

DIER 16-17/12 - 3

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Til underretning for Folketingets Europaudvalg vedlægges formandskabets  
udkast til konklusioner vedrørende Det Europæiske Råds møde i Bruxelles  
den 16.-17. december 2004, 15337/04.

*Audens Topp 12*



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 29 November 2004**

**15337/04**

**LIMITE**

**POLGEN 48**

**NOTE**

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**from :** The Presidency

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**to :** Coreper

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**Subject :** *European Council (16-17 December 2004)*  
*– Draft Conclusions*

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The Presidency hereby submits to Coreper a first draft of the conclusions to be arrived at by the European Council at its meeting on 16-17 December 2004. It notes that some of the language may require amendment in view of Council meetings and other developments prior to the European Council.

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1. The meeting of the European Council was preceded by an exposé by the President of the European Parliament, Mr Josep Borrell, followed by an exchange of views.
2. The European Council welcomed the President of the Commission, Mr José Manuel Barroso. It congratulated him on the assumption of office of his College and expressed its wish to work closely with the new Commission.
3. The European Council discussed the following items
  - I. Enlargement
  - II. Terrorism
  - III. Financial Framework 2007-2013: principle and guidelines
  - IV. Area of Freedom, Security and Justice: the EU Drugs Strategy 2005-2012
  - V. External Affairs
  - VI. Other issues

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## **I. ENLARGEMENT**

### **General**

4. The European Council welcomed the findings and recommendations presented by the Commission on 6 October 2004 to the Council and the European Parliament in its Regular Reports on Bulgaria, Romania and Turkey, Strategy Paper on Bulgaria, Romania and Croatia, Recommendation on Turkey and document on Issues Arising from Turkey's Membership Perspective.

5. With the accession of ten new Member States to the European Union successfully accomplished, the European Council expressed its determination to continue the process it has engaged in with the candidate countries, thus contributing to Europe's prosperity, stability and unity.

## **Bulgaria**

6. The European Council recalled that all of the outstanding chapters in the accession negotiations with Bulgaria had been provisionally closed earlier in 2004. [It welcomed the successful completion of these negotiations with Bulgaria on 14 December 2004.]
7. Taking due note of the relevant assessments and recommendations by the Commission, the European Council considered that Bulgaria will be able to assume all the obligations of membership at the envisaged time of its accession, January 2007, provided that it continues its efforts to that end and completes in a successful and timely way all necessary reforms and commitments undertaken in all areas of the *acquis*.
8. The European Union will continue to monitor closely Bulgaria's preparations and achievements.
9. Anticipating the successful completion by Bulgaria of its preparations for accession to the Union, the European Council called for the finalisation of the Accession Treaty with a view to its signing on [date to be decided] 2005.

## **Romania**

10. [The European Council noted with satisfaction that progress made by Romania in implementing the *acquis* and commitments entered into as regards, in particular, Justice and Home Affairs and Competition, has made it possible to close formally all of the outstanding chapters with this candidate on 14 December 2004.

11. Taking due note of the relevant assessments and recommendations by the Commission, the European Council considered that Romania will be able to assume all the obligations of membership at the envisaged time of its accession, January 2007, provided that it continues its efforts to that end and completes in a successful and timely way all necessary reforms and commitments undertaken in all areas of the *acquis*, in particular regarding Justice and Home Affairs and Competition.
12. The European Union will continue to monitor closely Romania's preparations and achievements.
13. Anticipating the successful completion by Romania of its preparations for accession to the Union, the European Council called for the finalisation of the Accession Treaty with a view to its signing on [date to be decided] 2005.]

#### **Croatia**

14. The European Council noted with satisfaction the progress made by Croatia in preparation for the opening of accession negotiations.
15. Recalling its conclusions of June 2004, it urged Croatia to take the necessary steps for full cooperation with ICTY and reiterated that the remaining indictee must be located and transferred to the Hague as soon as possible.
16. It invited the Commission to present to the Council a proposal for a framework for negotiations with Croatia, taking full account of the experience of the fifth enlargement. It requested the Council to agree on that framework with a view to opening the accession negotiations on [date] provided that full cooperation with ICTY has been confirmed by the Council.

