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THE EUROPEAN UNION**



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2618th Council Meeting

Justice and Home Affairs

Brussels, 19 November 2004

President

Mr Piet Hein DONNER

Minister for Justice

Mr Johan REMKES

Minister for the Interior and Kingdom Relations and

Ms Rita VERDONK

Minister for Integration and Immigration

of the Netherlands

P R E S S

Rue de la Loi 175 B - 1048 BRUSSELS Tel.: +32 (0)2 285 9548 / 6319 Fax: +32 (0)2 285 8026
press.office@consilium.eu.int <http://ue.eu.int/Newsroom>

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Main Results of the Council

The Council agreed on a new EU Drugs Strategy for the period 2005-2012. The framework and priorities established by the new Strategy are to serve as the basis for two consecutive four-year EU Action Plans on Drugs.

The Council reached a general approach on the Directive on a specific procedure for admitting third-country nationals for purposes of scientific research. The draft Directive lays down the conditions for the admission of third-country researchers to the Member States for more than three months for the purposes of carrying out a research project under a hosting agreement with a research organisation.

The Council agreed on common basic principles for immigrant integration policy in the European Union.

Finally, the Council adopted a Decision appointing the President and the Members of the Commission. The Decision will take effect on 22 November 2004.

CONTENTS¹

PARTICIPANTS..... 5

ITEMS DEBATED

OPERATIONAL POLICE COOPERATION (POLICE CHIEFS TASK FORCE)..... 7

MEASURES AGAINST SHIP SOURCE POLLUTION..... 9

EU DRUGS STRATEGY 2005-2012..... 11

SPECIFIC PROCEDURE FOR ADMITTING THIRD-COUNTRY NATIONALS FOR
PURPOSES OF SCIENTIFIC RESEARCH 13

IMMIGRANT INTEGRATION POLICY IN THE EUROPEAN UNION - *Council
conclusions*..... 15

OTHER ITEMS APPROVED

INSTITUTIONAL AFFAIRS

– Appointment of President and Members of the Commission 26

JUSTICE AND HOME AFFAIRS

– Terrorist financing - Council of Europe Convention * 27

– Western Balkans: Fight against organised crime - *Council conclusions* 28

– Minimum standards on procedures for granting and withdrawing refugee status * 30

EXTERNAL RELATIONS

– Levels of security cooperation with Switzerland and Croatia 31

ECONOMIC AND FINANCIAL AFFAIRS

– VAT - Germany - Expenditure on goods and services 31

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 abovementioned Council Internet site or may be obtained from the Press Office.

DEVELOPMENT POLICY

- ACP - Budget of the Centre for the Development of Enterprise 32

EUROPEAN SECURITY AND DEFENCE POLICY

- Exchange of classified information - Romania..... 32

TRADE POLICY

- EU/Ukraine – Agreement on steel products * 32

FISHERIES

- Fisheries Commission for the Mediterranean - Voting rights 33

TRANSPARENCY

- Public access to documents 33

APPOINTMENTS

- Economic and Social Committee 34

PARTICIPANTS

The Governments of the Member States and the European Commission are 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 Roman POLAŠEK

Deputy Minister for Justice

Denmark:

Mr Claus GRUBE

Permanent Representative

Germany:

Mr Fritz Rudolf KÖRPER

Parliamentary State Secretary to the Federal Minister of the Interior

Estonia:

Mr Margus LEIVO

Minister for the Interior

Greece:

Mr Manolis KEFALOGIANNIS

Minister for Mercantile Marine

Spain:

Mr José Antonio ALONSO SUAREZ

Minister for the Interior

France:

Mr Pierre SELLAL

Permanent Representative

Ireland:

Ms Anne ANDERSON

Permanent Representative

Italy:

Mr Rocco Antonio CANGELOSI

Permanent Representative

Cyprus:

Mr Doros THEODOROU

Minister for Justice and Public Order

Latvia:

Mr Eriks JEKABSONS

Minister for the Interior

Ms Vineta MUIŽNIECE

Minister for Justice

Lithuania:

Mr Virgilijus BULOVAS

Minister for the Interior

Mr Vytautas MARKEVICIUS

Minister for Justice

Luxembourg:

Mr Luc FRIEDEN

Minister for Justice, Minister for the Treasury and the Budget

Mr Nicolas SCHMIT

Minister with responsibility for Foreign Affairs and Immigration

Hungary:

Mr József PETRÉTEI
Mr Gabor JUHÁSZ

Minister for Justice
State Secretary

Malta:

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home
Affairs

Netherlands:

Mr Johan REMKES
Mr Piet Hein DONNER
Ms Rita VERDONK

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

Austria:

Ms Karin MIKLAUTSCH

Federal Minister for Justice

Poland:

Mr Pawel DAKOWSKI

Deputy State Secretary, Ministry of the Interior and
Administration

Mr Sylwester KRÓLAK

Deputy State Secretary, Ministry of Justice

Portugal:

Mr Daniel VIEGAS SANCHEZ
Mr Paulo CASTRO RANGEL

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

Slovenia:

Mr Rado BOHINC
Ms Zdenka CERAR

Minister for the Interior
Minister for Justice

Slovakia:

Mr Martin PADO

State Secretary at the Ministry of the Interior

Finland:

Mr Kari RAJAMÄKI

Minister for the Interior

Sweden:

Mr Thomas BODSTRÖM

Minister for Justice

United Kingdom:

Ms Caroline FLINT

Parliamentary Under-Secretary of State, Home Office

Commission:

Mr António VITORINO

Member

ITEMS DEBATED

OPERATIONAL POLICE COOPERATION (POLICE CHIEFS TASK FORCE)

The Council agreed on the following:

1. The European Council of 17-18 June 2004 requested the Council "to take forward work on proposals for reinforcing the Police Chiefs Task Force's operational capacity with a view to adoption of new arrangements no later than December 2004."
2. Currently, the PCTF has on the one hand a policy-making role and on the other hand an operational role, co-ordinating concrete operations.

– Operational tasks :

To the extent that the PCTF contribute to the planning and co-ordination of operational actions, it is desirable to bring the Police Chiefs Task Force, as a task force, closer to Europol.

Therefore, Europol will in principle host the relevant meetings and provide its functional support (e.g. threat analysis, specialist crime investigation support, expert support on operational debriefing etc.)^{1 2}.

The above-mentioned meetings can be attended by (representatives of) the Police Chiefs and/or experts, depending on the level and subject of the meeting as well as by the Commission.

¹ This arrangement is without prejudice to both

- the provisions on Europol's Management Board and HENU's, with which the necessary co-ordination should, nevertheless, be guaranteed; and
- the fact that the mandate of the Police Chiefs Task Force is wider than the competence areas of Europol (e.g. maintaining law and order and security).

² One or two members of Europol's staff should be permanently available to ensure, under the direction of the Presidency, the administrative support of these Task Force's meetings. In addition, to ensure the co-ordination with the work of the Council, the Council Secretariat will be closely associated to these activities.

– Strategic tasks :

Because of their strategic role with regard to European police co-operation, it is desirable that the highest representatives of the police of the Member States meet within the Council structures. This will allow to discuss strategies and issues related to structural problems as well as provide a clear operational point of view in the Council's proceedings. Moreover, it will ensure the accountability of the European operational co-operation.

3. It is proposed that, pending the definite setting of the internal security committee, provided for in Article III-261 of the Constitutional Treaty and point 2.5 of the Hague Programme, each incoming Presidencies convene one or two times the Police Chiefs in association with the Article 36 Committee meetings or in any other setting they find appropriate.

MEASURES AGAINST SHIP SOURCE POLLUTION

The Council debated the draft Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution.

The debate focused on the discharges in the territorial sea of a Member State, its exclusive economic zone or equivalent zone. In case of such discharges, and in accordance with the Presidency compromise text, ships flying the flag of another Member State would not be considered as foreign ships within the meaning of Article 230 of the UN Convention on the Law of the Sea, and therefore in such cases persons, held liable, could also be subject to custodial sentences.

Other issues discussed were the following: the relation between the Framework Decision and the MARPOL (Convention for the prevention of pollution from ships) and UNCLOS (UN Convention on the Law of the Sea), and the possibility of introducing a ceiling for the maximum fines to be imposed to legal persons.

It should be noted that the JHA Council of 25 and 26 October 2004 discussed the text of this Framework Decision and that the Presidency noted that three Member States could not agree to the text proposed.

The fight against intentional or negligent ship-source pollution is among the European Union's priorities. The conclusions of the Copenhagen European Council of 12 and 13 December 2002 (points 32 to 34) and the statement of the JHA Council of 19 December 2002 following the shipwreck of the tanker Prestige, in particular, express the Union's determination to adopt all the measures needed to avoid recurrences of such damage.

To this end, the Council reached a common position in June on a Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences with the aim of approximating national legislation with regard to the definition of the relevant offences and commission, participation and incitement, on the one hand, and the nature, possibly criminal, of the penalties that can be imposed. It also contains technical and operational supporting measures.

With a view to supplement these provisions, there should be an approximation of, among other things, the level of penalties corresponding to the seriousness of offences in relation to the natural or legal persons who commit them or are liable for them.

The purpose of the Framework Decision that was discussed by the JHA Council is therefore to supplement the Directive agreed by the Council in June with detailed rules in criminal matters.

In doing so, provisions will be laid down to facilitate criminal investigations. Member States will be able to set up joint investigation teams with which Europol could be associated.

Furthermore, rules on cooperation will be laid down to ensure that the offences will be effectively prosecuted. To this end, the European Union will supplement the results obtained in regional or international organisations. The United Nations Convention on the Law of the Sea of 1982, signed by all the Member States of the Union and with the European Community as a party, is particularly important in this context

Each Member State shall take the necessary measures to ensure that the offences referred to in the Framework Decision are punishable by effective, proportionate and dissuasive criminal penalties.

The criminal penalties may be accompanied by other penalties or measures, in particular fines, or the disqualification for a natural person from engaging in an activity requiring official authorisation or approval, or founding, managing or directing a company or a foundation, where the facts having led to his or her conviction show an obvious risk that the same kind of criminal activity may be pursued again.

