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LIMITE

**JAI 270
ECOFIN 251
TRANS 150
RELEX 386
ECO 87
PESC 677
COTER 45
COSDP 507
PROCIV 103
ENER 121
ATO 75**

NOTE

from :	Presidency
to :	Coreper
Subject :	JHA Council Declaration: Follow-up

Background

The Declaration adopted by the Council contains over 30 individual actions/measures to be taken forward by the Council and/or MSs. The majority of those have deadlines; though a few – such as the Council urging MSs to take a collaborative approach to biometric capacity in visa issuing posts – have no specific timetable provided. This note sets out the Presidency’s handling intentions.

In addition to the measures listed in the Declaration, COREPER will also need to take forward discussion/work on the various “new ideas” proposed by Cion/MSs during the course of the Council/COREPER. These ideas are set out in the attached Annex. In the first instance, the Terrorism Working Group (TWG) will be asked to consider, consulting others as appropriate, and to report back to COREPER in early September in advance of the September Informal JHA Council.

Taking forward/speeding up existing measures

FD on Data Retention (Oct 2005)

- work to be taken forward in CCM at its meetings on 26-27 July and possibly at a meeting in early September (new meeting). To Informal JHA Council (8-9 Sept); CATS (21-22 Sept); COREPER (29 Sept); then JHA Council (12 Oct).

FD on European Evidence Warrant (Dec 2005)

- work to be taken forward in CCM at its meetings on 26-27 July; 14-15 and 26-27 Sept. Key articles to CATS 21-22 Sept; COREPER (29 Sept); then JHA Council (12 Oct) for specific articles/problems. Further discussion in CCM (25 Oct) and CATS (19-20 Oct and 15 Nov). Then COREPER (17 and 23 Nov); JHA Council (1-2 Dec) to be agreed.

FD on Information Exchange between law enforcement officers (Dec 2005)

- work being taken forward in the MDG. Key articles to CATS 21-22 Sept; COREPER (29 Sept); JHA Council (12 Oct) for discussion of key political/policy difficulties. Further discussion in MDG; COREPER (17 and 23 Nov); JHA Council (1-2 Oct) for political agreement.

Council Decision on exchange of info concerning terrorist offences (Sept 05)

- MDG considered EP opinion (14 July); then to a Sept Council (non-JHA) for adoption as “A” point.

Agree Regulation on Wire Transfers (Dec 2005)

- Decision to adopt draft Regulation on 20 July by oral procedure. Attachés to be requested to provide written comments in late Sept. Coreper on 17 and/or 23 Nov. 6 Dec ECOFIN for “general approach”. Aim for First reading deal with EP at 30Nov/1 Dec mini-plenary in Bxlles (in order to get general approach). Regulation will come into force end 2006.

Adopt Third Money Laundering Directive (Sept 2005)

- ECOFIN on 7 June agreed to take on board EP amendments. Jurists/linguists on 19 July, to be completed in Sept, allowing adoption as “A” point in early October.

Regulation on Cash Control (Sept 2005)

- Adopted by ECOFIN on 12 July.

Agree a Code of Conduct: misuse of charities by terrorists (Dec 2005)

- Decision to hold public consultations on draft of Code from end July with aim of agreeing a Communication in October. Council discussions in Oct/Nov leading to agreement of Code in December.

Review the EU’s performance overall on Counter-Terrorist Financing (Dec 2005)

- Commission to launch restricted tender for independent study in July with aim of commissioning a study that is ready by end November.

Intensify exchange of police/judicial information (E’pol/E’just) (Dec 2005)

- review of E’pol CTTF to be discussed at Sept E’pol Management Board, with a view to putting to Council for noting/discussion 1-2 Dec JHA Council. E’pol and E’just to report back to Dec Council more generally on how MSs are using them/information flows etc. The mutual evaluation report on the EU15 on co-operation with Europol should be ready by end 2005.

