



**COUNCIL OF
THE EUROPEAN UNION**



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PROVISIONAL VERSION
Only items discussed 4 December

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2768th Council Meeting

Justice and Home Affairs

Brussels, 4-5 December 2006

President **Ms Leena LUHTANEN,**
 Minister of Justice of Finland

P R E S S

Main Results of the Council

The Council adopted conclusions on the Hague Programme review. It welcomed the significant progress that had already been made in implementing the Hague Programme and believed that the measures already taken since the adoption of the Hague Programme contributed in a real way to strengthening freedom, security and justice in the European Union. Insufficient progress was being made in certain areas of judicial cooperation in criminal matters and police cooperation in particular. Improvements could and should be achieved.

Furthermore, the Council reached a general approach on the establishment of the EU Agency for fundamental rights. The Agency will be operational early next year.

Finally, the Council reached a general approach on a draft framework decision on taking into account of convictions in the Member States of the EU in the course of new criminal proceedings and on a draft regulation aimed at amending the lists of third countries whose nationals must be in possession of a visa when entering the EU and of those who are exempt from this requirement.

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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.
- The documents whose references are given in the text are available on the Council's Internet site <http://www.consilium.europa.eu>.
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.

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PARTICIPANTS

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

Belgium:

Ms Laurette ONKELINX

Deputy Prime Minister and Minister for Justice

Czech Republic:

Mr Jiří POSPIŠIL

Minister for Justice

Denmark:

Ms Lene ESPERSEN

Minister for Justice

Mr Rikke HVILSHØJ

Minister for Refugees, Immigration and Integration

Germany:

Ms Brigitte ZYPRIES

Federal Minister for Justice

Estonia:

Mr Rein LANG

Minister for Justice

Greece:

Mr Byron POLYDORAS

Minister for Public Order

Mr Panagiotis PANOURIS

Secretary General, Ministry of Justice

Spain:

Mr Luis LÓPEZ GUERRA

State Secretary for Justice

France:

Mr Christian ESTROSI

Minister with responsibility for Regional Planning

Ireland:

Mr Michael McDOWELL

Minister for Justice, Equality and Law Reform

Italy:

Mr Clemente MASTELLA

Minister for Justice

Cyprus:

Mr Sofoklis SOFOKLEOUS

Minister for Justice and Public Order

Latvia:

Mr Gaidis BĒRZIŅŠ

Minister for Justice

Lithuania:

Mr Petras BAGUŠKA

Minister for Justice

Luxembourg:

Mr Luc FRIEDEN

Minister for Justice, Minister for the Treasury and the Budget

Hungary:

Mr József PETRÉTEI

Minister for Justice and Law Enforcement

Malta:

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home Affairs

Netherlands:

Mr E.M.H. HIRSCH BALLIN

Minister for Justice

Austria:

Ms Karin GASTINGER

Federal Minister for Justice

Poland:

Mr Andrzej DUDA

Undersecretary of State, Ministry of Justice

Portugal:

Mr Alberto COSTA

Minister for Justice

Slovenia:

Mr Lovro ŠTURM

Minister for Justice

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Slovakia:

Mr Štefan HARABIN

Deputy Prime Minister and Minister for Justice

Finland:

Ms Leena LUHTANEN

Minister for Justice

Sweden:

Ms Beatrice ASK

Minister for Justice

Mr Tobias BILLSTRÖM

Minister for Migration and Asylum Policy

United Kingdom:

Mr John REID

Secretary of State for the Home Department; Home Secretary

Baroness ASHTON OF UPHOLLAND

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

.....
Commission:

Mr Franco FRATTINI

Vice-President

.....
The Governments of the Acceding States were represented as follows:

Bulgaria:

Mr Margarit Nikolov GANEV

Deputy Minister for Justice

Romania:

Mr Vasile BLAGA

Minister for Administration and for the Interior

HAGUE PROGRAMME REVIEW - Council conclusions

The Council adopted the following conclusions:

- "1. The Council takes note of the Commission Report on the implementation of the Hague Programme for 2005 (11228/06) and the Communication drawing up a first political assessment of progress made in implementing the Hague programme as well as proposing the necessary adjustments (11222/06) forwarded by the Commission to the Council in July 2006.
2. The Council takes note of the Report by the Presidency on the Review of the Hague Programme (15844/06), which identifies those areas in respect of which the Presidency believes a renewed effort is necessary to take forward the political agenda of the Union on the basis of The Hague Programme and its timetable.
3. The Council welcomes the significant progress that has already been made in implementing the Hague Programme and believes that the measures already taken since the adoption of the Hague Programme contribute in a real way to strengthening freedom, security and justice in the European Union. Insufficient progress is being made in certain areas of judicial cooperation in criminal matters and police cooperation in particular. Improvements can and should be achieved.
4. The Council, against that background, reaffirms its determination to take forward the remaining priority measures set out in the Hague Programme in keeping with deadlines established in the Action Plan. The Council considers that issues of mutual recognition in civil and criminal matters, the development of a comprehensive EU migration policy, strengthening police cooperation through the principle of availability and more operational cooperation, the fight against terrorism and organised crime, the development of the external aspects of justice and home affairs, the setting up of new generation of the SIS and the enlargement of the Schengen area deserve particular attention during the remainder of the Hague Programme.
5. The Council also reiterates its commitment to maintain the high level of ambition for the area of Freedom, Security and Justice as evidenced by the Hague Programme, convinced that cooperation is necessary to safeguard the interests of the citizens while ensuring protection of their fundamental rights and freedoms.

