



**COUNCIL OF  
THE EUROPEAN UNION**

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from : Presidency

to : delegations

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Subject: **SEVILLE EUROPEAN COUNCIL  
21 AND 22 JUNE 2002**

**PRESIDENCY CONCLUSIONS**

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Delegations will find attached the revised version of the Presidency conclusions of the Seville European Council (21 and 22 June 2002).

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1. The European Council met in Seville on 21 and 22 June 2002. The meeting was preceded by an exposé given by the President of the European Parliament, Mr Pat Cox, followed by an exchange of views concerning the main items on the agenda.

The European Council welcomed the considerable momentum that had been given to the dialogue between the Parliament, the Council and the Commission in the new partnership referred to by the conclusions of the Barcelona European Council and welcomed the setting up of the High–Level Technical Group for Interinstitutional Cooperation.

## **I. THE FUTURE OF THE UNION**

### **Report by the Chairman of the Convention on the Future of the Union**

2. The European Council heard a report by President Valéry Giscard d'Estaing on the progress of the Convention's proceedings and those of the various fora in which civil society is called upon to express itself. In the light of that report, the European Council held an exchange of views on the development of discussions which, following a listening phase, were now entering a deliberative phase involving detailed examination of the main questions identified so far. The European Council supports the general approach followed by the Convention. It hopes that the Convention will continue along that path and that within the timeframe set it will produce a positive result with a view to the Intergovernmental Conference decided upon at Laeken for the revision of the treaties.

### **Reform of the Council**

3. The European Council embarked upon a process of reform at Helsinki in December 1999, when it adopted a set of recommendations, and then in Göteborg and Barcelona, where it took note of the reports by the Secretary-General/High Representative focusing on four main subjects: the European Council, the General Affairs Council, the Presidency of the Council, and the legislative activity of the Council and transparency.

4. In the light of a summary report accompanied by detailed proposals submitted in Seville by the Presidency, the European Council held a detailed discussion on the subject and gave its agreement to a series of specific measures applicable, without amendment of the treaties, to the organisation and functioning of the European Council (see Annex I) and of the Council (see Annex II). This reform is a substantial change to present practices in the direction of enhancing the efficiency of the institution on the eve of an unprecedented increase in the number of Member States of the Union.
5. The European Council also took note of the Presidency's report on the current debate regarding the Presidency of the Union. It found that there was a general readiness to examine the question further, with the proviso that any change in the present system of six-monthly rotation would in any event have to continue to observe the principle of equality between the Member States. The European Council therefore asked the future Danish Presidency to take appropriate steps to continue discussions with a view to an initial report to the European Council in December 2002.
6. The European Council also gave a reminder of the importance which it attached to the effective implementation of all the guidelines and operational recommendations adopted by the Helsinki European Council on 10 and 11 December 1999. In particular, the Council is asked to study the question of the use of languages in the context of an enlarged Union and practical means of improving the present situation without endangering basic principles. In this context, a proposal should be submitted in due course and in any event there should be an initial report to the European Council in December 2002.
7. The new rules referred to in point 4 will enter into force under the next Presidency, unless otherwise provided. Consequently, the formal amendments to be made to the Council's Rules of Procedure will be adopted before 31 July 2002. The implementation of this set of provisions will be evaluated by the European Council in December 2003.

## **Treaty of Nice**

8. The Taoiseach announced that his Government intended to organise a referendum in autumn 2002, to enable Ireland to ratify the Treaty of Nice. He presented the "National Declaration by Ireland" reaffirming that the provisions of the Treaty on European Union relating to foreign and security policy did not undermine its traditional policy of military neutrality and that this would continue to be the case after ratification of the Treaty of Nice (see Annex III). The European Council adopted a Declaration taking cognisance of the National Declaration by Ireland (see Annex IV). The European Council welcomed the Irish Government's determination to have the Treaty of Nice approved, this being a condition for enlargement to take place within the scheduled timescale.

## **Better lawmaking**

9. The European Council welcomed the communications from the Commission on better lawmaking and, in particular, the Action Plan for simplifying and improving the regulatory environment. It invites the three institutions concerned (Parliament, Council and Commission) to adopt an interinstitutional agreement before the end of 2002, on the basis of proceedings in the High-Level Technical Group, in order to improve the quality of Community legislation and the conditions, including timeframes, for its transposition into national law.

## **ESDP**

10. The European Council approved the Presidency report on the European Security and Defence Policy.
11. The European Council, being determined to reinforce the role of the European Union in combating terrorism and recognising the importance of the contribution of the CFSP, including the ESDP, to that end, adopted a Declaration (see Annex V) designed to take greater account of the capabilities required to combat terrorism.

12. Following the Declaration on the operational capability of the ESDP adopted at Laeken, substantial progress has been made with the development of civilian and military capabilities, implementation of the action plan to remedy existing shortfalls and the prospects for cooperation on armaments. The European Council asks the Ministers for Defence, in the General Affairs and External Relations Council, to continue to guide the course of those discussions on capabilities.
13. The European Union reaffirmed that it was in a position to take charge of crisis management operations, deciding in particular to conduct the police mission in Bosnia and Herzegovina (EUPM), which will ensure the follow-on to the current UN operation as from 1 January 2003.
14. The European Council stated the European Union's willingness to take over from NATO in the Former Yugoslav Republic of Macedonia. It instructed the Secretary-General/High Representative and the competent European Union bodies to make the necessary contacts with the Former Yugoslav Republic of Macedonia authorities and NATO chiefs and to continue and intensify the planning measures under way in order to be in a position to take over the NATO operation at the end of NATO's current mandate, provided that the permanent arrangements between the European Union and NATO (Berlin +) are then in place.
15. Welcoming the progress achieved so far by the Spanish Presidency regarding the implementation of the Nice provisions on the involvement of the non-European Union European Allies, the European Council instructs the next Presidency, along with the Secretary-General/High Representative, to continue that work.
16. In the civilian field, work has continued in the four priority areas (police, the rule of law, civil administration and civil protection), on both the qualitative and the quantitative aspects of capabilities. ESDP structures and decision-making procedures were successfully tested during the first crisis management exercise conducted by the Union.

