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**PROVISIONAL VERSION**

2421st Council meeting

**- GENERAL AFFAIRS -**

Luxembourg, 15 April 2002

President : **Mr Josep PIQUE I CAMPS**

Minister for Foreign Affairs of the Kingdom of  
Spain

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***For further information call 02-285.61.94, 02-285.62.19 or 02-285.68.08***

**PARTICIPANTS**

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Mr Christopher PATTEN

Vice-President  
Member  
Member

\* \* \*

**General Secretariat of the Council :**

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

**STOCK-TAKING OF WORK IN OTHER COUNCIL FORMATIONS**

The Council took stock of the most important issues under discussion in the recent Transport and Telecommunications and Agriculture Councils in March. It noted in particular the important work carried out in the Transport and Telecommunications Council with the agreement to move forward on Galileo and progress achieved on the single sky and the second rail package in furtherance of remits from the European Council (*cf. doc. 7702/02*).

The Council also underlined the importance of adequate preparation of the World Summit on Sustainable Development in Johannesburg in September 2002.

**ENLARGEMENT**

Following a presentation by the President of the Council and by Commissioner Verheugen, the Council welcomed progress achieved in the accession negotiations. The Council reiterated its determination to move ahead in line with the road map established at Nice and the timetable for concluding of the accession negotiations agreed by the European Council in Göteborg and Laeken.

The Council recalled that, in order to stick to the road map established at Nice, it is essential to establish EU Common Positions in the relevant remaining negotiating chapters.

**STAFF REGULATIONS - Council conclusions**

The Council heard a presentation from Commission Vice-President Kinnock about the state of play relating to the reform of personnel policy for the EU institutions, in particular the main elements of the Commission's forthcoming proposals to revise the staff regulations for EU civil servants.

Following a brief debate in which it was recalled in particular that the origin of this review of the staff regulations was the mandate for comprehensive reform given by Heads of State or government at the Berlin European Council in 1999 and that the revision to the staff regulations is designed to introduce a more continuous career structure, modernise the pay and pension system and to safeguard professional and ethical standards, the Council adopted the following conclusions:

- "1. The Council notes with satisfaction the Commission's presentation of the broad lines of its proposal for a Regulation amending *"the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities"*. It congratulates the Commission on having completed the preparatory work on this key element of the reform of personnel policy, including the intensive consultations with staff.
2. The Council would point out that it warmly welcomed the presentation of the Commission's guidelines for reform at its meeting on 14 and 15 February 2000. The Council supports the Commission's intention to reinforce the principles of efficiency, transparency, accountability and merit for the European public service, which must remain a permanent and independent fixture, and ensure the highest levels of public administration. In this context, the Council would also point out that it welcomed the Commission's intention to modernise the European public service, which should ensure equal access for nationals of all the Member States, in accordance with Article 27 of the Staff Regulations. Furthermore, the Council endorses the Commission's commitment to do its utmost to enable the Union to be served by modern, open and citizen-oriented institutions, as required by the Göteborg European Council.
3. The Council aims to be able to take a decision on the proposal by the end of June 2003. In this connection the Council emphasises the importance of the European Parliament, the Court of Justice and the Court of Auditors delivering their opinions by the end of 2002.
4. In view of the abovementioned objective and the implications that this reform may have for the organisation and running of each institution, the Council is willing to hold appropriate talks allowing a regular exchange of information on the timetable and the progress made within each institution.
5. Bearing in mind that objective, the Council instructs its subordinate bodies to examine the Commission proposal with all haste, on the basis of the procedure and timetable as submitted by the Presidency to the Permanent Representatives Committee, and to inform it at regular intervals, as necessary, of the progress of their discussions."

**EU ACTION PLAN ON FIGHT AGAINST TERRORISM : STATE OF PLAY**

The Council took stock of the monthly update of the roadmap implementing the EU's action plan (*doc. 7686/02*) as well as a Presidency report outlining the steps being taken to develop this action plan (*doc. 7884/02*). These efforts are focused in particular on implementation of UNSCR 1373, the execution of orders freezing property or evidence, stepping up mutual assistance between police and justice authorities in the Member States, bilateral relations with the United States, the introduction of antiterrorist clauses in agreements with third countries, better cooperation between Europol and Eurojust, updating the list of terrorist organisations, activities to combat bio-terrorism, possible improvements to the Schengen information system, and cooperation with Russia and other external partners.

