COUNCIL OF THE EUROPEAN UNION
GENERAL SECRETARIAT

PRESS RELEASE

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1859th Council meeting

– JUSTICE AND HOME AFFAIRS –

Luxembourg, 20 and 21 June 1995

Presidents:

Mr Jacques TOUBON
Keeper of the Seals, Minister for Justice

Mr Jean-Louis DEBRE
Minister for the Interior

of the French Republic

The Governments of the Member States and the European Commission were represented as follows:

Belgium	
Mr Melchior WATHELET	Deputy Prime Minister, Minister for Justice
Mr Johan VANDE LANOTTE	Minister for the Interior
Denmark	
Ms Birte WEISS	Minister for the Interior
Mr Bjoern WESTH	Minister for Justice
GERMANY	
Mr Manfred KANTHER	Minister for the Interior
Mr Kurt SCHELTER	State Secretary, Ministry of the Interior
Mr Ingo KOBER	State Secretary, Ministry of Justice
Mr Alwin ZIEL	Minister for the Interior, Brandenburg
Mr Hermann LEEB	Minister for Justice, Bavaria
Greece	
Mr Sifis VALIRAKIS	Minister for Public Order
Mr Anastasios PEPONIS	Minister for Justice
Spain	
Mr Juan Albert BELLOCH	Minister for Justice
Ms Maria Teresa F. DE LA VEGA SANZ	State Secretary, Ministry of Justice
France	
Mr Jacques TOUBON	Keeper of the Seals, Minister for Justice
Mr Jean-Louis DEBRE	Minister for the Interior
Ireland	
Ms Nora OWEN	Minister for Justice
Italy	
Mr Giovanni R. CORONAS	Minister for the Interior
Mr Donato MARRA	State Secretary, Ministry of Justice
Luxembourg	
Mr Marc FISCHBACH	Minister for Justice
Netherlands	
Mr Henri Frans DIJKSTAL	Minister for the Interior
Ms Winnifred SORGDRAGER	Minister for Justice
Austria	
Mr Caspar EINEM	Federal Minister for the Interior
Mr Nikolaus MICHALEK	Federal Minister for Justice
Portugal	
Mr Manuel DIAS LOUREIRO	Minister for the Interior
Mr Álvaro LABORINHO LÚCIO	Minister for Justice

Finland

Mr Jan-Erik ENESTAM	Minister for the Interior
Mr Sauli NIINISTÖ	Minister for Justice
Ms Kirsti RISSANEN	State Secretary, Ministry of Justice
Mr Juhani PERTTUNEN	State Secretary, Ministry of the Interior

Sweden

Mr Leif BLOMBERG	Minister for Immigration
Ms Laila FREIVALDS	Minister for Justice
Ms Lena HÄLL-ERIKSSON	State Secretary, Ministry of Labour
Ms Kristina RENNERSTEDT	State Secretary, Ministry of Justice

United Kingdom

Mr Michael HOWARD	Home Secretary
Lord FRASER of Carmyllie	Minister of State, Scottish Office

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Commission

Ms Anita GRADIN	Member

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Ministerial meeting with the associated countries of Central and Eastern Europe and the Baltic States – 20 June 1995

In addition to the participants in the Justice and Home Affairs Council, the meeting was attended by the following representatives from the associated countries of Central and Eastern Europe and the Baltic States.

Bulgaria	
Mr Lioubomir NATCHEV	Minister for the Interior
Ms Radka YOSSIFOVA	Deputy Minister for Justice
Hungary	
Mr Gabor KUNCZE	Minister for the Interior
Mr Pal VASTAGH	Minister for Justice
Poland	
Mr Jerzy JASKIERNIA	Minister for Justice
Mr Andrzej MILCZANOWSKI	Minister for the Interior
Romania	
Mr Gavril Iosif CHIUZBAIAN	Minister for Justice
Mr Ioan Doru TARACILA	Minister for the Interior
Slovak Republic	
Mr Ludovit HUDEK	Minister for the Interior
Mr Jozef LISCAK	Minister for Justice
Czech Republic	
Mr Jifi NOVAK	Minister for Justice
Mr Martin FENDRYCH	Deputy Minister for the Interior
Estonia	
Mr Edgar SAVISAAR	Minister for the Interior
Latvia	
Mr Linards MUCINS	Minister for the Interior
Lithuania	
Mr Romasis VAITEKUNAS	Minister for the Interior