Improve support from Member States' security and intelligence services to SitCen (report Dec 2005)

- MSs to ensure that they are responding to SitCen requests for information. Director of SitCen to report back to December JHA Council.

Improve information sharing on lost/stolen explosives

- Commission Communication to be published in July. SitCen analytical paper also expected. TWG to discuss in September (provided papers have been produced) and develop appropriate proposals.

Implement peer evaluation recommendations

- Ongoing in light of peer evaluation process. Final report of the review round to be discussed in TWG in Sept/Oct and submitted to December JHA Council for adoption. In addition, Counter-Terrorism Co-ordinator to produce for December JHA Council a report covering implementation of the interim report (agreed Dec 2004) and Member States' individual reports.

Make full use of Joint Investigation Teams

- Informal network of experts already established. MSs to supply information to Presidency by end August 2005 on number/purpose of JITs they have set up. Eurojust seminar in autumn to look at how teams can be set up.

Commission to present proposals on data protection/principle of availability (Oct 2005)

- Commission proposals to be discussed in Council working group (probably MDG) and then to CATS.

Commission Communication on enhanced interaction between the VIS, SIS II and EURODAC (Nov 2005)

- Commission Communication to be discussed in relevant working group(s), depending on scope/substance. 25 July SIS/Sirene working group to have preliminary discussion of "connectivity" between SIS II/VIS.

Commission proposal for VIS (Nov 2005)

- C'ion proposal to be discussed in relevant working group(s) as a matter of priority.

Council to agree an EU Strategy on Radicalisation and Recruitment (Dec 2005)

- C'ion Communication to be published. Special CATS meeting to discuss main themes of strategy (18 July). C'ion to present Communication to contribute to Strategy (Sept); Presidency to produce draft strategy drawing on 18 July discussion and C'ion ideas. Draft Strategy discussed in TWG, COTER, CATS and COREPER (Sept/Oct/Nov) in advance of December JHA Council.

Member States to agree common standards for security features and secure issuing procedures for ID cards (Dec 2005), with detailed standards agreed asap thereafter.

- Informal experts' meeting held by C'ion on 18 April to discuss common security standards. Second experts' meeting to be convened by C'ion in the autumn to discuss issuing and enrolment procedures. Inter-governmental conclusions to be agreed by the end of the year setting out a broad framework for security standards and procedures, followed by detailed standards in due course. The Article 6 Committee (of Regulation 1683/95) will be invited to draft the detailed common security standards.

Council to develop further ability to share visa information via VIS/SIS II

- Political discussion at Oct and/or Dec JHA Council on SIS II. Schengen Acquis working group to continue their work on the three SIS II proposals, with a view to reaching political agreement on certain aspects by December 2005, in order for the texts to be adopted by mid 2006.
- Visa Working group will continue with second reading of VIS Regulation in September. Informal discussion with Rapporteur, C'ion and Council Secretariat scheduled for early Sept. Plans for MSs roll-out of VIS will be proceeding in parallel, with a view to Council conclusions by the end of the year.

Council to prioritise the roll-out of biometrics to regions/countries of high risk

- Discussed at June SCIFA and 6/7 July Visa Working group. Further discussion at special experts' meeting on 25/26 July and Visa Working group in September, with a view to Council conclusions on the overall roll-out timetable by end 2005.

Member States to take a collaborative approach to the provision of biometric capacity to visa issuing posts.

- To be reflected in the VIS roll-out discussions and conclusions (as above).

Council to revise/reinforce common standards on aviation security (end 2005)

- Council to adopt a proposed Regulation revising Regulation (EC) no. 2320/2002 in Sept/Oct 2005. General approach at the Transport, Telecommunications and Energy Council on 5 Dec 2005.

Member States to implement agreed EU standards on maritime security and security at ports

- Regulation (EC) no 725/2004 applies as from 1 July 2004. Date of application in respect of domestic shipping for class A passenger ships is 1 July 2005
- Regulation (EC) no 724/2004 provides the European Maritime Safety Agency with clearly defined tasks in the area of maritime security.
- Directive on enhancing port security, complementing (EC) no 725/2004. Directive expected to enter into force in Aug/Sept 2005: MSs to implement within 18 months of date of entry into force.

