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**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 9 December 2006**

**16428/06**

**LIMITE**

**POLGEN 120**

**NOTE**

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from: Presidency

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to: GAERC

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Subject: *European Council (14 and 15 December 2006)*  
– *Draft conclusions*

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The Presidency hereby submits to GAERC draft conclusions to be agreed by the European Council at its meeting on 14-15 December 2006.

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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. The European Council thanks Mr Borrell for the work he has accomplished during his tenure as President of the European Parliament.
2. The European Council warmly welcomes Bulgaria and Romania as members of the European Union on 1 January 2007. The accession of Bulgaria and Romania will mark the successful completion of the fifth enlargement.

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### **Pursuing reform: the Constitutional Treaty**

3. As agreed by the European Council at its meeting in June 2006, the Union has followed a two-track approach. It has focussed on making best use of the possibilities offered by the existing treaties to deliver concrete results while preparing the ground for continuing the reform process. The Presidency provided the European Council with an assessment of its consultations with Member States regarding the Constitutional Treaty. The outcome of these consultations will be passed to the incoming German Presidency as part of its preparations of the report to be presented during the first half of 2007.

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## **I. ENLARGEMENT**

### **Enlargement strategy**

4. As agreed at the June 2006 European Council and on the basis of the Commission communication on the enlargement strategy and its special report on the EU's capacity to integrate new members, the European Council held an in-depth debate on enlargement. The European Council agrees that the enlargement strategy based on consolidation, conditionality and communication, combined with the EU's capacity to integrate new members, forms the basis for a renewed consensus on enlargement. The EU keeps its commitments towards the countries that are in the enlargement process.
5. Enlargement has been a success story for the European Union and Europe as a whole. It has helped to overcome the division of Europe and contributed to peace and stability throughout the continent. It has inspired reforms and has consolidated common principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law as well as the market economy. The wider internal market and economic cooperation have increased prosperity and competitiveness, enabling the enlarged Union to respond better to the challenges of globalisation. Enlargement has also added the EU's weight in the world and made it a stronger international player.
6. To sustain the continued integration capacity of the EU the acceding countries must be ready and able to fully assume the obligations of Union membership and the Union must be able to function effectively and to develop. Both these aspects are essential for ensuring public support, which should also be promoted through greater transparency and better communication.

7. The European Council confirms that the EU keeps its commitments regarding the ongoing accession negotiations. The recently enhanced rules governing the accession process provide for strict conditionality at all stages of the negotiations. The European Council agrees with the improvements suggested by the Commission concerning the management and the quality of the negotiations. Accordingly, difficult issues such as administrative and judicial reforms and the fight against corruption will be addressed at an early stage. The pace of the accession process depends on the results of the reforms in the negotiating country. The Union will refrain from setting any target dates for accession until the negotiations are close to completion.
8. The European Council reaffirms its welcome for the Western Balkans to the European Union. It reminds that each country's progress towards the European Union depends on its individual efforts to comply with the Copenhagen criteria and the conditionality of the Stabilisation and Association Process. A country's satisfactory track-record in implementing its obligations under the Stabilisation and Association Agreements, including trade related provisions, is an essential element for the EU to consider any membership application.
9. The European Council stresses the importance of ensuring that the EU can maintain and deepen its own development while pursuing the enlargement process. The pace of enlargement must take into account the capacity of the Union to absorb new members. The European Council invites the Commission to provide impact assessments on the EU's main policy areas at key stages of the accession process and in particular in the Commission's Opinion on a country's application for membership. As the Union enlarges, successful European integration requires that EU institutions function effectively and that EU policies are developed and financed in a sustainable manner.

## **Turkey**

10. [The European Council endorses the conclusions of the GAERC on 11 December 2006.]

## **Croatia**

11. [The European Council endorses the conclusions of the GAERC on 11 December 2006.]

