



**COUNCIL OF
THE EUROPEAN UNION**



12604/07 (Presse 194)

PROVISIONAL VERSION

PRESS RELEASE

2818th Council meeting

Justice and Home Affairs

Brussels, 18 September 2007

President

Mr Rui PEREIRA
Minister for the Interior of Portugal
Mr Alberto COSTA
Minister for Justice of Portugal

P R E S S

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12604/07 (Presse 194)

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Main results of the Council

The Council agreed on a text setting the security features and biometric identifiers to be used by the Member States in a uniform format of residence permit for third-country nationals. The text will now be prepared by the legal-linguistic working party with a view to its formal adoption by the Council once the remaining parliamentary scrutiny reservations have been lifted.

In addition, the Council agreed on the scope of this draft Framework Decision and on the data protection regime for transfer of data to third countries. The Council preparatory bodies will continue the examination of the rest of the text with a view to reaching an agreement as soon as possible.

Finally, the Council adopted a Regulation on public passenger transport services by rail and by road, approving all amendments voted by the European Parliament at second reading.

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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:

Belgium:

Ms Laurette ONKELINX
Mr Patrick DEWAELE

Deputy Prime Minister and Minister for Justice
Deputy Prime Minister and Minister for the Interior

Bulgaria:

Ms Miglena TACHEVA
Mr Rumen PETKOV

Minister for Justice
Minister for the Interior

Czech Republic:

Ms Lenka PTÁČKOVÁ MELICHAROVÁ

Deputy Minister for the Interior

Denmark:

Ms Lene ESPERSEN

Minister for Justice

Germany:

Ms Brigitte ZYPRIES
Mr Wolfgang SCHÄUBLE

Federal Minister for Justice
Federal Minister for the Interior

Estonia:

Mr Jüri PIHL

Minister for Internal Affairs

Ireland:

Mr Bobby MCDONAGH

Permanent Representative

Greece:

Mr Vassilis KASKARELIS

Permanent Representative

Spain:

Mr Mariano FERNÁNDEZ BERMEJO
Mr Antonio CAMACHO VIZCAÍNO

Minister for Justice
State Secretary for Security

France:

Ms Rachida DATI
Ms Michèle ALLIOT-MARIE

Keeper of the Seals, Minister for Justice
Minister for the Interior, Overseas France and Local Authorities

Italy:

Mr Clemente MASTELLA
Mr Giuliano AMATO

Minister for Justice
Minister for the Interior

Cyprus:

Mr Sofoklis SOFOKLEOUS
Mr Lazaros SAVVIDES

Minister for Justice and Public Order
Permanent Secretary, Ministry of Interior

Latvia:

Mr Gaidis BĒRZIŅŠ
Mr Ivars GODMANIS

Minister for Justice
Minister for the Interior

Lithuania:

Mr Petras BAGUŠKA
Mr Regimantas ČIUPAILA

Minister for Justice
Deputy Minister for the Interior

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:

Ms Judit FAZEKAS

Secretary of State, Ministry of Justice

Malta:

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home Affairs

Netherlands:

Mr Tom de BRUIJN

Permanent Representative

Austria:

Ms Maria BERGER
Mr Günther PLATTER

Federal Minister for Justice
Federal Minister for the Interior

Poland:

Mr Władysław STASIAK
Mr Andrzej Sebastian DUDA

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

Portugal:

Mr Alberto COSTA
Mr Rui PEREIRA
Mr José MAGALHÃES

Minister for Justice
Minister for the Interior
State Secretary for the Interior, attached to the Minister for the Interior

Romania:

Mr Tudor CHIUARIU
Mr Cristian DAVID

Minister for Justice
Minister for the Interior and for Administrative Reform

Slovenia:

Mr Lovro ŠTURM
Mr Dragutin MATE

Minister for Justice
Minister for the Interior

Slovakia:

Mr Robert KALIŇÁK
Mr Daniel HUDÁK

Deputy Prime Minister and Minister for the Interior
State Secretary at the Ministry of Justice

Finland:

Ms Tuija BRAX
Ms Anne HOLMLUND
Ms Astrid THORS

Minister for Justice
Minister for the Interior
Minister for Migration and European Affairs

Sweden:

Mr Magnus GRANER
Mr Gustaf LIND

State Secretary to the Minister for Justice
State Secretary to the Minister for Migration

United Kingdom:

Mr Jack STRAW
Ms Meg HILLIER

Secretary of State for Justice and Lord Chancellor
Parliamentary Under Secretary of State, Home Office

