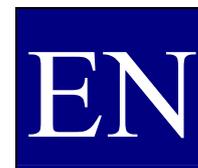




**COUNCIL OF
THE EUROPEAN UNION**



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2588th Council Meeting

Justice and Home Affairs

Luxembourg, 8 June 2004

President **Mr Michael McDOWELL, T.D.**
Minister for Justice, Equality and Law Reform of Ireland

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Main Results of the Council

*The Council reached agreement on a draft Framework Decision on the application of the principle of **mutual recognition to confiscation orders**, on a Recommendation to **facilitate the admission of third country nationals** to carry out scientific research in the European Community and on a Decision establishing the **European Refugee Fund** for the period 2005 - 2010.*

*The Council discussed the implementation of the **Tampere programme** and exchanged views on the follow-up to European Council **Declaration on terrorism**. The Council also examined a proposal for a Council Decision establishing the **Visa Information System** and addressed the appointment of the **director of Europol**. Finally, the Council was briefed on the discussion at the "**EU Strategy on Drugs**" conference in Dublin.*

*The Committee broadly agreed that the **EU citizens' passports** should contain a first mandatory biometric identifier, a facial identifier, and an optional one, in principle fingerprints.*

CONTENTS¹

PARTICIPANTS.....	5
ITEMS DEBATED	
APPLICATION OF THE MUTUAL RECOGNITION PRINCIPLE TO CONFISCATION ORDERS.....	7
TERRORISM - FOLLOW UP TO EUROPEAN COUNCIL DECLARATION - <i>Council Conclusions</i>	8
COMMUNICATION ON THE IMPLEMENTATION OF TAMPERE.....	12
ADMISSION OF THIRD COUNTRIES RESEARCHERS	13
RETURN MANAGEMENT IN THE AREA OF MIGRATION - <i>Council Conclusions</i>	15
EUROPEAN REFUGEE FUND	21
COMMUNICATIONS ON ILLEGAL IMMIGRATION AND INTERNATIONAL PROTECTION	22
SCHENGEN VISA INFORMATION SYSTEM (VIS).....	23
FOLLOW-UP TO THE DUBLIN CONFERENCE ON EU STRATEGY ON DRUGS - <i>Council Conclusions</i>	24
OTHER BUSINESS	25

¹

- 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 above mentioned Council Internet site or may be obtained from the Press Office.

MIXED COMMITTEE 26

– Biometrics in EU citizens' passports 26

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

– Eurojust I

– EU Travel Document - *Council Conclusions* I

– Europol II

– Schengen - SISNET II

– Passports of uniform pattern II

TRANSPARENCY

– Public access to documents II

APPOINTMENTS

– Committee of the Regions III

PARTICIPANTS

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

Belgium:

Mr Patrick DEWAELE
Ms Laurette ONKELINX

Deputy Prime Minister and Minister for the Interior
Deputy Prime Minister and Minister for Justice

Czech Republic:

Mr Stanislav GROSS
Mr Jakub CAMRDA

First Deputy Prime Minister and Minister for the Interior
Deputy Minister, Ministry of Justice

Denmark:

Ms Lene ESPERSEN
Mr Bertel HAARDER

Minister for Justice
Minister for Refugees, Immigration and Integration

Germany:

Mr Otto SCHILY
Ms Brigitte ZYPRIES
Mr Klaus BUSS

Federal Minister for the Interior
Federal Minister for Justice
Minister for the Interior, Schleswig-Holstein

Estonia:

Mr Margus LEIVO

Minister for the Interior

Greece:

Mr Anastasis PAPALIGOURAS

Minister for Justice

Spain:

Mr José Antonio ALONSO SUÁREZ

Minister for the Interior

France:

Mr Dominique PERBEN

Keeper of the Seals, Minister for Justice

Ireland:

Mr Pat FOLAN

Assistant Secretary in the Department of Justice, Equality
and Law Reform

Italy:

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Permanent Representative

Cyprus:

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Minister for Justice and Public Order

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Lithuania:

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Mr Vytautas MARKEVIČIUS

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Minister for Justice

Luxembourg:

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Minister for Justice, Minister for the Treasury and the
Budget

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Political State Secretary, Ministry of the Interior

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Netherlands:

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Mr Piet Hein DONNER
Ms Rita VERDONK