## **Western Balkans**

12. The European Council notes that the candidate country status of the former Yugoslav Republic of Macedonia was recognition of the country's reform achievements. The European Council calls for accelerating the pace of reforms in key areas in order to progress towards the goal of moving ahead in the accession process.
13. The European Council welcomes the launch of visa facilitation and readmission negotiations with all the countries of the region with a view to concluding the negotiations as soon as possible. The conclusion of such agreements will promote people-to-people contacts between the EU and the Western Balkan countries and will increase the opportunities for travelling, especially for the younger generation. The European Council underlines the desirability of promoting people-to-people contacts by also making available more scholarships for the students of the region.
14. The European Council welcomes progress made in the Central European Free Trade Agreement and looks forward to a regional and inclusive trade agreement. The new CEFTA will be a substantial step forward both economically and politically.
15. Serbia remains welcome to join the European Union. Recalling its Declaration on the Western Balkans of June 2006, the European Council reaffirms its continued engagement with and support to Serbia's European course. In this context, it encourages the Serbian authorities to accelerate their efforts in meeting the necessary conditions, notably full cooperation with ICTY. In view of Serbia's considerable institutional capacity, the European Council is confident that Serbia will be able to catch up rapidly with the other countries of the region on the way towards the EU once the SAA negotiations are resumed.

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

16. The European Council took stock of the implementation of the Hague Programme and reiterated its commitment to the further development of the area of freedom, security and justice.
17. In that context the European Council discussed migration and the improvement of decision-making in the area of freedom, security and justice.
18. The European Council is conscious that, in the process of creating an area of Freedom, Security and Justice, the Union is faced with constant and growing expectations from citizens, who wish to see concrete results in matters such as cross-border crime and terrorism as well as migration. At the same time, more and more concerns are raised that responding to these expectations is difficult within the framework of existing decision-making procedures.
19. It was against this background, and in the context of the review of the Hague Programme, that the European Council, in its conclusions of June 2006, called upon the Presidency to explore, in close collaboration with the Commission, the possibilities of improving decision-making and action in the area of Freedom, Security and Justice on the basis of existing treaties.
20. Drawing upon the analysis and reflection carried out, notably in the Justice and Home Affairs ministers' meeting at Tampere in September, the European Council considers first of all that practical progress could be achieved by intensifying operational cooperation between competent authorities of the Member States. The European Council invites the Council to make progress in the light of the options that have been presented. At the same time, the European Council is convinced that the framework for pursuing the Union's policies aimed at enhancing the area of Freedom, Security and Justice will need to be genuinely strengthened in order to meet present challenges. Solutions to this end have been put forward notably in the Constitutional Treaty.

21. The European Council reaffirms the principles acknowledged in the context of the Constitutional Treaty which constitute the most balanced basis for future work in the area of Freedom, Security and Justice. These principles will be taken into account when decisions regarding on the continuing of the reform process are made.

### **A comprehensive European Migration Policy**

22. The European Council underlines the importance of migration issues for the EU and its Member States. Addressing both challenges and opportunities of migration for the benefit of all is one of the major priorities for the EU at the start of the 21<sup>st</sup> century.
23. The European migration policy builds on the conclusions of the Tampere European Council in 1999, the Hague Programme of 2004 and the Global Approach to Migration adopted in 2005. It is based on the solidarity, mutual trust and shared responsibility of the European Union and its Member States. It is also based on respect for human rights and fundamental freedoms of migrants, the Geneva Convention and due access to asylum procedures. It requires a genuine partnership with third countries and must be fully integrated into the Union's external policies.
24. Events in 2006 and the progress made in implementing the Global Approach have demonstrated that migration needs to be addressed in a comprehensive manner and that efforts made so far now need to be strengthened. Future work should take into account the Commission's Communications and broaden the scope of action to other policy areas and apply lessons learnt to other regions.

