



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Presidency
to : COREPER

Subject : European Council (15 and 16 June 2006)
– Draft conclusions

Further to the discussions held in Coreper on 23 May 2006 and at Klosterneuburg, the Presidency submits the following revised draft conclusions of the European Council. This text will continue to be updated in the light of work underway elsewhere. In particular, section II (a) will need to be updated in the light of the outcome of the forthcoming JHA Council.

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1. The meeting was preceded by an exposé by Mr Josep Borrell, President of the European Parliament, followed by an exchange of views.

I. EUROPE LISTENS

2. In June 2005 the Heads of State or Government called for a period of reflection during which a broad debate should take place in all Member States, involving citizens, civil society, social partners, national parliaments and political parties, with the contribution of European institutions. The European Council welcomes the various initiatives taken in the Member States in the framework of national debates, as well as a series of events organised by the Austrian Presidency, in particular the Conference "The Sound of Europe" in Salzburg on 27/28 January 2006. The European Council expresses its gratitude to the Commission for having contributed to the reflection period in the context of its Plan D and to the European Parliament for having organised together with the Austrian Parliament the joint parliamentary meeting on the "Future of Europe" on 8/9 May 2006. The European Council welcomes the intention of institutions and Member States to carry on their activities aimed at involving citizens in the debate about what Europe should stand for in the 21st century.
3. The European Council carried out a first assessment of the reflection period. This took place on the basis of the written report prepared by the Presidency and Council Secretariat drawing on information provided by Member States on their national debates (doc. 9701/1/06 REV 1), as well as the Commission's contributions ("A citizen's agenda - delivering results for Europe", the "Plan D" initiative and the White Paper on a European Communication Policy). While worries and concerns have been voiced during these debates, citizens remain committed to the European project. They expect the Union to prove its added value by taking action in response to the challenges and opportunities facing it: ensuring peace, prosperity and solidarity, enhancing security, furthering sustainable development and promoting European values in a rapidly globalising world.
4. The European Council reaffirms its commitment to a Union that delivers the concrete results that citizens expect in order to rebuild a climate of confidence and trust, as set out in Part II, and has agreed to extend the reflection period, as set out in Part III.

II. EUROPE AT WORK

(a) *Promoting freedom, security and justice*

5. Progress on measures agreed in the Hague Programme aimed at addressing problems such as illegal immigration, trafficking of human beings, terrorism and organised crime while guaranteeing respect for fundamental freedoms and rights will be assessed in December 2006.
6. In the meantime further efforts are required, particularly as concerns:
 - following the progress made on the Schengen Information System (SIS II) and implementation of the **Schengen acquis** in the new Member States, rapid finalisation of the legislative measures on **border control** and **police cooperation** and completion of the technical preparations at EU and national levels, making operational the **Schengen Information System** and the **Visa Information System** in 2007 thus paving the way for the enlargement of the Schengen area;
 - taking work forward rapidly on the Commission's proposal on the establishment of **Common Application Centres** and the collection of biometrics for the purpose of visas and initiation of a pilot project;
 - taking work forward on **visa facilitation** and **readmission agreements** based on the Council approach, starting with the countries with a European Perspective;
 - further strengthening of practical cooperation in developing a balanced common European **asylum** system, rapid progress on relevant proposals including the amendments to the European Refugee Fund and the establishment of a list of safe countries of origin as well as on **Regional Protection Programmes** (Ukraine, Moldova, Belarus, Tanzania);
 - following the progress made on strengthening judicial **cooperation in both civil and criminal law**, rapid finalisation in particular of the Framework Decisions on the European Evidence Warrant, the protection of personal data as well as the procedural rights in criminal proceedings to be recognised to accused persons;

