



**COUNCIL OF
THE EUROPEAN UNION**



8397/08 (Presse 96)

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2863rd Council meeting

Justice and Home Affairs

Luxembourg, 18 April 2008

President

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Minister of the Interior of Slovenia
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P R E S S

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8397/08 (Presse 96)

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Main results of the Council

The Council reached a political agreement on a decision making the European Police Office, better known as Europol, an EU Agency with a community budget and a statute for its staff. The decision also extends Europol's mandate to all serious cross-border crime. Europol then will find it easier to come to the assistance of member states in cross-border criminal investigations.

Political agreement was also reached on an EU action plan on improving the security of explosives. This action plan is one of a raft of measures proposed by the Commission in November 2007 to combat terrorism. The plan will improve the traceability of explosives in the EU, through, for example, the setting up of an alert system when explosives are stolen in a member state.

Furthermore, the Council reached a general approach on a framework decision which aims at including into EU legislation three new crimes: public provocation to commit terrorist offences, recruitment for terrorism and training for terrorism.

Finally, the Council adopted a mandate to the Commission to open discussions with the United States regarding certain conditions for access to the Visa Waiver Program.

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- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

Belgium:

Ms Annemie TURTELBOOM
Mr Jean DE RUYT

Minister for Immigration and Asylum
Permanent Representative

Bulgaria:

Ms Miglena Ianakieva TACHEVA
Mr Goran YONOV

Minister for Justice
Deputy Minister for the Interior

Czech Republic:

Mr Jiří POSPÍŠIL
Ms Milena VICENOVA

Minister for Justice
Permanent Representative

Denmark:

Ms Lene ESPERSEN
Ms Birthe RØNN HORNBECH

Minister for Justice
Minister for Refugees, Immigration and Integration

Germany:

Ms Brigitte ZYPRIES
Mr Wolfgang SCHÄUBLE

Federal Minister for Justice
Federal Minister for the Interior

Estonia:

Mr Rein LANG
Mr Jüri PIHL

Minister for Justice
Minister for Internal Affairs

Ireland:

Mr Seán POWER

Minister of State at the Department of Justice, Equality
and Law Reform with special responsibility for Equality
Issues

Greece:

Mr Prokopios PAVLOPOULOS

Minister for the Interior

Spain:

Mr Julio PÉREZ HERNÁNDEZ
Mr Carlos BASTARRECHE

State Secretary for Justice
Permanent Representative

France:

Ms Rachida DATI
Ms Michèle ALLIOT-MARIE

Mr Brice HORTEFEUX

Keeper of the Seals, Minister for Justice
Minister for the Interior, Overseas Territories and Local
and Regional Authorities
Minister for Immigration, Integration, National Identity
and Supportive Development

Italy:

Mr Giuliano AMATO
Mr Rocco Antonio CANGELOSI

Minister for the Interior
Permanent Representative

Cyprus:

Mr Kypros CHRISOSTOMIDES
Mr Neoklis SYLIKIOTIS

Minister for Justice and Public Order
Minister for the Interior

Latvia:

Mr Gaidis BĒRZIŅŠ
Mr Mareks SEGLIŅŠ

Minister for Justice
Minister for the Interior

Lithuania:

Mr Petras BAGUŠKA
Mr Regimantas ČIUPAILA

Minister for Justice
Minister for the Interior

Luxembourg:

Mr Luc FRIEDEN

Mr Nicolas SCHMIT

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

Hungary:

Mr Tibor DRASKOVICS

Minister for Justice and Law Enforcement

Malta:

Mr Carmelo MIFSUD BONNICI

Minister for Justice and Home Affairs

Netherlands:

Ms Guusje TER HORST

Mr Ernst HIRSCH BALLIN

Ms Nebahat ALBAYRAK

Minister for the Interior and Kingdom Relations

Minister for Justice

State Secretary for Justice

Austria:

Ms Maria BERGER

Mr Günther PLATTER

Federal Minister for Justice

Federal Minister for the Interior

Poland:

Mr Zbigniew CŹWIĄKALSKI

Mr Piotr STACHAŃCZYK

Minister for Justice

Deputy State Secretary, Ministry of the Interior and Administration

Portugal:

Mr Alberto COSTA

Mr Rui PEREIRA

Minister for Justice

Minister for the Interior

Romania:

Mr Cătălin Marian PREDOIU

Mr Vasile Gabriel NITA

Minister for Justice

Secretary of State, Ministry for Internal Affairs and Administrative Reform

Slovenia:

Mr Lovro ŠTURM

Mr Dragutin MATE

Ms Katja REJEC LONGAR

Minister for Justice

Minister for the Interior

Deputy State Secretary

Slovakia:

Mr Štefan HARABIN

Mr Jozef BUČEK

Deputy Prime Minister and Minister for Justice

State Secretary, Ministry for the Interior

Finland:

Ms Tuija BRAX

Ms Anne HOLMLUND

Ms Astrid THORS

Minister for Justice

Minister for the Interior

Minister for Migration and European Affairs

Sweden:

Ms Beatrice ASK

Mr Tobias BILLSTRÖM

Minister for Justice

Minister for Migration

United Kingdom:

Mr Tony McNULTY

Lady SCOTLAND of ASTHAL

Ms Elish ANGIOLINI

Minister of State for Security, Counter-Terrorism, Crime and Policing

Attorney General

Lord Advocate (Scottish Government)

Commission:

Mr Jacques BARROT

Vice-President

ITEMS DEBATED**MIXED COMMITTEE****SIS II**

The Council took note of a report on the development of the SIS II project.

According to the SIS II time schedule Compliance Tests for all Member States should be executed by 3 October 2008 at the latest.

After the enforcement of the Schengen Association Agreement of Switzerland to the implementation of the provisions of the Schengen acquis on 1 March 2008, the Swiss Government declared its preparedness to the Schengen evaluation process. The Presidency welcomes the commitment of Switzerland to give the highest priority to the SIS II project.

The Council also confirmed conclusions of a report on the open issues related to SIS II and took note of the Commission proposals on migration from SI1+ to the second generation Schengen Information System (SIS II).

Finally, the Commission confirmed that, on the basis of the open issues report, it will present a detailed schedule for SIS II implementation at the June Justice and Home Affairs Council.

It should be noted that the Council of 28 February adopted a number of conclusions regarding the development of the second generation of the Schengen Information System (SIS II), inter alia, an additional mechanism, supporting the SIS II development in the Member States until the start of operations. The Council also invited the Presidency to report to the Council in April 2008 on open issues related to the detailed SIS II schedule, on the basis of a report prepared by the Friends of SIS II, the mechanism which was, pursuant to the Council conclusions, established immediately.

Return of illegally staying third-country nationals

The Mixed Committee/Council took account of the latest developments in relation to a proposal for a directive on common standards and procedures in member states for returning illegally staying third-country nationals.

In particular, it took note of the discussions held between the Presidency and the European Parliament last 9 April 2008.

The Presidency highlighted that negotiations both at Council level and with the Parliament have advanced significantly and will require compromise on the part of all. It indicated that more work was still required and whether agreement proved possible would depend in particular in the forthcoming final negotiations with the Parliament.

The Mixed Committee/Council broadly supported the Presidency for concluding the negotiations with the Parliament.

The draft directive deals with key issues in the policy of return such as the voluntary departure of returnees, the execution of a return decision through a removal procedure, the postponement of removal, the imposition of entry bans as accompanying measure to a return decision, the form of the return decision, the remedies against a return decision and the safeguards for a returnee pending return, the possibility of an accelerated procedure for return in certain cases and the detention of returnees and its conditions.

The most contentious provisions in the draft directive concern its scope, voluntary departure, entry ban, detention of illegal nationals and their condition of detention.

This proposal was submitted by the Commission in 2005 and has been examined at length, under successive presidencies. It is to be adopted in co-decision with the European Parliament.

The Mixed Committee/Council committed itself to pursuing work in close contact with the European Parliament with a view to reaching agreement on the draft directive. The Slovenian Presidency has therefore prioritised work on the proposal at Council level and maintained close contact with Parliament. A triilogue at political level took place on 9 April to discuss the most contentious provisions. Another meeting at political level with the Parliament will take place on 23 April 2008. Thereafter, the Presidency will inform the Mixed Committee/Council about the state of play.