The Council reiterated the need to pursue efforts on all aspects of the action plan.



**ILLEGAL IMMIGRATION - Council conclusions**

Following presentations by Prime Minister Berlusconi and Commissioner Patten, the Council considered how to deal more effectively, including by using all the instruments available in the framework of the Union's external relations, with problems arising from illegal immigration particularly at sea borders. At the end of the debate, the Council adopted the following conclusions:

- "1. The Council addressed the issue of EU external borders control, and in particular of sea border controls, following increased illegal immigration on Member States' shores. Fully aware of the gravity of the situation, the Council emphasises the absolute need for obtaining an effective co-operation of countries of origin and transit of this flow in the fight against illegal immigration and trafficking of human beings, and the serious violations of human rights which result from such trafficking.
2. The European Union will work to increase the rapidity and the efficiency of its action. Such action must consist in an integrated approach, ensuring appropriate co-ordination between migration policy and the best use of all the instruments available in the framework of its external relations. In this context, the Council welcomes the intention of the Commissioners concerned to convene, at short notice, an ad hoc high level meeting to address these issues.
3. Illegal immigration and trafficking in human beings by sea are matters of particular concern, endangering the life of a large number of people in distress. Any action which may help to counter these phenomena should be given priority.
4. The Council calls for a rapid implementation of the measures foreseen in the Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union, adopted on 28 February 2002. In this context, the Council will examine the specific issue of illegal immigration and trafficking in human beings by sea at its meeting on 25 and 26 April 2002.
5. The Council invites the Committee of Permanent Representatives to address urgently these issues and examine all possible measures which may be taken and enforced."

**WIDER EUROPE : RELATIONS BETWEEN THE FUTURE ENLARGED EU AND ITS EASTERN NEIGHBOURS**

The Council had an exchange of views on relations between the future enlarged EU and its Eastern neighbours. It welcomed the intention of the Commission and of the High Representative Javier Solana to prepare contributions during the second half of 2002 on the possibilities for strengthening these relations, taking into account the different state of relations between the EU and the countries involved, as well as their level of political and economic development.

**INDIA / PAKISTAN**

The Council discussed the continued tension between India and Pakistan. It welcomed the prospect of early visits to the region by High Representative Solana and Commissioner Patten. It also expressed its concern at the sectarian violence in Gujarat.

**EU-SWITZERLAND RELATIONS - Council conclusions**

The Council heard a presentation from Commissioner Patten on the recommendations for negotiating mandates it forwarded to the Council on 9 April with respect to Swiss participation in the Schengen/Dublin acquis, in the Community Media plus audiovisual programme and regarding trade in services. At the end of the debate, the Council adopted the following conclusions:

"The Council, bearing in mind the conclusions of the European Council of Feira of 19 and 20 June 2000 and its own conclusions of 25 June 2001 regarding EU-Switzerland relations,

- welcomes the adoption by the Commission of the recommendations regarding the outstanding negotiating mandates;
- calls for the immediate and swift examination of these recommendations by the relevant preparatory bodies with the aim to adopting these mandates as soon as possible;
- expects the Swiss authorities to engage now in negotiations on taxation of savings; it also urges the Swiss authorities to work towards substantial progress in the current negotiations regarding combat against fraud.
- invites the Presidency and Commission to pursue early contact at a senior political level with the Swiss authorities to this end."

**EUROPEAN SECURITY AND DEFENCE POLICY (ESDP) : State of play**

On the basis of a briefing by SG/HR Solana, Ministers - over lunch - took stock of developments on the ESDP, in particular on the following points:

- EU-NATO co-operation, including the "Berlin plus" permanent co-operation arrangements, on which Ministers reaffirmed the commitment to overcome the outstanding issues, and the EU-NATO agreement on the security of information, on which the Council authorised the Presidency to begin negotiations with NATO and adopted negotiating directives to this end;
- the question of a possible future EU operation in the Former Yugoslav Republic of Macedonia, following discussions among Heads of State or government at the Barcelona European Council and among EU defense Ministers at their recent meeting in Zaragoza.

**MIDDLE EAST**

Ministers discussed over lunch the latest developments in the Middle East crisis as well as current diplomatic efforts to achieve a ceasefire and the withdrawal of Israeli troops from Palestinian cities in conformity with Security Council Resolution 1402, notably the mission of US Secretary of State Powell, following last week's EU-US ministerial and "Quartet" meetings in Madrid. Ministers reiterated the EU's full support for the mission of Secretary of State Powell. They also expressed concern about the humanitarian situation in the Palestinian territories and called on the Israeli authorities to allow access for humanitarian assistance as well as international media.

