



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 December 2006**

**16096/06**

**LIMITE**

**POLGEN 112**

**NOTE**

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from: Presidency

to: COREPER

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Subject: *European Council (14 and 15 December 2006)*  
*– Draft conclusions*

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The Presidency hereby submits to Coreper draft conclusions to be agreed by the European Council at its meeting on 14-15 December 2006.

The text will continue to be updated in the light of work underway.

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

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## **Constitutional Treaty**

2. As agreed by the European Council at its meeting in June, the Union has followed a two-track approach. It has focussed on making best use of the possibilities offered by the existing treaties to deliver concrete results while preparing the ground for treaty reform. The Presidency provided the European Council with an assessment of its consultations with Member States regarding the Constitutional Treaty. The outcome of these consultations will be passed to the incoming German Presidency as part of its preparations of the report to be presented during the first half of 2007.

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## **I. ENLARGEMENT**

### **Bulgaria and Romania**

3. The European Council warmly welcomes Bulgaria and Romania as full members of the European Union on 1 January 2007. The accession of Bulgaria and Romania will mark the completion of the fifth enlargement.

### **Renewed consensus on enlargement**

[PM]

## **Turkey**

4. The European Council welcomes Turkey's progress on political reforms and notes that Turkey continues to sufficiently fulfil the Copenhagen political criteria. Turkey should however further intensify its reform process and address the shortcomings identified in the Commission's reports of 8 November 2006.
5. The first phase of accession negotiations with Turkey, the analytical examination of the acquis, was successfully completed in October 2006. [The European Council notes the good prospect for further steps in the negotiation process with Turkey in the near future.] The European Council recalls that the progress in the negotiations will be measured against the requirements set up in the negotiation framework.
6. [The European Council endorses the Council conclusions of 11 December 2006 on the accession negotiations with Turkey.]

## **Croatia**

7. The European Council welcomes the progress made by Croatia in the accession preparations. Croatia should however further intensify its reform process and address the shortcomings identified in the Commission's Reports of 8 November 2006.
8. The first phase of accession negotiations with Croatia, the analytical examination of the acquis, was successfully completed in October 2006. The European Council notes the good prospect for opening further chapters for negotiation in the near future. It emphasizes that the progress in the negotiations will be measured against the requirements set up in the negotiation framework.

## **Western Balkans**

9. The European Council welcomes the promotion of people-to-people contacts between the EU and the Western Balkan countries. In this context, it welcomes the launch of visa facilitation and readmission negotiations with all the countries with a view to concluding the negotiations as soon as possible.
10. The European Council welcomes progress made in the Central European Free Trade Agreement and looks forward to a regional and inclusive trade agreement.
11. The European Council notes that the candidate country status of the former Yugoslav Republic of Macedonia was recognition of the country's reform achievements. The European Council calls for accelerating the pace of reforms in key areas in order to progress towards the goal of moving ahead in the accession process.
12. The European Council reaffirms the EU's continued engagement with and support to Serbia. The European Council recalls that the EU is ready to resume and conclude the negotiations for a Stabilisation and Association Agreement as soon as full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) is achieved. In view of Serbia's institutional capacity, the European Council is confident that Serbia will be able to catch up with the other countries of the region on the way towards the EU once the SAA negotiations are resumed.

## **II. AREA OF FREEDOM, SECURITY AND JUSTICE**

13. When adopting the Hague Programme in November 2004 the European Council agreed to take stock of its implementation during the second half of 2006. In that context the European Council discussed migration and the improvement of decision-making in the area of freedom, security and justice.

*PM: Improvements to the decision-making and action of the Union in this field.*

### **A comprehensive European Migration Policy**

14. The European Council underlines the importance of migration issues for the EU and its Member States. Addressing both challenges and opportunities of migration for the benefit of all is one of the major priorities for the EU at the start of the 21<sup>st</sup> century.
15. The European migration policy builds on the conclusions of the Tampere European Council in 1999, the Hague Programme of 2004 and the Global Approach to Migration adopted in 2005. It is based on the solidarity, mutual trust and shared responsibility of the European Union and its Member States. It is also based on respect for human rights and fundamental freedoms of migrants, the Geneva Convention and due access to asylum procedures. It requires a genuine partnership with third countries and must be fully integrated into the Union's external policies.
16. Events in 2006 and the progress made in implementing the Global Approach have demonstrated that migration needs to be addressed in a comprehensive manner and that efforts made so far now need to be strengthened. Future work should fully take into account the Commission's Communications<sup>1</sup> and broaden the scope of action to other policy areas and apply lessons learnt to other regions.

