

Introduction

Draft Conclusions of the meeting of Immigration Ministers, Copenhagen, 1-2 June 1993 (adopted by the Council of Justice and Home Affairs Ministers at their meeting on 29-30 November 1993 in Brussels. SN 3009/2/93 WGI 1509 REV 2). Follow-up to the December 1992 meeting, up-dates on Dublin, CIREA, EURODAC, former Yugoslavia, the draft Convention on the crossing of the external borders, common visa policies; draft Conventions on entry for work and for family reunion; draft recommendations on removal of persons illegally staying or working; readmission agreements and other matters. Annexed to the report is a statement by the Commission regretting the failure to implement free movement and the compensatory Conventions.

Draft Conclusions of the meeting of Immigration Ministers (Copenhagen, 1-2 June 1993) [Statewatch translation]

Reference:

Ad Hoc Group on Immigration
9 November 1993
SN 3009/2/93 WGI 1509 REV 2
CONFIDENTIAL

CONCERNING:

Draft Conclusions of the meeting of Immigration Ministers (Copenhagen, 1-2 June 1993)

I. Immigration ministers met in Copenhagen under the presidency of Mrs Birte WEISS, Interior Minister of the Kingdom of Denmark, in the presence of Mr Vanni D'ARCHIFARI, a member of the EC Commission.

II. Approval of the conclusions of the Ministerial Meeting in London, 30 November and 1 December 1992

The Danish delegation withdrew its reservation and let it be known that the Danish government does not envisage making amendments to Danish legislation.

The Dutch delegation indicated that the Netherlands would reserve its position until the Dutch parliament had voted on a law concerning certain aspects of the conclusions.

III. Asylum

i) Progress on the ratification of the Dublin Convention

Ministers received document WGI 1494 reporting on the position of the Dublin Convention with regard to ratification.

The member states in which the process of ratification is underway expressed their intention to do everything in their power to allow the Convention to come into force as quickly as possible.

ii) Progress on work relating to implementation of the Dublin Convention

Ministers received the report which appears in document WGI 1496 and requested the AHGI to ensure that the remaining work necessary to allow the convention to come into force was completed rapidly.

iii) Details of the implementation of the common Guide on application of the Dublin convention

Ministers indicated their agreement with the form of implementation of the Common Guide such as set out in document WGI 1495, and called on the AHGI to ensure the effective establishment of this guide.

iv) Practice relating to asylum

Ministers noted the drawing up of this paper which appears in document WGI 1505.

Ministers agreed that this paper should be inserted into the declarations made at the signing of the Dublin Convention at the Conference of Immigration Ministers of the EC member states in Dublin on 15 June 1990.

v) Standards of proof

Ministers noted their pleasure at the progress achieved [WGI 1490] and asked the AHGI to complete them before their next meeting.

vi) Definition of the notion of refugee as set out in Article 1A of the Geneva Convention.

Ministers asked the AHGI to pursue consideration of this matter.

vii) Eurodac

Ministers acknowledged the work which has been done since their last meeting and approved a mandate allowing studies on the requirements of those who might use the Eurodac scheme.

They called on the competent parties to pursue the work, particularly the juridical matters, so that the political decision regarding whether or not to formally establish Eurodac can be taken before the end of the first session of 1994.

In this context, the Greek delegation expressed the desire that a group made up of all member states choose the co-contracting parties.

viii) CIREA

a) Principles guiding the choice of third countries with whom a

link might be established [WGI 1500]

- b) Progress of work towards establishing common views on the situation in third countries [WGI 1502]

Ministers were satisfied with the cooperation instigated with the CPE concerning the establishment of common assessments of the situation in third countries. they emphasised that these assessments will be all the more useful in that they can be made available to CIREA more quickly.

Ministers agreed on the document WGI 1500 and called on AHGI to pursue its work with regard to the elaboration of common assessments and on the confidential circulation of the assessments.

- c) Circulation of available information to CIREA

Ministers agreed on the modes of circulation of available information to CIREA, as set out in document WGI 1433 REV 1.