25. The European Council accordingly agrees on the following next steps to be taken during the course of 2007:

- a) strengthen and deepen **international cooperation and dialogue with third countries** of origin and transit, in a comprehensive and balanced manner. In particular:
- the partnership between the European Union and African and Mediterranean countries will be deepened by broadening dialogue and strengthening practical cooperation; this partnership will build in particular on the joint commitments made in the Ministerial conferences in Rabat and Tripoli in 2006 as well as on the work underway in the framework of the EU/Africa dialogue on migration and development, on the basis of article 13 of the Cotonou Agreement, and the Euromed process, including the Ministerial Conference on migration in 2007. In order to strengthen the migration dialogue, specific EU missions will be sent to key African countries during 2007,
  - the migration and development agenda will be intensified by increasing coherence between the Union's various policies, including their financial instruments, with a view to addressing the root causes of migration,
  - Member States and the Commission will integrate migration and development issues in aid policies and programming, encourage the countries of origin and transit to incorporate migration issues in their national development plans, including poverty reduction strategies, and support capacity building for effective migration management, including through establishment of country-specific migration profiles. The new generation of regional and country strategy papers will fully incorporate, where relevant, the connection between migration and development. In this regard, the Commission's initiative for an EU Programme on Migration and Development in Africa provides a way to address this issue in the short and medium-term. Member States are also encouraged to enhance coordination and to develop joint programming,

- country-specific cooperation platforms on migration and development will be established to bring together the partner country concerned, EU Member States and the Commission as well as relevant international organisations to manage migration in a more coherent manner; the Commission is invited to consider capacity-building measures in favour of countries of origin and transit,
- a coherent EU follow-up to the September 2006 UN High Level Dialogue on International Migration and Development will be ensured; the EU will take a lead in placing migration and development issues on the agenda of the international community. The first meeting of the Global Forum on Migration and Development in July 2007 in Belgium will be a vital step in this respect,
- measures will be taken to improve cooperation on return and readmission with third countries, including effective identification and documentation; special emphasis will be giving to the reintegration of returned migrants. Negotiations on EC readmission agreements need to be stepped up; to this end the Council should explore further ways and means by which Member States could support the Commission in its efforts to conclude such agreements at EC level and to ensure their effective implementation,
- stepping up concrete work along migratory routes in partnership with third countries in particular with a view to preventing and combating trafficking and smuggling of human beings, while ensuring effective international protection for persons who may need it as well as for vulnerable groups such as women and providing specific measures for unaccompanied minors,

- while respecting the competences of Member States in this area, consideration will be given to how legal migration opportunities can be incorporated into the Union's external policies in order to develop a balanced partnership with third countries adapted to specific EU Member States' labour market needs; ways and means to facilitate circular and temporary migration will be explored; the Commission is invited to present detailed proposals on how to better organize and inform about the various forms of legal movement between the EU and third countries by June 2007,
  - the Global Approach will be applied to the eastern and south eastern regions neighbouring the European Union. The Commission is invited to make proposals on enhanced dialogue and concrete measures by June 2007;
- b) strengthen **cooperation among Member States in the fight against illegal immigration**, taking account of the Commission communication on policy priorities in this regard. In particular:
- measures against illegal employment will be intensified at Member State and EU level; the European Council invites the Commission to present proposals by April 2007 in this regard,
  - existing and new technological possibilities will be fully utilised to enhance border control and to allow persons to be identified reliably; in particular, the Commission is invited to report before the end of 2007 on how to improve access control, including on the feasibility of establishing a generalised and automated entry-exit system for this purpose. Applicable provisions on data protection will be respected in this regard,