## Turkey

17. The European Council recalled its previous conclusions regarding Turkey, in which at a first stage it agreed that Turkey was *a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states* and, subsequently, concluded that, if it were to decide at its December 2004 meeting, *on the basis of a report and recommendation from the Commission, that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.*
18. The European Council welcomed the decisive progress made by Turkey in its far-reaching reform process and reiterated its determination to enable Turkey to join the European community of values, confident that Turkey will sustain the process of reform to that end.
19. The European Council welcomed Turkey's [ decision ] to sign the protocol regarding the adaptation of the Ankara Agreement, taking account of the accession of the new Member States.
20. The European Council welcomed Turkey's commitment to good neighbourly relations and its readiness to continue to work with Member States towards resolution of remaining border disputes, in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter.
21. The European Council noted the resolution adopted by the European Parliament on [...] December 2005.

[PM: decision, date, process]

## Framework for negotiations

22. The European Council agreed that accession negotiations with individual candidate states will be based on a framework for negotiations. This framework, which will be established by the Council on a proposal by the Commission, taking account of each candidate's own merits and of the experience of the fifth enlargement process, will address the following elements.
- As in previous negotiations, the substance of the negotiations, which will be conducted in an Intergovernmental Conference where decisions require unanimity, will be broken down into a number of chapters, each covering a specific policy area. The Council, on a proposal by the Commission, will lay down benchmarks for the opening and provisional closure of each chapter.
  - Long transition periods may be needed and specific arrangements, in areas such as structural policies and agriculture, as well as permanent safeguard clauses, notably in the area of the free movement of persons. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role for individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.
  - The financial aspects of accession of a candidate state must be allowed for in the applicable Financial Framework. Hence, accession negotiations yet to be opened with candidates whose accession could have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014, which should entail a structural reform of funding and expenditure of the European Union.
  - [ PM: paragraph regarding goal and outcome of negotiations; ref. COM line: "open-ended process whose outcome cannot be guaranteed beforehand" ]

- In the case of a serious and persistent breach in a candidate state of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, at its own initiative or on the request of at least one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will decide by qualified majority on such a recommendation, after having heard the candidate state, whether to suspend the negotiations and on the conditions for their resumption. The Member States will act in the IGC in accordance with the Council decision.
- Parallel to accession negotiations, the Union will engage with every candidate state in an intensive political and cultural dialogue. With the aim of enhancing mutual understanding by bringing people together, this inclusive dialogue also will involve civil society

## **II. TERRORISM**

23. The European Council reiterated its determination to combat relentlessly and comprehensively the continuing terrorist threat through an integrated approach reinforcing both internal and international cooperation.
24. Democracy and respect for fundamental rights must not be allowed to be undermined by terrorism. The European Council stressed the importance of promoting respect, tolerance, dialogue and full participation in society by all. It noted that effective integration policies and exchange of best practices within the Union can contribute to this, and in this respect welcomed the outcome of the Ministerial Conference on integration which paid special attention to youth susceptible to radical influences.
25. Radicalisation facilitates terrorist recruitment. The European Council called on the Council to establish a long-term strategy and action plan on both issues by the end of 2005, building on the report on recruitment recently adopted by the Council.

26. The European Council called for prompt implementation of measures identified in the *Hague Programme on strengthening freedom, security and justice* relevant to combating terrorism. As, in particular, obstacles to the exchange of information between terrorism related services must be removed, the European Council invited the Commission to present proposals to this end based on the principle of availability of information.
27. The European Council welcomed the revised EU Action Plan and additional reports presented by the Secretary General/ High Representative and the Commission on combating terrorism and the substantial progress made since June 2004 as demonstrated in these contributions, notably:
- the reinforcement of practical and operational cooperation notably through Europol and the Police Chiefs Task Force; better exchange of information between Member States and Europol and Eurojust; the exchange of data on lost and stolen passports with Interpol; the peer evaluations in 15 Member States of the national structures on combating terrorism to be completed for 25 by September 2005. Member states are called upon to report on implementation of recommendations aimed at strengthening these structures;
  - concerning judicial cooperation: improved exchange of information from criminal records (to be further developed by the end of 2005 on the basis of the Commission's White Paper); progress on retention of telecommunications data and the European Evidence Warrant (both to be agreed by the end of 2005). The European Council invites the Commission to present proposals for a European Protection Programme – as soon as possible – to protect and assist victims of terrorism, as well as witnesses in terrorism cases;
  - as regards border and document security: the enhanced security of EU passports by the inclusion of biometric data (facial image and fingerprints) and the establishment of the European Border Agency (to be operational by May 2005);

