



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 10 October 2005**

**13145/05**

**LIMITE**

**JAI 335  
ECOFIN 310  
TRANS 199  
RELEX 509  
ECO 111  
PESC 844  
COTER 58  
COSDP 656  
PROCIV 138  
ENER 150  
ATO 88**

**NOTE**

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from :            Presidency  
to :                Coreper

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Subject :        July 13 JHA Council Declaration: Updated follow-up

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**Background**

In July, the Presidency tabled a paper (11330/05 JAI 270) setting out its handling intentions on the dossiers contained in the Council Declaration on the EU Response to the London bombings. It was subsequently agreed in Coreper that JHA Counsellors would be tasked with monitoring progress on implementation of the Declaration. A first, brief discussion took place in JHA Counsellors on 1 September, with a short update in Coreper on 7 September. A fuller meeting of JHA Counsellors took place on 27 September to monitor progress on the Declaration. At that meeting it was also agreed that document 11330/05 JAI 270 would be updated to reflect the current state of play.

This note for Coreper provides an update on the current state of play and future handling intentions on the dossiers contained in the Declaration. Those dossiers followed by an asterisk (\*) are those where Coreper needs to consider how work can be accelerated in order to meet our deadlines.

A separate document issued in September to cover follow-up on the 'new ideas' which emerged from the July JHA Council but were not included in the Declaration. A revised version of that document will issue shortly to take into account some minor changes and update where appropriate.

**FD on Data Retention (Oct 2005)**

- To JHA Council 12 October. Next steps dependent upon the outcome of the JHA Council.

**FD on European Evidence Warrant (Dec 2005)**

- JHA Council on 12 October to discuss outstanding issues. Further discussion in CCM (25 Oct) and CATS (19-20 Oct and 15 Nov). Then COREPER (17 and 23 Nov); JHA Council (1-2 Dec) to be agreed.

**FD on Information Exchange between law enforcement officers (Dec 2005)**

- JHA Council (12 Oct) for discussion of key political/policy difficulties. Further discussion in MDG; COREPER (17 and 23 Nov); JHA Council (1-2 Oct) for political agreement.

**Council Decision on exchange of info concerning terrorist offences (Sept 05)**

- Adopted as an "A" point by Council on 19 September (OJ L 253, 29/09/2005, p.22)

**Agree Regulation on Wire Transfers (Dec 2005)**

- Coreper on 17 and/or 23 Nov. 6 Dec ECOFIN for "general approach". Aim for First reading deal with EP at 30Nov/1 Dec mini-plenary in Bxlles (in order to get general approach). Regulation will come into force end 2006.

**Adopt Third Money Laundering Directive (Sept 2005)**

- Adoption as an A point by Council in November.

**Regulation on Cash Control (Sept 2005)**

- Adopted by ECOFIN on 12 July.

**Agree a Code of Conduct: misuse of charities by terrorists (Dec 2005) \***

- Commission Communication expected in October. Council discussions in Oct/Nov leading to agreement of Code in December.

**Review the EU's performance overall on Counter-Terrorist Financing (Dec 2005)\***

- Commission to launch restricted tender for independent study in July with aim of commissioning a study that is ready by end November.

**Intensify exchange of police/judicial information (E'pol/E'just) (Dec 2005)**

- CATS on 19 October to consider report on performance of Europol CTTF, with a view to putting to Council for noting/discussion 1-2 Dec JHA Council. E'pol and E'just to report back to Dec Council more generally on how MSs are using them/information flows etc. The mutual evaluation report on the EU15 on co-operation with Europol should be ready by end 2005.

**Improve support from Member States' security and intelligence services to SitCen (report Dec 2005)**

- MSs to ensure that they are responding to SitCen requests for information. Director of SitCen to report back to December JHA Council.

**Improve information sharing on lost/stolen explosives**

- C'ion Communication published in July. SitCen analytical paper issued in September. TWG discussion on 7 October to prepare policy recommendations for CATS to discuss and agree follow-up on 19 October.

**Implement peer evaluation recommendations**

- Ongoing in light of peer evaluation process. Final report of the review round to be discussed in TWG on 7 Oct, CATS on 19 October (and again if needed in November) and submitted to December JHA Council for adoption. In addition, Counter-Terrorism Co-ordinator to produce for December JHA Council a report covering implementation of the interim report (agreed Dec 2004) and Member States' individual reports.

**Make full use of Joint Investigation Teams\***

- Informal network of experts already established. But some MS have yet to send in details of their experts and relevant information about how many JITS they have established. Eurojust seminar now planned to look at how teams can be set up.

**Commission to present proposals on data protection/principle of availability (Oct 2005)**

- Commission proposals to be presented at the 12 October JHA Council. Proposals to be discussed in Council working group (MDG) and then CATS.

**Commission Communication on enhanced interaction between the VIS, SIS II and EURODAC (Nov 2005)**

- Commission Communication expected in November. To be discussed in relevant working group(s), depending on scope/substance.

**Commission proposal for law enforcement access to VIS (Nov 2005)**

- Commission proposal expected in November. To be discussed in relevant working group(s) as a matter of priority.

**Council to agree an EU Strategy on Radicalisation and Recruitment (Dec 2005)**

- Commission Communication now published. Special session in Coreper on 14 September endorsed main elements of draft Strategy. Draft Strategy, now supplemented by Draft Action Plan, to be discussed in TWG, COTER (October), joint TWG/COTER (4 November), possible CATS and PSC in November, Coreper in November, in advance of December JHA, GAERC and European Councils.