.....
Commission:

Mr Franco FRATTINI

Vice-President

.....
General Secretariat of the Council:

Mr Ivan BIZJAK

Director General

.....
Other participants:

Vassilios SKOURIS
Ilkka LAITINEN

President of the Court of Justice
Executive Director of Frontex

ITEMS DEBATED

SOUTHERN MARITIME BORDERS - Council conclusions

The Council adopted the following conclusions:

"The Council:

- a) Recalling the need to build on the measures already taken to reinforce the European Union's southern maritime borders for the purpose of more effectively combating illegal migration and responding to the human tragedies related to illegal migration by sea;
- b) Recalling the Conclusions adopted by the Council on reinforcing the southern external maritime borders on 5/6 October 2006 and welcoming the progress made in implementing key measures identified in those conclusions;
- c) Recalling the discussion in Council on the situation at the European Union's southern maritime borders on 12/13 June, including suggestions put forward for the sharing of responsibilities in certain circumstances, and noting the work already being undertaken on those suggestions and related possibilities;

Noting that any such action must be within the framework of the Global Approach to migration as adopted by the European Council and must be fully consistent with European and International law; in principle any such action should be capable of being applied to any Member State facing similar difficulties, although it is also necessary to consider temporary solutions for particular pressures faced by individual Member States;

- a) Recognising the contribution international organisations can make in that regard;
- b) Reaffirming that cooperation with third countries is indispensable for saving lives and combating illegal immigration by sea;

ADOPTS the following Conclusions :

- A. Regarding immediate steps for the purpose of further reinforcing the EU's southern maritime borders, the Council :
1. Encourages Member States, in a spirit of solidarity and shared responsibilities, to provide support (e.g. on return operations, reception conditions, case working expertise or voluntarily undertaking to take responsibility for persons such as asylum seekers, refugees, beneficiaries of subsidiary protection and/or unaccompanied minors) on a bilateral basis to individual Member States facing a particular pressure exacerbated by factors such as their geographical location, the degree to which neighbouring third countries fulfil their international obligations on search and rescue, and the current status of cooperation with those countries.
 2. Calls on the Commission and the Member States to follow-up on the contacts recently initiated with third countries with a view to launching and/or reinforcing concrete cooperation on border control, search and rescue and return (including identification and documentation); such cooperation should fully respect international law and the right to international protection and take place within the framework of the Global Approach to Migration.
 3. Underlines the need to promote close cooperation with third countries of origin and transit, including those third countries identified for the purpose of priority work, in order to:
 - enhance their capacity to manage their own borders;
 - help them to fulfil their responsibilities as regards search and rescue;
 - fight organised crime involved in trafficking in human beings and smuggling of human beings;
 - enhance their capacity to provide protection to those who need it;

- provide an effective framework for returns including through readmission agreements.
4. Welcomes the initiative of the Portuguese Presidency to strengthen the dialogue with all Euromediterranean partners on immigration related issues on the occasion of the Ministerial EUROMED meeting to be held on 18 and 19 November in Portugal.
 5. Encourages Member States to share best practices and experiences gained through bilateral cooperation with third countries, and calls for better coordination and sharing of information with regard to support to third countries provided at European and national level respectively.
 6. Encourages Member States and the Commission to ensure that the new funds made available in the areas of borders, return and asylum, as well as the funds now available for action in this area in third countries, are exploited to the full for the purpose of giving a concrete expression to the principle of solidarity through a targeted and coordinated approach.
 7. Encourages Member States, the Commission and FRONTEX to further develop, in cooperation with relevant partners, including UNHCR, the IOM or other international organisations, the integrated approach to border control and surveillance operations, especially in high-risk areas, and the fight against illegal immigration, taking account of not only interception but also protection needs and repatriation, and with due respect of international law and migrants' rights to dignified treatment and to seek international protection.
 8. Invites Member States and FRONTEX to identify and implement measures of a longer-term nature concerning maritime patrols at the southern external border, including :
 - joint operations at a limited number of high-risk areas, identified in accordance with FRONTEX risk analyses;
 - the European Patrols Network, where the possibility of expanding joint operational areas to the high seas should be examined;

