

6247/02 (Presse 30)

2409th Council meeting

- GENERAL AFFAIRS -

Brussels, 18/19 February 2002

President : **Mr Josep PIQUE I CAMPS,**
Minister of Foreign Affairs of Spain.

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* * *

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* * *

PROGRESS OF WORK IN OTHER COUNCIL CONFIGURATIONS

As part of the General Affairs Council's role in co-ordinating and fostering coherence in the Council's activities, the Council took stock of a Presidency report on work on the most important issues currently under discussion in other Council configurations (*document 5602/02*). This report singles out a number of topics being considered in the ECOFIN, Agriculture, Justice and Home Affairs and Education Councils.

The Council noted that a number of issues in the ECOFIN and Education Councils are of particular relevance in the run-up to the Spring European Council in Barcelona on 15/16 March, in particular the ongoing work in the ECOFIN Council on the reform of product, capital and labour markets. The Council also agreed to monitor regularly the work of the Convention on the future of the Union and invited the Permanent Representatives Committee to consider appropriate arrangements for doing so.

PREPARATION OF THE BARCELONA EUROPEAN COUNCIL

The Presidency informed the Council about a number of organisational details for the Barcelona European Council, including the anticipated running order and topics to be discussed. Substantive preparation of the items to be discussed at Barcelona, including aspects handled in other Council formations, will be undertaken by the March General Affairs Council. The purpose of the annual Spring European Council on economic and social issues and sustainable development is to take stock of progress by the Union towards the Lisbon strategic goal of becoming by 2010 the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion. The Barcelona European Council should agree a number of concrete steps on priority actions to be taken at this stage in order to ensure delivery of the strategy.

The Council noted that three separate meetings with Heads of State or government, Foreign Ministers and Finance Ministers from the candidate countries will be held in the morning of the first day of the European Council in line with the commitment by the Stockholm European Council to develop ways and means of actively involving the candidate countries in the goals and procedures of the Lisbon strategy. The formal letter of invitation to candidate states will be sent in late February or early March.

The Council was informed that a summit with social partners will take place on 14 March with the participation of the President of the European Council, the President of the Commission, the Prime Ministers of Denmark and Greece, as well as their respective Employment Ministers.

ENLARGEMENT

The Council took note of a presentation by Commissioner Verheugen in the light of guidance provided by previous discussions among ministers on the Commission's information note on the common financial framework 2004-2006 for the accession negotiations, and of preliminary report by the Permanent Representatives Committee.

The Council invited the Commission to submit draft common positions for the negotiating chapters on Financial and Budgetary Provisions, Agriculture and Regional Policy and Coordination of Structural Instruments as soon as possible, taking into account the Council's deliberations.

The Council recalled that timely submission of these draft common positions was essential for adhering to the road map laid down by the Nice European Council and the timetable for concluding the accession negotiations agreed by the European Councils in Göteborg and Laeken. The Council also reaffirmed that the negotiations will be based on the present *acquis* and on the financial framework ceilings decided by the European Council in Berlin in 1999.

UPDATE TO THE SECOND REPORT ON ECONOMIC AND SOCIAL COHESION

The Council heard a presentation by Commissioner Barnier of the update to the second report on economic and social cohesion (*Doc. 5422/02*). This report has been prepared in fulfilment of the Commission's commitment to keep the Council regularly informed on progress in cohesion in Europe. It updates the data contained in the second report presented in January 2001 and includes, for the first time, an analysis of disparities in a Union of 25 and summarises the debate among EU institutions, Member States, candidate countries, regions and non-governmental organisations on future cohesion policy after enlargement.

Following an exchange of views, during which the Commission's update was broadly welcomed as a useful contribution to the debate on the Union's future cohesion policy, the Council instructed the Permanent Representatives Committee to examine this report with a view to further work by the Council in due course.

DEBATE ON THE EFFECTIVENESS OF THE UNION'S EXTERNAL ACTIONS

The Council held a policy debate on ways for the Union to achieve more effective and comprehensive external action on the basis of a Presidency paper carrying forward the discussion begun at the September 2000 informal meeting in Evian and continued at the January 2001 GAC meeting, and a report by Commissioner Patten on progress in reforming the management of EU external assistance. A contribution on the development aspects of the debate was also submitted to the Council². The Presidency underlined the need to carry forward this process particularly in the light of the new international situation arising from the events of 11 September 2001.