6. The Council considers the time has come to update the Action Plan implementing the Hague Programme and requests the Commission and the incoming Presidencies to undertake the necessary measures to enable the Council and the Commission to take a decision on the updating of the Action plan, having regard, in particular, to any agreement which might be achieved on new policy initiatives, including those suggested by the Commission in its Communication of June 2006 and the Presidency's Report on the review.
7. The Council acknowledges that the decision making mechanisms which apply in the justice and home affairs area do not always contribute to effective and efficient decision making processes. The subject remains under consideration by the Council. This topic will be brought to the attention of the European Council at its meeting in December.
8. The Council also stresses the importance of careful preparation of proposals or initiatives for new instruments including, in particular, consideration of the need for action at the level of the European Union in line with the principles of subsidiarity and proportionality and a rigorous assessment of their potential impact in view of the different legal and administrative systems of the Member States. The Council also stresses the importance of a timely and accurate implementation by Member States of EU policies and legislations.
9. The Council believes that existing evaluation mechanisms are capable of improvement while avoiding any duplication of efforts at EU and national levels and limiting the administrative burden on Member States as much as possible. The Council intends, in cooperation with the Commission, to discuss further how to develop concrete proposals and objectives for the implementation of the future mechanism so as to allow the Commission to establish the contacts' points network proposed in its Communication of June 2006 with a view to launching the first round of evaluation as soon as possible.
10. The Council takes note of the proposal of the Commission to widen the jurisdiction of the Court of Justice with regard to Title IV of the Treaty establishing the European Community. In this respect the Council underlines the importance of shortening the procedure for, preliminary rulings in JHA matters. The Council notes with interest the reflection document of the Court of Justice with proposals for an emergency procedure. The Council will simultaneously pursue both matters under the incoming Presidency."

Documents of interest:

- Presidency report on the review of the Hague Programme (15844/06)
- Report on the implementation of the Hague Programme in 2005 ("Scoreboard+") (11228/06)
- Evaluation of EU Policies on Freedom, Security and Justice (11223/06)
- Implementing the Hague Programme: the way forward (11222/06)
- The extension of the competence of the Court of Justice foreseen by Article 67(2) TEC (11356/06).

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Pending the lifting of a Parliamentary reservation by the Netherlands and the examination of the European Parliament's opinion, the Council reached a general approach on the establishment and functioning, early next year, of the EU Agency for fundamental rights.

The objective of the Agency will be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights.

The Agency will collect objective, reliable and comparable information on the development of the situation of Fundamental Rights, analyse this information in terms of causes of disrespect, consequences and effects and examine examples of good practice in dealing with these matters.

The Agency will have the right to formulate opinions to the Union institutions and to the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission, without interference with the legislative and judicial procedures established in the Treaty. Nevertheless, the institutions should be able to request opinions on their legislative proposals or positions taken in the course of legislative procedures as far as their compatibility with Fundamental Rights are concerned.

In addition, it will present an annual report on Fundamental Rights issues covered by the areas of the Agency's activity, also highlighting examples of good practice. Furthermore, the Agency will produce thematic reports on topics of particular importance to the Union's policies.

The Agency will take measures to raise the awareness of the general public about their Fundamental Rights, and about possibilities and different mechanisms for enforcing them in general, without, however, dealing itself with individual complaints.

The Agency will collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure complementarity and added value.

Regarding the cooperation of the Agency for dealing with areas of police and judicial cooperation in criminal matters (Title VI of the Treaty of the EU), the Council agreed that the Union institutions and the Member States could, as appropriate and on a voluntary basis, avail of the expertise of the Agency also within these areas. The Council will reconsider, before 31 December 2009, the possibilities to empower the Agency to pursue its activities in the areas covered by title VI.

The main focus of the Agency's work would be on the EU and its Member States. The candidate countries will have the possibility to participate in the Agency as observers. The Agency will have the power to deal with fundamental rights issues in these countries to the extent necessary for their gradual alignment to Community law.

TRANSFER OF SENTENCED PERSONS TO ANOTHER MEMBER STATE

The Council examined a Presidency compromise text regarding a draft Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the EU.

All delegations but Poland supported the content of the Presidency text. As unanimity was required, the text could not be agreed by the Council.

The objective of this proposal is to allow the transfer of sentenced persons to another Member State for the purpose of enforcement of the sentence imposed, taking into account the possibility of social rehabilitation of the sentenced person.

All Member States have ratified the Council of Europe Convention on the Transfer of Sentenced Persons of 21 March 1983. Under that Convention, sentenced persons may be transferred to serve the remainder of their sentence only to their State of nationality and only with their consent and that of the States involved. The Additional Protocol to the Convention of 18 December 1997, which allows transfer without the person's consent, subject to certain conditions, has not been ratified by all the Member States. Neither instrument imposes any basic duty to take charge of sentenced persons for enforcement of a sentence or order.

Relations between the Member States, which are characterised by special mutual confidence in other Member States' legal systems, enable recognition by the executing State of decisions taken by the issuing State's authorities. Therefore, this legal instrument envisages a further development of the cooperation provided for in the Council of Europe instruments concerning the enforcement of criminal judgments, in particular where EU nationals or other persons legally residing in one Member State have been subject of a criminal judgment and were sentenced to a custodial sentence or a measure involving deprivation of liberty in another Member State.

