



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From : The Presidency

To : Council

Subject : *European Council (19/20 June 2003)*
- Annotated draft agenda

In line with the Seville European Council Conclusions and the Council's Rules of Procedure the General Affairs and External Relations Council at its meeting on 19 May, acting on a Presidency proposal, drew up an annotated draft agenda for the meeting of the European Council on 19/20 June 2003.

Progress achieved in work to date has enabled the Presidency to draw up the revised annotated draft agenda reproduced hereafter. It should be noted that preparatory work on a number of agenda items will only be finalised at the meeting of the GAERC on 16/17 June.

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The Presidency intends to limit the agenda to the following items:

1. Convention / IGC
2. Immigration, Frontiers and Asylum
3. Enlargement
4. Cyprus
5. Western Balkans
6. Wider Europe / New Neighbourhood
7. Follow-up of the 2003 Spring European Council
8. External relations, CFSP and ESDP

The meeting will be preceded by an exposé by the President of the European Parliament, Mr. Pat Cox, followed by an exchange of views.

1. CONVENTION / IGC

1. The European Council welcomes the Draft Constitutional Treaty presented by the President of the Convention, Valéry Giscard d'Estaing. This presentation marks a historic step in the direction of furthering the objectives of European integration, bringing the Union closer to its citizens, strengthening its democratic character and its capacity to make decisions especially after its enlargement, enhancing its ability to act as a coherent and unified force in the international system meeting the challenges of globalisation and interdependence.
2. The European Council expresses its gratitude to the President of the Convention Valéry Giscard d'Estaing, the Vice-Presidents, Jean Luc Dehaene and Giuliano Amato, the members and the alternate members of the Convention for the work they have accomplished. The experiment of the Convention as a forum for democratic dialogue between representatives of governments, national parliaments, the European Parliament, the European Commission and civic society has been proved useful.
The European Council considers that the presentation of the Draft Constitutional Treaty marks the completion of the Convention's tasks as set out at Laeken and, accordingly, the end of its work. However, some purely technical work on drafting Part III is still required, this work needing to be finished by 15 July at the latest.

3. The European Council decided that the text of the Draft Constitutional Treaty should be [the starting point] [a broad basis] for the Intergovernmental Conference. It requests the future Italian Presidency to initiate, at the Council meeting in July, the procedure laid down in Article 48 of the Treaty in order to allow this Conference to be convened in October 2003. The Conference should complete its work and agree the Constitutional Treaty as soon as possible and in any case by the end of March 2004. The acceding states will participate fully in the Intergovernmental Conference on an equal footing. The Constitutional Treaty will be signed by the Member States of the enlarged Union in early May, in time for the new Constitution of the Union to become known to European citizens before the June 2004 elections for the European Parliament.
4. Heads of State or Government, assisted by the members of the General Affairs and External Relations Council, including the participants of the acceding countries, will have the overall political responsibility for the Conference. The representative of the Commission shall participate in the Conference. The General Secretariat of the Council will provide the secretariat support for the Conference. The European Parliament will be closely associated and involved in the work of the Conference.
5. Bulgaria, Romania and Turkey will take part in all meetings of the Conference as observers.

2. IMMIGRATION, FRONTIERS AND ASYLUM

The language appearing below will be supplemented by additional language drafted by the Presidency and dealing with new approaches to international protection and the issue of immigration/integration of legal migrants/employment.

1. Visas

Referring to the Council conclusions of 5 June 2003 on the development of the Visa Information System (VIS), the European Council deems necessary that, following the feasibility study by the Commission on the VIS, orientations should be determined as soon as possible, in order to satisfy the preferred options, with regard to the planning for the development of the system, the appropriate legal basis which will permit its establishment and the engagement of the necessary financial means, while respecting the financial perspectives. In this framework a coherent approach is needed in the EU on biometric identifiers or biometric data, which would result in harmonised solutions for documents for third country nationals, EU citizens' passports and information systems (VIS and SIS II). The European Council invites the Commission to prepare the appropriate proposals, starting with visas.

2. Management of external borders

Taking into consideration the common interest of all EU Member States to establish a more effective management of the external borders of EU Member States and noting the results achieved from the implementation of the various operational programmes, pilot projects, risk analysis, training of border personnel etc., as well as the conclusions to be drawn from the study undertaken by the Commission, at the request of the Council, relating to the complex and sensitive question of sea border controls, the European Council stresses the importance of assuring the continuity and coherence of Community action in this field by setting out priorities and determining a more structured framework and methods.

