



**COUNCIL OF  
THE EUROPEAN UNION**



14617/07 (Presse 253)

**Items debated on 8.11.2007**

**PROVISIONAL VERSION**

## **PRESS RELEASE**

2827th Council meeting

### **Justice and Home Affairs**

Brussels, 8-9 November 2007

President

**Mr Rui PEREIRA**

Minister for the Interior of Portugal

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# **P R E S S**

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14617/07 (Presse 253)

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**EN**

## **Main results of the Council**

*The Council concluded that the necessary conditions for the application of the Schengen acquis have been met in all areas (air, land and sea borders, police cooperation, the Schengen information system, data protection and visa issuance) in nine Member States: Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic. Therefore, and pending the opinion of the European Parliament, the EU is expected to abolish checks at internal land and sea borders (and air borders by March 2008) on 21 December 2007. People will be able to move freely, without checks, within an area expanded to 3.6 million km<sup>2</sup>, the "Schengen area".*

*In addition, the Council reached a general approach on a proposal for a Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters. By setting data protection norms for the first time in the framework of police and financial cooperation in criminal matters, the Council highlights the importance it attaches to the safeguard of the very basic rights of the citizens while at the same time fostering confidence between Member States.*

*Finally, the Council adopted without debate a common position on a draft directive amending the current postal directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services.*

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- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- 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 Council's 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:

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**Commission:**

Mr Franco FRATTINI

Vice-President

**ITEMS DEBATED**

**MIXED COMMITTEE**

The Mixed Committee (EU+ Norway, Iceland and Switzerland) met on 8 November 2007 at 14.30 and discussed the following issues:

**Return of illegal staying non-EU nationals**

The Presidency briefed the Council about the progress made in regard to the negotiations concerning a proposal on common standards and procedures in Member States for returning illegally staying third-country nationals.

It announced that, following intensive work at the level of officials on the part of successive Presidencies, the Council has made significant progress on this proposal and that it will continue to pursue all possibilities for reaching a first reading agreement with the Parliament.

**Background**

This proposal was submitted by the Commission in 2005 and has been examined at length, under successive Presidencies.

It sets out common standards and procedures to be applied in Member States for returning illegally staying third-country nationals, in accordance with fundamental rights as general principles of Community law as well as international law, including refugee protection and human rights obligations.

The draft Directive deals with key issues in the policy of return such as the voluntary departure of the returnees, the execution of a return decision through a removal procedure, the postponement of removal, the imposition of entry bans as accompanying measure to a return decision, the form of the return decision, the remedies against a return decision and the safeguards for a returnee pending return, the possibility of accelerated procedure of return in certain cases and the detention of returnees and its conditions.

The Council, in the context of the European Return Fund and more recently the draft European Parliament and Council Regulation establishing the Visa Information System, committed itself to pursuing work in close contact with the European Parliament with a view to reaching agreement for the draft Directive by the end of 2007. The Portuguese Presidency has therefore prioritized work on the proposal at the level of the Council and maintained close contact with Parliament.

### **Enlargement of the Schengen area**

The Mixed Committee assessed the state of preparedness of the new Member States to implement the Schengen acquis, with a view to the lifting of internal borders in December 2007 (land and sea borders) and in March 2008 (air borders).

The latest evaluation visits, which took place over the past six months, demonstrated that the nine Member States concerned are sufficiently prepared to apply the Schengen acquis in a satisfactory manner.

The Council therefore agreed to the conclusions on the Schengen evaluation, according to which the necessary conditions for the application of the Schengen acquis have been met in all areas (air, land and sea borders, police cooperation, the Schengen information system, data protection and visa issuance) in the Member States concerned (see page 14).

The Council Decision to lift the internal borders controls will be taken in December, once the European Parliament has rendered its opinion.

The Mixed Committee also took note of the state of play concerning the SIS II (Schengen Information System) project.

For more information see [Factsheet: Enlargement of the Schengen Area](#).

### **Schengen agreement with Switzerland**

Switzerland asked for a Swift ratification by the EU member states of the EU-Switzerland Schengen agreement.