- intensifying **police cooperation**, in particular giving an increased role to **Europol** to support operations, as well as replacement of the Europol Convention by a Council Decision by 1 January 2008.
7. The European Council welcomes the "Vienna Declaration on Security Partnership" agreed by Member States and Neighbouring countries of the EU at the Ministerial Conference in Vienna on 4-5 May 2006 as well as the participation of the Russian Federation and the United States of America. It takes note of the first steps made towards such a partnership, e.g. improving cooperation between the EU and the Western Balkan countries to combat organised crime, corruption, illegal migration and terrorism. The European Council takes note of the "Vienna Initiative" on possible future tripartite cooperation in the field of justice and home affairs between the EU, the Russian Federation and the United States of America and invites future Presidencies to consider how this initiative might be taken forward. The European Council calls for a further swift implementation of the **Strategy for the external dimension of JHA**, with view to enhancing the coordination and coherence between JHA policies and external policies.
8. In the light of the increased cooperation with third countries of origin and transit in **migration issues** in particular in the regions neighbouring the Union, namely the eastern, south eastern and Mediterranean regions, the European Council recalls the importance of a balanced and comprehensive approach. It awaits the presentation of the Commission communication on future priorities in the field of **illegal immigration** and follow-up action and it recognises the importance of the forthcoming UN High Level Dialogue on International Migration and Development and the need for an EU common position. Against the background of recent migration events, the European Council calls for the continued of the implementation of the Global Approach to Migration, in particular regarding the priorities focussing on Africa and the Mediterranean, and welcomes in this sense the Euro-African Ministerial Conference in Rabat and the launching of dialogue in the framework of the EU-ACP (African, Caribbean and Pacific) Partnership. It looks forward to the forthcoming final report by the Commission on the Hampton Court follow-up to migration and security to be examined at its December 2006 meeting.

9. The European Council calls for the implementation of the action plans agreed under the EU **Counter Terrorism** Strategy, including the strategy against radicalisation and recruitment, to be accelerated. Work must also be sped up on the protection of critical infrastructure. The European Council awaits the Commission's first respective programme as well as concrete proposals on detection technologies. The Council and the Commission are also invited to develop measures to combat the misuse of the internet for terrorist purposes while respecting fundamental rights and principles.
10. The European Council calls upon the incoming Finnish Presidency, in close collaboration with the Commission, to explore the possibilities of improving decision-making in the area of Freedom, Security and Justice.
11. *Agency for fundamental rights*
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12. Improving the Union's **responsiveness to emergencies, crises and disasters** inside and outside the Union remains a political imperative. When such emergencies occur, citizens rightly expect a swift and effective response. This is done by Member States, primarily responsible for managing emergencies on their territory, and the European Union, which helps to organise and coordinate available assets when requested to do so.
13. The European Council endorses the Presidency report on "Reinforcing the Union's emergency and crisis response capacities" (doc. XXXX/06) which sets out the many practical steps and decisions taken to improve coordination and delivery of available assets; to get assistance quickly where it is needed; and to provide more effective consular protection to EU citizens in third countries. Furthermore, the European Council welcomes the report submitted by Michel Barnier in May 2006 as an important contribution to the debate.

14. Building on work conducted under the Austrian Presidency, priority must now be given to:
- rapid implementation of agreed measures and decisions taken as set out in the Presidency report, **including the EU emergency and Crisis Coordination Arrangements and the Setting up of a Crisis Steering Group in Brussels** and the recommendations by the Secretary-General/High Representative pertaining to the coordination and use of Member States' military assets and capabilities in support of disaster response;
 - exercising these procedures and capabilities and learning lessons from these exercises and actual operational experience to improve disaster response;
 - the further developing a European Union rapid response capability based on means that Member States make available, including interoperable civil protection modules;
 - adoption of the recast of the Community's civil protection mechanism and on the establishment of a rapid response and preparedness instrument by the end of the year;
 - an even closer cooperation among EU Member States, including joint consular service points in pre-identified regions. To this end, a joint report by the Secretary-General/High Representative and the Commission is requested by October 2006.
15. The incoming Presidency will report to the December 2006 European Council on progress achieved across the board.

(b) Promoting the European way of life in a globalised world

16. The European Council took stock of progress in several of the areas discussed at Hampton Court and at the last Spring European Council, aimed at promoting the European way of life in the face of globalisation and demographic trends.

17. **Sustainable development** means that the needs of the present generation should be met without compromising the ability of future generations to meet their needs; it is a fundamental objective of the European Union. While positive achievements in areas such as water management and energy on global level, climate change, getting prices right and better policy making have been made since the Gothenburg European Council, many challenges remain. Therefore an ambitious and comprehensive renewed EU Strategy for Sustainable Development has been adopted (document XXXX/06). The implementation of this Strategy will be closely monitored and followed up by the European Council on a regular basis.

