



**COUNCIL OF  
THE EUROPEAN UNION**



10267/07 (Presse 125)

**PROVISIONAL VERSION (only  
"Home Affairs" items)**

## **PRESS RELEASE**

2807th Council meeting

### **Justice and Home Affairs**

Luxembourg, 12-13 June 2007

President **Mr Wolfgang SCHÄUBLE**, Federal Minister of the Interior  
of Germany

# **P R E S S**

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10267/07 (Presse 125)

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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>).
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## **PARTICIPANTS**

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

### **Belgium:**

Mr Jan DE BOCK Permanent Representative

### **Bulgaria:**

Mr Margarit GANEV Deputy Minister for Justice  
Mr Boyko Vassilev KOTZEV Deputy Minister for the Interior

### **Czech Republic:**

Mr Ivan LANGER Minister for the Interior  
Mr Martin MOULIS Deputy Minister, Ministry of Justice

### **Denmark:**

Ms Lene ESPERSEN Minister for Justice  
Ms Rikke HVILSHØJ Minister for Refugees, Immigration and Integration

### **Germany:**

Ms Brigitte ZYPRIES Federal Minister for Justice  
Mr Wolfgang SCHÄUBLE Federal Minister for the Interior  
Mr Peter ALTMAIER Parliamentary State Secretary to the Federal Minister for the Interior  
Mr Lutz DIWELL State Secretary, Federal Ministry of Justice

### **Estonia:**

Mr Rein LANG Minister for Justice  
Mr Jüri PIHL Minister for Internal Affairs

### **Ireland:**

Mr Bobby MCDONAGH Permanent Representative

### **Greece:**

Mr Anastasis PAPALIGOURAS Minister for Justice  
Mr Costis AILIANOS Secretary-General, Ministry of Public Order

### **Spain:**

Mr Mariano FERNÁNDEZ BERMEJO Minister for Justice  
Mr Alfredo PÉREZ RUBALCABA Minister for the Interior

### **France:**

Ms Rachida DATI Keeper of the Seals, Minister of Justice  
Ms Michèle ALLIOT-MARIE Minister of the Interior, Overseas France and Local Authorities  
Mr Brice HORTEFEUX Minister for Immigration, Integration, National Identity and Co-Development

### **Italy:**

Mr Clemente MASTELLA Minister for Justice  
Mr Giuliano AMATO Minister for the Interior

### **Cyprus:**

Mr Sofoklis SOFOKLEOUS Minister for Justice and Public Order  
Mr Neokles SYLIKIOTES Minister for the Interior

### **Latvia:**

Mr Gaidis BĒRZIŅŠ Minister for Justice

### **Lithuania:**

Mr Raimondas ŠUKYS Minister for the Interior  
Mr Petras BAGUŠKA Minister for Justice

### **Luxembourg:**

Mr Luc FRIEDEN Minister for Justice, Minister for the Treasury and the Budget  
Mr Nicolas SCHMIT Minister with responsibility for Foreign Affairs and Immigration

**Hungary:**

Mr Albert TAKÁCS

Minister for Justice

**Malta:**

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home Affairs

**Netherlands:**

Mr Ernst HIRSCH BALLIN

Minister for Justice

Ms Nebahat ALBAYRAK

State Secretary for Justice

**Austria:**

Mr Günther PLATTER

Federal Minister for the Interior

**Poland:**

Mr Andrzej KACZMAREK

Deputy Minister for Economic Affairs, Deputy State Secretary, Ministry of Economic Affairs

Mr Andrzej Sebastian DUDA

Deputy State Secretary, Ministry of Justice

Mr Wiesław TARKA

Under-Secretary of State, Ministry of the Interior and Administration

**Portugal:**

Mr Alberto COSTA

Minister for Justice

Mr Rui PEREIRA

Minister for the Interior

**Romania:**

Mr Tudor CHIUARIU

Minister for Justice

Mr Cristian DAVID

Minister for the Interior and for Administrative Reform

**Slovenia:**

Mr Lovro ŠTURM

Minister for Justice

Mr Dragutin MATE

Minister for the Interior

**Slovakia:**

Mr Štefan HARABIN

Deputy Prime Minister and Minister for Justice

Mr Robert KALIŇÁK

Deputy Prime Minister and Minister for the Interior

**Finland:**

Ms Tuija BRAX

Minister for Justice

Ms Anne HOLMLUND

Minister for the Interior

Ms Astrid THORS

Minister for Migration and European Affairs

**Sweden:**

Ms Beatrice ASK

Minister for Justice

Mr Tobias BILLSTRÖM

Minister for Migration and Asylum Policy

**United Kingdom:**

Lord FALCONER OF THOROTON

Secretary of State for Constitutional Affairs and Lord Chancellor

Baroness SCOTLAND OF ASTHAL

Minister of State for the Criminal Justice System and Offender Management

Ms Joan RYAN

Parliamentary Under-Secretary of State, Home Office

**Commission:**

Mr Franco FRATTINI

Vice-President

**ITEMS DEBATED**

**EUROPOL - Council conclusions**

The Council reached an agreement on chapter 1 ("Establishment and tasks") of a proposal for a Council Decision establishing Europol.

