COUNCIL OF
THE EUROPEAN UNION

EN

12923/08 (Presse 250)

(OR. fr)

PRESS RELEASE

2890th Council meeting

Justice and Home Affairs

Brussels, 25 September 2008

President **Brice Hortefeux**
Minister for Immigration, Integration, National Identity and Development Solidarity

P R E S S

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Main results of the Council

The Council reached agreement on the European Pact on Immigration and Asylum. The Pact will now be submitted to the European Council in October 2008 for adoption.

The Council noted the overall support of all delegations for the Presidency compromise on a proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Blue Card Directive).
The Council asked Coreper to finalise the text of the Directive on two specific points.

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
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PARTICIPANTS

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

Belgium: Ms Annemie TURTELBOOM	Minister for Policy on Immigration and Asylum
Bulgaria: Mr Mihail MIKOV	Minister for the Interior
Czech Republic: Mr Ivan LANGER	Minister for the Interior
Denmark: Ms Birthe RØNN HORNBECH	Minister for Refugees, Immigration and Integration, and Minister for Church Affairs
Germany: Mr Wolfgang SCHÄUBLE	Federal Minister for the Interior
Estonia: Mr Jüri PIHL	Minister for the Interior
Ireland: Mr Bobby McDONAGH	Permanent Representative
Greece: Mr Prokopios PAVLOPOULOS	Minister for the Interior
Spain: Mr Celestino CORBACHO CHAVES	Minister for Labour and Immigration
France: Mr Brice HORTEFEUX	Minister for Immigration, Integration, National Identity and Development Solidarity
Italy Mr Nitto Francesco PALMA	State Secretary, Ministry of the Interior
Cyprus: Mr Neoklis SYLIKIOTIS	Minister for the Interior
Latvia: Mr Mareks SEGLIŅŠ	Minister for the Interior
Lithuania: Mr Regimantas ČIUPAILA	Minister for the Interior
Luxembourg: Mr Nicolas SCHMIT	Minister with responsibility for Foreign Affairs and Immigration
Hungary: Ms Judit LÉVAYNÉ FAZEKAS	State Secretary, Ministry of Justice and Law Enforcement
Malta: Mr Carmelo MIFSUD BONNICI	Minister for Justice and the Interior
Netherlands: Ms Nebahat ALBAYRAK	State Secretary, Ministry of Justice
Austria: Mr Hans-Dietmar SCHWEISGUT	Permanent Representative
Poland: Mr Piotr STACHAŃCZYK	Deputy State Secretary, Ministry of the Interior and Administration
Portugal: Mr Rui PEREIRA	Minister for the Interior

Romania:	
Mr Vasile-Gabriel NITA	State Secretary, Ministry of Internal Affairs and Administrative Reform
Slovenia:	
Mr Dragutin MATE	Minister for the Interior
Slovakia:	
Mr Robert KALIŇÁK	Deputy Prime Minister and Minister for the Interior
Finland:	
Ms Astrid THORS	Minister for Migration and European Affairs
Sweden:	
Mr Tobias BILLSTRÖM	Minister for Migration
United Kingdom:	
Mr Liam BYRNE	Minister of State for Borders and Immigration and Minister for the West Midlands
Mr Frank MULHOLLAND	Solicitor General, Scottish Government

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Commission:	
M. Jacques BARROT	Vice-President

ITEMS DEBATED

EUROPEAN PACT ON IMMIGRATION AND ASYLUM

The Council reached agreement on the content of the European Pact on Immigration and Asylum. The Pact will now be submitted to the European Council in October for adoption.

The Pact is one of the priorities set by the Presidency; it is intended to form the basis of a genuine common European policy on immigration and asylum, given the challenges of the coming years and the need for solidarity and cooperation in the management of migratory flows.

Ministers discussed the Pact at their informal meeting in Cannes on 7 July and at the Council meeting on 24 July 2008. There was broad consensus on the draft on that occasion.

The Pact submitted to the European Council proposes five key political commitments:

– to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;

– to control illegal immigration, in particular by ensuring that illegal immigrants return to their countries of origin or to a transit country;

– to make border controls more effective;

– to construct a Europe of Asylum;

– to create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development.

Specific strategic objectives attach to each of those commitments.

BLUE CARD DIRECTIVE

The Council noted the overall support of all delegations for the Presidency compromise on a proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Blue Card Directive).

The Council asked Coreper to finalise the text of this Directive on two specific points.

This proposal for a Directive aims to make Europe attractive and to meet requirements for skilled labour by establishing a flexible common fast-track procedure for the admission of highly qualified immigrants and attractive residence and mobility terms for them and their families.

It is designed not only to strengthen competitiveness under the Lisbon strategy, but also to limit the brain drain.

Third-country nationals who satisfy the conditions laid down in the Directive may acquire a Blue Card, allowing them and members of their families to enter, reside in and leave a Member State and to have access to the labour market in the sector concerned. Under the Directive, they will also be eligible for equal treatment with nationals of the Member State concerned in a whole range of areas.

The proposal also aims to facilitate the mobility of Blue Card holders within the Union. After a period of residence and work in the Member State concerned, they may go and take up highly qualified employment in another Member State (subject to limits set by that State's authorities concerning the number of nationals who may be admitted). The procedure is the same as that applying to admission to the first Member State.

The JHA Council held a policy debate at its meeting in July 2008 and was largely in favour of complementary application of the European Blue Card scheme and national arrangements for issuing residence permits for employment purposes.