In the course of the discussion, Ministers addressed questions such as integrating development and foreign policy objectives; improving flexibility and responsiveness to new situations; balancing the need for speedy delivery of external assistance and the quality of such assistance; and how to improve the impact of the Union's external action in different regions.

The Presidency noted the importance the Council attached to collaboration between the various Council formations, the Secretary-General/High Representative and the Commission in order to make progress in improving the effectiveness of external action. The reform of external aid management by the Commission - on which the latter reported today - goes in the same direction and enjoys the Council's support. The Presidency suggested in particular that the Secretary-General/High Representative and the Commission continue to:

- reflect on the concept of regional strategies;
- examine the development of the country fact-files ("fiches-pays") and undertake case studies in which the coherence of action by the EU and Member States as well as coordination in the field could be better assessed;
- study ways of building on the process of decentralisation already initiated by the Commission to strengthen the role of its delegations in EU external action.

² Doc. 5266/02
6247/02 (Presse 30 - G)

The Presidency, in order to secure progress on a series of recurrent questions, also proposed that relevant Council preparatory bodies should be tasked to work on the following aspects:

- improving inter-pillar coordination, for instance in the preparation of country or regional strategy documents;
- reinforcing the role of the EU in international organisations, and in particular the UN. One particular issue in this respect would be whether it is desirable to channel EU cooperation funds through the UN system and new multilateral funds, such as the health fund.
- examining ways and means of achieving greater budgetary flexibility, in particular when addressing unforeseen situations;
- examining the quality of development aid, the scope for direct budgetary support and direct assistance for the reinforcement of democracy, the rule of law and institution-building, in particular in the provision of basic social services;
- examining the link between coordination in the field and the decision-making processes in Brussels and in capitals.

The outcome of this work should be submitted to the May session of the General Affairs Council, at which an initial review could be undertaken with a possible further review in the autumn.

MIDDLE EAST

Ministers exchanged views on the Middle East over lunch, continuing the discussion which took place at their informal meeting in Caceres on 8/9 February 2002.

ZIMBABWE - Council conclusions

"The elections in Zimbabwe on 9-10 March 2002 are of crucial importance for the future of the democracy in Zimbabwe.

On 28 January, the Council agreed that the consultations under Article 96 of the Cotonou Agreement would be closed and targeted sanctions implemented if the Government of Zimbabwe prevented the deployment of an EU election observation mission, or if it prevented the mission from operating effectively, or prevented the international media from having free access to cover the election, or there was a serious deterioration in the situation on the ground, in terms of a worsening of the human rights situation or attacks on the opposition, or if the election was assessed as not being free and fair.

The EU began to send election observers on 3 February. Subsequently, the Government of Zimbabwe objected to having nationals of six EU Member States accredited as observers and refused to accredit the EU Chief Observer, Ambassador Pierre Schori, who was not allowed to stay in the country.

The EU remains seriously concerned at continuing political violence, serious violations of human rights and restrictions on the media in Zimbabwe, which call into question the prospects for a free and fair election on 9-10 March. The restrictive framework imposed by the Government of Zimbabwe contradicts the international standards for free and fair elections, as agreed by SADC Parliamentary Forum.

The Council concluded that the principles enshrined in article 9 of the Cotonou Agreement had not been respected despite all efforts made by the European Union through Article 8 dialogue and later, Article 96 consultations.

Consequently, the Council decided to close Article 96 consultations and take appropriate measures³ Furthermore, the Council decided to implement targeted sanctions in the form of an embargo on the sale, supply or transfer of arms and technical advice, assistance or training related to military activities and an embargo on the sale or supply of equipment which could be used for internal repression in Zimbabwe, as well as a travel ban on persons who engage in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly in Zimbabwe and a freezing of their funds, other financial assets or economic resources, as contained in the Common Position⁴ and Regulation⁵ concerning restrictive measures against Zimbabwe.

These targeted sanctions are aimed solely at those whom the EU judges to be responsible for the violence, for the violations of human rights and for preventing the holding of free and fair elections in Zimbabwe. The EU reserves the right to take additional targeted restrictive measures, at a later date, if the situation deteriorates further.

The sanctions are designed not to harm ordinary citizens of Zimbabwe or her neighbours, nor should they prevent dialogue between the EU and Zimbabwe to address its economic and other problems. The EU remains committed to provide humanitarian assistance to the people of Zimbabwe.

The Council also decided to withdraw without delay all EU electoral observers still present in Zimbabwe.

