



**COUNCIL OF  
THE EUROPEAN UNION**



13588/04 (Presse 295)

## **PRESS RELEASE**

2614th Council Meeting

### **General Affairs and External Relations**

#### **General Affairs**

Brussels, 2 November 2004

President            **Bernard BOT**  
Minister for Foreign Affairs of the Netherlands

\* The 2615th meeting on External Relations is the subject of a separate press release (13589/04).

# **P R E S S**

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13588/04 (Presse 295)

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## Main Results of the Council

The Council prepared the **European Council** meeting in Brussels on 4 and 5 November. As regards external relations issues to be discussed by the European Council, it adopted conclusions on **Iraq** and **Sudan**:

- on Iraq, the Council decided that the EU would further strengthen relations with Iraq and agreed to a comprehensive package of EU assistance, to be presented to the Iraqi Prime Minister at the European Council;

- on Sudan, the Council reaffirmed continued support to African Union efforts, as illustrated by the agreement to contribute EUR 80 million from its Africa Peace Facility to an expanded AU mission.

Amongst items adopted without discussion, the Council approved the **creation of a new EU Tribunal** to exercise jurisdiction at first instance on civil service disputes, so as to facilitate operation of the EU courts system.

It also adopted a series of conclusions in the field of Justice and Home Affairs, on the role of **readmission agreements** in migration policy, on **consular cooperation** between the Member States and on **persons in need of international protection**.

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
- 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 abovementioned Council 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:**

Mr Karel DE GUCHT  
Mr Didier DONFUT

Minister for Foreign Affairs  
State Secretary for European Affairs, attached to the  
Ministry of Foreign Affairs

### **Czech Republic:**

Mr Cyril SVOBODA

Deputy Prime Minister and Minister for Foreign Affairs

### **Denmark:**

Mr Carsten SØNDERGAARD

State Secretary

### **Germany:**

Mr Joschka FISCHER

Federal Minister for Foreign Affairs, Deputy Chancellor

### **Estonia:**

Ms Kristiina OJULAND

Minister for Foreign Affairs

### **Greece:**

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Mr Yoannis VALINAKIS

Minister for Foreign Affairs  
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### **Spain:**

Mr Miguel Angel MORATINOS

Minister for Foreign Affairs and Cooperation

### **France:**

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Ms Claudie HAIGNERÉ

Minister for Foreign Affairs  
Minister with responsibility for European Affairs, attached  
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### **Ireland:**

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Minister for Foreign Affairs

### **Italy:**

Mr Roberto ANTONIONE

State Secretary for Foreign Affairs

### **Cyprus:**

Mr George IACOVOU

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### **Latvia:**

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Minister for Foreign Affairs

### **Lithuania:**

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Mr Nicolas SCHMIT

Minister with responsibility for Foreign Affairs and  
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### **Hungary:**

Mr Etele BARÁTH  
Mr András BÁRSONY

Political State Secretary, Prime Minister's Office  
Political State Secretary, Ministry of Foreign Affairs

### **Malta:**

Mr Michael FREUDO

Minister for Foreign Affairs

### **Netherlands:**

Mr Bernard BOT  
Mr Atzo NICOLAÏ  
Ms Anna Maria Agnes van ARDENNE-van der HOEVEN

Minister for Foreign Affairs  
Minister for European Affairs  
Minister for Development Cooperation

### **Austria:**

Ms Ursula PLASSNIK

Federal Minister for Foreign Affairs

**Poland:**

Mr Włodzimierz CIMOSZEWICZ

Minister for Foreign Affairs

**Portugal:**

Mr António MONTEIRO

Minister for Foreign Affairs and Portuguese Communities  
Abroad

Mr Mário DAVID

State Secretary for European Affairs

**Slovenia:**

Mr Ivo VAJGL

Minister for Foreign Affairs

**Slovakia:**

Mr Eduard KUKAN

Minister for Foreign Affairs

**Finland:**

Mr Eikka KOSONEN

Permanent Representative

**Sweden:**

Ms Laila FREIVALDS

Minister for Foreign Affairs

**United Kingdom:**

Mr Denis MacSHANE

Minister of State for Europe

**Commission:**

Mr Louis MICHEL

Member

**General Secretariat of the Council:**

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

**ITEMS DEBATED****PREPARATION OF THE EUROPEAN COUNCIL**

The Council examined draft conclusions prepared by the Presidency for the European Council to be held in Brussels on 4 and 5 November.

