



**COUNCIL OF
THE EUROPEAN UNION**



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Justice and Home Affairs

Luxembourg, 27-28 April 2006

President **Ms Karin GASTINGER**, Federal Minister of Justice
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 of Austria

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Main Results of the Council

The Council reached a political agreement on a Regulation applicable to non-contractual obligations ("Rome II"). The objective of this Regulation is to standardize the rules regarding non-contractual obligations and thus extends the harmonisation of private international law in civil and commercial matters.

A political agreement was also reached on a Decision providing for an increase of the fees to be charged for the processing of visa applications from 35 EUR to 60 EUR, as a consequence of the implementation of the Visa Information System and the collection of biometric data from visa applicants.

Furthermore, the Council adopted conclusions on the fight against trafficking in human beings and on joint return operations by air.

The Council reached a consensus on a Framework Decision on the fight against organised crime and reached an agreement on a surrender procedure between the EU Member States and Iceland and Norway.

Finally, the Council adopted a Joint Action on the European Union military operation in support of the United Nations Mission in the Democratic Republic of the Congo (MONUC) during the election process. The Joint Action forms the EU legal basis and sets out the framework for the operation.

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.

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PARTICIPANTS

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

Belgium:

Mr Patrick DEWAELE

Deputy Prime Minister and Minister for the Interior

Czech Republic:

Mr František BUBLAN

Minister for the Interior

Mr Ivo HARTMANN

Deputy to the Deputy Prime Minister and Minister for Justice

Denmark:

Ms Lene ESPERSEN

Minister for Justice

Germany:

Ms Brigitte ZYPRIES

Federal Minister for Justice

Mr Peter ALTMAIER

Parliamentary State Secretary to the Federal Minister for the Interior

Estonia:

Mr Kalle LAANET

Minister for the Interior

Mr Rein LANG

Minister for Justice

Greece:

Mr Anastasis PAPALIGOURAS

Minister for Justice

Mr Byron POLYDORAS

Minister for Public Order

Spain:

Mr Antonio CAMACHO VIZCAÍNO

State Secretary for Security

Ms Ana María DE MIGUEL LANGA

Subsecretary for Justice

France:

Mr Pascal CLÉMENT

Keeper of the Seals, Minister for Justice

Mr Christian ESTROSI

Minister with responsibility for Regional Planning

Ireland:

Mr Michael McDOWELL

Minister for Justice, Equality and Law Reform

Italy:

Mr Rocco Antonio CANGELOSI

Permanent Representative

Cyprus:

Mr Doros THEODOROU

Minister for Justice and Public Order

Mr Lazaros SAVVIDES

Permanent Secretary, Ministry of the Interior

Latvia:

Mr Dzintars JAUNDŽEIKARS

Minister for the Interior

Mr Guntars GRINVALDS

Minister for Justice

Lithuania:

Mr Gintaras Jonas FURMANAVIČIUS

Minister for the Interior

Mr Gintaras ŠVEDAS

Deputy Minister for Justice

Luxembourg:

Mr Luc FRIEDEN

Minister for Justice, Minister for the Treasury and the Budget, Minister for Defence

Mr Nicolas SCHMIT

Minister with responsibility for Foreign Affairs and Immigration

Hungary:

Mr Miklós HANKÓ FARAGÓ
Ms Kristina BERTA

Political State Secretary, Ministry of Justice
Deputy State Secretary for International Relations,
Ministry of Interior

Malta:

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home
Affairs

Netherlands:

Ms Rita VERDONK
Mr Piet Hein DONNER

Minister for Immigration and Integration
Minister for Justice

Austria:

Ms Liese PROKOP
Ms Karin GASTINGER

Federal Minister for the Interior
Federal Minister for Justice

Poland:

Mr Ludwik DORN

Mr Andrzej GRZELAK

Deputy Prime Minister, Minister for the Interior and
Administration
State Secretary, Ministry of Justice

Portugal:

Mr José MAGALHÃES

Mr José Manuel CONDE RODRIGUES

State Secretary for the Interior, attached to the Minister for
the Interior
State Secretary for Justice, attached to the Minister for
Justice

Slovenia:

Mr Dragutin MATE
Mr Robert MAROLT

Minister for the Interior
State Secretary at the Ministry of Justice

Slovakia:

Ms Lucia ŽITŇANSKÁ

Minister for Justice

Finland:

Mr Kari RAJAMÄKI
Ms Leena LUHTANEN

Minister for the Interior
Minister for Justice

Sweden:

Mr Thomas BODSTRÖM
Ms Barbro HOLMBERG

Minister for Justice
Minister at the Ministry of Foreign Affairs with
responsibility for Migration Policy

United Kingdom:

Baroness ASHTON of UPHOLLAND

Lord GOLDSMITH

Parliamentary Under-Secretary of State, Department for
Constitutional Affairs
Attorney General

Commission:

Mr Franco FRATTINI

Vice-President

The Governments of the Acceding States were represented as follows:

Bulgaria:

Mr Rumen YORDANOV PETKOV
Mr Georgi PETKOV PETKANOV

Minister for the Interior
Minister for Justice

Romania:

Mr Vasile BLAGA
Ms Monica MACOVEI

Minister for Administration and the Interior
Minister for Justice

ITEMS DEBATED

MIXED COMMITTEE

– ***Fees to be charged to visa***

The Presidency noted that there was broad agreement on a text regarding a Decision providing for an increase from 35 EUR to 60 EUR of the fees to be charged for the processing of visa applications and decided to submit this file to the Council with a view to reaching a political agreement on the text (*see below*).

– ***Common application centres for visa***

Commission Vice President Franco Frattini briefed the Council about the guidelines of a Commission proposal on common application centres which will be submitted to the Council in June 2006.

According to the Hague Programme the Commission was to submit a proposal amending the Common Consular Instructions in order to create the legal basis for collecting biometric data from visa applicants as well as providing for rules on possible exemptions from this requirement. Moreover, the Commission was invited to submit a proposal providing for a legal framework for Member States to set up Common Application Centres. The creation of such common application centres for visa is intended to allow Member States to share premises, staff and equipment and thus the economic burden caused by the introduction of this new requirement.

– ***Schengen Information System II (SIS II)***

The Council made a regular overview of the state of play of the SIS II and discussed its legal basis. The Council confirmed the use of biometrics for identification purposes in the SIS II as soon as it is technically possible. Six of the new Member States (Czech Republic, Latvia, Lithuania, Hungary, Estonia and Slovakia), joined by Slovenia, presented a joint statement urging the Council to ensure that the discussions on the legislative proposals would not delay the adoption of SIS II.