18. **Climate change** is a global problem requiring global solutions. The European Council therefore looks forward to a successful continuation of the discussions in the framework of the UN Framework Convention on Climate Change (UNFCCC) and under the Kyoto Protocol to arrive at a post-2012 arrangement consistent with meeting the Council's objective of a maximum global temperature increase of 2°C above pre-industrial levels. The Council will therefore push in all relevant multilateral fora, including with all Parties to the UNFCCC, for a full and open dialogue on future action and on agreeing an international goal. In addition, the European Council calls on the Commission to submit without delay a report to the European Parliament and the Council on the experience of the application of the directive establishing a scheme for green house gas emission allowance trading within the Community, accompanied by proposals as appropriate.

19. The European Council welcomes the conclusion of the Inter-Institutional Agreement on the Financial Perspectives 2007-2013 providing the Union with the means to carry through its policies and stresses the importance of rapidly adopting the necessary legal instruments.

20. The re-launched **Lisbon Strategy** has already been refocused on those issues of most importance to the citizens, jobs and growth, in full coherence with the Sustainable Development Strategy; special emphasis has been laid on investment in knowledge and innovation, business potential, especially of Small and Medium Enterprises (SMEs), and employment of priority categories.

21. The European Council in particular:

- welcomes the agreement reached in the Council on the **Services Directive** and calls for a swift conclusion of the legislative process;
- recalls the importance of a simple, transparent and easy to apply **regulatory environment**;
- welcomes the Commission's intention to launch a fundamental review of the **Single Market**, to be followed by concrete proposals for completing the internal market and ensuring its effective functioning; an interim report will be presented before the March 2007 European Council;
- stresses the importance of the **social dimension** of the Union's action, and welcomes the intention of the European Commission to take stock of social realities in the EU and invites the Commission to issue an interim report before the European Council of March 2007 and to pay particular attention to the social impact of European legislation within the Commission's integrated impact assessment;
- underlines the need for investment in **knowledge and innovation**, [and welcomes] [calls for the rapid] adoption of the 7th Framework Programme and of the Competitiveness and Innovation Programme as well as the establishment of the EIB innovation facility;
- notes the significance of the Commission's communication on the challenges ahead for **universities** and encourages the Member States to promote excellence and foster modernisation, restructuring and innovation in the higher education sector in order to unlock its potential and to underpin Europe's drive for more growth and jobs;
- reaffirms that the **European Institute for Technology** will be an important step to fill the existing gap between higher education, research and innovation.

PM: Commission proposal on further steps

22. In its conclusions of March 2006 the European Council called for an **Energy Policy for Europe** and invited the Commission and Council to prepare a set of actions with a clear timetable enabling it to adopt a prioritised Action Plan at its meeting in Spring 2007. The external aspects of energy will constitute an important part of such an overall policy and will need to be included within the Action Plan.

PM: Joint Paper Commission - SG/HR for the European Council: "An external policy to serve Europe's energy interests"

(c) Improving the efficiency and coherence of its external policies

23. The European Council reaffirms the commitment of the Union and the Member States to use their substantial international influence as effectively as possible to protect and promote the interests of their citizens. The growing challenges facing the Union make it even more important to improve the efficiency, coherence and visibility of its external policies, as well as the consistency between its external and its internal policies. The European Council welcomes the proposals to that effect contained in the paper "Europe in the World", presented to the Council by the President of the Commission. It welcomes the internal measures which have already been implemented or are proposed by the Commission. It invites Member States, the High Representative / Secretary General and the Commission to take work forward with a view to improving strategic planning, coherence between the Union's various external policy instruments as well as cooperation between the EU institutions and the Member States.

The European Council agrees that a first stocktaking in relation to the implementation of these measures will be taken in the Council during the Finnish Presidency.

(d) Improving the functioning of the Union

24. The European Council agreed on a number of measures intended to enhance the functioning of the Union without requiring changes to the Treaty. This includes opening up the work of the Council and bringing more clarity to the respective responsibilities of the various actors in the work of the Union.

25. A pre-requisite for increasing the trust and confidence of citizens in the European Union is that they are able to get first hand insight into its activities. The European Council therefore decides to further open up the work of the Council and agrees on an **overall policy on transparency** (Annex I). In particular, all Council deliberations under the co-decision procedure shall now be public. It requests the Council to rapidly take the measures necessary to ensure implementation of the new policy.
26. In view of the importance of the principles of **subsidiarity and proportionality**, the European Council welcomes the initiative taken by the Austrian Presidency to hold a conference on subsidiarity in St. Pölten on 18/19 April 2006, as a follow-up to last year's conference in the Hague. In that context the ideas developed at these conferences should be examined and future Presidencies encouraged to carrying this initiative forward.

