



**COUNCIL OF
THE EUROPEAN UNION**



14894/04 (Presse 332)

PRESS RELEASE

2626th Council Meeting

Justice and Home Affairs

Brussels, 2 December 2004

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14894/04 (Presse 332)

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Main Results of the Council

*In preparation for the European Council of 16 and 17 December 2004, the Council agreed on a series of **documents relating to the fight against terrorism**: a revised action plan on combating terrorism, a strategy on the fight against terrorist financing, a report on intelligence capacity, conclusions on prevention, preparedness and response to terrorist attacks and a EU solidarity programme on the consequences of terrorist threats and attacks.*

*It took also note of an interim report on a peer evaluation of **national anti-terrorist arrangements** and of a document on **recruitment of terrorists**.*

*The Council agreed on a general approach on the text of Articles 1-8 of a proposal for a Decision on **exchange of information extracted from criminal records**. The text aims to ensure that the criminal record in the Member State of the person's nationality is as complete as possible at the earliest opportunity.*

*The Council instructed its preparatory bodies to examine further the scope of the draft Framework Decision on **data retention** by telecommunication service providers. Particular consideration will be given to the proportionality of the measure in relation to costs, privacy (data protection) and efficiency.*

*It adopted, without debate, a Decision renewing, for the period 2005-2010, a **European Refugee Fund** in support of asylum policy measures taken by Member States.*

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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 Patrick DEWAELE
Ms Laurette ONKELINX

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

Czech Republic:

Mr František BUBLAN
Mr Roman POLAŠEK

Minister for the Interior
Deputy Minister for Justice

Denmark:

Ms Lene ESPERSEN

Minister for Justice

Germany:

Ms Brigitte ZYPRIES
Mr Klaus BUSS

Federal Minister for Justice
Minister for the Interior, Schleswig-Holstein

Estonia:

Mr Margus LEIVO
Mr Ken-Marti VAHER

Minister for the Interior
Minister for Justice

Greece:

Mr Anastasis PAPALIGOURAS
Mr Manolis KEFALOGIANNIS

Minister for Justice
Minister for Mercantile Marine

Spain:

Mr José Antonio ALONSO SUAREZ
Ms Ana María de MIGUEL LANGA

Minister for the Interior
Under Secretary of State, Ministry of Justice

France:

Mr Pierre SELLAL

Permanent Representative

Ireland:

Mr Michael McDOWELL

Minister for Justice, Equality and Law Reform

Italy:

Mr Rocco Antonio CANGELOSI

Permanent Representative

Cyprus:

Mr Doros THEODOROU

Minister for Justice and Public Order

Latvia:

Mr Eduards STIPRAIS

Deputy Permanent Representative

Lithuania:

Mr Virgilijus BULOVAS

Minister for the Interior

Luxembourg:

Mr Luc FRIEDEN

Minister for Justice, Minister for the Treasury and the Budget
Minister with responsibility for Foreign Affairs and Immigration

Mr Nicolas SCHMIT

Hungary:

Ms Mónika LAMPERTH
Mr József PETRÉTEI

Minister for the Interior
Minister for Justice

Malta:

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home Affairs

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 Mr Piet Hein DONNER
 Ms Rita VERDONK

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 Minister for Justice
 Minister for Immigration and Integration

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Mr Ernst STRASSER
 Ms Karin MIKLAUTSCH

Federal Minister for the Interior
 Federal Minister for Justice

Poland:

Mr Ryszard KALISZ
 Mr Sylwester KRÓLAK

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

Portugal:

Mr Alvaro MENDONCA E MOURA

Permanent Representative

Slovenia:

Mr Ciril ŠTOKELJ

Permanent Representative

Slovakia:

Mr Daniel LIPŠIC

Deputy Prime Minister and Minister for Justice

Finland:

Mr Kari RAJAMÄKI
 Mr Johannes KOSKINEN

Minister for the Interior
 Minister for Justice

Sweden:

Mr Thomas BODSTRÖM

Minister for Justice

United Kingdom:

Ms Caroline FLINT

Parliamentary Under-Secretary of State, Home Office

Commission:

Mr Franco FRATTINI

Vice-President

ITEMS DEBATED**EUROPEAN EVIDENCE WARRANT**

The Council took note of a progress report concerning negotiations on the proposal for a Council Framework Decision on the European Evidence Warrant (EEW) for obtaining objects, documents and data for use in proceedings in criminal matters.