17. A report covering all these matters will be submitted to the Copenhagen European Council.

## II. ENLARGEMENT

18. Decisive progress was made in the accession negotiations during the first six months of the year. The negotiations are now entering their final phase.

19. The road map adopted in Nice has been followed by the adoption of common positions concerning the chapters on "Agriculture", "Regional policy and coordination of structural instruments", "Financial and budgetary provisions" and "Institutions". Financial and other questions which were not dealt with when common positions were finalised on those chapters will have to be settled as soon as possible, and account taken of the General Affairs Council conclusions of 17 June 2002.

20. As regards compliance with the accession criteria, the European Council stresses that it is important that the candidate countries should continue to make progress in the implementation and effective application of the *acquis*. The candidate countries must take all necessary measures to bring their administrative and judicial capacity up to the required level. In this connection, the European Council welcomes the Commission report on the specific action plans in this area and on the follow-up of commitments entered into during negotiations, singling out in particular the Council conclusions of 10 June 2002 in the fields of justice and home affairs and of the veterinary and plant health *acquis*.

21. In view of all these factors and so that the European Council to be held in the coming autumn may decide with which candidate countries negotiations can be concluded at the end of 2002:

- (a) the Council will have to take the appropriate decisions in order to communicate all the items lacking in the financial package to the candidate countries in early November, and
- (b) the Commission will have to draft appropriate recommendations in the light of the regular reports.

22. The European Council reaffirms that, if the present rate of progress in negotiations and reforms is maintained, the European Union is determined to conclude the negotiations with Cyprus, Malta, Hungary, Poland, the Slovak Republic, Lithuania, Latvia, Estonia, the Czech Republic and Slovenia by the end of 2002, if those countries are ready. The principle of differentiation must be fully complied with until the end of the negotiations. Drafting of the Treaty of Accession should continue so that it can be completed as soon as possible after the conclusion of the accession negotiations. It would seem reasonable to expect it to be possible to sign the Treaty of Accession in spring 2003. The objective remains that these countries should participate in the European Parliament elections in 2004 as full members. However, that common aim can be realised within the timeframe envisaged only if each candidate country adopts a realistic and constructive approach.
  
23. Bulgaria and Romania have achieved considerable progress over the last few months. The European Council encourages them to pursue their efforts and reiterates its commitment to giving them full support in their preparation for accession. An updated road map and a revised and enhanced pre-accession strategy should be adopted in Copenhagen for the candidate countries still engaged in negotiations. An increase in pre-accession financial aid could also be contemplated. Furthermore, if the current pace is maintained, a more precise timetable could be set for those countries' accession process by the end of the year.
  
24. In respect of the accession of Cyprus, the Helsinki conclusions are the basis of the European Union's position. The European Union's preference is still for the accession of a reunited island. The European Council fully supports the efforts of the Secretary-General of the United Nations and calls upon the leaders of the Greek Cypriot and Turkish Cypriot communities to intensify and expedite their talks in order to seize this unique window of opportunity for a comprehensive settlement, consistent with the relevant UN Security Council resolutions, it is to be hoped before the conclusion of the negotiations. The European Union would accommodate the terms of such a comprehensive settlement in the Treaty of Accession in line with the principles on which the European Union is founded: as a Member State, Cyprus will have to speak with a single voice and ensure proper application of European Union law. The European Union would make a substantial financial contribution in support of the development of the northern part of a reunited island.

25. The European Council welcomes the reforms recently adopted in Turkey. It encourages and fully supports the efforts made by Turkey to fulfil the priorities defined in its Accession Partnership. The implementation of the required political and economic reforms will bring forward Turkey's prospects of accession in accordance with the same principles and criteria as are applied to the other candidate countries. New decisions could be taken in Copenhagen on the next stage of Turkey's candidature in the light of developments in the situation between the Seville and Copenhagen European Councils, on the basis of the regular report to be submitted by the Commission in October 2002 and in accordance with the Helsinki and Laeken conclusions.

### **III. ASYLUM AND IMMIGRATION**

26. The European Council is determined to speed up the implementation of all aspects of the programme adopted in Tampere for the creation of an area of freedom, security and justice in the European Union. The European Council points here to the need to develop a European Union common policy on the separate, but closely related, issues of asylum and immigration.

27. It is crucial for the European Union and its Member States that migration flows should be managed in accordance with the law, in cooperation with the countries of origin and transit of such flows. The European Council therefore welcomes the results achieved over the last six months, in particular the comprehensive plan to combat illegal immigration, the plan for the management of external borders and the Directive laying down minimum standards for the reception of asylum seekers in Member States, and calls on forthcoming Presidencies to continue to give migration issues a special place in their work schedules.

28. Measures taken in the short and medium term for the joint management of migration flows must strike a fair balance between, on the one hand, a policy for the integration of lawfully resident immigrants and an asylum policy complying with international conventions, principally the 1951 Geneva Convention, and, on the other, resolute action to combat illegal immigration and trafficking in human beings.

29. The Union's action in this area must be based on the following principles:

- the legitimate aspiration to a better life must to be reconcilable with the reception capacity of the Union and its Member States and immigration must pass through the legal channels provided for it; the integration of immigrants lawfully present in the Union entails both rights and obligations in relation to the fundamental rights recognised within the Union; combating racism and xenophobia is of essential importance here;
- in accordance with the 1951 Geneva Convention, it is important to afford refugees swift, effective protection, while making arrangements to prevent abuse of the system and ensuring that those whose asylum applications have been rejected are returned to their countries of origin more quickly.