It also adopted conclusions on replacing the Europol Convention by a Council Decision, as follows:

"THE COUNCIL

- "1. *recalls* that on 4 and 5 December 2006, it was agreed that, on the basis that it constitutes a clear improvement of the operational and administrative functioning of Europol, the Europol Convention should be replaced by a Council Decision subject to a full assessment of the implications of financing Europol from the general budget of the European Union and the application of the EC Staff Regulations and the Protocol on the Privileges and Immunities of the European Communities (EC PPI) guided by the principle of budget neutrality and taking into account the specific requirements resulting from Europol's mandate and tasks.
2. *notes* that the Europol Working Party and the Working Party on the Staff Regulations carried out a comprehensive examination of the effects of financing Europol from the general budget of the European Communities and the application of the EC Staff Regulations, in particular the impact assessment presented by the German Presidency as set out in doc. 10325/07 EUROPOL 73.
3. *acknowledges* that since the Commission and Europol used different bases of calculation (actual staff costs vs. average basic salary; short term vs. mid- to long-term), they arrived at differing results as regards the financial implications of applying the EC Staff Regulations.
4. *notes* that as a consequence, the Working Party on the Staff Regulations has pointed out that in the absence of comparable calculations, it was not possible to make any definitive statements on budget neutrality.
5. *underlines* that the change of financing mechanism should not affect Europol's operational ability.



Therefore, and in line with the Council Conclusions of December 2006, the Council agrees to the following:

- The Europol Convention will be replaced with a Council Decision pursuant to Article 34(2)(c) of the TEU and the necessary Council Decision will be finalised by 30 June 2008, at the latest.
- In accordance with Art. 41(3) TEU and other applicable provisions, Europol will be funded from the Community budget as from 1 January 2010, provided that satisfactory solutions on the following aspects have been found:
  - The lifting of immunity for Europol officials when participating in operational activities, especially Joint Investigation Teams
  - The principle of staff rotation and the possibility for Europol staff participating in JIT to receive instructions from the team leader
  - clarification of the budgetary consequences, guided by budget neutrality.
- Europol and the Commission will ensure that all preparatory work is carried out in order to enable the introduction of Community financing as from 1 January 2010. To this end, Europol and the Commission will draw up an implementation plan (roadmap) which sets out the milestones which have to be reached before that date. The Council will endorse the implementation plan (roadmap) as soon as possible and, at the latest, in December 2007."

It should be noted that on 4 and 5 December 2006, the Justice and Home Affairs Council agreed that the Europol Convention should be replaced by a Council Decision. This will constitute a clear improvement of the operational and administrative functioning of Europol. At that meeting, the Council also decided that a full assessment of the implications of financing Europol from the general budget of the EU and the application of the Protocol on the Privileges and Immunities of the European Communities should be done, guided by the principle of budget neutrality and taking into account the specific requirements resulting from Europol's mandate and tasks.

**STEPPING UP COOPERATION FOR PURPOSES OF PREVENTION AND INVESTIGATION OF CRIMINAL OFFENCES**

The Council reached a political agreement on a Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (10232/07).

This Decision contains provisions based on the essential parts of the Prüm Treaty and is designed to improve the exchange of information between authorities responsible for the prevention and investigation of criminal offences.

To this end, the Decision contains rules in the following areas:

- on the conditions and procedure for the automated transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data,
- on the conditions for the supply of data in connection with major events with a cross-border dimension,
- on the conditions for the supply of information in order to prevent terrorist offences, and
- on the conditions and procedure for stepping up cross-border police cooperation through various measures.

This closer police and judicial cooperation in criminal matters will go hand in hand with respect for fundamental rights, in particular the right to respect for privacy and to protection of personal data, which will be guaranteed by special data protection arrangements tailored to the specific nature of different forms of data exchange.

The Decision is the result of an initiative submitted by Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria with the aim of incorporating the substance of the provisions of the Prüm Treaty into the legal framework of the European Union.

The Prüm Treaty

Signed on 27 May 2005 at Prüm, Germany, the Treaty is designed to intensify cross-border police cooperation, especially in the fight against terrorism, cross-border crime and illegal migration <sup>1</sup>.

The Treaty has meanwhile entered into force in Austria, Spain and Germany and is expected to be in force in the other original signatory states in the first half of 2007 at the latest. The ratification processes in the countries intending to accede to the Treaty are also well advanced.

Already at this early stage, the automatic information exchange has brought about noticeable operational success: For instance, the German authorities matched DNA profiles of open cases against data held by Austrian authorities and found hits in more than 1500 cases (data reported in February 2007). In this context, over 700 open traces from Germany could be attributed to persons known to the Austrian criminal prosecution authorities. Broken down by types of crime, 14 hits in homicide or murder cases, 885 hits in theft cases, and 85 hits in robbery or extortion cases have been found (as at 4 January). It is true that every hit needs to be examined carefully, and it will not be possible to clear up open cases by a DNA hit alone. Nevertheless it can be expected that hitherto unsolved cases in Germany and Austria can be closed and the perpetrators be brought to justice. In any case, prosecution authorities are confident that the number of hits will increase constantly as further Prüm countries take part in this process, and that they will thus be able to solve numerous other open cases.

The special value of the Treaty lies in the substantially improved and efficiently organised procedures for the exchange of information. The states involved may now give one another automatic access to specific national databases. This amounts to a quantum leap in the cross-border sharing of information.

The contracting states have full and direct online read access to vehicle registration data held by their partners. They give one another access to their DNA analysis and dactyloscopic (fingerprint) databases in what is called a hit/no hit system. Police services may launch a query in the data system of a contracting partner to find out whether it contains data concerning a specific profile, and are automatically informed of the result within a matter of minutes. Further information, such as personal data, may be communicated in the course of mutual legal assistance.

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<sup>1</sup> The Treaty text is contained in 10900/05 CRIMORG 65.

Furthermore, the exchange of data concerning potential terrorist perpetrators and hooligans is regulated. Police cooperation may also be stepped up through operational measures, such as joint patrols, transferring sovereign powers to police forces of other contracting states, or assistance in the case of large-scale events.

The Treaty contains cooperation mechanisms that need to be regulated at EU level in the First Pillar. This includes provisions regarding document advisers, sky marshals and return measures.

An important aspect of the Treaty is the comprehensive range of modern data protection regulations.