As regards sanctions against legal persons, each Member State shall take the necessary measures to ensure that a legal person held liable is punishable by effective, proportionate and dissuasive sanctions as criminal or non-criminal fines, or exclusion from entitlement to public benefits or aid; temporary or permanent disqualification from engaging in commercial activities; placing under judicial supervision; a judicial winding-up order; or the obligation to adopt specific measures in order to eliminate the consequences of the offence which led to the liability of the legal person.

EU DRUGS STRATEGY 2005-2012

The Council agreed on a new EU Drugs Strategy for the period 2005-2012 and will forward it to the European Council on 17 December 2004, for adoption. The framework and priorities established by the new Strategy are to serve as the basis for two consecutive four-year EU Action Plans on Drugs.

While the Strategy stresses the importance of paying due regard to the principle of subsidiarity, it also acknowledges that consistent national prosecution policies in all Member States are the condition precedent to a common and credible drug enforcement policy of the EU. The Member States will make efforts towards consistency of the standards of the prosecution practices in the Member States. Furthermore the evaluation of the functioning of the Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, including its effects on international judicial cooperation in the field of illicit drug trafficking, will form an integral part of the Strategy.

The new Drugs Strategy is based first and foremost on the fundamental principles of EU law and, in every regard, upholds the founding values of the Union: respect for human dignity, liberty, democracy, equality, solidarity, the rule of law and human rights. It aims to protect and improve the well-being of society and of the individual, to protect public health, to offer a high level of security for the general public and to take a balanced, integrated approach to the drugs problem.

The Strategy is also based on the relevant UN conventions (the UN Single Convention on Narcotic Drugs of 1961 as amended by the 1972 protocol, the Convention on Psychotropic Substances (1971) and the Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)), which are major legal instruments for addressing the drugs problem. Furthermore, the UN General Assembly Special Session on Drugs of 1998 confirmed the importance of the integrated and balanced approach, in which supply reduction and demand reduction are mutually reinforcing elements in drugs policy.

The drugs problem is experienced primarily at local and national level, but it is a global issue that needs to be addressed in a transnational context. In this regard, action carried out at EU level plays an important role. At an overall level, EU efforts are geared towards a coordination of all the actors involved. In the field of public health, the Community complements Member States' action in reducing drugs-related health damage, including information and prevention.

As for chemical precursors, which can be diverted into the manufacturing of illicit drugs, the EC legislation provides a framework for control of trade in precursors both within the Community and with third countries. With regard to money laundering, Community legislation sets out a number of measures to also prevent the laundering of drugs proceeds. Concerning justice and home affairs, cooperation between police, customs and judicial authorities is an essential element in preventing and combating drug trafficking. In this context, the adoption of the framework decision on drugs trafficking is a major step laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking. Finally, in the area of external relations the EU takes international action with a combination of political initiatives, like the action plans and dialogue on drugs with various regions of the world, as well as assistance through development programmes.

The aim of this European Union Strategy is to add value to national strategies while respecting the principles of subsidiarity and proportionality set out in the Treaties. This Strategy stresses that Member States should consider the impact of their national strategies on other Member States, the ways national strategies of different Member States can be mutually supportive, and the contributions such strategies can make towards achieving the objectives of this European Union Strategy. It is also intended to allow scope for local, regional, national and transnational dynamics and potentialities and to make optimal use of the resources available. Account is also taken of the organisational and financial constraints of Member States and EU institutions.

Finally, this Strategy builds on the EU Drugs Strategy 2000-2004 and Action Plan on Drugs 2000-2004 and has taken into consideration these texts as well as the Mid-Term Evaluation of the Action Plan, the Council's response to this Mid-Term Evaluation and the results of the Final Evaluation.

SPECIFIC PROCEDURE FOR ADMITTING THIRD-COUNTRY NATIONALS FOR PURPOSES OF SCIENTIFIC RESEARCH

The Council reached a general approach on the Directive on a specific procedure for admitting third-country nationals for purposes of scientific research.

The draft Directive lays down the conditions for the admission of third-country researchers to the Member States for more than three months for the purposes of carrying out a research project under a hosting agreement with a research organisation.

According to the draft text, a researcher holding a residence permit shall be entitled to equal treatment with nationals as regards:

- recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;
- working conditions, including pay and dismissal;
- branches of social security as defined in Regulation EEC Regulation (EEC) No 1408/71 of the Council of 14 June 1971 (on the application of social security schemes to employed persons and their families moving within the Community);
- tax benefits;
- access to goods and services and the supply of goods and services made available to the public.

A third-country national who has been admitted as a researcher under the Directive will also be allowed to carry out part of his/her research in another Member State.

In order to attain the keystone objective of rendering European Union the most competitive and dynamic knowledge economy in the world, the Lisbon European Council in March 2000 has asked the Council and the Commission, together with the Member States where appropriate to take the necessary “steps to remove obstacles to the mobility of researchers in Europe by 2002 and to attract and retain high-quality research talent in Europe.” This desire was reiterated in the Council conclusions of 26 November 2002, which called on “the Member States, in collaboration with the Commission, to strengthen the actions being undertaken to develop the European research area, in particular by: facilitating or continuing to facilitate entry and residence for researchers from third countries.” This concern was also shared by the European Parliament, notably in its Report of 9 May 2000 and a Resolution of 18 May 2000.

