



**COUNCIL OF
THE EUROPEAN UNION**



8849/05 (Presse 114)

PRESS RELEASE

2664th Council meeting

Justice and Home Affairs

Luxembourg, 2-3 June 2005

President

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

of Luxembourg

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8849/05 (Presse 114)

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Main Results of the Council

- *The Council adopted the **Hague Action Plan** and updated the European Union Plan of Action **on combating terrorism**.*

- *It adopted conclusions on initiating dialogue and cooperation with Libya on migration issues.*

- *The Council also adopted a Regulation allowing the authorities responsible for issuing vehicle registration certificates to have access to the SIS (Schengen Information System) database so as to help **fight vehicle-related crime**.*

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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 Pavel NĚMEC

Minister for the Interior
Deputy Prime Minister and Minister for Justice

Denmark:

Ms Lene ESPERSEN
Ms Rikke HVILSHØJ

Minister for Justice
Minister for Refugees, Immigration and Integration

Germany:

Mr Otto SCHILY
Ms Brigitte ZYPRIES

Federal Minister for the Interior
Federal Minister for Justice

Estonia:

Mr Rein LANG
Mr Kalle LAANET

Minister for Justice
Minister for the Interior

Greece

Mr Anastasis PAPALIGOURAS

Minister for Justice

Spain:

Mr Antonio CAMACHO VIZCAÍNO
Ms Ana Maria DE MIGUEL LANGA

State Secretary for Security
Deputy State Secretary, Ministry of Justice

France:

Mr Pierre SELLAL

Permanent representative

Ireland:

Mr Michael McDOWELL

Minister for Justice, Equality and Law Reform

Italy:

Mr Roberto CASTELLI

Minister for Justice

Cyprus:

Mr Doros THEODOROU

Minister for Justice and Public Order

Latvia:

Mr Eriks JĒKABSONS
Ms Solvita ĀBOLTIŅA

Minister for the Interior
Minister for Justice

Lithuania:

Mr Gintaras Jonas FURMANAVIČIUS
Mr Gintautas BUŽINSKAS

Minister for the Interior
Minister for Justice

Luxembourg:

Mr Luc FRIEDEN

Mr Nicolas SCHMIT

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

Hungary:

Mr Miklós HANKÓ FARAGÓ

Political State Secretary, Ministry of Justice

Malta:

Mr Tonio BORG

Deputy Prime Minister, Minister for Justice and Home Affairs

Netherlands:

Mr Piet Hein DONNER
Ms Rita VERDONK

Minister for Justice
Minister for Immigration and Integration

Austria:

Ms Liese PROKOP
Ms Karin MIKLAUTSCH

Federal Minister for the Interior
Federal Minister for Justice

Poland:

Mr Pawel DAKOWSKI

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

Mr Sylwester KRÓLAK

Portugal:

Mr António COSTA
Mr Alberto COSTA

Minister of State at the Ministry of the Interior
Minister for Justice

Slovenia:

Mr Dragotin MATE
Mr Lovro ŠTURM

Minister for the Interior
Minister for Justice

Slovakia:

Mr Vladimír PÁLKO
Mr Daniel LIPŠIČ

Minister for the Interior
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
Ms Barbro HOLMBERG

Minister for Justice
Minister at the Ministry of Foreign Affairs with
responsibility for Migration Policy

United Kingdom:

Mr Charles CLARKE
Baroness ASHTON of UPHOLLAND

Home Secretary
Parliamentary Under-Secretary of State at the Department
of Constitutional Affairs

General Secretariat of the Council:

Mr Gijs de VRIES

EU Counter-terrorism Coordinator

Commission:

Mr Franco FRATTINI

Vice-President

The governments of the acceding States were represented as follows:

Bulgaria:

Mr Anton STANKOV
Mr Boyko KOTZEV

Minister for Justice
Deputy Minister for the Interior

Romania:

Mr Vasile BLAGA
Mr Florin SANDU

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

ITEMS DEBATED

RETENTION OF TELECOMMUNICATIONS DATA

This Framework Decision aims to facilitate judicial co-operation in criminal matters by approximating Member States' legislation on the retention of data processed and stored by providers of a publicly available electronic communications service or a public communications network, for the purpose of prevention, investigation, detection and prosecution of crime or criminal offences.