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<sup>1</sup> COM (2006) 735 final  
COM (2006) 733 final

17. The European Council accordingly agrees on the following next steps to be taken during the course of 2007:

- a) strengthen and deepen **international cooperation and dialogue with third countries** of origin and transit, in a comprehensive and balanced manner. In particular:
- the partnership between the European Union and African and Mediterranean countries will be deepened by broadening dialogue and strengthening practical cooperation; this partnership will build in particular on the joint commitments made in the Ministerial conferences in Rabat and Tripoli in 2006 as well as on the work underway in the framework of the EU/ACP dialogue on migration, on the basis of article 13 of the Cotonou Agreement, and the Euromed process, including the Ministerial Conference on migration in 2007. In order to promote implementation of these commitments, joint EU missions will be sent to the key African countries during the first half of 2007,
  - the migration and development agenda will be intensified by increasing coherence between the Union's various policies, including their financial instruments, in order to address the root causes of migration,
  - Member States and the Commission will integrate migration and development issues in aid policies and programming, encourage the countries of origin and transit to incorporate migration issues in their national development plans, including poverty reduction strategies, and support capacity building for effective migration management, including through establishment of country-specific migration profiles. In this regard, the Commission's initiative for an EU Programme on migration and development in Africa provides a way to address this issue in the short-term. Member States are also encouraged to enhance coordination and to develop joint programming,

- country-specific cooperation platforms on migration and development will be established to bring together the partner country concerned, EU Member States and the Commission as well as relevant international organisations to manage migration in a more coherent manner,
- a coherent EU follow-up to the September 2006 UN High Level Dialogue will be ensured; the EU will take a lead in placing migration and development issues on the agenda of the international community. The first meeting of the Global Forum in July 2007 in Belgium will be a vital step in this respect,
- measures will be taken to improve cooperation on return and readmission with third countries, including effective identification and documentation; special emphasis will be giving to the reintegration of returned migrants. Negotiations on readmission agreements need to be stepped up; to this end the Council should explore further ways and means by which Member States could support the Commission in its efforts to conclude such agreements at EC level and to ensure their effective implementation,
- stepping up concrete work along migratory routes in partnership with third countries in particular with a view to preventing and combating trafficking and smuggling of human beings, while ensuring effective international protection for persons who may need it as well as for vulnerable groups such as women and unaccompanied minors,
- the promotion of legal migration opportunities will be better incorporated into the Union's external policies in order to develop a balanced partnership with third countries adapted to specific EU Member States' labour market needs: ways to facilitate circular and temporary migration will be promoted. The Commission is invited to present detailed proposals on how to better organise and inform about the various forms of legal movement between the EU and third countries by June 2007,

- the Global Approach will be applied to the neighbouring eastern and south eastern regions of the European Union . The Commission is invited to make proposals on enhanced dialogue and concrete measures by June 2007;
- b) strengthen **cooperation among Member States in the fight against illegal immigration**, taking account of the Commission communication on policy priorities in this regard. In particular:
- measures against illegal employment will be intensified at Member State and EU level; the European Council invites the Commission to present proposals by April 2007 in this regard,
  - existing and new technological possibilities will be fully utilised to enhance border control and to allow persons to be identified reliably,
  - the Commission is invited to report before the end of 2007 on how to improve access control, including on the feasibility of establishing a generalised and automated entry-exit system for this purpose,
  - the Commission is invited to study the possibilities, on the basis of the initiative made to this end, of developing policies of extended European solidarity in immigration, border control and asylum policies;
- c) improve **the management of the European Union's external border** on the basis of the integrated border management adopted by the Council in 2006. In particular:
- the capacity of Frontex will be rapidly enhanced in order for it to be able to meet the migration challenges at the EU's external borders, by ensuring adequate economic and personnel resources and their effective use, establishing procedures for emergency situations, strengthening operational means, reinforcing links with the Immigration Liaison Officer Network and completing the planned review of the Agency and its tasks in 2007,