Minister for the Interior and Kingdom Relations
Minister for Justice
Minister for Immigration and Integration

Austria:

Mr Ernst STRASSER

Federal Minister for the Interior

Poland:

Mr Ryszard KALISZ

Minister for the Interior and Administration

Portugal:

Mr Nuno MAGALHÃES

State Secretary for the Interior

Mr João MOTA DE CAMPOS

State Secretary to the Minister for Justice

Slovenia:

Mr Rado BOHINC

Minister for the Interior

Ms Zdenka CERAR

Minister for Justice

Slovakia:

Mr Vladimír PALKO

Minister for the Interior

Mr Daniel LIPŠIČ

Deputy Prime Minister and Minister for Justice

Finland:

Mr Kari RAJAMÄKI

Minister for the Interior

Mr Johannes KOSKINEN

Minister for Justice

Sweden:

Ms Barbro HOLMBERG

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

Mr Thomas BODSTRÖM

Minister for Justice

United Kingdom:

Ms Caroline FLINT

Parliamentary Under-Secretary of State, Home Office

.....

Commission:

Mr António VITORINO

Member

.....

Other participants:

Mr Javier SOLANA MADARIAGA

Secretary General / High Representative

Mr Gijs DE VRIES

EU Counter-Terrorism Coordinator

ITEMS DEBATED

APPLICATION OF THE MUTUAL RECOGNITION PRINCIPLE TO CONFISCATION ORDERS

The Council, subject to some parliamentary scrutiny reservations, reached a general approach on the entire draft Framework Decision on the application of the principle of mutual recognition to confiscation orders. The text will now be sent to the legal linguistic Working Party in a view of its finalisation and final adoption.

The Council took note of the intentions of the Czech delegation to make a statement relating to the draft protocol to the 1990 European Convention at the time of the adoption of the Framework Decisions.

The purpose of this Framework Decision is to facilitate cooperation between Member States as regards the recognition and execution of orders to confiscate the proceeds of crime. By means of the Framework Decision, a Member State will have to recognise and execute in its territory confiscation orders issued by judicial authorities of another Member State.

It should be noted that this Framework Decision is closely linked to the already adopted Framework Decision on the application of the principle of mutual recognition to orders freezing property or evidence. It is also linked to the draft Framework Decision on confiscation of crime-related proceeds, instrumentalities and property on which the JHA Council adopted a general approach in December 2002. For the purpose of making efficient instruments available to practitioners, it is very important to adopt the draft on confiscation orders. The draft is therefore high on the Presidency's list of priorities in the JHA area.

The European Council Declaration on combating terrorism, adopted on 25 March 2004, provided that work on the Framework Decision on confiscation orders should be concluded by June 2004.

TERRORISM - FOLLOW UP TO EUROPEAN COUNCIL DECLARATION - Council Conclusions

With a view to preparing the European Council of 17-18 June, the (JHA) Council had a first exchange of views on the follow up to the European Council Declaration on terrorism of 25 March 2004 (7906/04).

The Secretary General/High Representative Mr. SOLANA presented the main elements of his proposal aiming at improving the EU's intelligence cooperation. He will present again this proposal at the next European Council meeting, on 17-18 June, for endorsement.

The Council examined a draft Presidency report on the implementation of the Declaration on combating terrorism and a draft Plan of Action on combating terrorism. Both texts will be presented at the General Affairs and External Relations Council on 14 June and subsequently to the European Council.

In particular the draft Plan of Action on combating terrorism brings together a comprehensive package of measures to be taken in the fight against terrorism and lists them on the basis of the seven strategic objectives indicated in the Annex to the Declaration, together with the relevant competent body.

Mr. DE VRIES, the Counter-terrorism coordinator, presented two papers on implementation and on the provisional findings of two peer evaluation exercises. The Council also took note of a report by Eurojust on the scope for further measures to improve its capacity to contribute to the fight against terrorism.

