



**COUNCIL OF  
THE EUROPEAN UNION**



6077/06 (Presse 38)

**PROVISIONAL VERSION**

## **PRESS RELEASE**

2709th Council Meeting

### **Justice and Home Affairs**

Brussels, 21 February 2006

President

**Karin Gastinger**

Federal Minister of Justice

**Liese Prokop,**

Federal Minister of the Interior  
of Austria

# **P R E S S**

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6077/06 (Presse 38)

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**EN**

## **Main Results of the Council**

*The Council adopted a Directive on **data retention**. This decision follows an agreement reached by the Council at its meeting on 1 and 2 December 2005.*

*It also adopted a Regulation establishing rules on **border control of persons crossing EU external borders** and providing for the absence of border control of persons crossing internal borders between the Member States, and conclusions on the **visa waiver reciprocity mechanism**.*

*It reached a political agreement on a Regulation creating a **European order for payment procedure**. The objective of this Regulation is to simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims and to permit the free circulation of European orders for payment throughout the Member States.*

*The Council exchanged views on a draft Regulation concerning the law applicable to **non-contractual obligations (Rome II)** and on a proposal aiming to establishing a mechanism to facilitate the obtaining of evidence in cross-border cases based on mutual recognition principles (the so-called **European Evidence Warrant**).*

*It discussed the methodology for adopting a minimum common list of third countries which should be regarded as **safe countries of origin** of Directive 2005/85/EC, **visa fees** and the **Schengen Information System II (SIS II)** project.*

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

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**PARTICIPANTS**

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

**Belgium:**

Ms Laurette ONKELINX

Deputy Prime Minister and Minister for Justice

**Czech Republic:**

Mr František BUBLAN

Minister for the Interior

Mr Roman POLÁŠEK

Deputy Minister for Justice

**Denmark:**

Ms Rikke HVILSHØJ

Minister for Refugees, Immigration and Integration

**Germany:**

Mr Wolfgang SCHÄUBLE

Federal Minister for the Interior

Ms Brigitte ZYPRIES

Federal Minister for Justice

Mr Günther BECKSTEIN

Minister for the Interior, Bavaria

**Estonia:**

Mr Kalle LAANET

Minister for the Interior

Mr Rein LANG

Minister for Justice

**Greece:**

Mr Anastasis PAPALIGOURAS

Minister for Justice

**Spain:**

Mr Antonio CAMACHO VIZCAÍNO

State Secretary for Security

Ms Ana María DE MIGUEL LANGA

Subsecretary for Justice

**France:**

Mr Christian ESTROSI

Minister with responsibility for Regional Planning

**Ireland:**

Mr Frank FAHEY

Minister of State at the Department of Justice, Equality and Law Reform with special responsibility for Equality Issues

**Italy:**

Mr Roberto CASTELLI

Minister for Justice

**Cyprus:**

Mr Andreas CHRISTOU

Minister for the Interior

Mr Doros THEODOROU

Minister for Justice and Public Order

**Latvia:**

Mr Dzintars JAUNDŽEIKARS

Minister for the Interior

Ms Solvita ĀBOLTIŅA

Minister for Justice

**Lithuania:**

Mr Gintaras Jonas FURMANAVIČIUS

Minister for the Interior

Mr Gintautas BUŽINSKAS

Minister for Justice

**Luxembourg:**

Mr Luc FRIEDEN

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

Mr Nicolas SCHMIT

Minister with responsibility for Foreign Affairs and Immigration

**Hungary:**

Mr Gábor JUHÁSZ

Political State Secretary, Ministry of the Interior

Mr Miklós HANKÓ FARAGÓ

Political State Secretary, Ministry of Justice

**Malta:**

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home Affairs

**Netherlands:**

Mr Piet Hein DONNER

Minister for Justice

Ms Rita VERDONK

Minister for Immigration and Integration

**Austria:**

Ms Liese PROKOP  
Ms Karin GASTINGER

Federal Minister for the Interior  
Federal Minister for Justice

**Poland:**

Mr Andrzej GRZELAK  
Mr Wiesław TARKA

State Secretary, Ministry of Justice  
Deputy State Secretary, Ministry of the Interior and  
Administration