Enforcement of the sentence in the executing Member State enhances the possibility of social rehabilitation of the sentenced person, given the opportunity for him or her to maintain family, linguistic, cultural and other links.

This draft Framework Decision respects fundamental rights and observes the principles recognised by Article 6 of the Treaty and reflected by the Charter of Fundamental Rights of the European Union, in particular Chapter VI thereof. Nothing in this Framework Decision should be interpreted as prohibiting refusal to execute a decision when there are objective reasons to believe that the sentence was imposed for the purpose of punishing a person on the grounds of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced on any one of those grounds.

PROCEDURAL RIGHTS IN CRIMINAL PROCEEDINGS

The Council agreed that work should be pursued on this proposal with a view to its adoption as soon as possible.

The main outstanding issues of this proposal relate to the question whether to adopt a Framework Decision or a non-binding instrument, and the risk of developing conflicting jurisdictions with the European Court of Human Rights (ECHR).

The aim of the proposed Framework Decision is to improve the fairness of criminal proceedings and to facilitate judicial cooperation in criminal matters by setting out common ways of complying with Articles 5 and 6 of the ECHR. Furthermore, the Framework Decision could bring added value to the ECHR by strengthening certain rights and making these rights applicable also in the context of the European Arrest Warrant as well as on extradition and surrender procedures to International Criminal Courts and Tribunals.

At its meeting in June 2006, the JHA Council agreed on some principles for further work on this proposal. The scope would be limited to the right to information, the right to legal assistance, the right to legal assistance free of charge, the right to interpretation and the right to translation of documents of the procedure.

At its meeting in June 2006, the European Council urged the finalisation of negotiations on the procedural rights of accused persons in criminal proceedings.

MIXED COMMITTEE

– ***Data protection in the framework of police and judicial co-operation in criminal matters***

The Mixed committee (EU+ Norway, Iceland and Switzerland) took note of the state of play concerning this file.

The main fundamental outstanding question remains whether this Framework Decision should also apply to domestic data processing, or only to cross-border data processing.

The position of the vast majority of delegations has been so far that any data gathered in the context of an internal investigation could, at a later stage, possibly be exchanged with foreign authorities and that therefore the scope of the Framework Decision should encompass all data. The opposing delegations thought the scope of the Framework Decision should be limited to the cross-border exchange of data.

This Framework Decision would determine common standards to ensure the protection of individuals with regard to the processing of personal data in the framework of police and judicial co-operation in criminal matters, provided for by Title VI of the Treaty on European Union, while safeguarding citizens' freedom and providing them with a high level of safety.

OTHER BUSINESS

The Council took note of the state of play concerning the following issues

- The implementation of the Council Framework decision on the European Evidence Warrant (EEW) for obtaining objects documents and data for use in proceedings in criminal matters;
- The European Contract Law, at the request of Estonia;
- Violent video and Computer games, at the request of the Commission;

Integrated Border Management - *Council conclusions*

"The Council:

Recalls the importance of the concept of integrated management of the external borders for the progressive establishment of an area of freedom, security and justice, from the Tampere Programme of 1999, the Schengen catalogue on border control, the Commission's Communication "Towards an integrated management of the external borders of the Member States of the European Union" followed by the Plan for the Management of the external borders of the Member States of the European Union of 2002, the Hague Programme of 2004, the Global Approach to Migration of 2005 and the Council Conclusions on reinforcing the southern external maritime borders of October 2006.

Recognises the continuous successful work towards integrated management of the external borders and its specific components consisting of:

- *A common corpus of legislation*, in particular the Schengen Borders Code as well as the Regulation on local border traffic;
- *Operational cooperation* between Member States, including cooperation as coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX);
- *Solidarity* between Member States and the Community through the establishment of an External Borders Fund.

The Council:

Takes note of the deliberations of the Strategic Committee on Immigration, Frontiers and Asylum on a strategy for integrated border management as contained in *13926/3/06*.

Encourages the Strategic Committee on Immigration, Frontiers and Asylum to continue developing its role of monitoring policy development with regard to the control at the external borders,

Concludes the following:

1. *Integrated border management* is a concept consisting of the following dimensions:
 - Border control (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence
 - Detection and investigation of cross border crime in coordination with all competent law enforcement authorities
 - The four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return)
 - Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities) and international cooperation
 - Coordination and coherence of the activities of Member States and Institutions and other bodies of the Community and the Union.
2. *Calls* on FRONTEX and the Member States to improve the effect and uniformity of border control, in particular by further developing the Common Integrated Risk Analysis. Common measures should be widened to cover operational and tactical level assessments and activities.
3. *Calls* on FRONTEX and the Member States to continue the development of regional border management initiatives and to involve partner countries in those activities.
4. *Calls* on Member States to contribute to joint operations under the aegis of FRONTEX by providing personnel and equipment
5. *Invites* FRONTEX to define, in cooperation with Member States, the eligible cost of personnel and equipment for joint operations.
6. *Invites* Member States to improve national inter-agency cooperation, particularly in terms of exercising joint crime intelligence and risk analysis in order to better combat of all forms of cross-border crime and illegal immigration, and facilitate the movement of traffic.