The Council also adopted the following Conclusions:

" The Council :

1. Recalls that the Declaration on Combating Terrorism adopted by the European Council on 25 March 2004 called on :
 - the Council to complete the adoption of a revised Plan of Action to Combat Terrorism in accordance with the updated strategic objectives agreed for that purpose;
 - the Secretary General / High Representative to make proposals in relation to integrating, within the Council Secretariat, an intelligence capacity on all aspects of the terrorist threat;
 - the Counter-Terrorism Co-Ordinator to coordinate, within the Council Secretariat, the work of the Council in combating terrorism;
 - Member States to reinforce Europol's counter-terrorism capacities and reactivate the Counter-Terrorism task Force;
 - the Police Chiefs Task Force to review how its operational capacity could be reinforced and to focus on proactive intelligence; and
 - Member States to ensure that the optimum and most effective use is made of Eurojust.

Draft Report / Action Plan

2. Notes with satisfaction the progress made in the preparation of the Report to the European Council on the implementation of the Declaration on combating terrorism and the associated EU Plan of Action.

Report of Secretary General / High Representative

3. Takes note of the report prepared by the Secretary General / High Representative regarding the integration, within the Council Secretariat, of an intelligence capacity on terrorism for submission to the European Council on 17 / 18 June.

4. Notes the recommendations it makes for this purpose which will be considered by the European Council.

Peer Evaluation Processes / Implementation of legislative measures

5. Takes note of the report from the Counter Terrorism Co-Ordinator containing provisional findings arising from work undertaken in connection with the peer evaluation processes underway in relation to national arrangements in the fight against terrorism and the exchange of information and intelligence and his discussion paper on the monitoring of the implementation of legislative instruments to fight terrorism.
6. Mandates the Article 36 Committee, and the relevant working parties, to take the report into account in completing the peer evaluation processes and with a view to bringing any necessary proposals to Council.
7. Requests the Article 36 Committee to examine the discussion paper on the implementation of legislative measures with a view to agreeing proposals to improve existing arrangements.

Europol

8. Welcomes the re-establishment of the Counter-Terrorism Task Force and the proposals for reinforcing Europol' s counter-terrorism capacity in supporting Member States in their action against terrorism and in detecting and dismantling terrorist cells.
9. Notes that the Counter-Terrorism Task Force is being re-established within the existing structure of Europol.
10. Notes that the role and functions of the Counter-Terrorism Task Force will require to be reviewed in the light of other relevant developments.
11. Requests Member States to take all the necessary measures to support the work of the Counter-Terrorism Task Force consistent with the European Council' s call that the flow of intelligence to Europol in relation to all aspects of terrorism should be improved.
12. Requests Europol to keep the effectiveness of the Counter-Terrorism Task Force under review and to report to Council on the implementation of the new arrangements by mid-2005.
13. Welcomes the progress being made on the implementation of the Europol Information System.

Police Chiefs Task Force

14. Notes the report on the terrorist attacks prepared by the Police Chiefs Task Force.
15. Notes the outcome of the review undertaken by the Police Chiefs Task Force on how the operational capacity of the Task Force should be reinforced to focus on proactive intelligence.
16. Mandates the Article 36 Committee in consultation with the Police Chiefs Task Force to examine its proposals further, with a view to forwarding recommendations to Coreper / Council by December 2004 which will take account of procedural and institutional issues and of other developments.

Eurojust

17. Notes the report on the scope for further measures to improve its capacity to contribute to the fight against terrorism prepared by Eurojust in response to its request.
18. Mandates the Article 36 Committee and relevant parties to examine its proposals further with a view to bringing forward any necessary proposals or recommendations for consideration by the Council by December 2004."

COMMUNICATION ON THE IMPLEMENTATION OF TAMPERE

The Council held a preliminary discussion on the results of the Tampere programme and future follow-up developments on the basis of a recently approved Commission Communication.

The discussion focused on:

- Results accomplished on the implementation of the Tampere programme, and
- Guidelines for future priorities.

The incoming Dutch Presidency announced that this will be one of its main priorities and that it will be discussed at the next Ministerial informal meeting in September.

The Tampere programme for the establishment of an area of freedom, security and justice was launched by the European Council at Tampere in October 1999. It covers several areas such as: protecting EU citizens against crime, integration of third country nationals, common policies on asylum and immigration, ensuring free movement and residence throughout EU and ensuring that all EU citizens have the same access to justice throughout the EU.