**Portugal:**

Mr António COSTA  
Mr Alberto COSTA

Minister for the Interior  
Minister for Justice

**Slovenia:**

Mr Zvonko ZINRAJH  
Mr Robert MAROLT

State Secretary at the Ministry of the Interior  
State Secretary at the Ministry of Justice

**Slovakia:**

Mr Martin PADO  
Ms Lucia ŽITŇANSKÁ

Minister for the Interior  
Minister for Justice

**Finland:**

Mr Kari RAJAMÄKI  
Ms Leena LUHTANEN

Minister for the Interior  
Minister for Justice

**Sweden:**

Mr Thomas BODSTRÖM  
Ms Barbro HOLMBERG

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

**United Kingdom:**

Mr Tony McNULTY

Baroness ASHTON of UPHOLLAND

Ms Cathy JAMIESON

Minister of State for Immigration, Citizenship and  
Nationality  
Parliamentary Under-Secretary of State, Department for  
Constitutional Affairs  
Minister for Justice, Scottish Executive

.....  
**Commission:**

Mr Franco FRATTINI

Vice-President  
.....

The Governments of the Acceding States were represented as follows:

**Bulgaria:**

Mr Stanislav DASKALOV

Ambassador

**Romania:**

Ms Monica MACOVEI

Minister for Justice

**ITEMS DEBATED**

**LAW APPLICABLE TO NON-CONTRACTUAL OBLIGATIONS (ROME II)**

The Council had an exchange of views on certain issues of this draft Regulation, in particular those relating to:

- a damage cause by a defective product,
- damage arising out of an act of unfair competition,
- violation of privacy and rights relating to the personality, particularly in the event of defamation by the mass media, and
- incompatibility with the public policy ("ordre public").

The Council broadly agreed with the compromise guidelines presented by the Presidency in doc. 6165/06. The Presidency will propose a revised draft text to the Committee on Civil Law Matters (Rome II) on that basis.

Regarding the violation of privacy and rights relating to the personality, the Council took note of a modified Commission proposal excluding for the time being from the scope of the Directive a specific Article on this issue.

The purpose of this proposal is to set out a coherent set of rules of conflict of laws regarding non-contractual obligations. It will allow parties to determine the rule applicable to a legal relationship in advance.

The proposed Regulation have three main objectives:

- guaranteeing legal certainty and predictability to citizens and economic operators who are victims of violations of their rights,
- facilitating the settlement of claims in courts, and
- promoting the reciprocal recognition of legal decisions made in other Member States.

To reach these objectives, the proposal contains a general rule: the law in force in the country where the violation took place will prevail. This rule is complemented by some specific exceptions, notably regarding violations of the environment.

## **DATA RETENTION**

The Council adopted a Directive of the European Parliament and the Council on data retention, amending directive 2002/58/EC (*PE-CONS 3677/05 and 5777/06 ADD1+ADD2REV1*). The decision follows an agreement reached by the Council at its meeting on 1 and 2 December 2005.

The Irish and Slovak delegations voted against.

This Directive aims to harmonise Member States' provisions concerning the obligations of the providers of publicly available electronic communications services or of public communications networks with respect to the retention of certain data which are generated or processed by them, in order to ensure that the data are available for the purpose of the investigation, detection and prosecution of serious crime, as defined by each Member State in its national law.

This Directive shall apply to traffic and location data on both legal entities and natural persons and to the related data necessary to identify the subscriber or registered user. It shall not apply to the content of electronic communications, including information consulted using an electronic communications network.

The data retained are provided only to the competent national authorities in specific cases and in accordance with national law. They are retained for periods of not less than six months and not more than two years from the date of communication. Member States have to take necessary measures to ensure that any intentional access to, or transfer of, data retained is punishable by penalties, including administrative or criminal penalties, that are effective, proportionate and dissuasive. Each Member State will designate a public authority to be responsible for monitoring the application within its territory of the provisions adopted regarding the security of stored data.

Following entry into force of the directive, Member States will have as a general rule 18 months in which to comply with its provisions.



**EUROPEAN EVIDENCE WARRANT**

The Council discussed the following questions of this draft Framework Decision:

- 1) definition of offences, and
- 2) measures available for execution.

Regarding definition of offences, a large majority of delegations supported the approach suggested by the Presidency, which consisted of:

- keeping the draft Framework Decision unchanged regarding a list of 32 offences for which double criminality may not be invoked as a ground for refusal,
- drafting a Council Statement defining certain of the offences listed in the text, i.e. racism and xenophobia or sabotage, and
- introducing a recital regarding peer evaluation on the application of the European Evidence Warrant (EEW).