- the Commission is invited to study the possibilities of developing policies for extended European solidarity in immigration, border control and asylum policies, taking into account the initiative made to this end;
- c) improve **the management of the European Union's external border** on the basis of the integrated border management strategy adopted by the Council in 2006. In particular:
- the capacity of Frontex will be rapidly enhanced in order for it to be able to meet the migration challenges at the EU's external borders next year, by ensuring adequate economic and personnel resources and their effective use, establishing procedures for emergency situations, strengthening operational means, reinforcing links with the Immigration Liaison Officer Network and completing the planned review of the Agency and its tasks in 2007,
  - Frontex is invited urgently to finalise its ongoing work on creation of a centralized record of technical equipment offered by Member States which could be put at the disposal of another Member State; and to report on the progress made to the Council by the end of April 2007. The Member States are invited to contribute actively to this process with national means and resources,
  - priority will also be given to examining the creation of a European Surveillance System for the southern maritime borders; Frontex is invited to establish as soon as possible, together with the Member States of the region, of a permanent Coastal Patrol Network at the southern maritime borders,
  - the efficiency of cooperation on search and rescue will be enhanced and work will be taken forward to assist in developing guidelines on the legal scope for action to be taken to counter illegal migration by sea,

- the European Parliament and the Council are invited to reach rapid agreement on the Regulation on the establishment of Rapid Border Intervention Teams in the first semester of 2007 and to study this model in other border-related functions, such as humanitarian assistance;
  
- d) develop, as far as **legal migration** is concerned, well-managed migration policies, fully respecting national competences, to assist Member States to meet existing and future labour needs while contributing to the sustainable development of all countries; in particular, the forthcoming Commission proposals within the framework of the Policy Plan on Legal Migration of December 2005 should be rapidly examined; Member States are invited to exchange information on measures taken in the areas of asylum and migration, in line with the mutual information mechanism established by the Council last October;
  
- e) promote **integration** and intercultural dialogue and the fight against all forms of discrimination at Member State and EU level, strengthen integration policies and agree on common goals and strategies; the Ministerial conference on integration to be held in May 2007 will be of particular importance in that respect;
  
- f) realise the **Common European Asylum System** by the end of 2010, starting with a preliminary evaluation of its first phase in 2007. The development of its second phase will be accompanied by a strengthening of practical cooperation in the area of asylum, in particular through the creation of asylum expert teams and the setting up of an asylum cooperation network; the possible creation of a European Support Office will also be examined;

g) make **adequate resources** available for implementing the comprehensive migration policy by full use of the substantial funds which are available if all the existing budget lines are brought fully into play and all possibilities available used consistently and coherently. In that respect the External borders, Integration, Return and Refugee Funds will bring important resources to underpin the comprehensive migration policy, as will the ENPI and the Development Cooperation Instrument (DCI). The EDF will also, in agreement with ACP partners, help address root causes of migration through long-term development policies, as well as by assistance to ACP partners in capacity building in the framework of the EU Governance Initiative.

26. The Commission is invited to report back on the implementation of the comprehensive migration policy in good time before the December 2007 European Council.

### **Schengen enlargement**

27. The European Council endorses the conclusions reached by the Council (Justice and Home Affairs) on 4/5 December 2006 and looks forward to the lifting of controls at internal borders as of December 2007 and by March 2008 at the latest provided all requirements for applying the Schengen acquis have been fulfilled.

### **III. INNOVATION, ENERGY AND CLIMATE CHANGE**

28. As discussed at the informal meeting of Heads of State or Government in Lahti, **innovation** is crucial to Europe's ability to respond effectively to the challenges and opportunities of globalisation. Europe needs a strategic approach aimed at creating an innovation-friendly environment where knowledge is converted into innovative products and services. Strategic priorities for stimulating innovation at EU level have been defined by the Council (Competitiveness) on 4 December.

29. The European Council emphasises in particular the following:

- the Commission is invited to present a comprehensive Intellectual Property Rights (IPR) Strategy, in the course of 2007, addressing issues such as quality of the IPR system; due to the need for developing the patent system in Europe, the Commission is invited to present its Communication on patents as a matter of priority;
- the Council and the European Parliament should act swiftly on the Commission's proposal to set up a European Institute of Technology;
- the Commission is invited to rapidly make proposals for the setting up of Joint Technology Initiatives, which are open to wide participation by industry, including SMEs, with a view to launching the most advanced ones in 2007;
- the Commission is invited, in consultation with all relevant stakeholders, to propose action for the improvement of the working methods and overall resources of European standardisation bodies. Standards must be developed quickly enough to meet the needs of fast-moving markets, whilst ensuring interoperability.