- d) Cooperation with the UNHCR Documentation centre

Ministers agreed to instigate cooperation between CIREA and the HCR documentation centre in line with the methods enumerated in point 2 of document WGI 1501

- e) First report on CIREA's activities

Ministers acknowledged this report, as appearing in document WGI 1503 and agreed to make it public.

- ix) Convention parallel to the Dublin Convention

Ministers acknowledged a document drawn up by the Presidency on contacts with Austria, Finland, Norway, Switzerland, Sweden and Canada, and on the subject of the parallel convention to the Dublin Convention.

Ministers stated that the Dublin Convention constituted one of the gains resulting from intergovernmental cooperation between the 12 member states in the field of Justice and Home Affairs, which signatory states are asked to accept. They consequently asked the Presidency to pursue contacts with a view to drawing up, at the appropriate time, a parallel convention with other concerned European states. Negotiations could not formally begin until the said convention has been ratified by the 12 member states.

IV FORMER YUGOSLAVIA

Ministers recalled the importance of the conclusions adopted in London on 30 November 1992.

Ministers debated the situation in former Yugoslavia and concluded by adopting a resolution relating to the treatment of groups or individuals who were particularly at risk or vulnerable and who originated in former Yugoslavia. [WGI 1499]

Ministers noted the documents which had been drawn up in the application of this decision. With reference to these matters, they acknowledged documents relating to:

- the state of legislation and statistics: [WGI 1390 REV. 2 and WGI 1475] [Footnote: Ministers agreed in principle to the publication of this document after its revision by AHGI]
- the list of important documents [WGI 1508],
- visa requirements [WGI 1333 REV. 2],
- modes of cooperation with the member states [WGI 1401 REV. 1 (Annex)]

Ministers called on the AHGI to continue its work proceeding towards regular updating of information, establishing particular consultative procedures between member states, and setting up a network of individual contacts.

Ministers also asked the AHGI to examine the issues of family reunion and procedures governing the movement of displaced persons from the former Yugoslavia between member states.

V. Report to the European Council concerning the free movement of persons

Ministers adopted the report which appears in document CIRC 3640 + ADD 1 and 2.

On this occasion

- Ministers debated the situation regarding internal and external borders;
- the Commission made the declaration reproduced in Annex.

VI. Controls at external borders

- i) Draft Convention relating to the crossing of the external borders of the member states of the EC

- Ministers acknowledged the declarations from the Presidency, Spain and the UK on the discussions which had taken place in order to try to resolve the last remaining problem, and asked the Presidency and the delegations concerned to continue their efforts.
- Ministers acknowledged the possible effects of the Treaty on European Union and of the EEE agreement on the draft convention on the crossing of external borders.

Ministers believed

- that the modifications which may need to be made to the draft convention in order to make it compatible with the Treaty on European Union should be of a technical nature and

be limited to what is strictly necessary. Negotiations will not be permitted to be restarted over articles not affected by the Treaty on European Union.

-that the question is a purely technical one which must not be allowed to hold up proceedings on juridical grounds.

-that any period of juridical "vacuum" should also be avoided.

ii) Draft conclusions relating to the implementation of the draft convention on the crossing of external borders

Ministers formally acknowledged that, following the decision which they took in London, CIREFI had begun its work, based on the description of its duties as appearing in WGI 1357 REV. 1.

VII. Visas

i) Conclusions relating to the implementation of common visa policies envisaged in the convention on external border crossings

Ministers noted work in progress and, on the basis of document WGI 1513, agreed to approve conclusions 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28 and 29.

Ministers asked the AHGI to continue its work relating to the completion of the other conclusions.

ii) Valid/Invalid travel documents

Ministers completed and approved conclusions appearing in document WGI 1506 REV 1 [Footnote: The Greek delegation reserved its position]

On this occasion the Portuguese delegation stated that its approval was conditional on Portugal's identification of the 1954 convention relating to the status of stateless persons.

iii) Visa requirements

Ministers noted a list of 73 countries from which incoming travellers would be required to have visas [WGI 1379 REV. 2]

Ministers asked the AHGI to study this list whilst waiting for the Treaty on European Union to come into force.