- the promotion of participation of relevant third countries in those measures.
 - 9. Considers that FRONTEX should be equipped with the necessary resources and calls on Member States to provide the necessary participation, including with technical means, to make such measures a reality in 2008.
 - 10. Calls for work to be taken forward urgently on the implementation of the Council Conclusions of 12-13 June 2007 on the improvement of the cooperation between Member States, the Commission and FRONTEX in the field of return. In particular the further development of ICONet as an information network for the Member States should be promoted in order to enable its systematic use.
 - 11. Requests Member States to explore possibilities for mutual support in making return operations more effective, including by making use of existing bilateral agreements and diplomatic channels with third countries concerned where appropriate and to promote the implementation of the readmission obligations under Article 13 of the Cotonou agreement.
 - 12. Calls on Member States to make maximum use of voluntary return programmes and of existing Community funds for assisted voluntary returns.
- B. For the purpose of taking work forward,
- 13. Invites the Commission, FRONTEX and Member States to complete as a matter of priority the analysis of the law of the sea as relevant for FRONTEX joint operations, and requests the Commission to report back to the Council before the end of the year.
 - 14. Invites the Commission to continue its examination of the scope for further measures to address the particular pressures which Member States may be faced with and the suggestions made by Malta to the Justice and Home Affairs Council on 12-13 June 2007 and to report back to Council as soon as possible.

15. Invites the Commission and Member States, in the framework of the debate launched by the Green Paper on the Common European Asylum System, to pay particular attention to the development of asylum expert teams at the points of arrival and to explore solutions to support Member States in exceptional situations during which their asylum systems and reception capacities are under particular pressure and to report back to the Council."

UNIFORM FORMAT FOR NON-EU NATIONALS RESIDENCE PERMITS

The Council agreed on a text setting the security features and biometric identifiers to be used by the Member States in a uniform format of residence permit for third-country nationals.

The text will now be prepared by the legal-linguistic working party with a view to its formal adoption by the Council once the remaining parliamentary scrutiny reservations have been lifted.

The uniform format for residence permits will include a storage medium containing the facial image and two fingerprints images of the holder, both in interoperable formats. The data will be secured and stored, and the integrity, the authenticity and the confidentiality of the data will be guaranteed.

The technical specifications for the capture of biometric identifiers will be set in accordance with the technical requirements for passports issued by Member States to their nationals.

VISA WAIVER RECIPROCITY

The Council took note of the Commission's third report on visa waiver reciprocity (12881/07).

In the report, the Commission considers that the dialogue with third countries under the new reciprocity mechanism has proven effective. Since its establishment in June 2005 – in little more than two years – full visa reciprocity has been achieved or is on the way to be achieved with a number of important third countries. This is the case also despite a new challenge with the notifications by Bulgaria and Romania of their cases of non-reciprocity. For example New Zealand and Mexico have abolished visa requirements for Bulgaria and Romania in less than six months from the entry of these two Member States in the EU. The Commission has also achieved significant progress in dialogue with Australia, which is expected to treat equally all Member States' citizens starting from mid-2008. A comprehensive visa waiver agreement should soon be negotiated with Brazil.

As regards the USA, the adoption of new legislation modifying the Visa Waiver Programme (VWP) should pave the way for its extension to all Member States. Now the new legislation is adopted, its conditions and the timeline for their implementation will be carefully examined. The Commission reserves the right to propose retaliatory measures if expected progress towards full visa reciprocity fails to materialise in good time.

Canada had undertaken to make its visa review process more transparent and provide more information on the thresholds. However, for the moment, no progress has been achieved in lifting visa requirements. The Commission would propose that, in order to demonstrate its commitment to resolution of the issue, Canada be urged to lift the visa requirement for one or more EU Member States by the end of the year and to show further tangible progress towards reciprocity in the first half year of 2008. Failing such progress, appropriate steps could be considered against Canada.

The Commission will report to the Council again before 30 June 2008.

ESTABLISHMENT OF AN EMERGENCY PRELIMINARY RULING PROCEDURE AT THE COURT OF JUSTICE

The President of the Court of Justice, Mr Vassilios Skouris, presented to the Council a request by the Court to amend its Statute with a view to instituting an emergency preliminary ruling procedure.

This amendment would allow derogations from certain provisions of the Protocol on the Statute of the Court of Justice with regard to the procedure governing urgent references for a preliminary ruling in specified areas.

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

MUTUAL RECOGNITION ON NON-CUSTODIAL DECISIONS AT PRE-TRIAL AND POST TRIAL STAGES

The Council debated a proposal for a Framework Decision on the European supervision order, and took note of a progress report in respect of a draft Framework Decision on "probation".

These two draft legal instruments aim at reinforcing the application of the principle of mutual recognition in the common area of freedom, security and justice. Both instruments have as their objective to allow persons to comply in their Member State of residence with a non-custodial supervision or probation measure which has been imposed in another Member State.