The main items that the European Council is due to discuss are:

- Economic issues. Presentation by Mr Wim Kok, chairman of a high-level group advising the Commission on the preparation of the mid-term review of the economic reform strategy laid down at Lisbon in March 2000.
- Justice and Home Affairs. Adoption of a new multi-annual agenda for the EU's area of freedom, security and justice.
- Communicating Europe. The European Council will examine how better to communicate to the public on the EU's work and its relevance to people's daily lives.
- EU enlargement. The President of the Commission will present a number of policy documents regarding Bulgaria, Romania, Croatia and Turkey's applications to join the EU.
- External relations. Conclusions are expected on Iran, Iraq, the Middle East and Sudan.

Work on the draft conclusions is likely to continue in the run-up to the European Council notably as regards external relations.

The European Council will also meet for the first time with Mr Josep Borrell, the new President of the European Parliament.

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On external relations, the Council addressed in particular the following issues:

– ***Middle East Peace Process***

Over lunch, Ministers discussed the Middle East with a view to the 4-5 November European Council meeting, on the basis of a presentation by High Representative Javier Solana. The High Representative presented a number of ideas with a view to short-term practical measures - to be taken in the framework of the Quartet's Roadmap and keeping in mind the longer-term political horizon - in four areas concerning the Palestinian territories: security structures, the reform agenda; elections; and economic recovery and development.

– ***Iraq - Council conclusions***

The Council adopted the following conclusions:

1. " The Council reaffirmed its support for the people of Iraq and the Iraqi Interim Government, as well as its commitment to support the economic, social and political reconstruction of Iraq. The Council reaffirmed the EU's commitment to support the implementation of UNSCR 1546 and to support the UN in its activities in Iraq. The Council expressed its full support for the political transition leading to a constitutionally elected Iraqi Government. The elections planned for January 2005 are an important step in this process, and the Council noted the importance of the EU's continued support for these, as well as for the elections scheduled to take place in December 2005.
2. The Council reiterated the Union's objective as stated by the European Council on 17-18 June of a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region, and the willingness of the European Union as a whole to work in partnership with the Iraqi Interim Government and the Iraqi people with the aim of reaching that goal. The Council recalled the Commission's communication 'The EU and Iraq - A framework for Engagement' that sets out medium-term objectives for the development of EU-Iraq relations and the letter by High Representative Solana and Commissioner Patten as endorsed by the European Council.
3. The Council welcomed the joint Fact Finding Mission for a possible integrated Police and Rule of Law operation for Iraq and considered its report. Ministers recognised the importance of strengthening the criminal justice system, consistent with the respect for the rule of law, human rights and fundamental freedoms. They noted the wish of the Iraqi authorities for the EU to become more actively involved in Iraq and that strengthening the criminal justice sector would respond to Iraqi needs and priorities.

