



**COUNCIL OF
THE EUROPEAN UNION**



13759/04 (Presse 302)

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PRESS RELEASE

2613rd Council Meeting

Justice and Home Affairs

Luxembourg, 25 and 26 October 2004

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Minister for Justice
Mr Johannes REMKES
Minister for the Interior and Kingdom Relations and
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Minister for Integration and Immigration

of the Netherlands

P R E S S

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13759/04 (Presse 302)

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Main Results of the Council

The Council discussed the multi-annual programme for the area of freedom, security and justice ("The Hague Programme"). The Presidency concluded that, pending some outstanding issues, there was a broad agreement on the draft text and decided to forward it to the European Council on 4 November, for approval.

The Council agreed on the inclusion in passports and other travel documents of two mandatory biometric identifiers: facial image and fingerprints.

The Council adopted, without discussion, a Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking. It also adopted a Regulation creating the European External Borders Agency.

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

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PARTICIPANTS

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

Belgium:

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Ms Laurette ONKELINX

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Deputy Prime Minister and Minister for Justice

Czech Republic:

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Minister for the Interior
Deputy Prime Minister and Minister for Justice

Denmark:

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Mr Bertel HAARDER

Minister for Justice
Minister for Refugee, Immigration and Integration Affairs
and Minister for Development Cooperation

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Greece:

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Minister for Justice

Spain:

Mr José Antonio ALONSO SUÁREZ

Minister for the Interior

France:

Mr Dominique de VILLEPIN
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Minister for the Interior
Minister for Justice

Ireland:

Mr Michael McDOWELL

Minister for Justice, Equality and Law Reform of Ireland

Italy:

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Mr Roberto CASTELLI

Minister for the Interior
Minister for Justice

Cyprus:

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Mr Doros THEODOROU

Minister for the Interior
Minister for Justice and Public Order

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Deputy Minister for Justice

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Minister for Justice
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Federal Minister for the Interior

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Deputy State Secretary, Ministry of Justice

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State Secretary attached to the Minister for Justice

Slovenia:

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Ms Zdenka CERAR

Minister for the Interior
Minister for Justice

Slovakia:

Mr Vladimír PALKO
Mr Daniel LIPSIC

Minister for the Interior
Deputy Prime Minister and Minister for Justice

Finland:

Mr Kari RAJAMÄKI
Mr Johannes KOSKINEN

Minister for the Interior
Minister for Justice

Sweden:

Mr Thomas BODSTRÖM
Ms Barbro HOLMBERG

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

United Kingdom:

Mr David BLUNKETT

Secretary of State for the Home Department; Home
Secretary

Ms Caroline FLINT
Ms Cathy JAMIESON

Parliamentary Under-Secretary of State, Home Office
Minister for Justice (Scottish Executive)

Commission:

Mr António VITORINO

Member

ITEMS DEBATED

MULTI-ANNUAL PROGRAMME FREEDOM, SECURITY AND JUSTICE

The Council held a debate on the draft multi-annual programme for the area of freedom, security and justice ("The Hague Programme").

Following the debate, the Presidency concluded that, pending some outstanding issues, notably concerning qualified majority voting in the field of Title IV of the Treaty, there was a broad agreement on the draft text, and decided to forward it to the next European Council on 4 November 2005, for approval.

The debate at the Council focused on the following issues:

- the establishment of a common asylum system,
- joint processing of asylum applications,
- the eventual creation of a European corps of border guards,
- the decision to apply qualified majority voting in the Council and co-decision with the European Parliament on all remaining issues on asylum, migration and frontiers,
- exchange of information,
- terrorism,
- mutual recognition in criminal matters, and
- judicial cooperation in civil law.

The objective of the Hague programme is the improvement of the common capability of the Union and its Member States to guarantee fundamental rights, minimum procedural safeguards and the access to justice to provide protection in accordance with the Geneva Convention and other international treaties to persons in need, to regulate migration flows and to control the external borders of the Union, to fight organised cross-border crime and repress the threat of terrorism, to realise the potential of Europol and Eurojust, to further realise the mutual recognition of judicial

decisions and certificates both in civil and in criminal matters, and to eliminate legal and judicial obstacles in litigation in civil and family matters with cross-border implications. This is an objective that has to be achieved in the interests of the European citizens by the development of a Common Asylum System and by improving access to the courts, practical police and judicial cooperation, the approximation of law and the development of common policies.