7. *Requests* the relevant bodies of the Community and the Union to further develop their cooperation with regard to integrated border management.
8. *Invites* Member States to continue local coordination of the activities of immigration liaison officers.
9. *Underlines* the importance of consular cooperation and consular activities for the purpose of combating illegal immigration and the protection of the external borders of the Member States of the European Union.
10. *Commits itself* to deepen and widen the discussions on future steps towards the further development of integrated management of the external borders in the light of the Hague Programme, the Communication of the Commission on reinforcing the southern external maritime borders and the Communication of the Commission on Policy priorities in the fight against illegal immigration of third country nationals, while taking into account the evaluation of the tasks of FRONTEX, in particular an assessment of whether the Agency should concern itself with other aspects of border management, including enhanced cooperation with customs services and other competent authorities for goods-related security matters, to be carried out by the Commission in 2007.
11. *Notes* the significant contribution of Schengen Evaluations to the development of a uniform, transparent and high level of border control in Member States and welcomes the forthcoming Commission proposal to supplement the existing Schengen mechanism with a supervisory mechanism, ensuring full involvement of Member States' experts and including unannounced inspections."

European Police College - Work Programme 2007

The Council approved the European Police College (CEPOL) Work Programme for 2007, which will be forwarded to the European Parliament and the Commission for information (13435/06).

Relations with Russia

The Council took note of the Action-oriented paper on implementing with Russia the Common Space of Freedom, Security and Justice (15534/1/06 REV 1).

Judicial cooperation in civil matters

The Council took note of a Presidency's note on questions relating to judicial cooperation in civil matters examined in other Community draft instruments (15776/1/06)

Previous convictions taken into account within the EU

The Council reached a general approach on a draft framework decision on taking into account of convictions in the Member States of the EU in the course of new criminal proceedings (15445/1/06). The text will then be prepared by the Legal Linguists and adopted when all the parliamentary reservations are lifted.

The purpose of this framework decision is to determine the conditions under which, in the course of criminal proceedings in a Member State against a person, previous convictions handed down against the same person for different facts in other Member States, are taken into account.

Following entry into force of the framework decision, Member States will have two years for complying with its provisions.

SCHENGEN

Preparedness of new Member States

The Council adopted conclusions on the state of preparedness of the ten new Member States towards the implementation of all provisions of the Schengen acquis except SIS-related issues.

Local Schengen cooperation - *Council conclusions*

"The Council:

Recalling the Council Conclusions on improving the efficiency of and intensifying local consular cooperation between the Member States in third countries of 11 June 2003¹;

Appreciating the findings and recommendations made in the targeted missions reports 2004-2006;

Acknowledging the added value and the necessity of local Schengen cooperation in order to ensure a harmonised application of Community legislation on issuing visas and equal treatment of visa applicants;

¹ 10529/03 VISA 106 COMIX 390.

Aware of the need for the various actors (Member States' central authorities, in particular) to support actively this essential part of the common visa policy;

Aware that this need should be met without waiting for entry into force of the Code on Visas which is to adjust the arrangements for local consular cooperation and without prejudice to the said legislative adjustments;

concludes that :

1. The Member States' central authorities should:
 - effectively and actively support the strengthening of local Schengen cooperation;
 - inform diplomatic missions and consular posts on legislative acts well in advance of the implementation of these acts, transmit outcomes of proceedings of the Visa Working Party, and other relevant documents highlighting issues of specific importance;
 - instruct their diplomatic missions and consular posts that active participation by the heads of visa sections or their deputies and, wherever deemed necessary, Member States' immigration liaison officers at local Schengen cooperation meetings is imperative and mandatory;
 - improve the preparation of consular staff to be posted abroad by increasing their knowledge of Community rules on local consular cooperation and by raising their awareness of local Schengen cooperation as a key element of visa work;
 - organise regional in-service training regularly, invite other Member States to participate in relevant sessions, and where appropriate, invite guest speakers from other Member States and from the Commission;
 - monitor the state of affairs of consular cooperation on the basis of the reports submitted from the various jurisdictions, so as to intervene in time where problems cannot be solved locally;
 - submit problems notified by representations and which cannot be solved locally to the relevant Council body.

2. Member States' diplomatic missions and consular posts should:
 - actively contribute to the regular organisation of and discussions in local Schengen cooperation meetings in line with the Common Consular Instructions, and ensure harmonised follow up of the conclusions of these meetings;
 - set up sub-groups, when appropriate, mandated by all participants of the local Schengen cooperation to examine specific problem areas identified within the jurisdiction;
 - draw up reports, individually or collectively, on the outcome of local Schengen cooperation meetings and forward them to central authorities, highlighting important developments, trends and problems which require action by central authorities.

3. The Presidency-in-office at local level should:
 - organise local Schengen cooperation meetings, in line with the Common Consular Instructions and take stock of the follow up of the conclusions of these meetings;
 - organise exchanges of information in relation to application of new legislative acts in order to promote harmonised implementation by all Member States' consular representations;
 - invite the representative of the Commission delegation to participate in the meetings;
 - organise common training sessions and coordinate exchanges of personnel among consular representations locally, wherever possible.

