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Til underretning for Folketingets Europaudvalg vedlægges formandskabet reviderede kommenterede dagsorden vedrørende Det Europæiske Råds møde i Bruxelles den 12.-13. december 2003, 15418/03.

Anders Fogh Rasmussen



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 December 2003

15418/03

LIMITE

POLGEN 80

NOTE

From : The Presidency

To : Coreper / Council

Subject : *European Council (12/13 December 2003)*
– *Annotated draft agenda*

In line with the Seville European Council Conclusions and the Council's Rules of Procedure the General Affairs and External Relations Council at its meeting on 17 November 2003, acting on a Presidency proposal, drew up an annotated draft agenda for the meeting of the European Council on 12/13 December 2003.

Progress achieved in work to date has enabled the Presidency to draw up the revised annotated draft agenda reproduced hereafter, which will be fleshed out further in the run-up to the GAERC on 8 December 2003. It should be noted that preparatory work on a number of agenda items will only be finalised at that meeting of the GAERC.

The Presidency recalls, finally, that on the occasion of the European Council, Heads of State or Government will also meet as an InterGovernmental Conference on the new Treaty. Furthermore, an extraordinary Social Summit will hold initial discussions on the follow-up to the report of the European Employment Task Force headed by Mr. Wim Kok.

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The Presidency intends to limit the agenda to the following items:

1. Economic growth
2. Freedom, security and justice
3. Enlargement
4. Cyprus
5. External relations, CFSP and ESDP
6. Other decisions

1. ECONOMIC GROWTH

European Action for Growth

The European Council is expected to endorse the European Action for Growth, on the basis of the report presented by the ECOFIN Council. The Action covers material as well as immaterial investments in two broad areas: the trans-European network infrastructure (TENs) including transport, telecommunications and energy, and innovation and R&D. It is an important step in the implementation of the Union's Lisbon agenda to improve competitiveness, employment and the enlarged Union's growth potential through higher investment in both physical and human capital. The European Council is expected to welcome the work carried out by the Commission, the EIB and the relevant formations of the Council on the establishment of a "quick start programme", which is a dynamic and open process, and the identification of a provisional list of projects according to a strict set of criteria.

The Action for Growth rests on a close collaboration between the Member States, the Council, the Commission and the EIB. All relevant actors have to play their role in order for the Action to succeed, in particular by taking the necessary steps to ensure implementation of the "quick-start programme", so that the EIB and other relevant actors can provide appropriate financing. The mobilisation of private resources to finance qualifying projects is the cornerstone of the Action for Growth. The Action for Growth assumes the part financing of projects from national budgets, in particular by optimising the use of existing public resources, and a contribution from the EU and the EIB. The European Action for Growth will be consistent with the BEPGs, the Stability and Growth Pact, the Financial Perspective and the agreed framework for the EIB's capital. The European Council is expected to welcome the political agreement in the Council on the TENs financial regulation providing for a higher rate of Community co-financing for some specific projects or sections of projects.

The European Council is therefore expected to invite:

- the EIB, in accordance with the ECOFIN Council report, to implement the financial instruments aiming at leveraging private capital, and to develop Securitisation Trusts and within the limits of the Bank's Statutes work with the Member States as they seek to mobilise resources by bringing infrastructure assets to markets,
- Member States to act rapidly to eliminate technical, legal and administrative obstacles to the implementation of PPPs, TENs and innovation and R&D projects and improve the non-financial framework conditions for these projects,
- the Commission, in accordance with the ECOFIN Council report, to redirect expenditure where appropriate towards growth-enhancing investment in physical and human capital and knowledge, and, in cooperation with the Member States, to further examine the development of a specific Community guarantee instrument for certain post-construction risks in TEN transport projects,
- the relevant accounting bodies to come up with clear and definite financial guidelines within which these projects can be undertaken,
- the Commission and the EIB, to provide a mid-term evaluation of the Action for Growth by the end of 2007, on the basis of the following criteria: (i) effects on growth; (ii) impact on the internal market and cohesion in the enlarged EU; (iii) mobilisation of private sector capital, (iv) acceleration of the implementation of TENs and innovation and R&D projects; (v) progress in reducing regulatory barriers; (vi) the impact on employment.

