



**COUNCIL OF
THE EUROPEAN UNION**



12514/1/05 REV 1 (en,nl,da,fi)
(Presse 241)

PRESS RELEASE

2678th Council Meeting

General Affairs and External Relations

General Affairs

Luxembourg, 3 October 2005

President **Mr Jack STRAW**
Secretary of State for Foreign and Commonwealth Affairs
of the United Kingdom

* The 2679th meeting on External Relations is the subject of a separate press release (12515/05).

P R E S S

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Main Results of the Council

*The Council approved a framework for negotiations with **Turkey** on its accession to the EU, as mandated by the European Council last December, thus enabling the negotiations to begin immediately after the meeting.*

*It also gave the go-ahead to accession negotiations with **Croatia**, on the basis of a positive assessment of Croatia's cooperation with the International Criminal Tribunal for the former Yugoslavia, enabling the negotiations to begin immediately after the meeting.*

CONTENTS¹

PARTICIPANTS.....	5
--------------------------	----------

ITEMS DEBATED

ENLARGEMENT.....	7
------------------	---

– Turkey: negotiating framework and opening of discussions.....	7
---	---

– Croatia: opening of negotiations - Council conclusions	7
--	---

IN THE MARGINS OF THE COUNCIL.....	9
------------------------------------	---

– Accession conference with Turkey.....	9
---	---

– Accession conference with Croatia.....	9
--	---

– Signature of EU - Canada agreement on the transfer of air passenger data.....	9
---	---

OTHER ITEMS APPROVED

EXTERNAL RELATIONS / COMMON FOREIGN AND SECURITY POLICY

– Colombia - Council conclusions	10
--	----

– EU annual report on human rights.....	12
---	----

– EU support for international peace and security - Council conclusions.....	12
--	----

– International treaty on the arms trade - Council conclusions	14
--	----

– Indonesia - EU monitoring mission in Aceh	15
---	----

– Relations with the Republic of Korea - EU enlargement.....	15
--	----

– Relations with Uzbekistan - EU enlargement.....	15
---	----

DEVELOPMENT COOPERATION

– ACP countries - Financing of actions	16
--	----

- ¹
- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 - The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.

TRADE POLICY

- Anti-dumping - China and USA - Trichloroisocyanuric acid..... 16

INSTITUTIONAL AFFAIRS

- Review of decisions by the Court of First Instance 17
- Court of Justice - Rules of procedure 17

TRANSPARENCY

- Public access to documents..... 17

APPOINTMENTS

- Committee of the Regions 18

PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Mr Karel DE GUCHT
Mr Didier DONFUT

Minister for Foreign Affairs
State Secretary for European Affairs, attached to the
Ministry of Foreign Affairs

Czech Republic:

Mr Cyril SVOBODA

Minister for Foreign Affairs

Denmark:

Mr Per Stig MØLLER

Minister for Foreign Affairs

Germany:

Mr Joschka FISCHER

Federal Minister for Foreign Affairs and Deputy Federal
Chancellor

Estonia:

Mr Urmas PAET

Minister for Foreign Affairs

Greece:

Mr Petros MOLYVIATIS

Minister for Foreign Affairs

Spain:

Mr Alberto NAVARRO GONZÁLEZ

State Secretary for the European Union

France:

Mr Philippe DOUSTE-BLAZY
Ms Catherine COLONNA

Minister for Foreign Affairs
Minister with responsibility for European Affairs

Ireland:

Mr Dermot AHERN

Minister for Foreign Affairs

Italy:

Mr Gianfranco FINI

Deputy Prime Minister and Minister for Foreign Affairs

Cyprus:

Mr George IACOVOU

Minister for Foreign Affairs

Latvia:

Mr Artis PABRIKS

Minister for Foreign Affairs

Lithuania:

Mr Antanas VALIONIS

Minister for Foreign Affairs

Luxembourg:

Mr Jean ASSELBORN

Deputy Prime Minister, Minister with responsibility for
Foreign Affairs and Immigration

Mr Nicolas SCHMIT

Minister with responsibility for Foreign Affairs and
Immigration

Hungary:

Mr Ferenc SOMOGYI

Minister for Foreign Affairs

Malta:

Mr Richard CACHIA-CARUANA

Permanent Representative

Netherlands:

Mr Bernard BOT

Minister for Foreign Affairs

Austria:

Ms Ursula PLASSNIK

Federal Minister for Foreign Affairs

Poland:

Mr Adam Daniel ROTFELD

Minister for Foreign Affairs

Portugal:

Mr Diogo FREITAS DO AMARAL
Mr Fernando DE OLIVEIRA NEVES

Minister for Foreign Affairs
State Secretary for European Affairs

Slovenia:

Mr Dimitrij RUPEL

Minister for Foreign Affairs

Slovakia:

Mr Eduard KUKAN

Minister for Foreign Affairs

Finland:

Mr Erkki TUOMIOJA

Minister for Foreign Affairs

Sweden:

Ms Laila FREIVALDS

Minister for Foreign Affairs

United Kingdom:

Mr Jack STRAW
Mr Douglas ALEXANDER

Secretary of State for Foreign and Commonwealth Affairs
Minister of State for Europe

Commission:

Ms Benita FERRERO-WALDNER
Mr Olli REHN

Member
Member

General Secretariat of the Council:

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

The Governments of the Acceding States were represented as follows:

Bulgaria:

Ms Meglena KUNEVA

Minister for European Affairs

Romania:

Mr Mihai-Razvan UNGUREANU

Minister for Foreign Affairs

ITEMS DEBATED

ENLARGEMENT

– *Turkey: negotiating framework and opening of discussions*

The Council approved a framework for negotiations with Turkey on its accession to the EU, as mandated by the European Council last December, thus enabling the negotiations to begin immediately after the meeting.

– *Croatia: opening of negotiations - Council conclusions*¹

The Council gave the go-ahead to accession negotiations with Croatia, after a ministerial task force gave a positive assessment of Croatia's cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), enabling the negotiations to begin immediately after the meeting.

It adopted the following conclusions:

"The Council recalled that in March 2005 it had confirmed that Croatia was a candidate country for accession and had agreed that a bilateral intergovernmental conference would be convened by common agreement in order to open negotiations, as soon as the Council had established that Croatia was co-operating fully with the ICTY.

The Council warmly welcomed the report to the Croatia Task Force by the ICTY Chief Prosecutor that Croatia was now co-operating fully with the ICTY, as well as the clear commitment by the Croatian Prime Minister that full co-operation would be maintained until the last remaining indictee was in The Hague, and as long as required by the ICTY. It noted the Chief Prosecutor's assessment that, if Croatia continued to work with the same resolve and intensity, she was confident that Ante Gotovina would be transferred to The Hague soon.

The Council concluded that Croatia had met the outstanding condition for the start of accession negotiations, and that negotiations should therefore begin as soon as possible.

¹ The Council decided that these conclusions form part of the negotiating framework.

The Council confirmed that sustaining full co-operation with the ICTY would remain a requirement for progress throughout the accession process. The Council invited the Commission to continue to monitor this closely, on the basis of regular reports from the ICTY, and report to the Council if full co-operation is not maintained. The Council noted that an assessment of co-operation with the ICTY would form part of the Commission's reports to the Council on Croatia's fulfilment of the political criteria. The Council agreed that less than full co-operation with the ICTY at any stage would affect the overall progress of the negotiations and could be grounds for triggering the mechanism in paragraph 12 of the negotiating framework."

The accession negotiations were launched immediately after the meeting.

IN THE MARGINS OF THE COUNCIL***– Accession conference with Turkey***

A ministerial meeting opening negotiations with Turkey on its accession to the EU took place on 3 October.

– Accession conference with Croatia

A ministerial meeting opening negotiations with Croatia on its accession to the EU took place on 3 October.

– Signature of EU - Canada agreement on the transfer of air passenger data

An agreement on the transfer of air passenger data was signed on 3 October by the European Community and Canada.

Under the agreement, airlines flying from the EU to Canada will transfer selected passenger data to the Canadian authorities to help identify passengers who could be a security threat.

The agreement strikes a good balance between security requirements and the data protection standards required under EU and Canadian law, thus making an important contribution to the fight against terrorism. It was signed by United Kingdom Ambassador Sir John Grant KCMG for the Presidency, Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner, and Ambassador Jeremy Kinsman of the Canadian Mission to the European Union.

OTHER ITEMS APPROVED**EXTERNAL RELATIONS / COMMON FOREIGN AND SECURITY POLICY****Colombia - Council conclusions**

The Council adopted the following conclusions:

"Following the enactment of the Justice and Peace Law by Colombia's President Uribe, the Council adopted the following conclusions.