**WESTERN BALKANS - Council conclusions**

The Council heard presentations by High Representative Solana on recent developments in Serbia and Montenegro and by Commissioner Patten who outlined in particular the Commission's first annual report on the Stabilisation and Association Process for South East Europe. After a brief debate it adopted the following conclusions:

**"FRY / SERBIA AND MONTENEGRO**

The Council welcomed the endorsement by the Serbian and Montenegrin parliaments of the proceeding points for the restructuring of relations between Serbia and Montenegro, agreed in Belgrade on 14 March with the facilitation of the SG/HR Javier Solana. It encouraged the federal as well as both republican parliaments to establish as soon as possible the commission that will draft, by the end of June at the latest, the constitutional charter for Serbia and Montenegro. The European Union will assist in the attainment of the objectives of the agreement, in the context of the Stabilisation and Association Process.

The Agreement of 14 March brings closer the perspective of negotiating and concluding a Stabilisation and Association Agreement provided that both republics contribute to the effective functioning of the common state. The Council also expressed the hope that, following further meetings of the Consultative Task Force, conditions will soon permit the carrying out of a feasibility study. In this context, the Council also recalled that progress towards meeting the conditions of democratic, economic and institutional reforms, as confirmed in the Zagreb summit, is the basis of the Union's policy towards all countries in the region.

The Council welcomed, as highly a positive development, the transfer to UNMIK by the Belgrade authorities of Kosovo Albanians imprisoned in the Republic of Serbia.

The Council further welcomed the adoption by the FRY Parliament of the Law on Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). It reiterated its call on those authorities to fulfil their international obligation to cooperate fully with ICTY and to implement fairly and quickly this new Law by concrete transfers to the Tribunal. That co-operation, along with the affirmation of civilian control over the military, is vital for the state's ability to continue on the path towards European integration.

**BOSNIA AND HERZEGOVINA**

The Council welcomed the agreement reached by political leaders in Bosnia and Herzegovina on the implementation of the Constitutional Court decision on constituent peoples. It commended the crucial efforts of the High Representative Wolfgang Petritsch in facilitating the agreement. The Council called for urgent adoption of the constitutional amendments by the parliaments of the two entities of Bosnia and Herzegovina in full compliance with the agreement.

By implementing the Agreement, thus embracing the principles of non-discrimination and inclusiveness, Bosnia and Herzegovina would take an important step toward its European future. In the same vein, the Council underlined the importance of full and prompt compliance by the Bosnian authorities of the remaining elements of the Road Map established by the European Commission in the context of the Stabilisation and Association Process.

The Council also reiterated the need for all the authorities in Bosnia and Herzegovina to co-operate fully with the International Criminal Tribunal for the former Yugoslavia.

#### **RIGHT OF RETURN**

At the outset of the reconstruction season, the Council recalled that more than one million people are still displaced around the region as a legacy of conflict. The past few years have shown that, when conditions are established on the ground, especially for minority returns, progress can be achieved quickly. All regional actors must spare no effort in putting in place appropriate security and legislative conditions for return and in allocating resources to ensure its sustainability.

Given the cross border dimension of the issue, the Council was encouraged by the improvement of relations among Belgrade, Zagreb and Sarajevo. It urged those countries to take joint responsibility to eliminate obstacles for return and, in co-operation with all other actors in the region, to implement fully the right to return of all refugees and displaced persons. The Council further welcomed the work being undertaken by UNMIK, in co-ordination with the authorities in Belgrade, to enable the return of all displaced persons to Kosovo.

#### **REGIONAL DEVELOPMENTS**

The Council welcomed the SEECP Summit in Tirana on 28 March 2002 and commended the SEECP members' wish to further enhance regional cooperation. The Council reiterated that the impetus for regional cooperation must come from the region itself and that the rapprochement with the EU will go hand in hand with the process of developing regional cooperation, which constitutes one of the main targets of the Stabilisation and Association Process.

#### **SAP REVIEW**

The Council welcomed the Commission's report for the Stabilisation and Association Process Annual Review Mechanism and invited the competent bodies to prepare recommendations in view of future Council conclusions."