On 31 May 2005, the Commission submitted legislative proposals setting out the legal basis for SIS II: two Regulations to be adopted in co-decision procedure and one Council Decision. The discussions on these proposals have reached a crucial stage. In order to allow the SIS II to be operational in 2007 and consequently to lift the checks at the internal borders for the new Member States, the legislative instruments have to be adopted quickly.

The Presidency announced its intention to finalise this negotiations on the legal base by June 2006 with a view to allowing Member States to prepare their necessary technical aspects and national regulations.

– ***Police cooperation between the Member States***

The Presidency noted a political commitment to develop effective police cooperation between Member States in the sense of the Hague Programme and announced that the Presidency with the Commission will work on a new text for having an effective instrument for improving strategic and operational cooperation between the Member States' law enforcement authorities and increasing the level of security of the citizens of the European Union.

– ***Protection of personal data***

The Presidency informed the Council of the state of play of the discussion on this draft framework decision. In particular, it mentioned the following main issues debated so far:

1. whether both police and judicial co-operation should be included in the scope of the draft Framework Decision;
2. the question of extending the scope to other law enforcement agencies other than the police;
3. the question whether the Framework Decision should also cover information which is transmitted to third States; and
4. The question whether the scope of the Framework Decision should be confined to the cross-border transmission of information and the processing of data thus transmitted or whether it should – as foreseen in the Commission's proposal – also encompass data gathered and used in a purely domestic context.

On 4 October 2005, the Commission forwarded to the Council a Proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters. On 13 December 2005, the Council asked the Parliament for its opinion on the proposal.

The European Data Protection Supervisor has delivered his opinion on the proposal on 24 January 2006. The Conference of European Data Protection Authorities also delivered an opinion on the proposal.

FEES TO BE CHARGED TO VISA

The Council reached a political agreement on a Decision providing for an increase of the fees to be charged for the processing of visa applications from 35 EUR to 60 EUR, as a consequence of the implementation of the Visa Information System and the collection of biometric data from visa applicants. The Decision will have to be formally adopted.

The Greek, Hungarian and Swedish delegations announced their intention of voting against.

This Decision shall apply as from 1 January 2007 at the latest.

The Decision allows the fee to be waived or reduced in individual cases in accordance with national law, when this measure serves to promote cultural interests as well as interests in the field of foreign policy, development policy, other areas of vital public interest or for humanitarian reasons.

The visa fee will also be waived entirely for visa applicants belonging to one of the following categories:

- children under 6 years;
- school pupils, students, post graduate students and accompanying teachers who undertake trips for the purpose of study or educational training; and
- researchers from third countries travelling within the Community for the purpose of carrying out scientific research as defined in the Recommendation (No. 2005/761/EC) of the European Parliament and of the Council of 28 September 2005.

A visa fee reduction or waiver for nationals of a third country may also be the result of a visa facilitation agreement concluded between the European Community and that third country consistent with the Community's overall approach to visa facilitation agreements.

Furthermore, until 1st January 2008, this Decision will not affect the visa fees for third countries in respect of which the Council has given the Commission, by 1st January 2007, a mandate to negotiate a visa facilitation agreement.

The following statements were also agreed:

Statement by the Council and the Commission:

"The Council and Commission note that visa facilitation, that is simplification of visa issuing procedures for nationals of third countries who are under visa obligation, can provide further opportunities for promoting contacts between the EU and neighbouring countries, including by way of waiving or reducing the fees for certain categories of nationals of third countries.

The Council and Commission also note that the common approach on visa facilitation provides the possibility to open, on a case by case assessment, visa facilitation negotiations with third countries, while bearing in mind the European Union's overall relationship with candidate countries, countries with a European Perspective and countries covered by the European Neighbourhood Policy as well as with strategic partners.

The Council and Commission confirm their support for the development of visa facilitation agreements with third countries in accordance with the process and considerations set down in the common approach on visa facilitation, emphasising the need to negotiate parallel agreements on readmission, with a view to the simultaneous entry into force of such agreements.

The Council and Commission recall that, in the context of the promoting people to people contacts with neighbouring countries consistent with overall EU policy objectives, Member States should make use of the possibilities offered by the Schengen acquis in particular where such people to people contacts can contribute to the strengthening of civil society and democratisation in those countries. The Council and Commission also request that the impact of the new measures for this purpose is kept under review."

Statement by the Council:

"On the basis of the process and considerations laid down in the common approach on visa facilitation based on a case by case assessment of the countries concerned, and having regard to Rule II.3 of this Decision, the Council invites the Commission to bring forward recommendations for mandates for initiating negotiations on visa facilitation and readmission agreements, starting with the countries with a European Perspective as referred to in the European Council Conclusions of June 2003 and June 2005."

TRAFFICKING HUMAN BEINGS

– *Presentation by Europol*

Max-Peter Ratzel, Director of Europol, made a presentation on Europol's mandate, activities, sources and challenges regarding trafficking in human beings. He made the following recommendations to the Member States:

- Follow the EU Action Plan on Trafficking in Human Beings (THB),
- Member States investigation teams should be aware of how to make use of Europol and "existing best practices",
- Member States should inform and request support from Europol, and
- Member States should exploit benefits of closer cooperation with international and non-governmental organisations

– *Implementation of the action plan – state of play*

The Presidency and Commission Vice President Franco Frattini informed the Council about ongoing implementation of the THB Action Plan. A joint Presidency/Commission conference is envisaged for June 2006 in order to comply with the THB Action Plan.

Furthermore, the Commission informed about its intention to present recommendations on child trafficking.

Council conclusions

The Council adopted the following conclusions:

- "1. The fight against trafficking in human beings is one of the priorities at EU level and of the Austrian Council Presidency. Considering that trafficking in human beings, particularly women and children, for sexual or other forms of exploitation, is one of the most serious human rights violations, the Presidency is determined to contribute to the implementation of the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (hereafter the EU Action Plan on Trafficking in Human Beings, adopted by the Council on 1-2 December 2005)¹.
2. In the political debate on the EU anti-trafficking policy foreseen by point 1.2. of (the annex of) the Action Plan, the Council and the Commission discussed the state of play of implementation of the Action Plan.
3. Following the political debate, the Council concluded that these conclusions should constitute an update of the EU Action Plan on Trafficking, in particular specific measures against trafficking in human beings in connection with major international events, including sports events, as provided for in point 9, 10 and 11.
4. For the fight against trafficking in human beings to be most effective, analytical work, including the Organised Crime Threat Assessment (OCTA), and the support functions of Europol should be maximised. Furthermore Europol, Eurojust, Frontex and the Police Chiefs Task Force shall regularly address this matter in order to provide for the appropriate cooperation measures.
5. In that context, it is of utmost importance that all Member States
 - afford each other and the relevant agencies the widest possible cooperation in providing intelligence and information for the elaboration of an assessment;
 - commit themselves to systematically provide Europol with information, especially when they have contributed to an Analytical Work File on a specific matter.