The EU will continue its dialogue with SADC, ACP and other international partners in the run-up to the Presidential election on 9-10 March."

^{3 4 5} OJ L 50 of 21.2.2002

PREPARATION OF THE UN CONFERENCE ON FINANCING FOR DEVELOPMENT
(MONTERREY MEXICO, 18-22 MARCH 2002)

Following a presentation by Commissioner Patten of the main features of the Commission's on this item, the Council held a brief exchange of views on the five concrete proposals put forward by the Commission for increasing the quantity and quality of official development assistance (ODA), namely: a sizeable increase in ODA; strengthening and harmonising procedures and improving coherence with other policies; further efforts to untie Community aid and fully untie all bilateral aid; promoting an agenda on global public goods as a basis for mobilising additional resources; and increased trade-related technical assistance.

The Council invited the Permanent Representatives Committee to examine the report speedily in preparation for the March General Affairs Council so that the Union can make an important contribution to the success of the Conference through the adoption of positive initiatives.

WESTERN BALKANS**– *INTERNATIONAL POLICE TASK FORCE (IPTF) FOLLOW-ON - Council conclusions***

- "1. Recalling its conclusions of 28 January 2002, the Council announced the EU's readiness to ensure, by the 1st of January 2003, the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH). In order to ensure a successful follow-up to the UN IPTF, the EU's aim would be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The EU Police Mission (EUPM), supported by the European Community's institution building programmes, would contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the EU overall's policy in the region, notably the Stabilisation and Association Process.
2. In line with the general objectives of Annex 11 of the Dayton Agreement, the mission would establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, should achieve its goals by the end of 2005.
3. Recalling that the EU sees the future of BiH lying in integration into the European structures, the Council expressed its willingness to appoint as the EU Special Representative in BiH (EUSR) the next High Representative in BiH. He would maintain an overview of the whole range of activities in the field of the Rule of Law, and in that context provide advice to the Secretary General/High Representative (SG/HR) and the Commission as necessary. The PSC would exercise the political control of and provide strategic direction to the mission.
4. The Council stressed the importance of a seamless transition between the UNIPTF and the EUPM, and, in this respect, underlined the central role of the Police Commissioner to be designated.
5. The Council invited the Presidency, assisted by the SG/HR, to inform the international community of the EU's readiness to establish the EUPM, and to continue to co-ordinate with the UN and to consult with relevant organisations, in particular NATO and the OSCE.

6. Appropriate contacts with the Government of Bosnia-Herzegovina and the relevant authorities will be established.
7. The financing of the EUPM is set out in Annex IV.
8. Acknowledging the valuable contributions other States have made to UNIPTF, the Council agreed to invite, in the first instance, the non-EU European NATO members and other States which are candidates for accession to the EU, as well as other non-EU OSCE Member States currently contributing to IPTF, to make offers of contributions, in due course, for the EUPM. In order to ensure necessary consultation, the Council invited the PSC to hold meetings, as soon as possible, with these potential contributors, in accordance with the procedures set out in the relevant annex.
9. The mission statement, the chain of command, the co-ordination and financing arrangements, as well as the modalities for third States contributions to the EUPM are described in the annexes attached to these conclusions.
10. The Council invited its competent bodies to continue work on the EUPM and to prepare the necessary legal instruments in view of its meeting of 11 March 2002."

ANNEX I**EU POLICE MISSION IN BIH : MISSION STATEMENT**

The following outlines the Mission Statement for the EU Police Mission (EUPM) that will follow-on UN IPTF as a part of the EU overall support to the Rule of Law sector in BiH.

I. Political/Strategic level

1. The proposed mission statement for a possible police operation would include:
2. The EU Police mission (EUPM), supported by the European Commission's institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. To do so, this three-year EUPM should be entrusted with the necessary authority and concentrate on the following goals:
 - to preserve, through continuity with the achievements of the IPTF mission, the existing levels of institutional and personal proficiency;
 - to enhance, through monitoring, mentoring and inspecting, police managerial and operational capacities; to this end, to focus on delegation of power and quality-oriented management principles as well as improving operational planning capacity based on analysis;
 - to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions;
 - and to monitor the exercise of appropriate political control over the police.
3. The mission will not include executive powers or the deployment of an armed component.