**EU RELATIONS WITH CENTRAL AMERICAN AND ANDEAN COMMUNITY COUNTRIES - Council conclusions**

In the perspective of the EU Summit with Latin America and the Caribbean on 17 and 18 May, the Council adopted the following conclusions:

- "1. The Council has agreed to submit the attached proposal, prepared by the Presidency and the Commission, on bi-regional relations with its Central American and Andean Community partners to the countries concerned with a view to the Madrid summit.
2. The Council has noted that the Commission has expressed the intention of submitting to the Council a request for negotiating directives before the end of the year with a view to the conclusion of a political-dialogue and cooperation agreement with each of those two regions.
3. Pending the conclusion of those agreements the EU will deepen its relations with those regions on the basis of the components of the suggestions already submitted to the Council bodies by the Commission.

Proposal for EU future relations  
with the Andean Community/Central America in view  
of the MADRID SUMMIT

We have decided to launch a new initiative for an enhanced mutual approximation of our regions for ever closer relations and greater and deeper integration.

This political dialogue and cooperation Agreement will aim at achieving the following three objectives:

- (a) achievement of political and social stability through democracy, human rights and good governance;
- (b) completion of the process of regional integration among the countries within Central America/Andean Community, with a view to contributing to higher economic growth;
- (c) poverty reduction, achievement of more equitable access to social services and the rewards of economic growth, and the sustainable management of natural resources.

EU assistance will be directed to the realisation of these objectives.

The achievement of these objectives and the strengthening of our cooperation on trade, investment and economic relations are intended to help establish conditions under which, after the completion of DDA, an FTA could become feasible and mutually beneficial."

**EURO-MEDITERRANEAN PARTNERSHIP - Council conclusions**

In view of the Euro-Mediterranean Conference of Ministers of Foreign Affairs in Valencia on 22-23 April 2002, the Council adopted the following conclusions:

"The General Affairs Council adopted the EU guidelines for the fifth Conference of Euro-Mediterranean Foreign Ministers. This Conference will underline the strategic commitment of the Union to the Mediterranean and will give a new political impulse to the Barcelona Process through the adoption by its 27 members of the Valencia Action Plan, which contains a number of important initiatives.

The Action Plan reflects the principles of co-ownership, visibility, efficiency and credibility of the Barcelona Process and will be provided with adequate follow-up and implementation mechanisms."



**AFGHANISTAN - Council conclusions**

The Council heard an assessment of the political situation by EU Special Representative Klaiber and an intervention by Commissioner Patten and adopted the following conclusions:

"The Council considered the situation in Afghanistan and the policy that the Union should pursue. It agreed that:

1. International assistance to Afghanistan should be based on the respect and promotion of the sovereignty and territorial integrity of Afghanistan.
2. The Agreement reached by the Afghan parties in Bonn on 5 December and endorsed by UNSCR 1383 (2001) constituted a basic road map for the political future of Afghanistan. Reconstruction assistance will be conditional on all Afghan parties positively contributing to the process and goals agreed in Bonn with the aim of establishing peace, a representative government and stability in Afghanistan, as well as eliminating terrorism and the illicit production of narcotic drugs and drug trafficking.
3. The UN has been entrusted with a central responsibility for the peace process in Afghanistan. The EU will seek to promote and support the efforts of the UN Secretary-General and the United Nations Assistance Mission in Afghanistan (UNAMA) under the authority of the Secretary-General's Special Representative, as set out in UNSCR 1401 (2002).
4. In order to attain the political objectives of the Bonn process, it is important that the EU extend political and economic support to the Afghan Interim Authority (AIA) and the transitional authority in order to enhance their credibility, and internal leverage.
5. The Union should, through the EUSR in Afghanistan, in accordance with his mandate, continue its dialogue with the AIA on how best to achieve the political objectives set out in the Bonn Agreement and to ensure greater ownership by the Afghans themselves of the political process and reconstruction of their country. The EU equally welcomes the creation of the Afghan Assistance Co-ordination Authority (AACCA) and acknowledge its contribution to the reconstruction of Afghanistan, as demonstrated at the recent meeting of the Implementation Group, held under Afghan Chairmanship, in Kabul.
6. The EU will strive to ensure that the policies of successive Afghan administrations be guided by the following generally accepted principles enshrined in international instruments to which Afghanistan is a party:
  - Responsible and representative government with a mandate periodically renewed by the Afghan people.
  - A commitment to political pluralism.