¹ 12402/3/05 REV 3, CRIMORG 93 or OJ C 311, 9.12.2005, p.1

6. In the light of the Commission's evaluation of the Framework Decision of 19 July 2002 on combating trafficking in human beings¹ as well as of the Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence,² adopted on 28 November 2002 together with Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence³ it has to be taken into account that
- as a result of the Council Framework Decision on combating trafficking in human beings Member States generally now dispose of specific criminal law provisions incriminating trafficking in human beings for the purpose of sexual and labour exploitation;
 - it seems that, as far as information was provided, Member States dispose of criminal law provisions imposing penalties on the facilitation of illegal transit and residence;
 - for both Framework Decisions still not all Member States have transmitted the relevant information to the Commission and the information provided by some Member States does not allow for a quick and efficient evaluation;
 - as regards particularly vulnerable victims and among them in particular for children, i.e. any person below the age of 18 years, who are in general particularly vulnerable in the context of trafficking in human beings, the Commission did not receive enough information from the Member States and, consequently could not really assess the protection and assistance afforded to such victims.

Against this background the Commission

- will need to further look at relevant Member State legislation in order to analyse the need to improve legislation at EU level ensuring appropriate protection of and assistance for victims in accordance with the best interest of the child;
- will evaluate the practical application and efficiency of the legal framework to prevent the exploitation of especially women and children;
- calls on the Member States to transpose Council Framework Decisions and to inform the Commission in full respect of the deadlines set by the Council.

¹ OJ L 203, 1.8.2002, p. 1, to be transposed by the Member States by 1 August 2004

² OJ L 328, 5.12.2002, p. 1, to be transposed by the Member States by 5 December 2004

³ OJ L 328, 5.12.2002, p. 17, to be transposed by the Member States by 5 December 2004.

The Council calls on the Member States to fully implement the above-mentioned instruments on combating trafficking in human beings and migrant smuggling. This includes a clear distinction between these two forms of crime while recognising the overlaps in practice. Moreover, Member States are urged to ensure an effective detection and prosecution of cases of trafficking in human beings in practice, taking into account the needs of victims in regard of protection and assistance.

7. With a view to enhancing training of specialised investigators and the exchange of best practice, the Presidency recently organised a conference in Vienna on the fight against trafficking in children and will ensure the necessary practical follow-up¹.
8. With a view to contributing to the implementation of other measures set out in the EU Action Plan on Trafficking in Human Beings, the Council Presidency and the Commission are disposed to jointly convene an expert conference by June 2006 to assess the state of implementation of this Action Plan including specific measures to combat and prevent trafficking in human beings in connection with major international events. This expert conference could usefully discuss the following items:
 - To take stock of best practices in the identification of victims and to consider drawing up a broad list of criteria with respect to best practice in this area as provided by point 6.1. of (the annex of) the Action Plan;
 - To foster existing links and to build a more solid network of NGOs and International Organisations providing support and reintegration services as provided by point 6.2.a of (the annex of) the Action Plan.

These two issues are closely linked with the question of National Referral Mechanisms. Insofar, Council Presidency and the Commission shall provide that the EU will consider further developing the OSCE manual on the National Referral Mechanism (point 6.2.c of (the annex of) Action Plan). Furthermore, these issues are relevant for the development of an EU wide directory of services to map available support schemes (point 6.2.b of (the annex of) the Action Plan) as well as for the development by the Commission of proposals for coordination and cooperation mechanisms needed at EU level (point 1.3.b of (the annex of) the Action Plan). Therefore, the Conference should also look at these connected issues.

¹ 7945/06 CRIMORG 59 ENFOPOL 54

9. Taking into account the European Parliament's resolution of 15 March 2006 on sexual exploitation in the context of world sports events¹, the Presidency emphasises the fact that major international events, including sports events, have shown to pose the risk to contribute to a temporary increase in trafficking in human beings. Taking into account these circumstances, the Member States of the European Union shall exchange best practices on the basis of their previous experience and take action in order to enhance their cooperation to prevent and combat the increase of trafficking in human beings, notably for the purpose of sexual exploitation.

Against this background, the Council and the Commission also discussed the issue of preventing and combating trafficking in human beings in connection with major international events, including sports events.

10. The Council welcomes the actions taken by Germany in connection with the Football World Cup 2006 and Germany's readiness to report on its experience after the World Cup, so that this can be used as a basis for drawing up best practices in this matter in view of future events.
11. Member States holding a major international event, including sports events should, prior to the event, consider taking measures that may include:
- risk assessment and cooperation with other Member States and relevant EU bodies ;
 - measures to detect trafficking in human beings and early identification of victims of trafficking, including by deployment of officers specialised to combat trafficking;
 - launching or supporting targeted campaigns, including by civil society, encompassing adequate information directed to relevant target groups in order to reduce the risk of becoming victim of trafficking in human beings;
 - developing and implementing measures that discourage the demand for such victims;
 - measures with a view to provide an adequate level of assistance to and protection of victims of trafficking in human beings, including for instance the establishment of adequate shelters and 24/7 multi-lingual hotlines;

¹ P6_TA-PROV(2006)0086

- best possible cooperation with civil society and with the organisers of the event, such as sports associations;

- the deployment of law enforcement officers to the Member States holding an event with a view to establishing operative co-operation to detect and dismantle a temporary increase in trafficking during the event."

EXTERNAL RELATIONS

– ***Implementation of Justice and Home Affairs External Relations Strategy***

The Presidency briefed the Council on the state of play in implementing the "strategy for the external dimension of JHA: global freedom, security and justice".

This strategy calls for the elaboration of a partnership with third countries in the field of justice and home affairs, which includes strengthening the rule of law, and promoting the respect for human rights and international obligations.

In implementing the strategy, the Presidency has focused on the following elements:

- bringing countries bordering the EU and Western Balkan countries up to EU security standards by means of a comprehensive approach which networks internal security and the European Neighbourhood Policy.
- developing of a "Partnership for Security" with these countries, and
- work on the action oriented papers as indicated by the Strategy.