30. Information and communication technologies are crucial for innovation and competitiveness; immediate priorities include the development of spectrum allocation models meeting all objectives, the fast promotion of advanced mobile services and to the extent possible a coordinated approach for the use of spectrum capacity becoming available as a result of digital switch-over. The 2008 Spring European Council will review the challenges of the next generation of internet and networks within the framework of the Lisbon Strategy.

31. In view of the extraordinary Social Summit held in October, the European Council calls for a comprehensive debate on flexicurity in order to promote flexibility combined with employment security, reduce labour market fragmentation and improve the functioning of the European labour market. It stresses the importance of raising labour productivity in Europe, inter alia by enhancing innovation and quality of working life. It welcomes the intention of the European social partners to contribute to the ongoing work on flexicurity before the Spring 2007 European Council.
32. The European Council urges the Council to continue its efforts to revise the Working Time Directive.
33. The European Council recognises that there is a strong link between the EU's climate change policy and its energy policy as well as its jobs and growth and sustainable development strategies, and that all of these policies can and should be mutually reinforcing.
34. With regard to the development of the **Energy Policy for Europe**, and with reference to the conclusions of the 2006 Spring European Council, significant progress has been achieved especially on strengthening the coherence between its external and internal aspects and between energy policy and other policies. The informal meeting of Heads of State or Government in Lahti was an important step towards strengthening the consistency of the Union's energy messages to third countries.
35. The Union will work to ensure long-term security of energy supply through:
  - improved cooperation with major producer, transit and consumer countries,
  - the realisation of an inter-connected, transparent and non-discriminatory internal energy market,
  - the development of cooperation to meet emergencies, in particular in the case of disruption of supply,

- the extension of its internal energy market principles to neighbouring countries, in particular on the basis of the Energy Community of South Eastern Europe and the European Neighbourhood Policy,
  - the development of domestic energy sources, including renewables, as well new energy technologies.
36. Energy efficiency and energy savings contribute concurrently to the main objectives of the European energy policy. The European Council therefore welcomes the Commission's Action Plan on energy efficiency and calls for priority measures to be taken rapidly.
37. The European Council endorses the setting up of a network of energy security correspondents in early 2007. This will be an important tool for collecting and processing existing geopolitical and energy related information. It will also provide an early warning tool to support the Union's overall strategy with the aim of ensuring the security of energy supply.
38. The Spring 2007 European Council is due to adopt a prioritised Action Plan as part of an overall Energy Policy for Europe. The external aspects of energy security will be included within the Action Plan. The European Council looks forward to the imminent presentation by the Commission of its Strategic Energy Review as part of the preparations for the adoption of that Plan. European energy policy will be discussed by the European Council on a regular basis in the future.
39. Given the urgent need for energy investments in the coming years, the upcoming Spring European Council will discuss an integrated approach for a secure, environmentally friendly and competitive energy policy. This would demonstrate the European Union's leadership in integrating climate change objectives into other sectoral policies and measures.
40. The challenge of **climate change** is assuming ever greater importance as its long-term consequences become clearer and new information from recent studies shows that the costs of inaction for the global economy will significantly outweigh the costs of action.

41. In this context, the European Council welcomes the outcome of the UN climate sessions held in Nairobi which includes important steps towards developing a broadly-based post-2012 agreement and addressing a number of immediate concerns on mitigation and adaptation requirements. It also notes with satisfaction the progress made in innovative financing initiatives to support a widespread shift to new and improved technology.
42. Bearing in mind the crucial role of a global carbon market and the need to provide long-term certainty, the European Council looks forward to the forthcoming revision of the Emissions Trading Directive, which should take effect at the start of the third trading period beginning in 2013. It confirms the crucial role and the long-term ambition of the EU Emissions Trading Scheme.
43. Reiterating that climate change is a global problem that requires global solutions and encouraged by the EU's recent meetings with third countries, the European Council will consider at its Spring 2007 meeting options for a global post-2012 agreement consistent with the EU's objective of a maximum global temperature increase of 2°C above pre-industrial levels.
44. In light of the political, economic and external impact of energy and climate change policy, the European Council looks forward to an integrated debate on these issues at its Spring 2007 meeting.