4. The Presidency-in-office and the relevant Council body should
 - every January, in collaboration with the Presidency which is to follow (and after consulting of all Member States), select locations where problems in relation to local consular cooperation have been reported, carry out an assessment of the situation with the assistance of experts and suggest solutions and submit a report at the latest in October of the same year for further consideration by the relevant Council body;
 - allocate sufficient time and preparation for the relevant Council body to address and solve issues in relation to the harmonised application of the common visa policy and which cannot be solved at local level;

- endeavour in cooperation with the Commission to organise common training sessions in Brussels for experts from Member States especially in view of the new legislation on visas/ after the new legislation on visas comes into force;
- task, on case-by-case basis, experts from the Member States and the Commission to examine relevant operational visa issues;
- examine the Presidency report on local Schengen cooperation."

EUROPOL

Rules of procedure

The Council approved a Decision of the Joint Supervisory Body of Europol of 26 June 2006 amending its rules of procedure in order to introduce a provision on access to documents.

The proposed provision is in line with the rules presently applicable to other EU bodies and will not affect the provision in the Europol Convention on access to data held by Europol.

The Decision of the Joint Supervisory Body will be published in the Official Journal of the European Union.

Negotiations with third States and non EU-related bodies

The Council adopted a Decision whereby China and Liechtenstein are added to the list of third States and non EU-related bodies with which the Director of Europol is authorised to enter into negotiations. This Decision amends Council Decision of 27 March 2000.¹

CRIMINAL MATTERS

Cooperation against organised crime

The Council took note of the report on the state of implementation by Member States and EU bodies of Action-Oriented Paper on improving Cooperation on Organised Crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU, the Western Balkans and relevant ENP countries.

¹ OJ C 106 of 13.4.2000, p. 1.

UN Convention against corruption

The Council agreed on a common position in preparation of the 1st conference of the states parties to the United Nations Convention against corruption scheduled to take place in Jordan from 10-14 December.

Fight against organised crime

The Council took note of the state of play of implementation by the Member States and EU bodies of EU priorities for the fight against organised crime based on the Organised Crime Threat Assessments (OCTA) 2006.

According to the Council Conclusions setting the EU priorities for the fight against organised crime based on the 2006 Organised Crime Threat Assessments (OCTA)¹ adopted by the Council on 6 June 2006, all relevant authorities in the Member States should take into account the strategic priorities adopted by the Council in planning their individual and joint actions against organised crime (OC), alongside their national strategies and priorities. Simultaneously, all relevant EU bodies, agencies and working groups should take into account these priorities and reflect them in their strategic planning, working programmes, budgets, annual reporting and external relations.

EU action plan against trafficking in human beings

The Council took note of the state of play in relation to the EU action plan on trafficking in human beings, and called for continued monitoring and evaluations of the actions contained therein during 2007 and 2008.

The action plan contains broad principles guiding the actions against human trafficking and a table of actions.

The Council adopted in December 2005 a EU action plan on best practices, standards and procedures for combating and preventing trafficking in human beings as required by the Hague Programme and confirmed that the action plan should be updated regularly. (*See Official Journal of the EU C 311, 9.12.2005*).

¹ 10181/06 CRIMORG 94 ENFOPOL 115 ENFOCUSTOM 50.

Prevention and control of violence at football matches - *Council resolution*

"The Council of the European Union,

Whereas:

- (1) The European Union's objective is, inter alia, to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police *mutatis mutandis* in connection with other international cooperation.
- (2) On 21 June 1999 the Council adopted a resolution concerning a handbook for international police cooperation and measures to prevent and control violence disturbances in connection with international football matches¹.
- (3) This resolution was replaced by the Council resolution of 6 December 2001 concerning a handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved².
- (4) The current resolution suggests that amendments to the handbook be proposed in the light of recent experience.
- (5) Taking into account experience in recent years, such as the European Championships in 2004 and the experts' assessment of international police cooperation in the framework of that tournament as well as extensive police cooperation in respect of international and club matches in Europe generally, the handbook annexed to the aforementioned resolution of 6 December 2001 has been revised and updated.
- (6) The changes included in the annexed updated handbook are without prejudice to existing national provisions, in particular the divisions and responsibilities among the different authorities and services in the Member States concerned, and to the exercise by the Commission of its powers under the Treaty establishing the European Community,

¹ OJ C 196, 13.7.1999, p. 1.

² OJ C 22, 24.1.2002, p. 1.

hereby adopts this resolution,

- (1) The Council requests Member States to continue to step up police cooperation in respect of football matches with an international dimension.
- (2) To that end, the updated handbook annexed hereto provides examples of strongly recommended working methods that should be made available to police forces.
- (3) This Resolution replaces the Council Resolution of 6 December 2001."

Further development of the SECI centre - *Council conclusions*

"The Council of the European Union:

1. Recognising the serious dimension of organised crime originating from or linked to South East Europe, which is endangering long-term political, economical and social development in the region and undermining the concept of rule of law;
2. Welcomes the *South East European Cooperation Initiative Center for Combating Transborder Crime* (SECI Center), which, along with other initiatives, plays an important role in strengthening regional cooperation in fighting organised crime;
3. Considers the SECI Center as an important regional contribution to the security of the European Union as a whole and thanks SECI Center's the current facilitators, in particular the transatlantic partners, for the support they have given so far;
4. Stresses that these initiatives must not duplicate existing mechanisms within the European Union, such as Europol, or other initiatives in the region;
5. Welcomes the fact that the SECI Member States are considering the development of the SECI Center as an organisation cooperating in close association with Europol and underlines the importance of close cooperation between the SECI Center and Europol as recommended in the *Action Oriented Paper on Improving Cooperation, on Organised Crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries* and endorses Europol's continued support for the SECI Center;