The Commission proposal on the European Supervision Order (in brief ESO) addresses the pre-trial phase. The Franco-German initiative on "probation" addresses the post-trial phase. Whereas a lot of work has already been carried out on this latter initiative - which is reflected in the Progress report - the work on the proposal on ESO has yet not started.

In fact, the Presidency considered appropriate to have firstly an orientation debate in the Council in respect of this Commission proposal and to revise the text accordingly, before assuming the work in the Council preparatory bodies.

Following the debate, the Presidency drew the following conclusions:

- All Member States support the objectives of the Commission proposal. However, many Member States have doubts regarding the way in which the Commission proposal is drafted. They feel that various practical aspects of the proposal should be reconsidered. A clear example of this is the return mechanism of suspects to the issuing Member State.
- Almost all Member States support the Presidency's view that work on this proposal should be carried forward, but on the basis of a new, completely revised text. Such revision of the text should adhere to the following principles:
 - The European Supervision Order should be based on the principle of mutual recognition;
 - Specific features of the national systems of criminal justice and criminal procedure as regards the criteria and conditions for issuing a European Supervision Order should be respected as much as possible;

- However, some limits should be set on the discretion of the issuing Member State so as to make for simple, swift and effective cooperation within Member States;
- Coherence should be ensured with the approach taken in other instruments of mutual-recognition, by establishing flexible rules on cross-border recognition and enforcement of a European Supervision Order. Further consideration should also be given to the return mechanism of suspects to the issuing Member State. In this context, particular attention should be paid to the solutions used in the draft Framework Decision on "probation";
- Although the Commission proposal for a European Supervision Order is to a certain extent linked the draft Framework Decision on "probation", the work on both instruments should, at least for the time being, be kept separate, as they involve specific technical aspects (relating to the pre-trial and post-trial phase) and are at different stages of the negotiation.

On the basis of these principles, the Presidency will make a revision of the text of the proposal, in consultation with Commission services, and will submit such a revised text to the Council preparatory bodies.

OTHER ISSUES

- The German, Austrian and Danish Delegations informed about the recent police operations against terrorists networks in their respective countries.
- Commission Vice-President Franco Frattini briefed the Council about the possibility of introducing a proposal regarding the establishment of a Passenger Name Record (PNR) System in the EU.
- The Slovenian Delegation informed of the opening of a common visa application Centre in Podgorica on 5 October 2007.

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MIXED COMMITTEE

The Mixed Committee (EU+ Norway, Iceland and Switzerland) met on 18 September 2007 at 10.00 and discussed the following issues:

Schengen Information System

The Mixed Committee discussed the implementation of the SISone4all project (extension of the current SIS I to include the new Member States in the system) and the progress made by the future Schengen States to comply with the Schengen acquis.

The Presidency informed that the technical part of the SISone4ALL project is now operational, according to schedule. This means that as of 1 September 2007 the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia are able to use the Schengen Information System (SIS). Some of the countries concerned have already announced hits in the system.

The Mixed Committee also agreed to an interim report on Schengen evaluation.

Work on all non-SIS-related aspects (data protection, police cooperation, sea, land and air borders and visa-issuance) began in the first six months of 2006 and is now on the verge of being concluded. The future new Schengen states are making considerable efforts to provide the necessary follow-up to the recommendations made by the respective evaluation committees.

Assuming all conditions are fulfilled, the JHA Council could set dates for the lifting of checks at internal borders - by the end of December 2007 for land and sea borders and by the end of March 2008 for air borders, at its next meeting on 8 and 9 November 2007.

Finally, the Commission informed about the positive developments of a SIS II project .

Frontex

The Executive Director of Frontex, Mr Liitanen, briefed the delegations on recent developments and planned future activities in relation to joint operations under the European Patrols network, the so-called "toolbox" (CRATE - Centralised Record of Technical Equipment) as well as the implementation of the Rapid Border Intervention Teams (RABIT) Regulation.

Background

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) was established by Council Regulation (EC) 2007/2004 of 26.10.2004 in order to coordinate and assist Member States' action in the surveillance and control of the external borders of the EU.

The main tasks of FRONTEX, as set out in Article 2 of the above Regulation, are to: a) coordinate operational cooperation between Member States in the field of management of external borders; b) assist Member States on training of national border guards, including the establishment of common training standards; c) carry out risk analyses; d) follow up on the development of research relevant for the control and surveillance of external borders; e) assist Member States in circumstances requiring increased technical and operational assistance at external borders; f) provide Member States with the necessary support in organising joint return operations.