As the drafters of the Prüm Treaty sought to further develop European cooperation, the Treaty has been designed with its conversion into EU law in mind.

The signatory states are: Germany, Belgium, Spain, France, Luxembourg, The Netherlands, and Austria.

Those states having notified their wish to accede to the Prüm Treaty are: Slovenia, Italy, Finland, Portugal, Bulgaria, Romania, Greece and Sweden.

**PROTECTION OF PERSONAL DATA RELATING TO POLICE AND JUDICIAL CO-OPERATION IN CRIMINAL MATTERS**

The Council adopted the following conclusions:

"The Council recognizes the importance of the existence of a comprehensive and coherent set of rules at the level of the European Union concerning the high level of protection of personal data processed in the framework of police and judicial co-operation in criminal matters, as a part of the Union's ever increasing set of regulatory instruments on such co-operation. These rules will build upon the minimum data protection principles set by the Convention of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data and its Additional Protocol of 8 November 2001, and take account of Recommendation (87)15 regulating the use of personal data in the police sector, both adopted in the framework of the Council of Europe.

The Council notes that the European Parliament has rapidly forwarded its opinion on the revised draft of the Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters and will examine all solutions suggested by the European Parliament, in the spirit of co-operation that is reflected in the opinion. The Council thanks the Parliament for its co-operation on this issue.

The Council notes the general principles in the annex to the opinion of the European Parliament of 24 May 2007 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters. The Council will take these principles, where appropriate, into consideration, when drafting the Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

The Council continues to give priority to the examination of the proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters, and intends to reach a political agreement on the proposal as soon as possible and at the latest by the end of 2007."

**VISA INFORMATION SYSTEM (VIS)**

The Council welcomed the agreement reached in first reading with the European Parliament on a Regulation concerning the VIS and the exchange of data between Member States on short-stay visas.

It also agreed on a Decision concerning access for consultation of the VIS by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

The Visa Information System (VIS) is a system for the exchange of visa data between Member States, which: constitute an instrument to facilitate the fight against fraud, by improving exchanges of information between the Member States (at consular posts and at border crossing points) on visa applications and responses thereto; contribute to the improvement of consular cooperation and to the exchange of information between central consular authorities; facilitate checks that the carrier and the holder of the visa are the same person, at external border checkpoints or at immigration or police checkpoints; contribute to the prevention of "visa shopping"; facilitate application of Council Regulation (EC) No 343/2003 determining the State responsible for examining applications for asylum; assist in the identification and documentation of undocumented illegals and simplify the administrative procedures for returning citizens of third countries; contribute towards improving the administration of the common visa policy and towards internal security and to combating terrorism.

**GLOBAL APPROACH TO MIGRATION - Council conclusions**

The Council endorsed Conclusions on Extending and enhancing the Global Approach to Migration. The conclusions will now be submitted to the General Affairs and External Relations Council, for adoption.

- "1. The Council underlines the importance of the issue of migration for the EU and its Member States. The Council therefore welcomes the important progress being made with the adoption and the implementation of the Global Approach to Migration, the strategy established by the European Council in December 2005 and complemented by its Conclusions on the development of comprehensive European Migration Policy of December 2006.
  2. The Council notes the first set of priority actions for the purpose of the Global Approach focussed on Africa and the Mediterranean region. Strengthened political dialogue, including the recent EU missions to Africa, and concrete cooperation with African and EuroMed partners on migration and related issues, including development aspects of migration, are important recent achievements. The strengthened capacity to manage the control of external borders, in particular through joint maritime operations, is another important achievement. The Council believes that these measures should be further intensified in the light of recent events.
  3. The Council, while underlining the need to continue these efforts as a matter of urgency, also reaffirms the need to both extend the geographical scope and to enhance the content of the Global Approach in general.
  4. The Council therefore welcomes the Commission Communications of 16 May 2007 on applying the Global Approach to migration to the Eastern and South-Eastern regions neighbouring the European Union and on circular migration and mobility partnerships between the European Union and third countries. The Council calls on the Member States and the Commission to ensure that sufficient human and financial resources are allocated, within the existing financial framework, in order to enable the timely implementation of the comprehensive approach to migration.
- A. Extending the Global Approach - Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union**

5. The Council underlines the necessity for the EU to achieve a more efficient management of migration given the considerable numbers of migrants coming from or through the eastern and south-eastern regions. Existing cooperation structures in the region need to be enhanced and fully integrated in EU-relations with the third countries concerned, in order to create a more comprehensive and coherent approach. This applies, in particular, to dialogue and effective cooperation in matters such as enhancing border control, combating illegal immigration, organised crime and trafficking in and smuggling of human beings. This also applies to ensuring well-managed migration for social, cultural and business purposes and harnessing the opportunities to strengthen the links and synergies between migration and development in these regions.
  6. The Council, while recognising that the dialogue with eastern and south-eastern countries is well advanced, stresses the need to take additional comprehensive and concrete actions based on existing political and institutional frameworks taking into account the competences of Member States. As a matter of priority, particular attention should be given to strengthening the dialogue and cooperation with the regions directly neighbouring the EU, i.e. the countries of the Western Balkans, Turkey, the ENP countries – including issues that could affect them, such as the consequences of the Iraqi refugee situation - and the Russian Federation. Furthermore the dialogue on migration issues should be intensified with Central Asian and Asian countries of origin and transit identified in accordance with the migratory routes concept.
  7. The Council endorses the priority actions focusing on the Eastern and South-Eastern regions neighbouring the EU annexed to these Conclusions in the context of the extension of the Global Approach to Migration. The Council invites the Commission to report back on the implementation of the Global Approach thus extended."
- B. Enhancing the Global Approach - Circular Migration and mobility partnerships between the European Union and third countries**
8. The Council reiterates that active consideration must be given to how legal migration opportunities can be incorporated into the Union's external policies in order to develop a balanced partnership with interested third countries. These would need to be adapted to the specific EU Member States' labour market needs as well as to the cooperation results achieved from the third countries concerned.



