



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 May 2006

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LIMITE

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NOTE

from : Presidency
to : COREPER

Subject : European Council (15 and 16 June 2006)
 – *Outline of the draft conclusions*

Further to the discussions held in Coreper on 11 May 2006 and at the GAERC on 15 May 2006, the Presidency submits the following outline for the draft conclusions of the European Council. This outline will be progressively fleshed out and updated in the light of work underway on many of the issues it covers. The draft for a renewed EU Sustainable Development Strategy (EU SDS) will form an annex to the Presidency conclusions and is currently being discussed in the Group of the Friends of the Presidency (FoP) on the Review of the EU SDS. After the last FoP meeting on 31 May the Presidency will submit an amended draft to COREPER II for the meeting on 8 June.

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1. The meeting was preceded by an exposé by Mr Josep Borrell, President of the European Parliament, followed by an exchange of views.

I. EUROPE LISTENS

2. In June 2005 the Heads of State or Government called for a period of reflection during which a broad debate should take place in all Member States, involving citizens, civil society, social partners, national parliaments and political parties, with the contribution of European institutions. The European Council welcomes the various initiatives taken in the Member States in the framework of national debates as well as a series of events organised by the Austrian Presidency, in particular the Conference "The Sound of Europe" in Salzburg on 27/28 January 2006. The European Council expresses its gratitude to the Commission for having contributed to the reflection period in the context of its Plan D and to the European Parliament for having organised together with the Austrian Parliament the joint parliamentary meeting on the "Future of Europe" on 8/9 May 2006. The European Council welcomes the intention of institutions to carry on their activities aimed at involving citizens in the debate about what Europe should stand for in the 21st century.
3. The European Council carried out a first assessment of the reflection period on the basis of the written report prepared by the Presidency and Council Secretariat drawing on information provided by Member States on their national debates (doc. XXXX/06), as well as the Commission's contributions (the "Plan D" initiative and the White Paper on a European Communication Policy). It noted that while worries and concerns had been voiced during these debates, citizens had also clearly expressed their commitment to the European project. Citizens expect the Union to prove its added value by taking action in response to the challenges of our time: preserving the European way of life, ensuring peace, prosperity and solidarity in the context of globalisation, enhancing security and promoting sustainable development.
4. The European Council is committed to respond to citizens' expectations in order to rebuild a climate of confidence and trust, proving to citizens through concrete results that the Union is able to address their needs and aspirations.

II. EUROPE AT WORK

(a) *Protecting the citizen*

5. A series of measures were agreed in November 2004 (Hague Programme), intended to allow the Union, while guaranteeing respect for fundamental freedoms and rights, to better tackle problems such as illegal immigration, trafficking of human beings, terrorism and organised crime. Though important results have been achieved in several areas, progress has been slow in others. The European Council will assess the overall situation on the progress of the Hague Programme at its December 2006 meeting in the context of the mid-term review.
6. In the meantime further efforts are required, particularly as concerns:
 - Following the progress made on the Schengen Information System (**SIS II**) and implementation of the **Schengen acquis** in the new Member States, rapid finalisation of the legislative measures on **border control** and completion of the technical preparations at EU and national levels, in order for the Visa Information System to become operational in 2007 and the Schengen Information System II to be operational by April 2007.
 - Taking work forward rapidly on the Commission's proposal on the establishment of Common Application Centres and the collection of biometrics for the purpose of visas and initiation of a pilot project.
 - Taking work forward on **visa** facilitation and **readmission agreements** based on the Council approach, starting with the countries with a European Perspective.
 - Further strengthening practical cooperation in the development of a balanced common European **asylum** system, rapid progress on relevant proposals including the amendments to the European Refugee Fund and the establishment of a list of safe countries of origin as well as on Regional Protection Programmes.
 - Presentation of the Commission communication on future priorities in the field of **illegal immigration** and follow-up action.

- Following the progress made on strengthening judicial **cooperation in both civil and criminal law** (European Payment Order, Rome II, the framework decision on the fight against organised crime, surrender procedure between EU Member States and Norway and Iceland, [European small claims procedure and on service of documents]) rapid finalisation in particular of the Framework Decisions on the European Evidence Warrant, the protection of personal data as well as the procedural rights in criminal proceedings to be recognised to accused persons.

7. The European Council takes note of the "Vienna Declaration on a Security Partnership" agreed by Member States and Neighbouring countries of the EU as well as the Russian Federation and the United States of America at the Ministerial Conference in Vienna on 4-5 May 2006. It welcomes the first steps made towards such a partnership, e.g. between the EU and Western Balkan countries, improving co-operation to combat organised crime, corruption, illegal migration and terrorism.

The European Council further welcomes the "Vienna Initiative" on possible future tripartite cooperation in the field of justice and home affairs between the EU, the Russian Federation and the United States of America and invites the following Presidencies to continue this dialogue on internal security issues.

8. The European Council calls for swifter implementation of the **Strategy for the external dimension of JHA**. In the light of the increased cooperation with third countries of origin and transit in **migration issues** in particular in the regions neighbouring the Union, the European Council recalls the importance of a balanced and comprehensive approach. It notes the interim report from the Commission on the implementation of the Global Approach to Migration and looks forward to the fuller report to be presented at its December 2006 meeting.