METOCK CASE

The Council discussed the action to be taken following the judgment of the Court of Justice in the Metock case and the question of the residence of third-country nationals married to EU citizens in the context of tackling illegal immigration.

The Council welcomed the Commission's intention to present, by the end of 2008, a report evaluating the transposition of the Directive on the right of EU citizens and their family members to move and reside freely within the territory of the Member States.

The Council noted that the Commission would be prepared, on the basis of that evaluation, to present all appropriate guidelines or proposals which might prove necessary, *inter alia* in order to combat any misuse, offences or abuse.

The Council awaits the outcome of that evaluation with interest and will examine the issue immediately thereafter.

OTHER BUSINESS

Reception of Iraqi refugees in Member States of the European Union

Ministers held an exchange of views on this issue over lunch.

Justice and Home Affairs fund

During lunch, Mr Jacques Barrot, Vice-President of the Commission, also raised the subject of the delays in the transmission by Member States of projects relating to the "External borders" and "Integration" funds.

Ministerial Conference "Building a Europe of Asylum"

The Council noted the outcome and conclusions of the Ministerial Conference "Building a Europe of Asylum" held in Paris on 8 and 9 September 2008.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Reception of Iraqi refugees in Member States of the European Union - *Conclusions*

The Council adopted the following conclusions:

"The Council would refer to its conclusions of 24 July 2008 in which it considered it necessary to continue contacts in order to agree on the most appropriate forms of solidarity with all Iraqis, and agreed to return to the question at its next meeting.

In this context, the Council notes the Commission's intention to conduct a mission to Syria and Jordan in order to assess the situation of the most vulnerable Iraqi refugees in those countries, together with the Office of the United Nations High Commissioner for Refugees, and to examine the possibilities for resettlement in Member States willing to receive them.

The Council encourages the Commission to carry out this mission at the earliest opportunity and asks it to report back as soon as possible. It also invites interested Member States to take part.

The Council also notes that the United Nations High Commissioner for Refugees has expressed the hope that, in the long term, most Iraqi refugees will be able to return to their country of origin in conditions of security, although, for some, resettlement will continue to be necessary."

The fight against organised crime

The Council adopted a Framework Decision on the fight against organised crime (*12279/06*).

The aim of that Decision is to approximate substantive criminal law in order to facilitate mutual recognition of judgments and judicial decisions with cross-border dimensions, through the definition of offences relating to participation in a criminal organisation.

The Framework Decision respects the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union without reducing or restricting national rules relating to fundamental rights or freedoms such as due process, the right to strike, freedom of assembly, of association, of the press or of expression.

United Nations Convention against Transnational Organised Crime

In preparation for the fourth Conference of the Parties to the United Nations Convention against Transnational Organised Crime, to be held from 8 to 17 October 2008, the Council adopted the position to be taken regarding technical assistance and a common position on the monitoring of the implementation of the Convention.

The Convention, to which the Community acceded in 2004, is the first United Nations legally binding instrument in this area. It establishes a multilateral framework and important minimum standards for all States Parties.

COMMON FOREIGN AND SECURITY POLICY

Croatia – Participation in the EULEX KOSOVO Rule of Law Mission

The Council adopted a Decision authorising the conclusion of an Agreement with Croatia with a view to that country's participation in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO *(12598/08)*.

DEVELOPMENT COOPERATION

Investment Facility Committee - EU-ACP Partnership Agreement

The Council adopted a Decision adopting the Rules of Procedure of the Investment Facility Committee set up under the auspices of the European Investment Bank (EIB) *(11425/08)*.

That Committee must, *inter alia*, approve the investment strategies and business plans relating to the 10th European Development Fund under the Partnership Agreement with the ACP countries.

The Internal Financial Agreement applicable to the 10th European Development Fund provides for the creation, under the auspices of the EIB, of an Investment Facility Committee, and for the adoption by the Council of the rules of procedure thereof.

ECONOMIC AND FINANCIAL AFFAIRS

Norway – Taxation of savings income

The Council adopted a Decision authorising the Commission to negotiate an agreement with Norway for the application of measures equivalent to those laid down in Directive 2003/48/EC on taxation of savings income in the form of interest payments.

TRADE POLICY

Anti-dumping - Sweetcorn in kernels originating in Thailand

The Council adopted a Regulation amending Regulation (EC) No 682/2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand *(12563/08)*.

TRANSPARENCY

Public access to documents

The Council adopted:

– the reply to confirmatory application 10/c/02/08 (*12317/08*);

– the reply to confirmatory application 12/c/01/08 made by Mr Yaman AKDENIZ, with the Danish, Finnish and Swedish delegations voting against (*12505/08*).

APPOINTMENTS

EU Special Representative for the crisis in Georgia

The Council adopted a Joint Action appointing Mr Pierre MOREL as European Union Special Representative (EUSR) for the crisis in Georgia.

The EUSR's mandate will be:

(a) firstly, to help prepare for the international talks to be held under point 6 of the settlement plan of 12 August 2008, which are in particular to cover:

- arrangements for security and stability in the region,
- the issue of refugees and displaced persons, on the basis of internationally recognised principles,
- any other subject, by mutual agreement between the parties;

secondly, to help establish the EU's position and represent it, at his level, in those talks;

(b) facilitate the implementation of the agreement concluded on 8 September 2008 in Moscow and Tbilisi, as well as the agreement of 12 August 2008, in close coordination with the United Nations and the Organisation for Security and Cooperation in Europe (OSCE);

in the framework of the activities mentioned above, to contribute to the implementation of the EU's human rights policy and of its approach in this field, in particular with regard to children and women.