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**NOTE**

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from : General Secretariat of the Council

dated: 12 December 1994

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Subject: Extract from the conclusions of the European Council meeting on  
9 and 10 December 1994 in Essen with reference to cooperation in the fields of  
justice and home affairs

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Please find attached:

- the part of the conclusions (see SN 300/94) which refers, in a specific section, to cooperation in the fields of justice and home affairs (see I);
- the references to cooperation in the fields of justice and home affairs in other parts of the conclusions of the European Council meeting (see II). In this context the texts covering relations with the countries of Central and Eastern Europe deserve particular attention (see section II B and Annex I).

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## Cooperation in the fields of justice and home affairs

(pages 19 to 21)

The European Council welcomes the progress which has been achieved hitherto in the implementation of the December 1993 action plan.

This applies in particular to the harmonization of formal asylum law and the conditions for admitting students and self-employed persons, as well as harmonization of visa policy. It notes with satisfaction that as a result of a German initiative travel has been made easier for school parties.

It calls upon the Council to ensure that proceedings on Regulations concerning the list of third countries subject to visa requirements and the uniform visa are brought to a conclusion, if possible by the next meeting of the European Council.

### Europol

The European Council emphasized the paramount importance of the common struggle against international organized crime, terrorism and the threat posed by drugs and has therefore decided that the Convention establishing Europol is to be concluded at the latest by the European Council meeting in Cannes.

It welcomes the progress made under the German Presidency in preparing the Europol Convention. It regrets that despite this progress it has not been possible to bring the discussions to a conclusion.

It instructed the Council (Justice and Home Affairs), following on from the results already obtained on the basis of the existing draft, to achieve a balanced solution for the architecture of the system and the role of liaison officers, the inclusion of terrorism in Europol's remit, and also for the institutional aspects.

The European Council noted with satisfaction that the Europol Drugs Unit, as a forerunner to Europol, can already record some initial successes in combating drugs-related crime and associated illegal money-laundering operations. It agreed to extend the mandate of this institution to the fight against trade in radioactive and nuclear materials, the smuggling of persons, vehicle trafficking and associated money-laundering operations, and asks the Council to implement this as soon as possible by means of an appropriate legal instrument.

### **Drugs**

The European Council recalls the importance it attaches to the continuation by the Ministers concerned of the examination of the Union's action plan to combat drugs, submitted by the Commission. It notes that work has begun in the appropriate fora and requests that the work be completed so that conclusions can be put before the next European Council in June 1995.

### **Motor vehicle immobilizers**

The European Council welcomes the development of strategies for combating international organized motor vehicle related crime and particularly the Commission's intention of studying whether electronic immobilizers could be introduced on all new vehicles.

### **Combating fraud**

As taxpayers, the citizens of Europe rightly expect fraud, wastefulness and mismanagement to be combated with the greatest rigour. Accordingly, the Treaty on European Union gave the European Parliament, the Council, the Commission and the European Court of Auditors new powers which must be applied to the full. The European Council therefore calls for concerted action by these institutions and the Member States.

In this connection, the European Council has taken note of the report on the protection of the Communities' financial interests and the Resolution on penal sanctions upon which the Council (Justice and Home Affairs) reached agreement on 1 December 1994. The European Council asks the Council (Justice and Home Affairs) to pursue its deliberations actively so that during the first half of 1995 joint action can be decided upon or a convention concluded in this area. It further asks the Council (Economic and Financial Affairs) to adopt the Regulation on the protection of the Community's financial interests as soon as possible.

The European Council asks the Member States to submit reports on the measures they are implementing domestically to combat wastefulness and the misuse of Community resources; these reports will be examined at the meeting of the Council (Economic and Financial Affairs) in June 1995 so that they can be submitted to the European Council in December 1995. Additionally, the Council, the other institutions and the Member States should implement more thoroughgoing follow-up measures to the special reports of the European Court of Auditors.

#### **Taking in refugees from war and civil war**

The European Council pays tribute to the readiness shown by individual Member States to admit temporarily a large number of war and civil war refugees and calls upon the Council (Justice and Home Affairs) to study the problems caused by the flood of refugees with a view to finding as soon as possible an effective arrangement for future sharing of the burden of humanitarian assistance.