II. Objectives at operational level:

4. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, and working as an integral part of the broader rule of law approach, should achieve the goals set out above by the end of 2005, by ensuring that the BiH police services will:
 - Act in a professional manner and in accordance with relevant legislation and regulations
 - Be free of political interference, and led by an apolitical, qualified and accountable personnel
 - Possess the integrity, knowledge and means to perform their duties in a transparent and objective manner
 - At ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard
 - Ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline

- Be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues.
- Effectively manage personnel and resources within an affordable and appropriate institutional framework
- Standardize data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system
- Develop police co-operation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building)
- Undertake criminal investigations of corruption cases regardless of political implications
- Be capable of investigating and countering the full range of criminal activities, including organized crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system
- Develop, in close cooperation with SFOR, specialized information sharing in support of the state level capability and other appropriate authorities
- Possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias
- Enter into constructive co-operation with police services of neighbouring States (SAP States) and EU Member States.

III. **Methodology** :

5. It should be noted that the effectiveness of a EUPM pursuing a management approach will directly depend on the expertise of the personnel and ability to retain continuity and institutional memory. For this purpose, it is strongly recommended that qualified personnel is identified and each seconded for a minimum of one year.
6. In order to achieve the above-mentioned objectives by the end of 2005, the EUPM should:
 - Co-locate the international police alongside Commanders at the various Entities, Public Security Centres (PSCs), Cantons, Brcko district, State Intelligence Protection Agency (SIPA) and State Border Service (SBS) at medium and senior levels of the BiH Police
 - Be able to remove from offices non compliant officers, through a recommendation by the EU police Commissioner to the High Representative.
 - Coordinate with the Office of the High Representative in the furtherance of the International Community overall objectives in the field of the rule of the law, as well as with other Organizations within the International Community, as appropriate
 - Liaise with SFOR on public security issues including for ensuring SFOR support in extremis.

ANNEX II**EU POLICE MISSION IN BIH : CHAIN OF COMMAND**

The structure of the EU Police Mission, as part of the broader EU Rule of law follow-up in Bosnia and Herzegovina, would have to include a unified EU chain of command, as a crisis management operation.

Without prejudice to the relevant provisions of the Dayton Agreement and its annexes:

- The Special Representative of the EU would report to the Council through the SG/HR,
- The PSC would provide the political control and strategic direction,
- The Police Commissioner would lead the mission and assume its day-to-day management,
- The Police Commissioner would report to the SG/HR through the Special representative,
- The SG/HR would give guidance to the Police Commissioner through the Special representative.

ANNEX III**EU POLICE MISSION IN BIH : CO-ORDINATION ARRANGEMENTS**

1. The Council expressed its willingness to appoint the High Representative in Bosnia and Herzegovina as the European Union Special Representative in Bosnia and Herzegovina (EUSR). In doing so, the EU would convey a clear message that Bosnia and Herzegovina's future lies in integration into European structures, building on the Stabilization and Association process. He would maintain an overview of the whole range of activities in the field of the Rule of Law and in that context provide advice to the SG/HR and the Commission as necessary. The role of the EUSR would not in any way prejudice the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to the activities of all civilian organisations and agencies as set out in the Dayton Peace Agreement and subsequent Peace Implementation Council decisions. As part of his wider responsibilities, the EUSR would have authority to give direction, as necessary, to the police commissioner while reporting to the Council through the SG/HR. The PSC would exercise political control of and provide strategic direction to the EU Police mission. The PSC would be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Police Commissioner as necessary.

2. In order to ensure a successful follow-up to the UN IPTF in Bosnia and Herzegovina, the EU's aim must be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. To this end, coordination arrangements are required in both Sarajevo and Brussels.

3. An informal Joint Coordination Group would be set up in Sarajevo. It would include representatives of the EU Police Mission and of the Commission's Delegation in Sarajevo dealing with the CARDS programme. This group would meet regularly and exchange information on the planning and implementation of complementary projects, and bring anything requiring their attention to the notice of the Presidency, the SG/HR and the Commission in Brussels, and help define EU positions to be presented within the OHR Task Force on the Rule of Law.

4. Co-ordination in Brussels between the Council Secretariat and the Commission with involvement of the Presidency would continue to take place within an informal Task Force. In terms of presentation of progress reports to the Council and its bodies, the normal rules of representation and co-ordination would apply.
5. In accordance with the CARDS Council Regulation (EC) n° 2666/2000 of 5 December 2000, the Commission would consult the High Representative in Bosnia and Herzegovina on the implementation of Community assistance. The Commission would also ensure effective co-ordination of the Community's and Member States' assistance efforts and encourage co-ordination and co-operation with the IFI's, UN and other donors.
6. Neither the above arrangement, nor the possible double-hatting of the new High Representative in Sarajevo as an EUSR, would affect the continued responsibility, as set out in the Treaty, and emphasised in recent reports by the Court of Auditors, of the Commission for CARDS/First Pillar activities, which would not be subject to the chain of command of an ESDP-operation.