#### **Measures to combat illegal immigration**

30. In the comprehensive plan to combat illegal immigration, the European Union has equipped itself with an effective means of bringing about the proper management of migration flows and combating illegal immigration. The European Council calls on the Council and the Commission, within their respective spheres of responsibility, to attach top priority to the following measures contained in the plan:

- review, before the end of the year, of the list of third countries whose nationals are required to have visas or are exempt from that requirement;
- introduction, as soon as possible, of a common identification system for visa data, in the light of a feasibility study to be submitted in March 2003 and on the basis of guidelines from the Council; a preliminary report will be presented before the end of 2002;
- speeding up of the conclusion of readmission agreements currently being negotiated and approval of new briefs for the negotiation of readmission agreements with countries already identified by the Council;

- as regards expulsion and repatriation policies, adoption by the end of the year of the components of a repatriation programme based on the Commission Green Paper; those components must include the best possible facilities for early return to Afghanistan;
- formal adoption, at the next Justice and Home Affairs Council meeting, of the Framework Decision on combating trafficking in human beings, the Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence and the Directive defining the facilitation of unauthorised entry, transit and residence.

### **Gradual introduction of the coordinated, integrated management of external borders**

31. The European Council welcomes the various recent initiatives in this area and in particular the Commission communication entitled "Towards integrated management of the external borders of the Member States of the European Union", the feasibility study carried out under Italy's leadership concerning the establishment of a European border police force, taking account of the intention expressed by the Commission of continuing to examine the advisability and feasibility of such a police force, and the study concerning police and border security, carried out by three Member States under the OISIN cooperation programme.
32. The European Council applauds the recent approval of the plan for the management of the external borders of the Member States, based on those three initiatives, which should, *inter alia*, help bring greater control of migration flows. It urges the introduction without delay, within the framework of the Council, of the common unit for external-border practitioners, composed of Member States' heads of border control, to coordinate the measures contained in the plan.

It also requests the Council, the Commission and the Member States, each within its respective sphere of responsibility, to implement the following:

- before the end of 2002:
  - joint operations at external borders;
  - immediate initiation of pilot projects open to all interested Member States;
  - creation of a network of Member States' immigration liaison officers;
  
- before June 2003:
  - preparation of a common risk analysis model, in order to achieve common integrated risk assessment;
  - establishment of a common core curriculum for border guard training and consolidation of European provisions concerning borders;
  - a study by the Commission concerning burden-sharing between Member States and the Union for the management of external borders.

### **Integration of immigration policy into the Union's relations with third countries**

33. The European Council considers that combating illegal immigration requires a greater effort on the part of the European Union and a targeted approach to the problem, with the use of all appropriate instruments in the context of the European Union's external relations. To that end, in accordance with the Tampere European Council conclusions, an integrated, comprehensive and balanced approach to tackling the root causes of illegal immigration must remain the European Union's constant long-term objective. With this in mind, the European Council points out that closer economic cooperation, trade expansion, development assistance and conflict prevention are all means of promoting economic prosperity in the countries concerned and thereby reducing the underlying causes of migration flows. The European Council urges that any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration.

34. The European Council stresses the importance of ensuring the cooperation of countries of origin and transit in joint management and in border control as well as on readmission. Such readmission by third countries should include that 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 the country in question. Cooperation should bring results in the short and medium term. The Union is prepared to provide the necessary technical and financial assistance for the purpose, in which case the European Community will have to be allocated the appropriate resources, within the limits of the financial perspective.
35. The European Council considers it necessary to carry out a systematic assessment of relations with third countries which do not cooperate in combating illegal immigration. That assessment will be taken into account in relations between the European Union and its Member States and the countries concerned, in all relevant areas. Insufficient cooperation by a country could hamper the establishment of closer relations between that country and the Union.
36. If full use has been made of existing Community mechanisms but without success, the Council may unanimously find that a third country has shown an unjustified lack of cooperation in the joint management of migration flows. In that event the Council may, in accordance with the rules laid down in the treaties, adopt measures or positions under the Common Foreign and Security Policy and other European Union policies, while honouring the Union's contractual commitments but not jeopardising development cooperation objectives.

## **Speeding up current legislative work on the framing of a common policy on asylum and immigration**

37. In parallel with closer cooperation in combating illegal immigration, there is a need to press ahead with the examination of proposals under discussion. The European Council urges the Council to adopt:
- by December 2002, the Dublin II Regulation;
  - by June 2003, the minimum standards for qualification for refugee status and the content of refugee status and the provisions on family reunification and the status of long-term permanent residents;
  - by the end of 2003, the common standards for asylum procedures.
38. The Commission will submit a report to the Council in late October 2002 on the effectiveness of financial resources available at Community level for the repatriation of immigrants and rejected asylum seekers, for the management of external borders and for asylum and migration projects in third countries.
39. The European Council asks the Council, in cooperation with the Commission, to submit for the European Council meeting in June 2003 a report on the practical implementation of the guidelines set out in this section.

## **IV. JOHANNESBURG**

40. The European Council recalls the Council conclusions on the World Summit on Sustainable Development (WSSD), in particular those of 4 March, 30 May and 4 and 17 June 2002, and endorses the European Union's general positions in this connection. It stresses the European Union's commitment to a successful outcome at the WSSD and its willingness to continue playing a leading role in the preparation of the summit, with a view to reaching a global deal building upon the successful steps of Monterrey and Doha.

41. The European Union is determined to secure a comprehensive and timely conclusion to the Doha Development Agenda, in order to increase the benefits of trade liberalisation as an engine for the sustainable development of developing countries, and supports efforts to create regional free-trade areas between them.
42. The European Council welcomes the increased ODA commitments announced by Member States and other donor countries in Monterrey as important contributions to alleviating poverty and meeting the Millennium development goals. It insists on the need to give those commitments concrete form. The European Council also stresses the need to ensure the successful replenishment of the Global Environment Facility, to enable it to meet the funding requirements of new and existing areas of action.
43. The European Union will invite other developed countries to join its positive agenda on globalisation, trade and finance, in order to help developing countries benefit from access to developed-country markets so that globalisation can work to the advantage of all. The European Union undertakes to step up its action in practice in all these areas.
44. The European Union emphasises that good governance at national level is essential for sustainable development and that all States should strengthen their government institutions, by promoting the rule of law, improving legal structures and providing access to information.
45. In a spirit of partnership and responsibility, the European Union will encourage initiatives, particularly in the areas of drinking water and sanitation, energy (including renewable energy) and health. When implementing those initiatives, the European Union will pay particular attention to Africa, working closely with its partners to give impetus to the NEPAD initiative. The European Council stresses the European Union's desire to adopt clear and concrete political commitments with a precise timeframe in Johannesburg, relying for their achievement on effective partnership.