- Respect for human rights and the rights of minorities without any discrimination on the basis of ethnicity, religion, gender or any other kind.
  - A commitment to provide internal security.
  - A commitment to friendly relations with Afghanistan's neighbours and to the prevention of the use of Afghan territory for subversive or terrorist purposes or activities.
  - A commitment to opium poppy eradication and the combating of drug trafficking.
7. The Emergency Loya Jirga, which will inaugurate the next major phase on the path to a fully representative, democratic Afghan political system, is absolutely crucial for the success of the political process in Afghanistan. It is therefore essential that the selection process take place in a secure and neutral political environment. The EU welcomes the announcement by the Emergency Loya Jirga Commission of the procedures and criteria for the Emergency Loya Jirga, including significant representation for women. The EU will offer material support to this process and will seek to ensure that it takes place free from intimidation or any other form of pressure or manipulation. The deployment of neutral Afghan and international observers might be a means to achieve this end.
  8. The commitment entered into in Bonn to hold free and fair elections within two years of the convening of the Emergency Loya Jirga should be strictly adhered to.
  9. The EU will encourage and offer full support to the AIA and the UN in the establishment of the judicial commission envisaged in the Bonn Agreement and in the reform of the country's judicial system.
  10. Likewise, the EU will encourage the early establishment of the civil service commission and offer training and advice in establishing an efficient public administration.
  11. The EU will offer to assist the AIA in establishing a legal system and other necessary mechanisms to ensure respect for the rule of law, democratic principles, respect for the rights of all ethnic groups, as well as of the human rights of women and children, and other human rights and fundamental freedoms including freedom of expression.
  12. Respect for human rights is essential for reconciliation and peaceful co-existence among Afghanistan's various ethnic groups. The EU will thus offer to assist the AIA and its successor in establishing national and local structures, both governmental and non-governmental, to ensure respect for human rights without discrimination. The EU will also offer support to the AIA and the UN in the establishment of the human rights commission foreseen in the Bonn Agreement.
  13. The EU considers that Afghan women must enjoy all human rights as well as equal access to health care, education and employment, have the opportunity to participate on equal terms in the political and social life of their country and be able to play a central role in the reconstruction of Afghanistan. The EU will therefore ensure a gender sensitive approach in its activities, including in development assistance.

14. Security across Afghanistan is an essential element for the achievement of the goals set out in the Bonn Agreement. EU Member States are ready to assist with the creation of Afghan security institutions, including the establishment of a national army and a police force, as well as the building up of a justice administration. The EU welcomes the results of the Geneva conference on the financing of the security sector in Afghanistan. EU Member States are major contributors to the International Security Assistance Force in Afghanistan (ISAF). The EU welcomes the intention of the Security Council, as announced by its President on 27 March, to extend the mandate of ISAF after its expiry on 20 June 2002.
15. Peace, security and stability in Afghanistan will require visible reconstruction and development. In the short-term it is essential that, in addition to humanitarian assistance, quick-impact projects are implemented. In order to identify such projects for speedy action, the EU will carefully study the list of quick impact projects presented by the AIA at the meeting of the Implementation Group last week in Kabul. The durability of the Bonn Agreement will depend on the rebuilding of state institutions in Afghanistan both at the national, provincial and local levels. The EU will make a substantial contribution in this regard.
16. The co-operation and commitment of neighbouring countries will be important to the successful reconstruction of Afghanistan and the implementation of the Bonn Agreement. The EU will integrate this regional dimension in its Afghanistan policy and will enhance the political dialogue and promote joint initiatives with these countries.
17. Given the harmful consequences of drug production and trafficking in Afghanistan and abroad, the EU reaffirms its readiness to support efforts undertaken by the AIA and the transitional authority with a view to solving this problem of utmost importance.
18. Sustainable economic development and the effective use of donor funding urgently require that sound currency arrangements, as well as strong and transparent budgetary and treasury systems, are put in place. The EU will therefore insist that the Afghan authorities, in co-operation with the IMF, rapidly establish an effective and comprehensive macro-economic and monetary framework.
19. The Council welcomes the intention of High Representative Solana and of Commissioner Patten to visit Kabul in the near future before the beginning of the Emergency Loyal Jirga in June."

