



**COUNCIL OF  
THE EUROPEAN UNION**



16325/08 (Presse 344)

## **PRESS RELEASE**

2908th meeting of the Council

### **Justice and Home Affairs**

Brussels, 27 and 28 November 2008

Presidents: **Ms Michèle ALLIOT-MARIE**,  
Minister for the Interior, Overseas Territories and Local and  
Regional Authorities of France  
**Mr Brice HORTEFEUX**, Minister for Immigration,  
Integration, National Identity and Development Solidarity of  
France  
**Ms Rachida DATI**, Keeper of the Seals, Minister for Justice  
of France

# **P R E S S**

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## Main results of the Council

*The Council took stock of the **attacks perpetrated in Mumbai/Bombay**. European coordination measures were immediately launched, in Brussels, in Mumbai and at the initiative of the Presidency, in order to give effect to European solidarity. Medical care, consular support and assistance with evacuation is being channelled to Mumbai. In this context, the Council stresses that EU citizens from countries without consular representation in Mumbai may use the consular services of any other EU Member State on the spot.*

*On the basis of the report by the EU Counter-Terrorism Coordinator, Mr de Kerchove, the Council also set its priorities for **combating terrorism**. It also reviewed the work done on a proposal concerning the transfer and processing of airline passenger data (**PNR - passenger name records**) within the EU.*

*The Council also examined the implementation of the **global approach** to the question of migration and partnership with the countries of origin and of transit and stressed the importance of protecting the free movement of persons within the EU against misuse, generated inter alia by illegal immigration.*

*In addition, the Council invited the Member States to take in **Iraqi refugees**. This should be done on a voluntary basis and in the light of the reception capacities of the Member States and the overall efforts they have already made to accommodate refugees. The objective could be to accept up to around 10 000 refugees.*

*The Council also reached agreement on a framework decision on legal supervision of **pre-trial procedures** between the Member States of the EU, as well as reaching agreement on the modernisation of the legal cooperation network in civil and commercial matters. It adopted a report on the introduction of a common frame of reference for **European contract law**, an action plan on **European e-Justice**, and conclusions concerning **child abduction alerts**.*

*Moreover, the Council decided to abolish checks at the land borders between **Switzerland** and its EU neighbours on 12 December 2008. The abolition of air borders will be adopted on 29 March 2009, the date on which summer time begins.*

*It also definitively adopted, five legislative instruments which are important for the European judicial system as they provide the EU with an extended legislative basis of high symbolic significance. They are:*

- a Framework Decision on combating **racism and xenophobia**;*
- a Framework Decision on **the protection of personal data** processed in the framework of police and judicial cooperation in criminal matters;*
- a Framework Decision on mutual recognition in **probation** matters;*
- a Framework Decision amending the **definition of terrorism**; and*
- a Framework Decision on mutual recognition of **judgments in criminal matters**.*

**RECEPTION OF IRAQI REFUGEES - Council conclusions**

Against the background of the Council conclusions of 24 July and 25 September 2008 concerning the reception of Iraqi refugees, the Commission carried out a mission in Syria and Jordan from 1 to 6 November 2009 to examine the possibilities for the resettlement of Iraqi refugees in Member States willing to receive them.

The Council adopted the following conclusions based on the Commission report on that mission:

1. "The Council recalls its conclusions of 24 July and 25 September 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;
  - it noted, in this context, the Commission's intention to conduct a mission to Syria and Jordan, accompanied by the Member States concerned, in order to assess, together with the Office of the United Nations High Commissioner for Refugees (UNHCR), the situation of the most vulnerable Iraqi refugees in those countries, and to examine the possibilities for resettlement in Member States willing to receive them;
  - it noted also that the United Nations High Commissioner for Refugees had expressed the hope that eventually most Iraqi refugees would be able to return to their country of origin in conditions of security, although, for some, resettlement would continue to be necessary.
2. That mission took place from 1 to 6 November in Syria and Jordan and the Council welcomes the report submitted by the Commission as a follow-up to it<sup>1</sup>.

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<sup>1</sup> 16112/08 ASILE 21 COMEM 217.

The Council notes in particular:

- the analysis of the difficult situation faced by many refugees from Iraq and their increasing need for assistance;
- the fact that return to Iraq is thought to be the only eventual solution for the great majority of Iraqi refugees;
- that return from Syria and Jordan is not, however, significant today;
- that local integration in Syria and Jordan can be a solution only for a very small number of refugees;
- the need for resettlement of a certain number of refugees who have no prospect of any other lasting solution, even in the long term; these are people in a vulnerable situation who are easily identifiable, especially those with medical needs, trauma or torture victims, members of religious minorities, or women on their own with family responsibilities;
- the fact that a greater effort towards resettlement in the countries of the European Union would send a positive signal of solidarity to all Iraqis and of cooperation with Syria and Jordan for the maintenance of their area of protection.

The Council also notes the particular situation of the Palestinians who have left Iraq for Syria, for whom no solution other than resettlement appears to be feasible.

3. The Council emphasises, as it did in its conclusions of 25 July 2008, that the main objective is to create the conditions in which displaced persons inside Iraq and refugees in neighbouring countries can return safely to their homes, while ensuring that the human rights of all Iraqis are protected and defended.

The Council also reaffirms its conclusions of 23 April 2007 on Iraq, which called for a comprehensive approach on Iraq.

In this context, it notes that the Netherlands has convened a high-level meeting in The Hague on 1 and 2 December 2008 aimed at contributing to a coordinated response by the European Union to migratory flows from or to Iraq.

4. The Council recalls the humanitarian and financial aid provided by the European Union and Member States to Iraqi refugees, as well as the contribution of Member States which receive Iraqis who have submitted an asylum application on their territory.

However, given the current situation in Iraq and in neighbouring countries as well as the results of the mission conducted by the Commission, the Council considers it necessary to go further.

In this respect, it welcomes the fact that some Member States are already taking in Iraqi refugees, particularly under their national resettlement programmes.

5. In this context, as a signal of solidarity, the Council invites Member States to take in Iraqi refugees in a particularly vulnerable situation such as those with particular medical needs, trauma or torture victims, members of religious minorities or women on their own with family responsibilities.

This has to be done on a voluntary basis and in the light of the reception capacities of Member States and the overall effort they have already made as regards reception of refugees.

In the light of the resettlement objective established by UNHCR and taking into account the number of persons already taken in or planned to be taken in by Member States, in particular under their national resettlement programmes, the objective could be to receive up to approximately 10 000 refugees, on a voluntary basis.

In taking this approach, Member States should cooperate closely with UNHCR and the other competent organisations present in the region. They should bear in mind the importance of promoting reconciliation between Iraqi communities in Iraq.

6. It may be noted that the European Refugee Fund provides financial support for resettlement projects and that Member States have until 19 December 2008 to indicate on their intentions with a view to calculating the allocation of the funding for 2009.

The Commission is invited to report to the Council at the beginning of 2009 on the information gathered from Member States on the basis of these conclusions."