4. The Council agreed that the EU could usefully contribute to the reconstruction and the emergence of a stable, secure and democratic Iraq through an integrated police, rule of law and civilian administration mission, which could inter alia promote closer collaboration between the different actors across the criminal justice system and strengthen the management capacity of senior and high-potential officials from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights. Such a mission should be secure, independent and distinct but would be complementary and bring added value to ongoing international efforts as well as develop synergies with ongoing Community and Member States' efforts. While judging that activities outside Iraq with a presence of liaison elements in Iraq would be feasible at this point in time, the Council agreed that with regard to a mission inside Iraq all security concerns need to be appropriately addressed before any decision by the Council could be taken.
5. Prime Minister Allawi's attendance at the 5 November European Council will present the Union with an opportunity to further deepen and broaden its political dialogue with Iraq. It will also enable the European Council to discuss Iraq's future with Mr. Allawi and the strengthening of EU's engagement with Iraq in the framework of the ongoing political process.
6. The Council decided that the European Union will further strengthen its relations with Iraq. The Council therefore agreed to a comprehensive package of EU assistance to Iraq, to be presented to Mr. Allawi at the November European Council. This package, comprised of elements provided by both the Community and Member States, includes the following:
  - The Council agreed that Iraq will be given the perspective of an agreement between the EU and Iraq to reflect the mutual interest in developing a partnership and to promote political and trade co-operation between the EU and Iraq. The Council asked the Commission to start preparations and work with the Iraqi Government on focused assistance programmes aimed at developing the conditions for such an agreement. In that respect the Council invited the Commission to enhance as appropriate and with due regard to security its presence in Baghdad.
  - The Council agreed in conformity with the July and September GAERC conclusions on EU financial and personnel support for the preparation of elections in close co-ordination with the UN. The Community will provide a further € 30 million to the elections cluster of the International Reconstruction Fund Facility for Iraq (IRFFI) and intends to provide further support to the electoral process through specific measures, such as the provision of election experts to the Independent Electoral Commission of Iraq as well as the training of domestic observers. Member States are also providing assistance to the preparations for elections through bilateral contributions. Given the January deadline for elections, it is crucial that this support will be disbursed immediately in order to play a part in the pre-election process.

- The EU attaches great importance to an active UN presence in Iraq. The EU supports the UN's leading role in promoting the political process and reconstruction of Iraq. EU Member States are ready to contribute substantially to the financing of the middle ring of the UN Protection Force in Iraq, following the request made by the UN Secretary General. The Commission is still discussing with the UN a possible financial contribution of the Community to the inner ring.
  - The Council decided that an expert team should be sent by the end of November 2004 to continue the dialogue with the Iraqi authorities, to start initial planning for a possible integrated police, rule of law and civilian administration mission which is expected to start after the January 2005 elections and in particular assess the urgent security needs for such a mission. A dialogue with other countries in the region should also be considered. The Council invited the PSC to agree the terms of reference for such an expert team.
  - The Council welcomed on-going implementation of humanitarian and reconstruction assistance and took note that the majority of funds of the Community and Member States will continue to be directed to the IRFFI.
  - The Council noted that Iraq is a beneficiary of the EU Generalised System of Preferences and encouraged Iraq to do the necessary to benefit from those preferences. The Council recalled the Commission's offer to the Interim Iraqi Government to implement GSP preferences with Iraq. As soon as conditions allow, the European Commission should work together with the Iraqi administration to set up the administrative co-operation system which is a requirement for the system to operate.
  - The Council agreed to continue efforts of the Member States to exchange views on debt and related economic policy conditionality. Several EU Member States are involved in the current Paris Club negotiations on Iraq's debt. The Council welcomed the upcoming visit of a mission of the Iraqi Ministry of Finance to the Paris Club in November.
7. The EU will use its dialogue with Iraq and its neighbours to encourage continuous regional engagement and support for improved security and for the political and reconstruction process in Iraq based on inclusiveness, democratic principles, respect for human rights and the rule of law, as well as support for security and co-operation in the region. In this respect, the Council welcomed the International Conference that will be held in Sharm el Shaikh on 23 November 2004 in which the EU will participate. The EU will support the implementation of the agenda set out in UNSCR 1546 including the necessity of holding elections in January 2005.

8. The Council reiterates its condemnation of terrorist attacks, the taking of hostages and the murders which have been committed in Iraq. The EU regrets that the campaign of terrorist violence in Iraq is prolonging the suffering of the Iraqi people and posing difficulties for political progress and economic reconstruction in Iraq and welcomes the commitment under UNSCR 1546 for all parties to act in accordance with international law, including the effective protection and promotion of human rights.
9. The Council submitted a draft declaration on the relations between the EU and Iraq for consideration by the European Council. "

– ***Sudan - Council conclusions***

The Council adopted the following conclusions:

- "1. The Council recalls its previous conclusions and reiterates that the fulfilment of the demands set out therein, as well as in UN Security Council Resolutions 1556 and 1564, will influence the future relations between all parties in the Sudan and the EU.
2. The Council notes with grave concern that the security situation in parts of Darfur has been deteriorating in the last weeks, due to ceasefire violations by all parties. The Council is concerned that the Sudanese Government has not fulfilled many of its obligations and reiterates in particular the demand to rein in and neutralise the Janjaweed militia. The Council is also increasingly concerned at reports of a mounting number of attacks by rebel groups. It expresses its determination to keep up political pressure on the Sudanese Government as well as on the other parties and does not exclude the use of sanctions.
3. The Council urges all parties to strictly abide by the cessation of hostilities or cease-fire agreements in order to create a conducive environment for the peace talks at Abuja and the negotiations in Nairobi. The Council strongly condemns all attacks on civilians, in particular ongoing cases of rape, and reiterates that those responsible at all levels will be held accountable for violations of human rights and international humanitarian law. In this respect, the Council reaffirms its full support for the UN Commission of Inquiry.
4. The Council welcomes the Sudanese Government's commitment to sign and unilaterally implement the humanitarian protocol negotiated during the last round of the Abuja talks and urges the SLM/A and the JEM to sign the protocol without delay. Failing to do so will add to the growing difficulties of delivering humanitarian assistance in Darfur.

5. The Council welcomes the Communiqué of the African Union (AU) Peace and Security Council on 20 October and the decision to deploy an expanded and pro-active monitoring mission (AMIS) of 3,320 personnel, including 450 observers and up to 815 civilian police. The Council reaffirms its continued support to the AU and, in particular, its readiness to provide assistance and expertise to the deployment of AMIS in terms of financing, logistics and material as well as personnel, including military observers, if requested. In that regard the EU agreed to contribute an amount of EUR 80 million from the Africa Peace Facility to the expanded AU mission. The Council stands ready to make available planning and technical expertise to the AU headquarter in order to support the AU in the implementation of the deployment plan for AMIS. The Council also stands ready to provide advise and assistance to policing, if requested.
6. The Council takes note with appreciation of the resumption of the peace talks between the Government of Sudan and the SPLM/A in Nairobi. As the Naivasha process has already reached agreement on all key political issues, the Council urges the Government of Sudan and the SPLM/A to expeditiously conclude the discussions on the outstanding questions of implementation and to sign a comprehensive peace agreement by the end of the year.
7. The Council also takes note of the negotiations between the Sudanese Government and the Darfur opposition movements at Abuja. The Council also notes that a political dialogue has been initiated in Cairo between the Government of Sudan and the National Democratic Alliance. The Council welcomes these developments and calls upon all parties to resolutely commit themselves to the search for political solutions to address existing grievances and problems.
8. The Council notes with concern that, with one third of the population of Darfur still depending on humanitarian assistance and the continuing increase of the number of IDP's, there is continued need for additional humanitarian assistance, which deserves urgent attention by the international community. The Council notes that a sustained humanitarian effort will be needed well into 2005. The EU and its Member States have so far made a considerable contribution to humanitarian assistance. The Council noted that additional assistance will be vital in the coming months and called on all UN Member States to respond generously to any additional appeals for assistance by the United Nations and international humanitarian agencies."

## **OTHER ITEMS APPROVED**

### **EXTERNAL RELATIONS**

#### **Relations with the Mediterranean region**

The Council approved a report to be forwarded to the European Council on 4 and 5 November on implementation of the EU's Common Strategy on the Mediterranean region adopted in June 2000 (*13648/1/04 REV 1*).

The report outlines a number of goals the Union should pursue in its policy, including progress with regard to bilateral relations and Association Agreements with Mediterranean countries, efforts to develop political and security cooperation and promotion of a social and cultural partnership.

The Council also recommended to the European Council an extension of the period of application of Common Strategy 2000/458/CFSP on the Mediterranean region by 18 months, until January 2006. This will allow for a review of the EU's relations with the Mediterranean region taking into consideration the evaluation of the Strategic Partnership with the Mediterranean and Middle East adopted by the European Council in June 2004, the follow-up of the EU-Mediterranean Barcelona Process and the development of the EU's European Neighbourhood Policy during 2005.