The Agency officially became operational on 1 May 2005, but in fact its activities began on 3 October 2005 in Warsaw (Poland). Since then, FRONTEX has gradually developed its operational capabilities and carried out important initiatives aimed at strengthening security at the external borders of the EU, focussing in particular on combating illegal migration.

On 24 May 2007, the European Patrols Network (ENP) project was launched to ensure the coordination of Member States' patrolling activities. This network should constitute in the future an integral part of the European Surveillance System. The ENP, in its first stage, is based on a system of national contact points covering the coastal areas of the Mediterranean Sea and the Atlantic Ocean identified by the neighbouring Member States. At a later stage there will be an appropriate organizational structure (National Coordination Centres) and will the open sea will also be covered. FRONTEX has already coordinated some joint operations under the European Patrols Network.

In accordance with Article 7 of Regulation (EC) 2007/2004, FRONTEX has established the so-called "toolbox" - the Centralised Record of Available Technical Equipment (CRATE) - for the control and surveillance of the external borders. It consists of helicopters, aircrafts, vessels, mobile radar units, vehicles and other border control instruments, which Member States, on a voluntary basis and upon request of another Member State or following the launching of a Frontex joint operation, are willing to put at disposal for a limited period of time.

Regulation (EC) 863/2007 established a mechanism for the creation of Rapid Border Intervention Teams (RABIT). The regulation was adopted on 11 July 2007 and entered into force on 20 August 2007. The implementation of the RABIT Regulation requires the creation of a list of national experts to be deployed in order to provide rapid operational assistance for a temporary period to a requesting Member State facing a situation of urgent and exceptional pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally into the European Union. FRONTEX, which is responsible for drawing up the lists of the officers of the national border guards, organize their training, determine the composition of the teams and decide on their deployment, has already started the implementation of the RABIT Regulation and is planning to carry out the first exercise in Portugal in October/November 2007.

Southern maritime borders - *Council conclusions*

See Council Conclusions at page 8.

Uniform format for non-EU nationals residence permits

See results at page 13.

Personal data protection in the framework of EU police and judicial co-operation

The Mixed Committee agreed on the scope of this draft Framework Decision and on the data protection regime for transfer of data to third countries.

The Council preparatory bodies will continue the examination of the rest of the text with a view to reaching an agreement as soon as possible.

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.

After more than a year and a half of intense negotiations on this proposal, the Presidency proposed a narrow scope of the Framework Decision, which means that the text will apply to the cross-border exchange of personal data only. This understanding will also imply an evaluation by the Commission of the data protection system, including the limitation of the scope, three years after the Framework Decision will apply to Member States.

As regards the principles relating to the transmission of personal data to third States, data transmitted to another Member State maybe transferred to third States or international bodies only if a number of conditions, including prior consent, are met.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Police cooperation - European College of Police

The Council took note of the European College of Police's Annual Report for the year 2006 (11889/07).

EUROJUST - 2006 Activity report

The Council took note of the Activity Report of the Joint Supervisory Body of Eurojust for the year 2006 and forwarded it to the European Parliament for information. (11988/07).

SISNET accounts 2006

The Member States meeting within the Council decided to give a discharge to the Secretary-General and the Deputy Secretary-General in respect of the SISNET (the communication infrastructure for the Schengen environment) budgets' implementation in 2006, following the report of the Court of Auditors.

Schengen - SISNET

The Member States meeting within the Council approved the amending budget for SISNET for the year 2007 (12280/07).

EU/ Balkan countries - Visa facilitation and readmission agreements

The Council adopted decisions approving the signing 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 approving the signing 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 of citizens of these countries will amount to 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 on 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.

These agreements were signed today in the margins of the Justice and Home Affairs Council.

"Civil Justice" specific programme

The Council adopted in second reading, following negotiations with the European Parliament, the Decision establishing the specific programme "Civil Justice" as part of the general programme "Fundamental Rights and Justice" for the period 2007-2013 (*PE-CONS 3638/1/07, 11666/07*).

The programme "Civil Justice" is aimed at improving mutual understanding of the legal and judicial systems of the Member States and it is expected to contribute to lowering the barriers to judicial cooperation in civil matters thereby improving the functioning of the internal market.

An amount of EUR 109 300 000 will be allocated for implementing this programme over the period 2007-2013.