Meeting of the Troika with the USA, Canada, Cyprus and Malta – 21 June 1995

United States	
Mr Mark STEINBERG	Director, Executive Office for National Security, Department of Justice
Mr Jonathan WINER	Deputy Assistant Secretary of State for International Narcotics and Crime, State Department
Canada	
Mr Jacques S. ROY	Ambassador of Canada to the EU
Cyprus	
Mr Dinos MICHAELIDES	Minister for the Interior
Mr Alecos EVANGELOU	Minister for Justice
Malta	
Mr Tonio BORG	Minister for the Interior

EUROPOL CONVENTION

Having been instructed by the Essen European Council to complete work on the Europol Convention before the Cannes European Council, the Council concentrated its discussions at this meeting on the remaining problems still to be resolved in connection with the Convention.

Intensive work by the Steering Group and the Permanent Representatives Committee in particular during the final weeks and days preceding the Council meeting had reduced the problems to a limited number of reservations on specific provisions and to the central institutional problem of the organization of judicial control and in particular the role of the Court of Justice of the European Communities.

As far as the specific provisions of the Convention were concerned, the Council reached general agreement.

Regarding judicial control, a horizontal problem arising also in connection with the other Conventions currently in preparation, the Council had before it an overall compromise from the Presidency proposing specific solutions tailored to each Convention. On that basis and after thorough discussion, the Council agreed on a solution for disputes between Member States concerning the interpretation and application of the Convention and for litigation by Europol staff. Differences of opinion remain regarding the implementing measures necessary for judicial control, particularly in matters requiring a preliminary ruling. The latter problem will be referred to the Cannes European Council.

Over the last six months solutions had already been agreed – in the course of one formal and two informal Council meetings and a large number of expert meetings – on the basic features of the Convention: the architecture of the system, the role of liaison officers and analysts, inclusion of terrorism in the scope of the Convention, access to files, the Joint Supervisory Body and institutional issues other than judicial control.

CONVENTION CONCERNING THE CUSTOMS INFORMATION SYSTEM (CIS)

In the course of its horizontal discussions on the issue of judicial control regarding the 3rd pillar Conventions (Europol, protection of the Communities' financial interests and CIS) the Council also considered the question of the jurisdiction to be conferred on the Court under the latter Convention.

That problem was the only outstanding point in connection with the Convention following the June 1994 agreement on the text and the solution reached at the previous meeting in March on the issue of the provisional application of the Convention.

The Council reached agreement in principle on the matter of disputes between Member States and between Member States and the Commission. For this Convention too, the question of referrals for preliminary rulings will have to be settled in Cannes.

CONVENTION ON THE PROTECTION OF THE COMMUNITIES' FINANCIAL INTERESTS

The Council had before it the draft Convention on the protection of the Communities' financial interests, drawn up following the mandate from the Essen European Council. The Convention will be a major tool in dealing with the criminal aspects of the fight against fraud affecting the budget of the European Communities.

The Council noted overall agreement on the enacting terms of the draft Convention, except for two interrelated points. The first concerns the procedure for deciding on implementing measures (Articles 2 and 10). The second point outstanding is part of the horizontal problem – already mentioned in connection with the Europol and CIS Conventions – of the judicial control to be provided for under the third pillar (Article 8).

On the latter issue the Council reached agreement in principle on the matter of disputes between Member States. However, it was unable to find a solution for the other aspects of judicial control, in particular the question of referrals for preliminary rulings.

Emphasizing the priority which it attached to the combating of fraud, the Presidency said that the discussions on the horizontal problem of judicial control, which also concerned the two other Conventions (Europol and CIS), must result in agreement on this Convention by the Cannes European Council.

CONVENTION ON CONTROLS ON PERSONS CROSSING THE EXTERNAL FRONTIERS

The Council was given a progress report concerning the Convention on the crossing of the external frontiers. It noted that some progress had been made but that it had not been possible to settle the issue of judicial control or the problem of territorial application (Article 30 of the draft Convention) raised by the status of Gibraltar.