It has been found that the European Union will need 700 000 additional researchers by 2010 if it is to achieve the objective set by the Barcelona European Council to devote 3% of the Member States' GDP to research and technological development by the end of the decade. As it is unlikely that the European Union will be able to produce this considerable number of researchers itself, it will also be necessary to take measures to attract researchers from outside the Union.

IMMIGRANT INTEGRATION POLICY IN THE EUROPEAN UNION - *Council conclusions*

The Council adopted the following conclusions:

"Recalling previous European Council conclusions, with special focus on the Brussels European Council conclusions of 4/5 November 2004 on The Hague Programme and the Thessaloniki European Council conclusions of June 2003 which called upon the importance to establish common basic principles (conclusion 31), and existing developments on integration within the European context.

Whereas:

1. Immigration is a permanent feature of European society. If the flow of immigrants - who should be understood throughout the text as legally residing immigrants in the territory of the Member States - is orderly and well-managed, Member States reap many benefits. These include stronger economies, greater social cohesion, an increased feeling of security, and cultural diversity. Taken together and across all Member States, these benefits advance the European process and strengthen the Union's position in the world. Therefore, the effective management of migration by each Member State is in the interest of all.
2. A critical aspect of managing migration is the successful integration of legally residing immigrants and their descendants. At the same time immigration policy can contribute to the success of integration policy. It is vital for Member States to maintain and further develop societies in which newcomers feel welcome, which are defined by a spirit of mutual understanding and accommodation, and where there are clear expectations of all residents — new and old.
3. Integration takes place simultaneously at the individual, family, and general community and State levels, and occurs in all facets of life: in fact, integration can easily span a generation or more. Consequently successful integration policy must engage the local, regional, and national institutions, with which immigrants interact, in both the public and private realms. The development and implementation of integration policy is therefore the primary responsibility of individual Member States rather than of the Union as a whole.

4. The failure of an individual Member State to develop and implement a successful integration policy can have in different ways adverse implications for other Member States and the European Union. For instance, this can have impact on the economy and the participation at the labour market, it can undermine the respect for human rights and Europeans' commitment to fulfilling its international obligations to refugees and others in need of international protection, and it can breed alienation and tensions within the society.
5. The precise integration measures a society chooses to implement should be determined by individual Member States. However, it is clearly in the common interest of all Member States of the Union that each individual Member State pursues effective integration strategies.
6. These policies will differ significantly from Member State to Member State. They must be geared to the individual needs of the receiving society, reflecting each individual Member State's history and legal framework. They may also target diverse audiences, the mix of which varies between the Member States — for example, from temporary workers to permanent residents and to the children of immigrants; from individuals who await to be admitted to those who are already residing; from immigrants who have acquired citizenship to long-established third-country nationals; and from highly skilled refugees to individuals who have yet to acquire the most elementary skills.
7. Developing a set of EU common basic principles on integration is essential, not only given the diversity of experiences and circumstances, but also given the shared interest that Member States have in agreeing upon shared goals on integration.
8. The common basic principles aim at the following:
 - a. to assist Member States in formulating integration policies by offering them a simple non-binding but thoughtful guide of basic principles against which they can judge and assess their own efforts. They also can use these basic principles to set priorities and further develop their own measurable goals. It is up to the individual Member States to determine whether these principles assist them in formulation policies for other target groups for integration. The principles will be relevant both for Member States with considerable experience of substantial immigration as well as for those that more recently have become destinations for significant numbers of immigrants;

- b. to serve as a basis for Member States to explore how EU, national, regional, and local authorities can interact in the development and implementation of integration policies. Furthermore, the common basic principles can also help determine how these policies can best engage other actors involved in integration (for example, social partners, NGOs, women's and migrants' organisations, businesses, and other private institutions);
- c. to serve to be complementary and in full synergy with existing legislative frameworks, including the international instruments on Human Rights, Community instruments containing integration provisions, EU objectives on gender equality and non-discrimination and other EU policies;
- d. to assist in structuring the regular dialogue between governments and all other relevant institutions and stakeholders at the EU-level;
- e. to serve as a basis for and assist the EU to explore how existing EU-instruments related to integration can be developed further; and
- f. to assist the Council to reflect upon and, over time, agree on EU-level mechanisms and policies needed to support national and local-level integration policy efforts, particularly through EU-wide learning and knowledge-sharing.

Recalling the above considerations and objectives of the common basic principles,

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES:

Establish the following common basic principles for immigrant integration policy in the European Union, which will be explained individually in the Annex:

- 9. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.
- 10. Integration implies respect for the basic values of the European Union.
- 11. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.

12. Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.
13. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
14. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.
15. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.
16. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
17. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.
18. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.
19. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

COMMON BASIC PRINCIPLES FOR IMMIGRANT INTEGRATION POLICY IN THE EUROPEAN UNION:

The explanations provided are intended to give direction to the common basic principle. The description is indicative, by no means exhaustive and will be further developed in the future.

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

Integration is a dynamic, long-term, and continuous two-way process of mutual accommodation, not a static outcome. It demands the participation not only of immigrants and their descendants but of every resident. The integration process involves adaptation by immigrants, both men and women, who all have rights and responsibilities in relation to their new country of residence. It also involves the receiving society, which should create the opportunities for the immigrants' full economic, social, cultural, and political participation. Accordingly, Member States are encouraged to consider and involve both immigrants and national citizens in integration policy, and to communicate clearly their mutual rights and responsibilities.

2. Integration implies respect for the basic values of the European Union.

Everybody resident in the EU must adapt and adhere closely to the basic values of the European Union as well as to Member State laws. The provisions and values enshrined in European Treaties serve as both baseline and compass, as they are common to the Member States. They include respect for the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. Furthermore they include respect for the provisions of the Charter of fundamental rights of the Union, which enshrine the concepts of dignity, freedom, equality and non-discrimination, solidarity, citizen's rights, and justice.

Members States are responsible for actively assuring that all residents, including immigrants, understand, respect, benefit from, and are protected on an equal basis by the full scope of values, rights, responsibilities, and privileges established by the EU and Member State laws. Views and opinions that are not compatible with such basic values might hinder the successful integration of immigrants into their new host society and might adversely influence the society as a whole. Consequently successful integration policies and practices preventing isolation of certain groups are a way to enhance the fulfilment of respect for common European and national values.

3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.

Employment is an important way for immigrants to make a visible contribution to Member State societies and to participate in the host society. At the workplace integration of immigrants can be promoted by the recognition of qualifications acquired in another country, by training opportunities that provide skills demanded at the workplace and policies and programmes that facilitate access to jobs and the transition to work. It is also important that there are sufficient incentives and opportunities for immigrants, in particular for those with the prospect of remaining, to seek and obtain employment.

The targeting of measures to support immigrants in the European Employment Strategy is an indication of the important influence of employment on the integration process. It is important to make greater use of the European Employment Strategy and the European Social Inclusion Process, backed up by the European Social Fund (ESF), including the lessons learnt from the Equal Community Initiative to reach the Lisbon targets and to promote the combat against all forms of discrimination at the workplace. It is important that Member States, in cooperation with the social partners, pay particular attention to and undertake effective action against discrimination in the recruitment policies of employers on the grounds of ethnic origin of the candidates.

4. Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.

The importance of basic linguistic, historical, and civic knowledge is reflected in the increasing emphasis placed by several Member States on introductory programmes that focus on putting together the most appropriate toolkit to start the integration process. Pursuing such programmes will allow immigrants to quickly find a place in the key domains of work, housing, education, and health, and help start the longer-term process of normative adaptation to the new society. At the same time, such programmes become strategic investments in the economic and social well-being of society as a whole. Acquiring the language and culture of the host society should be an important focus. Full respect for the immigrants' and their descendants' own language and culture should be also an important element of integration policy.

5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.

Education is an important way to prepare people to participate in society, especially for newcomers. However, lifelong learning and employability are not the only benefits of education. Transferring knowledge about the role and working of societal institutions and regulations and transmitting the norms and values that form the binding element in the functioning of society are also a crucial goal of the educational system. Education prepares people to participate better in all areas of daily life and to interact with others. Consequently, education not only has positive effects for the individual, but also for the society as a whole.

Educational arrears are easily transmitted from one generation to the next. Therefore, it is essential that special attention is given to the educational achievement of those who face difficulties within the school system. Given the critical role played by education in the integration of those who are new in a society – and especially for women and children –, scholastic underachievement, early school-leaving and of all forms of migrant youth delinquency should be avoided and made priority areas for policy intervention.

6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.

If immigrants are to be allowed to participate fully within the host society, they must be treated equally and fairly and be protected from discrimination. EU law prohibits discrimination on the grounds of racial or ethnic origin in employment, education, social security, healthcare, access to goods and services, and housing.

Consequently, transparent rules, clearly articulated expectations and predictable benefits for law-abiding immigrants are prerequisites to better immigration and integration policies. Any legal exceptions to this accessibility must be legitimate and transparent.

Access also implies taking active steps to ensure that public institutions, policies, housing, and services, wherever possible, are open to immigrants. These steps need to be in accordance with the implementation of the Council Directive concerning the status of third-country nationals who are long-term residents. It is important to monitor and evaluate the success of public institutions in serving immigrants, and that adjustments are being made on an ongoing basis.

Conversely, uncertainty and unequal treatment breed disrespect for the rules and can marginalise immigrants and their families, socially and economically. The adverse implications of such marginalisation continue to be seen across generations. Restrictions on the rights and privileges of non-nationals should be transparent and be made only after consideration of the integration consequences, particularly on the descendants of immigrants.

Finally, the prospect of acquiring Member State citizenship can be an important incentive for integration.

7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.