46. The European Council stresses the importance, in the context of sustainable development, of maintaining the objective of food security as a basic component of the fight against poverty, as the World Food Summit in Rome has just reiterated.

## **V. GROWTH AND COMPETITIVENESS TOWARDS FULL EMPLOYMENT**

### **Economic outlook and broad economic policy guidelines**

47. The recent downturn in economic activity has ended. The European economy is set to reap the benefits of sound macroeconomic policies and ambitious economic reform, which will underpin the ongoing recovery of growth and job creation and make it possible to face economic uncertainty more effectively.
48. The European Council welcomes the Broad Economic Policy Guidelines, focused on macroeconomic stability and growth and on the reform of the labour market and the markets for goods and services, and recommends their adoption by the Council. It reaffirms its commitment to the Stability and Growth Pact and to fiscal consolidation and calls on Member States to follow budgetary policies in line with BEPG recommendations. Member States are encouraged to use any growth dividend related to the economic recovery to consolidate public finances further.

### **Financial services**

49. The European Council welcomes the adoption of the International Accounting Standards Regulation and the recent political agreements on the Financial Conglomerates, Market Abuse and Occupational Pension Funds Directives, and reaffirms its commitment to the timely and full implementation of the Financial Services Action Plan.

### **Taxation of energy**

50. The European Council takes note of the Presidency report on the progress of the Directive on the taxation of energy and reaffirms the timeframe set at Barcelona for its adoption, in parallel with the agreement on the opening of energy markets.

## **Tax package**

51. The European Council:

- notes with satisfaction the Council's situation report on the tax package and its determination to ensure that the package is finally adopted before the end of the year;
- expects that the negotiations with Switzerland on the taxation of savings, although only recently begun, will proceed apace and be concluded as soon as possible in the second half of 2002.

## **Administrative cooperation in the field of taxation**

52. The European Council welcomes the Council's situation report on administrative cooperation in the field of taxation and approves the initiatives put forward in the report as a basis for further work in that field.

## **Corporate governance**

53. Recent events have highlighted the importance of good corporate governance, particularly for enterprises active in capital markets. In the light of the remit given by the European Council in Barcelona, in April 2002 the mandate of the EU High-Level Group of Company Law Experts was extended to include issues related to best practices in corporate governance and auditing, in particular concerning the role of non-executive directors and supervisory boards, management remuneration, management responsibility for financial information and auditing practices. In June 2002, the ECOFIN Council took note of a preliminary oral report by the chair of the High-Level Group. The European Council invites the ECOFIN and Competitiveness Councils to hold a political debate on the final report by the High-Level Group, to assist the Commission to put forward specific proposals as soon as possible.

## **Economic reform, innovation and competitiveness**

54. The Barcelona European Council stressed the need for a strong drive towards reform and highlighted several priority areas. Considerable progress has already been made, as is shown in the Presidency report. The economic reform agenda launched at the Lisbon summit must be vigorously pursued so as to achieve the Union's strategic goals. The European Council accordingly:

- calls for the earliest possible adoption of the decisions implementing the Sixth Framework Programme for Research (participation rules and specific programmes);
- confirms the timetable agreed in Barcelona for the opening of the markets in electricity and gas;
- calls for discussions to press ahead so as to permit a review of the Community guidelines for trans-European transport networks and the introduction of the single sky within the agreed timeframe;
- endorses the objectives of the Commission's Action Plan for eEurope 2005 as an important contribution to the Union's efforts to bring about a competitive, knowledge-based economy, calls upon all institutions to ensure that it will be fully implemented by the end of 2005 and invites the Commission to present in good time for the spring European Council in 2004 a mid-term review to evaluate progress and, if necessary, make proposals to adapt the Action Plan;

- takes note of the Commission's report on the remaining barriers to the roll-out of third-generation mobile communications networks and services and calls upon all the administrations concerned to act to overcome difficulties encountered in the physical deployment of networks; it also invites the Commission to report back to the Copenhagen European Council on this issue and on the remaining barriers to open platforms in digital television and third-generation mobile communications, on the development of *eCommerce* and *eGovernment* and on the role that electronic identification and authentication systems could play in this context;
- takes note of the Commission communication on evaluation methodology in the context of services of general economic interest and invites the Commission to report to the Copenhagen European Council on the progress of work on the guidelines for State aids and, where appropriate, to adopt a block-exemption regulation in this area;
- invites the Council to implement the biotechnology strategy proposed by the Commission;
- invites the Council to finalise, before the end of the year, the adoption of the package of measures on public contracts.

## VI. EXTERNAL RELATIONS

### **Kaliningrad**

55. The European Council invites the Commission to submit, in time for its Brussels meeting, an additional study on the possibilities for an effective and flexible solution to the question of the transit of persons and goods to and from the Kaliningrad *oblast*, in compliance with the *acquis* and in agreement with the candidate countries concerned.