#### **EU - India Summit**

The Council took note of the preparation of the EU-India summit to be held in The Hague on 8 November. The summit will provide an opportunity to discuss issues of common interest, namely:

- the building of a strategic partnership;
- multilateral issues, such as counter-terrorism, disarmament and climate change;
- regional developments, including Afghanistan, Pakistan, Middle East and Iraq.

### **Financial contribution to the European Development Fund \***

The Council adopted a Decision fixing the third instalment of financial contributions for 2004 to the European Development Fund (EDF) (*13362/2/04 REV 2 and 13367/04*).

A total amount of EUR 490 million, corresponding to the third instalment for 2004, will be paid to finance EDF operations managed by the Commission, for aid projects in African, Caribbean and Pacific countries and Member State overseas countries and territories.

The 15 Member States previous to the EU's enlargement will participate with EUR 390 million. In addition, EUR 100 million will be transferred from the European Investment Bank.

### **Temporary reception of certain Palestinians**

The Council adopted a Common Position on an extension of the validity of national permits for a further period of twelve months for Palestinians evacuated from Bethlehem in May 2002 following the siege of the Church of the Nativity by Israeli forces. (*13796/04*).

### **Combating the spread of small arms**

The Council took note of a report on implementation of a EU Joint Action on combating the spread of small arms and light weapons and on implementation of the EU programme for preventing and combating illicit trafficking in conventional arms (*14073/04*).

The report addresses three main areas:

- Member States efforts to address the problems related to small arms and light weapons, such as inter-agency co-operation, newly enacted legislation and support for relevant research.
- International measures, such as assistance to projects conducted by international, regional organisations or non-governmental organisations, assistance to affected states, organisation of international conferences and EU co-operation with third states.
- Priorities for a more systematic approach to EU assistance in the field of small arms and light weapons, as well as the lessons learnt from the experience already accumulated by the EU and its Member States.

## **INSTITUTIONAL AFFAIRS**

### **Creation of a European Union Civil Service Tribunal**

The Council adopted a Decision establishing a European Union Civil Service Tribunal. This judicial panel is to exercise jurisdiction at first instance in European civil service disputes. The aim of the Decision is to improve the operation of the Community courts system.

The judicial panel, which is an integral part of the Court of Justice institution, will be located in Luxembourg. Appeals against its decisions may be lodged at the Court of First Instance with a possible review of the second decision in exceptional cases by the Court of Justice itself.

The Civil Service Tribunal will consist of seven judges who will be appointed for six years by the Council.

## **GENERAL AFFAIRS**

### **Work in the different Council configurations**

The Council took note of a report from the Presidency on proceedings in the Council's other configurations (13804/04).

## **TRADE POLICY**

### **Anti-dumping - Taiwan - electronic weighing scales**

The Council adopted a Council Regulation terminating the "new exporter" review of Council Regulation (EC) No 2605/2000 imposing definitive anti-dumping duties on imports of certain electronic weighing scales (REWS) originating, inter alia, in Taiwan (12706/04).

### **Anti-dumping - China - plywood**

The Council adopted a Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of okoumé plywood from China (13557/04).

## **Steel products - Russia, Ukraine and Kazakhstan**

The Council adopted a Decision authorising the Commission to open negotiations for the renewal of the agreements on trade in certain steel products between the European Community and, respectively, Russia, Ukraine and Kazakhstan.

## **JUSTICE AND HOME AFFAIRS**

### **Persons in need of international protection - *Council conclusions***

The Council adopted the following conclusions:

"THE COUNCIL

- *recalls* the European Council conclusions of Tampere of 15/16 October 1999 which stressed the need for a comprehensive approach to migration and asylum and in which the Union as well as the Member States were invited to contribute to the greater coherence of their internal and external policies in this area. Partnership with the third countries concerned was designated as a key element for the success of such a policy.
- *recalls* the Communication of the Commission *Towards more accessible, equitable and managed asylum systems* of 3 June 2003, which states that in view of the deficiencies of the international protection system, and in view of the fact that the vast majority of refugees are being hosted by under-resourced neighbouring countries in regions of origin, a new approach is necessary which aims at more accessible, equitable and better managed asylum systems, both within and outside the EU.
- *recalls* the European Council conclusions of Thessaloniki of 19/20 June 2003 which invited the Commission to explore all parameters in order to ensure more orderly and managed entry in the EU of persons in need of international protection, and to examine ways and means to enhance the protection capacity of regions of origin with a view to presenting to the Council, before June 2004, a comprehensive report suggesting measures to be taken, including legal implications.
- *recalls* the Council conclusions on the Communication of the Commission on *Integrating migration issues in the European Union's relations with third countries* of 19 May 2003, which emphasise that migration policy is a strategic priority for the European Union and invites the Commission *inter alia* to develop concrete proposals to make additional funding available for assistance for refugees in the region and for reducing poverty in host communities.

## AND ADOPTS THE FOLLOWING CONCLUSIONS:

1. The Council welcomes the Communication of the Commission, of 7 June 2004, on Managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin, "Improving access to durable solutions".
2. The Council acknowledges the existence of various protracted and new refugee situations. Against this background, the Council once again emphasises the urgency of international attention to the availability of durable solutions for refugees and the importance of an active contribution by the European Union to the enhancement of the international protection regime.
3. The Council reiterates that the further development of a Common European Asylum System must be accompanied and complemented by an increased focus on the international protection regime within the European Union's external policy. The Council considers it important for the European Union, through close partnership with countries and regions of first asylum, transit and origin and in cooperation with UNHCR, to address the question how more refugees worldwide can access effective protection and durable solutions, as quickly as possible and as close to home and to their needs as possible.
4. The Council notes the large numbers of refugees which are received by third countries in regions of origin and underlines the need for the EU to assist in the enhancement of the protection capacity of regions of origin. In this context it welcomes the Commission's recommendation to develop Regional Protection Programmes, as well as the idea of developing these programmes in accordance with the Regional and Country Strategy papers framework.
5. The Council invites the Commission to present an action plan for one or more pilot Regional Protection Programme(s) to the Council by July 2005 at the latest, based on the principle of solidarity and fair sharing of responsibility. A pilot project should be situation specific and protection oriented. It should draw on a range of measures, such as assistance to third countries to comply with international obligations under the Geneva Convention and other relevant international instruments, to enhance protection capacity, better access to registration and local integration, and assistance for improving the local infrastructure and migration management. The pilot project must take account of the causes of the refugee situation in question and of the situation of the local population.

6. This pilot Regional Protection Programme should be developed in close partnership and in a spirit of co-ownership and be the result of direct negotiations with the third countries concerned. The development and the implementation of these programmes should be taken forward in close cooperation with UNHCR and, where relevant, other international organisations. Proposals for pilot projects should indicate possible EU and other funding sources. Coherence of the pilot project with the Community approach towards the region and third countries concerned as well as with existing international initiatives, including UNHCR's Agenda for Protection and Convention Plus, should be ensured. Evaluation of the pilot project(s) will take place and will inform the way in which the Regional Protection Programme concept is developed.
7. The Council endorses the view that voluntary repatriation, local integration, and resettlement are the durable solutions for refugees. The targeted use of resettlement will demonstrate the Community's commitment towards international efforts to find comprehensive and effective solutions to protracted refugee situations. Such use will enable countries in regions of origin to enhance their protection capacity and encourage them to take part in Regional Protection Programmes. The Council welcomes the inclusion of resettlement in Regional Protection Programmes, where appropriate and in close liaison with UNHCR. To that end, the Council invites the Commission to present a proposal for a resettlement scheme by July 2005. Such a scheme needs to be situation specific, flexible and allow Member States to choose whether or not to participate."