With the aim of finalising the draft Framework Decision rapidly, the Council held an exchange of views on certain key issues, in particular the list of data to be retained, the length of the retention period, and the legal basis for the act.

Following the debate, the Presidency concluded that delegations could agree on a course of action and certain key elements of the Framework Decision:

- data retention is an important element in the fight against crime and terrorism, and an EU legislative act is needed;
- to reach rapid agreement on this Framework Decision, a gradual approach to the issue would be preferable, beginning with the retention of data on fixed and mobile telephone communication;
- those Member States which are not immediately able to collect data concerning the internet, and, in the area of telephony, data concerning unsuccessful outgoing calls may have a transitional period for application of the Framework Decision, to be time-limited for a period which has not yet been determined;
- communications service providers and judicial investigation departments will be consulted to consider the costs of implementing this Framework Decision, amongst other matters;

- regarding the list of communication data to be retained, in general delegations were able to accept the Presidency's approach, which provides for a minimum list of data to be retained. This list should be mainly functional, with some technical specifications concerning different types of telecommunications;
- most delegations were able to accept the timelines laid down in the Presidency compromise text: the normal duration of the data retention period would be twelve months. The Member States would be authorised to provide for a shorter period in exceptional circumstances, which could, however, not be less than six months;
- the majority of delegations believed that the legal basis for the proposal should be Title VI of the TEU (Article 31(1), point (c), and Article 34(2), point (b)).

This item will be addressed again at the informal meeting of Ministers for Justice and Home Affairs to take place in September under the United Kingdom Presidency.

EUROPEAN EVIDENCE WARRANT

The European Evidence Warrant is a judicial decision issued by a competent authority of a Member State with a view to obtaining objects, documents and data from another Member State for use in proceedings.

The Council held a policy debate on two questions relating to this draft Framework Decision: the territoriality clause and the question of possible inclusion of a provision on computer data in the territory of another Member State.

The JHA Council had discussed the need for a territoriality clause at its meeting on 24 February 2005 and agreed that the text should contain such a clause but decided to discuss the scope and exact wording of the clause at a subsequent meeting.

The present wording provides that a European Evidence Warrant may be refused if it relates to criminal offences which:

- under the law of the executing State are regarded as having been committed wholly or partly within its territory, or in a place equivalent to its territory, or
- were committed outside the territory of the issuing State, and the law of the executing State does not permit legal proceedings to be taken in respect of such offences where they are committed outside that State's territory.

Several delegations considered that the inclusion of such a territoriality clause would involve too great a limitation on mutual assistance in criminal matters.

The other question related to the possibility of obtaining computer information from another Member State for procedural purposes. The majority of delegations considered that judicial cooperation questions in this area should be dealt with more fully in a separate instrument and that it would be desirable to gain greater experience first with the application of other instruments, such as the 2000 Convention on Mutual Assistance in Criminal Matters and the 2001 Council of Europe Convention on Cybercrime.

EVALUATION OF THE EUROPEAN ARREST WARRANT

The Council took note of the Commission report of 23 February 2005 (6815/05) on its evaluation of the European arrest warrant and the surrender procedures between Member States and of the replies from Member States.

The Commission's report substantiates the generally held view that the implementation of this first instrument on mutual recognition has, in practical terms, been a demonstrable success. It cites, by way of example, the fact that whilst safeguarding the fundamental rights of the accused person, the average time taken for surrender has now fallen from 9 months, under the pre-existing extradition system, to a period of just 43 days at present (and a mere 13-day average in cases where consent to surrender has been forthcoming). It will be appreciated that this of itself is of great importance to the administration of justice and to the victims of crime in general. The Commission also noted that in excess of 2 600 warrants had been issued at the time of the report, making this an instrument of great practical importance.