The Presidency also informed the Council on the Ministerial Conference devoted to the role of external relations in implementing internal security, scheduled for 4 and 5 May 2006 in Vienna. The Conference will focus on three panels: Asylum and Migration, combating terrorism and organised crime and corruption.

– ***Follow-up to Hampton Court: Implementation of priority actions in the area of migration***

Commission Vice President Franco Frattini briefed the Council on the current state of play of the implementation of the December 2005 European Council Conclusions relating to the "Global approach to migration: priority actions focusing on Africa and the Mediterranean".

Since the adoption of the "priority actions", a number of activities coordinated by the Commission have started.

– ***Outcome of the EU-Russia Permanent Partnership Council (PPC) meeting***

The Presidency informed the Council about the results of the EU-Russia PPC meeting held in Moscow on 21 and 22 March 2006.

The Declaration adopted by the EU troika and the Russian Federation can be found on Presidency website http://www.eu2006.at/includes/Download_Dokumente/Background_Information/EU-Russia_PPC_declaration_English.pdf

LIST OF SAFE COUNTRIES OF ORIGIN

Commission Vice-President Frattini informed the Council about a forthcoming Commission proposal containing a list of safe countries of origin in the sense of the Directive on minimum standards for granting and withdrawing refugee status¹.

Article 29(1) of the said Directive establishes that the Council shall, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt a minimum common list of third countries which shall be regarded by Member States as safe countries of origin.

Under Article 30 of the Directive, Member States may retain or introduce legislation that allows for the national designation of third countries, other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum.

¹ OJ L 326, 13.12.2005, p. 13.

UN-HIGH LEVEL DIALOGUE ON INTERNATIONAL MIGRATION AND DEVELOPMENT

Mr Sutherland, Special Representative of the United Nations Secretary General for Migration, informed the Council on the preparation by the UN of the High Level Dialogue on International Migration and Development to be held in New York on 14-15 September 2006.

His specific goals between now and September, and for the dialogue itself, are:

- "to create a positive atmosphere for the dialogue and to consolidate the growing interest in migration and development by focusing on how we can help each other.
- to ensure ministerial-level participation, and encourage certain countries to share best practices and highlight strengths of their policies.
- to work towards the establishment of a basic consensus that migration policies can offer potential win-win outcomes for source countries, receiving countries and migrants and also to begin to define areas of cooperation (economic migration, managing migration flows, efficient remittances, employing diasporas as a development resource, improving policy coherence, building partnerships, etc.).
- to discuss how international cooperation can be beneficial in these areas of common interest in migration policy, and complementary to activities on the bilateral and regional levels."

LAW APPLICABLE TO NON-CONTRACTUAL OBLIGATIONS (Rome II)

The Council, with Estonia and Latvia entering reservations, reached a political agreement on a Regulation applicable to non-contractual obligations ("Rome II"). The objective of this Regulation is to standardize the rules regarding non-contractual obligations and thus extends the harmonisation of private international law in civil and commercial matters.

It will allow parties to determine the rule applicable to a legal relationship in advance.

The Regulation relates to the harmonisation of private international law in relation to civil and commercial matters at Community level. On those matters, "Brussels I" Regulation contains a set of rules regarding the court responsible for dealing with a litigation conflict, while the "Rome I" Convention relates to the law applicable to contractual obligations. As the latter covers only contractual obligations, Rome II is the natural extension of the unification of the rules of private international law.

The general rule

Unless otherwise provided for in this Regulation, the law applicable to a tort or delict shall be the law of the country in which the damage occurs irrespective of the country in which the event giving rise to the damage occurred and irrespective of the country or countries in which the indirect consequences of that event occur.¹

However, where the person claimed to be liable and the person sustaining damage both have their habitual residence in the same country at the time when the damage occurs, the tort or delict shall be governed by the law of that country.

Where it is clear from all the circumstances of the case that the tort or delict is manifestly more closely connected with another country, the law of that other country shall apply. A manifestly closer connection with another country might be based in particular on a pre-existing relationship between the parties, such as a contract, that is closely connected with the tort or delict in question.

¹ A recital shall indicate that, in cases of personal injury and damage to property, the country in which the damage occurs should be the country where the injury was sustained or the property was damaged.

Nevertheless, the Regulation still gives the parties the option to select the law to be applied to their obligation. The choice must be demonstrated with reasonable certainty by circumstances of the case and may not affect the rights of third parties.

Exceptions

Specific rules are laid down for some non-contractual obligations, such as damage caused by a defective product, damage to the environment, and industrial action.

As regards damages caused by defective products, the general rule is that the law applicable is the law of the country where the person who sustained the damage is habitually resident.

In the event of violation of the environment, the law applicable shall be the law of the country where the damage arises unless the victim chooses to select the law of the place where the event giving rise to the damage occurred.

Regarding industrial action, the law applicable to a non-contractual obligation in respect of the liability of a person in the capacity of a worker or an employer or the organisations representing their professional interests for damages caused by an industrial action, pending or carried out, shall be the law of the country where the action is to be or has been taken.

Review clause

No later than four years after the Regulation enters into force, the Commission shall report on the issue of the law applicable to non-contractual obligations arising out of traffic incidents and out of violations of privacy and rights relating to personality, including defamation. This report shall be accompanied by proposals to adapt the Regulation, if necessary.

**JUDICIAL COOPERATION IN CIVIL MATTERS EXAMINED IN OTHER
COMMUNITY DRAFT INSTRUMENTS**

The Presidency presented to the Council an update of draft instruments containing provisions related to certain matters covered by judicial co-operation in civil matters, in particular the draft Directive on Services, the draft Consumer Credit Directive and the Green Paper on Damages Actions for Breach of the EC Antitrust Rules.

In January 2006 the informal meeting of JHA Ministers recalled the importance of making regular updates about questions of judicial cooperation in civil matters examined in other instruments to the Council with a view to ensuring coherence in European Community action in civil law matters.

In this regard, the current update is a first of its kind and the aim is to provide the Council with an update of questions that have been examined by the Committee on Civil Law Matters.

OPENING OF "N-LEX" AND PRESENTATION OF "EUR-LEX"

The Presidency declared formally opened "N-Lex" and took note of the satisfactory way in which "EUR-Lex" is operating.

N-Lex

N-Lex makes it possible for every citizen to consult via a single search mask the national legislation of Member States online. Access is thus not limited to national law linked to Community law but may include all areas of law. Access to N-Lex is free of charge. This system will remain for some time an experimental system for dissemination of national law; it currently covers the access to legislative databases of 22 Member States.