### **Common readmission policy - *Council conclusions***

The Council adopted the following conclusions:

"THE COUNCIL,

- *Recalling* the European Council Conclusions in Tampere on 15/16 October 1999, where the Heads of State and Government stated that the European Union should pursue an integrated, comprehensive and balanced approach to migration management, in partnership with third countries of origin and transit;
- *Recalling* the European Council conclusions at Laeken on 14/15 December 2001, Seville on 21/22 June 2002 and Thessaloniki on 19/20 June 2003 which (a) called for the integration of migration in the external relations of the European Union, (b) characterised co-operation of third countries in the field of readmission as of paramount importance to such management, (c) underlined that their cooperation should include the readmission of their own nationals unlawfully present in a Member State and, under the same conditions, that of other countries' nationals who can be shown to have passed through their respective territories, and (d) explicitly called for the speeding up of the conclusion of the agreements currently being negotiated, the approval of new priorities and the conclusion of Community readmission agreements with further relevant third-countries;

- *Taking note* of its earlier conclusions of 19 May 2003 on the Communication of the Commission on Integrating migration issues in the EU's relations with third countries, in particular migration and development, where (a) it invited the Commission to step up its efforts on concluding Community readmission agreements with those countries for which it has received a mandate and to include in any future Association, Cooperation or equivalent Agreements a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration, as urged by the European Council in Seville,

and (b) considered it necessary to systematically evaluate the relations with those third countries which do not cooperate with the EU in the fight against illegal migration, while fully respecting the integrity of EC Development Cooperation objectives;

- *Referring* to the European Council conclusions at Brussels on 16/17 October 2003 in which EU Heads of State or Government (a) committed themselves to the use of all appropriate instruments of the EU's external relations and strengthened partnerships with the third countries concerned, in pursuit of the EU's strategy to combat illegal migration, (b) invited the Commission, the Council and Member States to make every effort to facilitate the successful conclusion of Community readmission agreements, and (c) invited the Council and the Commission to produce early 2004 a report identifying in particular the future priorities of a common readmission policy and the measures to be taken in order to ensure the successful development of such a policy;
- Noting the efforts of the Council and the Commission to overcome the lack of documentation of third-country nationals illegally residing on the territory of Member States through (a) the initiative of the Belgian Presidency on good practices for obtaining "laissez-passers" for the purpose of repatriation, (b) the Hellenic initiative of a manual on best practices on the acquisition of travel documents, (c) the Irish initiative of inviting the Commission to re-examine the legal basis, format and use of the common EU travel document and (d) the initiative of the Dutch Presidency to establish best practices of return to specific countries, the Council recognises that one of the main hindrances is the lack of identification papers enabling the individual concerned to return and underlines the need to pay special attention to these issues in the framework of EC readmission agreements with third countries.

HAS ADOPTED THE FOLLOWING CONCLUSIONS:

1. Effective migration management is a major policy priority of the European Union. Community readmission agreements make an important contribution to an effective joint migration management and play a valuable role in the fight against illegal immigration. Against this background, the Council underlines once more the importance of concluding Community readmission agreements with third countries of origin and transit, which also include an obligation for these countries to readmit third-country nationals and stateless persons who have passed through their territories before illegally arriving in the EU. The Council furthermore encourages these third countries to conclude readmission agreements with each other and with other countries in their respective regions. The Council is determined to make further use of this tool and to intensify all efforts to pursue such agreements by fully supporting the Commission throughout the negotiating process.

2. The Council welcomes the progress on Community readmission agreements made by the Commission so far and encourages it to actively pursue pending negotiations. The Council considers the conclusion of the pending negotiations as a priority for the Community. The Council recognises the need to evaluate and assess periodically the progress made and to draw the appropriate conclusions.
3. With regard to future priorities based on available information, the Council considers migration pressure on particular Member States, as well as the EU as a whole, and their geographical position relative to the EU (including considerations of regional coherence and neighbourhood) to be the most important criteria for determining, on a case-by-case basis, with which further countries readmission agreements should be concluded. Additionally, a country's offer to enter into readmission negotiations with the EU should also be taken into account.
4. However, new authorisations to negotiate with individual third countries will be decided upon on a case-by-case basis only. To this end the Council invites the Commission to present it with concrete recommendations to negotiate agreements concerning individual third countries, when appropriate. These recommendations should be accompanied by an assessment of the appropriate strategy and necessary measures, which may include measures in all Community areas, to conclude a specific readmission agreement within a desirable timeframe.
5. The Council, in its aim to pursue an integrated and comprehensive approach to migration issues, taking account of the existing situations in the different regions and in each individual partner country, and in accordance with the overall coherence of EU policies and actions, re-emphasises the importance of cohesion and coherence between readmission policy and all other aspects of external relations of the Community with third countries.  
  