Notwithstanding this success, several politically important questions came to light when the legislative measures taken by the Member States to transpose the framework Directive on the European arrest warrant were examined, viz.:

- the additional ground for refusal based on fundamental rights - the Council looked at whether an uneven implementation of the Framework Decision on this point could entail a discrimination in respect of the persons arrested on the basis of an European arrest warrant depending on whether or not the judge of the executing state has to review the consistency of the European arrest warrant with fundamental rights, which could run counter to the principle of mutual recognition;
- the additional ground for refusal based on political reasons - the question examined was whether a ground of non-recognition as regards political reasons for issuing an European arrest warrant would go beyond the Framework Decision;
- designation of the Ministry of Justice as executing authority - the Council examined whether that designation interfered with the principle on which the European arrest warrant was based since it had been conceived as being entirely judicial, with the guarantees of judicial independence and freedom from political influence that follow;
- application "*ratione temporis*" of the Framework Decision - the Council examined how to resolve the fact that the legislation of some Member States was incompatible and that certain European arrest warrants or extradition requests could not be issued or executed.

The Council invited the Commission to report further to it by June 2006 on the steps undertaken by Member States on the basis of the policy orientations retained by the Council, with a view to enhancing the compliance of their national legislation with the Framework Decision as well as on the application of the European arrest warrant. When drafting the report, the Commission will take into account the information provided by Member States.

The Council recommended that an early practical evaluation of the application of the European arrest warrant and corresponding surrender procedures between Member States be conducted (e.g. on the basis of statistical data).

ACTION PLAN IMPLEMENTING THE HAGUE PROGRAMME

In response to the request from the European Council, the Council approved the Action Plan translating the Hague Programme into specific measures (16054/04). The plan will be forwarded to the European Council so that it can take note.

The Action Plan becomes the frame of reference for Commission and Council work over the next five years, with the recognition that it:

- is to be supplemented by the Drugs Action Plan submitted to the Council/European Council for approval, by the Plan of Action on Combating Terrorism adopted by the European Council on 17 and 18 June 2004 and by the strategy on the external aspects of the area of freedom, security and justice which will be submitted to the European Council in December 2005;
- must retain a degree of flexibility in order to take the greatest possible account of the demands of current events;
- sets out the list of legislative and non-legislative measures which the Council and the Commission consider necessary to put into practice the guidelines set in the Hague Programme. Adoption of the list is without prejudice to the content of the measures which will be negotiated in compliance with the provisions of the Treaties;
- will be implemented in strict compliance with the legal bases laid down in the Treaties and the principles of solidarity, subsidiarity and proportionality;
- does not interfere with the Commission's right of initiative in the matters dealt with in Title IV of the TEC or with the Commission's and the Member States' rights of initiative in those dealt with in Title VI of the TEU;
- is without prejudice to the institutional prerogatives of the European Parliament.

ACTION PLAN TO COMBAT TERRORISM

On 17 June 2004 the European Council decided to examine implementation of this Action Plan twice a year.

With the assistance of the Counter-Terrorism Coordinator, Gijs de Vries, the Presidency has updated the version of the Action Plan submitted to the European Council last December.

The text approved the JHA Council today will be forwarded to the General Affairs Council and then to the European Council for adoption.

Overall, the EU Institutions, agencies and services have made progress in implementing the measures set out in the Action Plan:

- several important pieces of legislation have been adopted or are in the process of adoption, particularly in the area of JHA and the fight against financing of terrorism;
- the peer review of anti-terrorism arrangements in the 25 Member States is almost complete and the final report will be submitted to the Council next October;
- the Situation Centre (SitCen) has begun to produce analyses incorporating intelligence from internal and external sources. Moreover, a cooperation agreement between SitCen and Europol will be finalised before the end of the Luxembourg Presidency;
- both Europol and Eurojust have intensified their counter-terrorism activities;
- the Police Chiefs Task Force has developed an interesting draft initiative to support community policing ;
- the implementation of the strategy to counter financing of terrorism is progressing satisfactorily;
- the external aspect has also developed in line with the guidelines adopted by the European Council last December.

However, the time lag between the general approach and formal adoption by the Council of legislation under the third pillar is too long.

The Council took note of the work which must be accomplished before the end of the year, particularly as regards civil protection and protection of critical infrastructure.

The fight against terrorism will be one of the priorities of the United Kingdom Presidency.

EUROPEAN POLICE COLLEGE (CEPOL)

The Council reached political agreement on the Decision establishing the European Police College (CEPOL) (*9144/1/05 REV 1*).

The European Police College was established by Council Decision 2000/820/JHA of 22 December 2000. It became apparent that the functioning of CEPOL could be improved if it were financed from the general budget of the European Union and if the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities applied to the Director and the staff of the CEPOL Secretariat.