Visa in Western Balkans

Commission Vice-President Jacques Barrot briefed about a letter co-signed with the Presidency addressing positive signs to Balkan countries regarding visa policy.

In particular, the letter addresses the issue of the exoneration of payments for visa for certain categories of persons (eg. students, sportmen/women, journalists, pensioners or children under the age of six). In fact, around 80% of all Serbian, Montenegrin, FYROM, Albanian and Bosnian citizens could be exempt from the visa fee.

People who will pay for a visa, essentially tourists not falling into any of the visa fee categories, will be charged with a special reduced rate of 35 Euros.

EXTENSION OF THE LONG-TERM RESIDENT STATUS TO BENEFICIARIES OF INTERNATIONAL PROTECTION

The Council held a debate on this proposal on the basis of a questionnaire put forward by the Presidency.

Council Directive 2003/109/EC (LTR Directive) determines the status of third-country nationals who are long-term residents (residing more than 5 years in a member state). At the time of the adoption of this Directive, the Council welcomed the Commission commitment to follow it up with a proposal for the extension of long-term resident status to refugees and persons benefiting from subsidiary protection. The new Commission proposal, presented in June 2007, responds to this commitment.

The Presidency requested Ministers to address the following questions:

- (a) Do delegations wish to include beneficiaries of international protection, i.e. recognised refugee status and beneficiaries of subsidiary protection status according to the Directive 83/2004/EC, in the scope of the LTR Directive?
- (b) Do delegations agree that other forms of protection granted by Member States on humanitarian grounds are also included in the scope of the LTR Directive?
- (c) Do delegations wish to treat recognised refugees and beneficiaries of subsidiary protection equally for the purpose of the duration of residence?

A majority of delegations could support the inclusion of both refugees and beneficiaries of subsidiary protection in the scope of the Directive, without any difference of treatment between the categories.

On the basis of the debate, the Presidency will prepare a compromise text which will be discussed by Coreper in the coming weeks.

EU-US VISA WAIVER PROGRAM DISCUSSIONS: MANDATE TO THE COMMISSION

The Council adopted a negotiating mandate to the Commission in relation to the discussions with the US on certain conditions for the access to the US Visa Waiver Programme.

The aim of the Community, with regard to the US Visa Waiver Programme (VWP), is to have all EU member states participating as quickly as possible in order to ensure full reciprocal visa free travel and equal treatment for all our citizens.

The EU and its member states adopted a common approach for the purpose of discussion with the US on 5 March 2008 (see press release [7338/08](#)) to be followed by the member states in their bilateral commitments and arrangements with the USA, while Community law will be strictly respected.

At the EU-US Ministerial Troika which was held in Slovenia on 13 March, a "twin track" approach was agreed between the EU and the US to discuss this issue. The heart of the twin track approach is that the Commission will discuss matters under EU responsibility with the US, while EU member states will discuss those issues under their responsibility.

The mandate to the Commission identifies the topics that are addressed under the EU track and enables the Commission to start exploratory talks on certain elements.

ILLEGAL MIGRATION IN GREECE

The Greek Minister of Interior, Mr Procopios Pavlopoulos, briefed the Council about the difficulties that his country is facing given the increase of unfounded asylum claims in the past months in Greece.

He provided information on the application of community asylum legislation and presented the methods followed in Greece for the treatment of illegal migration, ensuring respect to human rights and the EU fundamental rights.

On 31 March 2008, the Greek Minister, Mr Pavlopoulos sent a letter to the Presidency where he explained his country's current difficulties on this issue and asked for the item to be added to the Council's agenda.

EUROPOL

The Council reached a political agreement on a decision establishing European Police Office, shortly Europol. Once this decision will be formally adopted, Europol will become a Community agency. This change of status will importantly improve the operational and administrative functioning of Europol.