COMMON FOREIGN AND SECURITY POLICY

EU special representatives - Guidelines on appointment, mandate and financing

The Council approved an update of the guidelines on appointment, mandate and financing of EU special representatives (EUSRs) (11328/1/07).

The guidelines were revised and developed in particular on the following aspects:

- the tenure of office of an EUSR will not exceed four years as a general rule;
- a gender balance will be sought;
- the evaluation process will be strengthened with a view to assessing the renewal of an EUSR's mandate in the light of achieved policy objectives;
- the role of EUSRs in promoting political coordination in the field, with a view to helping ensure the coherent engagement of all EU actors will be strengthened.

Article 18 of the EU treaty provides for the appointment by the Council of special representatives.

The EU currently has nine EUSRs in different regions of the world. The EUSRs promote EU policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law. They support the work of Javier Solana, EU High Representative for the CFSP, in the regions concerned.

More information can be found at the following internet address:

<http://www.consilium.europa.eu/uedocs/cmsUpload/070709FACTSHEETJuly07REV1.pdf>

EXTERNAL RELATIONS

Agreement with Ukraine - Enlargement

The Council adopted a decision approving the conclusion of the protocol to the Partnership and Cooperation Agreement with Ukraine in order to take account of the accession of Bulgaria and Romania to the EU (11756/07).

EUROPEAN SECURITY AND DEFENCE POLICY

Financial rules of the European Defence Agency

The Council adopted a decision laying down the financial rules of the European Defence Agency (EDA), as well as the procurement rules and rules on financial contributions from the operational budget of the EDA (11213/07).

EU civilian crisis management

The Council adopted a Model Agreement on the status of the European Union Civilian Crisis Management Mission in a Host State (SOMA).

EU military crisis management operations

The Council authorised the Presidency, assisted where necessary by the Secretary-General/High Representative, to in case of future EU military crisis management operations to open negotiations with Host States with a view to concluding agreements on the status of the European Union-led forces on the basis of the revised Model Agreement.

COOPERATION TO DEVELOPMENT

ACP-EC Partnership Agreement - South Africa

The Council adopted a Decision on the position to be adopted by the Community within the ACP-EC Council of Ministers concerning the modification of Protocol n° 3 on South Africa to the ACP-EC Partnership Agreement.

Protocol No 3 has to be amended with a view to taking into account the full inclusion of South Africa in the Economic Partnership Agreement (EPA) between the Community and members of the Southern African Development Community (SADC) negotiations and its eventual accession to the EPA.

TRADE POLICY

Belarus - Textile products

The Council adopted a decision authorizing the Commission to open negotiations with Belarus with a view to renewing the agreement on trade in textile products.

Anti-dumping - China - Polyester filament fabrics

The Council adopted a regulation amending regulation 1487/2005 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain finished polyester filament fabrics originating in China (12434/07).

Export controls of dual-use items - Weapons of mass destruction

The Council adopted a regulation updating the EU's common list for the control of exports of dual-use items and technology in order to bring it into line with new international commitments in this field (12405/07). The list of dual-use items is contained in regulation 1334/2000.

Gambling and betting services - Negotiations with the United States

The Council adopted a Recommendation authorising the Commission to open negotiations with the United States with a view to reach agreement on any necessary compensatory adjustment for the withdrawal of commitments on gambling and betting services pursuant to GATS Article XXI.

FISHERIES

Conservation of Antarctic marine living resources - Fishing control

The Council adopted a regulation amending Regulation (EC) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources (CCAMLR) (11346/07+COR1+COR2).

The regulation (EC) No 601/2004, which implements certain conservation measures adopted by the CCAMLR, is amended to bring it into line with a number of amendments to the conservation measures adopted at the CCAMLR 2004, 2005 and 2006 annual meetings in order to, inter alia, improve licensing requirements, protect the environment, enhance scientific research for *Dissostichus* spp. as well as to combat illegal fishing activities.

Eels - Conservation measures*

The Council adopted a regulation establishing measures for the recovery of the stock of European eel (12031/07).

The Council and the Commission issued three statements which are set out in document 12030/07 ADD2.