Initial discussions in the Council preparatory bodies showed that delegations agreed on the importance of the implementation of the principle of mutual recognition of decisions in criminal matters in accordance with the conclusions of the meeting of the European Council in Tampere on 15 and 16 October 1999 and the programme of measures to implement the principle of mutual recognition of decisions in criminal matters adopted by the Council on 30 November 2000.

The proposal is a first step towards a single mutual recognition instrument that would in due course replace the entire existing mutual assistance regime. This first step would cover the obtaining of evidence which already exists and is directly available. At a later stage, other types of evidence would be included.

The Council's preparatory bodies examined Title I thoroughly and the current state of affairs holds out a reasonable prospect of reaching general agreement on purpose, definitions and scope. However, a number of general, parliamentary and scrutiny reservations remain, and it may be necessary to examine Title I further, depending on the outcome of discussions on other parts of the text. Title II was examined and raises much less controversial issues. The examination of Title III has started, but has not yet reached a stage in which expectations concerning progress can be expressed. The separate debate on criminal records, which originally formed part of the proposal for a European Evidence Warrant, continues on the basis of the new proposal from the Commission.

Considering the progress made, the prospect of adopting a Framework Decision for a European Evidence Warrant in December 2005 is ambitious but not out of reach.

EXCHANGE OF INFORMATION EXTRACTED FROM CRIMINAL RECORDS

The Council agreed on a general approach on the text of Articles 1 to 8 of a proposal for a Decision on exchange of information extracted from criminal records. The preamble, the forms to be annexed to the draft Decision and the question of access for natural persons will be discussed at a later stage by the Council.

The proposal aims to ensure that the criminal record in the Member State of the person's nationality is as complete as possible at the earliest opportunity.

Therefore, each central authority of a Member State must without delay inform the central authorities of the other Member States of criminal convictions and subsequent measures in respect of nationals of those Member States entered in the criminal record.

Furthermore, a central authority may request information from the criminal records of another Member State.

The reply must be sent immediately and in any event within a period not exceeding ten working days from the receipt of the request, under certain conditions.

Requests, replies and other relevant information may be transmitted by any means capable of producing a written record under conditions allowing the receiving Member State to establish authenticity.

In all Member States criminal convictions are recorded by a variety of procedures in specific registers. There are exchange mechanisms to facilitate the transmission of this information between Member States, in particular under the European Convention on Mutual Assistance in Criminal Matters of 1959. However, an analysis of their operation reveals that they contain gaps and function randomly and slowly, no longer meeting the needs for judicial cooperation in a frontier-free area such as the European Union. Recent tragic paedophilia cases have also highlighted the serious malfunctioning of systems for the exchange of information on convictions between Member States. Likewise, the demands of the fight against terrorism are such that the quality of these exchanges must be improved quickly.

DATA RETENTION BY TELECOMMUNICATIONS SERVICE PROVIDERS

The Council examined the scope of the draft Framework Decision on data retention.

The proposal implies in principle that providers of publicly available electronic communications services or networks must retain specified data enabling the source, routing, destination, time, date and duration of communications and the location of the telecommunications devices used to be established. In its original form, the proposal seems to be limited to data already processed and stored for billing, commercial and other legitimate purposes.

However, this approach would imply that the possibilities for access to data for law enforcement purposes depend on the technical and commercial setup of each individual service provider. Some service providers apply systems, such as flat-rate systems, which imply that relevant data, processed for the purpose of providing the telecommunication concerned, are erased immediately after the communication has been terminated.

The Council therefore instructed its preparatory bodies to examine another approach entailing an obligation for service providers to retain relevant data defined in a common list in the instrument, provided that the data are processed/generated by the service provider in the process of supplying the telecommunications service concerned. Particular consideration should be given to the proportionality of the measure in relation to costs, privacy (data protection) and efficiency.

This approach may lead to a higher degree of certainty for the retention of the data concerned, and is less sensitive to the commercial behaviour of the service provider and technical developments. The service provider would be under an obligation to retain the data concerned to the extent that the data are processed/generated by the service provider, even if the data have no interest for the service provider. The level of harmonisation of Member States' legislation would be relatively high.