It should be noted that, as requested by the European Council on 17 and 18 June 2004, the Presidency has drafted, in co-operation with the Commission, a draft of the multiannual programme for the area of freedom, security and justice.

The draft programme is based on in-depth discussions at the meeting of JHA Ministers within the Council on 19 July 2004 and at the informal meeting of JHA Ministers on 30 September and 1 October 2004. Substantive and detailed written contributions of the Member States received by the Presidency, have also been used to a large extent.

Over the past years the European Union has increased its role in securing police, customs and judicial cooperation and in developing a coordinated policy with regard to asylum, immigration and external border controls. This development will continue with the firmer establishment of a common area of freedom, security and justice by the Treaty establishing a Constitution for Europe, which will be signed in Rome on 29 October 2004. This Treaty and the preceding Treaties of Maastricht, Amsterdam and Nice have progressively established a common legal framework in the field of justice and home affairs, and the integration of this policy area with other policy areas of the Union.

Since the Tampere European Council in 1999, the Union's policy in the area of justice and home affairs has been developed in the framework of a general programme. Even if not all the original aims were achieved, comprehensive and coordinated progress has been made. Some of the results that have been achieved in the first five-year period are: the foundations for a common asylum and immigration policy has been laid down, the harmonisation of border controls has been prepared, police cooperation has been improved, and the groundwork for judicial cooperation on the basis of the principle of mutual recognition of judicial decisions and judgments has been well advanced.

TERRORISM

The Council heard an oral report by the Counter-terrorism Coordinator, Mr Gijs DE VRIES, on the process of peer evaluation of national arrangements in the fight against terrorism.

The Commission also presented a package of four Communications for the fight against terrorism, to enhance prevention, preparedness and response to terrorist attacks. The Communications respond to requests made by the European Council in March and June and aim to contribute to the preparation, together with reports/input from the High Representative and the Council, of the European Council meeting of 17 December 2004. The different documents put forward suggestions on what would enhance European prevention, preparedness and response to terrorist attacks, respectively on terrorist financing, on prevention and consequence management and finally on critical infrastructure protection.

It should be noted that in the wake of the terrorist outrage which struck Madrid and the European Union as a whole on 11 March, the European Council agreed a set of strategic objectives which, since then, have directed the Union's fight against terrorism. The prevention, preparedness and response to terrorist attacks is at the core of these strategic objectives, which specifically include: the reduction of access by terrorists to financial and other economic resources; maximising the capacity within EU bodies and Member States to detect investigate and prosecute terrorists and prevent terrorist attacks; and enhancing the capability of Member States to deal with the consequences of a terrorist attack. At its meeting of 18 June 2004 the European Council endorsed the revised *EU Plan of Action on Combating Terrorism*. The effective prevention, preparedness and response of the Union to terrorist attacks are overarching objectives reflected in many of the wide ranging measures and actions identified in the Plan of Action.

The first of the four Communications is entitled *Prevention, Preparedness and Response to terrorist attacks*. The other three concern the fight against terrorism financing, the preparedness and the consequence management in the fight against terrorism and protection of critical infrastructures.

These communications were adopted on 20 October by the Commission and will lead to further action by the Council in the next months.

BIOMETRIC IDENTIFIERS

The Council, pending two scrutiny reservations, agreed on the inclusion of a second mandatory identifier, fingerprints, in passports and other travel documents issued by Member States.

It should be noted that at its meeting on 8 June 2004, the Council agreed that facial image should be the first mandatory biometric identifier and that fingerprints should be the second and optional one. Today, 26 October, the Council also agreed to include fingerprints as a mandatory identifier.

The appropriate date of application of these biometric identifiers was also agreed by the Council. For the facial image identifier, 18 months will be required after the date of adoption of technical specifications to implement the Regulation, while 36 months will be required for fingerprints.