The European Council recognises the progress made in fully activating the operational branch of SCIFA required by the Seville conclusions, and more particularly, the tasking of the Common Unit of External Border Practitioners with the operational implementation and coordination of the measures contained in the Plan for the management of the external borders, which includes coordination and monitoring of "Centres" and operational activities, as well as preparation of strategic decisions, for the more effective and integrated management of the external borders of EU Member States. As mentioned in the conclusions adopted by the Council on 5 June 2003 to that effect, the General Secretariat of the Council will ensure the preparation and follow-up of the meetings of the Common Unit and could be assisted in this task, at the initial phase, by experts detached by the Member States.

The European Council invites the Commission to examine, in due course, drawing on experience by the Common Unit activities, the necessity of creating new institutional mechanisms, including the possible creation of a Community operational structure, in order to enhance operational cooperation for the management of external borders.

The European Council emphasises the need for the acceleration of the works for the adoption of the appropriate legal instrument formally establishing the ILOs network in third countries, at the earliest possible date and before the end of 2003.

The European Council invites the Commission to present, as soon as possible, proposals on the recast of the Common Manual, including the stamping of travel documents of third country nationals.

3. Return of illegal migrants

The implementation of a common policy on return of illegally residing persons belongs to the responsibility of Member States. However, greater efficiency can be achieved by reinforcing existing cooperation and setting up mechanisms to this end, including a financial component.

In this context, the European Council invites the Commission to examine all aspects relating to the establishment of a separate Community instrument in order to support, in particular, the priorities as set out in the Return Action Programme approved by the Council, and to report back to it by the end of 2003.

4. Partnership with third countries

In the context of integrating migration issues in the European Union's relations with third countries, the European Council reaffirms that the EU dialogue and actions with third countries in the field of migration should be part of an overall integrated, comprehensive and balanced approach, which should be differentiated, taking account of the existing situation in the different regions and in each individual partner country. In this respect, the European Council recognises the importance to develop an evaluation mechanism to monitor relations with third countries which do not cooperate with the EU in combating illegal immigration, and considers the following topics to be of primary importance:

- participation in the international instruments relevant to this matter (e.g.: Conventions on Human Rights, the Geneva Convention of 28 July 1951 relating to the status of refugees as amended by the New York Protocol of 31 January 1967, etc.),
- cooperation of third countries in readmission/return of their nationals and of third-country nationals,
- efforts in border control and interception of illegal immigrants,
- combating of trafficking in human beings, including taking legislative and other measures,
- cooperation on visa policy and possible adaptation of their visa systems,
- creation of asylum systems, with specific reference to access to effective protection, and
- efforts in redocumentation of their nationals.

In developing the above evaluation, the European Council will make use of the information to be provided by the ILOs network for any of the above topics that fall under their competencies.

The European Council invites the Commission to report annually on the results of the above monitoring of cooperation of third countries, and to make proposals or recommendations as it would deem appropriate.

5. Community financial resources and burden-sharing mechanism

Following the development of mutual confidence between Member States for the promotion of the area of liberty, security and justice, which is a priority objective of the Union, the European Council emphasises that the principle of solidarity must be consolidated and must be made more concrete, notably in terms of reinforcement of operational cooperation. The European Council estimates that, taking into account the overall framework and the need for budgetary discipline, the post 2006 financial perspectives should reflect this political priority of the Community.

In the meantime, the European Council invites the Commission to examine, while respecting the principles determining the use of the budget, the possibility of appropriating funds under heading 3 of the financial perspectives taking into account the need to safeguard appropriate margins under the ceiling of this heading, in order to address, during the period 2004–2006, the most pressing structural needs in this area and to cover a wider definition of solidarity that would include the Community support in the management of external borders, the implementation of the Return Action Programme, the development of the Visa Information System (VIS), and the cost of the temporary stay of rejected asylum-seekers and illegal immigrants based on common standards to be developed for detention. In this respect, the European Council underlines the Commission's relevant analysis and notes that the estimated needs amount to 140 million euros.

PM: new approaches to international protection

PM: immigration/integration of legal migrants/employment

3. ENLARGEMENT

Following the signature in Athens on 16 April 2003 of the Accession Treaty, the results of referendums in Malta, Slovenia, Hungary, Lithuania, Slovakia, Poland and the Czech Republic lend additional momentum to the ratification process which must be completed in time for the ten new Member States to join the Union on 1 May 2004.