- Frontex is invited urgently to finalise its ongoing work on creation of a centralized record of technical equipment offered by Member States which could be put at the disposal of another Member State; and to report on the progress made to the Council by the end of April 2007. The Member States are invited to actively to contribute to this process with national means and resources,
  - priority will also be given to establishing as soon as possible by Frontex, together with the Member States of the region, a permanent MEDSEA Coastal Patrol Network and to examining the creation of a European Surveillance System for the southern maritime borders,
  - the efficiency of cooperation on search and rescue and the legal scope for action to be taken to counter illegal migration by sea will be ensured,
  - the Council and the European Parliament are invited to reach rapid agreement on the Regulation on the establishment of Rapid Border Intervention Teams in the first semester of 2007 and to study this model in other border-related functions, such as humanitarian assistance;
- d) develop and promote, as far as **legal migration** is concerned:
- a well-managed migration policy to assist Member States to meet existing and future labour needs while contributing to the sustainable development of all countries; in particular, progress should be made on the forthcoming Commission proposals within the framework of the Policy Plan on Legal Migration of December 2005,
  - integration and intercultural dialogue and the fight against all forms of discrimination at Member State and EU level, strengthen integration policies and agree on common goals and strategies; the Ministerial conference on integration to be held in May 2007 will be of particular importance in that respect;

- e) realise the **Common European Asylum System** by the end of 2010, on the basis of a comprehensive evaluation of its first phase in 2007. The development of its second phase will be accompanied by a strengthening of practical cooperation in the area of asylum, in particular through the creation of asylum expert teams and the setting up of an asylum cooperation network; the possible creation of a European Support Office will also be examined;
- f) make **adequate resources** available for implementing the comprehensive migration policy by full use of the substantial funds which are available if all the existing budget lines are brought fully into play and all possibilities available used consistently and coherently. In that respect the External borders, Integration, Return and Refugee Funds will bring important resources to underpin the comprehensive migration policy, as will the ENPI and the Development Cooperation Instrument (DCI). The EDF will also, in agreement with ACP partners, help address root causes of migration through long-term development policies.

18. The Commission is invited to report back on the implementation of the comprehensive migration policy in good time before the December 2007 European Council.

*PM Schengen / JHA Council*

### **III. INNOVATION, ENERGY AND CLIMATE CHANGE**

#### **Innovation**

19. As discussed at the informal meeting of Heads of State or Government in Lahti, innovation is crucial to Europe's ability to respond effectively to the challenges and opportunities of globalisation. Europe needs a strategic approach aimed at creating an innovation-friendly environment where knowledge is converted into innovative products and services. Strategic priorities for stimulating innovation at EU level have been defined by the Competitiveness Council; progress made in delivering results will be monitored at future Spring European Council meetings within the framework of the Lisbon Strategy.
20. The European Council emphasises in particular the following:
- PM: Intellectual Property Rights;
  - the Council and the European Parliament should act rapidly on the Commission's proposal to set up a European Institute of Technology;
  - the Commission is invited to rapidly make proposals for the setting up of Joint Technology Initiatives with a view to launching the most advanced ones in 2007;
  - the Commission is invited, in consultation with all relevant stakeholders, to propose action for the improvement of the working methods and overall resources of European standardisation bodies. Standards must be developed quickly enough to meet the needs of fast-moving markets, whilst ensuring interoperability.