## II

### **Texts relating to cooperation in the fields of justice and home affairs in other parts of the conclusions**

#### **I. INTRODUCTION (pages 3 and 4)**

"Against this background the Heads of State and Government discussed the essential issues of the day and established a set of guidelines for short and medium-term measures in the following four priority areas:

- continuing and strengthening the strategy of the White Paper in order to consolidate growth, improve the competitiveness of the European economy and the quality of the environment in the European Union, and – given the still intolerably high level of unemployment – create more jobs for our citizens;
- ensuring the lasting peace and stability of the European continent and neighbouring regions by preparing for the future accession of the associated countries of Central and Eastern Europe and developing in parallel the special relationship of the Union to its other neighbours, particularly the Mediterranean countries;
- strengthening the Union's action in the area of internal security by providing the necessary legal and operational means for cooperation in justice and home affairs, in particular by concluding the Europol Convention during the French Presidency;
- strengthening the Union's democratic legitimacy, consistent compliance with the subsidiarity principle, and developing the different aspects of European citizenship in order to make the functioning of the institutions more transparent and the advantages of belonging to the Union more obvious to the general public, thus enhancing the Union's acceptability to its citizens.

## II. THE EUROPEAN UNION'S EXTERNAL RELATIONS

### A. Transatlantic dialogue (page 11)

The European Council emphasizes the significance of the transatlantic relations of the European Union with the US and Canada on the basis of the Transatlantic Declarations of November 1990. It welcomes the agreement expressed at the EU-Canada Summit on 6 July 1994 in Bonn and the EU-US Summit on 12 July 1994 in Berlin to develop relations further. It takes note with approval of the EU-US Summit's establishment of ad hoc study groups. It trusts that suggestions for closer cooperation worked out by the study groups will be submitted to the forthcoming summit meeting.

### B. Relations with the countries of Central and Eastern Europe (pages 12 and 13)

#### 1. Relations with the countries of Central and Eastern Europe

The European Council confirms the conclusions of the European Councils in Copenhagen and Corfu that the associated States of Central and Eastern Europe can become members of the European Union if they so desire and as soon as they are able to fulfil the necessary conditions.

The European Council has decided to boost and improve the process of further preparing the associated States of Central and Eastern Europe for accession. It is doing so in the knowledge that the institutional conditions for ensuring the proper functioning of the Union must be created at the 1996 Intergovernmental Conference, which for that reason must take place before accession negotiations begin. The European Council has decided on a comprehensive strategy submitted by the Council and the

Commission at the request of the European Council in Corfu for preparing these countries for accession to the European Union (see ANNEX IV). <sup>(1)</sup>

That strategy is tailored to the needs of the countries with which Europe Agreements were concluded with the European Union and will be applied to other countries with which such Agreements are concluded in the future.

The European Council requests the Commission and the Council to do everything necessary to ensure that Europe Agreements can be concluded with the Baltic States and Slovenia under the French Presidency, so that these States can be included in the accession preparation strategy.

The strategy adopted by the European Council is being politically implemented by the creation, between the associated States and the Institutions of the European Union, of "structured relations" which encourage mutual trust and will provide a framework for addressing topics of common interest.

Preparation for the internal market is to be backed up by a variety of measures designed to promote integration through the development of infrastructure and of cooperation in fields having above all a trans-European dimension (including energy, environment, transport, science and technology, etc.), in the fields of common foreign and security policy and of justice and home affairs. The PHARE programme, appropriately funded within a multiannual financial framework in accordance with the preparatory strategy agreed upon, will provide financial support for the purpose.

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<sup>(1)</sup> An extract from Annex IV is contained in Annex I hereto.

C. Nuclear smuggling (page 18)

10. Nuclear smuggling

The European Council voiced its concern regarding nuclear smuggling and approved measures and guidelines to combat it. It calls on the Commission and Member States to step up their cooperation in this field and effectively to assist countries of origin and transit in taking action on the ground. It also calls on all States which have not yet done so to place their sensitive civilian materials (plutonium and enriched uranium) under international safeguards.