The Council confirmed agreement on a provision on measures that Member States must have available certain measures for the purpose of executing EEW's. These measures include the measures which would be available in a similar domestic case. The measures available must include search and seizure regarding a list of 32 offences. It has also been accepted that it should be possible to refuse to execute the EEW where the measures which must be available do not allow for execution in the specific case.

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

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

**PROCEDURAL CONSEQUENCES OF THE JUDGEMENT OF THE COURT OF JUSTICE IN CASE C-176/B**

The Council agreed on a procedure to be followed within the Council when a Commission proposal involves measures relating to the criminal law of the Member States, as follows:

" The Presidency will draw the attention of COREPER II to any legislative proposal submitted by the Commission which contains provisions on criminal law.

The Presidency, after seeking COREPER II's guidance, will refer the proposal to an appropriate working party for examination, taking into account all relevant factors, such as its content, its aim and the expertise required. The Presidency will keep the Article 36 Committee informed, ensuring an opportunity for JHA experts to offer views on criminal law provisions from an early stage of negotiation, which can then be conveyed to the relevant working party. Each delegation is responsible for coordinating internally on all aspects of the proposal.

The Presidency will refer the proposal as necessary to COREPER II, which shall submit any relevant question to the JHA Council.

Coreper II shall review the effectiveness of these arrangements by June 2007."

By judgment of 13 September 2005, the European Court of Justice annulled Framework Decision 2003/80/JHA on the protection of the environment through criminal law: Measures intended to protect the environment fall within the competence of the Community (Art 175 TEC) even when they involve measures relating to the criminal law of the Member States. Therefore the Framework Decision encroached on competences attributed to the Community, and therefore failed to respect Article 47 TEU.

**NATIONAL ASYLUM SERVICES**

The Council welcomed the Commission Communication on the establishment of structures involving the national asylum services of the Member States for promoting cooperation (6520/06) and agreed to have a further debate at its next meeting in April 2006.

With the adoption of the Directive on Asylum Procedures<sup>1</sup>, the Council completed the first phase of work directed to the establishment of a Common Asylum System in the establishment of "minimum standards" concerning asylum in the area of reception, qualification and procedures.

Prior to this, in the Hague programme of November 2004, the European Council already reiterated that the next phase would consist of the establishment of a common asylum procedure and a uniform status for persons who are granted refugee or subsidiary protection status. The European Council also called for the establishment of appropriate structures involving the asylum services of the Member States with a view to facilitating cooperation towards three main objectives:

- achieving an EU-wide Single Asylum Procedure
- achieving the joint compilation, assessment and application of country of origin information, and
- enabling Member States working together to address particular pressures on asylum systems or reception capacities resulting, inter alia, from their geographical location.

The Commission Communication aims at setting out how this practical cooperation can support the goals set by the Hague Programme. With regard to those goals the Communication proposes:

- (a) achieving an EU-wide Single Asylum Procedure.

Single Procedure activities should be aimed at:

- identifying where changes need to be made in Member States' administrative practice in order to implement the 1st stage instruments,
- assessing how quality and efficiency of asylum systems can be improved through including all possible grounds for protection in one decision,
- identifying best practice in managing resources in a Single Procedure, including through costing comparisons and twinning exercises.

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<sup>1</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

The results of these activities will inform the preparation of legislative action, notably to ensure that, at a minimum, the guarantees agreed as applicable to claims for refugee status in the Asylum Procedures Directive extend to applications for subsidiary protection.

- (b) achieving the joint compilation, assessment and application of country of origin information (COI).

Cooperation on COI should have three main objectives in the short to medium term:

- the establishment of common guidelines on the production of COI,
- the establishment of a 'common portal' to Member States COI databases as well as other relevant information,
- a pragmatic solution to the translation difficulties facing Member States in dealing with COI from different sources.

The result of these activities should lead in the longer term to the future development of an EU COI database

- (c) enabling Member States working together to address particular pressures on asylum systems or reception capacities resulting, inter alia, from their geographical location.

Actions to address particular pressures:

- amendment of European Refugee Fund so that Member States can access funds quickly and with a minimum of bureaucratic process for emergency actions,
- streamlining of the procedure for accessing more rapidly the funding for urgent actions contained in the ARGO programme,
- setting up of expert teams to address reception and processing issues for sudden arrivals of large numbers at the external border of the EU.