6. In line with the European Commission Assessment of the SECI Regional Center for Combating Trans-Border Crime, welcomes the intention of the SECI Center Member States to develop a new legal basis for the SECI Center which is a basic requirement for a full cooperation between the SECI Center and Europol.
7. Underlines that the compatibility of membership of both the European Union and of the SECI Center requires an institutional and operational link between Europol and SECI Center which takes into account the driving role of Europol as the EU body for the fight against organised crime, this should be reflected in the legal framework of the SECI Center so as to avoid any duplication of roles and tasks.
8. Encourages the SECI Member States to participate actively in the work on the future of the SECI Center.
9. Endorses the creation of the “SECI Center Support Group” to assist the SECI Member States in creating a new legal framework to strengthen and further develop the SECI Center and invites the Member States, the European Commission and Europol to support this endeavour in an appropriate manner.
10. Invites the European Commission to examine possibilities for financial support for specific projects of the SECI Center in accordance with the procedures of the CARDS programme and of the Instrument for Pre-accession Assistance under the new Financial Perspective as of 1 January 2007, especially in order to enhance cooperation between South East European countries, facilitated by the SECI Center.
11. Considering the expected timeframe for entry into force of the new legal basis, the Council encourages the SECI Member States to adequately finance, fully make use of and further develop the existing structure of the SECI Center and support it in reaching its objective.
12. Calls upon the Presidency-in-office to present annually a report, drawn up in cooperation with the European Commission and Europol, on the cooperation of the EU Member States and the EU institutions and bodies concerned with the SECI Center, and to keep the Council informed on the further development of a new legal framework for the SECI Center.

Reference documents:

1. The London Statement – Defeating Organised Crime in South Eastern Europe of 25 November 2002

2. Report by the Friends of the Presidency on concrete measures to be taken to effectively enhance the fight against organised crime originating from the Western Balkans of 13 October 2004
3. Council Conclusions on the Report of the Friends of Presidency on the fight against organised crime originating from or linked to the Western Balkans of 2 December 2004
4. Development of an EU strategy towards the Western Balkan region (11087/05)
5. Conclusions Statement of the EU-Troika and the Western Balkans - Third Meeting of the EU-Western Balkans Forum of 25 November 2005
6. Action Oriented Paper on Improving Cooperation on Organised Crime, Corruption, illegal Immigration and Counter-terrorism, between the EU, the Western Balkans and relevant ENP countries of 1 and 2 June 2006
7. SECI Center Joint Cooperation Committee's Strategy of the Southeast European Cooperative Initiative Regional Center for Combating Transborder Crime 2005-2010
8. European Commission Assessment of the SECI Regional Center for Combating Trans-Border Crime"

European Crime Prevention Network annual report 2005 - *Council conclusions*

"The Council,

Bearing in mind that the European Crime Prevention Network (EUCPN) Annual Report 2005 deals, *inter alia*, with an overview of objectives for 2005 on institutional and organisational matters especially focused on

- (a) the restructuring of the EUCPN,
- (b) the EUCPN website,
- (c) the establishment of a more effective approach to EUCPN support services,
- (d) the creation of a meaningful, achievable Work Programme,
- (e) the establishment of a basis for gathering Good Practice,

Bearing in mind that the European Crime Prevention Network (EUCPN) Annual Report 2005 also gives an overview of the objectives for 2006, which are:

- (a) Working in close cooperation with the Commission, to implement further measures which will strengthen and professionalize the EUCPN, in line with the Hague Programme. This will include a further assessment of the need to amend the 2001 Council Decision setting the EUCPN up;
 - (b) Delivering the work programme (per the agreed project plans);
 - (c) Developing the work programme around specific content, and supporting and encouraging participation of more Member States and especially new Member States;
 - (d) Developing the independent EUCPN website (covering a number of areas which would be delivered as work programme projects);
 - (e) Developing the knowledge database with good practice crime prevention material;
 - (f) Developing the library of research material and other information on the EUCPN website;
 - (g) Through the Research and Validation Committee, developing a research-based approach to the investigation of present and future criminal activity. The Research and Validation Committee will develop and deliver an agreed programme of work which will inform the strategic direction and future activity of the EUCPN in terms of considering measures to prevent criminality.
1. Welcomes with interest the Annual Report 2005 and endorses its content as set out in 11131/06 CRIMORG 115. It stresses again the fact that it regards volume crime prevention as a fully integrated part of the fight against crime and the fear of crime to ensure the well being of the citizens in the EU Member States. The Council further underlines that crime prevention can be regarded as a tool to promote the aim that the citizens of Europe can really live in an area of freedom, security and justice.
 2. Notes with satisfaction that the EUCPN has taken a very important step towards strengthening and professionalizing its organisation, in line with the Hague Programme as adopted by the European Council on 4 and 5 November 2004.