9. The Council welcomes the Commission Communication on circular migration and mobility partnerships as a basis for further discussions. The Council believes that these two concepts could make an important contribution to a comprehensive approach, which combines measures aimed at facilitating legal migration opportunities with those reducing illegal immigration. Such a strategy could, in particular, be directed to promoting sustained cooperation with third countries along the migration routes towards the European Union.
10. The Council underlines that these mobility partnerships will be considered in those cases where they bring added value both to the EU and the third country on the management of migration flows and on the understanding that the willingness to contribute to this partnership and to cooperate actively is the basis for the opportunities offered by them. Such partnerships should, as far as appropriate, include the offer of legal migration opportunities, adapted in particular to the specific Member States' labour market needs, while fully respecting the competences of the Member States and the principle of Community preference on the one hand, and a genuine cooperation on preventing and combating illegal immigration, trafficking in and smuggling of human beings as well as effective readmission and return policy while respecting the protection of human rights, on the other hand.

Furthermore the Council agrees that, building upon the efforts to implement measures and actions that are already part of the dialogue and cooperation with third countries, these partnerships could include:

- the enhancement of the links between migration and development, i.a. to facilitate productive use of the resources of migrant communities and to promote co-development projects;
- the pooling of support measures in capacity building in order to better manage and control migration;
- the promotion of the reintegration of returnees;
- visa facilitation in accordance with the common approach, taking into account the experiences in the implementation of the current agreements;
- the enhancement of the protection of human rights in the fight against illegal immigration, in readmission and return policies and in the reception of migrants and asylum seekers; and
- the protection of refugees in accordance with international standards.

11. The Council believes that the concept of mobility partnerships between the European Union, Member States and third countries could be tested by way of a limited number of pilot partnerships. The Council therefore invites the Commission to consult Member States on the further development of this concept, including, in particular, on the terms of reference, and with a view to exploratory talks with interested third countries on pilot partnerships in close cooperation with the Presidency and interested Member States. The Commission is invited to report back to the Council on the outcome of these consultations in order to enable the Council to decide by the end of 2007 whether to invite the Commission to launch pilot partnerships.
  
12. The Council agrees that legal migration opportunities, including well-managed circular migration can potentially benefit all partners involved. All possibilities for a well-managed circular migration should therefore be explored in close cooperation with all relevant stakeholders with a view to the adoption of Council Conclusions not later than the end of 2007."

**CURRENT SITUATION OF THE EU'S SOUTHERN MARITIME BORDERS**

The Council had a debate on the current situation on the EU's Southern Maritime borders.

The Presidency concluded as follows:

- "1. The Council took note of the attached declaration by the Presidency and Commission Vice-President Franco Frattini on recent incidents in the Mediterranean.
2. With regard to the specific difficult situation of Malta, suggestions on a system of sharing of responsibilities will be discussed in Coreper next week with a view to a proper follow-up on this issue.
3. The Council regretted that some media reports on recent incidents in the Central Mediterranean did not take into account all relevant facts.
4. Frontex should have the necessary resources to carry out its mandate in an efficient way. In particular, Member States should fulfill their commitment to ensure the availability of the equipment in the Centralized Records of Available Technical Equipment (Toolbox). The Council took note of the intention of the Commission to reinforce the operational budget of Frontex for 2007.
5. The Council reaffirmed the principle of solidarity and the need for taking into account the particular pressure which specific situations may put on individual Member States regarding assistance to persons in distress at sea."

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**Declaration by the Presidency of the Council and the Commission Vice-President Franco Frattini**

**Recent incidents in the Mediterranean**

The Presidency of the Council and the Commission Vice-President Franco Frattini

Deeply regret the human tragedies that have occurred over the last few weeks in the Mediterranean;

Recognise that this is a European problem, which requires a political response by the European Union, through a comprehensive solution encompassing measures in the areas of immigration, asylum and border management;

Stress that the Global Approach to Migration remains the Union's overall framework in this regard and must be fully implemented by the European institutions and the Member States in cooperation with third countries;

Reaffirm the importance of full respect by all countries of their international obligations, notably those relating to human rights, international protection, and maritime law, including the obligation to come to the assistance of persons in distress at sea;

Recall that the Council has given priority to discussing these issues at every meeting held during the Finnish and German Presidencies;

Recall the Council Conclusions on Reinforcing the Southern External Border of the EU and note that the Commission, Member States, FRONTEX and international organisations are currently discussing issues related to the law of the sea and the rules relevant for combating illegal immigration;

Underline the importance of European solidarity and fair sharing of responsibilities as the founding principles guiding Europe's activities in managing the EU's external borders.

**SANCTIONS AGAINST EMPLOYERS OF ILLEGALLY STAYING THIRD COUNTRY NATIONALS**

The Council had a first exchange of views on a Commission proposal for a Directive providing for sanctions against employers of illegally staying third country nationals (9871/07).

This proposal forms part of the EU's efforts to develop a comprehensive migration policy. In accordance with the Commission proposal, one of the factors encouraging illegal immigration into the EU is the possibility of finding work. This proposal aims to reduce that pull factor by targeting the employment of third-country nationals who are illegally staying in the EU. Building on existing measures in the Member States, the aim is to ensure that all Member States introduce similar penalties for employers of such third-country nationals and enforce them effectively.

Under this proposal, it is the employer who will be sanctioned, not the illegally employed third-country nationals.

The Council instructed its preparatory bodies to further examine this proposal.