Judicial authorities and law enforcement authorities have during the last years increasingly expressed concerns regarding the use of technical innovations, brought about by the continuous development of electronic telecommunications services, for the purpose of committing crimes, and the difficulties which this may cause regarding detection of and investigation into crimes. These concerns relate not only to communications by fixed phones, mobile phones, short message services (SMS), electronic media services (EMS) and multi media services (MMS). Increasingly, they also relate to Internet Protocols including email, voice over the Internet, worldwide web, file transfer protocols, network transfer protocols, voice over broadband, etc.

The proposal was made in the light in particular of the Declaration by the European Council of 25 March 2004 on combating terrorism. The text strongly highlighted in particular the use of telecommunications for the purpose of the commission of terrorist acts. The Declaration of 25 March indicates that an instrument on data retention should be adopted by June 2005.

SHIP-SOURCE POLLUTION

The Council examined the draft Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution. The Presidency invited delegations to examine the proposal further on the basis of a compromise text submitted to the Council.

It should be noted that the JHA Council on 19 November 2004 had discussed the text of this Framework Decision and that the Presidency had noted that three Member States (Greece, Malta and Cyprus) could not agree to the text proposed.

Summarising the discussion, the Presidency had indicated that the most important issue under discussion referred to the discharges in the territorial sea of a Member State, its exclusive zone or equivalent zone.

The fight against intentional or negligent ship-source pollution is one of the European Union's priorities. The conclusions of the Copenhagen European Council of 12 and 13 December 2002 (points 32 to 34) and the statement of the JHA Council of 19 December 2002 following the shipwreck of the tanker Prestige, in particular, express the Union's determination to adopt all the measures needed to prevent recurrences of such damage.

To that end, the Council reached a common position in June on a Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences with the aim of approximating national legislation with regard to the definition of the relevant offences and commission, participation and incitement, on the one hand, and the nature, possibly criminal, of the penalties that can be imposed. It also includes technical and operational supporting measures.

With a view to supplementing those provisions, there should be approximation of, among other things, the level of penalties corresponding to the seriousness of offences in relation to the natural or legal persons who commit them or are liable for them.

The purpose of the Framework Decision that will be discussed by the JHA Council is therefore to supplement the Directive agreed by the Council in June with detailed rules on criminal matters.

At the same time, provisions will be laid down to facilitate criminal investigations. Member States will be able to set up joint investigation teams with which Europol could be associated.

In addition, rules on cooperation will be laid down to ensure that offences will be prosecuted effectively. To that end, the European Union will supplement the results obtained in regional or international organisations. The 1982 United Nations Convention on the Law of the Sea, signed by all the Member States of the Union, to which the European Community as a party, is particularly important in this context.

Each Member State will take the measures necessary to ensure that the offences referred to in the Framework Decision are punishable by effective, proportionate and dissuasive criminal penalties.

The criminal penalties may be accompanied by other penalties or measures, in particular fines, or the disqualification of a natural person from engaging in an activity requiring official authorisation or approval, or founding, managing or directing a company or a foundation, where the facts having led to his or her conviction show an obvious risk that the same kind of criminal activity may be pursued again.

As regards sanctions against legal persons, each Member State will take the measures necessary to ensure that a legal person held liable is punishable by effective, proportionate and dissuasive sanctions such as criminal or non-criminal fines, or exclusion from entitlement to public benefits or aid; temporary or permanent disqualification from engaging in commercial activities; being placed under judicial supervision; a judicial winding-up order; or the obligation to adopt specific measures in order to eliminate the consequences of the offence which led to that legal person's liability.

TERRORISM : PREPARATION OF THE EUROPEAN COUNCIL

The Council agreed to forward the following documents to the European Council, via the "General Affairs and External Relations Council" (GAERC):

- a Revised Action Plan on combating terrorism (*14330/1/04 REV 1*);
- a strategy on the fight against terrorist financing. This strategy will also be examined by the ECOFIN Council on 7 December and the GAERC on 13 December (*14180/3/04 REV 3*);
- a report on intelligence capacity. Ministers will ask their representatives on the Management Board of Europol to agree at their next meeting on 14 December on an exchange of letters with the Secretary-General/High Representative, Javier Solana.