21. Information and communication technologies are crucial for innovation and competitiveness; immediate priorities include the development of efficient spectrum allocation models, the fast promotion of advanced mobile services and to the extent possible a coordinated approach for the use of spectrum capacity becoming available as a result of digital switch-over. The 2008 Spring European Council will review the challenges of the next generation of internet and networks within the framework of the Lisbon Strategy.
22. In view of the extraordinary Social Summit held in October, the European Council calls for a comprehensive approach to flexicurity in order to improve the functioning of the European labour market. It stresses the importance of the quality of working life and innovations to raise labour productivity in Europe. It welcomes the intention of the European social partners to contribute to the ongoing work on flexicurity before the Spring 2007 European Council.
23. In this context, the European Council urges the Council to continue its efforts to revise the Working Time Directive.

## **Energy**

24. With regard to the development of the Energy Policy for Europe, significant progress has been achieved especially on strengthening the coherence between its external and internal aspects and between energy policy and other policies. The informal meeting of Heads of State or Government in Lahti was an important step towards strengthening the consistency of the Union's energy messages to third countries.
25. The Union will work to ensure long-term security of energy supply through:
  - improved cooperation with major producer, transit and consumer countries,
  - the realisation of an inter-connected, transparent and non-discriminatory internal energy market,
  - the extension of its internal energy market principles to neighbouring countries, in particular on the basis of the Energy Community of South Eastern Europe and the European Neighbourhood Policy.

26. Energy efficiency and energy savings contribute concurrently to the main objectives of the European energy policy. The European Council therefore welcomes the Commission's Action Plan on energy efficiency and calls for priority measures to be taken rapidly.
27. The European Council endorses the setting up of a network of energy security correspondents early 2007. This will be an important tool for collecting and processing existing geopolitical and energy related information. It will also provide an early warning tool to support the Union's overall strategy with the aim of ensuring the security of energy supply.
28. The Spring 2007 European Council is due to adopt a prioritised Action Plan as part of an overall Energy Policy for Europe. The external aspects of energy security will be included within the Action Plan. The European Council looks forward to the imminent presentation by the Commission of its Strategic Energy Review as part of the preparations for the adoption of that Plan. European energy policy will be discussed by the European Council on a regular basis in the future.
29. Given the urgent need for energy investments in the coming years, the upcoming Spring European Council will discuss an integrated approach for a secure, environmentally friendly and competitive energy policy. This would demonstrate the European Union's leadership in integrating climate change objectives into other sectoral policies and measures.

### **Climate change**

30. The challenge of climate change is assuming ever greater importance as its long-term consequences become clearer and new information from recent studies shows that the costs of inaction will significantly outweigh the costs of action. The European Council recognises that there is a strong link between the EU's climate policy and EU's internal and external energy policy as well as its jobs and growth strategy and that these EU policies can be mutually reinforcing.

31. In this context, the European Council welcomes the outcome of the UN climate sessions held in Nairobi which includes important steps towards developing a broadly-based post-2012 agreement and addressing a number of immediate concerns on mitigation and adaptation requirements. It also notes with satisfaction the progress made in innovative financing initiatives to support a widespread shift to new and improved technology.
32. Bearing in mind the crucial role of a global carbon market and the need to provide long-term certainty, the European Council looks forward to the forthcoming revision of the Emissions Trading Directive, which should take effect at the start of the third trading period beginning in 2013.
33. Recognising that climate change is a global problem that requires global solutions and encouraged by the EU's recent meetings with third countries, the European Council will consider at its Spring 2007 meeting options for a global post-2012 agreement consistent with the EU's objective of a maximum global temperature increase of 2°C above pre-industrial levels.

#### **IV. EXTERNAL RELATIONS**

34. The European Council welcomes the Progress Report on the implementation of the EU Strategy "**The EU and Africa: Towards a Strategic Partnership**" and calls for the implementation of the priority actions for 2007 identified in the report. The Progress Report outlines the way forward for strengthening the EU partnership with Africa in consolidating peace, democracy and governance and supporting broad-based sustainable development on the continent.

The European Council reaffirms the importance of working towards a Joint EU-Africa Strategy to be adopted at the second EU-Africa Summit in the second half of 2007 in Lisbon.

**Kosovo**

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**European Neighbourhood Policy**

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**Improving the efficiency, coherence and visibility of the Union's external policies**

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[**Middle East** - a separate declaration to be prepared]

[**Africa** - a separate declaration to be prepared]