The conclusions of the Council of 24 February 2005 therefore called for the aforementioned amendments to be implemented, which made it necessary to adopt a new Council Decision concerning CEPOL.

CEPOL will continue to function as a network, linking national training institutes whose tasks include the training of senior police officers of the Member States.

COOPERATION WITH LIBYA ON MIGRATION ISSUES - Council conclusions

"THE COUNCIL:

1. Recalling the conclusions of the European Council recognizing that insufficiently managed migration flows can result in humanitarian disasters and expressing its utmost concern about the human tragedies that take place in the Mediterranean as a result of attempts to enter the EU illegally;
2. Mindful of the call of the European Council upon all States to intensify their cooperation in preventing further loss of life;
3. Recalling the November 2004 European Council Conclusions which call upon the EU to take a more effective, joint approach to cross-border problems such as illegal migration and trafficking in and smuggling of human beings;
4. Recalling the provisions of the Hague Programme regarding border checks and the fight against illegal immigration, in particular the need for solidarity and fair sharing of responsibility between Member States, including its financial implications;
5. Recalling its conclusions of November 2002 where the Council considered that cooperation with Libya in the field of migration was both essential and urgent and reiterating its concern about the level of illegal traffic across the Mediterranean from or via Libya;
6. Recalling that Libya's full integration into the Barcelona Process would be welcomed and remains the overall objective of engagement with Libya; reiterating that participation in the Barcelona Process remains subject to Libya's formal application to the Process and acceptance of the whole Barcelona acquis and that the possibilities for cooperation with Libya will remain limited until such participation;

7. Recalling its conclusions of 11 October 2004 and its decision to embark upon a policy of engagement with Libya and inter alia that a technical mission to Libya should be conducted by the Commission as soon as possible to examine arrangements for combating illegal migration in accordance with the terms of reference elaborated in response to the Council's mandate of 16 June 2003;
8. Recalling that the Council of 11 October 2004 invited Libya to respond positively to the EU's proposed policy of engagement. In this regard, Libya should demonstrate its willingness to solve outstanding bilateral issues with EU Member States, and work towards stronger relations in the future, bilaterally and in multilateral frameworks.
9. Underlining, in particular, that the Council would like to see the adjournment of the decision concerning the judgement against the Bulgarian nurses and the Palestinian doctor as an encouraging sign. It hopes that the judgement, expected on 15 November 2005, will lead to the quick release of the Bulgarian and Palestinian medical personnel, which remains a priority of the European Union; it reiterates its calls in favour of a just, equitable and humanitarian solution.
10. Welcoming the report of the Commission services on the technical mission to Libya on illegal migration which was carried out between 28 November and 6 December 2004;
11. Underlining the need for EU partnership with countries and regions of origin as well as those of transit and that, in line with the Hague programme, there is also a need for intensified cooperation and capacity-building with the countries on the Southern borders of the EU and with a number of important African countries of origin and transit to enable these countries to better manage migration and provide protection for refugees;
12. Recalling the programme of measures to combat illegal immigration across the maritime borders of the Member States of the European Union adopted in November 2003 and recognizing the EU's responsibility for controlling the external border of the EU and in particular for undertaking humanitarian efforts to try and prevent loss of life in the Mediterranean;

13. Recalling Member States' obligations under International and Community law on asylum and international protection, in particular to ensure access to dignified reception conditions and to asylum determination procedures.

HAS ADOPTED THE FOLLOWING CONCLUSIONS:

The Council:

- shares the Commission's assessment that there is a need for a comprehensive and integrated approach to migration in the Mediterranean which encompasses dialogue and cooperation with Libya, other Mediterranean partners and main African countries of origin and transit, in full compliance with the objectives of the strategic framework established by the European Neighbourhood Policy referred to in the Hague Programme for the external dimension of asylum and migration;
- underlines that cooperation between the EU and third countries is guided by the principles of full respect for human rights, respect for democratic principles, the rule of law and the demonstration by those countries of a genuine commitment to fulfil their obligations under the Geneva Convention on Refugees or other relevant international conventions;
- calls on the Libyan authorities to demonstrate a genuine commitment to fulfil their obligations under the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa which recognises that the Geneva Convention on Refugees constitutes the basic and universal instrument relating to the status of refugees and which requires effective cooperation with the UNHCR and the respect of the principle of 'non-refoulement'. Invites the Commission to explore ways in which the Libyan authorities could be assisted in fulfilling their obligations;
- agrees to launch an ad hoc dialogue on migration issues between the EU and Libya and to gradually develop concrete cooperation on such issues with the Libyan authorities. The extent and development of such a cooperation will depend on Libya's commitments on asylum and fundamental rights as stated above;
- invites the Commission to engage, on the basis of the suggestions contained in the Annex and as soon as possible, in exploratory discussions with the Libyan authorities to identify practical measures to tackle illegal migration in areas such as training, reinforcement of institution building, asylum issues and increasing public awareness of the dangers of illegal migration, and to discuss the conditions under which such cooperation could take place;