Bulgaria and Romania are part of the same inclusive and irreversible enlargement process. The objective is that Bulgaria and Romania complete their preparations so as to join the Union as members in 2007. To this end, the pace of negotiations will be maintained, and these will continue on the same basis and principles that applied to the ten acceding states. Building on significant progress achieved, the Union supports Bulgaria and Romania in their efforts to achieve the objective of concluding negotiations in 2004, and invites them to step up their preparations on the ground. Discussions or agreement on future policy reforms, or the new financial perspective, shall neither impede the pursuit and conclusion of accession negotiations nor be prejudged by the outcome of these negotiations. The European Council in December 2003, based on the Commission regular reports and the strategy paper, will assess progress achieved with a view to setting out the framework for the conclusion of accession negotiations.

The European Council welcomes the commitment of the Turkish government to carry forward the reform process, in particular the remaining legislative work by the end of 2003, and supports its on-going efforts made in order to fulfil the conditions for opening accession negotiations with the Union. Significant further efforts to this end are still required. With a view to helping Turkey achieve this objective, the Council adopted recently a revised Accession Partnership, which sets out the priorities that Turkey should pursue, supported by substantially increased pre-accession financial assistance. Fulfilment of these priorities will bring the prospect of Turkish membership forward. The Accession Partnership constitutes the cornerstone of EU-Turkey relations, in particular in view of the decision to be taken by the European Council in December 2004.

4. CYPRUS

Cyprus' accession to the Union creates new enabling conditions for reaching a comprehensive settlement of the Cyprus problem. To this end, the Union strongly supports the continuation of the UN Secretary General's mission of good offices in accordance with the relevant UN Security Council Resolutions including 1475/2003. The recent easing of restrictions in the contacts and communication between Greek and Turkish Cypriots has been positive and has demonstrated that the two communities can live together in a reunited island within the Union. At the same time, however, the Union does not consider this as a substitute for a comprehensive settlement. The European Council, therefore, urges all parties concerned, and in particular Turkey and the Turkish Cypriot leadership, to strongly support the UN Secretary General's efforts, and, in this context, calls for an early resumption of the talks on the basis of his proposals. The European Union is committed to strengthening its efforts to this end. In this context, it calls on the Commission to further contribute towards a just, viable and functional settlement of the Cyprus problem. The European Council welcomes the Commission's Communication on promoting economic development in the northern part of Cyprus and looks forward to the implementation of these measures in accordance with the Copenhagen European Council Conclusions.

5. WESTERN BALKANS

The European Council, recalling its conclusions in Copenhagen (December 2002) and Brussels (March 2003), reiterated its determination to fully and effectively support the European perspective of the Western Balkan countries, which will become an integral part of the EU, once they meet the established criteria.

It endorsed the Council conclusions of 16 June on the Western Balkans, including the annex "*The Thessaloniki Agenda for the Western Balkans: moving towards European integration*" which aims at further strengthening the reform efforts in the area enhancing the privileged relations between the EU and the Western Balkans, also drawing from the enlargement experience. The Union's thus enriched Stabilisation and Association Process will remain the framework for the European course of the Western Balkan countries all the way to their accession.

The European Council looked forward to the EU–Western Balkans Summit meeting of 21 June as a major opportunity for the two parties to push ahead with their common goals. The *Declaration* that will be adopted there, together with the *Thessaloniki Agenda*, should provide a sound basis for directing the reform efforts of the Western Balkan countries in coming closer to the Union, and the enhanced EU support to their endeavours.

The European Council also endorsed the Council Conclusions on the 2003 Annual Review of the Stabilisation and Association Process.

6. WIDER EUROPE / NEW NEIGHBOURHOOD

Enlargement is expanding the borders of the European Union and is bringing us closer to new neighbours. Their stability and prosperity is inextricably linked to ours. To reinforce our shared values and promote our common interests, we have been developing new policies toward Wider Europe, our New Neighbourhood. The European Council confirmed at Copenhagen the importance it attaches to these policies. The meetings with partners concerned that have since taken place in the framework of the European Conference in Athens 17 April and the mid-term Euro–Mediterranean Ministerial Meeting in Crete 26–27 May lend new dynamism to the development of these policies. In this spirit, the European Council endorses the GAERC conclusions of 16 June and looks forward to the work to be undertaken by both the Council and the Commission in putting together the various elements of these policies.

The European Council will assess progress in 2004 in the light of the adoption of the first Action Plans in order to give political guidance for the next steps.

