



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 November 2006

16040/06

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NOTE

from : Presidency
to : Council

Subject : The Hague Programme review
 - Draft Council conclusions

1. On 29 November 2006 COREPER examined the draft Council Conclusions on the Hague Programme review on the basis of document 15617/2/06.
2. The Presidency endeavoured to amend the draft Conclusions so as to reflect most of the comments made in COREPER.
3. Two delegations expressed a general scrutiny reservation on the document (IE and MT)
4. The Presidency invites the Council to adopt the draft Council conclusions as set out in Annex.

1. The Council takes note of the Commission Report on the implementation of the Hague Programme for 2005 (11228/06) and the Communication drawing up a first political assessment of progress made in implementing the Hague programme as well as proposing the necessary adjustments (11222/06) forwarded by the Commission to the Council in July 2006.
2. The Council takes note of the Report by the Presidency on the Review of the Hague Programme (15844/06), which identifies those areas in respect of which the Presidency believes a renewed effort is necessary to take forward the political agenda of the Union on the basis of The Hague Programme and its timetable.
3. The Council welcomes the significant progress that has already been made in implementing the Hague Programme and believes that the measures already taken since the adoption of the Hague Programme contribute in a real way to strengthening freedom, security and justice in the European Union. The Council equally believes that insufficient progress is being made in certain areas of judicial cooperation in criminal matters and police cooperation in particular, and that improvements can and should be achieved.
4. The Council, against that background, reaffirms its determination to take forward the remaining priority measures set out in the Hague Programme in keeping with deadlines established in the Action Plan. The Council considers that issues of mutual recognition in civil and criminal matters, the development of a comprehensive EU migration policy, strengthening police cooperation through the principle of availability and more operational cooperation, the fight against terrorism and organised crime, the development of the external aspects of justice and home affairs, the setting up of new generation of the SIS and the enlargement of the Schengen area deserve particular attention during the remainder of the Hague Programme.

5. The Council also reiterates its commitment to maintain the high level of ambition for the area of Freedom, Security and Justice as evidenced by the Hague Programme, convinced that cooperation is necessary to safeguard the interests of the citizens while ensuring protection of their fundamental rights and freedoms.
6. The Council considers the time has come to update the Action Plan implementing the Hague Programme and requests the Commission and the incoming Presidencies to undertake the necessary measures to enable the Council and the Commission to take a decision on the updating of the Action plan, having regard, in particular, to any agreement which might be achieved on new policy initiatives, including those suggested by the Commission in its Communication of June 2006 and the Presidency's Report on the review.
7. The Council acknowledges that the decision making mechanisms which apply in the justice and home affairs area do not always contribute to effective and efficient decision making processes. [This topic shall be further elaborated by the European Council at its meeting in December]
8. The Council also stresses the importance of careful preparation of proposals or initiatives for new instruments including, in particular, consideration of the need for action at the level of the European Union in line with the principles of subsidiarity and proportionality and a rigorous assessment of their potential impact in view of the different legal and administrative systems of the Member States. The Council also stresses the importance of a timely and accurate implementation by Member States of EU policies and legislations.
9. The Council believes that existing evaluation mechanisms are capable of improvement while avoiding any duplication of efforts at EU and national levels and limiting the administrative burden on Member States as much as possible. The Council intends, in cooperation with the Commission, to discuss further how to develop concrete proposals and objectives for the implementation of the future mechanism so as to allow the Commission to establish the contacts' points network proposed in its Communication of June 2006 with a view to launching the first round of evaluation as soon as possible.

10. The Council takes note of the proposal of the Commission to widen the jurisdiction of the Court of Justice with regard to Title IV of the Treaty establishing the European Community. In this respect the Council underlines the importance of shortening the procedure for, preliminary rulings in JHA matters. The Council notes with interest the reflection document of the Court of Justice with proposals for an emergency procedure. The Council will simultaneously pursue both matters under the incoming Presidency.