European programme on Critical Infrastructure Protection (end 2005)

- Council experts seminar held 6/7 June 2005; Member States submitted written comments subsequently. Follow-up Council seminar 12-13 Sept. Presidency/Council to produce draft Programme for discussion in Civil Protection Working Group (special formation) in Oct/Nov. Then to December JHA Council.

Commission proposal on airline passenger name records (PNR) (Oct 2005)

- C'ion to adopt a Third Pillar Framework decision on PNR. Work to be taken forward (probably) in the MDG.

Member States to undertake regular joint CT exercises

- MSs to take forward, supported where appropriate by the C'ion. C'ion/CT Co-ordinator to produce short report by December JHA Council.

EU CT Co-ordinator/Commission to report on emergency response capabilities and information-sharing/co-ordination/collective decision-making (Dec 2005)

- Emergency response capabilities: C'ion to produce final report on assessment of assets and capabilities for consideration at Nov Civil protection WG. Presidency to undertake risk assessment seminars to develop common EU understanding of risks (terrorist and non-terrorist). Discussion in Civil Protection WG in November of next steps in EU capabilities building process, with report to December JHA Council.
- Information sharing/co-ordination/collective decision-making: Presidency/CT Co-ordinator/Director of SitCen/C'ion to meet in late July to discuss how to take forward. COREPER discussion in the autumn with report by CT Coordinator to December JHA Council.

Support to the victims of terrorism, including by making funds available to victims and their families.

- Pilot project launched by C'ion. C'ion to report to December JHA Council on use of funds and success of pilot programme.

EU/Member States to support UN and work to reach agreement on the Comprehensive Convention against Terrorism (Sept 2005) and to develop a global CT strategy.

- MSs and EU to continue to pursue agreed EU position in discussion in New York.
- MSs and EU to continue outreach to third countries ahead of September Summit.
- Presidency to present agreed EU position at the summit.

Council/Commission to reinforce work with priority third countries, by increasing commitments to technical assistance and capacity building.

- MSs/Commission to identify concrete contributions for following up mission to Morocco by end July.
- MSs/Commission to identify concrete contributions for following up mission to Algeria by end September.
- Begin delivery by end November.

EU to continue to work with US, other partners and key international bodies.

- COTER Troikas to take place with Canada, Russia and India. TWG to invite US to December meeting. PSC Troika with Russia in July. High-level EU-US JHA meeting already taken place in London; Policy Dialogue on Border and Transport Security to take place in Washington in the autumn. JHA Ministerial with US to take place in Washington in early October; with Russia (PPC meeting) to take place in mid-October; and with Western Balkans to take place in December. COTER to develop master messages for third countries.

Council to review progress and to present a reinforced CT Action Plan (Dec 2005)

- Discussion at Sept JHA Informal and at COREPER in November. To Dec JHA, GAERC, and European Councils.

**NEW IDEAS FROM JHA COUNCIL ON 13 JULY BUT NOT IN COUNCIL
DECLARATION**

- The participation of additional Member States in the treaty signed by Austria, Belgium, France, Germany, Luxembourg, Netherlands and Spain on cross-border co-operation (Treaty of Prüm – ‘Schengen III’). (Germany)
- Feasibility study on appropriate methods to register entries and exits of third country nationals at the common borders. (Germany)
- The taking of measures to enhance mutual trust between Member States’ law enforcement, intelligence and security services. (Belgium)
- Developing a common approach to the expulsion of terrorist suspects. (Italy)
- Exploring the potential to offer residence permits to foreign nationals who co-operate with Member States’ counter-terrorism investigations. (Italy)
- Community financial support to joint investigation team (Italy)
- Improve co-operation on monitoring the use of internet for terrorist purposes. (Italy)
- Better exchange of information on victims identification. (Latvia)
