



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From : The Presidency
To : General Affairs and External Relations Council

Subject : *European Council (4-5 November 2004)*
– *Draft conclusions*

The Presidency hereby submits a revised draft of the conclusions to be arrived at by the European Council.

The Hague Programme referred to in paragraph 10 is contained in document 13993/04 JAI 408 and will be attached to these conclusions after the meeting of the GAERC.

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1. The European Council discussed in particular
 - preparation of the Mid Term Review of the Lisbon Strategy
 - an area of Freedom, Security and Justice: the Hague Programme
 - communicating Europe

It also held discussions with the Prime Minister of Iraq, Mr Allawi.

2. The meeting of the European Council was preceded by an expose by the President of the European Parliament, Mr Josep Borrell, followed by an exchange of views.
3. The European Council took note of the outcome of the European Parliament debate on the investiture of the designated Commission. It expressed its appreciation of the readiness of the President and the members of the outgoing Commission to remain in office until the new Commission has taken up its mandate. The European Council reiterated its full confidence in the President-designate.

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I. THE LISBON STRATEGY: PREPARING FOR THE MID TERM REVIEW

4. The European Council confirmed the validity and relevance of the process it set in motion in Lisbon in March 2000 aimed at enhancing substantially the competitiveness of European economies through a balanced strategy with an economic, social and environmental dimension. It encouraged the Council to build on the progress made since the Spring meeting and to maintain the momentum of its work. It reiterated the importance of the implementation of agreed measures by the Member States.
5. The European Council stressed the importance of the Mid Term Review at the 2005 Spring European Council for providing renewed impetus to the Lisbon Strategy. In this connection it welcomed a presentation by Mr Wim Kok, Chairman of the High Level Group advising the Commission on its preparations for the Mid Term Review. The presentation was followed by an exchange of views.

6. The European Council welcomed the European Commission's intention to continue to make implementation of the Lisbon Strategy a key component of its policy. In this connection it invited the Commission to bring forward the necessary proposals for the Mid Term Review in the light of new challenges by the end of January 2005. Those comprehensive proposals should be based on the Report by the High Level Group chaired by Mr Kok and take into account the views of Member States. They will also take into account the forthcoming review of the Sustainable Development Strategy. The European Council invited the Council to examine these proposals in good time and looks forward to further concrete contributions with a view to the successful implementation of the Lisbon Strategy in all its dimensions.
7. The European Council took note of the exchange of views at the Tripartite Social Summit and, recognising the key role social partners play at all levels in particular in relation to modernisation of the labour market and anticipation of change, invited them to commit to the Mid Term Review on a more effective implementation of the Lisbon Strategy.
8. The European Council noted with satisfaction that a programme of actions was undertaken to drive the joint initiative on better regulation forward. EU institutions have made good progress towards developing a common methodology for impact assessments and adapting working methods for the simplification programme, as foreseen in the Inter Institutional Agreement on Better Lawmaking.

The European Council welcomed the conclusions of the Council (ECOFIN) on 21 October. In this connection it noted, in particular,

- the recommendations regarding a common methodology for measuring administrative burdens;
- the Commission's intention to present shortly a communication on this issue;
- the cooperation between the Commission and Member States in pilot projects aiming at the further determination of such a methodology, to be completed as soon as possible in 2005.

The European Council called on the Commission to implement the methodology in its guidelines for impact assessments and working methods for simplification after finalisation of the pilots.

The European Council, acknowledging the important role played by the European Parliament in this area, welcomed the progress made by the Commission and the Council towards establishing Council priorities for simplification of existing Community legislation while respecting the *acquis communautaire*. It invited the Commission to include these priorities in its rolling simplification programme. It noted that the priorities are likely to be identified in the environment, transport and statistics sectors. It invited the Council to pursue work primarily within these selected sectors and to identify, at its November meeting, agreed priorities in the form of a shortlist of 10-15 legal acts.

The 2005 Spring Council will discuss better regulation in the context of the Lisbon Mid Term Review.

II. AREA OF FREEDOM, SECURITY AND JUSTICE: THE HAGUE PROGRAMME

9. The security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004. The citizens of Europe rightly expect the European Union, while guaranteeing respect for fundamental freedoms and rights, to take a more effective, joint approach to cross-border problems such as terrorism, organised crime, illegal migration as well as trafficking in and smuggling of human beings.