The decision will extend the mandate of Europol to criminality which is not strictly related to organized crime. This will ease support provided by Europol to Member States in relation to cross-border criminal investigations where involvement of organized crime is not demonstrated from the start.

A significant change is that Europol will be financed from the Community budget (from 1 January 2010 onwards). This will simplify the procedures for managing the budget and staff of Europol. The role of the European Parliament in the control of Europol will also increase, thus the democratic oversight over Europol at European level will be enhanced.

Europol shall make every effort to ensure that its data processing systems are interoperable with the data processing systems in the Member States and with the data processing systems in use by the European Union related bodies with which Europol may establish relations.

There will be a smooth transition process from the current situation to the situation envisaged by the new text. A significant number of transitional provisions have been included to ensure that the process will not interfere with Europol's operational work and that existing rights of staff are not prejudiced.

The European Police Office (Europol) was created in 1995, on the basis of a Convention between Member States. The Europol Convention establishes the organisation, determines its competence, tasks and management, and includes provisions with respect to its organs, its staff and budget.

Along the years, it appeared that the effectiveness of the organisation should be changed as regards of the need of adaptation of Europol mandate and tasks as regards to the evolution of international organised crime and of the justice and home affairs area, and the need of improvement of Europol functioning and financing. This is what the new decision will do.

EU ACTION PLAN ON ENHANCING THE SECURITY OF EXPLOSIVES

The Council agreed on an Action Plan on Enhancing the Security of Explosives ([8109/08](#)).

This Action Plan is one of the measures proposed in the Commission's package of counter-terrorism in November 2007. Prepared by the Explosives Security Experts Task Force, the Action Plan reflects a comprehensive approach to countering threats linked to explosives and precursors to explosives. The work concentrated on four separate issues: precursors, supply chain, detection and public security.

The strategic objective of the Action Plan is to combat the use of explosive devices by terrorists within the EU. The primary focus of the Action Plan is on security issues. In addition, some of the activities put forward in the Action Plan have positive implications for safety.

It should be noted that prevention, detection and response form the pillars of the EU's approach to the security of explosives. At the same time, a horizontal set of measures concerning public security complement and consolidate all of the pillars. The horizontal priorities in the field of explosives security are:

- improving the exchange of timely information and disseminating best practices;
- establishing coordination mechanisms and taking joint action on particular issues;
- stepping up explosives related research.

As mentioned, the draft Action Plan was prepared by Explosives Security Experts Task Force, composed of representatives of the relevant stakeholders, including industry and public authorities. In June 2007 the Task Force submitted a report identifying 50 recommendations for measures designed to improve the security of explosives in the EU.

FRAMEWORK DECISION AMENDING FRAMEWORK DECISION 2002/475/JHA ON COMBATING TERRORISM

The Council reached a general approach on a framework decision which aims at including into EU legislation three new crimes:

- public provocation to commit terrorist offences,
- recruitment for terrorism and
- training for terrorism.

Therefore the current framework decision 2002/475/JHA will be updated with these offences and aligned with the Council of Europe Convention on prevention of terrorism.

The inclusion of these offences will have the advantage of having a more integrated institutional framework of the EU. There will be rules in respect of the type and level of criminal penalties and compulsory rules on jurisdiction which will be applicable to the offences.

EU cooperation mechanisms (see for instance the Decision of 2005 on sending terrorist-related information to Europol and Eurojust) will be triggered since they have as their scope of application the Framework Decision.

In accordance with the text,

- "public provocation to commit a terrorist offence" means the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in the framework decision, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed;
- "recruitment for terrorism" means to solicit another person to commit one of the offences listed in the framework decision; and
- "training for terrorism" means to provide instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing one of the offences listed in the framework decision, knowing that the skills provided are intended to be used for this purpose.

ENHANCING PROCEDURAL RIGHTS IN TRIALS "IN ABSENTIA"

The Council discussed an initiative for a Framework Decision on enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition in respect of decisions rendered in the absence of the person (trials "in absentia").

The Council noted good progress on this file and instructed Coreper to further work on this proposal with a view to reaching an agreement at the June Justice and Home Affairs Council.