9. The EU **Counter Terrorism** Strategy, including the strategy against radicalisation and recruitment, has resulted in concrete action plans laying down in detail the measures needed in order to better combat terrorism. The implementation of these action plans must be accelerated. The Commission is invited to present rapidly a first programme on the protection of critical infrastructure as well as concrete proposals on detection technologies. The Council and the Commission are also invited to develop measures to combat the misuse of the internet for terrorist purposes.

10. The European Council calls upon the incoming Finnish Presidency, in close collaboration with the Commission, to explore the possibilities of improving decision-making in the area of Freedom, Security and Justice, and in particular Title VI of the TEU, on the basis of the existing Treaties. The consideration of the possibilities offered by the current Treaties should be carried out in such a way to enable the European Council to make, in December 2006, an assessment of options available and to act accordingly.

11. *Agency for fundamental rights*
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12. Improving the Union's **responsiveness to emergencies, crises and disasters** inside and outside the Union remains a political imperative. When such emergencies occur citizens rightly expect a swift and effective response. While Member States are primarily responsible for managing emergencies on their territory or assisting their citizens abroad, the European Union can, in a spirit of active solidarity, play a role by coordinating a political response and by helping to organise and coordinate available assets when requested to do so.

The European Council endorses the Presidency report on "Reinforcing the Union's emergency and crisis response capacities" (doc. XXXX/06) which sets out the many practical steps and decisions taken to improve coordination and delivery of available assets; to get protection quickly where it is needed; and to provide more effective consular protection to EU citizens in third countries. Furthermore, the European Council also welcomes the report submitted by Mr Michel Barnier in May 2006 as an important contribution to the debate on how to strengthen the EU's capacity to respond to emergencies and crises. The Council is invited to take work forward on the basis of the suggestions contained in the Presidency report, building on further input from the Commission and the Secretary-General/High Representative. This input should also draw as far as possible on ideas put forward in the Barnier report, bearing in mind that an EU response must primarily be built around assets provided by Member States on a voluntary basis. The incoming Presidency is invited to report to the December 2006 European Council on progress achieved.

(b) Preserving and developing the European way of life in a globalised world

13. The European Council took stock of progress in several of the areas discussed at Hampton Court and at the last Spring European Council, aimed at preserving and developing the European way of life in the face of the challenges posed by globalisation.
14. **Sustainable development** means that the needs of the present generation should be met without compromising the ability of future generations to meet theirs; it is an overarching objective of the European Union set out in the Treaty, governing all the Union's policies and activities. While positive achievements have been made since the Gothenburg European Council, many challenges remain. The European Council has therefore adopted an ambitious and comprehensive renewed EU Strategy for Sustainable Development (Annex II). The implementation of this Strategy will be closely monitored and followed up by the European Council on a regular basis.

15. **Climate change** is a global problem requiring global solutions. The European Council therefore looks forward to a successful continuation of the discussions in the framework of the UN Framework Convention on Climate Change and under the Kyoto Protocol to arrive at a post-2012 arrangement consistent with meeting the objective of a maximum global temperature increase of 2°C over pre-industrial levels, which should become the international goal on stabilising greenhouse gas concentrations in the atmosphere.
16. The re-launched **Lisbon Strategy** has already been refocused on those issues of most importance to the citizens, jobs and growth, and special emphasis has been laid on investment in knowledge and innovation, business potential, especially of SMEs, and employment of priority categories. In that context, the European Council:
- welcomes the Commission's intention to launch a fundamental review of the **Single Market** and to present a report next year, including concrete proposals for future action geared to removing remaining obstacles;
 - stresses the importance of the social **dimension** of the Union's action, and welcomes the intention of the European Commission to take stock of social reality in the EU and requests the Commission to issue an interim report before the European Council of March 2007 and, in this context, to submit suggestions as to how the social impact of European legislation could be effectively assessed;
 - notes the significance the Commission's communication on the challenges ahead for **universities** and encourages the Member States to foster modernisation, restructuring and innovation in the higher education sector in order to unlock its potential and to underpin Europe's drive for more growth and jobs;
 - reaffirms that the **European Institute for Technology** will be an important step to fill the existing gap between higher education, research and innovation.

PM: Commission proposal on further steps

17. In its conclusions of March 2006 the European Council called for an **Energy Policy for Europe** and invited the Commission and Council to prepare a set of actions with a clear timetable enabling it to adopt a prioritised Action Plan at its meeting in Spring 2007. The external aspects of energy will constitute an important part of such an overall policy, and will need to be included within the Action Plan.

PM: Joint Commission - High Representative report on external policy aspects

(c) Improving the efficiency and coherence of its external policies

18. The growing challenges facing the Union make it even more important to improve the **efficiency and the coherence of its external policies**. The Council, the Commission and the SG/HR are requested to take work forward with a view to bringing to the Union's external policies better strategic planning, more coherence between its various external policy instruments, and enhanced cooperation between the EU institutions and the Member States.