7. FOLLOW-UP OF THE 2003 SPRING EUROPEAN COUNCIL

Broad economic policy guidelines and employment guidelines

1. The European Council could usefully highlight the key policy priorities underlying the Broad Economic Policy Guidelines:
 - creating the best economic conditions to promote growth, firstly by delivering a stability-orientated macroeconomic framework which can provide a platform for increased domestic demand and job creation, and secondly by pursuing greater competitiveness and dynamism, through investment in human and physical capital and R&D, through improving the economy-wide application of technology and exploitation of research, and through fully integrated EU financial markets,
 - reforms to create more and better jobs, making labour markets more efficient, inclusive and adaptable, adapting tax and benefit systems to make work pay, increasing labour market participation in line with the Lisbon targets, and improving and updating skills to achieve higher productivity and better jobs, and
 - reforming pension and health care systems now, while the demographic window of opportunity is still open, to secure long-term sustainability and ensure that a massive burden is not left for future generations.

2. The European Council is accordingly expected to give its formal endorsement to the draft Broad Economic Policy Guidelines and the draft Employment Guidelines. This is the first time the two sets of guidelines have been presented under new streamlined procedures: the European Council could welcome the fact that both sets of guidelines now cover a period of three years and are presented in a new, concise format, with clear recommendations for policy action. The medium-term perspective and specific recommendations to the individual policy actors establish an agreed comprehensive framework for economic policy measures, progress on which can be systematically reviewed in the coming years.

Progress with the Lisbon reform agenda

3. The European Council is expected to take note of progress achieved in implementing the various remits issued by the 2003 Spring European Council on the basis of a report submitted by the Presidency. It is expected to particularly welcome:
 - the final adoption of the tax package,
 - the agreements reached on: the Second Railway Package and the decision authorising the Commission to open negotiations with the US in air transport; the re-use of public sector documents and the establishment of the European Network and Information Security Agency; the Erasmus Mundus and the e-Learning programmes; the emission trading Directive and the adoption of the "Intelligent Energy for Europe" programme; the restriction on the carriage of heavy fuel-oil in single hulled tankers and the acceleration of the timetable for the withdrawal of such tankers; as well as on Better Regulation in the form of an interinstitutional agreement between the European Parliament, the Council and the Commission,
 - progress on the implementation of the Financial Services Action Plan (pensions funds, prospectuses and investment services) and on the modernisation of Regulation 1408/71 enabling improved cross-border movement of EU citizens.

4. The European Council is expected to note that while progress has been made with the Lisbon reform agenda, much remains to be done. In this context the European Council is expected to:

- call for priority to be given to stepping up work on: the mergers Regulation and the take-over bids Directive, with a view to adoption before the 2004 Spring European Council; proposals reinforcing cooperation in managing EU gas and oil stocks; the Directive on temporary agency work in order for agreement to be reached by December 2003,
- urge Member States to implement the Action Plan for investing in research, presented by the Commission and to take measures to strengthen innovation capabilities,
- welcome the Commission's intention, in line with the conclusions of the Spring European Council and the Broad Economic Policy Guidelines, to launch an initiative in cooperation with the European Investment Bank to support growth and integration by increasing overall investment and private sector involvement in TENs and major R&D projects,
- welcome the Commission's intention to present by the end of 2003 a proposal for revising the TEN Guidelines and a Communication on the connections / extensions of the enlarged European Union's TENs with neighbouring countries, including the Western Balkans,
- welcome the progress made in preparing a European Space Policy and request the Commission and Member States to accelerate the discussion in order to conclude and adopt the framework Agreement with the European Space Agency (ESA) well before the end of 2003.

7. EXTERNAL RELATIONS, CFSP AND ESDP

ESDP

- The European Council endorses the report from the Presidency on progress in ESDP.

The European Council welcomes the conclusions of the GAERC on 19 May and notes with satisfaction the progress made in the field of military capabilities. The EU now has operational capability across the full range of Petersberg tasks, limited and constrained by recognised shortfalls, which can be alleviated by the further development of the EU's military capabilities, including through the establishment of ECAP Project Groups.

The operational capability of the European Union has been reaffirmed through the launching of three ESDP operations, EUPM in Bosnia-Herzegovina, CONCORDIA in FYROM and ARTEMIS in Bunia, DRC.

The European Council welcomes the conclusion and implementation of EU-NATO permanent arrangements, in particular Berlin Plus, which enhanced the operational capability of the Union and provided the framework of the strategic partnership between the two organisations in crisis management.