The aim of the proposal is to determine clear and common grounds for non-recognition of decisions rendered following a trial at which person concerned did not appear and thus amending the existing instruments on mutual recognition (Framework Decisions on the European arrest warrant, on the financial penalties, on the confiscation orders, on the imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement, and on the supervision of probation measures and alternative sanctions).

Once adopted, the Framework Decision will overcome legal uncertainty over mutual recognition of judgments rendered in the absence of the person concerned ("in absentia"). In addition to new information obligations, the text will establish that member states should recognise judgments rendered in the absence of the person concerned where he or she has been given a right to a retrial.

STRENGTHENING OF EUROJUST

Pending the lifting of a parliamentary scrutiny reservation, the Council reached a general approach on certain aspects of a draft decision strengthening Eurojust.

In particular, the Council agreed on the articles of this proposal relating to the composition of Eurojust, its tasks, the status of its national members and provisions on Eurojust's staff.

The work on the remaining provisions of the instrument will continue at the expert's level.

This proposal was presented on January 2008 by the following member states: Slovenia, France, the Czech Republic, Sweden, Spain, Belgium, Poland, Italy, Luxembourg, the Netherlands, Slovakia, Estonia, Austria and Portugal.

EUROPEAN CONTRACT LAW

The Council endorsed a report setting up a Common Frame of Reference for European contract law.

This report defines the Council's position on four fundamental aspects of the Common Frame of Reference:

- (a) Purpose of the Common Frame of Reference: a tool for better lawmaking targeted at Community lawmakers
- (b) Content of the Common Frame of Reference: a set of definitions, general principles and model rules in the area of contract law to be derived from a variety of sources
- (c) Scope of the Common Frame of Reference: general contract law including consumer contract law
- (d) Legal effect of the Common Frame of Reference: a set of non-binding guidelines to be used by the lawmakers at Community level on a voluntary basis as a common source of inspiration or reference in the lawmaking process.

The report will be communicated to the Commission in order that it takes due account in its future work on the Common Frame of Reference.

It should be noted, that the Commission launched in 2001 a process of consultation and discussion on how to tackle at Community level the problems resulting from divergent national contract laws. The Commission's Action Plan from 2003 presented the conclusions from the first round of consultations and suggested measures to increase the quality and the coherence of the Community acquis in the area of contract law. In the wake of this Action Plan, a network of researchers was created to work out a common frame of reference for European contract law.

Following the presentation of the Commission's Action Plan, the Council adopted a resolution on "A more coherent European Contract Law"¹. In this resolution, the Council considered it useful, in order to achieve greater transparency, coherence and simplification of contract law, to further improve, consolidate and codify the existing EC legislation in the area of contract law.

The Hague Programme² specified that in matters of contract law, the quality of existing and future Community law should be improved by measures of consolidation, codification and rationalisation of legal instruments in force and by developing a common frame of reference. A framework should be set up to explore the possibilities to develop EU-wide standard terms and conditions of contract law which could be used by companies and trade associations in the Union. Measures should be taken to enable the Council to effect a more systematic scrutiny of the quality and coherence of all Community law instruments relating to cooperation on civil law matters.

¹ OJ C 246, 14.10.2003, p. 1.

² OJ C 53, 3.3.2005, p. 1.

OTHER BUSINESS– *EU-US Ministerial Troika Meeting on Justice and Home Affairs*

The Presidency briefed the Council about the outcome of the European Union - United States Ministerial Troika Meeting on Justice and Home Affairs, which was held on 12 and 13 March 2008, in Bled/Brdo pri Kranju, Slovenia.

– *Information by the Netherlands on resettlement of refugees*

The Dutch delegation briefed the Council about her recent visit to Thailand (together with Belgian and Luxembourg representatives), where they addressed the question of the possible resettlement of refugees currently in Thailand.

In this context, in January 2008, the Netherlands, together with Denmark, Ireland, Finland, Sweden and the UK, addressed a letter to the rest of their EU colleagues on the opportunities to bring solutions through resettlement for the most vulnerable refugees throughout the world.

– *Italian candidate for the office of Director General of the IOM*

The Italian delegation presented to the Council the candidature of professor Luca Riccardi as Director General of the International Migration Organization.