VIII Admission

i) Draft resolution on the limitation of admission of third-country nationals to member states for work purposes

Ministers noted the progress made [WGI 1498] during the Danish presidency and asked the AHGI to complete its examination of this matter before the next ministerial meeting.

ii) Draft resolution on the harmonisation of national policies

on family reunion

Ministers completed and approved document WGI REV 1 [Footnote: the Dutch delegation reserved its right of parliamentary scrutiny]

IX. REMOVAL

i) Flexibility in application of measures relating to transit aimed at removal

Ministers approved the conclusions which appear in WGI 1310 REV.
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ii) Draft recommendation on the regulation and removal of persons from third countries illegally staying or working

Ministers approved the recommendation which appears in document WGI 1516.

Ministers called on the AHGI to look at ways of improving the means employed by member states regarding the regulation of foreigners illegally present.

iii) Agreements with third countries on re-admission

Ministers acknowledged the progress thus far achieved and called on the AHGI to continue its work in this field.

X. FALSE DOCUMENTS

Ministers approved the recommendations relating to the European fraud bulletin [WGI 1324 REV 1]

Ministers called on the AHGI actively to pursue work relating to a computerised archives and circulation system for copies of documents.

XI Contacts with the European Parliament

Ministers noted Mme WEISS's statement regarding her contacts with the European Parliament.

Ministers acknowledged the information provided by the Greek Minister for Public Order to the European Parliament's commission on civil liberties.

XII Contacts with third countries

Ministers acknowledged information regarding contact that the Presidency has had or will have with:

- Canada and the USA;
- Austria, Finland, Norway and Sweden;
- Switzerland;
- Morocco.

XIII Next meeting

Depending on the implementation of the Treaty on European Union, Ministers agreed to meet again on 29th and 30th November and 1st December 1993.

ANNEX

STATEMENT BY THE COMMISSION ON THE REPORT TO THE EUROPEAN COUNCIL OF COPENHAGEN REGARDING THE ACTIVATION OF ART.8 OF THE TREATY OF ROME ON THE FREE MOVEMENT OF PERSONS

1. The last European Council (Edinburgh), reaffirmed its support for the full enactment of Art.8A and called on Ministers to accelerate their work, as well as to report to the European Council (Copenhagen). The Commission considers that the present report does not fulfil the guidelines set out at Edinburgh, for speeding up this process.

2. Art.8 has still not been fully put into force. The situation described in the report reveals a regrettable lack of progress with regard to the 3 principal compensatory measures, the importance of decisive progress on which had been emphasized by the Edinburgh Council. The Dublin Convention on Asylum had only been ratified by 6 Member States, despite the fact that it has been open for signature for almost 3 years. The wording of the report confines itself to envisaging ratification by other member states "as soon as possible". There was no requirement that this be undertaken by the end of this year. The convention on the crossing of external borders has been held up for 2 years because of one remaining problem. No resolution appears to be in sight, nor are active negotiations taking place. Finally, negotiations at expert level on the European Information System progress very slowly and will need to be decidedly more motivated if they are to allow the aim of signing an agreement by the end of 1993 to be met.

3. Failure to realise the free movement of people by the end of this year, 12 months after the deadline envisaged by the Treaty, appears to be inevitable. The Commission, however, is not prepared to resign itself to this situation.

4. The Commission considers that the attention of the Council ought to be drawn to the fact that the deadline for the enactment of Art.8A has expired and that a timetable for the enactment of compensatory measures has not been drawn up. The insistently slow approach to these matters goes against the wishes of public opinion, which expects that 1993 will herald the abolition of border controls and the realisation of the free movement of persons. Substantial progress in the coming months will require a real political will to fulfil the obligations of the Treaty. If progress were not achieved, the Commission, within the limits of its mandate, is determined to take necessary initiatives to ensure that Art.8A, on the free movement of persons be realised.