- invites the Commission to report on the outcome of its exploratory discussions with the Libyan authorities in order for the Council to consider further action;
- stresses that as long as Libya does not fully integrate into the Barcelona process, any cooperation with Libya can only be limited in scope and take place on a technical ad hoc basis;
- calls upon the Commission to extend this cooperation to the main countries of origin and transit on the African continent in close relation with the relevant regional organisations to develop a wider approach to migration management on the African continent;
- calls upon the Member States and the Commission to implement swiftly the measures listed in the Annex, and calls upon the Member States to intensify, in particular in the framework of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (the "Agency"), their cooperation on maritime external borders in the Mediterranean area and invites the Agency to include among its priorities in the working programme for 2005 and 2006 concrete operational actions on this issue;
- invites the Commission to provide regular reports on progress in cooperation with the main African countries of origin and transit and in the implementation of the measures to intensify cooperation within the EU.

Measures to intensify cooperation within the EU

- Reinforce systematic operational cooperation between the respective national services responsible for the sea borders, especially by inviting Member States to present concrete operational actions at sea to be initiated in the framework of the ARGO programme and to examine the participation in upcoming joint sea operations.
- Invites the ad hoc Sea Borders Centres to develop, in the framework of the Agency and at the appropriate level, common operations in the Mediterranean sea and to examine the creation of a temporary EU Task Force to which EU Member State vessels and aircrafts could be made available.
- Swift finalisation of the Risk Assessment Report on Africa.
- Invites Member States to send ILOs to Libya and ensure coordination and reinforcement of the Immigration Liaison Officers' Networks, including exchange of information and working rules for those based in Libya (Tripoli airport, seaports).
- Encourage the use of ICONet as a means of exchanging information on the countries, routes of migrants, forgery issues, etc.

- Reinforce specific training for services of the external borders including on asylum issues (e.g. interview techniques, working with vulnerable applicants, working with interpreters), taking into account the ERF.
- Explore ways to assist those countries most affected by the sudden arrival of migrants, e.g. by exchanging best practices and by exchanging interpreters.
- Identify best practices with regard to acquisition of travel documents for and removal of illegal immigrants.
- Draw up a Head of Delegation report for the main African countries of origin.
- Consider the scope for organising a mission to sub-Saharan countries of origin such as Niger to explore the potential for supporting those countries in managing their migratory flows.

Suggestions for exploratory discussions with Libya

Short term

- Launch urgent discussions with the Libyan side on short-term action aimed at preventing further loss of life at sea.
- Thematic training programmes to cover inter alia basic external border controls, illegal immigration, asylum and human rights issues.
- Specific visits to Member States by Libyan decision-makers and practitioners involved in Border issues (priority on staff/officials responsible for coastal border control) and Seminar for relevant Libyan authorities explaining the functioning of the European Union.
- Invitation to Libya to be associated with concrete operational initiatives to be developed by Member States in the framework of the ARGO programme (2005) and with projects funded under the AENEAS programme 2005.
- Carrying out a joint risk analysis on illegal migration towards Libya and the EU.
- Define search and rescue area for Libya and set up technical arrangements for life saving appliances in line with the development of marine evacuation systems (SOLAS).

- Explore possibilities for intensified cooperation and capacity-building concerning migration management and protection of refugees in cooperation with UNHCR.
- Provide assistance for those who voluntarily wish to repatriate and who do not seek protection or, after an independent asylum procedure in accordance with international standards, have been found not to need such protection.