ANNEX IV

EU POLICE MISSION IN BIH : FINANCIAL ASPECTS

1. The costs of the operation are estimated at:
 - 14 million euro start-up costs (including equipment) for 2002
 - up to 38 million euro yearly running costs for 2003-2005, divided as follows
 - up to 17 million for per diem depending on the daily rate set and 1 million for travel costs
 - 11 million operational running costs, 4 million for local staff, 5 million for international civilian staff

* salaries of seconded police officers and other possible secondees will be covered directly by sending states, including non EU-contributors.
2. The start-up costs at 14 million euro can be financed within the CFSP-budget 2002, taking into account the 10 million already foreseen and the possibility of redeployment between existing priorities within the CFSP budget 2002.
3. Regarding the yearly running of the operation, the Council agreed that the 17 million euro for per diems and the 1 million euro for travel costs will be financed on a costs lie where they fall basis. The remainder of 20 million euro should be financed through the CFSP-budget. With the present level of funding within the CFSP budget, 10 million euro annually could be assigned for the yearly running costs for the period 2003 – 2005. Therefore an increase in the CFSP-budget for the years 2003-2005 would be needed to cover the foreseen 10 million euro gap. The Commission stated that it will re-examine its budget proposals for 2003 in this light. The Presidency will consult the European Parliament on this matter. During the whole budget procedure for 2003 the financing of the EUPM will be one of the Council's priorities.
4. Should the financing of the CFSP-budget not be sufficient, the Council would decide, in accordance with the provisions of the Treaty, how to cover any remaining gap, which would consist of common costs.
5. The financial arrangements will respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

6. Establishing the financial arrangements for EUPM the Council notes the financial limits of the CFSP budget.
7. It is understood that the proposed financing arrangement will constitute no precedent for future ESDP-operations.

ANNEX V

EU POLICE MISSION IN BOSNIA-HERZEGOVINA : MODALITIES FOR CONTRIBUTION OF THIRD STATES

I. General Considerations

1. Taking into account the valuable contributions other States have made to IPTF, as well as the conclusions of the Nice and Göteborg European Councils, the Council decided that non EU States would be invited to contribute to an EU Police Mission in Bosnia-Herzegovina.
2. The Council decided that, in first instance, non-EU European NATO members and other candidate countries for accession to the EU as well as other non-EU OSCE Member States currently contributing to the IPTF would be invited to make offers of contributions.
3. The decision-making autonomy of the EU and the single institutional framework of the Union will be fully respected.
4. A significant majority of the police officers should be provided by EU member States. This also applies to other international staff. An early decision on the number/percentage of police officers to be provided by EU member States will be taken and third States briefed in order to guide their possible contributions.

II. Consultations

5. Contacts with the agreed range of third countries would immediately be established in order to inform them and to have a clear picture of their interest and potential contributions.
6. For the non-EU NATO members and other countries which are candidates for accession to the EU, Annex II of Göteborg provides that the EU+15 format could serve "for consultation, in view of possible contributions to a mission, in the period leading up to a decision of the Council to launch a police operation".
7. Some third States not part of the 15 already make valuable contributions to the IPTF mission. Annex II of Göteborg provides that "in order to facilitate co-operation in this field with a broad range of potential partners, i.a. Russia, Ukraine, other European States with which the Union maintains political dialogue, and other interested States such as Canada, police could be included in the dialogue, co-operation and consultation on ESDP issues with the countries concerned within the framework of existing arrangements".
8. Building upon arrangements established in Göteborg, consultations would be conducted by PSC with the identified potential contributors. Informal contacts of Presidency/Secretariat with these States, individually or collectively, will take place as necessary, in particular to ensure follow-up of meetings (information, precision on their potential contribution to personnel and financing,...).