Connecting the Internal Market: TENs

The European Council is expected to welcome the Council political agreement on the new Community guidelines for the development of the Trans-European Transport Network, based on the work carried out by the Van Miert Group. These will allow all Member States of the enlarged Europe to participate fully in the Internal Market.

[to be completed in the light of the outcome of work in the relevant Council]

The priority projects identified by the guidelines are crucial to the strengthening of Internal Market cohesion, especially in view of the forthcoming enlargement of the European Union and of the need to remove bottlenecks in the circulation of goods (transit) across natural barriers.

Competitiveness

The European Council is expected to take note with interest of progress on defining an integrated horizontal approach to competitiveness, i.a. through coherence, synergies and complementarities between policies, and to invite the Council to assess further the Commission's communication, in particular identifying, in cooperation with the Commission, proposals having a significant impact on competitiveness. Convinced of the importance of the industrial sector for the competitiveness of the European economy and in view of the objectives set by the Lisbon strategy, the European Council is expected to look forward to receiving the Commission's report on de-industrialisation in time for the Spring Council in 2004.

The European Council is expected to welcome the agreement on a general approach on take-over bids, which is an essential component of the Financial Services Action Plan for the integration of European financial markets by 2005. The European Council should also recall the need to approve urgently the Community patent on the basis of the common political approach already reached in March 2003.

Employment

[Language to be updated in the light of the results of the extraordinary Social Summit]

The Task Force Report underlines the need to accelerate the implementation of the necessary reforms on employment. Europe has a large gap to bridge to achieve the employment objectives set at Lisbon. Economic growth is insufficient and unemployment is much too high. This is all the more urgent in the light of the wider, longer-term challenges Europe faces, such as globalisation, worldwide economic transformation and the consequences of the ageing society.

Despite Lisbon's call for a substantial increase in investment in human capital, levels of investment are not progressing significantly and lifelong learning systems are still inadequately developed. Human capital plays a major role in determining productivity, employment and growth. In an age of globalisation, with easier access to capital, technology and equipment, the primary factor determining success is the availability of an educated, skilled and adaptable labour force.

The European Council is therefore expected:

- to underline the urgent need for Europe to increase investment in human capital and strengthen effective lifelong learning systems;
- to reinforce the partnership approach, which requires joint initiatives by public authorities, business and the social partners at all levels, in order to achieve the fulfilment of the Lisbon agenda;
- to encourage the European Investment Bank to play a more important role in facilitating investment in human resources;
- to direct a significant part of economic and social cohesion funding post-2006 to human capital investment and lifelong learning;
- to acknowledge the Task Force's message that employment is a key driver for growth and social cohesion, and that Member States need to step up their efforts to boost job creation and maximise the EU's performance;
- to invite the Commission and Council to consider the Task Force report and its follow-up the centrepiece of the Spring Council.

2. FREEDOM, SECURITY AND JUSTICE

Managing the Union's common borders

The European Council is expected to welcome the political agreement reached by the Council on the main elements of the Commission proposal for a Council Regulation establishing a European Agency for the Management of operational cooperation at the External Borders. It is also expected to invite the JHA Council to finish examining the proposal as soon as possible so that it can be adopted in time to allow the Agency to become operational by 1 January 2005.

The European Council also is expected to welcome the adoption of the Programme of measures to combat illegal immigration across the maritime borders, which takes into account the results of the feasibility study carried out for the Commission on maritime borders. It is expected to call on the JHA Council, in close cooperation with the Commission and the Member States, to ensure the implementation of the measures set out in the Programme in order for the next European Council to evaluate the results.

In the perspective of the enlargement, the European Council is expected to welcome the measures aimed at easing control procedures at the borders between Member States and acceding States, as well as those aimed at supporting the latter in their process of alignment to the *acquis* on external borders.