The European Council notes the inter-dependence of the European and national legislative processes. It therefore welcomes the Commission's commitment to make all new proposals and consultation papers directly available to national parliaments. The national parliaments are therefore encouraged to strengthen cooperation within the framework of the Conference of European Affairs Committees (COSAC) when monitoring subsidiarity.

The European Council further recalls that the confidence of citizens in the European project can be strengthened if European legislation reflects more strongly the added value of EU action. It therefore invites the Council, the European Parliament and the European Commission to draw up a standard subsidiarity and proportionality check list that shall be applied in the European legislative process.

27. The European Council equally welcomes the [progress made by] [positive outcome of discussions between] the European Parliament, the Council and the Commission on the comitology reform. The newly agreed provisions will enhance scrutiny of the legislator with regard to the Commission's implementing powers in areas subject to co-decision, thus improving the **comitology** procedures.

28. Progress has been made since its last meeting in all fields of **Better Regulation** and all institutions and Member States are urged to implement their respective commitments as set out in the 2003 Inter-Institutional Agreement on Better Law Making. The European Council calls on the Member States to take initiatives at national level, including through their national reform programmes, in order to reduce administrative burdens on enterprises. It invites the Commission to report on the progress made at national and Community levels by early 2007. The Spring European Council should draw conclusions on further steps to be taken. Priority should be given to reducing unnecessary administrative burdens, which pose a significant barrier to a more innovative and knowledge-intensive economy. In this context, the European Council looks forward to an announcement of ambitious, measurable reduction targets by early 2007, in time for the Spring European Council.
29. The European Council welcomes the further embedding of the use of impact assessments in decision-making in the work of all institutions as a crucial element in the legislative process. The European Council also welcomes the implementation of the Commission's programme to simplify existing legislation, looks forward to receiving a report from the Commission in the second half of 2006, and requests that relevant Council formations give priority to specific simplification proposals. It stresses the importance of extending the simplification programme to all relevant branches of the European economy. The European Council also takes note of the successful conclusion of the Commission's 2005 screening exercise and invites the Commission to continue to screen pending proposals.

III. LOOKING AHEAD TO FUTURE CHALLENGES

(a) p.m. Constitutional process

(b) Enlargement

General

30. The European Council takes note of the initial discussions on enlargement held at the informal Foreign Ministers meeting in Salzburg on 11 March and in Klosterneuburg on 27-28 May 2006. It agreed to continue and deepen this general discussion during the second half of 2006.
31. It recalls that enlargement has proved a historic opportunity contributing to ensure peace, security, stability, democracy, the rule of law as well as growth and prosperity in the European Union as a whole. Enlargement is equally helping the EU to become a more competitive and dynamic economy and to be better prepared to meet the challenges of a globalised and changing world. The European Council notes in this context the Commission's report on the economic success of the historic enlargement of the Union in 2004.
32. With regard to the ongoing enlargement process the European Council emphasized that every effort should be made to protect the cohesion and the effectiveness of the Union. Just as in the past it will be important to ensure in future that the Union will be able to function effectively and to further Europe's common project. Therefore the European Council will have a debate on all aspects of further enlargements, including the Union's capacity to absorb new members, at its meeting in December 2006. The Commission is invited to present a special report on the criterion of the Union's absorption capacity at the same time as it tables its annual progress reports on the enlargement and pre-accession processes. This report will focus in particular on legal, institutional and financial aspects as well on the perception of enlargement by public opinion within the Union and should take into account the need to explain the enlargement process adequately to the public within the Union.

Bulgaria and Romania

33. It is the Union's common objective to welcome Bulgaria and Romania in January 2007 as members of the Union if they are ready. On the basis of the Commission's Monitoring Report of May 2006 the European Council confirms this position. While commending both countries for the reform efforts undertaken lately, the European Council calls on Bulgaria and Romania to rigorously step up their efforts to tackle decisively and without delay the remaining issues of concern as mentioned in the Commission's May 2006 report.
34. The European Council remains convinced that, with the necessary political will, both candidates can overcome the deficits stated to reach the envisaged date of accession on 1 January 2007. It encourages Member States to complete the ratification of the Accession Treaty on time, irrespective of the Commission report expected in early autumn.