III. EUROPE AND ITS CITIZENS (pages 21 and 22)

**Europe and its citizens**

The European Council believes that it is important to give a practical content to Union citizenship while respecting national particularities and the constitutional principles of the Member States of the European Union. It welcomes the political agreement on the detailed arrangements concerning the right to vote and to stand for municipal elections, which will be in addition to Union citizens' existing right to vote and to stand in European Parliament elections. It assumes that the Directive will be adopted by the Council before the end of the year.

The European Council is agreed that the Union must become more transparent and closer to its citizens. The accession of new Member States should provide the opportunity to make progress along this road.

### **Freedom of movement in Europe**

The European Council is concerned that the Convention on controls on persons crossing external frontiers, which would create an area without internal frontiers in accordance with the provisions of the Treaty and with freedom of movement for persons has still not been concluded. It invites the Council (Justice and Home Affairs) to ensure that the Convention is signed before the next meeting of the European Council, provided the last outstanding problems have been resolved.

In this connection the European Council noted with satisfaction that controls on persons at the internal borders of the Schengen States will be abolished as from March 1995 and that the security of citizens in the Schengen area will be ensured through application of the compensatory measures in the Schengen Agreement.

### **Promoting tolerance and understanding**

The European Council emphasizes the great importance of the Union-wide fight against racism and xenophobia for the preservation of human dignity and the peaceful co-existence of all citizens in the European Union.

It approves the guidelines contained in the interim report of the Consultative Commission and calls upon the Consultative Commission to step up its discussions in particular in the various areas of education and training, information and media, and in the areas of police and justice.

The interim report of the Council (Justice and Home Affairs), together with the contributions of the Education and Youth Affairs Councils on this question, form a good basis for further progress with a view to elaborating an overall Union strategy against racism and xenophobia.

These discussions are receiving effective backup through the efforts of the Council of Europe.

The European Council calls on the Consultative Commission and the Justice and Home Affairs, Education and Youth Affairs Councils to continue their discussions to that end. The European Council in Cannes in June 1995 will adopt the overall strategy on the basis of those discussions.



Report from the Council to the Essen European Council  
on a strategy to prepare for the accession of the  
associated CCEE

I. Introduction (see Annex IV, pp. 7 to 10)

The European Council meeting of Copenhagen in June 1993 agreed that the associated countries in Central and Eastern Europe that so desire may become members of the European Union. Accession will take place as soon as the associated country is able to assume the obligations of membership by satisfying the requisite economic and political conditions as set out in the conclusions of that meeting. The Union's capacity to absorb new members, while maintaining the momentum of European integration and respecting its internal cohesion and its fundamental principles is also an important consideration in the general interest of both the Union and the candidate countries.

The associated countries have made remarkable progress on the road to political and economic reform. Consistency in this reform course is the key to successful integration into the EU.

The associated countries need to prepare for membership and to strengthen their capacity to assume the responsibilities of a member state. On the Union side, the institutional conditions for ensuring the proper functioning of the Union must be created at the 1996 Intergovernmental Conference, which for that reason must take place before accession negotiations begin. In addition, the Council wishes to have at its disposal a detailed analysis carried out by the Commission on the impact of enlargement in the context of the current policies of the Union and their development.

The European Council in Corfu asked the Presidency and the Commission to report to it for its next meeting on progress made on the process of alignment since the Copenhagen European Council, and on the strategy to be followed with a view to preparing for accession.

The main instruments of this strategy already exist. They are the structured relations with the institutions of the Union, as decided upon in Copenhagen, and the Europe Agreements. These agreements build a flexible and dynamic framework for various forms of cooperation. As Europe Agreements with additional states are concluded by decision of the Council, those states will be brought into this strategy.