Integration is a process that takes place primarily at the local level. The frequency and quality of private interactions and exchanges between immigrants and other residents are key elements of greater integration. There are many ways to encourage interaction. An important aspect is a greater focus on promoting the use of common forums, intercultural dialogue, spaces, and activities in which immigrants interact with other people in the host society, and on the sustained education of the host society about immigrants and immigrant cultures. Good cooperation among the different involved actors is necessary in order to stimulate these processes.

Furthermore, implementation of active anti-discrimination policies, anti-racism policies, and awareness-raising activities to promote the positive aspects of a diverse society are important in this regard.

The level of economic welfare in neighbourhoods, the feeling of safety, the condition of public spaces, and the existence of stimulating havens for immigrant children and youngsters and other living conditions are all aspects that affect the image of the people who live in these areas. In many Member States, immigrant population groups are often concentrated in poor urban areas. This does not contribute to a positive integration process. Positive interaction between immigrants and the host society and the stimulation of this interaction contribute to successful integration and are therefore needed. Therefore, improving the living environment in terms of decent housing, good health care, neighbourhood safety, and the availability of opportunities for education, voluntary work and job training is also necessary.

8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.

The cultures and religions that immigrants bring with them can facilitate greater understanding among people, ease the transition of immigrants into the new society and can enrich societies. Furthermore, the freedom to practice one's religion and culture is guaranteed under the Charter of Fundamental Rights. Member States have an obligation to safeguard these rights. Furthermore, EU law prohibits discrimination in employment or occupation on the grounds of religion or belief.

However, Member States also have a responsibility to ensure that cultural and religious practices do not prevent individual migrants from exercising other fundamental rights or from participating in the host society. This is particularly important as it pertains to the rights and equality of women, the rights and interests of children, and the freedom to practice or not to practice a particular religion. Constructive social, inter-cultural and inter-religious dialogue, education, thoughtful public discourse, support for cultural and religious expressions that respect national and European values, rights and laws (as opposed to expressions that violate both the letter and spirit of such values and rights), and other non-coercive measures are the preferred way of addressing issues relating to unacceptable cultural and religious practices that clash with fundamental rights. However if necessary according to the law legal coercive measures can also be needed.

9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

Allowing immigrants a voice in the formulation of policies that directly affect them may result in policy that better serves immigrants and enhances their sense of belonging. Wherever possible, immigrants should become involved in all facets of the democratic process. Ways of stimulating this participation and generating mutual understanding could be reached by structured dialogue between immigrant groups and governments. Wherever possible, immigrants could even be involved in elections, the right to vote and joining political parties. When unequal forms of membership and levels of engagement persist for longer than is either reasonable or necessary, divisions or differences can become deeply rooted. This requires urgent attention by all Member States.

10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.

The integration of immigrants is deeply influenced by a broad array of policies that cut across institutional competencies and levels of government. In this context particularly consideration needs to be given to the impact of immigration on public services like education, social services and others, especially at the level of regional and local administrations, in order to avoid a decrease in the quality standards of these services. Accordingly, not only within Member States but also at the European level, steps are needed to ensure that the focus on integration is a mainstream consideration in policy formulation and implementation, while at the same time specifically targeted policies for integrating migrants are being developed.

Although Governments and public institutions at all levels are important actors, they are not the only ones. Integration occurs in all spheres of public and private life. Numerous non-governmental actors influence the integration process of immigrants and can have an additional value. Examples in this respect are, trade unions, businesses, employer organisations, political parties, the media, sports clubs and cultural, social and religious organisations. Cooperation, coordination and communication between all of these actors are important for effective integration policy. The involvement of both immigrant and the other people in the host society is also necessary.

11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

Irrespective of the level of integration policy efforts, it is important to know whether these efforts are effective and make progress. Although it is a process rather than an outcome, integration can be measured and policies evaluated. Sets of integration indicators, goals, evaluation mechanisms and benchmarking can assist measuring and comparing progress, monitor trends and developments. The purpose of such evaluation is to learn from experience, a way to avoid possible failures of the past, adjust policy accordingly and showing interest for each others efforts.

When Member States share information about their evaluative tools at European level and, where appropriate, develop European criteria (indicators, benchmarks) and gauges for the purposes of comparative learning, the process of knowledge-sharing will be made more effective. The exchange of information has already proven to be useful within the National Contact Points on integration. Exchanging information provides for taking into account the different phases in which Member States find themselves in the development of their own integration policies and strategies."

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Over lunch, the Presidency briefed the Council about the recent events in the Netherlands after the murder of the filmmaker Theo Van Gogh.

The EU Counter-terrorism Coordinator Gijs de Vries briefed the Council about the state of play of several documents regarding the fight against terrorism.

It should be noted that the following documents should be submitted to it at its meeting on 17 December 2004:

- an update of the Action Plan/Roadmap,
- a progress report on the integration in the Council Secretariat of an intelligence capacity,
- a coherent overall approach for further strengthening of the fight against terrorist financing,
- an overall strategy to enhance the protection of critical infrastructures,
- measures aimed at enhancing civil protection,
- concrete proposals aimed at ensuring full integration of the fight against terrorism into EU external relations policy,
- an assessment of EU Counter-terrorism clauses, and
- a conceptual framework on the ESDP dimension in the fight against terrorism.