For this reason the Council also considers that, on a case-by-case basis, a direct link should be established between the negotiation of co-operation, association or equivalent agreements and the conclusion of readmission agreements with the same third countries.
6. The Council calls upon Member States to give the Commission full political and diplomatic support in the negotiation process as well as to provide the Commission with added national expertise.
7. The Council invites the Commission to pay special attention to the co-operation of third countries in the field of readmission in its yearly assessment. Therefore, the Council invites the Commission to consider extending its yearly monitoring report in the framework of the evaluation mechanism, adopted by the Council in December 2003, to countries for which the Commission has received a mandate to negotiate a Community readmission agreement. This evaluation should include the negotiation process, as well as the implementation of the readmission agreement in force."

## **Consular cooperation between EU Member States - *Council conclusions***

The Council adopted the following conclusions:

"The European Union is committed to intensifying consular cooperation among Member States, both in normal situations and during crises. Closer consular cooperation gives substance to the concept of European citizenship and helps Member States to deal more effectively with an ever growing demand for consular services and to face new challenges, such as the consequences of an increasing number of terrorist activities.

In that connection, the Council welcomes the report of the Consular Affairs working party and endorses the following specific activities for closer cooperation:

- Exchanges of information on crisis preparedness, joint consular crisis training, a pilot project on consular crisis cooperation between EU missions in a third country, reinforcement of national consular crisis teams with experts from other EU-partners, designate points of contact in Member States;
- Pooling of consular resources/setting up joint consular emergency teams to deal with major consular calamities, among others those resulting from terrorist activities; a checklist of activities which could be undertaken jointly in this connection has been drawn up, as well as a list of capabilities – both personnel and equipment – that Member States would be willing to volunteer to take part in such missions;
- Informal, voluntary cooperation in cases of hostage taking of EU citizens in third countries; a checklist of possible joint action has been drawn up;
- The drawing-up of a brochure on consular assistance to EU citizens in third countries.

The Council asked the relevant Council bodies to take the necessary action in order for these activities to be implemented as soon as possible. The Council also agreed to further reflect upon the management of consular communities in crisis situations. The Council stressed the need to establish a link between such consideration and the analysis of requirements for evacuation operations within the framework of ESDP."

## **ECONOMIC AND FINANCIAL AFFAIRS**

### **VAT - Austria - Prevention of tax evasion**

The Council adopted a Decision authorising Austria to make an exception to the value-added tax (VAT) Directive 77/388/EEC, concerning three specific cases (*12671/3/04 REV 3*):

- The supply of goods provided as security by one VAT taxable person to another person in execution of that security;
- The supply of goods following the cession of the reservation of ownership to an assignee and the exercising of this right by the assignee;
- The supply of immovable property sold by the judgment debtor in a compulsory sale procedure to another person.

The exceptions are considered as measures to prevent certain types of tax evasion or avoidance in the above sectors.

### **Andorra - Agreement on taxation of savings income**

The Council adopted a Decision authorising the signature of an agreement with Andorra on the taxation of savings income (*12636/04*).

Under the Agreement, savings income in the form of interest payments made in Andorra to residents of the EU will be subject to a withholding tax.

The Agreement's application is subject to the condition that the same measures are adopted by the United States, Liechtenstein, Monaco, San Marino, Switzerland and the dependent and associated territories of the United Kingdom and the Netherlands.

The Agreement is accompanied by a Memorandum of Understanding, by which Andorra undertakes to introduce the concept of the crime of tax fraud into its legislation, for cases within the framework of the Agreement.

The signing of this Agreement coincides with the opening of negotiations for an agreement on the use of the euro in Andorra.

**APPOINTMENTS**

**Court of Auditors**

The Council adopted a Decision appointing Mr Kikis KAZAMIAS as a member of the Court of Auditors for a period of six years (12758/04).

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