## **Personal data protection**

Pending the lifting of some parliamentary scrutiny reservations, the Mixed Committee agreed on a general approach on a proposal for a Framework Decision on the protection of personal data processes in the framework of police and judicial cooperation in criminal matters.

The purpose of this legislation is to ensure a high level of protection of the basic rights and freedoms, and in particular the privacy of individuals, while guaranteeing a high level of public safety when exchanging personal data.

By setting data protection norms for the first time in the framework of police and financial cooperation in criminal matters, the Council highlights the importance it attaches to the safeguard of the very basic rights of the citizens while at the same time fostering confidence between Member States.

The text agreed foresees that the exchange of personal data will be supported by clear binding rules enhancing mutual trust between the competent authorities. Relevant information will be protected in a way excluding any obstruction of this cooperation between the Member States while fully respecting fundamental rights of individuals, in particular the right to privacy and to protection of personal data. Common standards on the confidentiality and security of the processing, on liability and sanctions for unlawful use will contribute to achieving both aims.

In particular, the text defines the right of access to data, the right to rectification; erasure or blocking, the right to compensation and the right to seek judicial remedies.

This Framework Decision does not preclude Member States from providing safeguards for the protection of personal data higher than those established in this Framework Decision.

The file was discussed at the Council meeting of 18 September 2007 and an agreement was reached on the regime for onward transfer on personal data obtained from another Member State to third States. The Council also confirmed the understanding that the text applies to the cross-border exchange of personal data only.

## **ESTABLISHMENT OF A EUROPEAN POLICE OFFICE**

The Council reached a general approach on Chapter II ("Information progressing systems") and III ("Common provisions on information processing") of a draft Decision establishing the European Police Office.

The Council already reached agreement on Chapter I ("Establishment and tasks") at its meeting on 12-13 June 2007.

This draft Council Decision will replace the Europol Convention and will constitute a real improvement of the operational and administrative functioning of Europol. The Council Decision is expected to be finalised at the latest by June 2008.

## **PRÜM IMPLEMENTING DECISION**

The Council reached a general approach on a draft Decision regarding cross-border cooperation in combating terrorism and cross-border crime.

This text implements the Council Decision agreed in June 2007 that integrates the third pillar part of the Prüm Convention into the EU (the Prüm Decision). The new text lays down the necessary administrative and technical provisions for different forms of cooperation, especially for the automated exchange of DNA data, dactyloscopic data and vehicle registration data.

## **SPECIAL INTERVENTION UNITS FOR CRISIS SITUATIONS**

The Council reached a general approach on a draft Decision on the improvement of cooperation between the special intervention units of the EU Members in crisis situations.

This Decision will create a legal framework for these special intervention units. This will allow, for example the possibility of obtaining community funding of the joint training and exercise of these units.

Following the attacks of 11 September 2001, the special intervention units of all law enforcement authorities of the Member States initiated cooperation activities under the aegis of the Police Chiefs Task Force. Since 2001, their network, called "Atlas", has conducted various seminars, studies, exchanges of materials, and joint exercises.

The Council Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ("Prüm Decision") and in particular its Article 18 regulates forms of police assistance between Member States in connection with mass gatherings and similar major events, disasters and serious accidents. The Decision agreed today complements those provisions of the Prüm Decision, as it envisages forms of police assistance between Member States through special intervention units in other situations, i.e. in man-made crisis situations presenting a serious direct physical threat to persons, property, infrastructure or institutions, in particular hostage taking, hijacking and similar events.

## **ADMISSION OF HIGHLY SKILLED IMMIGRANTS AND SINGLE PERMIT PROCEDURE**

The Council had a first exchange of views on two recently adopted Commission proposals:

- a proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, and
- a proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

The Council agreed to return to these proposals in the context of a joint meeting with EU Employment Ministers in December 2007. It also instructed its preparatory bodies to further examine these texts with a view to reaching an early agreement.

### **Background**

The proposal for a Directive on the admission of highly skilled immigrants seeks to establish more attractive entry and residence conditions for third-country nationals to take up highly qualified employment in EU Member States – the so-called "EU Blue Card".