OTHER ITEMS APPROVED

INSTITUTIONAL AFFAIRS

Appointment of President and Members of the Commission

The Council adopted a Decision appointing the President and Members of the Commission of the European Communities for the period from 22 November 2004 to 31 October 2009. The Decision will take effect on 22 November 2004 (14475/04).

The following are appointed:

– as President:

Mr José Manuel DURÃO BARROSO

– as Members:

Mr Joaquín ALMUNIA AMANN

Mr Jacques BARROT

Mr Joe BORG

Mr Stavros DIMAS

Ms Benita FERRERO-WALDNER

Mr Ján FIGEL

Ms Mariann FISCHER BOEL

Mr Franco FRATTINI

Ms Dalia GRYBAUSKAITE

Ms Danuta HÜBNER

Mr Siim KALLAS

Mr László KOVÁCS

Ms Neelie KROES

Mr Markos KYPRIANOU

Mr Peter MANDELSON

Mr Charlie McCREEVY

Mr Louis MICHEL

Mr Andris PIEBALGS

Mr Janez POTOČNIK

Ms Viviane REDING

Mr Olli REHN

Mr Vladimír ŠPIDLA

Mr Günter VERHEUGEN

Ms Margot WALLSTRÖM.

On 29 June 2004 the Council, meeting in the composition of the Heads of State or Government, nominated Mr José Manuel DURÃO BARROSO as the person it intends to appoint as President of the Commission.

The European Parliament approved that nomination by its Resolution dated 22 July 2004.

By Decision 2004/753/EC, Euratom of 5 November 2004, which repeals and replaces Decision 2004/642/EC, Euratom, the Council adopted by common accord with the nominee for President of the Commission the list of other persons whom the Council intends to appoint as Members of the Commission.

By means of a vote held on 18 November 2004, the European Parliament gave its approval to the appointment of the President and the other Members of the Commission as a college.

JUSTICE AND HOME AFFAIRS

Terrorist financing - Council of Europe Convention *

The Council adopted a Common Position on the revision of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (13343/04).

Within the framework of the ongoing negotiations in the Council of Europe, the Union supports the drafting of an additional Protocol to the Convention that should apply to the fight against terrorist financing and enhance cooperation in criminal matters regarding the provision of information on bank accounts.

The Council also adopted a Decision authorising the Commission to negotiate the draft additional Protocol in the framework of the deliberations of the Council of Europe Committee of Experts (14643/04).

Western Balkans: Fight against organised crime - *Council conclusions*

The Council adopted the following conclusions:

- "1. The Council has taken note with great interest of the Report on 'Concrete measures to be taken to enhance the fight against organised crime originating from or linked to the Western Balkans', drawn up by the Friends of the Presidency, pursuant to its mandate from the Council in its Decision of 19 February 2004 and expresses its support for and commitment to an enhanced fight against organised crime originating from or linked to the Western Balkans.
2. The Council emphasises the need, as highlighted by the report, to:
 - 2.1. Develop an EU platform for effective exchange of information and intelligence related to organised crime originating from or linked to the Western Balkans by establishing a network of intelligence development officers (IDOs) to support national services' exchange of criminal information and intelligence with EU bodies, strengthening the network of liaison officers and increasing the involvement of the EU Police and Customs Missions;
 - 2.2. Improve operational co-operation with the Western Balkan States by developing the role of Europol and the Police Chiefs Task Force, and increasing EU and Member State engagement with and support for Western Balkans law enforcement units;

- 2.3. Encourage and support Western Balkan States and South East Europe in developing their national and regional capacities and co-operation by inviting them to implement the commitments made within the framework of the JHA Thessaloniki forum and by fostering the development of regional instruments for co-operation, in the first place the SECI-Centre and the SEEPAG network.
3. To that end, the Council:
- 3.1. Instructs the appropriate Council bodies to proceed immediately with setting up a network of EU IDOs to be present in all Western Balkan countries and responsible for the support and monitoring of national services' exchange of criminal information and intelligence toward the EU Member States, Europol and other countries, taking into account the report's recommendations' in this regard;
- 3.2. Asks that, in particular as far as the Western Balkan countries are concerned, all Member States implement without delay the Council Decision on the common use of liaison officers (2003/170/JHA) by:
- agreeing to a lead nation in every country to be in charge of organising regular national meetings for strategic and operational information exchange, taking into account the report's recommendations' in this regard;
- asking Europol to organise one regional meeting per Presidency with all LO's posted in the Western Balkans to exchange strategic and operational information.
- 3.3. Instructs all EU instruments deployed in the region, in particular the Police and Customs missions, to play a more active and co-ordinating role in fighting organised crime by focusing on criminal information exchange and the development of appropriate capacities within local law enforcement bodies.
- 3.4. Instructs the Europol Working Party and/or other appropriate Council bodies to proceed with the development of the role of Europol as a partner for the Western Balkan region, taking into account the report's recommendations' in this regard;

