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LIMITE

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INFORMATION NOTE

from : Presidency
to : Council (General Affairs and External Relations)
Subject : Draft Multiannual Programme "The Hague Programme; strengthening freedom, security and justice in the European Union";
- transition to qualified majority voting

The transition to qualified majority voting in Title IV areas, as envisaged in the multiannual programme (doc. 13993/04 JAI 408, p.8), would have the following implications:

A Council decision, to be based on Article 67(2) second indent TEC, and to be adopted unanimously would provide for the transfer to adoption through co-decision procedures of measures referred to in:

Article 62, point 1

Article 62, point 2(a)

Article 62, point 3

Article 63, point 2(b)

Article 63, point 3(a) and (b)

Article 63, point 4

It should be clear that such transfer does not affect:

- the requirement for the Council to act unanimously when taking the decisions referred to in Article 3(2) of the Act of Accession, Article 15(1) of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the application, implementation and further development of the Schengen acquis, Article 4 of the Protocol on the integration of the Schengen acquis into the framework of the European Union and any future accession treaty;

- the competence of the Member States concerning the geographical demarcation of their borders, in accordance with international law;

- the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed;