The proposal does not create the right of admission. The scheme is entirely demand-driven, fully respectful of the principle of Community preference and Member States' jurisdiction to decide on the numbers of persons admitted. Since labour market needs differ from Member State to Member State, the proposed common system is flexible and centred around a number of key points. For example, it introduces a fast-track procedure, based on common criteria. If a third-country national is admitted under this scheme, he/she would receive a special residence and work permit, called the "EU Blue Card", entitling him/her to a series of socio-economic rights and favourable conditions for family reunification. Facilitated access to the labour market is also provided for.

In a bid to avoid negative brain drain effects in developing countries, especially in Africa, the proposal advocates ethical recruitment standards to limit – if not ban – active recruitment by Member States in developing countries already suffering from serious brain drain, and contains measures to facilitate circular migration.

The second proposal is horizontal in nature, and seeks to simplify procedures for all potential immigrants applying to reside and work in a Member State. Furthermore, it aims to ensure a common set of rights to all third-country workers already admitted and legally working in a Member State, comparable to those of EU citizens. It does not harmonise admission conditions for labour immigrants, which will remain in the hands of the Member States.

The proposal therefore provides for a "one-stop-shop" system for the applicants. It introduces a single application procedure, which aims to simplify and accelerate the procedure both for the employer and for the immigrant, as well to introduce certain safeguards (access to information on the documents needed for an application, obligation to provide reasons for rejection and to take a decision on the application within 90 days). Once admitted, the immigrant will receive a "single permit", which will entitle him/her to stay and work for the period granted.

The proposal, acknowledging the contribution made by legal immigrant workers to the EU's economy and to help them integrate more convincingly, seeks to guarantee basic socio-economic rights on an equal footing with Member State's own nationals, in particular as regards working conditions and pay, education, trade union's rights and social security.

The Portuguese Presidency has highlighted the issue of legal migration in the context of its Presidency. A High Level Conference on Legal Migration, held in Lisbon on 13-14 September 2007, brought together Ministers and a wide range of experts. It focussed on three themes - Legal Migration channels and the management of migratory flows, integration and the Lisbon Agenda on migration and development.

The Presidency also proposed to convene a special joint meeting of the JHA and the Employment, Social Policy, Health and Consumer Affairs (ESPHCA) Council to discuss employment on 6 December 2007.

## **EXTERNAL RELATIONS**

The Presidency briefed the Council about the main findings of the Western Balkan Ministerial Forum which was held in Brdo (Slovenia) on 4 and 5 October 2007.

The Spanish delegation also briefed about an EU/Latin-America and Caribbean States experts Seminar on migration which will be held at the beginning of next year.

**OTHER ITEMS APPROVED**

**JUSTICE AND HOME AFFAIRS**

**Assesment of the Schengen evaluation of new Member States - *Council conclusions***

The Council adopted the following conclusions:

- "1. The readiness of the new Member States to correctly apply the Schengen acquis in full was evaluated on the basis of Article 3(2) of the 2003 Act of Accession in conjunction with the Decision of the Executive Committee of 16 September 1998 (cf. SCH/Com-ex (98) 26 def.), the note on the continuation of the work on Schengen evaluation and implementation, action programme and timetable approved by the Council on 28 – 29 May 2001 (cf. 8881/01 SCH-EVAL 17 COMIX 371) and the programme for the Schengen evaluation of the 10 new Member States (doc. 7638/2/05 REV 2 SCH-EVAL 20 COMIX 200 updated by doc. 16025/06 SCH-EVAL 191 COMIX 1014). The process of evaluation before the lifting of controls at internal borders has been accomplished.
  
2. Conclusions were adopted by the Council in December 2006 on the state of preparedness of the Member States concerned to implement the non-SIS-related provisions of the Schengen acquis and on SIS II, SIS 1+ and on the enlargement of the Schengen area.  
  
The first series of conclusions in conjunction with the individual reports indicated where additional measures were required and in which cases the necessary changes should be reassessed during follow-up visits.
  
3. Together with the written follow-up, these follow up visits, which took place between March and September 2007, have proven that the Member States concerned are sufficiently prepared to apply the non-SIS-related provisions of the Schengen acquis in a satisfactory manner. An overview of the main results of these revisits can be found in Annex I.
  