**STRENGTHENING OF INTEGRATION POLICIES IN THE EUROPEAN UNION -  
Council conclusions**

"THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

*Recalling* previous European Council Conclusions, with special focus on the Thessaloniki European Council Conclusions of June 2003 and the Brussels European Council Conclusions on 4/5 November 2004 on The Hague Programme, which emphasized the importance of integration in the context of a comprehensive European migration policy,

*Recalling* the Council Conclusions on Integration of third-country nationals of October 2002 where the Council encouraged the establishment of National Contact Points on Integration (NCPI),

*Recalling* the Common Basic Principles (CBP) for Immigrant Integration Policy in the European Union adopted by the Council and the Representatives of the Governments of the Member States on 19 November 2004,

*Recalling* the Communication from the Commission on a Common Agenda for Integration: Framework for the Integration of third-country nationals in the European Union, adopted in September 2005,

*Recalling* the Conclusions adopted by the Council and the Representatives of the Governments of the Member States on a Common Agenda for Integration of 1 December 2005,

*Recalling* that a general approach has been reached for the adoption of a Council Decision establishing the European Fund for the Integration of third-country nationals for the period of 2007-2013 as part of the General Programme "Solidarity and Management of Migration Flows",

*Recalling* the European Conference on active participation of ethnic minority youth in society held in Copenhagen in September 2006 and the Conference on Integrating Cities: European Policies, local practices held in Rotterdam in October 2006,

*Recalling* the outcome of the exchange of views and experiences in the Informal Meeting of the EU Integration Ministers held in Potsdam in May 2007 to further strengthen the integration policies in the European Union by promoting unity in diversity,

*Recalling* the Report of the European Parliament on strategies and means for the integration of immigrants in the European Union of May 2006, the Opinion of the European Economic and Social Committee on Immigration in the EU and integration policies: cooperation between regional and local governments and civil society organizations of September 2006 and the Opinion of the Committee of the Regions of May 2006 on the Communication of the Commission on a Common Agenda for Integration, (among other activities developed at Community level on integration by the European Parliament, the Economic and Social Committee and the Committee of the Regions).

**AND ADOPT THE FOLLOWING CONCLUSIONS:**

1. The Council and the Representatives of the Governments of the Member States stress the need to promote a global and coherent approach to integration policies, migrant flow management, development and co-operation with the countries of origin. They recognize the complementary linkage between immigration and integration.
2. The Council and the Representatives of the Governments of the Member States recognize that integration is a dynamic two-way process involving both immigrants and the host society, with responsibilities for both sides, which should be underpinned by an agreed value system. Involving the host society in this process is one of the major challenges to the achievement of successful integration policies and long-term social cohesion. All individuals must assume responsibility in this integration process – as well as state institutions, political parties, media, businesses and civil society. Migrants who aim to stay permanently or for the long term should make a deliberate effort to integrate, in particular learning the language of their host society, and understanding the basic values of the European Union.

They further recognize the role of local stakeholders, including in particular, the role of local government and cities in designing and implementing integration programmes, given that integration takes place primarily at a local level.

3. The Council and the Representatives of the Governments of the Member States emphasize the need to continue to strengthen the integration policies of Member States with a view to managing diverse societies, counteracting all forms of discrimination and intolerance, maintaining social cohesion and ensuring that immigrants are able to reach their full potential and are able to participate to the fullest extent possible in the social, economic, cultural and civic life of the relevant Member State.

4. The Council and the Representatives of the Governments of the Member States welcome the initiatives taken, in the period since the adoption of the Common Basic Principles (CBP), to facilitate the exchange of experience as well as the opportunity provided by the Informal Meeting of EU Integration Ministers held in Potsdam on 10-11 May 2007 to review at a political level the scope for further action directed to strengthening the European framework for integration and the integration policies of the Member States, by promoting unity in diversity.
5. The Council and the Representatives of the Governments of the Member States also welcome the publication by the Commission, in all official languages, of the second edition of the Handbook on Integration for policy-makers and practitioners and request the Commission to ensure that the editions be continued and it be disseminated widely throughout the Member States.
6. The Council and the Representatives of the Governments of the Member States emphasize the continuing importance of the CBP as the basis of the European approach to integration and the need for the CBP to continue to guide the activities of the National Contact Points (NCPI) on integration. The Council and the Representatives of the Governments of the Member States recognize the need to further strengthen the role of the NCPI network.
7. The Council invites Member States to make maximum use of the possibilities created by the Integration Fund to promote integration policies and shared experience.
8. The Council invites the Commission to continue to support the activities of the NCPI network and to consider ways to redesign the Annual Report on Immigration and Integration in order to make it an up-to-date instrument for the comparative analysis of new developments in integration policy in the Member States and in due course to present a new concept for the Annual Report.
9. The Council invites the NCPI, supported by the Commission, to consider approaches to integration that involve the society as a whole, including in particular to:
  - explore and clarify the various conceptions of and approaches to ideas of participation and the various conceptions of citizenship under discussion, taking into account the relevant EC acquis that relate to the integration of immigrants and Member States' Constitutional and legal systems as well as exchange views and experiences on naturalisation systems applied by Member States;



- examine the added value of developing common European modules for migrant integration as a full project in the light of experience at national levels with introduction and language courses, the involvement of the host society, promoting the participation of immigrants in local life and various other aspects of the integration process;
- analyze measures that can be targeted at the host society in order to improve the public image of migration and to enhance the capacity of public institutions and the media to reflect in a balanced way and manage migration-related diversity in society;
- explore how integration programmes and policies can contribute to the prevention of social alienation and radicalization;
- promote the development of common indicators and indexes that could be used by Member States on a voluntary basis in order to assess integration policy outcomes.