Controlling migratory flows

The European Council is expected to welcome the political agreement reached by the Council on the two Commission proposals for Council Regulations on biometric identifiers in visas and residence permits and is expected to invite the Commission to submit in due time a proposal for the introduction of biometric identifiers in passports. On the basis of the forthcoming Commission communication, it is expected to invite the Council to take the necessary decisions on the development of the Visa Information System (VIS) as soon as possible.

The European Council is expected to welcome the achievements in the field of return. Moreover, confirming the request it made in Thessaloniki, it is expected to invite the Commission to present at the beginning of 2004 a proposal for a financial instrument aimed at supporting a common approach in the area of return policy.

The European Council is expected to welcome progress achieved in the negotiation for the adoption of the two Council Directives on asylum qualification and procedures. It is expected to take note of the persisting political obstacles that have been delaying the conclusion of these negotiations. On the other hand, it is expected to reaffirm the importance of developing a common European policy on asylum and to invite the JHA Council to complete its work as soon as possible to ensure that the first phase of the establishment of a European Asylum system is fully implemented within the deadline set in Tampere.

Finally, the European Council is expected to reaffirm the importance of the dialogue with third countries of origin and transit of migratory flows and welcome the interinstitutional agreement reached by the European Parliament and the Council on the Regulation establishing the new financial instrument relating to cooperation with third countries in the area of asylum and migration. It is also expected to welcome the adoption by the Council of the mechanism for monitoring and evaluating third countries in the area of the fight against illegal migration and to invite the Commission to present the first report on its implementation by the end of 2004 at the latest.

Judicial and Police Cooperation

The European Council is expected to welcome further progress achieved by the Council in the area of police cooperation, taking into special consideration the signature of the Protocol amending the Europol Convention. On this basis, Europol will assume an increasingly important role in the action carried out by Member States in fighting organized crime and terrorism.

The European Council is expected to urge the Council to invite the competent authorities of the Member States to use more effectively the existing instrument of judicial and police cooperation, including joint investigation teams. It is also expected to welcome progress in the intensification of police cooperation with several third countries of strategic importance for the EU as far as the fight against organized crime is concerned.

The European Council is also expected to welcome the political agreement reached by the Council on the Commission proposal for a Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking.

Interfaith Dialogue

The European Council is expected to welcome the results of the Conference on Interfaith Dialogue which took place in Rome on 30 and 31 October 2003 and to take note with satisfaction of the Declaration on Interfaith Dialogue and Social Cohesion adopted by Ministers of the Interior. Convinced of the importance of this issue, it is expected to invite Ministers of the Interior to develop it further.

The Council is expected to reaffirm the EU's firm commitment to oppose all forms of religious and racial intolerance whenever and wherever they occur.

The European Council is expected to underline its deep concern by the overall rise in anti-Semitic instances of intolerance and strongly condemns all manifestations of anti-Semitism, including attacks against religious sites and individuals.

3. **ENLARGEMENT**

The European Council welcomes the findings and recommendations of the Commission contained in its Comprehensive Monitoring Reports, the Strategy Paper and the Regular Reports presented on 5 November 2003.

New Member States

The Union looks forward to welcoming the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia as full members of the Union on 1 May 2004. Integrating these countries into the European family after decades of cruel and artificial division will fulfil the aspirations of European citizens throughout our continent.

The European Council notes with satisfaction the high level of alignment in most areas of the *acquis* achieved by the new Member States in the run-up to accession and invites them to intensify and complete their final preparations for membership. The European Council endorses the Council conclusions of 17 November 2003 on monitoring their state of preparedness for EU membership. In this context, it notes the Commission's determination to take, wherever necessary, all appropriate measures to safeguard the smooth functioning of all EU policies in the enlarged Union.

The European Council also notes with satisfaction the advanced state of the ongoing process of ratification of the Accession Treaty and looks forward to its timely completion.

Bulgaria and Romania

The European Council underscores the continuity and irreversibility of the ongoing enlargement process of which Bulgaria and Romania form an integral part. Over the past year, these countries have significantly brought forward their preparations for membership, which is reflected in the well-advanced state of their accession negotiations.

