



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 June 2006

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LIMITE

POLGEN 77

NOTE

from : Presidency
to : COREPER/Council

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

The Presidency submits the following revised draft conclusions of the European 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. It also welcomed the Commission's contribution "A Citizen's Agenda for Europe".
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), the "Plan D" initiative and the White Paper on a European Communication Policy. While worries and concerns have been voiced particularly among young people and women during all public debates, citizens remain committed to the European project. They want to have a say in European policy making. Citizens 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 Union's commitment to becoming more democratic, transparent and effective goes beyond the reflection period. The European Council reaffirms its commitment to a Union that delivers the concrete results citizens expect, in order to strengthen confidence and trust, as set out in Part II. The European Council 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 as soon as possible;
 - taking work forward rapidly on the Commission's proposal concerning the establishment of **Common Application Centres** and the collection of biometrics for the purpose of visas and initiation of a pilot project, as well as taking work forward on a Community code of visas;
 - taking work forward on **visa facilitation** and **readmission agreements** based on the process and considerations laid down in the common approach on facilitation, starting with the countries having 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);
- achieving further progress on strengthening judicial **cooperation in both civil and criminal law**, rapid finalisation in particular of negotiations on the procedural rights of accused persons in criminal proceedings and on the Framework Decisions on the European Evidence Warrant and the protection of personal data;
- intensifying **police cooperation**, in particular giving an increased role to **Europol** to support operations.

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 further swift implementation of the **Strategy for the external dimension of JHA**, with a view to enhancing the coordination and coherence between JHA policies and external policies.

8. Developing the **Global Approach to Migration** agreed in December 2005 is a fundamental priority for the Union. Recent events reinforce this assessment. In this context the European Council looks forward to the forthcoming report by the Commission on the Hampton Court follow-up to migration and security to be presented at its December 2006 meeting. In the meantime the European Council:

- welcomes the concrete cooperation measures taken by the Commission, Frontex and some Member States in the wake of recent events in the Canary Islands and calls for enhanced efforts on maritime operational cooperation with a view to developing adequate surveillance capacities at the sea borders as well as on the establishment of Rapid Border Intervention Teams;
- underlines the priority of enhancing cooperation on migration with African and neighbouring countries and calls for a balanced dialogue on migration with African States, regional organisations and the African Union through a pan-African conference on migration and development;
- welcomes the Euro-African Ministerial Conference in Rabat, as a first step to a regular comprehensive dialogue with African countries as well as the launching of a EU-ACP (African, Caribbean and Pacific) dialogue on migration and expects a EUROMED JHA Ministerial to consider migration;
- looks forward to the presentation by the Commission of a communication on future priorities in the field of illegal immigration and follow-up action;
- calls on implementation of AENEAS funded projects on migration, providing financial and technical assistance to third countries in support of their efforts to ensure more effective management of all aspects of migration flows;
- recognises the importance of the forthcoming UN High Level Dialogue on International Migration and Development and the need for an EU common position;
- calls for discussions to be taken forward on the Commission's Policy Plan on Migration.

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 relevant 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. In the context of the review of the Hague Programme, the European Council calls upon the incoming Finnish Presidency to explore, in close collaboration with the Commission, the possibilities of improving decision-making and action in the area of Freedom, Security and Justice on the basis of existing treaties.
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. While Member States are responsible for managing emergencies on their territory or assisting their citizens abroad, the European Union can, in a spirit of active solidarity, play a role by coordinating a political response and by helping 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 steps and decisions taken as set out in the Presidency report. These include the EU Emergency and Crisis Coordination Arrangements, which set up an ad hoc Crisis Steering Group in Brussels and should be operative as of 1 July 2006, 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;
 - further developing the European Union's rapid response capability based on means that Member States make available, including civil protection modules, which should be identified and coordinated in order to make this response efficient and capable of ensuring a high level of protection for the European citizen;
 - 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 mutual consular assistance points in pre-identified regions. To this end a joint report by the Secretary-General/High Representative and the Commission is requested in the second half of 2006.
15. The Council is invited to take work forward on the basis of the suggestions contained in the Presidency report, building on further input from the Commission and the Secretary-General/High Representative. 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 meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. It is a fundamental objective of the European Union. Sustainable development is about safeguarding the earth's capacity to support life in all its diversity. It is based on democracy, gender equality, solidarity, the rule of law and respect for fundamental rights. While positive achievements have been made since the Gothenburg European Council, many challenges remain. The European Council therefore adopts an ambitious and comprehensive renewed EU Strategy for Sustainable Development (document XXXX/06). The implementation of this Strategy will be closely monitored and followed up by the European Council on a regular basis.
The European Council takes notes of the Commission's Green Paper on a future Maritime Policy for the Union and welcomes the launching of a broad debate and invites the Commission to propose further steps in autumn 2007.

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 timely 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 implementing the directive establishing a scheme for green house gas emission allowance trading within the Community, accompanied by proposals as appropriate.