– *Crimes committed by totalitarian regimes*

Commission Vice-President Jacques Barrot briefed the Council about the first European hearing on crimes committed by totalitarian regimes which was held in Brussels on 8 April 2008.

OTHER ITEMS APPROVED**JUSTICE AND HOME AFFAIRS****Frontex - participation of Switzerland and Liechtenstein**

The Council adopted a decision authorising the Commission to open negotiations for the conclusion of an arrangement between the European Community and Switzerland and Liechtenstein on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (Frontex).

This agency was set up by Council regulation (EC) no 2007/2004¹ in order to improve the integrated management of the Union's external borders. Its main tasks include coordination of operational cooperation between member states in this field, risk analysis and training of border guards.

An arrangement on participation in Frontex has already been concluded with two other third countries, Norway and Iceland.

Sixth Eurojust Annual Report (calendar year 2007) - Council conclusions

The Council's conclusions can be found in [8062/08](#).

European Convention on extradition - simplified mechanism of extradition

The Council approved a common position of Member States of the EU on a proposal for a simplified extradition procedure in the Council of Europe in view of the discussions which are currently taking place in the Council of Europe regarding this issue.

¹ OJ L 349, 25.11.2004.

EUROPOL- Work programme for 2009

The Council endorsed the Europol work programme for 2009 ([7801/08](#)). It also took note of the Europol annual report 2007 ([7804/08](#)).

Russian Organised Crime Threat Assessment (ROCTA) - Council conclusions

The Council adopted the following conclusions:

"The Council of the European Union,

Considering that, as is demonstrated by the Organised Crime Threat Assessment Report (OCTA), organised crime groups relative to certain regions constitute a serious threat to the security of the European Union and its Member States.

Taking into account that a regional approach supports the OCTA by further developing its findings and by identifying specific threats against the European Union and its Member States in a particular geographical context.

Recalling that, with regard to Russian organised crime, the Action Oriented Paper on implementing with Russia the Common Space of Freedom, Security and Justice¹ called for making better use of the Member States' Liaison Officers stationed in the Russian Federation in order to intensify the fight against serious crime, notably organised crime, and to better identify relevant threats.

Noting the need for Europol and the Member States' law enforcement authorities to collate all relevant information on Russian organised crime which impacts on Member States in order to obtain a more comprehensive and detailed assessment of the specific threats to be used for intelligence-based law enforcement operations, such as COSPOL projects. In that context the role of Europol, especially with regard to crime analysis, should be strengthened.

¹ 15534/1/06 JAI 619 RELEX 820 ASIM 80 CATS 173 COTER 49 NIS 199.

Endorses the idea of developing a Russian Organised Crime Threat Assessment (ROCTA). In that context Europol should develop a template of an intelligence requirement in line with the OCTA methodology. This intelligence requirement should be developed in close consultation with the OCTA Working Group and specialised units in the Member States. In doing so, account shall be taken of the input by Member State Liaison Officers stationed in the Russian Federation.

Calls upon Member States, via their Europol National Units, to respond to that intelligence requirement. In doing so, account shall be taken of the input by Member State Liaison Officers stationed in the Russian Federation.

Calls upon Europol to communicate the intelligence requirement to those EU agencies or bodies within the area of Freedom, Security and Justice and to those third countries or bodies deemed necessary in order to draft the ROCTA. Russian Federation law enforcement authorities will be sent a generic intelligence requirement requesting qualitative data on the impact of Russian organised crime on the EU.

Urges all such countries and bodies to respond to this intelligence requirement.

Calls upon Europol to draft a threat assessment on Russian organised crime (ROCTA) which impacts on the EU Member States. The Council calls upon Europol to produce the 2008 ROCTA in line with the OCTA methodology. Further development of the methodology will be discussed by the OCTA Working Group after the evaluation process of the 2008 ROCTA. The continued need for a ROCTA, its future scope and its frequency should be reviewed by the competent Council Working Group after every ROCTA. As a rule, the ROCTA should not be drafted more often than every two years.