4. The Schengen evaluation of the *SIS-related provisions* took place in September and October 2007 in accordance with the work programme of the Schengen evaluation Working party approved by the Council on 2 December 2004, the note on the Schengen evaluation of the new Member States approved by the Council on 2 and 3 June 2005 and the Council conclusions on the SIS reached at the JHA Council of 12 and 13 June 2007.

Extensive questionnaires were completed by the Member States concerned, real data were loaded onto the technical systems cf. Council Decision 2007/471/EC of 12 June 2007, the Member States concerned were integrated into SIS 1+ at the end of August 2007, the functional testing of SIRENE took place in August 2007 and available Schengen alerts of the Member States concerned were loaded onto the SIS 1+ as of 1 September 2007.)

5. The results of these evaluation visits are set out in Annex II and should be read in conjunction with the individual reports of the inspection teams in order to get a full picture of the assessment and recommendations. These results include very good examples of applying the Schengen acquis as well as weaknesses which should be corrected and/or improvements to be made by the Member State concerned regarding implementation of the acquis. Both are set out in Annex II on a country-by-country basis. Although the outstanding issues require to be followed-up, they do not constitute an obstacle to full Schengen membership of the Member States concerned.
6. The Member States concerned have on the whole shown that they are sufficiently prepared to apply both the *non-SIS-related provisions* of the Schengen acquis as well as its *SIS-related provisions* in a satisfactory manner. On this basis, the preconditions have been fulfilled for taking the Decision referred to in Article 3(2) of the 2003 Act of Accession in December 2007 allowing the lifting of internal border controls at the land and sea borders as of 21 December 2007 and at air borders as of 30 March 2008.
7. The Member States concerned are expected to inform the Council, in the course of the next year, on the follow-up to the recommendations mentioned above and those contained in the reports.
8. In addition, the Council draws attention to the Border Management Strategy as defined by the JHA-Council in December 2006. Any fundamental reorganisation of the functions of Integrated Border Management in any Member State should be reported to the Council via the Schengen Evaluation Working Party for an appropriate follow up.
9. Finally, it is worth underlining the fact that thanks to the tremendous efforts made by the Member States concerned, the Member States already applying the provisions of the Schengen acquis, the many experts involved in the evaluation visits and last but not least the successful full implementation of the Portuguese SISone4ALL project, it has been possible to carry out this historically unprecedented evaluation process in full respect of the initially established time-schedule in a diligent, efficient and coherent manner.

ANNEX I

**Schengen evaluation of the new Member States:**

**Overview of results of the revisits carried out during 2007**

The following is an excerpt of the findings of the Schengen Evaluation revisits carried out in 8 new Member States in the course of 2007. The revisits were carried out on the basis of the conclusions adopted by the JHA Council on 4/5-December 2006 where it was decided that revisits were necessary to the Czech Republic (air borders, July), Estonia (data protection, March / land borders, May / air borders, September), Latvia (air borders, September), Lithuania (land borders, May / air borders, September), Malta (police cooperation, May / visa, August / air and sea borders September 2007), Poland (land borders, May / air borders, September), Slovakia (data protection, March / land borders, June / air borders, September) and Slovenia (air borders, July).

As far as Hungary is concerned, no revisits were required and the follow-up to the recommendations outlined in the conclusions adopted by the JHA Council on 4/5 December 2006 provided by Hungary to the Schengen Evaluation working party, was considered satisfactory.

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**CZECH REPUBLIC**

The **airport of Brno** required a revisit during which it was established that the authorities had managed to address all the outstanding issues underlined in the first evaluation report.

**ESTONIA**

In the field of **data protection**, it was established during the revisit that the shortcomings had in the meantime been remedied.

The **land borders of Estonia** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.



The main finding of the revisit report was as follows:

- The process of personnel outflow from the Border Guard was still ongoing and the EvalCom is concerned about Estonia's capability to guarantee a high level of border checks in the current circumstances. Estonia was invited to take additional measures to fulfil the recommendation to guarantee the human resources needed to implement a high level of external border control and to stop the outflow of staff. This should be carefully monitored over the coming years to ensure the correct implementation of the Schengen acquis and the maintenance of border security at Estonia's external borders.