With a view to overcoming linguistic barriers, the thesaurus used for the indexation of European legislative acts ("Eurovoc") has been integrated in the system as a dictionary in order to allow the user to search for terms in a foreign language. The system translates the words automatically and searches in the legislation of a Member State for all acts containing the search term.

The necessary technical means have been put in place in order to integrate in the future an automated translation programs in the system to provide the user within a few minutes with a basic outline of the content of an act retrieved via N-Lex from the legislative database of a Member State.

EUR-Lex

EUR-Lex is the European database which gives access to EU law. It is the result of merging the EUR-Lex site with the CELEX database on European law. It combines and exploits the main advantages of the two systems in order to offer direct, easy and free of charge access to the biggest documentary holdings on EU law.

The system offers direct access to the latest issues of L (Legislation) and C (Information and Notices) series of the Official Journal, as well as the possibility of consulting on-line all the issues of the Official Journal since 1998. It gives access to a monthly overview of the legislation in force. It contains the Treaties, the international agreements, all legislative acts since 1952 whether in force or not, the case law since 1954, as well as preparatory acts – in particular legislative proposals - and parliamentary questions.

The new system presents many advantages. It is updated continuously, the daily editions of the OJ are available immediately and it processes all the official languages of the European Union. Legislation translated into the languages of the new Member States has been made available through the Special Edition of the OJ and is also searchable.

EUROPEAN EVIDENCE WARRANT (EEW)

The Council examined two important outstanding issues of this proposal: the definition of offences and the inclusion of telecommunication and electronic data in the scope of the Framework Decision.

As regards the definition of offences, the proposal provides that for 32 categories of offences double criminality may not be invoked by the executing State as a ground for refusing an EEW if the offence concerned is punishable in the issuing State with a maximum of at least three years of imprisonment. This approach is in line with earlier instruments such as the European arrest warrant, freezing orders, financial penalties or the draft text on confiscation orders.

However, one delegation called for the introduction of legally binding criteria defining 6 of these 32 offences. The other delegations and the Commission could not agree to that, but could only accept the inclusion of criteria of an advisory nature. The matter was sent back to the Council relevant working parties with a view to exploring different possibilities for finding a compromise.

Regarding telecommunication and electronic data, the competent bodies of the Council should examine if it could be included in the scope of the Framework Decision.

The aim of this proposal for creating a EEW is to establish a mechanism to facilitate the obtaining of evidence in cross-border cases based on mutual recognition principles. The underlying idea is that the European Evidence Warrant is an order that would be issued by a judicial authority in one Member State and directly recognised and enforced by a judicial authority in another Member State. As compared to the existing mutual assistance procedures that it would replace, the European Evidence Warrant would bring benefits including faster procedures and clear safeguards for the issuing of a warrant and for its execution.

This proposal adopts the same approach to mutual recognition as the European Arrest Warrant. The European Evidence Warrant would thus be a single document translated by the issuing authority into an official language of the executing State. No further translation would be necessary. This means that the European Evidence Warrant could be executed immediately in the same way as a domestic procedural measure. It would lay down the objective to be achieved, while leaving it to the executing State to decide on the most appropriate way of obtaining the evidence in accordance with its domestic law.

FIGHT AGAINST ORGANISED CRIME

Pending the lifting of some parliamentary and scrutiny reservations, the Council reached a consensus on a Framework Decision on the fight against organised crime.

For the purposes of this Framework Decision, “criminal organisation” means a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty in order to obtain, directly or indirectly, a financial or other material benefit.

Concerning the offences relating to participation in a criminal organisation, each Member State shall take the necessary measures to ensure that either the types of conduct related to a criminal organisation described in (a) or the type of conduct described in (b) are regarded as offences:

(a) conduct by any person who, with intent and with knowledge of either the aim and general activity of the organisation or its intention to commit the offences in question, actively takes part in the organisation's criminal activities, including the provision of information or material means, the recruitment of new members and all forms of financing of its activities, knowing that such participation will contribute to the achievement of the organisation's criminal activities ;

(b) conduct by any person consisting in an agreement with one or more persons that an activity should be pursued, which if carried out, would amount to the commission of offences falling within the Framework Decision, even if that person does not take part in the actual execution of the activity.

Regarding penalties, each Member State shall take the necessary measures to ensure that:

- the offence referred to in (a) is punishable by a maximum term of imprisonment of at least between two and five years; or
- that the offence referred to in (b) is punishable by the same maximum term of imprisonment as the offence at which the agreement is aimed, or by a maximum term of imprisonment of at least between two and five years.

Point 3.3.2 of The Hague Programme stated that the approximation of substantive criminal law serves the same purposes and concerns areas of particular serious crime with cross border dimensions and that priority should be given to areas of crime that are specifically mentioned in the treaties. The definition of offences relating to participation in a criminal organisation should therefore be approximated in all the Member States. Thus, this Framework Decision encompasses crimes which are typically committed in a criminal organisation. Moreover, penalties corresponding to the seriousness of these offences should be envisaged against natural and legal persons who committed them or are responsible for their commission.

PROCEDURAL RIGHTS IN CRIMINAL PROCEEDINGS THROUGHOUT THE EU

The Presidency informed the Council about the state of play of negotiations on this Framework Decision, and decided to instruct an ad hoc informal working party to examine the outstanding issues relating to this Framework Decision.

The proposal was submitted by the Commission on 3 May 2004. It aims to set common minimum standards as regards certain procedural rights applying in criminal proceedings throughout the EU.

The areas where common minimum standards are proposed by the Commission are:

- access to legal advice,
- access to free interpretation and translation,
- ensuring that persons who are not capable of undertaking for following the proceedings receive appropriate attention,
- the right to communicate, inter alia, with consular authorities in the case of foreign suspects, and
- notifying suspected persons of their rights.

MUTUAL RECOGNITION TO JUDGEMENTS IN CRIMINAL MATTERS

The Council instructed its preparatory bodies to further examine this proposal on the following basis:

As a starting point, a derogation from double criminality for 32 offences as in the original proposal will apply. However, Member States may opt out of this principle. The working party will examine whether the possibility to opt out should be absolute or limited, or only be made for specified reasons (e.g. where the derogation from double criminality would be against fundamental principles of law of the executing State or could aggravate the situation for the sentenced person).