1. The Council recalled and reaffirmed its conclusions of December 2004, which had inter alia expressed the European Union's total solidarity with the Colombian people, and its full support for the Colombian Government in its search for a negotiated solution to the internal armed conflict. The Council also recalled the Cartagena Declaration of February 2005, the Commission on Human Rights (CHR) Chair Statement on Colombia of April 2005 and CHR resolution 2005/81 on impunity.
2. The Council re-iterated its call on all parties to the conflict to respect human rights and international humanitarian law, and repeated its call on all illegal groups to cease all hostilities and to engage in a negotiated peace process and to act accordingly. In this regard the Council welcomed President Uribe's recent initiatives to explore possible peace talks with the ELN and to approach the FARC. The Council underlined the necessity of a humanitarian agreement. The Council reiterated its demand that the illegal armed groups that still detain hostages release them immediately and unconditionally and demanded that they refrain from any future kidnapping. The Council stressed the importance of ensuring the safety of those individuals, organisations and institutions, including human rights defenders, working for the promotion and protection of human rights, and of protecting the rights of minorities and indigenous peoples.
3. The Council commended the work of the Office of the United Nations High Commissioner for Human Rights (UNHCHR) in Colombia and urged a prompt implementation of its recommendations, as reflected in the Chair's statement on Colombia adopted by the Commission on Human Rights at its sixty-first session. The Council expressed the EU's willingness to discuss mid-year progress on implementation with the Colombian Government and the UNHCHR, within the framework of the G 24 in Bogota.

4. The Council recalled that its conclusions of December 2004 had called for the early adoption of a comprehensive legal framework for the process of disarmament, demobilisation and re-integration (DDR) of the illegal armed groups, and had underlined that such a framework should be in conformity with international commitments and should take into account the right of victims to truth, justice and reparation. The Council therefore regarded the Justice and Peace Law, adopted on 21 June by the Colombian Congress and enacted into law by President Uribe on 25 July, as a significant development, since it provides an overall legal framework for DDR in Colombia. The Council recognised that its adoption had come after a lengthy and thorough democratic parliamentary process. The Council acknowledged that in such situations a difficult balance has to be struck between peace (which includes giving sufficient incentives to illegal armed groups to disarm and demobilise) and justice (which requires truth and reparations for the victims and the punishment of those who have committed crimes).
5. The Council noted the concerns expressed by the UNHCHR and others that the law as finally enacted does not take into sufficient account the principles of truth, justice and reparation in accordance with internationally agreed standards. The Council shared many of these concerns including: the insufficient emphasis on the need for the effective dismantling of the collective paramilitary structures; the blurring of distinctions between "political" and other crimes; the short time allowed for the investigation of confessions, and for the investigation of title assets that may have been acquired as the result of illegal activities; the restricted opportunities allowed for victims to claim reparations; the limited maximum sentences for the most serious of crimes; and the heavy resource pressures on the Colombian legal system in coping with the demands of the new law.
6. Nevertheless the Council believed that if the Law was effectively and transparently implemented it would make a positive contribution to the search for peace in Colombia. The Council confirmed its willingness to work closely with the government, institutions and civil society of Colombia, as well as with the UNHCHR, the Inter-American Commission on Human Rights, the G-24, and others who may be involved in monitoring the implementation of the judicial process established under the law. The Council welcomed the continued engagement of the Organisation of American States (OAS) in accompanying the demobilisation of the paramilitary groups.
7. The Council confirmed the readiness of the EU and its Member States to assist the Colombian government and civil society in providing support for: communities affected by the internal conflict; victims groups; local reconciliation activities; and the reinsertion and demobilisation of child soldiers, complementing existing programmes developed by UNICEF and others.

8. The Council believed that progress in these complementary areas, taken together with an effective and transparent implementation of the Justice and Peace Law and of the UNHCHR recommendations by the Colombian Government, would have a positive impact on peace-building in Colombia."

EU annual report on human rights

The Council adopted the EU's 7th annual report on human rights (2005) (12416/05).

The report records actions and policies undertaken by the EU between 1 July 2004 and 30 June 2005 in pursuit of its goals of promoting universal respect for human rights and fundamental freedoms.

The annual report is part of the follow-up to the declaration adopted by the Council in December 1998, on the occasion of the 50th anniversary of the Universal Declaration on Human Rights.

(<http://ue.eu.int/human-rights>)

EU support for international peace and security - Council conclusions

The Council adopted the following conclusions:

"The Council recalled the European Security Strategy and reviewed the EU's support for international peace and security in the framework of the Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP) and noted the important contribution that community programmes make to these objectives.