ADMISSION OF THIRD COUNTRIES RESEARCHERS

The Council, pending the opinion from the European Parliament, reached a general approach on the proposal for a Council Recommendation aimed to facilitate the admission of third country nationals to carry out scientific research in the European Community. The Recommendation is part of a "Package" presented by the Commission which includes also a proposal for a Directive on a specific procedure for the admission of third-country nationals to carry out research.

The Recommendation is a step to strengthen the actions being undertaken to develop the European research area, in the framework of the strategic objective, set out for the EU by the Lisbon European Council in March 2000: to become the most competitive and dynamic knowledge based economy in the world.

The Recommendation calls on Member States to adopt a number of practical measures without delay, in view of the fact that the Directive will not come into operation until 2006, at the earliest, and that more immediate action will be necessary if the targets set by the Lisbon European Council are to be met.

The Recommendation identifies the following areas of action:

- (1) In the area of admission for the purpose of carrying out research:
 - encourage the admission of researchers into the Community, by providing to them favourable conditions for carrying out research, preferably by exempting them from work permit requirements, or alternatively by providing for work permits to be issued automatically, or under fast - track procedures;
 - refrain from using quotas to restrict the admission of third-country nationals for research posts;

- guarantee third-country nationals the possibility of working as a researcher, including the possibility of extension or renewal of work permits where appropriate;

(2) In the area of residence permits:

- issue residence permits in response to applications from third-country nationals for purposes of research as soon as possible, and facilitate fast track procedures;
- guarantee third-country nationals working as researchers that their residence permits will be renewed;
- gradually involve the research organisations in the admission procedure for researchers;

(3) In the area of family reunification, to facilitate and support the reunification of family members, by providing to them favourable and attractive conditions and procedures.

(4) In the area of operational cooperation:

- facilitate access of researchers to the relevant information and promote its availability on all the relevant information sources;
- promote contact persons network within the competent administrations;
- encourage research organisations to develop such networks;
- inform the Commission about the measures they have adopted in order to facilitate the admission of researchers from third countries.

RETURN MANAGEMENT IN THE AREA OF MIGRATION - *Council Conclusions*

The Council adopted Conclusions on the elements for establishing preparatory actions for a financial instrument for return management in the area of migration. This financial instrument aims to provide support to the return of illegal immigrants in the European Union to countries of origin, former residence or transit.

The Conclusions constitute a set of guidelines for the Commission and are the basis for the establishment of a future instrument for Return management.

The Council adopted the following conclusions:

"Recalling that:

- (1) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, underlined the need for more efficient management of migration flows at all their stages.
- (2) The Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union¹, adopted by the Council on 28 February 2002 and based on the Commission's Communication of 15 November 2001 on a common policy on illegal immigration, states that readmission and return policy is an integral and vital component of the fight against illegal immigration. To that end, the plan emphasises the necessity of analysing the advisability of establishing a financial instrument for implementing the return policy.
- (3) The European Council, at its meeting in Seville on 21 and 22 June 2002, highlighted the need to fight against illegal migration and attached top priority - inter alia - to return policy.
- (4) The Return Action Programme, approved by the Council on 28 November 2002 and based on the Commission's Communication of 14 October 2002 on a Community return policy on illegal residents, recommends that a decision be taken as how best to deploy any financial resources, which can be mobilised for return in order to effectively meet the requirements of the European Council in Seville in the field of return.

¹ OJ C 142, 14.6.2002, p. 23.

- (5) The European Council, at its meeting in Thessaloniki on 19 and 20 June 2003, noted that greater efficiency can be achieved, regarding the return of illegal migrants, by reinforcing existing EU co-operation in the Community and setting up mechanisms to that end, including a financial component.
- (6) The European Council, at its meeting in Brussels on 16 and 17 October 2003, welcomed the Commission's intention, taking into account the financial perspectives, to provide financial support for the repatriation, in full compliance with humanitarian principles and respect for the dignity of the person, of illegal immigrants and unsuccessful applicants for asylum to countries of origin and transit.
- (7) Preparatory actions for return management should therefore be established, in order to better manage the return of illegal residents in the European Union to countries of origin, former residence or transit.
- (8) The issues arising from return management call for effective, flexible and in some cases speedy decision-making with a view to financing any Community operations.
- (9) To ensure the consistency of the Community's action in the field of immigration and asylum, operations financed under preparatory actions should be specific and complementary to operations financed under other Community instruments, in particular Council Decision 2000/596/EC of 28 September 2000 establishing a European Refugee Fund², Council Decision 2002/463/EC of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)³ and the programme for financial and technical assistance to third countries in the area of migration and asylum (AENEAS)⁴.
- (10) The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of these conclusions. In particular, contracts concluded under preparatory actions should authorise the Commission to carry out the measures provided for in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.⁵

² OJ L 252, 6.10.2000, p.12.