10. Five years after the European Council's meeting in Tampere, when it agreed on a programme which laid the foundation for important achievements in the area of freedom, security and justice, it is time for a new programme to enable the Union to build on these achievements and to effectively meet the new challenges it will face. To this end, it adopted a new multi-annual programme for the next five years, to be known as the Hague Programme, which is attached to these conclusions. This programme reflects the ambitions as expressed in the Treaty establishing a Constitution for Europe. It takes full account of the evaluation by the Commission as welcomed by the European Council in June 2004 [as well as the Recommendation on the use of qualified majority voting and co-decision procedure adopted by the European Parliament on 14 October 2004.]

11. The Hague Programme deals with all aspects of policies relating to the area of freedom, security and justice including their external dimension, notably fundamental rights and citizenship, asylum and migration, border management, integration, the fight against terrorism and organised crime, justice and police cooperation, and civil law, while a drugs strategy will be added in December 2004. In conjunction, the European Council considers that creating appropriate European legal instruments and strengthening practical and operational cooperation between relevant national agencies as well as timely implementation of agreed measures are of vital importance.
12. In the light of this Programme, the European Council invites the Commission to present an Action Plan in 2005 with proposals for concrete actions and a timetable for their adoption and implementation. Furthermore, it invites the Commission to present to the Council an annual report on implementation of Union measures ("scoreboard"). Member States shall provide the relevant information to this end. In this context, the European Council emphasised the importance of transparency and the involvement of the European Parliament.
13. The European Council called on the Council to ensure that the timetable for each of the various measures is observed.
14. Without prejudice to the Financial Framework 2007-2013, the European Council noted that due account should be taken of the financial implications of the multi-annual agenda for the area of freedom, security and justice.
15. The European Council will review progress on the Hague Programme in the second half of 2006.

III. COMMUNICATING EUROPE

16. The European Council reiterated the need to strengthen awareness among citizens of the importance of the work of the Union and welcomes the outcome of the meeting of the Ministers of European Affairs dedicated to this subject. It encourages also future presidencies to continue discussion of this matter, including examination of possibilities for televised public debates on European issues prior to European Council meetings. The citizens of Europe hold essential values in common and politicians both at the national and the European level have a responsibility to communicate the relevance of the European project and to involve Europeans, through public debate and active citizenship, in decision making.
17. The European Council welcomed the special emphasis that the Commission continues to place on communication as well as the Commission's intention to present its communication strategy in good time before the June 2005 European Council.
18. The European Council noted with deep satisfaction that the "Treaty establishing a Constitution for Europe" was solemnly signed in Rome on 29 October 2004 on behalf of all Member States. It reiterated that the process of ratification of the Constitutional Treaty provides an important opportunity to inform the public about European issues. Member States may share information and experiences on this process, notwithstanding that campaigns relating to ratification remain the national responsibility of each Member State.

IV. ENLARGEMENT

19. The European Council heard a presentation by the President of the European Commission on the Progress Reports, the Strategy Paper on Enlargement and Recommendations regarding the four candidate states as well as the study on Issues arising from Turkey's membership perspective published by the Commission on 6 October 2004.
20. The European Council confirmed that, in line with previous conclusions, it will address outstanding enlargement issues at its meeting in December 2004.

V. EXTERNAL AFFAIRS

Sudan

21. The European Council expressed its grave concern about the situation in Sudan/Darfur and emphasised the importance of respect for human rights and improvement of security conditions. It called upon the Government of Sudan and on the other parties to meet the demands set out by the international community. The European Council reaffirmed its continued support to the African Union and its readiness to provide assistance and expertise to the expansion of the African Union's mission in Darfur. In this context, the European Council adopted the attached Declaration and encouraged the Council and the Commission to take the necessary action for its implementation as a matter of urgency.

Iraq

22. The European Council met Iraqi Prime Minister Allawi to discuss the situation in Iraq and reiterated its strong support for the Iraqi Interim Government. It welcomed the Iraqi determination to continue the political process and assured the Prime Minister that the European Union will continue to support the brave and difficult course the people of Iraq are steering towards the restoration of security, democracy and the rule of law. In this context, the European Council adopted the attached Declaration and encouraged the Council and the Commission to take the necessary action for its implementation as a matter of urgency.

Middle East

The SG/HR will present his plans regarding the short and medium term (as announced at the GAERC of 11 October) at the GAERC of 2 November. Draft conclusions will therefore only become available shortly before the European Council.

Iran

The Presidency will propose a draft text for these conclusions shortly before the European Council.