Welcoming Bulgaria and Romania in 2007 as members of the Union, if they are ready, is the common objective of the Union of 25. Negotiations will be concluded on the same basis and principles applied to the ten acceding States. Bulgaria and Romania should continue energetically their preparations and make further progress on the ground so that the accession negotiations can be brought to a successful conclusion in 2004 on the basis of own merits, and a common Accession Treaty can be signed as soon as possible in 2005. The European Council underlines the determination of the Union to facilitate this time line. To this end, it is crucial for both countries to bring their administrative and judicial capacity up to the required level.

Furthermore, the European Council encourages Bulgaria and Romania to continue on the path of economic and structural reform in order to take full advantage of the benefits offered by the accession process. Close monitoring by the Union of the commitments undertaken and of the effective implementation of the *acquis* will continue to guide Bulgaria and Romania in their membership preparations.

Regarding the financial framework for Bulgaria and Romania, the Commission is invited to submit its proposal at the very beginning of 2004 so as to enable the Council to give the necessary guidance for the Commission to present Draft Common Positions on the relevant negotiating chapters in Spring 2004. In this context, the European Council takes note of the Commission's intention to base its proposal on the principles and methodology developed for the negotiations with the ten acceding States. The European Council restates its resolve that discussions or agreement on future policy reforms, or the new financial perspective, will neither impede the pursuit and conclusion of accession negotiations nor be prejudged by the outcome of those negotiations.

Turkey

The European Council welcomes the considerable and determined efforts by the Turkish government to accelerate the pace of reforms, many of which are significant in political and legal terms. The legislative packages so far adopted, the first important steps taken to ensure effective implementation, as well as the progress in addressing many priorities under the Copenhagen political criteria and in the revised Accession Partnership have brought Turkey closer to the Union. Turkey has also made significant progress in meeting the Copenhagen economic criteria. However, further sustained efforts are needed, in particular as regards strengthening the independence and functioning of the judiciary, the overall framework for the exercise of fundamental freedoms (association, expression and religion), the further alignment of civil-military relations with European practice, the situation in the Southeast of the country and cultural rights, as well as overcoming existing macro-economic imbalances.

The Union takes note of Turkey's expressions of political will to contribute to settling the Cyprus problem. A settlement of the Cyprus problem would greatly facilitate Turkey's membership aspirations.

The European Council encourages Turkey to build on the substantial progress achieved so far in its preparations for membership and underlines its commitment to work towards full implementation of the pre-accession strategy with Turkey, including the revised Accession Partnership, in view of the decision to be taken by the European Council in December 2004.

4. CYPRUS

In line with its relevant conclusions, the European Council reiterates its preference for a reunited Cyprus to join the Union on 1 May 2004, in order to allow all Cypriots to enjoy a secure and prosperous future and the benefits of EU accession. It considers that there is a good prospect of reaching a just, viable and functional settlement by 1 May 2004 consistent with the relevant UN Security Council resolutions. The European Council therefore again urges all parties concerned, and in particular Turkey and the Turkish Cypriot leadership, to strongly support the UN Secretary General's efforts and, in this context, calls for an immediate resumption of the talks on the basis of his proposals. The Union reiterates its willingness to accommodate the terms of a settlement in line with the principles on which the EU is founded. In such an event, the Union is ready to provide financial assistance to the northern part of Cyprus and the Commission would be called upon to prepare all necessary steps for lifting the suspension of the *acquis*.

5. EXTERNAL RELATIONS, CFSP, ESDP

External Relations

Western Balkans

The European Council is expected to take note of the positive developments since the EU-Western Balkans Summit in Thessaloniki on 21 June 2003. The Commission's report on the preparedness of Bosnia and Herzegovina to negotiate an SAA has been presented and a similar feasibility report for Serbia and Montenegro is being prepared. The negotiations on a Stabilisation and Association Agreement (SAA) with Albania continue. The SAAs with the former Yugoslav Republic of Macedonia and Croatia are under ratification. The Croatian application for EU membership is currently under examination by the Commission, whose opinion is expected in Spring 2004. Concrete progress has been made in promoting regional cooperation, particularly in the areas of free trade, energy and infrastructures.