The **airport of Tallinn** required a revisit, during which it was established that the authorities had managed to address the main recommendations addressed in the first evaluation report.

The main findings of the revisit report were as follows:

- Ongoing reconstruction works at the passenger terminal of the airport did not allow for a full evaluation of the infrastructure. The EvalCom is of the opinion that an appropriate follow-up is needed; this could be realised by way of a complementary visit upon completion of the construction works. However, the Evaluation Committee considered that the separation between passengers to be implemented in the existing terminal, was in line with the Schengen requirements.
- The number of personnel at the BCP Tallinn has decreased since last year, in line with the trend in recent years and the Evaluation Committee is concerned about Estonia's capability to guarantee a high level of border checks in the current circumstances. The Evaluation Committee therefore highlights the need to fill vacant positions at the BCP Tallinn.

## **LATVIA**

The **airport of Riga** required a revisit, during which it was established that the authorities had managed to address all outstanding issues underlined in the first evaluation report.

## LITHUANIA

The **land borders of Lithuania and the airport of Vilnius** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.

## MALTA

The **Moscow Consulate of Malta** required a revisit but the current Consulate will be relocated in Moscow as from December 2007. A new evaluation was carried out to the Consulate of Malta in Tripoli, where it was established that Malta, as far as its Consular Section in Tripoli is concerned, is in a position to implement the Schengen acquis in full-

In the field of **police co-operation** a revisit was considered necessary during which it was established that Malta managed to address all outstanding issues underlined in the first evaluation report.

Regarding **air and sea border** a revisit was considered necessary during which it was established that the Maltese authorities had managed to address the main shortcomings underlined in the first evaluation report.

## POLAND

The **land borders of Poland** required a revisit, during which it was established that the authorities managed to address the main shortcomings underlined in the first evaluation report.

The practice of performing border checks on the territory of a third country-was abolished as of 15 September 2007 (as a result of the revisit) when the Polish Border Guard started carrying out border control on the border with Belarus and Ukraine on the territory of Poland, i.e. in line with the Schengen acquis.

The **air borders of Poland** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.

## SLOVENIA

The **airport of Ljubljana** required a revisit, during which it was established that the authorities had managed to address all the outstanding issues underlined in the first evaluation report.

## SLOVAKIA

In the course of the revisit in the field of **data protection**, it was established that all previous shortcomings had in the meantime been remedied.

The land borders of the Slovak Republic required a revisit, during which it was established that the authorities managed to turn around the situation. Taking into account all elements evaluated, the remarkable progress made and the commitment of staff at all levels, the Committee concluded that border checks and -surveillance are currently organised and implemented according to the requirements of the Schengen Borders Code.

The **airport of Bratislava** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.

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**Council conclusions on the evaluation of the SIS-related provisions  
of the Schengen acquis**

**CZECH REPUBLIC**

Although some minor issues require further attention, the efforts to implement the SIS and the SIRENE functions were appreciated and considered successful. The technology used for all systems was described as state of the art with well organised backup systems, good network security coupled to good management and monitoring, very good communication on Schengen matters, awareness of data-protection and secure use of the systems. It was recommended to turn off the auto save feature in the Query Tool and to make available the functionality of logging out the end-user when not using the system after a certain period of time.

The Czech authorities have informed the evaluation team that they repeated the instructions to turn the autosave feature off and that by the end of November time-out rules would be in place for the Query tool.

**ESTONIA**

The SIS, subject to implementation of the fully integrated system and of the SIRENE workflow, was considered being appropriately implemented, user-friendly and operating effectively with a good performance and infrastructure and acceptable response times at all sites visited.

It was recommended to enhance the capacity of the SIRENE Bureau to correctly follow up a hit and provide assistance to end users e.g. through further training; to ensure and verify that all historical forms are available and easily retrievable for all SIRENE operators.

The Estonian authorities have indicated that they are working on the above recommendations, in particular the inclusion of some improved functionalities in the fully integrated system by November (hide Estonian SIS alerts from the end users, showing only the national alert; limiting the possibility to choose a single query; enhancement of the user interface with some features; implementation of the searches on ranges), that a standard form for information exchange between police users and SIRENE Bureau in follow-up to a hit will be implemented before the end of the year and that user training will be improved.