3. Expresses its confidence in the EUCPN's capability to contribute, through its initiatives, to the further development and implementation of the various aspects of crime prevention at European Union level and in Member States.
4. Welcomes the initiatives of the EUCPN and the Commission for further cooperation with the Commission on strengthening and professionalizing the EUCPN.
5. Supports the objectives, scope and subjects set out for 2006 and outlined in the Annual Report 2005, but, in respect of point a) of the 2006 objectives, notes that there is already an agreement among the members of the EUCPN not to amend in the short term the 2001 Council Decision setting the EUCPN up.
6. Calls upon the EUCPN, to submit, if appropriate, recommendations as part of its future Annual Reports.
7. Supports the Network's decision to postpone the independent evaluation of the EUCPN from 2007 to 2008, taking note of its internal progress review in 2007."

Identity cards - Member States' Resolution

"The representatives of the governments of the Member States of the European Union, meeting within the Council,

Recognising the mandate given to Member States by the Hague Programme and the 13 July 2005 Justice and Home Affairs Council;

Recognising the importance of ensuring the security of travel and other identity documents;

Considering that these standards relate only to security standards, not to any domestic uses of national identity cards and that no legally binding standards or timetables are being imposed;

Recalling the Council conclusions from December 2005 approving "the above mentioned interim conclusions of the experts working in the Committee created by Article 6 of Council Regulation (EC) 1683/95";

Considering that the experts working in the Committee created by Article 6 of Council Regulation (EC) 1683/95 have prepared minimum security standards of identity cards;

Inviting the Member States of the European Union to continue the work on an intergovernmental basis;

have agreed as follows:

minimum security standards of identity cards valid for travel issued by Member States

Introduction:

This document lays down the minimum level of security that the Member States' Identity Cards valid for travel are required to meet. The provisions are concerned primarily with the biographical data (front side of the card). Appropriate provisions should be made also on the back of the card in order to protect the card against attempts at tampering with the data e.g. by splitting and/or delamination.

The ID-card may consist of various basic materials. This document specifies the minimum level of security for the specific material that is used.

1. Material

The ID-card can be established as a card with paper core which is laminated on both sides or a card made entirely of a synthetic substrate.

If the ID-card is made of a synthetic substrate with paper core the paper shall meet the following minimum requirements:

- no optical brighteners,
- duotone watermarks,
- security reagents or equivalent protection to guard against attempts at tampering by chemical erasure and/or delamination,
- coloured fibres (partly visible and partly fluorescent under UV light, or invisible and fluorescent in at least two colours),
- UV-fluorescent planchettes are recommended,
- the use of security thread is recommended.

If the ID-card is made entirely of a synthetic substrate, it is not usually possible to incorporate the authentication marks used in passport or travel document paper. In this case, the lack of marks in the materials shall be compensated for by measures in respect of security printing, use of an anti copying device or an issuing technique according to sections 3, 4 and 5 over and above the following minimum standards.

2. Biographical data

The ID-card shall be machine-readable in compliance with Part 3 Volume 1 of ICAO Document 9303¹ ("Size 1 and Size 2 Machine Readable Official Travel Documents") and the way they are issued shall comply with the specifications for machine-readable cards set out therein.

The portrait of the holder shall not be affixed but integrated into the material of the front side of the card by the issuing techniques referred to in Section 5.

3. Printing techniques

The following printing techniques shall be used:

A. Background printing:

- two-tone guilloches or equivalent structures,
- rainbow colouring, where possible fluorescent,
- UV-fluorescent overprinting,
- effective anti-counterfeiting and anti-falsification motifs (especially on the biographical data page) with optional use of microprinting,
- reagent inks must be used on paper substrate,
- if the paper of the ID-card is well protected against attempts at tampering, the use of reagent inks is optional

The lay-out of the front of the card shall be distinguishable from the back of the card.

B. Form printing

With integrated microprinting (unless already included in background printing).

¹ Third edition (not yet published)

C. Numbering

The ID-card shall have a unique document number:

- printed with a special style of figures or typeface and in UV-fluorescent ink or integrated using the same techniques as for the biographical data.

It is recommended that in the ID-cards the unique document number is visible on both sides of the card.

Additional optically variable security devices shall be used on ID-cards made entirely of a synthetic substrate, e.g. ink with optically variable properties or other optically variable devices, completing the requirement of protection at least through the use of a DOVID (diffractive optically variable image device) or equivalent measures.

4. Protection against copying

An optically variable (OVD) or equivalent device, which provides for at least the same level of identification and security as currently used in the uniform format for visas, shall be used on the biographical data page and shall take the form of diffractive structures which vary when viewed from different angles (DOVID)¹ or of features with at least the same level of security, incorporated between the card layers, into the hot-sealed or an equivalent laminate or applied as an OVD overlay.

The OVD devices should be integrated into the document as an element of a layered structure, effectively protecting against forgery and falsification. In documents made of paper, they should be integrated over as wide a surface as possible as an element of the hot-sealed or an equivalent laminate or applied as a security overlay, as described in section 5. In documents made of a synthetic substrate, they should be integrated within the card layers over as wide a surface as possible or applied as a security overlay.

If a synthetic card is personalised by laser engraving, and an optically variable laser written device is incorporated therein, the diffractive OVD shall be applied at least in the form of a positioned metallised or transparent DOVID, to achieve enhanced protection against reproduction.

¹ A DOVID is an element of security with a variable and optically diffractive image with a high resolution. An optically variable image can be made of either animated elements of an image (multichannel image), or a permutation of colours, or a switch from a positive image to a negative image, or a 3D effect. Optically diffractive means the spatial distribution of light along the path of propagation for each wavelength individually, e.g. separating white light into its different coloured components.