Calls upon Europol to distribute the ROCTA, in line with the OCTA, via the ENUs to the Member States for further distribution as deemed appropriate by them."

Introducing Effective Parts Markings - *Council conclusions*

The Council's conclusions can be found in [8097/08](#).

Europol - Protection of public figures

The Council took note of the fourth annual report of the European network for the protection of public figures. Its annual meeting was held in Berlin on 8-10 October 2007.

The network was set up by the Council in November 2002 (OJ L 333, 10.12.2002, p.1) and consists of national police services and other services responsible for the protection of public figures.

Uniform format for non EU nationals' residence permits

The Council adopted a regulation setting the security features and biometric identifiers to be used by the Member States in a uniform format of residence permit for third-country nationals ([13502/2/07](#)).

The uniform format for residence permits will include a storage medium containing the facial image and two fingerprints images of the holder, both in interoperable formats. The data will be secured and stored, and the integrity, the authenticity and the confidentiality of the data will be guaranteed.

The technical specifications for the capture of biometric identifiers will be set in accordance with the technical requirements for passports issued by Member States to their nationals.

The regulation amends regulation 1030/2002 laying down a uniform format for residence permits for third-country nationals.

Short-stay visa waiver agreement with Brazil

The Council adopted a decision authorising the Commission to open negotiations for the conclusion of a short-stay visa waiver agreement between the European Community and Brazil.

Practical cooperation in the field of asylum - Council conclusions

The Council adopted the following conclusions:

"The Council,

1. underlines that further enhancing practical cooperation in the field of asylum is one of the key elements contributing to the establishment of a fair and efficient Common European Asylum System, as foreseen by the Hague Programme, which guarantees effective protection throughout the EU while preventing abuse of asylum procedures;
2. recalls the need for strengthening practical cooperation in the field of asylum, in order to improve convergence in asylum decision making by Member States within the framework of rules set by EC legislation in this field and emphasizes that practical co-operation leads to enhanced coordination and increased efficiency;
3. welcomes the work already undertaken for this purpose and calls on the Commission and Member States to intensify activities (such as the establishment of a Common EU Portal on Country of Origin Information, the completion of an European Asylum Curriculum, the setting up of an EU-wide Interpreters Pool, etc.) under the existing EU and other structures in this field in the near future and to allocate the necessary human and financial resources to this end, and to consult, where appropriate, with UNHCR and other relevant international organisations;
4. welcomes in that connection the feasibility study being undertaken by the Commission to look at the question of the most appropriate means to provide adequate structural support for all relevant activities in the area of practical cooperation in the field of asylum;
5. requests that the feasibility study should, in particular, examine the conditions necessary for the timely establishment of a European Support Office and outline the tasks which it might undertake (such as exchange of best practice, managing the Common EU Portal on Country of Origin Information, training, activities related to the external dimension of asylum, etc.) in order to assist Member States in their implementation of a Common European Asylum System, as well as possible financial arrangements and organisational structure, taking into account existing forms of cooperation between Member States and avoiding unnecessary bureaucratic structures, consistent with the principle of subsidiarity;

6. invites the Commission to bring forward suggestions for further strengthening practical cooperation while awaiting for a decision on the future structure for supporting practical cooperation by the end of 2008."

SIS budget - participation of Switzerland

The Council adopted decision amending the financial regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) ([7789/08](#)) in view of Switzerland's participation in the Schengen acquis.

Control of acquisition and possession of weapons *

The Council, with Austria abstaining, adopted a directive aimed at improving rules on the control of acquisition and possession of weapons in the EU, by approving the European Parliament amendments voted at first reading under the codecision procedure ([3690/07](#) and [7687/08 ADD1](#)).

The directive updates current rules on control of weapons in order to better tackle the criminal use of firearms without inconveniencing legitimate owners (such as hunters or target shooters).

Particularly, the directive will reinforce rules aimed at enhancing safety with respect to gun ownership, including:

- control of the sale of guns over the internet;
- reinforcement of the marking and tracing system;
- computerisation and extension of the period of the record keeping to twenty years; and
- compliance with EU data protection legislation.