PM: Report from the Commission on "Europe in the world - some practical proposals for greater coherence, effectiveness and visibility"

(d) Improving the functioning of the Union

19. The European Council agreed on a number of measures intended to enhance the functioning of the Union without requiring changes to the Treaty. These concern opening up the work of the Council and bringing more clarity to the respective responsibilities of the various actors in the work of the Union.
20. A pre-requisite for increasing the trust and confidence of citizens in the European Union is that they are able to get first hand insight into its activities. The European Council therefore decides to further open up the work of the Council and agrees on an **overall policy on transparency** (Annex I). In particular, all Council deliberations under the co-decision procedure shall now be public. It requests the Council to rapidly take the measures necessary to ensure implementation of the new policy.

21. In view of the importance of the principles of **subsidiarity and proportionality**, the European Council welcomes the initiative taken by the Austrian Presidency to hold a conference on subsidiarity in St. Pölten on 18/19 April 2006, as a follow-up to last year's conference in the Hague. In that context the ideas developed at these conferences should be examined and future Presidencies encouraged to carry this initiative forward.

The European Council notes the inter-dependence of the European and national legislative processes. It therefore particularly welcomes the Commission's commitment to transmit all new proposals and consultation papers directly to national parliaments. The European Council further recalls that the confidence of citizens in the European project can be strengthened if European legislation reflects more strongly the added value of EU action. It therefore invites the Council, the European Parliament and the European Commission to draw up a standard subsidiarity and proportionality check list that shall be applied in the European legislative process.

22. The European Council equally welcomes the [progress made by] [positive outcome of discussions between] the European Parliament, the Council and the Commission on enhancing the role of the European Parliament in the supervision of the Commission's implementing powers in areas subject to co-decision, thus making the **comitology** procedures more democratic.
23. Progress has been made since its last meeting in all fields of **Better Regulation** and all institutions and Member States are urged to implement their respective commitments as set out in the 2003 Inter-Institutional Agreement on Better Law Making. The European Council calls on the Member States to take initiatives at national level, including through their national reform programmes, in order to reduce bureaucracy. It invites the Commission to report on the progress made at national and Community level by early 2007. The Spring European Council should draw conclusions on further steps to be taken at national and Community level, giving high priority to a visible reduction of administrative burdens of enterprises. In this context, the European Council notes that the Commission plans to reduce unnecessary administrative burdens, which pose a significant barrier to a more innovative and knowledge-intensive economy, and looks forward to an announcement of ambitious, measurable reduction targets by early 2007.

24. The European Council welcomes the further embedding of the use of impact assessments in decision-making in the work of all institutions as a crucial element in the legislative process. The European Council also welcomes the implementation of the Commission's programme to simplify existing legislation and requests that all Council formations give priority to specific simplification proposals. It stresses the importance of extending the simplification programme to all relevant branches of the European economy. The European Council also takes note of the successful conclusion of the Commission's 2005 screening exercise and invites the Commission to continue to screen pending proposals.

III. LOOKING AHEAD TO FUTURE CHALLENGES

25. *Constitution, enlargement, etc.*

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IV. EXTERNAL RELATIONS

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AN OVERALL POLICY ON TRANSPARENCY

With a view to further increase openness, transparency and accountability of the European Union, the European Council decides the following measures aiming at a stronger involvement of citizens in its work:

- All Council deliberations, in their entirety, on legislative acts to be adopted by co-decision, shall be open to the public as shall the votes and the explanation of votes by Council Members, unless the Council or Coreper decide that a given deliberation should not be open to the public.
- The Council's first deliberations on legislative acts other than those adopted by co-decision, which given their importance are presented orally by the Commission in a Council session, shall be open to the public. The Presidency may decide in individual cases that the Council's subsequent deliberations on a particular act shall be open to the public, unless the Council or Coreper decide otherwise.
- The Council shall regularly hold public debates on important issues affecting the interests of the Union and its citizens. Such debates will be held further to a decision by the Council or Coreper, acting by qualified majority. Implementation of this commitment shall start during the incoming Presidency, which would submit proposals for such public debates taking into account the importance of the matter and its interest to citizens.
- The General Affairs and External Relations Council's deliberations on the 18 month programme shall be public, as shall other Council formations' deliberations on their priorities. The Commission's presentation of its five year programme, of its annual work programme and of its annual policy strategy, as well as the ensuing debate, shall be public.
- All public deliberations shall be broadcasted in all languages through video-streaming and there shall be an obligation for a recorded version to remain available for at least a month on the Council's internet site.

- The incoming Presidency is invited, together with the General Secretariat of the Council, to develop new means of giving more publicity to public deliberations, in particular through the Council's web site and mailing list, an easily accessible and constantly updated list of forthcoming debates, appropriate background material, as well as direct communication to target audiences. They will work closely together to provide the media and citizens with an open, rapid and technically advanced communication service.
 - The General Secretariat of the Council shall inform the public in advance of the dates and approximate time on which public debates will take place and shall take all practical measures to ensure proper implementation of the rules of transparency.
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EU SUSTAINABLE DEVELOPMENT STRATEGY (EU SDS)

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