## **Middle East**

56. The European Council adopted the Declaration on the Middle East set out below (Annex VI).

## **India and Pakistan**

57. The European Council adopted the Declaration on India and Pakistan set out below (Annex VII).

## **VII. OTHER BUSINESS**

### **Outermost regions**

58. The European Council invites the Council and the Commission to press ahead with the implementation of Article 299(2) of the Treaty, which recognises the specific nature of the outermost regions, and to submit suitable proposals for their special needs to be taken into account through the various common policies, in particular transport policy, and in the reform of certain policies, in particular regional policy. In this connection, the European Council notes that the Commission intends to submit a new report on those regions, built on a global, coherent approach to the special characteristics of their situation and to ways of addressing them.
59. The European Council calls on the Council and the Commission to complete certain priority proceedings, in particular the question of dock dues in the French overseas departments.
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<p><b>RULES FOR THE ORGANISATION OF THE PROCEEDINGS OF THE EUROPEAN COUNCIL</b></p>
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In order fully to exercise its role of providing impetus and of defining the general political guidelines of the Union in accordance with Article 4 of the Treaty on European Union, the European Council has agreed on the following rules for the preparation, conduct and conclusions of its proceedings:

**Preparation**

1. The European Council shall in principle meet four times a year (twice every six months). In exceptional circumstances, the European Council may convene an extraordinary meeting.
2. European Council meetings shall be prepared by the General Affairs and External Relations Council, which shall coordinate all the preparatory work and draw up the agenda. Contributions by other configurations of the Council to the proceedings of the European Council shall be forwarded to the General Affairs and External Relations Council not later than two weeks before the European Council meeting.
3. At a meeting held at least four weeks before the European Council, the General Affairs and External Relations Council, acting on a Presidency proposal, shall draw up an annotated draft agenda distinguishing between:
  - items to be approved or endorsed without debate;
  - items for discussion with a view to the definition of general political guidelines;
  - items for discussion with a view to the adoption of decisions as described in paragraph 9;
  - items for discussion but not intended to be the subject of conclusions.

4. For each of the items referred to in the second and third indents of paragraph 3, the Presidency shall prepare a brief outline paper setting out the issues, the questions to be debated and the main options available.
5. On the eve of the European Council meeting, the General Affairs and External Relations Council shall hold a final preparatory session and adopt the definitive agenda, to which no item may subsequently be added without the agreement of all delegations.

Except for urgent and unforeseeable reasons linked, for example, to current international events, no Council or committee may meet between the final preparatory session of the General Affairs and External Relations Council and the European Council meeting.

### **Conduct**

6. In principle, the proceedings of the European Council shall last for one full day, preceded the day before by a meeting restricted to Heads of State or of Government and the President of the Commission, in line with current practice. The European Council meeting the next day shall continue until the end of the afternoon and shall be preceded by an exchange of views with the President of the European Parliament. Specific arrangements may be made if justified by the agenda.
7. Meetings in the margins of the European Council with representatives of third States or organisations may be held in exceptional circumstances only. They must not disrupt the normal conduct of proceedings of the European Council meeting and they must be approved at the same time as the draft agenda drawn up by the General Affairs and External Relations Council.
8. The Presidency shall ensure that business is conducted smoothly. To that end, it may take any measure conducive to promoting the best possible use of the time available, such as organising the order in which items are discussed, limiting speaking time and determining the order in which contributors speak.

9. In the context of enlargement and in exceptional cases, where an item is placed on the agenda of the European Council for a decision, the European Council shall discuss the item concerned. The political conclusions drawn from the positions emerging during the discussion shall be brought to the attention of the Council so that it may consider the implications for subsequent proceedings, in accordance with the applicable Treaty provisions.
10. Delegations shall receive summary briefings on the outcome and substance of the discussions on each item as proceedings continue. Such briefings shall be organised in such a way as to safeguard the confidentiality of discussions.
11. Each delegation shall have two seats in the meeting room. The total size of delegations shall be limited to twenty persons for each Member State and for the Commission. That number shall not include technical personnel assigned to specific security or logistic support tasks.

### **Conclusions**

12. The conclusions, which shall be as concise as possible, shall set out policy guidelines and decisions reached by the European Council, placing them briefly in their context and indicating the stages of the procedure to follow on from them.
13. An outline of the conclusions shall be distributed on the day of the European Council meeting in good time for the start of proceedings. The outline shall distinguish clearly between those parts of the text which have previously been approved and which are not in principle subject to discussion and those parts of the text which the European Council is to discuss with a view to reaching final conclusions at the meeting.

<p style="text-align: center;"><b>MEASURES CONCERNING THE STRUCTURE AND FUNCTIONING OF THE COUNCIL</b></p>
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1. With a view to improving the functioning of the Council in the run-up to enlargement, the European Council has adopted the following conclusions, which will be reflected to the extent necessary by the relevant amendments to the Council's Rules of Procedure, to be made by 31 July 2002.

**A. Creation of a new General Affairs and External Relations Council**

2. The current General Affairs Council configuration shall from now on be called the "General Affairs and External Relations Council". In order best to organise proceedings with regard to the two main areas of activity covered by this configuration, it will hold separate meetings (with separate agendas and possibly on different dates and) dealing, respectively, with:
  - (a) preparation for and follow-up to the European Council (including the coordinating activities necessary to that end), institutional and administrative questions, horizontal dossiers which affect several of the Union's policies and any dossier entrusted to it by the European Council, having regard to EMU operating rules;
  - (b) the whole of the Union's external action, namely common foreign and security policy, European security and defence policy, foreign trade, development cooperation and humanitarian aid.

## B. List of Council configurations <sup>1</sup>

3. The following list of Council configurations shall be included in the Annex to the Council's Rules of Procedure:

1. General Affairs and External Relations <sup>2</sup>;
2. Economic and Financial Affairs <sup>3</sup>;
3. Justice and Home Affairs <sup>4</sup>;
4. Employment, Social Policy, Health and Consumer Affairs;
5. Competitiveness (Internal Market, Industry and Research) <sup>5</sup>;
6. Transport, Telecommunications and Energy;
7. Agriculture and Fisheries;
8. Environment;
9. Education, Youth and Culture <sup>6</sup>.

It is agreed that several Ministers may participate as full members of the same Council configuration, the agenda and the organisation of proceedings being adjusted accordingly.

In the case of the General Affairs and External Relations Council, each government shall be represented at the different meetings of this new configuration by the Minister or State Secretary of its choice.

## C. Programming of Council activities

4. In keeping with the role conferred upon it by the Treaty of defining the general political guidelines of the Union, the European Council shall, on the basis of a joint proposal drawn up by the Presidencies concerned in consultation with the Commission and acting on a recommendation by the General Affairs and External Relations Council, adopt **a multiannual strategic programme** for the three years to come. The first such strategic programme will be adopted in December 2003.