Austria, Finland and Sweden submitted on 24 January 2005 a proposal for a Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

The purpose is to establish the rules under which a Member State shall recognise and enforce on its territory a sanction imposed by a court of another Member State irrespective of whether or not enforcement has already been started.

The original proposal provided for a derogation from double criminality for 32 offences corresponding to the derogation found in previous instruments on mutual recognition (e.g. European Arrest Warrant).

SURRENDER PROCEDURE BETWEEN THE MEMBER STATES OF THE EU AND ICELAND AND NORWAY

Pending the lifting of two parliamentary reservations, the Council reached an agreement on a surrender procedure between the EU Member States and Iceland and Norway.

OTHER BUSINESS

– ***High level dialogue on the fight against terrorism***

The Presidency briefed the Council about the "High Level Dialogue on the Fight Against Terrorism", an institutional novelty which comes directly from the European Union's Strategy on Terrorism. The first meeting is scheduled for 10 May 2006. Participants will include the Austrian Minister of Interior Ms Liese Prokop, the EU Counter Terrorism Coordinator Gijs de Vries, the European Parliament and Commission Vice President Franco Frattini.

The items which could be discussed are: 1) implementation of the EU Strategy and Action Plan on terrorism; 2) Implementation of the EU Strategy and Action plan on Radicalisation and Recruitment; and 3) the UN Strategy and role in the fight against terrorism.

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Over lunch, Commission Vice President Franco Frattini informed the Ministers on the progress in the work of the European Parliament Temporary Committee on Allegations concerning the use of European countries by the CIA for the transportation and illegal detention of prisoners and invited Ministers to keep collaborating with the European Parliament.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Cooperation between police, customs and other specialised law enforcement services

The Council approved a recommendation on the drawing up of agreements between police, customs and other specialised law enforcement services in relation to the prevention and combating of crime (6856/06+COR 2).

The recommendation replaces resolution of 29 November 1996 on the drawing-up of police/customs agreements in the fight against drugs (*OJ C 375, 12.12.1996, p. 1.*) and extends it to all other relevant areas of crime, given the involvement of criminal groups, notably in the smuggling of goods other than drugs.

Member states must inform the Council within three years of the measures taken following the recommendation.

Strengthened practical cooperation in the field of asylum - *Council conclusions*

The Council adopted the following conclusions:

"THE COUNCIL

1. *recalls* the Hague Programme of 4 and 5 November 2004, in which the European Council invited the Council and the Commission to establish appropriate structures involving the national asylum services of the Member States with a view to facilitating practical and collaborative cooperation. The European Council also stated that Member States will be assisted, *inter alia*, in achieving a single procedure for the assessment of applications for international protection, and in jointly compiling, assessing and applying information on countries of origin, as well as in addressing particular pressures on the asylum systems and reception capacities resulting, *inter alia*, from their geographical location;
2. recalls the Communication from the Commission to the Council and the European Parliament *The Hague Programme: Ten priorities for the next five years - The Partnership for European renewal in the field of Freedom, Security and Justice* of 10 May 2005. In this Communication, the Commission reiterated that administrative cooperation between the national services of Member States must be reinforced, with funds earmarked to assist Member States in processing the applications and the reception of third country nationals;

3. recalls the Council and Commission Action Plan implementing the Hague Programme on *Strengthening freedom, security and justice in the European Union* of 2 and 3 June 2005, in which it was announced that the Commission would present a Communication on the establishment of structures involving the national asylum services of the Member States for promoting cooperation;
4. *recalls* the Council Conclusions *on the single procedure for the assessment of applications for international protection*, of 25 and 26 October 2004, in which the Council considered that there was, in addition to the general objective of establishing the Common European Asylum System, a clear need for greater practical cooperation, and exchange and assessment of information between Member States to support the implementation of the first stage legislation of the Common European Asylum System and to take steps towards a single procedure to cover the two types of international protection status provided for by the Qualification Directive¹ and in which the respect of the Geneva Convention will be guaranteed;
5. *supports* in general the approach proposed in the Commission's Communication on Strengthened *practical cooperation* of 17 February 2006 and recognises that the first stage of the Common European Asylum System, as well as introducing a common legislative framework, makes it necessary to work towards harmonisation, not only of legislation, but of practice;
6. *acknowledges* that strengthened practical cooperation will contribute to the necessary convergence in decision-making and thus enhance the quality and efficiency of the asylum systems of Member States;
7. *considers* that the establishment of a Single Procedure, where the two types of international protection status set out in the Qualification Directive, are considered in one procedure, will help to reduce delays and repeated applications and therefore contribute to the efficiency of the asylum systems. The Council agrees with the Commission's approach of a preparatory phase of evaluation, consultation and analysis of what Member States need to do to unify the procedures, to be followed by a legislative phase to amend the first stage legislation where necessary;

¹ Council Directive (2004/83/EC) of 29 April 2004, on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ L 304, 30.9.2004, p. 12).

8. *stresses* that accurate and easily accessible Country of Origin Information is essential for taking decisions on asylum claims. In this respect, the Council welcomes the Commission's intention to propose common guidelines, to find a solution to translation needs and to establish as soon as possible a common portal to all available information on countries of origin. In the longer term, these activities could lead to the development of an EU wide database subject to the results of a feasibility study;
9. *underlines* the responsibility of the Member States to ensure full application of the relevant legislation on asylum in the European Union and stresses the need to address the challenges brought by Particular Pressures in a spirit of solidarity. In this respect it welcomes the Commission's intention to amend and streamline existing financial instruments in order to make financial support quickly available for these kind of situations, acknowledges the need to analyse past and current particular pressure situations and encourages the pooling of Member States resources, notably via the setting up of expert teams, including, for example, availability of interpreters;
10. *acknowledges* the need to ensure the appropriate management of the ambitious programme of activities envisaged in the Communication and takes note of the Commission's intention to come forward with appropriate proposals to provide a systematic basis for exchange of information, promotion and dissemination of best practice, establishment of a repository of expertise with a view to facilitating practical co-operation and thus to improving convergence in asylum policies."

Improved operational cooperation on joint return operations by air - *Council conclusions*

The Council adopted the following conclusions:

"Recalling that:

- The Return Action Programme¹, adopted by the Council on 28 November 2002, recommends in Chapter IV making the return of third country nationals illegally resident in a Member State as efficient as possible by sharing existing capacities for the organisation of joint flights among the Member States (n. 36) and points out the necessity of joint training measures for the officials with responsibility for return operations (n. 30);

¹ 14673/02 MIGR 125 FRONT 135 VISA 172.