In certain cases, however, the pace of the reform process remains slow. The European Council is therefore expected to call on the countries of the region to intensify their reform efforts, especially in areas – public administration, the judicial system and the fight against organised crime and corruption – which are essential for EU integration. In this respect, the European Council is expected to welcome the Joint Conclusions of the meetings of Foreign Ministers and of Ministers responsible for Justice and Home Affairs, held on 9 December and on 28 November 2003 within the framework of the EU-Western Balkans Forum, and hopes that the relevant commitments will be rapidly translated into concrete actions.

Recalling its conclusions in Thessaloniki, the European Council is expected to reiterate its determination to fully support the European perspective of the Western Balkan countries. It is expected to welcome progress already made in enriching the Stabilisation and Association Process with elements drawn from the enlargement experience: a draft Council regulation for individual European Partnerships during Spring 2004 is under examination; preparations for the participation of the Western Balkan countries in Community programs and agencies are ongoing; twinning is about to be extended to the entire region; economic dialogue will start in early 2004; political dialogue and cooperation in CFSP matters have been enhanced.

Euromediterranean Partnership

[Language to be completed in the light of the results of the Euromediterranean Ministerial Conference (Naples, 2-3 December 2003)].

In this context [i. e., of the results of Naples] the European Council is expected to welcome the ECOFIN Council decision to develop further the Facility for Euro-Mediterranean Investment and Partnership (FEMIP) by reinforcing the FEMIP within the European Investment Bank. In line with the Barcelona European Council remit, the decision was taken on the basis of the performance of the FEMIP, which was evaluated positively, and consultation with Mediterranean Partner countries. The Council is expected to invite the ECOFIN Council to assess the incorporation of an EIB majority-owned subsidiary dedicated to the Mediterranean partner countries in December 2006, on the basis of an evaluation of the reinforced Facility's performance, and taking into account the outcome of consultations with the Barcelona Process partners.

Iraq

[Language to be submitted in the light of the latest developments of the international scene].

Iran

[Language to be submitted in the light of the latest developments of the international scene].

Middle East Peace Process

[Language to be submitted in the light of the latest developments of the international scene].

Arab world

The European Council is expected to endorse the detailed work programme on relations with the **Arab world** formulated by the SG/HR and the Commission.

Transatlantic relations

The European Council is expected to consider that the transatlantic relationship remains irreplaceable. This relationship has helped bring peace and stability to the European continent and now extends to cooperation on global issues of vital mutual importance. Through constant dialogue and on an equal footing, we therefore commit ourselves to enhance our cooperation with the US on all issues of relevance and to translate our common values into a community of action, making full and effective use of multilateral institutions. Particular attention should be paid to working together on regional crises, the fight against terrorism and efforts to prevent the proliferation of weapons of mass destruction. The development of ESDP and the strategic partnership between the EU and NATO will enhance the overall effectiveness of the transatlantic community.

The European Council is expected to welcome the positive results of the meeting held in Brussels on 18 November 2003 with the Secretary of State Colin Powell.

Strong transatlantic cooperation is needed to foster economic growth and sustainable development, in particular through a common commitment to conclude successfully the Doha Development Agenda. The two sides of the Atlantic should also intensify cooperation on regulatory issues and other subjects such as the "Positive Economic Agenda" inter alia as a means of preventing trade disputes.

The European Council is furthermore expected to welcome all forms of dialogue between the legislative bodies and civil societies of the two sides of the Atlantic.

As regards Canada, the European Council is expected to welcome progress made on the review of EU-Canada relations and the shape of a Trade and Investment Enhancement Agreement. The outcome of this review will lend new impetus to a close and valued relationship.

Russian Federation

The European Council is expected to take stock of the Union's relations with the Russian Federation and to welcome the close and effective working relationship established with Russia across a wide range of policy areas. It is expected to reaffirm the Union's determination to build a balanced and reciprocal strategic partnership with Russia, based on the values of the rule of law, democracy, human rights and fundamental freedoms and a free market economy.

The European Council is expected to reiterate the principal objective of creating, in the medium-long run, four Common Spaces on the basis of the S. Petersburg Declaration. In this sense the Rome Summit held on 6 November 2003 marked an important step forward with the adoption of the Common Economic Space concept and with fundamental decisions that lay the ground for the creation of the three other Spaces.