The Council also:

- adopted conclusions on prevention, preparedness and response to terrorist attacks which will be forwarded to the European Council (*15232/04*);
- adopted a EU Solidarity Programme on the consequences of terrorist threats and attacks (revised/widened CBRN (Chemical, Bacteriological, Radiological and Nuclear) Programme) (*15480/04*), which will also be forwarded to the European Council;
- took note of an Interim Report on the Peer Evaluation of National Anti-Terrorist Arrangements (*14306/3/04 REV 3*) and asked the 15 Member States evaluated to report by June 2005 on the measures taken with regard to the recommendations of the report; and
- took note of a document on recruitment of terrorists.

The EU and its Member States have continued to make progress in the implementation of the measures decided by the European Council. New strategies have been designed to sharpen EU policies in the fight against terrorism. On 5 November 2004, the European Council adopted the Hague Programme, which provides for ambitious measures in the fields of exchange of information, border control, document security and police and judicial cooperation. On 17 December, the European Council will adopt a number of strategies, elaborated in response to mandates set out in its conclusions of June 2004, including on combating terrorist financing and on civil protection and critical infrastructure protection. On the external side, it will discuss proposals on integrating the fight against terrorism into EU external relations policy, an assessment of counter-terrorism clauses and the conceptual framework of the ESDP contribution to the fight against terrorism.

As is clear from the range of activity covered both in the action plan and in the documents before the Council, the fight against terrorism touches upon virtually every aspect of the EU's work. The JHA Council focused its discussions on the following key issues:

a) Information-sharing

The events of 11 September and 11 March showed the importance of exchange of information between law-enforcement officers and with intelligence services, both within and between states. In the Hague programme, the European Council expressed its conviction that strengthening freedom, security and justice requires an "innovative approach to the cross-border exchange of law-enforcement information". It called for the exchange of such information to be governed, in general, by the "principle of availability" and asked for the Commission to present proposals at the latest by the end of 2005 on the implementation of this principle. This is a potentially significant step forward and every effort should be made to ensure that progress is maintained.

Other, related work is also under way. The proposal for a Council Decision on the exchange of information and co-operation concerning terrorist offences enabling Member State services engaged in the fight against terrorism, as well as Europol and Eurojust, to have access to the most complete and up-to-date information, as well as the draft Framework Decision on simplifying the exchange of information and intelligence between law-enforcement authorities of the Member States, in particular as regards serious offences including terrorist acts, are priorities for the European Council.

Progress is also needed with respect to the proposal for a Framework Decision on the retention of telecommunications traffic data and the draft Framework Decision on a European Evidence Warrant. Experience in the negotiations to date has shown that these are sensitive issues, where concerns of national security as well as data protection are evident. The European Council has already established deadlines for these instruments. An important complement to work on information exchange is the elaboration of common, legally binding principles on data protection. The Commission will present a proposal on the subject by Summer 2005.

b) Combating the financing of terrorism

Terrorists need money to prepare and carry out terrorist attacks. Identifying and disrupting the mechanisms through which terrorism is financed are therefore key elements of the EU's counter-terrorist strategy. The cross-pillar strategy against the financing of terrorism before the Council gives an overview of what has been done and where more work is needed. Significant progress has been made in the last 6 months on the proposals for two key pieces of legislation: the third money laundering Directive and the Regulation on cash movements. Together with the European Parliament, every effort should be made to complete work on these instruments as soon as possible. Action is also needed in fulfilment of the other recommendations in the strategy, including with respect to the freezing of terrorist assets. The document on integrating the fight against terrorism into EU external relations policy calls for a further examination of Common Position 931/2001 and of the procedures regarding its implementation. The Council may wish to ask Coreper to explore this matter further and to report to the Council in June 2005.

c) Civil protection and critical infrastructure protection

The Council and Commission Solidarity Programme on the consequences of terrorist threats and attacks and the Council conclusions on prevention, preparedness and response to terrorist attacks represent the Council's response to the European Council's June request for additional work to be carried out on civil protection and critical infrastructure protection.

Implementation of the Programme and the related conclusions will be a priority in 2005 and will require the Member States, the Commission and the Council, *inter alia*, to enhance the quality of their risk assessment and analysis, to strengthen the political and operational preparedness and capability for consequence management, to increase learning, training and exercises as well as to examine questions of interoperability. Member States and the Commission are also asked, as far as possible, to contribute to the ongoing assessment of capabilities available at European level and to obtain and share, on a restricted basis, information on relevant vaccines, sera and other medical resources, that might be made available in the event of a major terrorist attack, and to ensure an optimal coordination of public information during cross-border crises. In addition, the Commission will develop, together with the Member States, a European programme for critical infrastructure protection with potential transboundary effects (EPCIP).

d) Recruitment and radicalisation

Action to combat terrorism cannot succeed in the longer term if no action is taken to try to limit recruitment to terrorism. This is not an easy issue to address. As noted in the European Security Strategy, "the most recent wave of terrorism is global in scope and is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies".