#### IV. EXTERNAL RELATIONS

45. The European Council welcomes the Progress Report on the implementation of the EU Strategy "**The EU and Africa: Towards a Strategic Partnership**", to reflect a step change in Europe's relationship with Africa, and calls for the implementation of the priority actions for 2007 identified in the report. The Progress Report outlines a comprehensive way forward for strengthening the EU partnership with Africa in consolidating peace, democracy and good governance, growth, investment in people and supporting broad-based sustainable development on the continent.

The European Council reaffirms its commitment to working towards a Joint EU-Africa Strategy to be adopted at the second EU-Africa Summit in the second half of 2007 in Lisbon.

The Council will continue to monitor progress towards the EU's commitments to Africa, including fully implementing the decision by the Council on 24 May 2005 to increase EU aid to 0.56% of EU GNI by 2010, and ensuring that 50% of the additional aid goes to Africa.

46. The European Council expressed its full support to the UN Special Envoy Martti Ahtisaari and his efforts in conducting the political process to determine **Kosovo's** future status. The future status settlement must promote a multi-ethnic and democratic society based on the rule-of-law with a future for all of its citizens and contribute to increasing regional stability. The settlement must also ensure that Kosovo can develop in a way which is both economically and politically sustainable, and set a vision for this which provides for the realisation of Kosovo's European perspective.

The EU stands ready to play a significant role in the implementation of the status settlement. The European Council emphasised the importance of taking forward the preparations for the future EU and international presence in Kosovo in coordination with other international actors. The European Council stressed the importance of clarity in the future status settlement, to allow for an timely and unified response from the European Union. In this context, the European Council emphasised the need to ensure the necessary funding for the EU's comprehensive engagement in Kosovo.

47. The European Council reaffirms its resolve to strengthen the **European Neighbourhood Policy** (ENP) in order to consolidate a ring of prosperity, stability and security based on human rights, democracy and the rule of law in the Union's neighbourhood. In this context, the European Council welcomes the recent adoption of the ENP Action Plans for Armenia, Azerbaijan and Georgia, as well as the progress in negotiations with Egypt and Lebanon. Referring to the latest Commission Communication on the ENP, the European Council endorses the conclusions of the GAERC of 11 December 2006 and invites the incoming Presidencies to take the work forward.
48. Encouraged by the prospects for closer cooperation and political dialogue with Central Asian States the European Council invites the incoming German Presidency to take forward the work on an EU strategy on **Central Asia** with a view to its adoption at the European Council meeting in June 2007.
49. The European Council stresses the importance of the multilateral trading system and the need for an ambitious, comprehensive and balanced agreement on the **Doha Development Agenda**. It therefore welcomes the resumption of informal negotiations. The EU remains committed to the DDA and calls on key partners to act in the same spirit of constructive commitment in order to bring the negotiations to a successful close.
50. Measures have been developed with view to enhancing strategic planning, **ensuring coherence in the use of different external relations policy instruments**, improving coordination in international organisations, including the United Nations, and furthering cooperation between the EU institutions and between the latter and the Member States.

The European Council welcomes the progress made and invites the future Presidencies to take work forward together with the Secretary-General/High Representative and the Commission to ensure the continuity of the process.

Concrete steps to improve the coherent integration of development objectives are to be continued, along the lines of EU's Policy Coherence for Development commitments. The European Council is looking forward to the joint EU's Aid for Trade Strategy as an important component in fostering the trade and development agenda.

[PM – there will be a separate declaration on the **Middle East**]

[PM – there will be a separate declaration on **Africa**]

[PM – there will be a separate declaration on **Afghanistan**]