10. The Council and the Representatives of the Governments of the Member States recognize that intercultural dialogue has become an important instrument in fostering the successful integration of citizens of different origin, culture and religion in Europe and in counteracting racism and extremism. The Council and the Representatives of the Governments of the Member States, taking account of developments in the context of the forthcoming Year of Intercultural Dialogue in 2008, invite Member States to begin a regular exchange of experience gained in their recent efforts to establish such dialogue.

The Council and the Representatives of the Governments of the Member States further welcome the initiative of Germany to convene the first two expert meetings for this purpose and with a view to the preparation, in consultation with the NCPI, of a report for the Ministerial Conference in 2008, which should include proposals for the establishment of a flexible procedure capable of reacting to intercultural problems or conflicts with a potential cross-border dimension.

11. The Council invites incoming Presidencies and the Commission to proactively develop the Common Agenda for Integration and to promote the principles set out in paragraph 1. The Commission is further invited to report in particular to the above Ministerial Conference on Integration on the results of the tasks assigned to the NCPI network, as described in point 9 of these Conclusions. This report should be the starting point for discussion on future priorities."

**REFUGEE SITUATION IN IRAQ AND SURROUNDING REGIONS**

The Council held an exchange of views on this issue and agreed that its preparatory bodies and the Commission should continue to monitor the refugee situation in Iraq and its neighbouring regions, as well as the influx of Iraqi refugees to the EU.

Commission Vice-President Franco Frattini reported in particular on the recent steps undertaken in order to acquire a precise and comprehensive picture of national practices vis-à-vis Iraqi asylum seekers in the EU.

In accordance with the United Nations High Commissioner for Refugees (UNHCR), the situation in Iraq continues to worsen, with more than 2 million Iraqis now believed to be displaced inside Iraq and another 2.2 million sheltering in neighbouring states.

## COMMON EUROPEAN ASYLUM SYSTEM

The Council had an exchange of views on the following items:

- a proposal for a Council Directive concerning the extension of the scope of a Council Directive 2003/109/EC determining the status of third-country nationals who are long-term residents to beneficiaries of international protection,
- a report on the evaluation of the "Dublin" system, and
- a Green paper on the future common European asylum system.

The Council preparatory bodies will further examine the proposal for a Directive and the report.

Concerning the Green paper, the Commission intends to launch an in-depth reflection and debate. The Commission will synthesize the results of this reflection, together with the results of the evaluation of the first stage EC asylum instruments, and will then submit a road map of the work that will have to be carried out in the future, in order to achieve the Common European Asylum System.

Council Directive 2003/109/EC determines the status of third-country nationals who are long term residents. At the time of the adoption of this Directive, the Council welcomed the Commission commitment to table a proposal for the extension of long-resident status to refugees and persons under subsidiary protection status, taking into account the question of transfer of protection status. The new Commission proposal responds to this commitment.

The so-called "Dublin system" includes Council Regulation 343/2003 establishing the criteria for determining the Member State responsible for examining an asylum application, and Council Regulation 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (subsequently, Regulation 343/2003).

These two Regulations required the Commission to report on their application after three years of operations and to propose, where appropriate, the necessary amendments. The Commission has now submitted a merged report on both instruments, given their complementary character. The Commission intends to propose in the future, within the framework of the future Common European Asylum System, the necessary measures aiming at improving the practical application and the effectiveness of the "Dublin system".

**VISA WAIVER RECIPROCITY**

Commission Vice-President Franco Frattini briefed the Council about the state of play regarding visa reciprocity with Canada and the United States.

He announced that, in the light of recent developments in these two countries regarding the visa waiver programme, the presentation of the Commission third visa reciprocity report would be delayed until September 2007.

The situation in Canada is that the outcome of a visa waiver criteria review being undertaken by the Citizenship and Immigration Canada (CIC) is due soon and will provide a basis for discussion with the Commission and the Member States concerned in the near future.

The United States signalled a new initiative on the visa waiver programme in November 2006 involving the possibility of new legislation.

The Council agreed that the Presidency and the Commission would continue to have contacts with Canada and the United States on visa reciprocity.

**OTHER BUSINESS**

**Cyber-crime**

Commission Vice-president Franco Frattini briefed the Council about a recently approved Commission Communication on cyber-crime.

The Estonian delegation also informed the Council about the cyber attacks against Estonia occurred from April to May 2007.

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**MIXED COMMITTEE**

The Mixed Committee (EU+ Norway, Iceland and Switzerland) met on 12 June 2007 at 10.00 and discussed the following issues:

**Schengen Information System (SIS)**

The Mixed Committee confirmed its intention to go ahead, as scheduled, with four parallel projects:

- the enlargement of the Schengen area (removal of internal border checks in new Member States) between December 2007 and March 2008,
- the implementation of the SISone4all project (extension of the current SIS I to include new Member States),
- the development of SIS II, and
- the prolongation of the Schengen communication network.

The abolition of controls at the internal border of the Member States which acceded to the EU in May 2004 depends upon the ability of those Member States to apply the Schengen acquis in full and to participate in the Schengen Information System (SIS).

While the development of SIS II remains the absolute priority, the implementation of the SISone4all project would allow new Member States to be integrated into the SIS 1+. Migration to the SIS II would follow as soon as the development of the SIS II is completed.

### **Visa Information System (VIS)**

See page 14.

### **Protection of personal data relating to police and judicial co-operation in criminal matters**

See Council conclusions on page 15.

### **Uniform format for residence permits**

The Mixed Committee took note of the state of play regarding this draft Regulation.

It should be noted that the objective of this proposal is the introduction of enhanced security features and biometric identifiers into the residence permits for non-EU nationals, while respecting the principle of free movement of persons legally residing within the Schengen territory.

**OTHER ITEMS APPROVED**

**IMMIGRATION**

**EU/Ukraine - Visa facilitation and readmission agreements**

The Council adopted decisions approving the signing of an agreement between the EU and Ukraine on facilitating the issuance of visas to citizens of the EU and Ukraine, as well as an agreement on readmission (9323/07, 9312/07).