Turkey

35. The European Council reviewed progress made in the acquis screening and welcomes the start of substantive accession negotiations with Turkey. Turkey is expected to share the values, objectives and the legal order set out in the treaties. The Union is committed to support Turkey in its efforts to comply with the Union's standards and membership obligations, including the Copenhagen criteria.
36. The European Council recalls, in line with previous conclusions, that the current negotiations are based on each country's own merits and that their pace will depend on each country's progress in preparing for accession measured against the requirements set out in the Negotiating Framework. This includes the compliance with contractual obligations under the Association Agreement, including the Customs Union and the implementation in 2006 of the Additional Protocol as well as the implementation of the revised Accession Partnership.

37. The European Council calls on Turkey to intensify the reform process and to implement it fully and effectively throughout the country, so as to ensure its irreversibility and sustainability as well as to progress towards the fulfilment of the Copenhagen political criteria.

Croatia

38. The European Council reviewed progress made in the acquis screening and welcomes the start of substantive accession negotiations with Croatia. Croatia is expected to share the values, objectives and the legal order set out in the treaties. The Union is committed to support Croatia in its efforts to comply with the Union's standards and membership obligations, including the Copenhagen criteria.
39. The European Council recalls, in line with previous conclusions, that the current negotiations are based on each country's own merits and that their pace will depend on each country's progress in preparing for accession measured against the requirements set out in the Negotiating Framework. This includes contractual obligations under the Stabilisation and Association Agreement as well as the implementation of the Accession Partnership.
40. The European Council encourages Croatia to continue its reform efforts and to achieve sustainable progress towards the fulfilment of EU standards.

Western Balkans

41. The European Council reconfirmed the European perspective of the Western Balkans as set out in the Stabilisation and Association Process, the Thessaloniki Agenda and the Salzburg Declaration of March 2006. In this respect, the European Council confirmed that the future of the Western Balkans lies in the European Union. Each country's progress towards the European Union will continue to depend on individual merits in meeting the conditions and requirements set forth in the Copenhagen criteria and in the Stabilisation and Association Process, including full cooperation with the ICTY. All Western Balkan countries have in the last year made significant steps along their road towards the EU, with EU membership as ultimate goal in conformity with the Thessaloniki Agenda. The Council welcomed the initial progress made in the implementation of the Commission's Communication "The Western Balkans on the Road to the EU: consolidating stability and raising prosperity". The European Union will continue assisting the Western Balkan countries through practical measures to make the European perspective more tangible and is looking forward to concrete results in the near future notably in areas such as regional free trade and visa facilitation in line with the common approach.

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EXTERNAL RELATIONS

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AN OVERALL POLICY ON TRANSPARENCY

With a view to further increase openness, transparency and accountability, the European Council agrees on the following measures aiming at a stronger involvement of citizens in the work of the Union:

- All Council deliberations on legislative acts to be adopted by co-decision shall be open to the public as shall the votes and the explanation of votes by Council Members. The Council or Coreper may decide in individual cases that a given deliberation should not be open to the public.
- The Council's first deliberations on legislative acts other than those adopted by co-decision, which given their importance are presented orally by the Commission in a Council session, shall be open to the public. The Presidency may decide in individual cases that the Council's subsequent deliberations on a particular act shall be open to the public, unless the Council or Coreper decide otherwise.
- The Council shall regularly hold public debates on important issues affecting the interests of the Union and its citizens. Such debates will be held further to a decision by the Council or Coreper, acting by qualified majority. Implementation of this commitment shall start during the incoming Presidency, which would submit proposals for such public debates taking into account the importance of the matter and its interest to citizens.
- The General Affairs and External Relations Council's deliberations on the 18 month programme shall be public, as shall other Council formations' deliberations on their priorities. The Commission's presentation of its five year programme, of its annual work programme and of its annual policy strategy, as well as the ensuing debate, shall be public.

- All public deliberations shall be broadcasted in all languages through video-streaming and there shall be an obligation for a recorded version to remain available for at least a month on the Council's internet site.
- The incoming Presidency is invited, together with the General Secretariat of the Council, to develop new means of giving more publicity to public deliberations, in particular through the Council's web site and mailing list, an easily accessible and constantly updated list of forthcoming debates, appropriate background material, as well as direct communication to target audiences. They will work closely together to provide the media and citizens with an open, rapid and technically advanced communication service.
- The General Secretariat of the Council shall inform the public in advance of the dates and approximate time on which public debates will take place and shall take all practical measures to ensure proper implementation of the rules of transparency.