9. Potential contributors would be provided with information on the approximate share of the mission staff open to contributions from third States as well as the required profile of this staff. For this purpose, EU member States should, as a matter of highest priority, decide on the size and character of the contributions they are ready to make to the Police Mission. This would require as a first step that the profiles of the staff required be established urgently by the Head of the planning team. When there are firm indications on what contributions EU member States would make to the mission, the Head of the planning team would identify the number and type of personnel expected from third States, and inform them accordingly. At this stage of the process there might be a need for intensification of contacts in the appropriate format, in particular at expert level, with third States.
10. The contributions offered by third States would be assessed on the basis of requirements set by the EU for this specific mission. Contributions offered by third States would have to fit those criteria. Subsequently, the EU would decide to accept the offers considered appropriate.
11. Future contributors from third States would be invited, as appropriate, to briefings at expert level (in Brussels or on the ground, depending on the actual location of the planning team) in order to inform them of how the preparation is proceeding and to allow them to adequately prepare their respective national contributions to the EU Police Mission. As needed, the Head of the planning team would participate in those meetings.

III. Operational Phase

12. According to annex II of Göteborg, "Third States, which are making significant contributions to the EU mission, will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation".
13. Micro-management of the EU Police Mission from Brussels should be avoided. In view of this, involvement in day-to-day management of the operation of third States which make significant contributions should take place on the ground, including within the police mission HQ, and taking into account, inter alia, relevant lessons learned from EUMM.
14. When the need arises, experts meetings could be held in Brussels. During the course of the operation the PSC may conduct consultations with representatives of third States which make contributions to the mission.
15. The decision by the EU to end the operation will be made following consultation with the contributing States."

– ***MONTENEGRO - Council conclusions***

"The Council welcomed and strongly supported the efforts of the High Representative in facilitating the dialogue between Belgrade and Podgorica on future constitutional arrangements. It called upon all parties to cooperate closely with the High Representative and to seize without delay the opportunity offered to bring the dialogue to a successful conclusion. The Council particularly urged a positive response from President Djukanovic to the SG/HR's demarches."

– ***BOSNIA-AND-HERZEGOVINA***

The Council heard a presentation by Mr Wolfgang PETRITSCH, the High Representative of the international community in Bosnia-and-Herzegovina, on developments in the country.

**RELATIONS WITH THIRD COUNTRIES FROM THE POINT OF VIEW OF
COMBATING TERRORISM**

The Council examined a Presidency paper on the state of play in ongoing work on evaluating relations with third countries in combating terrorism, following agreement by the General Affairs Council in October 2001 to carry out a systematic assessment of the Union's relations with third countries in the light of their possible support for terrorism. The debate focused on questions such as the principle of including a standard or selective anti-terrorism clause in agreements with third countries, whether technical assistance should be provided to help combat terrorism, and whether to enter into Article 38 negotiations with third countries or international organisations.

The Council noted that the relevant Council preparatory bodies should continue work on devising effective means and instruments which could be translated into action for improving co-operation with third countries in the fight against terrorism with a view to defining recommendations to be considered by the General Affairs Council at a later date.

OTHER BUSINESS**– *PARTICIPATION OF MINISTERS OF DEFENCE AT GENERAL AFFAIRS COUNCIL***

Regarding the participation of Ministers of Defence at the General Affairs Council in May, the Council noted the Presidency's intention to enable Defence Ministers to discuss certain agenda items, limited to issues covering military capabilities. Discussion on these issues will be chaired by the Minister of Defence of the Presidency.

ITEMS APPROVED WITHOUT DEBATE

The documents whose references are given are available on the Council's Internet site <http://ue.eu.int>. Acts adopted that include statements in the minutes which may be released to the public are indicated by an asterisk; these statements may be obtained by following the procedure indicated above or from the Press Office.

ANTI-DUMPING

Imports of certain magnetic disks (3.5" microdisks) originating in Hong Kong and the Republic of Korea

(Doc. 5665/02)

The Council adopted a regulation - with Denmark, Finland, the Netherlands, Sweden and the United Kingdom voting against - imposing a definitive anti-dumping duty on imports of certain magnetic disks originating in Hong Kong and the Republic of Korea. The duty is imposed on 3.5" microdisks used to record and store encoded digital computer information falling within CN code ex 8523 20 90, with the exception of 3.5" microdisks based on optically continuous servo tracking technology or magnetic sector servo tracking technology with a storage capacity of 120 MB or more. The anti-dumping duties will apply for four years.

Imports of certain magnetic disks (3.5" microdisks) originating in Japan, in the People's Republic of China and in Taiwan

(Doc. 5662/02)

The Council adopted a regulation - with Denmark, Finland, Sweden and the United Kingdom voting against - imposing a definitive anti-dumping duty on imports of certain magnetic disks (3.5" microdisks) originating in Japan and the People's Republic of China and terminating the proceeding in respect of imports of 3,5" microdisks originating in Taiwan. The anti-dumping duties will apply for four years.