- The Council adopted in 2004 a Decision¹ defining the organisational arrangements which are appropriate for carrying out joint return operations by air, identifying in particular the tasks specific to the organising Member State, the tasks specific to the participating Member States and the common tasks;
- The Council, in its Conclusions adopted on 12 July 2004 on giving practical effect to the Council Decision on the organisation of joint flights², invited the European Commission and the Member States *"to explore ways for the Border Management Agency to provide the necessary assistance for organising joint flights"*;
- The FRONTEX Agency has been tasked, in the relevant Regulation, *"to provide the necessary assistance for organising joint return operations of Member States"* (Article 9), as well as to hold additional training courses and seminars on *"subjects related to the return of third country nationals for officers of the competent national services of Member States"* (Article 5)³.

The Council of the European Union, underlining that joint return operations constitute an important tool for the efficient implementation of the return policy of the Union, considers that:

- joint return operations should be organised in full respect of the human rights and of the dignity of the person subject to removal, in compliance in particular with Article 6(2) of the Treaty on the European Union and with the relevant international instruments;
- the model whereby the charter flight is organised by one Member State, which leads the entire operation, with the participation of other Member States, has proven to be successful and efficient and should continue to apply;

¹ Council Decision of 29 April 2004, on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (2004/573/EC) (OJ L 261 of 6.8.2004, page 28).

² Council Conclusions on giving practical effects to the Council Decision on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (8540/04 MIGR 30 COMIX 275).

³ See Council Regulation (EC) 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349 of 25.11.2004, page 1).

- FRONTEX, subject to a precise definition of the scope of its responsibilities in this area, should play a co-ordinating role in the organisation of joint charter flights and provide the necessary assistance. When identifying its specific tasks special attention should be paid in particular to criteria of economic efficiency and to the need to accelerate and facilitate the relevant procedures;
- FRONTEX should be given access to ICO-NET¹ in order to perform its tasks and should use this system as a platform for its communication with the Member States;
- the involvement of Liaison Officers, of members of the diplomatic and consular representations of the Member States concerned and of representatives of the relevant destination countries during the organisation and implementation of joint return operations is of utmost importance and should be reinforced;
- the definition of common training standards and the organisation of training courses for officers of the Member States responsible for removal operations will promote the future organisation of joint charter flights and improve the efficiency of joint return operations. The national standards of Member States will constitute the basis for further developing such activities.

The Council, having regard to these considerations, calls for a further increase in the use of joint flights as a means of demonstrating the commitment of the EU in relation to joint return actions making more effective use of resources, thus increasing the rate of returns from the Member States.

The Council, in particular, invites:

- Member States which organise joint charter flights or which plan to organise them to involve FRONTEX, in accordance with the FRONTEX Regulation;
- Member States and FRONTEX to define practical arrangements for their co-operation in the organisation and implementation of joint charter flights on the basis of the lessons learned and of the best practices, to take the necessary action for this purpose and to keep them under review on the basis of the experience acquired;
- the Commission to conclude agreements with FRONTEX with a view to enabling access to and the use of ICO-NET;

¹ See Council Decision of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (2005/267/EC) (OJ L 83 of 1.4.2005, page 48).

- FRONTEX to draw up, in consultation with the Member States, common training standards for officers responsible for removals on the basis of existing national training curricula as well as organising training courses specifically directed to officers responsible for removals and accompanying personnel during joint return operations."

Denmark - Agreements on civil and commercial matters

The Council adopted decisions approving the conclusion of two agreements with Denmark with a view to extending to Denmark the provisions of:

- regulation 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (6922/06); and
- regulation 1348/2000 on the service in the member states of judicial and extrajudicial documents in civil or commercial matters (6924/06).

Accession to the Hague Conference on private international law

The Council agreed to the text of a draft decision on the accession of the European Community to the Hague Conference on private international law (HCCH) which will be sent to the European Parliament for its assent (7591/06).

At present, the Community enjoys only observer status in the HCCH. Full membership is necessary for two reasons. It would grant the Community a status consistent with its new role as a major international player in the field of civil judicial cooperation. It would also enable the Community to fully participate in the negotiation of conventions in areas of its competence by expressing its views and positions and ensuring consistency and coherence between its own rules and envisaged international instruments. Moreover, the Community as such rather than its member states would be the subject of the rights and obligations stemming from Hague Conventions in areas of its competence.

The Hague Conference on private international law is a long-established international organisation with the objective of ensuring the progressive unification of the rules of private international law, mainly by negotiating and drafting international conventions (www.hcch.net).

Insolvency proceedings

The Council adopted a regulation amending the lists of insolvency proceedings, winding-up proceedings and liquidators contained in regulation no 1346/2000 on insolvency proceedings (7636/06).

External dimension of judicial cooperation in civil matters

The Council agreed on the general framework of a future strategy for the external dimension of judicial cooperation in civil matters (8140/06).

The current document is not a legal framework but rather an evolving process of defining and achieving policy objectives in full conformity with the provisions of the EC Treaty.

External frontiers - Frontex Agency work programme for 2005 and 2006

The Council took note of the work programme of the European Agency for the management of operational cooperation at the external borders of the member states of the EU (Frontex) for 2005 and 2006.

The Frontex agency was established by Council regulation 2007/2004 (OJ L 349, 25.11.2004, p.1).

It coordinates operational cooperation between member states in the management of the EU's external borders; assists member states in the training of national border guards, including the establishment of common training standards; carries out risk analyses; follows up the development of research relevant for the control and surveillance of external borders; assists member states in circumstances requiring increased technical and operational assistance at external borders; and provides member states with the necessary support in organising joint return operations.

European Police College

The Council approved rules regarding the selection of the candidates for the post of director of the European Police College (CEPOL) adopted by the CEPOL governing board in February 2006 (7180/06).

Organised crime - Smuggling of migrants

The Council endorsed a general approach, pending the opinion of the European Parliament, on draft decisions on the conclusion, on behalf of the European Community, of a protocol against the smuggling of migrants by land, air and sea as well as of a protocol to prevent, suppress and punish trafficking in persons, especially women and children (8174/06).

Both protocols supplement the United Nations Convention against transnational organised crime.

COMMON FOREIGN AND SECURITY POLICY

Burma/Myanmar – Renewal of restrictive measures

The Council adopted a common position renewing for a year the restrictive measures against Burma/Myanmar (7940/1/06).