Experience shows that radicalisation facilitates terrorist recruitment. The Hague programme calls on the Council, with the assistance of the EU Counter-Terrorism Coordinator, together with the Commission and experts of the Member States, to develop, by the end of 2005, a long term strategy to address the factors which contribute to radicalisation and recruitment for terrorist activities. This must be a high priority for 2005 and should take into account the outcome of the November 2004 Ministerial Conference on integration.

Concluding remarks

On the key issues outlined above important work is in progress, although further efforts are needed in 2005. Another issue which needs sustained attention is that of implementation. The importance of full and timely implementation of measures agreed by the EU cannot be over-emphasised. The EU has put in place a solid legal framework governing law enforcement and judicial co-operation within the EU which makes an important contribution to our ability to combat terrorism. Some Member States still need to take the necessary action to enable full use to be made of this framework.

It is essential to have the right legal framework at EU level. However, Member States still retain full responsibility for ensuring they have in place appropriate national structures and instruments to enable them to achieve the underlying objective: to combat terrorism effectively. A very valuable tool in this context is the peer evaluation process. The analysis of best practices found in the Interim Report of the peer evaluation and its addendum provide governments with useful examples and ideas on how performance might be improved. The recommendations for action in the Interim Report are of course not binding. They nevertheless cover a number of areas which are of critical importance for effective action against terrorism, for example national co-ordination mechanisms, information-sharing and information-gathering, and have been approved by the Council as a whole. The Council might therefore wish to consider asking Member States that have already been evaluated to report to the Council by June 2005 on the measures taken to implement the recommendations in the peer review.

EXCHANGE OF INFORMATION ON TERRORIST OFFENCES

The Council agreed on a general approach on a Decision on the exchange of information and cooperation concerning terrorist offences. The draft Decision will reinforce Decision 2003/48/JHA of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism.

In executing the exchange of information, this Decision is without prejudice to essential national security interests, the jeopardizing of the success of a current investigation or the safety of individuals, or specific intelligence activities in the field of State security.

According to the draft text, each Member State is to designate a specialised service within its police services or other law-enforcement authorities which will have access to and collect all relevant information concerning and resulting from criminal investigations conducted by its law enforcement authorities with respect to terrorist offences, and send it to Europol.

Each Member State will have to designate one Eurojust national correspondent (or more in some cases) for terrorism matters or an appropriate judicial or other competent authority which will have access to and can collect all relevant information concerning prosecutions and convictions for terrorist offences, and send it to Eurojust.

The information to be transmitted to Europol is the following:

- a) data which identify the person, group or entity;
- b) acts under investigation and their specific circumstances;
- c) the offence concerned;
- d) links with other relevant cases;
- e) the use of communication technologies;
- f) the threat posed by the possession of weapons of mass destruction.

The information to be transmitted to Eurojust is the following:

- a) data which identify the person, group or entity that is the object of a criminal investigation or prosecution ;
- b) the offence concerned and its specific circumstances;
- c) information about final convictions for terrorist offences and the specific circumstances surrounding these offences;
- d) links with other relevant cases;
- e) requests for judicial assistance, including letters rogatory, addressed to or by another Member State and the response.

Each Member State must take the necessary measures to ensure that requests from other Member States for mutual legal assistance and recognition and enforcement of judgments in connection with terrorist offences are dealt with as a matter of urgency and are given priority.

LOST OR STOLEN PASSPORTS

The Council agreed on a Common Position on exchanging certain data relating to lost or stolen passports with Interpol.

In order to provide law-enforcement authorities of the Member States with more efficient access to data on stolen and lost passports in Interpol member countries, with a view to improving the internal security of the EU, the Council considered it necessary that the exchange of these data be further enhanced by having recourse to the Schengen Information System (SIS), as requested by the European Council, and that steps be taken without delay in order to make that legally and technically possible.