- Further to the mandate received at the Seville European Council, the Presidency submitted the annual report on the implementation of the EU Programme for the Prevention of Violent Conflicts which the European Council hereby endorses. Furthermore, in implementing this programme, the Greek Presidency has emphasised the regional approach by focusing mainly on the Western Balkans.

- The European Council takes note, with satisfaction, of the progress achieved in the contribution of ESDP to the fight against terrorism, as reflected in the attached relevant report which the European Council hereby endorses.

EU Security Strategy

The European Council welcomes the recommendations submitted by SG/HR Javier Solana for an overall strategy in the field of foreign and security policy. It tasks the SG/HR to bring this work forward, in close cooperation with Member States and the Commission, with a view to submitting an EU Security Strategy to be adopted by the European Council [in December] [at a later stage].

WMD

The European Council reiterates that the proliferation of weapons of mass destruction constitutes the most serious threat to international peace and security. It endorses the principles and measures adopted in this regard by the Council on 16 June. The European Council pledges to work towards the strengthening of the international system of non-proliferation treaties and regimes, in a way that will imply both the development and reinforcement of the regimes themselves.

The European Council remains concerned at the activities in nuclear, biological and chemical weapons by a number of other states. It will continue to monitor these developments closely. It will also cooperate actively with other international players to address specific proliferation challenges. In this respect, it urges North Korea to visibly, verifiably and irreversibly dismantle its nuclear programmes and to return to full compliance with international non-proliferation obligations. It also calls on Iran to be fully transparent vis-a-vis the IAEA in all its nuclear activities and to sign and ratify the IAEA Additional Protocol, so as to restore much-needed confidence.

- The European Council is expected, following the 2003 Spring European Council conclusions, to
 - take note of the Communication on Defence Equipment Policy and of its proposal to start preparatory action to strengthen Europe's industrial potential in research in the field of security and invite the Commission to report to the Council, before the end of 2003, on actions to be taken to promote the above objective including the possibility of setting up a European Strategic Research Agency,
 - task the appropriate bodies of the Council to undertake until the end of 2003 the necessary actions towards establishing the modalities for the creation of an intergovernmental armaments agency during the course of 2004. This agency will aim at developing defence capabilities in the field of crisis management, at promoting and enhancing European armaments cooperation, strengthening the European Defence Industrial and Technological Base and creating a competitive European Defence Equipment Market.

USA

The European Council is expected to discuss future EU/US relations in view of the Summit on 25 June.

Common Strategies

The European Council is expected to take note of the regular reports on implementation of the EU common strategies on Russia and the Mediterranean area as well as to agree to extend the period of application of the common strategy on Russia until 24 June 2004.

Combating HIV/AIDS, tuberculosis and malaria

The European Council reaffirms its commitment to combating HIV/AIDS, tuberculosis and malaria with a view to their eradication. It welcomes the rapid start-up of the activities of the Global Fund to fight HIV/AIDS, tuberculosis and malaria and affirms its determination to enable this multilateral instrument to bring high-quality, affordable care to poor people in the developing countries.

It calls upon each Member State and the Commission to make a substantial contribution, on a long-term basis, to the financing of the Fund so that it will receive EUR 1 billion annually from the European Union.

It pledges its support to the international conference of donors and partners to be held in Paris on 16 July 2003. It calls upon the States and other potential contributors to participate and demonstrate their generosity.

International humanitarian law

1. The European Council, mindful that all Member States are parties to the 1949 Geneva Conventions and the 1997 additional protocols, underlines the importance of international humanitarian law and its full validity in all armed conflicts including peace-keeping operations.
2. The European Council stresses the importance of national armed forces observing the standards and principles of humanitarian law as well as the weight it attaches to dialogue with the ICRC on this matter.

Green Diplomacy

The European Council reaffirms its commitment to integrate the environment into external relations by promoting a European diplomacy on environment and sustainable development. In this context, it welcomes the establishment of a network of experts under the aegis of the Presidency, in full association with the Commission, as foreseen in the strategy on environmental integration in the external policies of the General Affairs Council endorsed at Barcelona.

The European Council invites the Council to follow closely this initiative and, in liaison with the Commission, to report on the results achieved in view of its meeting in June 2005.

International developments

The European Council is likely to address a number of issues arising out of the latest developments on the international scene (e.g. MEPP, Iraq, Iran, Korea...).