The purpose of the visa agreement 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 Ukraine. The agreement will not apply to the territory of Denmark, Ireland and the United Kingdom.

The readmission agreement establishes, 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 and stay on the territories of Ukraine or one of the Member States of the EU, and to facilitate the transit of such persons in a spirit of cooperation. The agreement will not apply to the territory of Denmark.

**Rapid border intervention teams**

The Council adopted a regulation establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (PE-CONS 3616/07).

The regulation establishes a mechanism for the purposes of providing rapid operational assistance for a limited period to a requesting Member State facing a situation of urgent and exceptional pressure, especially the arrival at points of the external borders of large numbers of third-country nationals trying to enter the territory of the Member State illegally, in the form of Rapid Border Intervention Teams. In addition, it defines the tasks to be performed and powers to be exercised by members of the teams during operations in a Member State other than their own.

The regulation will apply without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

**Evaluation of the progress and outcome of negotiations for Community readmission agreements with third countries - *Council conclusions***

The full text of the Council's conclusions is to be found at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94617.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94617.pdf)

**Improvement of cooperation between Member States, the Commission and Frontex in the field of return - *Council conclusions***

The full text of the Council's conclusions is to be found at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94622.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94622.pdf)

**Statistics on migration**

The Council adopted a regulation establishing common rules for the collection and compilation of Community statistics on migration and international protection with a view to contributing to the development of effective EU policies on migration (3609/07 + 10010/07 ADDI).

The new rules aim at harmonising the different EU member states mechanisms of producing statistics related to migration issues in order to better develop, implement and monitor common immigration and asylum legislation. They seek also to reinforce the exchange of statistical data on asylum and migration and to improve the quality of Community statistical collections and outputs which have, hitherto, taken place on the basis of informal agreements between member states.

**CIVIL PROTECTION**

**EU emergency and crisis coordination**

The Council took note of the progress achieved so far and endorsed the revised version of the Manual on EU Emergency and Crisis Coordination.



**Enhancing the coordination capacity of the Monitoring and Information Centre (MIC) within the Community civil protection mechanism - *Council conclusions***

The Council conclusions can be found at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94607.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94607.pdf)

**Preparedness for decontamination of casualties following chemical, biological, radiological and nuclear (CBRN) incidents - *Council conclusions***

The Council conclusions can be found at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94604.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94604.pdf)

**SCHENGEN**

**Schengen Information System II (SIS II): Establishment, operation and use\***

The Council adopted a Decision on the establishment, operation and use of the second generation Schengen Information System (SIS II) (14914/06).

SIS II constitutes one single information system that will replace SIS as created pursuant to the Schengen Convention. SIS II is a compensatory measure contributing to maintaining a high level of security within the area of freedom, security and justice of the European Union by supporting operational cooperation between police authorities and judicial authorities in criminal matters.

The Council's Decision on SIS II specifies the objectives of the system, its technical architecture and financing, and lays down rules concerning its operation and use and to define responsibilities, the categories of data to be entered into the system, the purposes for which the data are to be entered, the criteria for their entry, the authorities authorised to access the data, the interlinking of alerts and further rules on data processing and the protection of personal data.

SIS II includes a central system (Central SIS II) and national applications. The expenditure involved in the operation of Central SIS II and related communication infrastructure will be charged to the general budget of the European Union.

The Council also adopted conclusions on SIS. The full text of the Council's conclusions can be found at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94624.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94624.pdf)

### **Schengen Information System - Budget for 2007**

The Member States, meeting within the Council, adopted the C.SIS installation and operating budget for 2007 (7954/07).

### **Application of the Schengen Information System (SIS) to new Member States**

The Council adopted a decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System (SIS) in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic (9201/07).

The 2003 Act of Accession provides that all Schengen acquis provisions will only apply in a new Member State following a Council Decision, after verification that the necessary conditions have been met.

The Council concluded in December 2006 and June 2007 that the necessary conditions had been fulfilled. It is therefore possible to set a date from which the Schengen acquis relating to the SIS may apply in those Member States.

The entry into force of this decision will allow for real SIS data to be transferred to the Member States concerned. The concrete use of this data would allow the Council to verify the correct application of the provisions of the Schengen acquis relating to the SIS in the Member States concerned. These evaluations are scheduled to take place in September 2007.

Once these evaluations have been carried out, the Council will decide on the lifting of checks at the internal borders with the Member States concerned.

In addition, the Council took note of an interim report sketching the progress made in the Schengen evaluation process by the ten new EU Member States, which joined the EU in May 2004.

**COUNTER-TERRORISM**

**Policy recommendations, implementation of strategy and action plan, "Check the Web" project, information on terrorist kidnappings and limiting the availability of arms and explosives to terrorists**

The Council:

- approved a set of policy recommendations on counter-terrorism, with a view to their incorporation into the EU Counter-Terrorism Action Plan,
- approved a document concerning the follow up of policy recommendations on counter-terrorism,
- took note of a report concerning the activities of the working party on terrorism,
- took note of the conclusions of the second High Level Political Dialogue on Counter-Terrorism between the Council, the Commission and the European Parliament (9599/1/07),
- took note of a report on the implementation of the Strategy and Action Plan to Combat Terrorism (9666/07 + ADD 1 REV 1),
- adopted conclusions on combating the terrorist use of the Internet "Check the Web",

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94610.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94610.pdf)

- adopted a recommendation on the sharing of information on terrorist kidnappings,

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94619.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94619.pdf) , and

- adopted conclusions on limiting the availability of arms and explosives to terrorists.