All Member States are affiliated to the International Criminal Police Organisation – Interpol; to fulfil its mission, Interpol receives, stores, and circulates data to assist competent law-enforcement authorities in preventing and combating international crime. The Interpol database on stolen travel documents permits Interpol's members to share between themselves data on lost and stolen passports.

In its Declaration on combating terrorism, the European Council of 25 March 2004, instructed the Council to take forward work on the creation by the end 2005 of an integrated system for the exchange of information on lost or stolen passports having recourse to the Schengen Information System and the Interpol database; the Common Position is a first response to that request that could be followed-up by the setting-up of the technical functionality in the second generation of the Schengen Information System (SIS II) to achieve that aim.

The exchange of Member States' data on stolen, lost and misappropriated passports with the Interpol database on stolen travel documents, and the processing of those data, must comply with the applicable data protection rules both of individual Member States and of Interpol.

Article 100 of the Schengen Convention provides for integration into the Schengen Information System of data on stolen, misappropriated or lost passports by the Member States that are bound by the Convention.

The Common Position will oblige Member States to ensure that their competent authorities will exchange the aforementioned data with the Interpol database on stolen travel documents in parallel to entering them in the relevant national database, and the Schengen Information System as regards the Member States participating in it. The obligation will arise from the moment the national authorities become aware of the theft, loss or misappropriation. A further requirement to set up the necessary infrastructure to facilitate the consultation of the Interpol database acknowledges the law enforcement relevance of the latter.

The conditions of the exchange are to be agreed with Interpol in order to ensure that the data exchanged will respect the data-protection principles that lie at the heart of data exchange within the Union, in particular with regard to the exchange and automatic processing of such data.

OTHER BUSINESS

– *Return policy*

The Presidency recalled the importance of exchanging information as regards the organisation of common flights for the return of illegal immigrants.

– *Ministerial Conferences on integration and on gender perspective*

The Presidency encouraged Member States to implement as soon as possible the Hague Programme priorities regarding integration.

Commissioner FRATTINI announced the Commission's intention of presenting a communication on integration next year and of setting up a European fund for integration.

– *Application of parts of the Schengen acquis by the United Kingdom*

The Council took note of the Decision on the application of certain provisions of the Schengen acquis by the United Kingdom (14504/1/04 REV 1).

– *Qualified majority and codecision for certain areas of the Treaty*

The Presidency briefed the Council on the state of play for the adoption of the Council Decision for certain areas covered by Title IV of Part Three of the Treaty to be governed by the procedure referred to in Article 251 of the Treaty.

The Presidency announced that the Decision would take effect as from 1 January 2005, assuming matters continued to proceed as quickly and smoothly as they had until now.

IN THE MARGINS OF THE COUNCIL– ***EU-Western Balkans Forum***

The Ministers responsible for Justice and Home Affairs of the European Union, the candidate countries, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, the Romanian Chairmanship of the Southeast European Cooperation Process (SEEC) and the European Commission met in Brussels at 16h00 on 2 December 2004 in the presence of the Special Representative of the UN Secretary-General in Kosovo, the High Representative for Bosnia and Herzegovina, the Special Coordinator of the Stability Pact for South-Eastern Europe, and the EU Special Representative in the former Yugoslav Republic of Macedonia.

They discussed Justice and Home Affairs issues, in particular the situation and latest developments relating to organised crime in the Western Balkans and its impact on the European Union, as well as cooperation on border management and the development of judicial and law-enforcement cooperation.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

The Council adopted conclusions on the following issues¹:

European Crime Prevention Network (EUCPN)

See 14649/04

Tackling cross-border organised crime at EU-level

13463/2/04

Administrative approach to combating organised crime

14125/2/04

Improved use of Eurojust in the fight against serious crime

12561/4/04

Police Professional Standards concerning International Police Cooperation

14633/04

Measures to combat illegal immigration across the maritime borders of the Member States of the European Union

15087/04

¹ The conclusions can be found in the Council's public register.
(<http://register.consilium.eu.int>)

Third-country nationals illegally staying in the territory of Member States*15122/04***Towards a new programme of Schengen evaluations***15275/04***Organised crime - Exchange of information**

The Council took note of a report containing recommendations addressed to Sweden, Portugal, Finland, Germany, Belgium and Europol on exchange of information and intelligence relating to the fight against organised crime.

The document assesses the application and implementation of instruments dealing with law enforcement at national level and international cooperation.

