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PRESS RELEASE

2863rd Council meeting

Justice and Home Affairs

Luxembourg, 18 April 2008

President **Mr Dragutin Mate**
Minister of the Interior of Slovenia
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Minister of Justice of Slovenia

P R E S S

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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 an 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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- 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	Minister for Immigration and Asylum
Mr Jean DE RUYT	Permanent Representative
Bulgaria:	
Ms Miglena Ianakieva TACHEVA	Minister for Justice
Mr Goran YONOV	Deputy Minister for the Interior
Czech Republic:	
Mr Jiří POSPÍŠIL	Minister for Justice
Ms Milena VICENOVA	Permanent Representative
Denmark:	
Ms Lene ESPERSEN	Minister for Justice
Ms Birthe RØNN HORNBECH	Minister for Refugees, Immigration and Integration
Germany:	
Ms Brigitte ZYPRIES	Federal Minister for Justice
Mr Wolfgang SCHÄUBLE	Federal Minister for the Interior
Estonia:	
Mr Rein LANG	Minister for Justice
Mr Jüri PIHL	Minister for Interior
Greece:	
Mr Prokopios PAVLOPOULOS	Minister for the Interior
Spain:	
Mr Julio PÉREZ HERNÁNDEZ	State Secretary for Justice
Mr Carlos BASTARRECHE	Permanent Representative
France:	
Ms Rachida DATI	Keeper of the Seals, Minister for Justice
Ms Michèle ALLIOT-MARIE	Minister for the Interior**,** Overseas Territories and Local and Regional Authorities
Mr Brice HORTEFEUX	Minister for Immigration, Integration, National Identity and Co-Development
Ireland:	
Mr Seán POWER	Minister of State at the Department of Justice, Equality and Law Reform with special responsibility for Equality Issues
Italy:	
Mr Giuliano AMATO	Minister for the Interior
Mr Rocco Antonio CANGELOSI	Permanent Representative
Cyprus:	
Mr Kypros CHRISOSTOMIDES	Minister for Justice and Public Order
Mr Neoklis SYLIKIOTIS	Minister for the Interior
Latvia:	
Mr Gaidis BĒRZIŅŠ	Minister for Justice
Mr Mareks SEGLIŅŠ	Minister for the Interior
Lithuania:	
Mr Petras BAGUŠKA	Minister for Justice
Mr Regimantas ČIUPAILA	Minister for the Interior
Luxembourg:	
Mr Luc FRIEDEN	Minister for Justice, Minister for the Treasury and the Budget
Mr Nicolas SCHMIT	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	Minister for the Interior and Kingdom Relations
Mr Ernst HIRSCH BALLIN	Minister for Justice
Ms Nebahat ALBAYRAK	State Secretary for Justice
Austria:	
Ms Maria BERGER	Federal Minister for Justice
Mr Günther PLATTER	Federal Minister for the Interior
Poland:	
Mr Zbigniew ĆWIĄKALSKI	Minister for Justice
Mr Piotr STACHAŃCZYK	Deputy State Secretary, Ministry of the Interior and Administration
Portugal:	
Mr Alberto COSTA	Minister for Justice
Mr Rui PEREIRA	Minister for the Interior
Romania:	
Mr Cătălin Marian PREDOIU	Minister for Justice
Mr Vasile Gabriel NITA	Secretary of State, Ministry of the Interior and Administrative Reform
Slovenia:	
Mr Lovro ŠTURM	Minister for Justice
Mr Dragutin MATE	Minister for the Interior
Ms Katja REJEC LONGAR	Deputy State Secretary
Slovakia:	
Mr Štefan HARABIN	Deputy Prime Minister and Minister for Justice
Mr Jozef BUČEK	State Secretary, Ministry of the Interior
Finland:	
Ms Tuija BRAX	Minister for Justice
Ms Anne HOLMLUND	Minister for the Interior
Ms Astrid THORS	Minister for Migration and European Affairs
Sweden:	
Ms Beatrice ASK	Minister for Justice
Mr Tobias BILLSTRÖM	Minister for Migration
United Kingdom:	
Mr Tony McNULTY	Minister of State for Security, Counter-Terrorism, Crime and Policing
Lady SCOTLAND of ASTHAL	Attorney General
Ms Elish ANGIOLINI	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 completed by 3 October 2008 at the latest.

After the enforcement of the Schengen Association Agreement associating Switzerland with the implementation of the provisions of the Schengen acquis on 1 March 2008, the Swiss Government declared its readiness for the Schengen evaluation process. The Presidency welcomes Switzerland's commitment to giving the highest priority to the SIS II project.

The Council also confirmed the conclusions of a report on the open issues relating to SIS II and took note of the Commission proposals on migration from SIS 1+ 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 meeting on 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 relating 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 connection with 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 on 9 April 2008.

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

The Mixed Committee/Council broadly supported the Presidency's position in favour of 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 measure accompanying 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 trialogue 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 of the state of play.

Visas in the Western Balkans

Commission Vice-President Jacques Barrot briefed the Council on a letter co-signed with the Presidency sending positive signals to Balkan countries concerning visa policy.

In particular, the letter addresses the issue of exemption from payment for visas for certain categories of persons (eg. students, sportsmen/women, journalists, pensioners and 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 visas, essentially tourists not falling into any of the visa fee categories, will be charged a special reduced rate of 35 Euros.

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

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

Council Directive 2003/109/EC (the LTR Directive) determines the status of third-country nationals who are long-term residents (residing more than five years in a member state). At the time of the adoption of that 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, sibmitted in June 2007, is a response to that commitment.