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94612.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94612.pdf)

## **POLICE COOPERATION**

### **Prevention of violence and disturbances in football matches**

The Council adopted a Decision amending Decision 2002/348/JHA<sup>1</sup> concerning security in connection with football matches with an international dimension. (9058/07)

The new Decision introduces new provisions in Decision 2002/348/JHA in order to strengthen cooperation among national authorities and put their exchange of information on a professional footing allowing every member state to make an efficient risk assessment before an international football match.

### **2006 Progress Review on the Implementation of the EU Drugs Action Plan (2005-2008) - Council conclusions**

The Council conclusions can be found at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94615.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94615.pdf)

### **Access to Eurodac by Member State police and law enforcement authorities - Council conclusions**

The Council conclusions can be found at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/94601.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94601.pdf)

## **EUROPOL**

### **Work Programme 2008, processing of personal data, creation of a first response network**

The Council

- adopted the Europol Work Programme 2008 (7911/07),

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<sup>1</sup> OJ L 121, 8.5.2002, p. 1

- took note and forwarded the Europol financial plan 2008-2012 and its 2006 annual report (7950/07) to the European Parliament,
- approved to transform the counter terrorism task force into a first response network, which will organise the first response of Member States and Europol to a major terrorist incident,
- adopted a Decision on processing personal data communicated to Europol (9637/07), and
- took note of a report by the Europol management board on the implementation of the Council recommendations on selected short term options (9576/07).

**COMMON FOREIGN AND SECURITY POLICY**

**Budget**

The Council endorsed the procedures for having recourse to the "Preparatory measures" budget line within the Common Foreign and Security Policy budget for the purpose of the preparation of civilian crisis management operations.

**EUROPEAN SECURITY AND DEFENCE POLICY**

**Democratic Republic of Congo – EU missions in the field of security sector reform**

**– Mission EUSEC RD Congo**

The Council adopted a joint action extending for a year the EU mission to provide advice and assistance for security sector reform in the Democratic Republic of Congo (DRC, EUSEC RD Congo) (9815/07).

The joint action aims at continuing the EU's contribution to completing the integration of the various armed factions in the DRC, as well as supporting Congolese efforts to restructure and rebuild the Congolese army. It extends the EUSEC RD Congo mission launched in May 2005 beyond its current expiry date of 30 June.

A reference amount of EUR 9.7 million is foreseen for the period from 1 July 2007 until 30 June 2008.

– **Mission EUPOL RD Congo**

The Council adopted a joint action establishing a police mission in order to continue the EU's contribution to Congolese efforts to reform and restructure the National Congolese Police and its interaction with the judicial system in the RDC.

The new EUPOL RD Congo mission will, on an invitation from the Congolese authorities, build on the activities carried out by the EUPOL Kinshasa mission, which has been operating in the capital of the DRC since April 2005 and which expires on 30 June.

A reference amount of EUR 5.5 million is foreseen for the period from 1 July 2007 until 30 June 2008.

EU member states and invited third states will contribute to the mission by seconding up to 37 police officers, magistrates and other experts.

Under these two joint actions, the EU will provide advice and assistance to the Congolese authorities, including with a view to promoting policies compatible with human rights and international humanitarian law, democratic standards and the principles of good governance, transparency and respect for the rule of law. Both missions are to be carried out in close cooperation with the United Nations and other actors of the international community.

The 2006 elections in the DRC marked the end of the transition process and enabled the formation of a government in 2007. Its programme provides, *inter alia*, for a reform of the security sector, the drawing up of a national plan, and priority reforms in the police, armed forces and judicial sectors.

The EU has shown its support for the transition process in the DRC and for the reform of the security sector, including by the organisation of three operations: EUSEC RD Congo, EUPOL Kinshasa and Operation EUFOR RD Congo, which contributed to the creation of a secure environment during the election process.

## **EUROPEAN ECONOMIC AREA**

### **Cooperation in specific fields through Community programmes**

The Council approved draft decisions of the European Economic Area (EEA) joint committee amending the EEA agreement concerning cooperation in specific fields outside the four freedoms with a view to extending cooperation on:

- the Culture programme 2007-2013 (7876/07),
- the Community programme for Employment and Social Solidarity - Progress (7879/07),
- an action programme in the field of lifelong learning and the Youth in action programme 2007-2013 (7884/07),
- the Competitiveness and Innovation framework programme 2007-2013 (7889/07),
- a programme of support for the European audiovisual sector (MEDIA 2007) (7919/07),
- the 7th framework programme of the European Community for research, technological development and demonstration activities 2007-2013 (8142/07),
- a programme of Community action in the field of consumer policy 2007-2013 (8145/07).

The EEA Joint Committee must integrate all Community legislation relevant to the EEA agreement in order to ensure the necessary legal certainty and homogeneity of the internal market.

## **FISHERIES**

### **Faroe Islands - Tariff quota for fish feed**

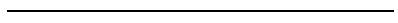
The Council adopted a decision on a Community position to be adopted within the EU/Denmark-Faroe Islands joint committee, with a view to amending the EU/Denmark-Faroe Islands agreement in order to increase, up to 20 000 tonnes, the annual tariff quota for Faroese fish feed (8197/07).

**INTERNAL MARKET**

**EU Company Law - Shareholders' voting rights\***

Following an agreement with the European Parliament, the Council adopted in first reading a Directive on the exercise of voting rights by shareholders of companies having their registered office in a Member State and whose shares are admitted to trading on a regulated market. The new Directive amends Directive 2004/109/EC<sup>1</sup> (*PE-CONS 3608/07*).

The Directive aims at removing the key obstacles to the cross-border voting process in listed companies having their registered office in a Member State by introducing specific requirements with respect to selected rights of shareholders in relation to general meetings.



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<sup>1</sup> OJ L 390, 21.12.2004, p. 38-57