## **HUNGARY**

The SIS in Hungary operates effectively and its performance is good throughout the country. The SIS was made available for all the different user interfaces and the SIRENE bureau was well prepared. Also most end-users were well trained and well prepared.

It was found that the Data Centre in Budapest was managed, organised and run very efficiently. The SIRENE workflow system worked efficiently and it was also being prepared to handle Interpol and Europol messages, which facilitates exchanges between the various channels. The SIRENE control of data quality seemed beneficial. The workflow application was considered to be a straightforward tool.

However, it was noticed that the knowledge of end-users varied across the country. Therefore, training needs should be reassessed and additional training should be given, in particular regarding aliases, special characters, weak searches and the possibilities of the SISone4ALL web client. The Hungarian authorities indicated they were already working on the implementation of all the recommended improvements; they would be finished by 1 December 2007.

## **LATVIA**

Overall, the SIS in Latvia was considered to operate effectively, subject to the implementation of the integrated system. Its performance and infrastructure were found to be good as were the response times at all sites visited. The efforts made to implement the SIS were appreciated and considered to have been appropriately done.

The Latvian authorities have confirmed that the integrated system is now implemented and have stated that since the evaluation visit the following recommendations were already implemented: removal of the dial-in connection; full and easy availability of the historical SIRENE forms for the SIRENE operators; implementation of a standard form for information exchange between police users and the SIRENE Bureau in the follow-up to a hit; the introduction of only one phone number to reach the SIRENE Bureau.

Further recommended improvements have been planned or are being implemented to urgently recruit officers for the vacant posts at the SIRENE Bureau; to prioritise and improve the loading of historical data; to minimise the period where separate queries can be done; to reduce the number of mandatory fields for vehicle or document checks; to enhance the user interface with some user-friendly features and include these also in the future integrated system; to enhance and improve the training of end users, including through quality assurance visits by the SIRENE Bureau.

## **LITHUANIA**

Overall, the SIS was found to operate effectively, showing a good performance with very short response times at all sites visited. Users seemed well trained, aware of the possibilities offered by the SIS and familiar with the system. The well organised SIRENE office functions appropriately and works with an efficient workflow. Close cooperation with all end users, thorough preparatory work on manuals and training ensure that follow-up procedures to hits are well-known and followed. Overall, the efforts to implement the SIS were appreciated and considered to have been satisfactorily done.

All recommended improvements have been implemented in the meantime or are planned to be implemented shortly: limited possibility for end users to opt for a single query; the possibility to query transliterated characters in alerts on objects is now ensured; automatic deletion of SIS alerts on persons from the national registers without intervention of the SIRENE bureau; time for automatic log out has been reduced; a standard form for information exchange between police users and SIRENE Bureau in follow-up to a hit has been introduced and more attention in training will be paid to complex cases and the possibility of wildcard queries.

## **MALTA**

The efforts to implement the SIS and the SIRENE functions were appreciated and considered to have been appropriately done. Positively noted were the technical infrastructure's monitoring and management structure, state of the art technology for workstations and peripherals (police stations), the user-friendliness of applications and the good cooperation between police and government IT services.

Malta has taken steps to introduce the recommended automated case management system at the SIRENE bureau.

As regards the request to organise additional training on the different applications being used, the Maltese authorities consider this an ongoing process.

## **POLAND**

The efforts to implement the SIS and the SIRENE functions were appreciated and considered to have been appropriately done. State of the art technology had been implemented and the technical staff's know-how (also in the -well-structured- SIRENE bureau) was impressive; the SIS was well integrated into the national applications.

All recommended improvements have reportedly been implemented in the meantime: modification of the border guard application to accept transliterated characters, clear display of misused identity in the border guard system and clear distinction between main and alias identity, second line offices at airports have been fitted with terminals that can access the SIS, more training to improve practical use of the system and procedures is being organised.

## **SLOVENIA**

The use and the quality of the mobile solutions, notably of the special unit SUSBC, was considered remarkable. The different organisations involved in using the SIS were well prepared and end-users well trained.