The Presidency asked 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 under 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 should also be included in the scope of the LTR Directive?

(c) Do delegations wish to treat recognised refugees and beneficiaries of subsidiary protection equally for purposes 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 next few weeks.

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

The Council adopted a negotiating mandate for the Commission for the discussions with the US on certain conditions for 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 the 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 for discussion of 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 for 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 the Interior, Mr Procopios Pavlopoulos, briefed the Council on the difficulties that his country is facing given the increase of unfounded asylum claims in recent months in Greece.

He provided information on the application of community asylum legislation and described the methods used in Greece for the treatment of illegal migration, which ensured respect for human rights and the EU fundamental rights.

On 31 March 2008, the Greek Minister, Mr Pavlopoulos, sent a letter to the Presidency in which 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 political agreement on a decision establishing European Police Office, Europol for short. Once that decision is formally adopted, Europol will become a Community agency. The change of status will significantly 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. That will ease support given by Europol to Member States in connection with cross-border criminal investigations where involvement of organized crime is not demonstrated at the start.

A significant change is that Europol will be financed from the Community budget (from 1 January 2010 onwards). That 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, and democratic supervision of over Europol at European level will be enhanced.

Europol will 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 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 staff's existing rights 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 its budget.

Over the years, it has appeared that the effectiveness of the organisation should be changed as regards the need for Europol's mandate to be adapted and tasks as regards developments in international organised crime and the justice and home affairs area, and the need to improve of Europol's functioning and financing. This is what the new decision will do.

EU ACTION PLAN TO ENHANCE THE SECURITY OF EXPLOSIVES

The Council agreed on an Action Plan onto enhancing the Security of Explosives (*8109/08*).

This Action Plan is one of the measures proposed in the Commission's counter-terrorism package of 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 above, 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 fifty 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 three new crimes in EU legislation :

– public provocation to commit terrorist offences,

– recruitment for terrorism and

– training for terrorism.

The current framework decision 2002/475/JHA will therefore be updated to include those offences and aligned with the Council of Europe Convention on the prevention of terrorism.

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

EU cooperation mechanisms (see for instance the Decision of 2005 on the communication of 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 enhancement the procedural rights of persons and fostering of 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 dossier and instructed Coreper to continue work on this proposal with a view to reaching agreement at the June Justice and Home Affairs Council.

The aim of the proposal is to determine clear and common grounds for the non-recognition of decisions rendered following a trial at which the person concerned did not appear and thus amend 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 the 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 withdrawal of a parliamentary scrutiny reservation, the Council adopted a general approach on certain aspects of a draft decision strengthening Eurojust.

In particular, the Council agreed on the articles of that proposal which relate to the composition of Eurojust, its tasks, the status of its national members and Eurojust's staff.

Work on the remaining provisions of the instrument will continue at expert level.

This proposal was submitted on January 2008 by 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.

That 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 field 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 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 so that it can take due account of it in its future work on the Common Frame of Reference.

It should be noted that in 2001 the Commission launched a process of consultation and discussion on how to tackle the problems resulting from divergent national contract law at Community level. The Commission's Action Plan of 2003 presented the conclusions of the first round of consultations and suggested measures to increase the quality and the consistency of the Community acquis in the field of contract law. In the wake of that 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 that resolution, the Council considered it useful, in order to achieve greater transparency, coherence and simplification of contract law, to improve, consolidate and codify further existing EC legislation in the field of contract law.

The Hague Programme[2] stipulated that in matters of contract law, the quality of existing and future Community law should be improved by means of measures to consolidate, codify and rationalisate of legal instruments in force and development of a common frame of reference. A framework should be set up to explore the possibility of developing 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 carry out a more systematic scrutiny of the quality and coherence of all Community law instruments relating to cooperation on civil law matters.

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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 Justica and Home Affairs*

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

– *Information from the Netherlands on the resettlement of refugees*

The Netherlands delegation briefed the Council on its 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 possibility of finding 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 on 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 by Switzerland and Liechtenstein

The Council adopted a decision authorising the Commission to open negotiations on 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 2007/2004[1] 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 the training of border guards.

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

Sixth Eurojust Anuual 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 the member states of the EU on a proposal for a simplified extradition procedure in the Council of Europe with a view to the discussions which are currently taking place in the Council of Europe on this issue.

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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.

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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 by 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 determining 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 determined in accordance with the technical requirements for passports issued by Member States to their nationals.

The regulation amends regulation (EC) No1030/2002 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 on 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 the acquisition and possession of weapons *

The Council, Austria abstaining, adopted a directive aimed at improving rules on the control of the 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 the control of weapons in order better to tackle the criminal use of firearms without inconveniencing legitimate owners (such as hunters and target shooters).

In particular, 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 for which records must be kept to twenty years;

– compliance with EU data-protection legislation.

In addition, it incorporates technical amendments into 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, while ensuring appropriate control. The directive is applicable to legal trade in certain types of weapons (military weapons are excluded), solely within the internal market.

ENLARGEMENT

Croatia - Stabilisation and Association Council

The Council endorsed the EU position with a view to the fourth 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 that Committee's adoption 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 adopted 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 incorporate a new explanatory note in 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 *(5058/3/08 REV3+ ADD1 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, in particular 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 EU policies and objectives, while ensuring that the inclusion of aviation in the ETS does not lead to distortions of competition.

For further 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 (*16160/4/07REV4* + *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 regarding the financial strength of air carriers and the practice of the 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 the Council includes several amendments made 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 is maintained between the oversight of carriers and avoiding the imposition of excessively-burdensome requirements.

APPOINTMENTS

European Economic and Social Committee

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