Medium term

- Strengthening of the legal framework and promoting administrative coordination (border controls, visas, entry conditions, residence permits, asylum, document security) with a view to improving migration management.
- Project at Tripoli International Airport to strengthen border control to prevent illegal immigration, e.g. by improving training on documentation forgeries, interviewing techniques and upgrading pre-departure checks, etc.
- Define concrete operational arrangements for preventing smuggling of migrants by sea, land and air and trafficking of human beings (inspired by the Palermo Protocol).
- Explore possibilities for formalised cooperation in the field of return of illegal immigrants to Libya, fully respecting human rights and ensuring the sustainability of such returns.
- Encourage joint operational projects between Libya and neighbouring countries.

Suggestions for dialogue and cooperation with other African countries

- Launch dialogue with the main countries of origin of flows of migrants and the main trafficking routes arriving in the EU through Libya or other Maghreb countries.
- Explore the potential for developing cooperation with the main African countries of origin and transit in a bilateral or multilateral framework and for intensifying the AU-EU dialogue."

OTHER BUSINESS– *External Borders Agency*

The Council was informed by the Commission of the latest developments at the Agency, in particular the appointment of its Director and the adoption of its Rules of Procedure.

– *Relations with the Western Balkans*

The Council was informed by the Presidency of the latest developments in the fight against organised crime originating from or linked to the Western Balkans.

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Combating racism and xenophobia

At lunch on 2 June Ministers examined the text of the Framework Decision on combating racism and xenophobia, of which the original proposal was presented by the Commission on 29 November 2001.

Mixed Committee

The Vice-President of the Commission, Mr Franco Frattini, presented three proposals to the Council, relating to the establishment of the second-generation Schengen Information System (SIS II), which will replace the current SIS.

SIS II will enable the new Member States to participate fully in the area without border controls between those States and the other EU Member States. It will also support the efforts of law-enforcement agencies to meet the major security challenges with which the European Union is nowadays confronted, and its legal framework will guarantee a high level of protection to those whose data is stored in the system.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Fight against vehicle crime

The Council adopted a Regulation¹ enabling the authorities responsible for issuing registration certificates for vehicles to have access to the SIS (Schengen Information System) database, to help in the fight against vehicle-related crime (*14238/04, 14238/04 ADD 1 and 8524/05*).

This Regulation amends the provisions of the Schengen Convention which in 1990 set up the SIS, an electronic network between the Member States containing data on lost or stolen motor vehicles.

This Regulation is intended to supplement a Decision adopted by the Council in December 2004 on preventing vehicle crime, with the aim of establishing better cooperation within the EU.

According to the estimates quoted in the 2004 Decision, 1,2 million motor vehicles are stolen in the EU each year, of which 30 to 40% are stolen by organised crime, causing damages amounting to at least EUR 15 billion per year.

Europol

The Council approved:

- the Europol Annual Report 2004 (*7609/05 + COR 1*)
- the Europol Work Programme 2006 (*7611/05 + ADD 1*)

¹ The Council accepted the three amendments passed by the European Parliament at second reading under the codecision procedure.

COMMON VISA POLICY

Visa requirement - Reciprocity mechanism*

The Council adopted a Regulation amending Regulation (EC) No 539/2001 by a qualified majority, with Poland and the Czech Republic voting against. The Regulation lists the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States, and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (6762/05 + 8985/1/05).

The mechanism provided for in Regulation No 539/2001 has proved unsuitable for dealing with situations of non-reciprocity in which a third country maintains or introduces a visa requirement for nationals from one or more Member States, so that the mechanism needs to be adapted to make it effective.

The list of third countries is unchanged from that in Regulation No 539/2001.

Schengen evaluation of the ten new Member States, and of Spain and Italy

The Council adopted an indicative timetable, organisational and procedural arrangements and a list of themes to be evaluated in the ten new Member States before SIS II becomes operational in 2007.

The Council also approved conclusions on follow-up to the Schengen evaluation of Spain and Italy.

EXTERNAL RELATIONS

Western Balkans - Participation in Community programmes

The Council adopted Decisions approving the conclusion of Framework Agreements with Albania, Bosnia and Herzegovina, Croatia, and Serbia and Montenegro, as well as a Protocol with the former Yugoslav Republic of Macedonia on the general principles for the participation of these countries in Community programmes (5532/05).