If the card is made of a synthetic substrate with paper core, the diffractive OVD shall be applied at least in the form of a positioned metallised or transparent DOVID within the layers, to achieve enhanced protection against reproduction.

It is recommended that the biographical data area for cards be given additional protection by means of raised or embossed tactile features.

5. Issuing technique

To ensure that ID-cards data are properly secured against attempts at counterfeiting and falsification, biographical data including the holder's portrait, the holder's signature and main issue data, including the machine-readable zone, shall be integrated into the basic material of the document. Conventional methods of attaching the photograph shall no longer be used.

The following issuing techniques may be used:

- laser printing,
- thermotransfer,
- ink-jet printing,
- photographic,
- laser-engraving that effectively penetrates into the card layers bearing the security characteristics.

To ensure that biographical and issue data are adequately protected against attempts at tampering, hot-seal or equivalent lamination, for example in form of a laminated pouch or an overlay with an anti-copying device is compulsory where laser printing, thermo-transfer, ink-jet printing or photographic techniques are used. For paper based cards personalised with ink-jet printing lamination is required for sufficient durability.

For all card types it is important that also the back of the card is sufficiently protected in order that the biographical data cannot be altered from behind.

Travel documents shall be issued in machine-readable form. The layout of the ID-card shall follow the specifications given in part 3 Volume 1 of ICAO Document 9303¹ ("Size 1 and Size 2 Machine Readable Official Travel Documents"), and the issuing procedures shall meet the specifications it sets for machine-readable documents.

6. Further security features

Member States have the possibility, with regard to the points above to introduce further security features provided that these are in conformity with decisions already taken on these matters.

7. Biometric features

If ID-cards used for travel purposes contain biometric identifiers, these data shall be stored and be readable in compliance with ICAO specifications on biometrics (Document 9303 part 3² Volume 2) and European Union regulations and technical specifications for biometrics in passports, established in Council Regulation (EC) 2252/2004. Other options of biometric features can be added for national use."

TERRORISM

Recommendations on counter-terrorism

The Council approved a set of policy recommendations on counter-terrorism, with a view to their integration into the EU Counter-Terrorism Action Plan.

Implementation of the radicalisation and recruitment strategy

The Council took note of the implementation report of the Radicalisation and Recruitment Strategy and Action Plan drawn up by the Presidency and the Counter-Terrorism Coordinator in cooperation with the Commission.

¹ Third edition (not yet published)

² Third edition (not yet published)

VISAS

List of third countries whose nationals need visas when entering the EU

The Council agreed on a general approach for a draft regulation aimed at amending the lists of third countries whose nationals must be in possession of a visa when entering the EU and of those who are exempt from this requirement (16020/06). The European Parliament is expected to deliver its opinion during the December plenary session.

Regulation 539/2001¹ sets up two lists of third countries: countries whose nationals who must be in possession of visas when crossing the external borders of the EU and countries whose nationals are exempt of visa requirement. The regulation is based on the principle of reciprocity and takes account of illegal immigration and public policy criteria. It applies to short stay visas only (no longer than three months).

According to the agreed text, regulation 539/2001 would be amended so that:

- Bolivia is transferred to the visa requirement list with effect from 1 April 2007;
- Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis and the Seychelles are transferred to the visa exemption list from the date of the entry into force of agreements concluded with them;
- various categories of “British” persons who are not nationals of the United Kingdom within the meaning of Community law are added to the visa requirement list; and British nationals overseas are added to the visa exemption list.

The draft regulation also includes, subject to certain conditions, a visa exemption for holders of a "EU local border traffic card", recognised refugees, stateless persons and pupils on school excursions.

EXTERNAL RELATIONS

Cooperation with the USA

The Council adopted a Decision on the conclusion of the Agreement between the European Community and the United States of America renewing the cooperation programme in the field of higher education and vocational education and training.

¹ Published in the Official Journal L 81 of 21.3.2001.

EU support to the Chernobyl Shelter Fund

The Council adopted a decision in order to provide with EUR 14.4 million to the European Bank for Reconstruction and Development for the Chernobyl Shelter Fund in 2006 (14138/06).

The EU contribution is aimed at supporting Ukraine efforts to eliminate the consequences of the nuclear accident occurred on 26 April 1986 at the Chernobyl nuclear power plant.

The EU has already contributed EUR 90.5 million over the years 1999-2000 to the Chernobyl Shelter Fund and a further EUR 100 million over the years 2001-2005.

EUROPEAN ECONOMIC AREA

Norway - Trade preferences in cheese

The Council adopted a decision approving the conclusion of an agreement with Norway concerning adjustments of trade preferences in cheese undertaken on the basis of the European Economic Area agreement (13333/06).

Under the agreement Norway will increase the existing annual duty free tariff quota on imports of cheese originating in the European Community by 500 tonnes. The EU will merge the two existing annual duty free tariff quotas on imports of Norwegian cheese and will apply its provisions under a licensing management system.

ATOMIC QUESTIONS

Agreement with Kazakhstan

The Council adopted a decision approving the conclusion by the Commission of an agreement for cooperation in the peaceful uses of nuclear energy between the European Atomic Energy Community (Euratom) and Kazakhstan (15495/06).

TRANSPARENCY

Public access to documents

The Council adopted the reply to confirmatory application 38/c/01/06 (14660/06).