Longer term options include a comprehensive assessment of particular pressures which have occurred in the past and the setting up of a network of Member State information officers in selected third countries.

**SAFE COUNTRIES OF ORIGIN**

The Council held an exchange of views on the methodology to be followed for adopting a minimum common list of third countries which should be regarded as safe countries of origin in the sense of Article 29(1) of the Council Directive 2005/85/EC.

The Council will re-examine this issue in April 2006, on the basis of a Commission proposal.

On 1 December 2005, the Council adopted Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status<sup>1</sup>. Article 29(1) of the said Directive establishes that the Council shall, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt a minimum common list of third countries which shall be regarded by Member States as safe countries of origin.

On the same occasion, the Council entered a statement to its minutes which read: "The Council invites the Commission to submit, as soon as this Directive has entered into force, a proposal allowing the Council to adopt a minimum common list of third countries that shall be regarded by Member States as safe countries of origin."

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

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<sup>1</sup> O.J. L 326, 13.12.2005, p. 13.

**GREEN PAPER ON EUROPEAN MIGRATION NETWORK**

The Council had an exchange of views on the Commission Communication "Green Paper on European Migration Network" which was issued in December 2005 (15240/05).

The Presidency and Commission Vice-President Frattini invited those Member States that have not expressed their views regarding the Communication to do so in a short delay.

The European Migration Network was established by the Commission in 2002 as a pilot project. Its main objective has been to provide the Community and its Member States with objective, reliable and comparable information in this field by systematically collecting and storing existing data and information from Member States and carrying out national and European analysis. To this purpose, a series of national contact points was designated in the Member States who participate to the Network, along with a scientific coordinator, both supported and monitored by the European Commission.

Since this preparatory action will end in 2006, the Commission has issued in December 2005 a Green Paper, with the main objectives of monitoring the progress made and of considering possible improvements to its functioning, in the perspective of examining if the Network should pursue its activities in the future on a more permanent basis. To this effect, the Commission has invited all the stakeholders to express their views by the end of January 2006. The outcome of this consultation process will be relevant in relation with further steps to be taken concerning the establishment of a European Migration Network.

**OTHER BUSINESS**

– ***Exchange of information on criminal records***

Commission Vice-President Frattini announced that the Commission had launched a study for examining how exchange of information on criminal records could be improved between Member States.

– ***South-East European Cooperation Process (SEEC) Ministerial meeting***

The Greek delegation briefed the Council about the meeting of the Ministers of Justice and Home Affairs/Public order/Security of the States participating in the SEEC, on strengthening cooperation against trafficking in human beings and terrorism.

The meeting was held in Loutraki on 8 February 2006.

– ***2006 football World Cup in Germany***

The Swedish delegation drew the attention of their colleagues on the risk of increased trafficking or smuggling of human beings (prostitution) in the context of the World Cup in Germany this summer.

MIXED COMMITTEE

– *SIS II*

The Mixed committee heard an update by the Presidency and by Commission Vice-President Frattini on the status of the Schengen Information System II (SIS II) project.

The SIS II is one of the top-priorities for the Austrian Presidency. Its implementation is a necessary condition for the lifting of the internal borders with the new Member States.

The Council agreed to set up a high-level group of experts that will support the political decision making on the project. The group would meet for the first time in March and report to the April 2006 JHA Council meeting.

The Council concluded that the best solution for the management of the SIS II during the interim period would be for the Commission to delegate management to the appropriate Member States: France for the central unit and Austria for the backup central unit. The management of the information technology in the JHA field should be looked at in a long-term perspective.

The Presidency invited the Commission to present proposals on these issues.

– *Visa fees*

The Mixed Committee had an exchange of views on a draft Decision amending the fees corresponding to the administrative costs of processing the visa applications, in particular the amount to be charged and the timing for adopting such a Decision.

Council Decision 2003/454/EC of 13 June 2003 fixed the amount to be charged corresponding to administrative costs of processing the visa application at € 35. Because of the consequences of the Council Decision regarding the introduction of the European Visa Information System (VIS) with biometric identifiers, this amount no longer covers current visa application processing costs.

The Mixed Committee will re-examine this issue at its next meeting, with a view to taking a decision in April 2006.