ACEH

The Council welcomed the launch of the Aceh Monitoring mission on 15 September, in cooperation with ASEAN nations. It welcomed the first steps towards the decommissioning of weapons in Aceh and the withdrawal of members of the military and police forces which mark significant steps forward in the implementation of the Memorandum of Understanding signed between the Government of Indonesia and the Free Aceh Movement in Helsinki on 15 August. The Council noted that this is the first ESDP mission to be deployed in Asia and underlines the EU's commitment both to peace in Aceh and to making a meaningful contribution to international peace and security.

The Council also welcomed the Commission's support for President Ahtisaari's successful mediation and the additional "Support Package for the Implementation of the Peace Process in Aceh". The Council noted that this package is complementing the work of the AMM through support to the reintegration of former GAM combatants and detainees, and a programme to strengthen local governance; and that, in the medium term, further support will be provided to a sustainable peace and stability in Aceh.

SUDAN/DARFUR

The Council noted progress in implementing the EU's comprehensive Supporting Action to AMIS II, particularly the establishment on 8 September of support to the policing elements. The Council welcomed the continuing close co-operation with other international actors, notably the UN and

NATO, and recalled its commitment to supporting AMIS II in full respect of the principle of African ownership. The Council expressed its grave concern about recent reports of serious clashes in Darfur, apparently involving members of the armed movements, the Government of Sudan and Arab militias. The Council reiterated its deep concern at violations of human rights and international humanitarian law committed against the civilian population in Darfur. The Council called on all sides, particularly the SLM/A, to rein in their fighters.

The Council welcomed the opening of the preparatory workshops for the next round of the African Union-led Inter-Sudanese Peace Talks on Darfur in Abuja, and called on all parties to participate in the forthcoming negotiations without pre-conditions and to negotiate flexibly and in good faith with a view to quickly reaching a just and lasting peace settlement for Darfur. The Council also welcomed the swearing in on 22 September of the Government of National Unity. This is a significant and historic step towards lasting peace in Sudan. The Council congratulated the National Congress Party and the Sudan People's Liberation Movement for the courage they had shown in taking forward the implementation of the Comprehensive Peace Agreement (CPA).

DEMOCRATIC REPUBLIC OF THE CONGO

The Council noted the important role being played by EUSEC DR Congo and EUPOL Kinshasa in supporting the transition process in the DRC, including in the area of Security Sector Reform (SSR). The Council welcomed the audit on the chain of payments for the Armed Forces in the DRC conducted by EUSEC DR Congo during the month of August, and noted that work was ongoing to evaluate the audit proposals. The Council reiterated its commitment to supporting the election process in the DRC, and noted that the elections would mark an important step in securing peace and providing the foundations for a democratic and accountable government.

GEORGIA

The Council welcomed progress in implementation of its decision to strengthen the EU Special Representative's team both to provide continued support to the criminal justice system and to provide support and advice on the reform of the Georgian Border Guard, mentoring of the Guard Force in the field and continued assessment of the Georgian border situation. The Council noted that the team started its operations on 1 September, and hopes that its activities will lay the ground for further EU action in support of the reform of the Georgian Border Guard; and is looking forward to Georgia's co-operation with the EUSR's team and the setting up of a high level working group to work with the EUSR's team on reform of the Georgian Border Guard. The Council further noted that the EC is the biggest donor in both Abkhazia and South Ossetia conflict zones and also provides substantial support to the rule of law in Georgia.

MOLDOVA/UKRAINE

The Council noted agreement to respond positively to a request from Presidents Voronin and Yuschenko for the EU to establish a Border Mission on the Moldova/Ukraine border, including the Transnistrian segment. The Council looked forward to close cooperation of the EU with the Moldovan and Ukrainian authorities in order to contribute to the fight against weapons trafficking, smuggling, organised crime and corruption. The Council welcomed the work underway to establish such a Mission by 1 December 2005. The Council expressed its expectation that establishment of this mission would contribute to security and stability in the region. The Council also recalled its support for resolution of the Transnistrian issue, and reiterated its willingness to cooperate with all interested parties in efforts towards a settlement.

OTHER ONGOING EU OPERATIONS AND ASSISTANCE EFFORTS

The Council also noted progress in ongoing EU operations and assistance efforts: the EU military and police missions in Bosnia and Herzegovina (EUFOR and EUPM); the EU Police Mission in FYROM (EUPOL PROXIMA); the EU integrated rule of law mission for Iraq (EUJUST LEX) and EU support to the Palestinian Police (EU COPPS)."