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<sup>1</sup> The new arrangements regarding Council configurations will be applied by the Danish Presidency having regard to the constraints which may arise from the timetable of meetings already established.

<sup>2</sup> Including the ESDP and development cooperation.

<sup>3</sup> Including the budget.

<sup>4</sup> Including civil protection.

<sup>5</sup> Including tourism.

<sup>6</sup> Including audiovisual affairs.

5. In the light of the multiannual strategic programme referred to above, an **annual operating programme of Council activities** shall be submitted to the General Affairs and External Relations Council in December each year. This programme shall be proposed jointly by the next two Presidencies in line and shall have regard, inter alia, to relevant points arising from the dialogue on the political priorities for the year, conducted at the Commission's initiative. The final version of the annual programme shall be drawn up on the basis of the General Affairs and External Relations Council's discussions.

With a view to the earliest possible implementation of these arrangements and by way of derogation from the first subparagraph, the first annual operating programme of Council activities shall be drawn up in December 2002.

6. This programme shall be accompanied by a list of indicative agendas for the various Council configurations for the first six months of the year. The list of indicative agendas for the last six months shall be submitted by the Presidency concerned before 1 July, following the appropriate consultations, in particular with the following Presidency.

#### **D. Measures relating to the Presidency**

##### ***Cooperation between Presidencies***

7. Where it is clear that a dossier will essentially be dealt with during the following six-month period, the representative of the Member State holding the Presidency during that six-month period may, during the current six-month period, chair meetings of committees (other than Coreper) and working parties at which the dossier is discussed. The practical implementation of this provision shall be the subject of an agreement between the two Presidencies concerned.

Thus, in the specific case of the examination of the budget for a given financial year, meetings of Council preparatory bodies other than Coreper shall be chaired by a representative of the Member State holding the Presidency during the second six-month period of the year prior to the financial year in question. The same arrangement shall apply, with the agreement of the other Presidency, to the chairing of Council meetings at the time when the items in question are discussed.

8. For the preparation of meetings of Council configurations meeting once every six months, where such meetings are held during the first half of the six-month period, meetings of committees other than Coreper and working party meetings taking place during the previous six-month period shall be chaired by a delegate of the Member State which will chair the Council meetings in question.

***Chairing of certain working parties by the General Secretariat of the Council***

9. In addition to cases where the General Secretariat of the Council already acts as chairman, the following working parties shall be chaired by a member of the General Secretariat of the Council:
- Working Party on Electronic Communications;
  - Working Party on Legal Data Processing;
  - Working Party on the Codification of Legislation;
  - Working Party on Information;
  - Working Party on New Buildings.

**E. Opening Council meetings to the public when the Council is acting in accordance with the procedure for codecision with the European Parliament**

10. Council debates on acts adopted in accordance with the procedure for codecision with the European Parliament shall be open to the public under the following circumstances:
- during the initial stage of the procedure: opening to the public of the presentation by the Commission of its main codecision legislative proposals and the ensuing debate. The list of proposals concerned shall be drawn up by the Council at the beginning of each six-month period;
  - during the final stage of the procedure: opening to the public of votes and explanations of votes.
11. The debates shall be made public by providing the public with a room to which the deliberations of the Council will be transmitted live, including the indication by visual means of the outcome of votes. The public will be informed in advance by the appropriate means (for example, on the Council's Internet site) of the days and times at which such transmissions will take place.

**F. Conducting meetings**

12. The Presidency shall ensure that meetings proceed smoothly. It shall be the Presidency's responsibility to take any measure required to achieve the best possible use of the time available during meetings, including:

- limiting the time for which contributors may speak;
- determining the order in which contributors speak;
- asking delegations to present their proposals for amendment of the text under discussion in writing before a given date, together with a brief explanation if appropriate;
- asking delegations which have identical or close positions on any particular item to choose one of their number to express their joint position at the meeting or before the meeting in writing.

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**NATIONAL DECLARATION BY IRELAND**

1. Ireland reaffirms its attachment to the aims and principles of Charter of the United Nations, which confers primary responsibility for the maintenance of international peace and security upon the United Nations Security Council.
2. Ireland recalls its commitment to the common foreign and security policy of the European Union as set out in the Treaty on European Union, adopted at Maastricht, amended at Amsterdam and approved on each occasion by the Irish people through referendum.
3. Ireland confirms that its participation in the European Union's common foreign and security policy does not prejudice its traditional policy of military neutrality. The Treaty on European Union makes clear that the Union's security and defence policy shall not prejudice the specific character of the security and defence policy of certain Member States.
4. In line with its traditional policy of military neutrality, Ireland is not bound by any mutual defence commitment. Nor is Ireland party to any plans to develop a European army. Indeed, the Nice European Council recognised that the development of the Union's capacity to conduct humanitarian and crisis management tasks does not involve the establishment of a European army.
5. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the Member States and adopted in accordance with their respective constitutional requirements. The Government of Ireland have made a firm commitment to the people of Ireland, solemnized in this Declaration, that a referendum will be held in Ireland on the adoption of any such decision and on any future treaty which would involve Ireland departing from its traditional policy of military neutrality.

6. Ireland reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government and (c) the approval of Dáil Éireann, in accordance with Irish law.
  
7. The situation set out in this Declaration would be unaffected by the entry into force of the Treaty of Nice. In the event of Ireland's ratification of the Treaty of Nice, this Declaration will be associated with Ireland's instrument of ratification.