**OTHER ITEMS APPROVED**

**JUSTICE AND HOME AFFAIRS**

**European order for payment procedure**

The Council reached a political agreement on a proposal for a Regulation of the European Parliament and of the Council creating a European order for payment procedure (6164/06).

The objective of the Regulation is to simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims and to permit the free circulation of European orders for payment throughout the Member States. It also lays down minimum standards whose observance renders unnecessary any intermediate proceedings to be brought in the Member State of enforcement prior to recognition and enforcement.

The Regulation will apply in cross-border cases to civil and commercial matters, whatever the nature of the court or tribunal. A cross-border case is defined as one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the seized court.

Denmark will not take part in the adoption of the Regulation.

The common position will be adopted at a forthcoming Council meeting after finalisation of the text.

**Schengen - Rules on the movement of persons across borders \***

The Council adopted a Regulation establishing rules on border control of persons crossing the EU external borders and providing for the absence of border control of persons crossing internal borders between the Member States (*PE-CONS 3643/05, 5776/06 ADD1*).

The Hungarian delegation voted against, the Slovenian delegation abstained.

The Regulation establishes a Community code:

- Concerning external borders, the regulation establishes conditions for entry, as well as principles for governing control of external borders and for refusal of entry for third-country nationals. Operational cooperation and assistance between Member States in relation to border control will be managed and coordinated by the European Agency for the Management of Operational Cooperation at the External Borders. In addition, the Regulation stipulates the various types of external border (land, air and maritime), and sets out rules for checks on certain categories of persons (diplomats, pilots of aircraft, seamen, cross-border workers etc).

- Concerning internal borders, the Regulation adapts the provisions of the Schengen Convention to the Community institutional framework concerning the abolition of border checks on persons at internal frontiers and the various procedures for temporarily reintroducing checks on persons at those border in the event of a serious threat to the public policy or internal security of a member state.

### **Visa waiver reciprocity mechanism - *Council conclusions***

The Council adopted the following conclusions:

"The Council

- recalls that the Hague Programme, adopted on 4 and 5 November 2004 by the European Council, recognises full visa waiver reciprocity as an essential element of the EU common visa policy for facilitating legitimate travel and called on the Commission to continue its efforts to ensure that the citizens of all Member States can travel without a short-stay visa to all third countries whose nationals can travel to the EU without a visa as soon as possible;
- recalls that it adopted Council Regulation (EC) No 851/2005 amending Council Regulation (EC) No 539/2001 as regards the visa reciprocity mechanism which entered into force on 24 June 2005;<sup>1</sup>
- recalls that, in accordance with Article 2 of Council Regulation (EC) No 851/2005, Member States were required to notify the Council and the Commission in writing of all cases of non-conformity with the principle of reciprocity by third countries listed in Annex II to Council Regulation (EC) No 539/2001;<sup>2</sup>
- recalls that Council Regulation (EC) No 851/2005 mandated the Commission to prepare a report in consultation with the Member States concerned on visa waiver reciprocity with relevant third countries;
- recalls that the Commission submitted this report to the Council on 11 January 2006.<sup>3</sup>

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<sup>1</sup> OJ L 141, 4.6.2005, p.3

<sup>2</sup> OJ C 163, 05.07.2005, p. 1-3  
OJ C 251, 11.10.2005, p. 1-15  
OJ C 277, 10.11.2005, p. 1-2  
OJ C 310, 08,12,2005, p. 1-2

<sup>3</sup> doc. 5370/06 VISA 14 AUS 2 AMLAT 5 ASIE 1 CDN 1 USA 4 COMIX 53

AND ADOPTS THE FOLLOWING CONCLUSIONS:

- (1) the Council welcomes the report which the Commission prepared in accordance with Article 2 of Council Regulation (EC) No 851/2005 of 2 June 2005 amending Council Regulation (EC) No 539/2001 on the current situation of visa waiver reciprocity with certain third countries;
- (2) the Council welcomes the progress made and, in particular, the fact that Costa Rica, Nicaragua, Panama, Venezuela and Uruguay have now created all the conditions necessary for full visa waiver reciprocity;
- (3) the Council further welcomes Brazil's political commitment to exempt from the visa requirement the citizens of those Member States which are still under such an obligation and invites the Commission to submit as soon as possible a recommendation to the Council to open negotiations with Brazil on a visa waiver agreement between the European Community and Brazil;
- (4) the Council further welcomes the Commission's positive assessment in its report about Brunei Darussalam, Malaysia and Singapore subject to implementation and verification of necessary measures;
- (5) the Council notes that while some progress has been made on issues of transparency, there has been no movement yet in terms of extending visa waiver to cover the citizens of all EU Member States by the United States of America, Canada or Australia, while welcoming the steps taken by Australia to facilitate the issuing of visas to the citizens of EU Member States as an interim measure towards visa waiver reciprocity;
- (6) the Council invites the Commission to monitor the developments necessary to ensure that full visa waiver reciprocity is achieved with regard to the countries mentioned in paragraphs 3 and 4 and, for the same purpose, to strengthen its efforts with the countries mentioned in paragraph 5;
- (7) the Council invites the Commission, when submitting its second report due by the end of June 2006, to indicate the progress made together with the further steps and possible measures to be taken in relation to third countries with which full visa reciprocity has not been achieved."

#### **Europol - Resignation of a deputy director**

The Council granted the request of Mr Jens Henrik Højbjerg to resign as deputy director of Europol with effect from 1 September 2006.

### **Negotiations with Australia - Transmission of personal data**

The Council decided to start negotiations with Australia with a view to concluding an agreement on the transmission of personal data by Europol to Australia.

### **Organised crime - Exchange of information**

The Council took note of a report containing recommendations addressed to 15 Member States (Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal, Finland, Sweden and United Kingdom) and Europol on exchange of information and intelligence relating to the fight against organised crime.

The document assesses the application and implementation at national level of instruments dealing with law enforcement, of the resulting legislation and practices at national level and of international cooperation. It reflects conclusions and recommendations contained in two summary reports and includes the last five evaluations made as regards Denmark, Greece, Spain, Italy and Austria.

The report will be forwarded to the European Parliament for information.

### **EU/Iceland/Norway/Denmark – Asylum**

The Council adopted a Decision approving a protocol to the agreement with Iceland and Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a member state or in Iceland or Norway (15755/05).

It also adopted a Decision approving the agreement between the EU and Denmark extending to Denmark Regulation 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States and Regulation 2725/2000 establishing the "Eurodac" system for the comparison of fingerprints (15753/05).

## **EXTERNAL RELATIONS**

### **Lebanon - Measures against suspects in the Hariri killing**

The Council adopted a Regulation imposing restrictive measures against persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri (5722/06).

The Regulation imposes a freezing of funds and economic resources to persons suspected of involvement in the planning, sponsoring, organising or perpetrating the terrorist bombing in Beirut that killed 23 people, including Rafiq Hariri, on 14 February 2005, by introducing into Community law the restrictive measures set out in United Nations Security Council Resolution 1636(2005).

The list of persons and entities affected by the restrictive measures will be established in accordance with the list registered by a committee of the Security Council established by Resolution 1636(2005).

The Council adopted last December common position 2005/888/CFSP setting out the framework for implementing Resolution 1636(2005) and imposing a visa ban against individuals suspected of involvement of terrorist act. These measures fall within the scope of the EU Treaties and, therefore, Community legislation is necessary to implement them as far as the Community is concerned.

## **ENERGY**

### **Agreement with Japan on peaceful uses of nuclear energy\***

The Council adopted a Decision authorising the Commission to negotiate an agreement between the European Atomic Energy Community and Japan for cooperation in peaceful uses of nuclear energy (6264/06 and 6256/06).

Under the agreement, the contracting parties will cooperate to promote and facilitate nuclear trade, research and development between or in Japan and the Community for peaceful and non-explosive uses of nuclear energy, in the mutual interests of producers, the nuclear fuel cycle industry, utilities, research and development institutes and consumers, while abiding by the principles of non-proliferation.

## **ENVIRONMENT**

### **Migratory wild animals - Bonn Convention**

The Council adopted a Decision relating to the amendment of the Convention on the conservation of migratory species of wild animals, adopted at the eight meeting of the conference of the parties, held in Nairobi (Kenya) from 20 to 25 November 2005, authorising the Commission to enter a reservation on behalf of the Community with respect to the addition of basking shark (*Cetorhinus maximus*).

The Convention on the conservation of migratory species of wild animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. The European Community has been a party to the Convention since November 1983.