³ OJ L 161, 19.6.2002, p. 11.

⁴ OJ L 80, 18.3.2004, p. 1.

⁵ OJ L 292, 15.11.1996, p.2.

- (11) Preparatory actions in the field of return management should be implemented with due respect for human rights and fundamental freedoms, and in particular for the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment of 10 December 1984, the Geneva Convention of 28 July 1951 and the New York Protocol thereto of 31 January 1967, relating to the Status of Refugees, the Convention on the Rights of the Child of 20 November 1989, and the Charter of Fundamental Rights of the European Union of 18 December 2000, as far as they are applicable.⁶
- (12) On the basis of the principle of subsidiarity, regard should be had to whether the measures proposed for adoption in the preparatory actions could be more effectively undertaken by the Member States rather than by the Community.
- (13) The experience obtained from actions in the area of return, as envisaged under these conclusions, should be relied on when preparing legislation on the establishment of a future Financial Instrument on Return Management.
- (14) The procedures and practices of the Member States in implementing measures in the area of return under these Conclusions should not be affected.
- (15) The use of Community resources under these conclusions should remain within the limit of the financial perspectives of the Community.

The Council of the European Union, which calls upon the budgetary authority to provide appropriate funding, considers that preparatory actions for a financial instrument for return management in the area of migration should be established and implemented along the following lines:

Section I - Objectives

- 1 Preparatory actions in the field of return management should be established in order to assist the improved management of return in all its dimensions of illegal entrants and residents in the European Union to countries of origin, former residence or transit. Such actions aim in particular to facilitate operational co-operation between Member States and also to promote integrated return plans, which are conducive to effective and sustainable returns.
- 2 Integrated return plans shall be adopted and implemented with due respect for the rule of law as well as for human and minority rights and for fundamental freedoms.
- 3 The implementation of integrated return plans in third countries shall take place in close partnership with the countries concerned.

⁶ OJ C 364, 18.12.2000, p. 1.

Section II – Complementarity

- 4 Taking into account the nature and objectives of the specific measures proposed for adoption in the preparatory actions, the Commission, in close cooperation with Member States, should assess (i) whether the measures complement other existing Community instruments, where the scope of such instruments covers return related issues including the return of third-country nationals and (ii) whether the measures could be more effectively supported directly through those other instruments. Such an assessment should take place when the return plans are drafted and implemented.

Section III – Elements for integrated return plans

- 5 Community support should be established for integrated return plans, the primary purpose of which will be the return of illegal entrants and residents in the territory of the Member States of the European Union to their country of origin, former residence or transit.
6. Complementary Community support may be provided for the return of irregular migrants in transit countries to their country of origin or former residence, where they have entered illegally the territory of a Member State or where such persons attempt or have attempted to enter illegally the territory of a Member State.
7. In the case of forced return to the country of illegal entrants and residents to the country of origin, former residence or transit, financial support should be provided to cover the travel costs for returnees and escorts, in particular the costs for the means of transportation for joint removal operations.
8. In the case of voluntary return to the country of origin, former residence or transit, the following measures could be considered:
 - (i) pre-return information, assistance and counselling,
 - (ii) travel costs,
 - (iii) transport of personal belongings.
9. To ensure the sustainability of returns Community support may also be established, where appropriate, for the following elements of integrated return plans:
 - (1) reception of readmitted persons in the country of origin, former residence or transit;
 - (2) actions to ensure the durable reintegration of the person concerned in the country of origin or former residence.

In this respect, the following measures for reception assistance could be considered, as necessary:

- (a) in cases of forced return:
 - (i) travel costs;
 - (ii) transportation to the final destination in the country of return.

- (b) in cases of voluntary return:
 - (i) adequate temporary accommodation for the first days after arrival;
 - (ii) travel costs;
 - (iii) essential initial expenses after return;
 - (iv) transportation to the final destination in the country of return.
 - (v) training and employment assistance;
 - (vi) limited start-up support for economic activities;
 - (vii) post-return assistance and counselling.