- concerning intelligence cooperation, the links established between the Counter Terrorism Group and the re-enforced EU Situation Centre which as of 1 January 2005 will provide the Council with strategic threat assessments based on intelligence from national services; and the improved exchange of information with Europol. The European Council invited the SG/HR to report on progress, including enhanced co-operation between police and security services;
- measures to combat terrorist financing, notably agreement on controls on cash entering or leaving the Union and on the third Money Laundering Directive; best practices in implementing financial sanctions against terrorists and their organisations; and the overall strategy paper presented by the SG/HR and the Commission. In particular, the Commission is invited to present to the Council as soon as possible proposals to prevent misuse of charitable organisations for the financing of terrorism and Member States are urged to put forward the names of individuals and groups for inclusion in the European Union list for freezing of assets;
- conclusions on strengthening civil protection capacity and the establishment of a Solidarity Programme regarding the consequences of terrorists attacks. Further assessment and development of civil protection capabilities, including joint exercises and coordination of public information aspects, as well as improved availability of medical resources is required by June 2005. A European Programme to protect critical, trans-boundary infrastructure should be established before the end of 2005;
- progress on external policies through counter terrorism clauses in agreements with third countries which should be made operational as soon as possible; the implementation of the 2004 EU-US Declaration on combating terrorism; the conceptual framework and action points on the ESDP dimension of the fight against terrorism; and strengthening cooperation with priority third countries through dialogue and assistance. The Council and the Commission are called upon to set up a network of national experts to respond to requests for technical assistance by third countries and to establish a new financial instrument comparable with the twinning concept.

28. The European Council urged all Member States to implement on a priority basis the measures agreed by the European Union and other relevant international organisations, and urged the Council and the Commission to continue their efforts to implement the EU Action Plan and respect its deadlines.
29. The European Council requested the General Secretariat of the Council, together with the Commission, to submit a further progress report including any recommendations they may wish to make on improving delivery and/or additional efforts and initiatives in June 2005.

### **III. FINANCIAL FRAMEWORK 2007-2013**

#### **Principles and Guidelines**

30. The European Council welcomed the Presidency Progress Report on the Financial Framework 2007-2013, including the Inter-institutional Agreement/flexibility and own resources.
31. The European Council confirmed that the new Financial Framework, to be agreed in comprehensive negotiations, should equip the enlarged Union with the financial means enabling it to effectively address future challenges through policies providing added value and consistent with the principles of subsidiarity and proportionality. Expenditure for individual policy areas must be seen in the context of the overall expenditure level, and such expenditure must be seen in the context of the overall negotiation including the question of own resources.
32. The next Financial Framework should demonstrate similar efforts towards budgetary rigour as those undertaken at national level. Those efforts will be assisted by maintaining a strict demarcation between policy areas, with sufficient margins within headings, and a balanced ratio of commitments to payments. As existing measures to ensure budgetary flexibility have worked well, at this stage additional flexibility arrangements are not deemed necessary.

33. In the light of the Presidency progress report the European Council pointed in particular to the following shared principles:

- On competitiveness for growth and employment: while recognising the importance of regulation, coordination and structural reforms, the European Council considered that EU expenditure programmes can also contribute to achieving the Lisbon objectives.
- On cohesion for growth and employment: the European Council affirmed that efforts should be directed to the objective of reducing disparities in development levels, with particular attention to the least developed areas of the Union. Solidarity should be the guiding principle for the distribution of cohesion funds in the enlarged Union. In this respect the particular needs of new Member States to converge to the appropriate European average is acknowledged.
- On the preservation and management of natural resources: the European Council reconfirmed its agreement of October 2002 on the ceiling on market related expenditure and direct payments under the Common Agricultural Policy to be part of an overall agreement.
- On the Area of Freedom, Security and Justice: the European Council recognised this to be the main priority within the framework of actions designed to further citizenship. In this light, the European Council confirmed that due account should be taken of the financial implications of the *Hague Programme* it agreed in November 2004.
- On the European Union as a global partner: the European Council considered that the European Union should be able to fulfil its international responsibilities; a set of simplified and balanced foreign policy instruments should help to achieve this ambition. An adequate margin in the relevant budget heading will allow the Union to respond to unforeseen events or developments.

34. The European Council endorsed the Commission proposal to maintain the ceiling for the own resources at the current level of 1,24% of EU GNI. The European Council took note of the Commission report on the operation of the own resources system, including its budgetary consequences for the Member States, as well as of the proposal to introduce a generalised correction mechanism. It called on the Commission and the Council to continue the examination of all the issues arising in this connection, including possible simplification of the system towards a GNI-based system.
35. The incoming Presidency is invited to press ahead with the work towards establishment of the next Financial Framework. Further work on the Financial Framework should take full account of the range of positions of Member States as reflected in the Progress Report including the building blocks and should comply with the timeframe of the Multiannual Strategic Programme.
36. The incoming Presidency is furthermore invited to take all necessary steps to establish appropriate contacts with the European Parliament.