Under the common position a visa ban and a freezing of assets will be maintained. The scope of the measures includes members of the military regime, the military and security forces, the military regime's economic interests and other individuals, groups, undertakings or entities associated with the military regime who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy. The measures will also continue to include a prohibition on making financial loans or credits available to, and on acquiring or extending a participation in, Burmese state-owned enterprises.

The renewal of the restrictive measures is based on an assessment of the current political situation in this country, and notably the following elements:

- the failure of the military authorities to enter into substantive discussions with the democratic movement concerning a process leading to national reconciliation, respect for human rights and democracy;
- the failure to allow a genuine and open national convention;
- the continuing detention of members of the National League for Democracy (NLD) and other political detainees, and the harassment of the NLD and other political movements;
- the continuing violations of human rights; and

- recent developments such as increasing restrictions on the operation of international organisations and non-governmental organisations.

The Council adopted, in April 2005, common position 2005/340/CFSP extending until 25 April 2006 restrictive measures against Burma/Myanmar¹.

In 2004, the Council adopted common position 2004/423/CFSP renewing restrictive measures against Burma/Myanmar. These measures replaced those imposed by common position 2003/297/CFSP, which had replaced the restrictive measures initially adopted in 1996.

EUROPEAN SECURITY AND DEFENSE POLICY

EU military operation in support of the MONUC during the election process in DR Congo

The Council adopted a Joint Action on the European Union military operation in support of the United Nations Mission in the Democratic Republic of the Congo (MONUC) during the election process. The Joint Action forms the EU legal basis and sets out the framework for the operation. The military operation will be conducted in full agreement with the authorities of the Democratic Republic of the Congo (DRC) and in close coordination with them and MONUC. This autonomous EU-led operation will be conducted in the framework of the European Security and Defence Policy (ESDP).

The Council appointed Lieutenant General Karlheinz VIERECK (Germany) EU Operation Commander and Major General Christian DAMAY (France) EU Force Commander. Lt-Gen Viereck was in Brussels today and met with High Representative Solana and the EU's Political and Security Committee.

Code-named EUFOR RD Congo, the military operation will be deployed in accordance with the mandate set out in United Nations Security Council Resolution 1671 (2006) adopted unanimously on 25 April. In that regard, EUFOR RD Congo will carry out the following tasks:

- to support MONUC to stabilize a situation, in case MONUC faces serious difficulties in fulfilling its mandate within its existing capabilities,
- to contribute to the protection of civilians under imminent threat of physical violence in the areas of its deployment, and without prejudice to the responsibility of the Government of the Democratic Republic of the Congo,

¹ OJ L 108, 29.4.2005, p. 88.

- to contribute to airport protection in Kinshasa,
- to ensure the security and freedom of movement of the personnel as well as the protection of the installations of EUFOR RD Congo,
- to execute operations of limited character in order to extract individuals in danger

EUFOR RD Congo will include:

- the deployment of an advance element to Kinshasa of circa 400-450 military personnel;
- the availability of a battalion-size "on-call" force over the horizon outside the country, but quickly deployable if necessary. This force will be on stand-by, ready to be deployed upon decision by the EU.

EUFOR DR Congo will be deployed in the DRC for a period ending four months after the date of the first round of the presidential and parliamentary elections. The decision on the launching of the operation will be adopted at a later stage and in the light of the electoral calendar in the DRC.

The EU Operational Headquarters will be located in Potsdam (Germany).

Under the responsibility of the Council of the EU, the Political and Security Committee will exercise the political control and strategic direction of EUFOR RD Congo.

The financial reference amount for the common costs of the EU military operation for a four-month period will be EUR16,700,000.

TRADE POLICY

Anti-dumping - China and the Philippines - Tube or pipe fittings

The Council adopted a regulation extending the definitive anti-dumping duty imposed by regulation 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in China to imports of tube or pipe fittings, of iron or steel, consigned from the Philippines, whether declared as originating in the Philippines or not (8150/06).

CUSTOMS UNION

EU/Turkey - Implementation of the customs union

The Council adopted a decision establishing the position to be taken by the EU-Turkey association council as regards a draft decision on the final implementation phase of the EU-Turkey customs union (8382/06).

The draft decision establishes a methodology to assess the take-up under the Turkish legislation of corresponding Community legislation and whether Turkish conformity assessment bodies meet the requirements set out in the relevant legislation.

The EU-Turkey customs union is aimed at enabling the free circulation of products by removing technical barriers to trade between the EU and Turkey. Certain products must comply with essential requirements specified in the relevant legislation, and in certain cases that compliance must be confirmed by conformity assessment bodies.

The final phase of the customs union was implemented under decision 1/95 of the association council, as supplemented by decision 2/97. The draft decision establishes the procedures necessary for assessing application by Turkey of those provisions.

TRANSPORT

Agreement on air services with Bosnia and Herzegovina

The Council adopted a decision approving the signature and provisional application of an agreement on air services between the EU and Bosnia and Herzegovina.

The agreement is the result of negotiation under a mandate by which the Commission can negotiate with any third country with a view to bringing member states' existing bilateral aviation agreements into line with Community law.

INTERNAL MARKET

Patents of pharmaceutical products

The Council adopted in first reading a regulation on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems. The German delegation abstained. (*PE-CONS 3674/05*).

For more details see press release 8745/06.

SOCIAL POLICY

2007: European year of equal opportunities for all

The Council adopted a decision of the European Parliament and of the Council establishing the *European year of equal opportunities for all (2007) – towards a just society*, reflecting an agreement reached at first reading with the European Parliament, the Council and the Commission (*PE-CONS 3676/05*).

The *European year of equal opportunities for all* is an occasion for member states and other countries concerned¹ to step up their efforts to implement legislation on equal treatment and non-discrimination.

The *European year of equal opportunities* aims to:

- make discriminated groups more aware of their rights;
- stimulate debate on ways to increase the participation of discriminated persons in society;
- accentuate the benefits of diversity;
- disseminate values underlying the elimination of stereotypes, prejudice and violence,

in particular through the financial support of:

- meetings and events,

¹ E. g.: acceding countries, EFTA/EEA countries, Western Balkans countries.

- promotional and educational campaigns,
- surveys and studies.

TRANSPARENCY

Public access to documents

The Council adopted the replies to :

- confirmatory application 16/c/01/06 (7924/06);
 - confirmatory application 17/c/01/06 (7927/06);
 - confirmatory application 18/c/01/06 (7949/06);
 - confirmatory application 19/c/01/06 , the Danish, Finnish and Swedish delegations voting against (7967/06);
 - confirmatory application 20/c/01/06 made by Mr Ludo BLOCK (7990/06).
-