All recommended improvements are currently being implemented: placing of an N.SIS console for operators' use, updating of the physical infrastructure of the Ministry of Interior's data centre to guarantee a proper functioning of the N.SIS in the future, respect of the deletion and archiving rules on SIRENE information when N.SIS sends notifications to the SIRENE workflow system in case alerts are deleted, decrease of the workload, minimisation of the risk of mistakes and improvement of data quality, automatic insertion of Article 100 alerts, entry of stolen vehicle alerts in the SIS, installation of a diesel generator for the SIRENE Bureau, and setting a satisfactory timetable for moving to another data centre.

## **SLOVAKIA**

The IT infrastructure was considered to be well thought out and highly developed; data centres well equipped and managed and end-users well trained and -prepared. The user-friendly central query application is used by all end-users.

All recommended improvements are currently being implemented: information is being provided on the meaning of the red banner on the screen and to end-users so that they know what to do when the system refuses a query if the field "first name" is not filled in.

The fact that only the Border Guard and the Operations Centres of the Police have direct access to the SIS will be altered by the end of the year when all other end-users organisations will follow."

## **Frontex - Annual Report for 2006**

The Council took note of the Frontex Annual Report for 2006 (11691/1/07).



### **Community civil protection mechanism**

The Council adopted a Decision establishing a Community Civil Protection Mechanism and recasting council Decision 2001/792 (10482/07).

The Community Civil Protection Mechanism was created in 2001 to support and facilitate the mobilisation and coordination of civil protection assistance in the event of major emergencies occurring inside or outside the European Union.

The present Decision takes into account lessons learned in past emergencies and a series of European Council declarations outlining policy orientations on the further development of European civil protection cooperation, in particular on the setting up of a rapid response capability based upon the civil protection modules of the Member States.

*For further information, see press release 10267/07 (Presse 125).*

### **Eurojust**

The Council approved an agreement between Eurojust and Croatia with a view of enhancing their co-operation in the combating of serious forms of international crime.

### **Accession of Bulgaria and Romania to four conventions in the JHA field**

The Council adopted four recommendations concerning the accession of Bulgaria and Romania to the following conventions:

- Convention on the use of information technology for customs purposes of 26 July 1995 (12016/07);
- Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (12012/07);

- Convention on driving disqualifications of 17 June 1998 (12017/07);
- Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union of 26 May 1997 (12019/07).

### **Convention on the Law applicable to contractual obligations**

- Amendment to the 2005 Act of Accession

The Council adopted a Decision amending Annex I to the 2005 Act of Accession. This Decision adds the Convention on the accession of the ten countries entered in the European Union the 1st May 2004, to the Convention on the Law applicable to contractual obligations, opened for signature in Rome on 19 June 1980 2 , and to the First and Second Protocols on its interpretation by the Court of Justice of the European Communities, signed on 14 April 2005.

- Accession of the Republic of Bulgaria and Romania to the Convention on the Law applicable to Contractual Obligations

The Council adopted a Decision concerning the accession of the Republic of Bulgaria and Romania to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980 2. This Decision determines the date of entry into force of the 1980 Convention amended by successive accession conventions and makes necessary adjustments (14293/07).

### **EU-Balkan countries - Visa facilitation and readmission agreements**

The Council adopted decisions on the conclusion of agreements on facilitating the issue of visas to citizens of the EU and Albania (12198/07), Bosnia and Herzegovina (12201/07), the former Yugoslav Republic of Macedonia (12203/07), Montenegro (12204/07) and Serbia (12205/07).

It also adopted decisions on the conclusion of agreements on readmission of persons residing without authorisation with Bosnia and Herzegovina (12196/07), the former Yugoslav Republic of Macedonia (12199/07), Montenegro (12197/07) and Serbia (12202/07).

The purpose of visa agreements is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to citizens of the EU and Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia . The fee for processing visa applications from citizens of these countries will be EUR 35. The agreements will not apply to the territory of Denmark, Ireland and the United Kingdom.

The readmission agreements establish, on the basis of reciprocity, rapid and effective procedures for the identification and return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence in the territories of Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia or one of the Member States of the EU, and to facilitate the transit of such persons in a spirit of cooperation. The agreements will not apply to the territory of Denmark.

