority should be given to simplifying extradition procedures where the person concerned had given his consent, which was true of around one third of cases. However, a number of delegations stressed the comprehensive nature of the proceedings on this matter.

The Council:

- noted that the first phase of the work laid down in the 1993 statement had been completed inasmuch as all the aspects covered in that statement had been examined;

- directed that draft texts be prepared incorporating alternatives not only for aspects on which broad agreement had been obtained from most delegations but also for other aspects listed in the interim report to the Council of November 1993 (10318/93 JUSTPEN 11). A further progress report should be submitted at the end of the year.

16. Other business

No items were entered under this heading.

STATEMENT FOR THE COUNCIL MINUTES

The Council noted that expenditure entailed by the study of the development of the Eurodac system for recording asylum-seekers' fingerprints under the contract to be concluded by the Belgian State would be charged to the Member States.

It agreed to use the following scale of apportionment for the purpose:

Member State	1993 GNP scale ([1])	Apportionment of costs by Member State ([2])
BELGIUM	2,99	3 850,4
DENMARK	1,91	2 459,7
GERMANY	27,01	34 782,1
GREECE	1,16	1 493,8
SPAIN	8,53	10 984,5
FRANCE	18,56	23 900,6
IRELAND	0,60	772,6
ITALY	17,80	22 921,9
LUXEMBOURG	0,19	244,7
NETHERLANDS	4,40	5 666,1
PORTUGAL	1,25	1 609,7
UNITED KINGDOM	15,60	20 088,9
TOTAL	100,00	ECU 128 775,0

([1]) %.
([2]) Based on the estimate in WGI 1271.