Imports of farmed Atlantic salmon originating in Norway

(Doc. 5881/02)

The Council amended Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway, replacing the annex to that Regulation.

TRADE POLICY**Steel products from Poland, Slovakia and the Czech Republic - extension of the double checking system**

The Council agreed on decisions to be taken by the relevant Association Councils, by written procedure, extending the double-checking system applied to exports of certain ECSC and EC steel products to the Community for the period 1 January to 31 December 2002 (doc. UE-PL 1401/02, UE-SK 2003/02, UE-CZ 1703/02).

The Council also adopted by qualified majority, with Germany voting against, three regulations extending the relevant Community implementing legislation and adapting it to the decisions which will be taken by the three Association Councils (doc. 5065/02 for Poland, 5066/02 for Slovakia and 5067/02 for the Czech Republic).

RELATIONS WITH THE ASSOCIATED CCEE**Romania - participation in Community programmes**

(Doc. UE-RO 1817/1/01)

The Council agreed for the EU-Romania Association Council to adopt, by means of the written procedure, a decision on the general terms and conditions for the participation of Romania in Community programmes.

The framework decision is part of the enhanced pre-accession strategy. The new method should improve substantially the present system, whereby participation in Community programmes is decided on a case-by-case basis, resulting in longer deadlines due to the adoption of specific Association Council decisions and entailing delays in concrete participation in programmes.

The framework decision establishes a number of general principles:

- the possibility for Romania to participate in all programmes which, under the basic internal act, are open to the CCEE;
- the requirement for a financial contribution to be made to the Community budget;
- participation of representatives of Romania (as observers) on programme committees;
- the fact that projects submitted by Romania will be subject to the same conditions as those for the Member States.

On the Community side, the specific terms and conditions, in particular the financial contribution, for participation in each individual programme will be determined by the Commission in collaboration with the Romanian authorities. The Commission is hereby assisted by a special committee appointed by the Council. As a result, once the framework decisions are in force there will no longer be any need for ad hoc Association Council decisions.

Association with Estonia Lithuania and Latvia*(Doc. 6136/02Estonia) (Doc. 6138/02Lithuania) (Doc. 6137/02Latvia)*

The Council endorsed the Union's position for these Association Councils, to take place on Tuesday 19 February 2002. (See press releases UE-EE 804/02 Presse 32 - UE-LT 904/02 Presse 33 and UE-LV 854/02 presse 34).

RELATIONS WITH THE ACP STATES**Côte d'Ivoire - final stage of the resumption of cooperation***(Doc. 6167/02)*

The Council has decided on the resumption of full European Union cooperation with Côte d'Ivoire. This decision is in response to the openness policy conducted by the Côte d'Ivoire government. It will enable the normal operation of Community cooperation instruments in the near future, including the 9th EDF.

It will be recalled that the European Union limited its cooperation with Côte d'Ivoire following the coup d'état of 24 December 1999, which brought a military junta to power. After consultations under Article 96 of the Cotonou Agreement, the European Union decided in June 2001 to gradually resume its cooperation in the light of the progress achieved as regards political openness, national reconciliation, the fight against impunity, the independence of the judiciary and the rights of foreigners in Côte d'Ivoire. An initial favourable assessment of the situation last October had already enabled the resumption to be accelerated.

The European Union is closely following the process of political openness and reconciliation in Côte d'Ivoire. Involved in that process is the settlement of fundamental disputes with the opposition, the casting of light on the abuses which punctuated the transitional period, the setting up of new high courts and the creation of peaceful relations with foreign peoples. Moreover, the Union considers that stepping up the fight against corruption and improving governance capabilities are preconditions vital to Côte d'Ivoire's lasting development. The fulfilment of these preconditions will also facilitate speedy and efficient implementation of European Union aid, as well as that of other development partners.