The main measures introduced by the regulation are the following:

- each Member State¹ to establish a national management plan for each eel river basin allowing the escapement to the sea of an average of at least 40% of the biomass² of adult eel;
- management plans shall describe the means to reach the target, to monitor and verify the attainment of the objective;
- where Member States share river basins with other Member States, they should jointly with the countries concerned prepare transboundary plans or endeavour to develop cooperation with third countries;
- each Member State to communicate its national plan by 31 December 2008 and to implement them at the latest by 1 July 2009, following their approval by the Commission;
- each Member States to report, for the first time by 30 June 2012, and then every 3 years, to the Commission on the results of its national eel management plan, outlining the monitoring, effectiveness and outcome of the plan;
- Commission to report by 31 December 2013 to the Parliament and the Council on the scientific evaluation of the eel management plans;
- Member States allowing the fishing of eels under 12 cm shall reserve 60% of the catches for restocking, starting at 35% in the first year of application of the eel management plan and increasing by steps of at least 5% per year to reach the level of 60% by 31 July 2013;
- the Commission will report annually on the evolution of market prices for “glass eels and, if necessary, make proposals either to balance the measures concerning restocking or to intervene on the above mentioned percentages;

¹ Except those Member States which do not have natural habitats of the European eel on their territory.

² Of the best estimate in the absence of human influences which means the most appropriate period prior to 1980.

- as regards the Black Sea and the river systems connected to it, the Commission will take a decision after consultation of the Scientific Technical and Economic Committee for Fisheries by 31 December 2007 on whether these waters constitute natural habitats for the European eel in accordance with article 3 of the regulation.

Cod in the Baltic Sea - Multi-annual plan *

The Council adopted a regulation establishing a multi-annual plan for cod stocks in the Baltic Sea and the fisheries exploiting those stocks (*11259/07 and 11256/07 ADD1 REV1*). The adoption follows a political agreement reached by the Council last June. It will be applicable as from 1 January 2008.

The main features of the regulation are:

- exclusion of the Gulf of Riga from the plan on the grounds that the salinity of the water is too low for cod, under certain conditions to be verified;
- greater flexibility for small scale vessels between 8-12 m long to transfer 5 and 10 fishing days for Western and Eastern Baltic Sea respectively (5 days per month of summer ban in both cases);
- area restrictions on fishing, measured with the help of a satellite coordination system;
- EU member states to issue a special fishing permit for cod for certain vessels, recorded on a list made available on their official website;
- keeping of a logbook on board Community vessels of an overall length of 8 m or more;
- electronic recording and transmission of catch data;
- recording of leaving and entering ports of the Baltic Sea;
- landing in designated ports for vessels carrying more than 750 kg of cod live weight. Member states to establish a list of designated ports and make it available on their respective official website.

The Commission issued two statements, one concerning recovery of fishing days for those countries which had reduced their fleets permanently, and the other on incentives for equipping vessels with electronic reporting systems and satellite-based vessel monitoring systems.

The annual "TAC and quotas regulation" for cod stocks in the Baltic Sea will be adopted taking into account this plan, on the basis of a Commission proposal that will be discussed at the Fisheries Council session of 22/23 October.

RESEARCH

New Zealand - Scientific and technological cooperation

The Council adopted a decision authorising the Commission to negotiate an agreement with New Zealand on scientific and technological cooperation.

TRANSPORT

Agreement on air services with New Zealand

The Council adopted a decision approving the conclusion of an agreement with New Zealand on certain aspects of air services.

The agreement is the result of negotiations under a mandate enabling the Commission to negotiate with any third country with a view to bringing Member States' existing bilateral aviation agreements with that country into line with Community law.

Public passenger transport services

The Council adopted a Regulation on public passenger transport services by rail and by road, approving all amendments voted by the European Parliament at second reading (PE-CONS 3623/07, 9500/07). In the first semester of 2007, Council and Parliament achieved agreement on these amendments after intense negotiations.

The new legislative framework for public service obligations will replace the set of rules that has been in force since 1969 with a last modification in 1991. In today's market for public passenger transport services, operators are no longer exclusively national, regional or local. Instead, they operate on a European level. A new set of rules is needed that takes account of this developed market for European public transport services.

The Public Service Obligations Regulation introduces two new elements. Firstly, the obligation that, in return for the discharge of public service obligations, competent authorities conclude public service contracts when they grant exclusive rights and/or compensation to transport operators. Proper contractual agreements are important for protecting railway undertakings from insufficient compensation, the more in the light of the liberalisation of the market for international rail passenger services by 2010. Secondly, rules are set on how public service contracts must be awarded. In principle, public contracts should be the subject of competitive tendering - so-called "regulated competition". However, authorities are allowed to award contracts directly in four specific cases:

- if the transport operator is an internal operator, that is a legally distinct entity over which the authority exercises control similar to that exercised over its own departments;
- if the contracts are minor defined in thresholds for value or transport kilometres; higher thresholds are set in the case of Small and Medium sized enterprises;
- emergency situations;
- heavy rail passenger services, including(sub)urban rail.