The harmonisation of security features and the integration of biometric identifiers is an important step towards the use of new elements in the perspective of future developments at European level, which render passports and other travel documents more secure and establish a more reliable link between them and the holder. It is an important contribution to ensuring that passports and other travel documents are protected against fraudulent use.

The Regulation does not apply to identity cards issued by Member States to their nationals.

The biometric features in passports and other travel documents shall be used for verifying

- the authenticity of the document
- the identity of the holder by means of directly available comparable features when the passport or other travel documents are required to be produced by law.

CRIMINAL LAW AGAINST SHIP-SOURCE POLLUTION

The Council discussed the text of the Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution, on the basis of a Presidency compromise text.

The debate at the Council focused mainly on 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), as well as on the possibility of introducing a ceiling for the maximum fines to be imposed to legal persons.

The Presidency, noting that three Member States could not agree with the text proposed by the Presidency, decided to forward the draft Framework Decision to the European Council.

It should be noted that 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 adopted a Common Position on a draft Directive on ship-source pollution and the introduction of sanctions for infringements. The main principle of the draft Directive is that all discharges of polluting substances are considered infringements if they are committed with intent, recklessly or through serious negligence. It allows Member States to take the necessary measures to ensure that these violations are subject to effective, proportionate and dissuasive sanctions which may include criminal or administrative sanctions.

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 discussed by the JHA Council is therefore to supplement the said 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.

The Framework Decision has to be adopted by unanimity at the Council.

EXCHANGE OF INFORMATION FROM CRIMINAL RECORDS

The Commission presented a new proposal for a Council Decision on the exchange of information extracted from the criminal record (national register or registers recording convictions in accordance with national law).

In accordance with the proposal, a central authority of a Member State shall without delay inform the central authorities of the other Member States of convictions of nationals of those Member States registered in the national criminal record and of relevant subsequent entries in the criminal record.

The Belgian Minister, Ms Laurette ONKELINX, also presented a Belgian initiative, which aims at ensuring that disqualification pronounced against someone sentenced for sexual abuse of children in one Member State be recognised and executed in other Member States without further formalities.

OTHER BUSINESS

– ***ACCESS TO DURABLE SOLUTIONS/ READMISSION POLICY***

The Council was informed by the Presidency about the current state of play regarding two draft Council Conclusions: on improving access to durable solutions and on priorities for the successful development of a common readmission policy.

The Council Conclusions aim to establish a framework for the future development of a Common European Asylum System in which the European Union's external policy aspects are closely linked.

The conclusions are expected to be adopted, without discussion, at the next General Affairs and External Relations Council on 2 November 2004.

– ***EVALUATION OF AN EU ACTION PLAN ON DRUGS***

The Council heard a brief presentation by the Commission on the evaluation that will be taken on board in drawing up the strategy on drugs 2005-2012.

The strategy is expected to be endorsed by the European Council at its meeting on 17 December.

IN THE MARGINS OF THE COUNCIL

– ***MIXED COMMITTEE***

– ***Rules of procedure***

The Mixed Committee (EU+Norway/Iceland/Switzerland) at Ministerial level, adopted amendments to its Rules of Procedure in order to take account of the signature linking Switzerland to the Schengen acquis.

– ***Biometric identifiers***

The Mixed Committee (EU+Norway/Iceland) endorsed the agreement reached by the Council concerning the inclusion of two biometric identifiers on passports and other travel documents (see page 11).

– ***Schengen evaluation of Austria***

The Mixed Committee (EU+Norway/Iceland) also agreed on draft Council conclusions on the Schengen evaluation of Austria.

– ***SIGNING OF AGREEMENTS WITH SWITZERLAND***

In the margins of the Council the EU and Switzerland signed nine new Agreements.

The Agreements were signed on behalf of the Council by H.E. Mr Piet Hein DONNER, Minister of Justice of the Netherlands, on behalf of the Commission by Mr Jonathan FAULL, Director General JHA and on behalf of Switzerland by H.E. Mr Joseph DEISS, President of the Swiss Confederation and H.E. Mrs Micheline CALMY-REY, Minister of Foreign Affairs.