The European Council is therefore expected to invite the Council, in view of the European Council in June 2004, to conduct a comprehensive review of all aspects of the Union's relationship with Russia and to propose measures aimed at strengthening the strategic partnership and the respect of the values on which it is based. In this context, and emphasising the opportunities offered to Russia by the impending enlargement of the European Union, the European Council is expected to stress that the Partnership and Cooperation Agreement will remain the cornerstone of its relations with Russia, and to look forward to its extension to the new EU member states by 1 May 2004.

The European Council is expected to welcome progress made in cooperation within the framework of ESDP, as evidenced by the Russian participation in the joint EU-NATO crisis management exercise CME/CMX 03. It is now expected to look forward to practical cooperation in specific situations. In this regard, it is expected to highlight the opportunities for the EU and Russia to jointly promote stability, democracy and prosperity in their common neighbourhood.

Latin and Caribbean America

The European Council is expected to welcome with satisfaction the impetus recently given to negotiations for a EU-Mercosur Association Agreement and to call for this to be finalised as soon as possible.

The Council furthermore is expected to express satisfaction at the conclusion of negotiations for the two Agreements on Political Dialogue and Cooperation with the Andean Community and Central American Countries which will be signed in Rome on 15 December 2003.

Both these developments and the recently started political dialogue between the EU and the Organization of American States are a concrete sign of the attention the EU continues to pay to Latin and Caribbean America and of its will to strengthen be-regional relations.

Africa

The European Council is expected to reaffirm the importance of the partnership with Africa and to welcome the strengthening of the EU-Africa dialogue as outlined by the positive and constructive outcome of the EU-Africa Ministerial Troika in Rome on 10 November 2003.

In this context the European Council is expected to recognise the importance of restoring peace and security in Africa as a pre-requisite for development and to welcome the establishment of a Peace Facility for the financing of African peace supporting operations on the basis of the principles of ownership and solidarity.

The European Council is expected to reiterate that the European Union remains committed to supporting the peace processes in the continent such as in the Great Lakes, Liberia, Ivory Coast, Sudan, Somalia, Ethiopia-Eritrea. It is expected to welcome the growing role played by the African sub-regional organisations (ECOWAS, IGAD, SADC) in this regard as well as in the field of regional integration and development.

Green Diplomacy

The European Council is expected to welcome the definition of the scope of activity and the modus operandi of the "Green Diplomacy Network" as contained in the conclusions of the ad hoc Meeting of Rome following the conclusions of the Thessaloniki Council and to look forward to the full implementation of its tasks. To this end the European Council is expected to invite the incoming Presidency to carry on the work done by the Greek and Italian Presidencies.

Ukraine

The European Council is expected to take note of the report on the implementation of the Common Strategy on Ukraine and to agree to extend the period of its application by one year.

CFSP/ESDP

- The European Council is expected to
 - adopt the EU **Security Strategy** submitted by the SG/HR,
 - consider the question of **weapons of mass destruction** on the basis of the Presidency report on the implementation of the Action Plan in this regard and of the common position and conclusions adopted by the GAERC,
 - endorse the regular report on progress achieved on developing **ESDP**,
 - confirm the EU readiness for a ESDP mission in Bosnia and Herzegovina in agreement with NATO.

6. OTHER DECISIONS

Multiannual Strategic Programme

The European Council is expected to adopt the first Council Multiannual Strategic Programme, covering the period 2004-2006. This programme, while providing a strong framework and timelines for implementing commonly agreed priorities and specific objectives, must remain responsive to evolving circumstances both within and without the Union. Accordingly, the European Council will agree adjustments to the programme at its future meetings in December should major developments call for such action.

Residence Palace

The European Council is expected to welcome the offer and the overall framework of the Belgian Government's proposal that it should use block A of the Residence Palace building, after it has been refurbished, for its meetings. The European Council is expected to thank the Belgian Government for this initiative and instruct Coreper and the General Secretariat of the Council to consider and define as quickly as possible the detailed arrangements for putting this plan into effect.