It instructed the relevant bodies to continue work on the matter with a view to reaching agreement on this Convention, which is essential for creating an area without internal borders comprising all the Member States of the European Union and ensuring the free movement of persons.

THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF A VISA

The Council addressed the remaining problems arising in connection with the proposal for a Regulation – submitted by the Commission in December 1993 on the basis of Article 100c of the Treaty – determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States.

It noted that there was general agreement on the text of the Regulation but that there remained a difficulty with the establishment of a common list of third countries, to be annexed to the Regulation, whose nationals must be in possession of a visa when crossing Member States' external borders.

The Council also discussed the request by a large number of delegations to include the Federal Republic of Yugoslavia (Serbia-Montenegro) on the list. One Member State was not yet ready to agree to this.

Pursuant to Article 100c of the Treaty, the decision to include a third country on the list requires unanimity until 1 January 1996; qualified majority voting will apply after that date.

BURDEN-SHARING WITH REGARD TO THE ADMISSION AND RESIDENCE OF DISPLACED PERSONS ON A TEMPORARY BASIS - RESOLUTION

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.1 thereof,

Having regard to the priority work programme adopted by the Council in Brussels on 30 November 1993, which makes provision for a detailed examination of the question of burden-sharing with respect to the admission and residence of refugees in Western Europe,

Having regard to the Resolution on people displaced by the conflict in the former Yugoslavia, adopted by the Ministers with responsibility for immigration in London on 30 November and 1 December 1992; having regard to the Resolution on certain common guidelines as regards the admission of particularly vulnerable groups of distressed persons from the former Yugoslavia, adopted by the Ministers with responsibility for immigration in Copenhagen on 1 and 2 June 1993,

Having regard to the Resolution adopted by the European Parliament on 19 January 1994 on the general principles of a European refugee policy, which emphasized the need for refugees to be distributed evenly among the various countries of the Union,

Having regard to the communication on immigration and asylum policies submitted by the Commission on 23 February 1994,

Whereas the European Council in Essen on 9 and 10 December 1994 paid tribute to the readiness shown by individual Member States to admit temporarily a large number of refugees of war or civil war and called upon the Council (Justice and Home Affairs) to study the problems caused by an influx of refugees with a view to finding as soon as possible an effective arrangement for future sharing of the burden of humanitarian assistance;

Whereas the top priority in conflict situations where people are being displaced is for measures to restore peace; whereas aid to the civilian population caught up in these situations should mainly be provided on the spot, in particular by creating safe areas and security corridors and by providing humanitarian aid;

Whereas, however, the Council agrees that the Member States should, where possible, continue to give temporary refuge to people whose lives or health are under threat as a result of armed conflict or civil war in future, if there is no other way of averting danger, bearing in mind the UNHCR principle of regionalization;

Whereas, when such a situation arises, it is desirable that the conditions for admission and residence of such persons should be arranged in a concerted fashion and in a spirit of solidarity between the Member States of the European Union;

Whereas in this regard the Member States express their desire for shared responsibility regarding the admission and residence of displaced persons on a temporary basis;

Whereas the Member States are wedded to the principle that the reaction to emergencies in countries close to the European Union should, as far as possible, be the same;

Whereas the effect which differences between Member States' arrangements for displaced persons have on the destination of migratory flows should be kept to a minimum;

Whereas it is also necessary to agree on a sufficiently precise framework which would regulate operational initiatives but be flexible enough to authorize the admission of persons forced to leave their countries – if necessary outside the normal procedures for applying for refugee status;

Whereas the Member States must ensure that the use in such cases of the emergency procedure provided for in the Council's rules of procedure makes it possible to arrive rapidly at a balanced sharing of the burden in a spirit of solidarity;

Whereas Member States could also envisage possible forms of financial compensation;

Whereas, as regards persons who have applied to a Member State for protection under the Geneva Convention on the Status of Refugees of 28 July 1951, this Resolution must not stand in the way of the rules laid down by the Dublin Convention of 15 June 1990;

Whereas, moreover, situations of great urgency, particularly as a result of armed conflict or civil war in third countries, which confront Member States with sudden major population movements, require prompt action and the development beforehand of principles governing the admission of displaced persons; whereas it is therefore necessary to enable the Council to adopt decisions which need to be taken urgently in certain situations requiring prompt action without their being delayed in complicated procedures which have to be initiated beforehand,