#### **IV. AREA OF FREEDOM, SECURITY AND JUSTICE**

##### **EU Drugs strategy 2005-2012**

37. The European Council adopted the Drugs strategy 2005-2012. The Strategy will be a key instrument to effectively confront drugs use and trafficking with a view to ensuring a high level of health protection, wellbeing and social cohesion, as well as a high level of security for the general public. The European Council invited the Commission to present to the Council a proposal for an Action Plan for implementation of the Strategy in 2005-2009 with a view to its adoption by the Council early in 2005 and to prepare an evaluation of its implementation in 2008.

## **Immigrant integration policy**

38. Recalling its conclusions of June 2003 and November 2004, the European Council welcomed the establishment of common basic principles for immigrant integration policy. These are to be the basis of a comprehensive framework on immigrant integration, taking into account the legal, political, economic, social and cultural diversity of Member States. They need to be developed in the light of shared experiences.
39. The European Council furthermore welcomed the outcome of the Ministerial Conference on Urban Development and recognised the importance of urban areas for promotion of social inclusion.

## **V. EXTERNAL AFFAIRS**

40. The European Council reiterated that the European Security Strategy, adopted one year ago, remains a key policy framework for addressing key threats and global challenges. It reaffirmed its determination to meet the challenge of guaranteeing a secure Europe in a better world. The European Council welcomed the active and coherent implementation of the Strategy in close cooperation with partners. It invited the incoming Presidency to continue this work in cooperation with the Secretary General / High Representative and the Commission.

[PM: to be completed by the GAERC]

## **International cooperation**

41. The European Council emphasised the importance of ensuring a coherent contribution of EC ODA to poverty eradication in all developing countries. In this context, whilst honouring existing commitments, the European Council underlined the need to find ways to increase the focus on the poorest, with a specific focus on Africa.

42. The European Council confirmed the full commitment of the European Union to the Millennium Development Goals (MDGs) and to the need to ensure progress towards achieving them, especially in Sub-Sahara Africa. In that respect, the European Council welcomed the consultation by the Commission of individual Member States with a view to presenting to the Council (GAERC) in April 2005 concrete proposals on setting new and adequate ODA targets for the period 2009-2010, while taking into account the position of new Member States.
43. The European Council called, in the framework of achieving the MDGs, for further strengthening of policy coherence for development by making wider and more systematic use of existing mechanisms for consultation and impact assessment and procedures to screen all relevant policies for their impact on developing countries.

## **VI. OTHER ISSUES**

### **Commonly shared values**

44. The European Council noted with approval the series of public debates hosted by the Presidency, engaging participants with wide-ranging backgrounds and experience, on the European identity and the concept of commonly shared values as foundation of European integration and cooperation.
45. The European Council took note of the results of this series of debates, of the report of the Education Council on Education and Citizenship and of the follow up initiatives and welcomed further initiatives to advance the values which contribute to active citizenship in the Union. The European Council invited the European Commission to incorporate the results of the debates and the main findings of the report into its future Citizens' Programme and its communication strategy for 2005.

## **Consular cooperation**

46. The European Council confirmed the importance of intensified consular cooperation. It welcomed the agreement reached in the Council on pooling consular resources and cooperation both in normal times and in times of crises, thus helping Member States to deal more effectively with the increasing demand for consular services.

## **European External Action Service**

47. The European Council welcomed the fact that, following the signature of the Constitutional Treaty, work on the European External Action Service has begun by the Presidency, Secretary-General/High Representative and the Commission.
48. It invited the Secretary-General/High Representative together with the Commission to continue this preparatory work, in particular by identifying key issues, including the scope and structure of the future service and taking account of the views of Member States. To ensure the full involvement of Member States in this process, regular discussions will take place in the General Affairs part of the General Affairs and External Relations Council, prepared by Coreper.
49. The European Council invited the Secretary-General/High Representative together with the Commission to prepare a progress report on this preparatory work to its June 2005 meeting at the latest, and to take appropriate steps to keep the European Parliament informed.

## Seats and Appointments

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[PM: Ratification of the Constitutional Treaty; Communicating Europe]

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