The new legislative framework will reduce distortion of competition by enhancing transparency and by establishing non-discriminatory conditions of competition amongst operators. Furthermore, by defining a clear regime for granting exclusive rights and compensations, the new legislative framework provides legal certainty to both operators and public authorities involved in public transport.

Other important elements of the regulation concern:

- *scope* - the regulation applies to public passenger transport services by bus and by rail. However, in addition, Member States may choose to apply the regulation to public passenger transport by inland waterways and national sea waters;

- ***duration of contracts*** - the duration of public service contracts may not exceed 15 years for rail and other track-based modes. However, the duration of directly awarded contracts for heavy rail is not allowed to exceed 10 years. Also for coach and bus services, a maximum duration of 10 years is provided. Under certain conditions, these durations can be extended by 50%;

- ***transitional period and entry into force*** - the regulation will enter into force 2 years after its publication in the Official Journal of the EU and 10 years thereafter, public service contracts by rail and by road will need to be awarded in accordance with the regulation.

The regulation repeals regulations (EEC) nos 1191/69 and 1107/70.

ENVIRONMENT

Floods

The Council adopted a directive on the assessment and management of flood risks (PE-CONS 3618/07), accepting all the amendments proposed by the European Parliament at second reading.

Floods may cause fatalities, displacement of people, damage to agriculture and the environment, severely compromise economic development and undermine other economic activities. They are natural phenomena which cannot be prevented. However, some human activities and climate change may contribute to an increase in the likelihood and adverse impacts of flood events. It is feasible and desirable to reduce the risk of adverse consequences associated with floods.

The purpose of the draft directive is to establish a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods in the Community.

In its structural lines, the draft directive respects, in particular the following principles:

- Throughout the EU different types of floods occur, such as river floods, flash floods, urban floods and floods from the sea in coastal areas. The damage caused by flood events may also vary across the countries and regions of the EU. Hence, objectives regarding the management of flood risks should be determined by the Member States themselves and should be based on local and regional circumstances.

- In order to have available an effective tool for information, as well as a valuable basis for decisions regarding flood risk management, it is necessary to establish flood hazard maps and flood risk maps showing the potential adverse consequences associated with different flood scenarios, including information on potential sources of environmental pollution as a consequence of floods. In this context, Member States should assess activities that have the effect of increasing flood risks.

- With a view to avoiding the adverse impacts of floods, it is appropriate to provide for flood risk management plans. The causes and consequences of flood events vary across the countries and regions of the EU. Flood risk management plans should therefore take into account the particular characteristics of the areas they cover and provide for tailored solutions. In particular, Member States should refrain from engaging in actions which significantly increase the risk of flooding in other Member States.

APPOINTMENTS

Committee of the Regions

The Council adopted a decision appointing

(a) as members:

as proposed by the Hungarian government

- Mr Sándor NAGY, in place of Mr Imre BOR,

- Mr Gábor BIHARY, Representative of the Settlement, 3rd District of Budapest, in place of Mr Gábor BIHARY, member of Budapest General Assembly,

- Mr András SZALAY, Representative of the Settlement Veszprém, in place of Mr Zsolt FÁBIÁN,

- Mr György GÉMESI, in place of Mr Sándor KÁLI,

- Ms Erika SZYCS, Deputy Mayor of Miskolc, in place of Mr László DIÓSSY,

as proposed by the Finnish government

- Mr Jyrki MYLLYVIRTA, Mayor of Lahti (change of mandate)

and

- (b) as alternate members:

as proposed by the Hungarian government

- Mr Levente MAGYAR, Member of the General Assembly of Jász-Nagykun-Szolnok, in place of Mr Sándor NAGY,
- Mr Csaba MOLNÁR, Member of the General Assembly of Győr-Moson-Sopron, in place of Mr András MÁTIS,
- Mr László VÉCSEY, Mayor of Szada, in place of Mr György GÉMESI,
- Ms Kata TÜTTÛ, Member of the General Assembly of Capital, in place of Mr Balázs NÉMETH,
- Ms Helga MIHÁLYI, Member of the General Assembly of Borsod-Abaúj-Zemplén, in place of Mr Nándor LITTER.

as proposed by the Finnish government

- Ms Irja SOKKA, Member of Kuopio city council

for the remainder of the current term of office, which runs until 25 January 2010.