### **EXTERNAL RELATIONS**

#### **EU/Tunisia - Euro-Mediterranean agreement**

The Council approved a draft decision to be adopted by the EU/Tunisia association council, aimed at creating a subcommittee on human rights and democracy (14149/07).

Six bilateral subcommittees have already been established within the Euro-Mediterranean agreement with Tunisia since its entry into force in March 1998, providing an institutional framework for implementing and enhancing cooperation.

### **COMMON SECURITY AND DEFENSE POLICY**

#### **EU military operation in Bosnia and Herzegovina - amendment to the joint action**

The Council adopted a joint action amending joint action 2004/570/CFSP on the EU military operation in Bosnia and Herzegovina (EUFOR Althea) aimed at achieving optimal coordination between EU actors, notably through closer consultation between the EU force commander and the EU special representative and between the EU force commander and the Head of the EU police mission (13866/07).

POSTAL SERVICES

**Internal market of Community postal services\***

The Council adopted by a qualified majority<sup>1</sup> its common position on a draft Directive amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services (13593/07, 14244/07 ADD1).

The common position will be sent to the European Parliament for its second reading in the framework of the codecision procedure.

The common position is largely based on the European Parliament's first reading opinion and reflects the outcome of informal contacts between the European Parliament, the Commission and the Council. Therefore, the text now adopted by the Council is likely to be endorsed by the European Parliament at second reading with no changes.

The objectives of the proposal are to achieve an internal market for postal services through the removal of exclusive and special rights in the postal sector and the setting of the full market opening timetable, to safeguard a common level of universal services for users in all EU countries and to set harmonised principles for the regulation of postal services in an open market environment, with the aim of reducing other obstacles to internal market functioning.

The text of the common position provides for full market opening of postal services by 31 December 2010 at the latest. In addition, it provides for the possibility for some Member States<sup>2</sup> (which are identified in the proposal), to postpone the implementation of the Directive by two years (up to 31 December 2012), subject to prior notification to the Commission. It also clarifies criteria and the grounds under which some Member States could benefit from such a postponement. Furthermore, the draft Directive comprises a reciprocity clause, under which Member States that open up their postal markets completely may, for a limited period (from 1 January 2011 until 31 December 2012) refuse to grant authorisation to postal operators operating in a Member State, which maintains the reserved area until the end of 2012.

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<sup>1</sup> The Luxembourg delegation voted against and the Belgian delegation abstained from voting.

<sup>2</sup> The following Member States may postpone implementation until the end of 2012: Cyprus, Czech Republic, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Poland, Romania and Slovakia.

The draft Directive also includes a provision that the Commission will provide assistance to Member States on the implementation of the Directive, including on the calculation of any net cost of the universal service. A new annex on guidance for calculating the net cost, if any, of universal service was agreed to be introduced in the Directive.

## **ENERGY**

### **Nuclear Energy - Republic of Slovenia**

The Council adopted a decision authorizing the Republic of Slovenia to ratify, in interest of the European Community, the Protocol of 12 February 2004<sup>1</sup> amending the Paris Convention of 29 July 1960 on Third Party Liability in the field of Nuclear Energy. (14286/07).

## **APPOINTMENTS**

### **Committee of the Regions**

The Council adopted a decision appointing for the remainder of the current term of office, ending on 25 January 2010:

(a) as members:

as proposed by the Slovak Government

- Mr Andrej ĎURKOVSKÝ, Primátor hlavného mesta SR – Bratislavy,
- Mr František KNAPÍK, Primátor mesta Košice,
- Mr István ZACHARIAŠ, Primátor mesta Moldava nad Bodvou,

and

(b) as alternate members:

as proposed by the Slovak Government

- Mr Ján BLCHÁČ, PhD., Primátor mesta Liptovský Mikuláš,
- Mr Andrej HRNČIAR, Primátor mesta Martin,
- Mr Pavel HAGYARI, Primátor mesta Prešov,

as proposed by the Spanish Government

- Mr Alberto CATALÁN HIGUERAS, Consejero de Relaciones Institucionales y Portavoz del Gobierno, Comunidad Foral de Navarra.

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