HEREBY ADOPTS THIS RESOLUTION

1. (a) Without prejudice to paragraph 7 below, this Resolution applies to persons whom the Member States of the European Union are prepared to admit on a temporary basis under appropriate conditions in the event of armed conflict or civil war, including where such persons have already left their region of origin to go to one of the Member States. The persons concerned are in particular:

- persons who have been held in a prisoner-of-war or internment camp and who cannot otherwise be saved from a threat to life or limb;

- persons who are injured or seriously ill and for whom medical treatment cannot be obtained locally;

- persons who are or have been under a direct threat to life or limb and whose protection in their region of origin cannot otherwise be secured;

- persons who have been subjected to sexual assault provided that there is no suitable means for assisting them in safe areas situated as close as possible to their homes;

- persons who have come directly from combat zones within their borders and cannot return to their homes because of the conflict and human rights abuses.

(b) This Resolution does not apply to any person with respect to whom there are serious reasons for considering that he has:

- committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

- committed a serious non-political crime prior to being admitted by one of the Member States on a temporary basis.

2. A given situation may require harmonized action to help displaced persons when, for instance, there is a mass influx of displaced persons into the territory of the Member States of the European Union or a strong probability that the Member States may soon have to cope with such an influx.

An action of this kind will be envisaged in particular, after obtaining the opinion of the UNHCR, if help and adequate protection are not available in the region of origin or if the Union is so close to the region concerned that it could itself be considered as belonging to the region of origin.

3. Some situations may require prompt action to avert a serious threat to human life. In such situations the relevant provisions laid down by the Council's Rules of Procedure for urgent cases will apply. (*)

4. The Council agrees that the burden in connection with the admission and residence of displaced persons on a temporary basis in a crisis could be shared on a balanced basis in a spirit of solidarity, taking into account the following criteria: (**)

   - the contribution which each Member State is making to prevention or resolution of the crisis, in particular by the supply of military resources in operations and missions ordered by the United Nations Security Council or the OSCE, the measures taken by each Member State to afford local protection to people under threat or to provide humanitarian assistance;

   - all economic, social and political factors which may affect the capacity of a Member State to admit an increased number of displaced persons under satisfactory conditions.

5. It is understood that the allocation of persons from the crisis regions is a matter of priority which will enable fairness to be best achieved in the interests of the persons concerned.

6. This Resolution does not affect practices relating to admission on humanitarian grounds followed by individual Member States or by all Member States under bilateral or multilateral agreements.

7. The above procedure does not apply to displaced persons who were admitted to the various Member States before adoption of this Resolution."

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The Council also reached the following conclusions:

"The Council approved this Resolution on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis. It considers that this overall agreement requires additional discussion to enable the European Union to react effectively to crisis situations.

The Council therefore requests the competent bodies to report to it soon on this subject, and in particular to propose an alert and emergency procedure to give full effect to the principles agreed."

(*) See Articles 1(1), 8(1), 10(1) and 19(1) (OJ No L 304, 10.12.1993). (Footnote intended for inclusion in the final text).

(**) "These criteria are norms of reference that may be supplemented by further criteria in the light of specific situations." (Footnote intended for inclusion in the final text).

CONVENTION ON MATRIMONIAL MATTERS

The Council noted the progress made with the draft Convention on scope, jurisdiction and the enforcement of judgments in matrimonial matters. This Convention will be of key importance in the lives of the citizens of Europe.

The Council's discussion focused on the question representing the main obstacle to further discussions, namely the inclusion of custody of children in the scope of the Convention where the relevant proceedings are ancillary to applications for divorce or legal separation of spouses, or for a marriage to be declared invalid.

At the end of its debate the Council directed the relevant bodies to continue work, under the Spanish Presidency, with a view to including custody of children in the scope of the Convention.

In this connection the Council also heard a presentation by Commissioner GRADIN on the initial results of a study carried out at the request of the Commission on the compatibility of this draft Convention with other Conventions already existing in this area, such as the Hague Convention on the Protection of Infants.

CONVENTION ON EXTRADITION

The Council held a policy debate on the draft Convention on extradition between the Member States of the European Union.