The Agreements concern the following areas:

- Measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments and a Memorandum of Understanding;

- Counter fraud and all other illegal activities affecting their financial interests;
- Implementation, application and development of the Schengen Acquis;
- Criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland;
- Provisions applicable to processed agricultural products;
- Statistics;
- Audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community Programmes MEDIA Plus and MEDIA Training;
- Participation of Switzerland in the European Environment Agency and the European environment Information and Observation Network; and
- Free movement of persons.

- ***EU - RUSSIA PERMANENT PARTNERSHIP COUNCIL - MINISTERIAL TROIKA***

The first EU - Russia Permanent Partnership Council in Justice and Home Affairs format was held in the margins of the Council.

The meeting provided an opportunity to develop and strengthen EU - Russia JHA cooperation and work on a roadmap for a common space for freedom, security and justice, as set out by the EU - Russia Summit on 21 May 2004. The Partnership Council further addressed the implementation of an Action Plan on organised crime, readmission and visa facilitation, migration, asylum, border management, terrorism and judicial cooperation.

The roadmap is expected to be approved at the EU - Russia Summit in the Hague on 11 November 2004.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Creation of an External Borders Agency*

The Council adopted a Regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (10827/04+ 12553/04 ADD 1).

The creation of the Agency aims at improving the coordination of operational cooperation between Member States and will facilitate the application of existing and future Community measures relating to the management of external border management. It should be noted that the responsibility for the control and surveillance of external borders lies with the Member States.

Fight against drug trafficking*

The Council adopted a Framework Decision laying down minimum provisions of criminal acts and penalties in the field of drug trafficking (7249/04+12451/04).

The Decision focuses on the most serious types of drug offence and excludes certain types of behaviour as regards personal consumption as defined by national law.

Implementation reports on (JHA) Framework Decisions

The Council took note of reports on the implementation of four Framework Decisions adopted between 2000 and 2002:

- Framework Decision 2001/500/JHA on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (10369/2/04).

- Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the Euro (10371/2/04).
- Framework Decision 2001/413/JHA on combating fraud and counterfeiting of non-cash means of payments (11685/2/04).
- Framework Decision 2002/475/JHA on combating terrorism (11687/2/04).

These reports set out the state of affairs in respect of the implementation by the 15 States which were Member States prior to 1 May 2004, and provides for a procedure for further monitoring of the implementation of the Framework Decisions. These procedures also cover the implementation of the instrument by the 10 new Member States.

The Commission will submit further reports on these Framework Decisions to the Council by 30 June 2005.

Trafficking in Human Beings

The Council adopted a Common Position on negotiations relating to the draft European Convention on Action against Trafficking in Human Beings being undertaken in the Council of Europe.

Transmission of personal data - Croatia

The Council decided to start negotiations with Croatia leading to an agreement on the transmission of personal data by Europol to Croatia. The decision was based on a report submitted by the Europol Management Board and concluded that no obstacles exist for the Director of Europol to start negotiations with Croatia.

Europol - Moldova and Ukraine - Fight against organised crime

The Council adopted a Decision adding Moldova and Ukraine to the list of third States that the Director of Europol can start negotiating agreements with, in order to more efficiently be able to fight organised crime (12371/1/04).

Europol - Protection of public figures

The Council took note of the first annual report of the European Network for the Protection of Public Figures.

The Network was set up by the Council in November 2002 and consists of national police services and other services responsible for the protection of public figures.

Vice-President of Eurojust

The Council approved the election of Mr Roelof Jan Manschot as Vice-President of Eurojust, after the resignation of Mr Olivier de Baynast.

Applications for international protection - *Council conclusions*

The Council adopted the following conclusions:

"Whereas

1. The European Council at its meeting in Seville on 21-22 June 2002 underlined the importance of affording refugees swift, effective protection, while making arrangements to prevent abuse of the system and ensuring that those whose asylum applications have been rejected are returned to their countries of origin more quickly.
2. The European Council at its meeting in Thessaloniki on 19-20 June 2003 asked for the examination of possibilities of further reinforcing asylum procedures in order to make them more efficient with a view to accelerating, as much as possible, the processing of non-international protection-related applications.
3. The measures prescribed by the Treaty of Amsterdam in the field of asylum and subsidiary protection have almost all been adopted. A general approach has been reached on the Asylum Procedures Directive. Once this Directive has been adopted, the legislation to establish the first phase of the Common European Asylum System called for by the European Council at its meeting in Tampere on 15-16 October 1999 will have been brought to completion.