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**DECLARATION BY THE EUROPEAN COUNCIL**

1. The European Council takes cognisance of the National Declaration by Ireland presented at its meeting in Seville on 21 and 22 June 2002. It notes that Ireland intends to associate its National Declaration with its act of ratification of the Treaty of Nice, should the people of Ireland decide in a referendum to accept the Treaty of Nice.
2. The European Council notes that the Treaty on European Union provides that any decision to move to a common defence shall be adopted in accordance with the respective constitutional requirements of the Member States.
3. The European Council recalls that under the terms of the Treaty on European Union the policy of the Union shall not prejudice the specific character of the security and defence policy of certain Member States. Ireland has drawn attention, in this regard, to its traditional policy of military neutrality.
4. The European Council acknowledges that the Treaty on European Union does not impose any binding mutual defence commitments. Nor does the development of the Union's capacity to conduct humanitarian and crisis management tasks involve the establishment of a European army.
5. The European Council confirms that the situation referred to in paragraphs 2, 3 and 4 would be unchanged by the entry into force of the Treaty of Nice.

6. The European Council recognises that, like all Member States of the Union, Ireland would retain the right, after the entry into force of the Treaty of Nice, to take its own sovereign decision, in accordance with its constitution and its laws, whether to commit military personnel to participate in any operation carried out under the European Security and Defence Policy. Ireland, in its National Declaration, has clearly set out its position in this regard.
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**DECLARATION BY THE EUROPEAN COUNCIL  
ON THE CONTRIBUTION OF THE CFSP, INCLUDING THE ESDP,  
TO THE FIGHT AGAINST TERRORISM**

1. The European Council reaffirms that terrorism is a real challenge for Europe and the world and poses a threat to our security and our stability. To this end, the extraordinary European Council meeting on 21 September 2001 decided to step up the action of the Union against terrorism through a coordinated and inter-disciplinary approach embracing all Union policies, including development of the Common Foreign and Security Policy (CFSP) and making the European Security and Defense Policy (ESDP) operational.
  
2. The European Council has noted the significant achievements accomplished in the implementation of the Plan of Action to combat terrorism and reiterates that the fight against terrorism will continue to be a priority objective of the European Union and a key plank of its external relations policy. Solidarity and international cooperation constitute essential instruments in the fight against that scourge. The Union will continue to maintain the closest possible coordination with the United States and other partners. The Union will seek to contribute further to those international efforts, both internally and in its relations with third countries and international organisations, such as the UN, NATO and the OSCE.
  
3. The Common Foreign and Security Policy, including the European Security and Defence Policy, can play an important role in countering this threat to our security and in promoting peace and stability. Closer cooperation among the Member States is being put into practice to take account of the international situation created by the terrorist attacks of 11 September.

4. The European Council welcomes the progress achieved since 11 September on incorporating the fight against terrorism into all aspects of the Union's external relations policy. The fight against terrorism requires a global approach to strengthen the international coalition and to prevent and contain regional conflicts. The Union is:
- strengthening EU instruments for long-term conflict prevention,
  - focusing political dialogue with third countries on the fight against terrorism as well as on non-proliferation and arms control,
  - providing assistance to third countries in order to reinforce their capacity to respond effectively to the international threat of terrorism,
  - including anti-terrorism clauses in EU agreements with third countries,
  - re-evaluating relations with third countries in the light of their attitudes towards terrorism and taking appropriate measures accordingly and
  - implementing specific measures in the fight against terrorism in accordance with United Nations Security Council Resolution 1373, which laid down a wide range of comprehensive steps and strategies to combat terrorism, including financial measures.

5. The European Council also welcomes the progress achieved in the implementation of the ESDP, following the Declaration on the operational capability of the European Security and Defence Policy. This progress has allowed the Union to take its first decision to establish a crisis management operation – the European Union Police Mission in Bosnia and Herzegovina (EUPM). The EUPM is one example of the European Union's commitment to stabilising post-conflict regions and helping to establish the rule of law. By promoting stability, including the strengthening of local law-enforcement capabilities, norms and standards, the European Union helps to deny terrorist organisations the opportunity to take root. As indicated at the Laeken European Council, through the military and civilian capabilities developed by the European Union for crisis management, the CFSP will become stronger and will contribute more effectively to the fight against terrorism for the benefit of the populations concerned.
  
6. The ESDP will strengthen further as Member States enhance their military and civilian capabilities for crisis management. To this end, the European Council underlines again the importance it places on the timely achievement of the Headline Goal targets. In this context, development of the ESDP must take fuller account of the capabilities that may be required, in accordance with the Petersberg tasks and the provisions of the Treaty, to combat terrorism.
  
7. Priority action for the European Union, in the fields of the CFSP and the ESDP in particular, in the fight against terrorism should focus on:
  - devoting greater efforts to conflict prevention;
  
  - deepening political dialogue with third countries to promote the fight against terrorism, including the promotion of human rights and democracy as well as non-proliferation and arms control, and providing them with appropriate international assistance;

- strengthening arrangements for sharing intelligence and developing the production of situation assessments and early warning reports, drawing on the widest range of sources;
  - developing our common evaluation of the terrorist threat against the Member States or the forces deployed under the ESDP outside the Union in crisis management operations, including the threat posed by terrorist use of weapons of mass destruction;
  - determining military capabilities required to protect forces deployed in European Union-led crisis management operations against terrorist attacks;
  - exploring further how military or civilian capabilities could be used to help protect civilian populations against the effects of terrorist attacks.
8. The European Council requests the Presidency and the Secretary-General/High Representative, and the Commission as appropriate, to step up their efforts in these priority areas by promoting coordinating work within Council bodies and with relevant international organisations, notably the UN and NATO, in order to increase the effectiveness of the contribution of the CFSP, including the ESDP, to the fight against terrorism, as well as to report to the General Affairs and External Relations Council on this matter.

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## **DECLARATION ON THE MIDDLE EAST**

The crisis in the Middle East has reached a dramatic turning point. Further escalation will render the situation uncontrollable. The parties on their own cannot find a solution. There is an urgent need for political action by the whole international community. The Quartet has a key role to play in starting a peace process.

The European Council supports the early convening of an international conference. That conference should address political and economic aspects as well as matters relating to security. It should confirm the parameters of the political solution and establish a realistic and well-defined timescale.