- 3.5. Instructs the Police Chiefs Task Force to play an active role in the fight against organised crime originating from or linked to the Western Balkans taking into account the report's recommendations' in this regard, notably by:
- establishing conditions for and initiating Joint Investigation Teams with Western Balkan States and assessing their achievements;
 - identifying criminal activities and structures to be investigated by a pilot-JIT, based on an Europol intelligence assessment;
- 3.6. Calls on Member States to engage in close cooperation with the investigative services of the Western Balkan States in OC related matters
- 3.7. Calls on the Member States to coordinate all operational law enforcement training in the Western Balkans with the SECI-Centre according to the Centres development.
- 3.8. Concurs that the Commission and the EUSR's should standardise the coordination system in the Western Balkan States, covering all sectors of assistance for institution / capacity building.
4. The Council affirms its intention to revert to the matter before the end of 2005 and asks all relevant Council bodies as well as the Police Chiefs Task Force to report back by then on the progress made in the implementation of the above conclusions.

Minimum standards on procedures for granting and withdrawing refugee status *

The Council agreed on a general approach regarding the amended proposal for a Council Directive on minimum standards for granting and withdrawing refugee status (14203/04). The text of the draft Directive will be forwarded to the European Parliament for reconsultation before being adopted by the Council.

The purpose of the Directive is to set out equivalent procedures in Member States for granting and withdrawing refugee status. It includes:

- basic principles and guarantees in relation to the asylum process (e.g. access to the asylum process, right to interview, access to interpretation, access to legal representation and detention);

- procedures at first instance (e.g. provision for an examination procedure, criteria for prioritisation and acceleration of applications, safe country of origin principles, border procedures); and
- appeal procedures.

The Council also decided to postpone the establishment of a common list of safe countries of origin until after the adoption of the Directive, on the basis that, at present, it is not possible to reach agreement on such a list."

EXTERNAL RELATIONS

Levels of security cooperation with Switzerland and Croatia

The Council agreed on the level of security cooperation in terms of exchange of classified information with regard to Switzerland and Croatia.

ECONOMIC AND FINANCIAL AFFAIRS

VAT - Germany - Expenditure on goods and services

The Council adopted a Decision extending the validity of authorisation granted to Germany to exclude expenditure on goods and services from the right to deduct VAT when the goods and services in question are used more than 90% for the private purposes of a taxable person or of his employees, or, more generally, for non-business purposes (14274/04).

This special measure is a derogation to general rules on turnover taxes set by Directive 77/388/EEC.

It will apply until 31 December 2009.

DEVELOPMENT POLICY

ACP - Budget of the Centre for the Development of Enterprise

The Council agreed on a draft Decision, to be forwarded to the ACP-EC Committee of Ambassadors for adoption, on the budget of the Centre for the Development of Enterprise for 2005 (2138/04).

EUROPEAN SECURITY AND DEFENCE POLICY

Exchange of classified information - Romania

The Council adopted a Decision approving the conclusion of an Agreement with Romania on security procedures for the exchange of classified information (12472/04).

TRADE POLICY

EU/Ukraine – Agreement on steel products *

The Council adopted a Decision approving an Agreement on trade in steel products with Ukraine for 2004 and a Regulation laying down the necessary implementing provisions, in order to replace the specific arrangements between the parties of the recent years for these products (1323/04 and 13027/04).

The Regulation determines administrative and managing provisions and the quantitative limits for imports of those products.

The Agreement will be used as the basis for negotiating a new Agreement for 2005-2006.

FISHERIES

Fisheries Commission for the Mediterranean - Voting rights

The Council adopted a Decision on an amendment of a declaration by the Community on the exercise of competences and voting rights within the General Fisheries Commission for the Mediterranean (13521/04).

The declaration specifies the European Community's exclusive competence for matters dealing with conservation and management of living resources; the Member States' competence for organisational matters, and a shared competence for other subjects.

The European Community accepted in July 2000 the establishment of an autonomous budget in the framework of the Agreement of the General Fisheries Commission for the Mediterranean (GFCM).

The implementation of the autonomous budget implies that the Community will provide a financial contribution, which makes it necessary to adapt the declaration of competence and voting rights in that Organisation. The GFCM depends entirely on the budget of the UN Food and Agriculture Organisation (FAO).

TRANSPARENCY

Public access to documents

The Council adopted the reply to confirmatory application 26/c/01/04, the Danish, Dutch, Finnish and Swedish delegations voting against (14242/04).

APPOINTMENTS

Economic and Social Committee

The Council adopted Decisions appointing:

- Mr Peter KORN as a member of the Economic and Social Committee in place of Ms Dagmar BOVING for the remainder of the latter's term of office, which runs until 20 September 2006 (14237/04).
 - Mr Vitalijs GAVRILOVS as a member of the Economic and Social Committee in place of Ms Ieva JAUNZEME for the remainder of the latter's term of office, which runs until 20 September 2006 (14236/04).
 - Mr Alfred GEISLER as a member of the Economic and Social Committee in place of Mr Ulrich FREESE for the remainder of the latter's term of office, which runs until 20 September 2006 (13895/04).
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