THE COUNCIL OF THE EUROPEAN UNION

CONSIDERS there is, in addition to the general objective of establishing the Common European Asylum System, a clear need for greater practical cooperation, and exchange and assessment of information between Member States to support the implementation of the first stage legislation of the Common European Asylum System and to take steps towards a single procedure to cover the two types of international protection status provided for by the Qualification Directive and in which the respect of the Geneva Convention will be guaranteed;

ENDORSES the approach set out in the Commission Communication on the Single Procedure, starting with a preparatory phase, which can be seen as a period of consultation, debate and preparation on what Member States need to do to unify the procedures which lead to the two types of status set out in the Qualification Directive; and

INVITES the Commission to present, before the end of the year, a One Stop Shop Action Plan which ensures that such practical cooperation is the vehicle for identifying the necessary steps to be taken in order for Member States to arrive at a single procedure for the assessment of applications for international protection as defined in the Qualification Directive."

EXTERNAL RELATIONS

Cooperation Agreement with Andorra

The Council adopted a Decision authorising the signing of a Cooperation Agreement between the European Community and Andorra (12947/04).

The Agreement will be complementary to the already existing Customs Union Agreement and enlarges the scope of the current relations, notably in: environment, communication, information and culture, education, training and youth, social questions and health, transports, energy and trans-european communications and regional policy.

Restrictive measures - Burma/Myanmar*

The Council adopted a Common Position and a Regulation on additional restrictive measures against Burma/Myanmar amending Common Position 2004/423/CFSP and Regulation (EC) 798/2004 (12823/1/04, 12792/04+12825/04).

The decisions include the extension of the scope of measures to include serving members of the military of the rank of Brigadier-General and above and members of their families and a prohibition on making financial loans or credits available to, and on acquiring or extending a participation in, designated Burmese state-owned enterprises.

These decisions follow the political agreement reached by the Council at its 11 October meeting, in view of the current political situation in Burma/Myanmar, as illustrated by the failure of the military authorities to release Daw Aung San Suu Kyi and other members of the National League for Democracy (NLD) as well as other political detainees, by their failure to allow a genuine and open National Convention, and by the continued harassment of the NLD and other organised political movements.

TRADE POLICY

EC/Norway agreement - Processed agricultural products

The Council adopted a Decision approving the conclusion of an agreement amending trade arrangements with Norway as regards processed agricultural products (11827/04).

The purpose of the agreement is to adapt the conditions of import of certain products and to implement a compromise reached with Norway on trade in soft drinks (waters and non-alcoholic beverages). The changes will apply from 1 January 2005.

Iceland - Fishery products and horses

The Council adopted a Regulation amending Regulation (EC) N° 499/96 on tariff quotas for imports of certain fishery products and live horses from Iceland (10798/04).

This Regulation aims at implementing tariff quotas in the framework of the European Economic Area Enlargement Agreement.

Norway - Agricultural and fishery products

The Council adopted a Regulation amending Regulation (EC) N° 992/95 on tariff quotas for imports of certain agricultural and fishery products from Norway (10790/04).

This Regulation aims at implementing tariff quotas in the framework of the European Economic Area Enlargement Agreement.

Agricultural products*

The Council approved a draft Decision aimed at amending EEA provisions on trade in agricultural and processed agricultural products (10513/04+10511/04).

The draft Decision will be forwarded to the EEA Joint Committee for adoption.

Switzerland - Agricultural products

The Council adopted :

- a Decision concerning the position to be adopted within the Joint Committee for Agriculture regarding adaptations of tariff concessions granted by Switzerland in order to take account of EU enlargement (11938/04)
- a Regulation on concessions for imports from Switzerland of processed agricultural products (11998/04)
- a Regulation opening a community duty-free tariff quota for imports of bovine animals from Switzerland (11942/04).