The European Council strongly condemns all terrorist attacks against Israeli civilians. The peace process and the stability of the region cannot be hostage to terrorism. The fight against terrorism must go on; but so at the same time must the negotiation of a political solution.

A settlement can be achieved through negotiation, and only through negotiation. The objective is an end to the occupation and the early establishment of a democratic, viable, peaceful and sovereign State of Palestine, on the basis of the 1967 borders, if necessary with minor adjustments agreed by the parties. The end result should be two States living side by side within secure and recognised borders enjoying normal relations with their neighbours. In this context, a fair solution should be found to the complex issue of Jerusalem, and a just, viable and agreed solution to the problem of the Palestinian refugees.

The reform of the Palestinian Authority is essential. The European Council expects the Palestinian Authority to make good its commitment to security reform, early elections and political and administrative reform. The European Union reaffirms its willingness to continue to assist in these reforms.

Military operations in the Occupied Territories must cease. Restrictions on the freedom of movement must be lifted. Walls will not bring peace.

The European Union stands ready to contribute fully to peace-building, as well as to the reconstruction of the Palestinian economy as an integral part of regional development.

The European Union will work with the parties and with its partners in the international community, especially with the United States in the framework of the Quartet, to pursue every opportunity for peace and for a decent future for all the people of the region.

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**DECLARATION ON INDIA AND PAKISTAN**

The European Council discussed the tensions between India and Pakistan. It welcomed the steps recently taken by Pakistan to begin clamping down on cross-border terrorism and the de-escalatory measures announced by India in response. The European Council noted that the situation nevertheless remains precarious and that the consequences of a war could be catastrophic for the region and beyond.

The European Council therefore called on Pakistan to take further concrete action in accordance with the assurances it has already given and with its international obligations, including UN Security Council Resolution 1373 (2001), to stop infiltration across the Line of Control and to prevent terrorist groups from operating from territory under its control, in particular by closing training camps. The European Council called on India and Pakistan to establish an effective monitoring system, in a form acceptable to both, so as to stop infiltration. The European Council underlined the shared interest of all countries in fighting terrorism.

The European Council encouraged India to be ready to respond with further de-escalatory steps as Pakistan shows that it is acting to fulfil its commitments. The European Council noted the importance of free, fair and inclusive elections this autumn in Jammu and Kashmir.

The European Council called on both parties to adhere to the NPT and to sign and ratify the CTBT.

The European Council confirmed the EU's commitment to work with India and Pakistan and with others in the international community, seeking for possible confidence-building measures in order to defuse the immediate crisis, and to continue to encourage both countries to achieve a lasting settlement of the differences between them through bilateral dialogue. It is planned that the High Representative will pay an early visit to the region.

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**LIST OF SUPPORTING REPORTS/REPORTS  
FOR THE EUROPEAN COUNCIL**

- Preparing the Council for enlargement: Report by the Presidency to the European Council  
[\[9939/02\]](#)
- Communication from the Commission on the Action Plans for administrative and judicial capacity, and the monitoring of commitments made by the negotiating countries in the accession negotiations  
[\[9757/02\]](#)
- Commission report: Explaining Europe's enlargement  
[\[9758/02\]](#)
- Communication from the Commission "Towards integrated management of the external borders of the Member States of the European Union"  
[\[9139/02\]](#)
- Note from the Presidency on enlargement  
[\[9765/02 + REV 1 \(it\)\]](#)
- Presidency report on advances made in combating illegal immigration  
[\[10009/02\]](#)
- Presidency note on cooperation with third countries of origin and transit to jointly combat illegal immigration  
[\[9917/3/02 REV 3\]](#)
- Council (JHA) conclusions on measures to be applied to prevent and combat illegal immigration and smuggling and trafficking in human beings by sea  
[\[10017/02\]](#)
- Plan for the management of the external borders  
[\[10019/02\]](#)
- Draft Council conclusions on the preparation of the World Summit on Sustainable Development (Johannesburg)  
[\[9947/02\]](#)
- Presidency report: Giving fresh impetus to the Lisbon Strategy: Progress towards fulfilling the remits adopted by the Barcelona European Council  
[\[9909/1/02 REV 1\]](#)

- Commission communication - European Governance: Better lawmaking  
[\[9809/02\]](#)
- Communication from the Commission - Action plan: "Simplifying and improving the regulatory environment"  
[\[9809/02 ADD 1\]](#)
- Communication from the Commission: Consultation document: Towards a reinforced culture of consultation and dialogue  
[\[9809/02 ADD 2\]](#)
- Communication from the Commission on impact assessment  
[\[9809/02 ADD 3\]](#)
- Communication from the Commission entitled "Towards the Full Roll-Out of Third Generation Mobile Communications"  
[\[9946/02\]](#)
- Report from the Commission to the Council on using the Internet to develop twinning between European secondary schools  
[\[10037/02\]](#)
- Commission communication: "eEurope 2005: An information society for all"  
[\[9508/02\]](#)
- Report from the Commission on the status of work on the guidelines for state aid and services of general economic interest  
[\[9787/02\]](#)
- Council Recommendation for the Broad Guidelines of the Economic Policies of the Member States and the Community  
[\[10093/02 + COR 1 \(de\) + COR 2 \(fr\)\]](#)
- ECOFIN Council report: Administrative cooperation in the area of taxation  
[\[10014/02 +REV 1 \(en\)\]](#)
- ECOFIN Council report: tax package  
[\[10226/02\]](#)
- Progress report on energy taxation  
[\[10195/02\]](#)
- Presidency Report on European Security and Defence Policy  
[\[10160/2/02 REV2 + REV 3 \(fr\)\]](#)

- Presidency report on the implementation of the EU Programme for the Prevention of Violent Conflicts  
[\[9991/02\]](#)
  - Council conclusions on Kaliningrad  
[\[10038/02\]](#)
  - Council report on the implementation of the Common Strategy of the European Union on Russia  
[\[9916/02\]](#)
  - Article 299(2): Implementation of the sustainable development strategy for the outermost regions
    - Progress report and work programme with a provisional timetable  
[\[10148/02\]](#)
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