Section IV – Drawing up integrated return plans

10. The Commission, in close cooperation with Member States, should draw up integrated return plans annually, in accordance with Council Regulation 1605/2002/EC, in particular Articles 48 and 49(2) thereof, and Commission Regulation 2342/2002, in particular Article 32(2) thereof.

The Council invites the Commission to take account of its orientations as regards the identification of target groups and/or specific measures to be undertaken.

11. The Commission should ensure, prior to drawing up the integrated return plans, that they are in accordance with the financial regulations; that their objectives and anticipated outcomes are indicated; and, in particular, that the following are specified:
- (i) the grounds for the specific need for Community support for the designated target group of the return plan;
 - (ii) an assessment of the feasibility of returning persons of the target group in order to ensure that their return takes place in safety and dignity as well as on the situation in the country or region of return, including the reception and reintegration capacity;
 - (iii) the specific measures to be supported, the timetable of implementation of the measures, and the criteria for the evaluation and selection of projects.
 - (iv) the duration of the return plan; and
 - (v) the projected costs of the return plans.

Section V – Implementation of integrated return plans

12. The Commission should be responsible for drawing up a framework for the financial management of the integrated return plans in partnership with Member States.
13. To facilitate the implementation of the integrated return plans, the Commission should, where necessary, conclude bi- or multilateral arrangements with third countries and/or international organisations on the implementation of the return plans.
14. Partners eligible for financial support under these Conclusions should primarily include all the relevant government bodies, departments and agencies of the Member States as well as of the third countries involved, institutions, associations and regional and international organisations and agencies. Where appropriate, non-governmental organisations (NGOs) or other non-state actors in both the public and private sectors may also apply for funding.
15. In respect of the selection of all projects for financial support, particular attention should be given to the efficiency and sustainability of the measure. Without prejudice to the specific needs of the target group, preference should be given to:
 - (i) projects which involve joint actions between two or more Member States.
 - (ii) projects, as defined in the respective return plan, which involve two or more specific elements as set out in paragraphs 5 through 9 of these Council Conclusions."

EUROPEAN REFUGEE FUND

The Council reached a political agreement on a Decision establishing a European Refugee Fund (ERF), for the period 2005 – 2010.

This Decision aims to support and encourage the efforts made by the Member States in receiving and bearing the consequences of receiving refugees and displaced persons. The fund should be seen as an instrument of solidarity. It should also be noted that the current European Refugee Fund will come to an end by 31 December 2004.

Main characteristics of ERF II:

- Greater coherence will be ensured by allowing co-financing of actions covering two or all of the aspects of asylum.
- Community action will be increased (7% of the funds allocated to the Fund, instead of current 5%).
- A greater role for the Commission, particularly in planning and pooling resources.
- Take in to account the accession of ten new Member States.

The decision to establish the European Refugee Fund, in September 2000, laid the foundation of collective action by the Community for the reception of asylum-seekers and people requiring international protection. It also helped to secure temporary protection in the event of mass influx of displaced persons.

COMMUNICATIONS ON ILLEGAL IMMIGRATION AND INTERNATIONAL PROTECTION

Commissioner VITORINO briefed the Council on two recently approved Commission Communications

- on the study of how legal immigration policy instruments can contribute to developing the fight against legal immigration, and
- on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the region of origin.

The Council took note of the presentations and held a preliminary exchange of views on both Communications.

SCHENGEN VISA INFORMATION SYSTEM (VIS)

The Council adopted a Decision establishing the Visa Information System. It will enable the Commission to prepare the technical development of the VIS (*9559/1/04 REV 1*).

The system is intended to enable authorised national authorities to enter and update visa data and to consult that data electronically.

**FOLLOW-UP TO THE DUBLIN CONFERENCE ON EU STRATEGY ON DRUGS -
Council Conclusions**

The Presidency briefed the Council on the main elements discussed at the Dublin Conference on the "EU Strategy on Drugs - The Way Forward".

The following major themes were discussed at the Conference:

- Co-ordination
- Demand reduction
- Supply reduction
- International co-operation
- Information and evaluation

The aim of the conference was to provide a first opportunity for Member States to exchange views on the future EU Drug Strategy 2005-2012. It should be noted that the current EU drug strategy would come to an end in 2004.