It addressed in particular aspects relating to extradition of nationals, the possibility of refusing extradition in the case of political offences and the requirement to maintain, and possible derogation from, the general principle of double criminality in the case of offences committed by criminal organizations.

Regarding extradition of nationals, the Council noted that the provisions of the draft Convention already went a long way towards meeting delegations' concerns.

At the same time, Ministers expressed willingness to expedite work on extradition, which represents an essential form of cooperation in criminal matters between Member States, with due regard for their respective constitutional provisions.

The Council instructed the relevant bodies to continue work on the matter.

It will also be remembered that at its previous meeting on 9 and 10 March 1995 the Council signed the Convention on simplified extradition procedures, applicable to persons consenting to being extradited.

COMBATING OF VIOLENCE IN FOOTBALL STADIUMS

The Council adopted the following conclusion at the United Kingdom delegation's request:

"The Council directed the K.4 Committee to make proposals to the Council for increasing the effectiveness of arrangements between the Member States for preventing and dealing with disorder arising at football matches."

CRIME PREVENTION

The Council noted a proposal from the Swedish delegation for stepping up cooperation in the European Union on crime prevention.

It directed the K.4 Committee to consider the content of the proposal.

MEETING WITH THE ASSOCIATED COUNTRIES OF CENTRAL AND EASTERN EUROPE

A joint meeting of Member States' Ministers for the Interior and for Justice and Commissioner GRADIN with their counterparts from the associated CCEE, including the Baltic States, was held on the morning of 20 June 1995.

This was the first meeting to be organized in the JHA framework as part of the structured dialogue with the associated countries.

Introducing the debate, the Presidency gave an account of progress made on strengthening cooperation on combating crime since the adoption of the Berlin Declaration of 8 September 1994 on the same subject.

Ministers then exchanged views on:

- problems relating to visas, readmission and false documents;
- police training requirements and the Budapest Police Academy;
- combating of international organized crime and strengthening of judicial cooperation.

Finally, Ms GRADIN made a statement explaining the Commission's approach to the home affairs and justice component of the PHARE programme.

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TROIKA MEETING WITH THIRD COUNTRIES

In the afternoon of 21 June 1995 the Troika (France, Germany and Spain) Ministers and Commissioner GRADIN held meetings with their counterparts from the United States and Canada and from Cyprus and Malta respectively.

The purpose of those meetings was to brief the representatives from those third countries on JHA achievements over the previous six months and also to explain to them the new arrangements adopted by the Council in March concerning relations with third countries in the area of JHA. In the case of Cyprus and Malta, future discussions will now come under the umbrella of the structured dialogue.

The Troika also announced that a meeting would be organized with Switzerland, Norway and Morocco on the occasion of the Council's next meeting in September.

OTHER DECISIONS IN THE AREA OF JHA

(adopted without debate)

Racism and xenophobia

The Council noted the conclusions reached at the seminar on combating racist and xenophobic acts of violence which was held in Paris on 11 and 12 April 1995.

The conclusions take stock of the current situation and consider future prospects.

Europol Drugs Unit

The Council agreed to the final report on the 1994 budget, the 1995 budget and the draft 1996 budget.

In the case of the final report on the 1994 budget the Council decided, as an exception to the accounting procedures laid down in the rules governing the budget of the EDU, not to credit the surplus of the common budget for 1994 (ECU 2 065 000) to the Member States' contributions to the 1996 budget, but to credit it immediately to their contributions to the 1995 budget as amended.

The EDU's budget for 1995 was increased to ECU 3 918 000, in particular to take account of the accession of the three new Member States and the EDU's new tasks.

The total for the draft 1996 budget is ECU 4 997 000.

Minimum guarantees for asylum procedures

The Council formally adopted the Resolution on minimum guarantees for asylum procedures following linguistic finalization of the text.

Customs cooperation with the CCEE

Further to the Berlin Declaration of 8 September 1994 and the conclusions of the Essen European Council a survey was conducted – by means of a questionnaire – of customs cooperation activities already undertaken bilaterally with the CCEE, Slovenia and the Baltic States by the Member States of the Union.

The Council took note of a summary of replies to the questionnaire and of a number of proposals arising from it for stepping up cooperation with the customs authorities of the above countries.