**Member States to agree common standards for security features and secure issuing procedures for ID cards (Dec 2005), with detailed standards agreed asap thereafter\*.**

- Informal experts' meeting held by C'ion on 18 April to discuss common security standards. Second experts' meeting to be convened by C'ion in the autumn to discuss issuing and enrolment procedures. Inter-governmental conclusions to be agreed by the end of the year setting out a broad framework for security standards and procedures, followed by detailed standards in due course. The Article 6 Committee (of Regulation 1683/95) will continue to draft the detailed common security standards.

**Council to develop further ability to share information, by agreeing VIS and SIS II**

- SIS II: Political discussion at Dec JHA Council on SIS II. Schengen Acquis working group to continue their work on the three SIS II proposals, with a view to reaching political agreement on certain aspects by December 2005, in order for the texts to be adopted by mid 2006.
- Visa Working group will continue to progress with second and third reading of VIS Regulation in October and November. However, no EP Report issued yet. Informal discussions with EP underway. Plans for MSs roll-out of VIS will be proceeding in parallel, with a view to Council conclusions by the end of the year.

**Council to prioritise the roll-out of biometrics to regions/countries of high risk; Member States to take a collaborative approach to the provision of biometric capacity to visa issuing posts.**

- Discussions ongoing in Visa WG. Objective remains Council Conclusions on the overall roll-out timetable by end 2005.

**Council to revise/reinforce common standards on aviation security (end 2005)**

- C'ion adopted on 22 September a proposed Regulation revising Regulation (EC) no. 2320/2002 in Sept/Oct 2005. Proposal would extend Community competence to cover in flight security and air traffic from third countries. General approach possible at the Transport, Telecommunications and Energy Council on 5 Dec 2005.

### **Member States to implement agreed EU standards on maritime security and security at ports**

- Regulation (EC) no 725/2004 applies as from 1 July 2004. Date of application in respect of domestic shipping for class A passenger ships is 1 July 2005
- Regulation (EC) no 724/2004 provides the European Maritime Safety Agency with clearly defined tasks in the area of maritime security.
- Directive on enhancing port security, complementing (EC) no 725/2004. Directive expected to enter into force in October 2005: MSs to implement within 18 months of date of entry into force.

### **European programme on Critical Infrastructure Protection (end 2005)**

- C'ion experts seminar held 12/13 September 2005. Commission Green Paper expected October/November. Presidency discussion paper to be considered in Civil Protection WG on 6 October, with a view to discussion of draft programme on 8/9 November Civil Protection WG, CATS on 15/16 November, Coreper, then to December JHA Council.

### **Commission proposal on airline passenger name records (PNR) (Oct 2005)**

- C'ion to adopt a Third Pillar Framework decision on PNR, proposal expected October 2005. Work to be taken forward (probably) in the MDG.

### **Member States to undertake regular joint CT exercises**

- MSs to take forward, supported where appropriate by the C'ion. C'ion/CT Co-ordinator to produce short report by December JHA Council.

### **Commission to report on emergency response capabilities and CT Co-ordinator to report on information-sharing/co-ordination/collective decision-making (Dec 2005)**

- Emergency response capabilities: C'ion to produce final report on assessment of assets and capabilities for consideration at 8-9 Nov Civil Protection WG. Presidency risk assessment seminar (terrorist and non-terrorist) took place in late September to feed into Commission report. Commission report to be discussed in Civil Protection WG on 8/9 November for discussion of next steps and submission to December JHA Council.

- Information sharing/co-ordination/collective decision-making: Presidency/CT Co-ordinator/Director of SitCen/C'ion/incoming Presidency met in late July and late September to discuss how to take forward. Draft paper to be prepared for 9 November special COREPER (focus on consequence management) with report by CT Coordinator to December JHA Council.

**Support to the victims of terrorism, including by making funds available to victims and their families.**

- Pilot project launched by C'ion. C'ion to report to December JHA Council on use of funds and success of pilot programme.

**EU/Member States to support UN and work to reach agreement on the Comprehensive Convention against Terrorism (Sept 2005) and to develop a global CT strategy.**

- Comprehensive Convention not agreed at September UN Summit. Negotiations in New York on Comprehensive Convention to resume on 10 October. MSs and EU to continue to pursue agreed EU position.

**Council/Commission to reinforce work with priority third countries, by increasing commitments to technical assistance and capacity building.**

- MSs/C'ion discussing delivery of assistance to Morocco in COTER (October, November).
- MSs/C'ion discussing delivery of assistance to Algeria in COTER (Oct, Nov).
- Begin delivery by end November.

**EU to continue to work with US, other partners and key international bodies.**

- COTER Troikas to take place with Canada, Russia and India. TWG to invite US to December meeting and to participate in Canada and Russia Troikas. PSC Troika with Russia took place in July. High-level EU-US JHA meeting already taken place in London; Policy Dialogue on Border and Transport Security to take place in Washington in the autumn. JHA Ministerial with US took place on 6 October in Washington; with Russia (PPC meeting) to take place on 13 October; and with Western Balkans to take place on 7 December. COTER to develop master messages for third countries.

**Council to review progress and to present a reinforced CT Action Plan (Dec 2005)**

- Discussion took place at Sept JHA Informal of how to develop an EU strategy on counter-terrorism. Coreper to follow-up in October. Then discussion in November before going to Dec JHA, GAERC, and European Councils.

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