EXTERNAL RELATIONS**Renewal/extension of the mandate for the EU special representative in the FYROM**

The Council formally implemented the agreement reached in principle at its 28 January session by adopting a joint action extending the mandate of the EU Special Representative in the Former Yugoslav Republic of Macedonia, Alain Le Roy, until 30 June 2002. Mr Le Roy was appointed as EUSR on 29 October 2001 (see Joint action 2001/760/CFSP, OJ L 287 of 31.10.2001, p.1).
(Docs. 6034/02 - 6033/02)

European Agency for Reconstruction : EU aid for Kosovo - Council conclusions on the Court of Auditors Report
(Doc. 6086/02)

"The Council examined the Report of the Court of Auditors, which audited the financial accounts of the European Agency for Reconstruction for the financial year ending on 31 December 2001 and assessed the Agency's efficiency not only at the level of its organisational structure but also with respect to its operational budget management and its aid programme implementation in Kosovo. The Council also examined the replies of the Agency and of the Commission.

The Council welcomed the fact that the Agency had demonstrated a high level of efficiency in terms of administration and budget management, with significant rates of commitment and payment of appropriations in 2000. The Agency has thus fulfilled the objectives for which it was set up. The subsequent extension of the mandate of the Agency to the FRY and FYROM shows the important role it plays in the reconstruction of the region.

The Council noted that, in Kosovo, the Agency will have to manage the transition from emergency aid, an activity involving rapid disbursement, to help for capacity-building, which is more difficult to implement, while remaining ready to take urgent action should circumstances require. As the emergency phase within Kosovo is coming to an end, the Agency will apply the normal Community rules for all tendering and contracting, including open international tender.

The Council welcomed the measures already taken by the Agency and by the Commission in response to some of the recommendations, such as the introduction of a new computerised budgetary accounts system at the end of 2001 and the initiation of discussions with the United Nations Mission in Kosovo (UNMIK) on sectoral policies. It noted the Commission's assurance that the Court of Auditors' recommendations concerning the functioning of the Agency's Governing Board and its interaction with the CARDS Committee have been broadly covered with the adoption of Council Regulations Nos 2667/2000 and 2666/2000, which helped clarify relations between the two bodies and introduced strategic frameworks for each country, including multiannual programming. These latter measures also respond to the Court's wish for a policy framework to be defined as well as a medium and long-term strategy.

The Council also pointed out that the Agency's programmes reflect the EU's desire to facilitate the implementation of United Nations Security Council Resolution 1244 and the importance it attaches to the principles of the Stabilisation and Association Process.

While acknowledging the particular circumstances in which the Agency has been obliged to operate, the Council stressed the importance of ensuring the sustainability of the investments financed by the EU in Kosovo.

The Council endorsed the other recommendations made by the Court of Auditors, particularly those concerning the need to show in future budgets the estimated annual payment appropriations required for subsequent financial years and to continue to focus the Agency's human and financial resources on the latest reconstruction priorities. It welcomed the steps already taken by the Agency and the Commission to implement the Court's other recommendations and urged them to pursue this course of action vigorously.

The Council invited the Commission to report to it before the end of 2002 on further action taken on the Court of Auditors' Report. "

Importation of rough diamonds from Sierra Leone*(Docs. 6012/02 - 6013/02 + Add 1)*

The Council adopted a regulation prohibiting the importation into the Community of rough diamonds from Sierra Leone in implementation of Common Position 2002/22/CFSP (OJ L 10 of 12.1.2002, p. 81). This measure has been taken in the context of UN Security Council Resolutions 1306(2000) and 1385(2001) which prohibit all imports of rough diamonds from Sierra Leone, with the exception of those controlled by the Sierra Leone government through a Certificate of Origin regime.

ECOFIN**Medium-term financial assistance for Member States' balances of payments***(Doc. 12323/01 - 5973/02 - 5973/02 Add 1)*

The Council adopted a regulation establishing a facility providing medium term financial assistance for Member States' balance of payments. The facility of up to a maximum of EUR 12 billion will enable loans to be granted to one or more Member States which have not adopted the euro when it is established that they are experiencing, or are seriously threatened with, difficulties in their current payments or capital movements.

Excise duty on "traditional" rum for France and Madeira for Portugal**(Doc. 6286/02)*

The Council adopted a decision authorising France to extend the application of a reduced rate of excise duty on "traditional" rum produced in its overseas departments.

(Docs. 13300/01)

The Council also authorised Portugal to apply a reduced rate of excise duty in the autonomous regions of Madeira and in the case of the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie.

(Doc. 13302/01)

JUSTICE AND HOME AFFAIRS

Visa regulation

(Doc. 15179/01 - 13473/01 - 13473/01 Cor 1)

The Council adopted :

- an amendment to regulation (EC) No 1683/95 laying down a uniform format for visas ;
 - a regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form.
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