"PIRANHA" international maritime cooperation operation

The Council took note of a report on the joint maritime surveillance operation "PIRANHA", which brought together the maritime and air resources of the customs authorities of the Union and of Norway from 14 to 28 September 1994.

The aims of the operation were to identify, monitor and inspect boats or vessels which could be used for smuggling drugs or other sensitive goods such as cigarettes, weapons or strategic goods.

All participating departments agreed on the medium and long-term operational usefulness of this type of exercise. Over and above their preventive function, such operations had the advantage of strengthening existing cooperation and enabling each department involved to benefit from exchanges of experience to improve its working methods.

European Monitoring Centre for Drug Addiction (EDMC)

The Council agreed on the Opinion concerning the first three-year (1995-1997) programme of work of the Lisbon-based European Monitoring Centre for Drug Addiction. The Opinion is required for formal adoption of the programme by the Management Board of the Centre.

Informal meeting of the National Drug Coordinators

The Council noted the proposals to combat drug abuse submitted by the National Coordinators in order to demonstrate Member States' resolve and unanimous determination to unite their efforts in combating drug abuse and addiction pending finalization of the future Union plan of action in that area, to be framed further to the Commission communication on the subject.

Organized crime – protection of witnesses

The Council agreed in principle to the Resolution set out in Annex I hereto, which it will adopt at a forthcoming meeting following legal/linguistic editing of the text.

ANNEX I

Protection of witnesses in the fight against organized crime

"The Council,

Having regard to the Treaty on European Union,

Having regard to the Recommendations to step up judicial cooperation adopted by the Ministers for Justice and Home Affairs at their meeting in Kolding (Denmark) on 6 and 7 May 1993,

Having regard to the priorities set by the Justice and Home Affairs Council on 29 and 30 November 1993 and the work programme for 1994 drawn up by the Council,

Having regard to the conclusions of the Justice and Home Affairs Council meeting on 30 November and 1 December 1994,

Whereas the fight against international organized crime requires that in the Member States the safety of witnesses be effectively ensured in practice while complying with the Convention for the Protection of Human Rights and Fundamental Freedoms,

A. Calls on the Member States to guarantee proper protection of witnesses taking account of the following guidelines:

1. for the purposes of this Resolution, "witness" means any person, whatever his legal status, who possesses intelligence or information regarded by the competent authority as being material to criminal proceedings and liable to endanger that person if divulged;

2. such witnesses should be protected against all forms of direct or indirect threat, pressure or intimidation;

3. Member States must ensure proper and effective protection of witnesses before, during and after trials, where the competent authorities deem this necessary;

4. such protection must also be extended to the parents, children and other close relatives of witnesses if necessary in order to avoid any form of indirect pressure;

5. when this protection is instituted, each case will have to be examined individually to determine whether the agreement of the witness and his relatives should be sought;

6. the competent authorities should be able to decide, of their own accord or at a witness's request, that the address and identifying particulars ([1]) of the witness should be known only to those authorities;

7. if the threat is extremely serious, a change of identity for the witness and, if necessary, for members of his immediate family, may be allowed;

8. one of the forms of protection to be envisaged is the possibility of giving evidence in a place other than that in which the person being prosecuted is situated through the use, if necessary, of audiovisual methods, subject to observance of the adversary principle as interpreted in the case law of the European Court of Human Rights;

B. Calls on Member States to facilitate judicial assistance in this field, even in the absence of any such provisions in the legislation of the State to which the request is addressed, save where compliance with the request for assistance would be contrary to the general principles of that State's law. In order to facilitate the use of audiovisual methods, the following points, in particular, should be taken into consideration:

1. In principle, it should be envisaged that the hearing may be conducted under the legal and practical conditions of the requesting State only;

2. If the legislation of either State allows for the witness to be assisted by an adviser during the hearing, it should be possible for such assistance to be arranged in the territory of the State in which the witness is situated;

3. Translation costs and the cost of using audiovisual methods should be borne by the requesting State, unless otherwise arranged with the State to which the request is addressed.

C. Calls on Member States to carry out an assessment of the implementation of this Resolution in practice and instructs the appropriate bodies to report to it by the end of 1996 at the latest."

([1]) Some delegations specified that, according to their reading of the text, the identity of the person was not covered by point A.6.