Agricultural products - Switzerland

The Council adopted a Decision authorising the Commission to start negotiations with Switzerland with a view to modifying the Agreement between the European Community and Switzerland on trade in agricultural products.

Anti-dumping - Steel ropes and cables - China and Morocco

The Council adopted a Regulation extending the definitive anti-dumping duty imposed by Council Regulation (EC) 1796/1999 on imports of steel ropes and cables originating, inter alia, in the People's Republic of China to imports of steel ropes and cables consigned from Morocco, whether declared as originating in Morocco or not, and terminating the investigation in respect of imports from one Moroccan exporter (13242/04).

ENERGY

Convention on nuclear safety

The Council took note of a report, drawn up by the Commission, on measures taken by the Euratom Community in implementation of obligations made under the Convention on Nuclear Safety.

Reports on implementation of the Convention will be examined at a Convention review meeting scheduled for 11-22 April 2005.

FISHERIES

Tacs and Quotas 2004

The Council unanimously adopted a Regulation amending Regulation (EC) No. 2287/2003 on Total Allowable Catches (TACs) and quotas for 2004 (9969/04).

The aim of the Commission proposal aimed at modifying several Annexes of Regulation (EC) No. 2287/2003, including Annex V which provides for the fishing effort limitation in specific fishing areas (Kattegat, Skagerrak and North Sea, West of Scotland, Eastern Channel and Irish Sea) and for certain species (mostly plaice, cod and sole). This Annex also provided for the use of particular fishing gears and restricted the fishing possibilities on the basis of a maximum number of fishing days. Finally the Regulation entailed provisions on monitoring, inspection and surveillance.

Since December 2003 the Council has adopted Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks. It is appropriate to align the provisions of Annex V to those in that Regulation. The implementation of this Annex has shown that certain of its provisions need to be either clarified or made more flexible, in order to improve its applicability and effectiveness.

Consequently the Commission presented a proposal whose main provision was to extend the list of fishing gears used. The final text agreed by the Council does not take into account this provision.

North-East Pacific – EU membership of international convention

The Council adopted a Decision approving EU membership of the Inter-American Tropical Tuna Commission (IATTC) and authorising the signature of a Convention aimed at strengthening the IATTC in order to enable better conservation and sustainable use of fish stocks in the North-East Pacific (12868/04).

EU membership of the IATTC, which was established under the Antigua Convention between Costa Rica and the United States, will allow EU fishermen active in the area to be subject to IATTC provisions.

EDUCATION

EU Centre for the Development of Vocational Training (CEDEFOP)

The Council adopted a Regulation amending Regulation (EEC) No 337/75¹, rationalising the structure and functioning of the European Centre for the Development of Vocational Training (Cedefop), namely of its Management Board and of the Bureau, in view of increasing its effectiveness, in particular in the context of the EU's enlargement (12838/04).

Cedefop provides policy makers, researchers and practitioners with information on developments in vocational education and training (VET). It further assists the European Commission in encouraging, at Community level, the promotion and development of VET.

CULTURE

European Audiovisual Observatory*

The Council adopted a European Parliament and Council Decision amending the Decision which established the European Audiovisual Observatory (1999/784/EC²), in order to extend the Community participation in the Observatory until the end of 2006 (PE-CONS 3682/04+13355/04).

Set up in 1992, the European Audiovisual Observatory operates within the legal framework of the Council of Europe. It aims at gathering/transferring information and providing expertise to the audiovisual industry in Europe, in particular to small and medium-sized enterprises, including in the fields of fiscal and labour law, copyright and consumer protection law, while promoting a clearer view of the market. It thus contributes to strengthening the competitiveness within the EU's audiovisual market and to remove the obstacles to the free movement of audiovisual goods and services.

¹ Council Regulation 337/75 (OJ L 39, 13.2.1975, p. 1) as last amended by Regulation (EC) No 1655/2003 (OJ L 245, 29.9.2003, p. 41).

² OJ L 307, 2.12.1999, p.61