Furthermore, it incorporates technical amendments into the existing legislation in order to align it with the United Nations protocol on illicit manufacturing and trafficking of firearms, which supplements the UN convention against transnational organised crime.

EU member states will have two years to transpose the new provisions into their national law.

The directive amends directive 91/477/EEC, which established rules to allow a certain freedom of movement for some firearms within the Community, whilst ensuring appropriate control. The directive is applicable to legal trade in certain types of weapons (military weapons are excluded), and solely within the internal market.

ENLARGEMENT

Croatia - Stabilisation and Association Council

The Council endorsed the EU position in view of the 4th meeting of the Stabilisation and Association Council with Croatia, to take place in Luxembourg on 28 April 2008.

The meeting will provide an opportunity to review Croatia's progress in the preparations for membership, following the publication in November 2007 of the Commission's progress report and the adoption of the revised Accession Partnership by the Council in February 2008.

CUSTOMS UNION

Convention on common transit

The Council adopted a decision determining the European Community position within the EC-EFTA joint committee on common transit, with a view to adoption by that Committee of amendments to the Convention of 20 May 1987 on a common transit procedure, in order to take into account the computerisation of the procedure.

The convention sets out measures to facilitate the movement of goods between European Community and EFTA countries.

Customs Convention on the International Transport of Goods

The Council adopted a decision on the position to be taken by the Community within the Administrative Committee concerning the proposal to amend the Customs Convention on the International Transport of goods under cover of TIR carnets (TIR Convention 1975).

The amendment will introduce a new explanatory note to Article 3 of the TIR Convention, which concerns the transport of passenger cars on their own wheels under the TIR procedure.

ENVIRONMENT

Aviation - EU greenhouse gas emission allowance trading system

The Council adopted a common position on a draft directive aimed at including aviation activities in the EU greenhouse gas emission allowance trading system, by amending directive 2003/87/CE ([5058/08 +ADD 1](#) and [8041/08 ADD1](#)).

The common position, which follows the political agreement reached by the Council last December ([16183/07](#), page 9), will be forwarded to the European Parliament for a second reading under the codecision procedure.

The main objective of the draft directive ([5154/07](#)) is to reduce the climate change impact attributable to aviation, in view of the growing emissions from the aviation sector, namely by including aviation activities in the general Community scheme for emissions trading (ETS).

The common position seeks to provide for a balanced package of measures aiming at contributing to the reduction of aviation emissions in a manner consistent with the EU policies and objectives, whilst ensuring that the inclusion of aviation in the ETS does not lead to distortions of competition.

For more information see press release [8271/08](#).

TRANSPORT**Operation of air transport services ***

The Council adopted a common position on a proposal for a regulation on common rules for the operation of air transport services in the Community ([16160/07](#) + [ADD 1](#), [7627/08 ADD1](#)). The proposal regulates the licensing of Community air carriers, their right to operate intra-Community air services and the pricing of such air services.

The text will be sent to the European Parliament for a second reading in the framework of the codecision procedure.

The Commission proposal was presented in July 2006 ([11829/06](#)) with the aim of consolidating and rationalising the content of current legislation.

The proposal also introduces stricter requirements on the financial strength of air carriers and the practice of wet leasing of aircraft (the operation of an air service with an aircraft and crew belonging to a different company). In addition, the rules for public service obligations for air routes are clarified, inconsistencies between the internal aviation market and services to third countries are removed and the rules on traffic distribution among airports serving the same city or conurbation are simplified. Finally, the proposal strengthens price transparency with respect to air fares and rates offered to passengers and cargo customers.

The text agreed by ministers includes several amendments to the Commission proposal in order to ensure clarity as to the responsibilities of member states' licensing authorities, the respective competencies of the Community and of the member states vis-à-vis relations with third countries and also to ensure that an appropriate balance was maintained between oversight of carriers and avoiding the imposition of overly-burdensome requirements.

APPOINTMENTS

European Economic and Social Committee

The Council adopted a decision appointing Mr Josly PIETTE, honorary General Secretary of the CSC, as member of the European Economic and Social Committee for the remainder of the term of office, which runs until 20 September 2010.