The report is the first of a set of assessments to be carried out in all Member States by December 2006. It will be forwarded to the European Parliament for information.

Terrorism - Chemical, biological, radiological and nuclear attacks

The Council endorsed recommendations, contained in the half-yearly strategic document on terrorism in Europe, on cooperation for possible attacks against civilian populations with chemical, biological, radiological or nuclear (CBRN) agents.

The recommendations include information for emergency services on threats and risk assessments by national authorities, scenarios in the field of CBRN attacks and exchange of best practices at EU level.

Matrimonial and parental responsibility - Malta

The Council adopted a Regulation amending Regulation 2201/03 concerning jurisdiction, recognition and enforcement of judgments in matrimonial and parental responsibility matters, in order to take into account Malta's agreement with the Vatican (*13739/04*).

Police cooperation in areas along national borders

The Council approved a Recommendation with a view to enhancing police cooperation in areas surrounding internal borders of the EU (15105/04).

Trade law - International transport of goods

The Council agreed on guidelines concerning the ongoing negotiation of an instrument on the international carriage of goods within the framework of the United Nations Commission on International Trade Law (UNCITRAL). (<http://www.uncitral.org/en-index.htm>)

Visas and residence permits - Biometric identifiers

The Council took note of the state of play concerning the integration of biometric identifiers into uniform formats for visas and residence permits for third-country nationals.

EUROPOL**Australia - Organised crime**

The Council adopted a Decision authorising the Director of Europol to negotiate with Australia agreements concerning the fight against organised forms of criminality (14188/04).

ASYLUM**European Refugee Fund for 2005-2010 ***

The Council adopted a Decision renewing, for the period 2005-2010, a European Refugee Fund in support of asylum policy measures taken by Member States (13086/04).

The Fund, following on the financing during the period 2000-2004, will support actions for helping third-country nationals or stateless persons mainly as regards:

- reception conditions and asylum procedures;
- integration of persons whose stay in the Member State is of a lasting and stable nature; and

- voluntary return of persons provided they have not acquired a new nationality and have not left the territory of the Member State.

Projects in Member States will be implemented on the basis of multiannual programmes and priorities according to guidelines adopted by the Commission.

The financial reference amount for the implementation of the Fund for 2005 and 2006 is set at EUR 114 million.

EXTERNAL RELATIONS

West Africa - Light weapons *

The Council adopted a Decision providing for EUR 500 000 and technical assistance to helping consolidate an Economic Community of West African States (ECOWAS) initiative to control and reduce the excessive accumulation of small arms in West Africa (*14521/04*).

To this end, the Commission is entrusted with the task of concluding an agreement with ECOWAS for setting-up a light-weapons unit within the ECOWAS Technical Secretariat.

The Decision implements Council Joint Action 2002/589/CFSP (published in the Official Journal L 191/2002, p. 1) in the framework of the ECOWAS Moratorium on Small Arms and Light Weapons.

DEVELOPMENT AND COOPERATION

Developing countries - Democracy and human rights *

The Council adopted a Regulation extending, until the end of 2006, EU support to the development and consolidation of democracy and respect of fundamental freedoms and human rights in third countries, with EUR 134 million attributed to aid programmes (*PE-CONS 3683/04*).

The Regulation seeks to continue promotion of human rights and democratic principles by amending Regulation 975/99 on the EU's technical and financial support activities in developing countries.

The Commission is entrusted with defining priorities, managing Community operations and keeping the European Parliament informed on the progress of actions by region and by sector.

FINANCIAL SERVICES**Securities - Transparency requirements for information on issuers ***

The Council adopted a Directive establishing transparency requirements with regard to information on issuers whose securities are admitted to trading on a regulated market (*PE-CONS 3680/04*).

The Directive revises and replaces provisions of Directive 2001/34/EC on the admission of securities to official stock exchange listing with a view to harmonising Member States' reporting requirements concerning the notification of major holdings. The aim is to upgrade information available to investors, thus helping them to allocate their funds on the basis of a more informed assessment.

The Directive aims to ensure that investors receive interim management statements from those share issuers who do not publish quarterly reports, and half-yearly financial reports from issuers of new bonds. In addition, all securities issuers will have to provide annual financial reports within four months after the end of the financial year. The Directive is also expected to improve the dissemination of information on issuers.

Member States will have to comply with the new provisions within two years.