International treaty on the arms trade - Council conclusions

The Council adopted the following conclusions:

"The Council acknowledged the growing support, in all parts of the world, for an international treaty to establish common standards for the global trade in conventional arms and, to ensure its success, encouraged all states, regional organisations and multilateral institutions to join the growing international consensus for action in this area.

The Council underlined its support for this principle and agreed that binding standards, consistent with the existing responsibilities of states under relevant international law, would be critical in tackling proliferation which is undesirable and irresponsible and which undermines peace, security, development, and full respect for human rights in some of the most vulnerable parts of the world.

The Council further agreed that the United Nations was the only forum that could deliver a truly universal instrument and called for the start of a formal process at the United Nations at the earliest opportunity. The Council expressed the belief that the European Union should play an active role in this process, together with like-minded states and regional organisations from different parts of the world. The Council noted that in developing this process due consideration should be taken in respect to other relevant initiatives, including the 2006 Review Conference of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects."

Indonesia - EU monitoring mission in Aceh

The Council adopted a decision on the conclusion of an agreement with Indonesia on the tasks, status, privileges and immunities of the EU monitoring mission in Aceh (Indonesia) and its personnel.

Relations with the Republic of Korea - EU enlargement

The Council adopted a decision approving the signature of a protocol to the agreement on trade and cooperation with the Republic of Korea taking account of the accession of the EU's ten new member states. It decided to ask for the opinion of the European Parliament on this protocol with a view to its subsequent conclusion (10966/05).

Relations with Uzbekistan - EU enlargement

The Council adopted a decision approving a protocol to the partnership and cooperation agreement between the EU and Uzbekistan taking account of the accession of the EU's ten new member states (10654/05).

The partnership and cooperation agreement was signed in June 1996 and entered into force in July 1999.

DEVELOPMENT COOPERATION

ACP countries - Financing of actions

The Council approved the position to be adopted within the ACP-EU Council of Ministers regarding a decision on the use of resources from the European Development Fund to be allocated to the following:

- the budget of the Centre for the development of enterprise and of the Technical Centre for Agricultural and Rural Cooperation;
- the financing of the EU energy initiative;
- contributions to the international commodity risk management financing facility;
- adaptation to new EU food and feed sanitary and phyto-sanitary rules;
- strengthening of the African Union;
- a contribution to the "education for all" initiative;
- contributions to fight HIV/Aids, tuberculosis and malaria.

The Council also adopted a decision on the position to be adopted within the ACP-UE Council of Ministers approving the use of a second allocation of EUR 250 million for the ACP-EU water facility.

TRADE POLICY

Anti-dumping - China and USA - Trichloroisocyanuric acid

The Council adopted a regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of trichloroisocyanuric acid originating in China and the United States of America (12107/05). The Danish, Netherlands, Estonian, Finnish and Swedish delegations voted against.

INSTITUTIONAL AFFAIRS

Review of decisions by the Court of First Instance

The Council adopted a decision amending the protocol on the statute of the Court of Justice as regards the review, by the Court of Justice, of decisions delivered by the Court of First Instance (11687/05).

The decision is aimed at adapting the statute of the Court of Justice in accordance with the provisions of the Treaty of Nice concerning the review of judgements delivered by the Court of First Instance ruling on decisions of the judicial panels and on questions for a preliminary ruling, specifying:

- the role of the parties in proceedings before the Court of Justice, in order to safeguard their rights;
- the effect of the review procedure on the enforceability of the decision of the Court of First Instance;
- the effect of the Court of Justice decision on the dispute between the parties.

Court of Justice - Rules of procedure

The Council adopted a decision approving amendments to the rules of procedure of the Court of Justice (11813/05).

The amendments are intended to adapt the composition of formations of the Court and to make technical and drafting alterations to other provisions.

TRANSPARENCY

Public access to documents

The Council adopted:

- a reply to confirmatory application nr 34/c/01/05, the Austrian delegation voting against (11686/05);

- a reply to confirmatory application nr 35/c/04/05 made by Mr Aurel Sari (*11697/05*);
- a reply to confirmatory application nr 36/c/01/05, the Swedish delegation voting against (*11754/05*);

APPOINTMENTS

Committee of the Regions

The Council adopted a decision appointing:

- Mr C.H.J. Lamers, Burgemeester van Houten, an alternate member of the Committee of the Regions in place of Mr G.B.M. Leers for the remainder of the latter's term of office, which runs until 25 January 2006 (*12221/05*).
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