19. 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.
20. 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** and of strengthening consumer and business confidence in the **internal market**;
 - welcomes the Commission's intention to launch a general 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. It welcomes the European Commission's intention 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**, welcomes the final agreement on the Competitiveness and Innovation Programme and calls for the rapid adoption of the 7th Framework Programme, as well as the EIB risk-sharing finance facility to support innovation and R&D;
 - calls for a follow up to 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, together with other actions that enhance networking and synergies between excellent research and innovation communities in Europe;

PM: Commission proposal on further steps

- welcomes the amended Commission proposal for a decision establishing a programme of Community action in the field of **consumer policy** (2007-2013).

21. In its conclusions of March 2006 the European Council called for an Energy Policy for Europe and invited the Commission and the 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 security will constitute an important part of such an overall policy and will need to be included within the Action Plan. The European Council therefore welcomes the joint paper by the Commission and High Representative, which is a sound basis for an external policy conducted in a spirit of solidarity and intended to ensure reliable, affordable and sustainable energy flows into the Union. It invites the Commission to take it into due account when it draws up the Strategic Review.
22. Meanwhile, since there is an urgent need for the EU to respond to the worldwide competition for access to increasingly scarce sources of energy, the European Council invites the forthcoming Presidencies together with the Commission and the High Representative to step up work on the development and implementation of an external energy policy. While all key partners should be engaged, in view of the importance of a comprehensive agreement with Russia on energy, the Commission is invited to quickly set out possible elements for such an agreement. Extending the EU's internal market in energy to its neighbours (including the expansion of the Energy Community Treaty) is an ongoing priority, as is the use of the European Neighbourhood Policy (ENP) mechanism to further the EU's energy policy objectives.

The European Council calls on the Presidency, the High Representative and the Commission to take work forward in a coherent and coordinated fashion. It invites them to attach particular importance to energy in the context of relations with major third country partners.

23. 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.

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

24. The EC welcomes the substantial progress made on the **new external action instruments** and encourages the institutions to reach swift agreement on the outstanding issues as soon as possible in order to guarantee the delivery of assistance as of 1 January 2007.

25. 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 the paper "Europe in the World", presented to the Council by the President of the Commission and the Commission's intention to implement the proposals which are within its competence. It invites the Council Presidency, Member States, the Secretary-General/High Representative and the Commission to rapidly examine the other proposals of the Commission and to take these and other measures forward with a view to i.a. improving strategic planning, coherence between the Union's various external policy instruments as well as cooperation between the EU institutions and between the latter and the Member States.

[PM: Cutileiro report]

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.

26. The European Council attaches great importance to a fruitful co-operation between the European Union and the Council of Europe and encourages them to overcome the remaining difficulties in the ongoing negotiations on a memorandum of understanding. It expresses its appreciation to Prime Minister Jean-Claude Juncker for his report on the future relations between the Council of Europe and the European Union, which deserves further consideration.

(d) Improving the functioning of the Union

27. The European Council agreed on a number of measures intended to enhance the functioning of the Union making full use of the possibilities offered by existing treaties. 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.

28. Providing citizens with first hand insight into EU activities is a pre-requisite for increasing their trust and confidence in the European Union. The European Council therefore agrees to further open up the work of the Council and adopts 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.

29. 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. The ideas developed at these conferences should be examined and future Presidencies are encouraged to carry this work 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, inviting them to react so as to improve the process of policy formulation. The Commission is asked to take into account comments by national parliaments – in particular with regard to the subsidiarity and proportionality principles – to acknowledge receipt and to offer a reasoned response within an acceptable timeframe. National parliaments are therefore encouraged to strengthen cooperation within the framework of the Conference of European Affairs Committees (COSAC) when monitoring subsidiarity. Threshold values are an important example to define the principle of subsidiarity in European legislation, notably in the area of public procurement.

The European Council further recalls that the confidence of citizens in the European project can benefit from European legislation reflecting 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.

30. 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.

31. 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 Lawmaking. 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 and are particularly detrimental to SMEs. In this context and as a first step, the European Council looks forward to ambitious, measurable reduction targets in selected areas to be set by early 2007, in time for the Spring European Council.
32. The European Council welcomes
- the further embedding of the use of global **integrated impact assessments** in decision-making in the work of all institutions as a crucial element in the policy-making process;
 - the implementation of the Commission's **programme to simplify existing legislation**. It looks forward to receiving a Commission report on implementation in the second half of 2006 and requests that relevant Council formations give priority to specific simplification proposals. It also stresses the importance of extending the simplification programme to all relevant branches of the European economy;
 - 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*

33. 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.
34. 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 welcomes in this context the Commission's report on the economic success of the Union's historic fifth enlargement, which will be completed with the accession of Bulgaria and Romania.

Bulgaria and Romania

35. 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. The European Council remains convinced that, with the necessary political will, both countries 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.

General questions of the future enlargement process

36. 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. It will be important to ensure in future that the Union will be able to function effectively and to further deepen 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.

Turkey:

37. 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. 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 fulfilment of Turkey's obligations under the Association Agreement, and under its Additional Protocol, full implementation of which will be evaluated in 2006, as well as the implementation of the revised Accession Partnership. 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 complete fulfilment of the Copenhagen 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. 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. The European Council encourages Croatia to continue its reform efforts and to achieve sustainable progress towards the fulfilment of EU standards.

Western Balkans:

39. 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. The absorption capacity of the EU will also have to be taken into account. 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.