The Council approved the following Conclusions:

"The Council

1. Welcomes the report of the Presidency on the main elements discussed at the Dublin Conference EU Strategy on Drugs/The Way Forward on 10 and 11 May 2004.
2. Takes note of the fact that the purpose of the Conference was to provide a first opportunity for an exchange of views on the European Drugs Strategy to be adopted for 2005 – 2012.
3. Looks forward to the Commission's final evaluation of the 2000–2004 Drugs Strategy.
4. Requests the relevant parties to undertake the necessary work on the preparation of the new strategy with a view to its adoption no later than December 2004."

OTHER BUSINESS

In accordance with Article 24 of the Treaty on European Union, new Member States made constitutional declarations with regards to three agreements that were signed last year on behalf of the European Union: EU-US Agreements of 25 June 2003 on extradition and mutual assistance and the EU-Norway/Iceland Agreement of 19 December 2003 on mutual assistance.

MIXED COMMITTEE

– *Biometrics in EU citizens' passports*

The Mixed Committee gave political guidance on standards for security features and biometrics in EU citizens' passports.

The Committee broadly agreed that the EU citizens' passports should contain a first mandatory biometric identifier, a facial identifier, and an optional one, in principle fingerprints.

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Over lunch, Ministers addressed the question of the appointment of the Director of Europol and took note of the situation regarding the creation of the European Borders Agency.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Eurojust

The Council approved the Activity Report of the Eurojust Joint Supervisory Body for the year 2003 (8182/04).

EU Travel Document - *Council Conclusions*

The Council adopted the following Conclusions on the re-examination of the legal basis, format and use of the EU Travel Document (9741/04):

"The Council notes that:

- On 30 November 1994 the Council adopted a Recommendation concerning the adoption of a standard travel document for the expulsion of third-country nationals.
- In 2004, on initiative of the Irish Presidency, the competent Council bodies addressed the question of the use of the EU Travel Document by Member States. This issue was already examined in 2001 under the Belgian Presidency, which launched an initiative on a good practice guide on obtaining laissez passers for the purposes of repatriation and in 2003 under the Hellenic Presidency, on whose initiative was approved the Manual on best practice on the acquisition of travel documents.

On the basis of the analysis carried out by its competent bodies the Council:

- (i) considers that there is a need to re-examine the legal basis, format and use of the EU Travel Document, and
- (ii) invites the Commission to undertake this re-examination, in close consultation with the Member States, the results of which could constitute the basis for the presentation of proposals for legislative instruments in this area."

Europol

The Council approved the Europol Work Programme 2005 (*9956/04 and 9546/04*) and Europol Annual Report 2003 (*9956/04 and 8858/04*).

Schengen - SISNET

The Council approved the Amending budget for SISNET for the year 2004 (*9707/04*).

Passports of uniform pattern

The representatives of the Governments of the Member States, meeting within the Council, adopted a Resolution concerning the introduction of a passport of uniform pattern (*10038/1/04*).

TRANSPARENCY

Public access to documents

The Council adopted the reply to the letter sent to the Council by Mr P. Nikiforos Diamandouros, European Ombudsman, referring to the complaint made by Mr Daniel FRÖHLICH, the Danish, Dutch, Finnish and Swedish delegations voting against (*9161/04*) ;

The Council adopted the reply to the confirmatory application made by Mr Steve PEERS (1/04), the Danish, French, Portuguese, Finnish and Swedish delegations voting against (*9439/04*).

APPOINTMENTS

Committee of the Regions

The Council has decided to appoint:

- (a) the following persons members of the Committee of the Regions:
- Mr Jörg HAIDER, Landeshauptmann
 - Mr Josef MARTINZ to replace Mr Adam UNTERRIEDER
 - Mr Rolf HARLINGHAUSEN, Mitglied des Europaausschusses der Hamburgischen Bürgerschaft, to replace Mr Berndt RÖDER
- (b) the following person alternate member of the Committee of the Regions:
- Ms Bärbel DIECKMANN, Oberbürgermeisterin, Bonn, in place of Mr Rolf BÖHME

for the remainder of their term of office, which ends on 25 January 2006 (9751/04, 9868/04 and 9925/04).