The goal of the strategy presented here is to provide a route plan for the associated countries as they prepare for accession. The essential element of the strategy is their progressive preparation for integration into the internal market of the European Union, through the phased adoption of the Union's internal market "acquis". This strategy will be supported by the implementation of policies to promote integration through the development of infrastructure, cooperation in the framework of the trans-European networks, the promotion of intra-regional cooperation, environmental cooperation, as well as the Common Foreign and Security Policy, cooperation in the areas of judicial and home affairs, and in culture, education and training. This integration will be supported by the Union's PHARE programme which will develop on an indicative basis into an enhanced medium-term financial instrument with improved possibilities to promote infrastructure development and intra-regional cooperation. It is recognized that the Community "acquis" and Community policies will themselves continue to develop.

Politically the strategy will be realized through the development of a structured relationship between the associated countries and the Union. This will promote an atmosphere of mutual confidence and allow for the consideration of issues of common interest in a specially created framework.

This strategy will be realized through the following measures.

## II. Structured Relationship

Of central importance to this strategy is the establishment of a "structured relationship" between the associated partner countries of Central and Eastern Europe and the institutions of the European Union, in order that the associated countries can play a positive role in discussions on matters of common interest.

The creation of a multilateral framework for strengthened dialogue and consultations was decided by the Copenhagen European Council, which foresaw the holding of meetings between, on the one hand, the Council of the Union and, on the other hand, the associated countries. These decisions are reaffirmed by this strategy.

The structured dialogue covers Community areas, especially those with a trans-European dimension (including energy, environment, transport, science and technology, etc.), Common Foreign and Security Policy as well as Justice and Home Affairs. It will be effective in developing practical cooperation between the Governments of the Member States and of the associated countries and should also be established at the level of the Parliaments of the participating countries and the European Parliament. Making such cooperation a normal part of the life of governments and parliaments will be an important preparation for accession.

There is agreement to hold – in addition to the meetings of the individual Association Councils agreed upon in the framework of the Association Agreements – beginning in 1995 in principle the following meetings with the associated countries on matters of common interests:

- Heads of State and Government:  
Annual meeting in the margins of a European Council meeting.
- Foreign Ministers:  
Semi-annual meetings for discussion of the full scope of relations with the associated countries, in particular the status and progress of the integration process.
- Ministers responsible for internal market development, in particular Finance, Economics and Agricultural Ministers:  
Annual meeting.
- Transport, Telecommunications, Research and Environment Ministers:  
Annual meeting.
- Justice and/or Home Affairs:  
Semi-annual meetings.
- Cultural Affairs, Education:  
Annual meeting.

In general, the meetings should take place in connection with the corresponding Council meeting. When necessary, additional meetings of the Council with the associated countries can be scheduled.

Every Member State which takes over the Presidency in the first half of a calendar year is invited, in agreement with the following Presidency, to arrange the meetings with the associated countries for that year according to the above schedule and to identify them in its workplan.

Careful preparation of these meetings with the associated countries is extremely important. It will be for COREPER to arrange this and to ensure the horizontal coherence of the structured dialogue. Regarding preparation for meetings of the General Affairs Council with the Ministers for Foreign Affairs of the associated countries of Central and Eastern Europe, insofar as they cover the full range of relations between the EU and the countries of Central and Eastern Europe, or in other special situations to be determined on a case-by-case basis, consideration could be given to holding preparatory talks in the form of joint meetings in Brussels, in particular at ambassadorial level.

## VII. Justice and Home Affairs (see page 18)

The "Berlin Declaration" agreed by the Ministers for Justice and Home Affairs participating in the Berlin Conference of 8 September 1994 emphasizes that, in view of the prospect of accession of the associated countries to the EU, cooperation in combating all forms of organized crime takes on particular significance. Along the lines of the "Berlin Declaration", the EU envisages cooperation with the associated countries, inter alia in the following areas:

- illicit drug trade
- theft of and illegal trade in radioactive and nuclear material
- illegal immigration networks
- illegal transfer of motor vehicles.

The EU will identify those areas where cooperation with the associated countries is especially urgent or especially promising, either from their standpoint or that of the Union. A comprehensive package of measures with proposals for how cooperation in the individual areas named in the Berlin Declaration should proceed should be submitted to the European Council under the French Presidency. Cooperation in the areas of asylum and immigration should also be taken forward, in particular by establishing links between the associated countries and CIREA and CIREFI (the asylum and immigration "clearing houses").