**ZIMBABWE - Council conclusions**

"The Council expressed deep concern at reports of continuing politically-motivated violence against opposition supporters by the ruling party in Zimbabwe. It condemned the wide-scale abuse of human rights still taking place, especially in the rural areas, with the assent or the complicity of the Zimbabwe authorities.

The Council decided to impose a moratorium on bilateral ministerial level contacts with Zimbabwe until further notice except for the conduct of political dialogue intended to promote democracy, human rights, the rule of law in Zimbabwe, regional security and for addressing humanitarian needs.

Council decided to defer consideration of additional targeted measures against the Government of Zimbabwe until its next meeting in May. It awaits with interest the report from the Troika visit to the SADC region and signs of a clear commitment by the Government of Zimbabwe to ending political violence, respecting basic democratic norms, and engaging quickly and constructively in efforts at national reconciliation.

The Council welcomed the initiative of South Africa and Nigeria to facilitate inter-party dialogue in Zimbabwe. The EU strongly supports all efforts which will lead to a fully representative future government in Zimbabwe.

The EU will continue dialogue with the civil society in view of supporting the democratic process in Zimbabwe."

**OTHER BUSINESS**

– *Belarus : relations with the OSCE*

Under "any other business" the Council dealt with the decision taken by the Bielorussian authorities not to renew the visa of the acting Head of the OSCE Advisory and Monitoring Group in Minsk. The Council expressed its great concern about this decision and its support for the efforts of the OSCE Chairman in office. It underlined the need to convey an urgent message to the Bielorussian authorities urging them to reconsider the announced decision as well as to accept the new Head of Mission.

**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.*

**EXTERNAL RELATIONS**

**Turkey**

In preparation of the 41st meeting of the EC-Turkey Association Council, taking place in Luxembourg on 16 April 2002, the Council endorsed the position of the European Union.

**Slovenia**

In preparation of the fourth Association Council meeting with Slovenia in Luxembourg on 15 April 2002, the Council established the position of the European Union.  
(see also Press Release UE-SI 957/02 Presse 100)

**Russia**

The Council endorsed the position of the European Union for the fifth meeting of the Cooperation Council with Russia, taking place in Luxembourg on 16 April 2002.  
(see also Press Release ....)

**Moldova**

In preparation of the fourth Cooperation Council meeting with Moldova in Luxembourg on 16 April 2002, the Council finalised the position of the European Union.  
(see also Press Release ....)

**EU-US Summit**

The Council received information on the state of play of preparations for the EU-US Summit, which is scheduled to take place in Washington on 2 May 2002.

## **EU-Canada Summit**

The Council took note of information on the state of play of preparations for the EU-Canada Summit, which is scheduled to take place in Toledo (Spain) on 8 May 2002.

## **Association with Hungary**

The Council adopted a decision on the position to be taken by the Community within the EU-Hungary Association Council on the improvement of the trade arrangements for processed agricultural products.

## **CFSP**

### **Implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the EU - Council conclusions**

The Council adopted the following conclusions on a list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union :

"At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.

In pursuing this priority objective, on 10 December 2001 the foreign ministers of the European Union launched a targeted initiative to respond effectively in the field of non-proliferation, disarmament and arms control to the international threat of terrorism, which focuses on multilateral instruments, export controls, international co-operation and political dialogue.

In implementing this targeted initiative the Council today adopts the following list of concrete measures:

#### **CHAPTER I - Multilateral instruments**

##### **A. Support all activities related to the universalisation of existing multilateral instruments (i.a. CWC, BWC, Geneva Protocol, NPT, CTBT, CCW and Ottawa Convention)**

The EU as such and its Member States will:

1. Promote, at a political level, universal adherence to instruments relating to weapons of mass destruction (BWC, CWC, Geneva Protocol, NPT, CTBT, Safeguards Agreements and Additional Protocols with the IAEA, CPPNM);
2. Lobby for the withdrawal of all relevant reservations on the Geneva Protocol;
3. Act at a political level in view of reaching a wider adherence and effective implementation of other relevant instruments in the field of conventional weapons.

**B. Work for the effective implementation of the international instruments as well as political commitments world-wide**

The EU as such and its Member States will promote:

1. Compliance with obligations and commitments under the international instruments as agreed by the States Parties, including - where the international instruments provide for- the destruction of prohibited weapons, the prevention of their diversion and illegal use, as well as the prevention of diversion of their technologies;
2. Enactment and strict application of national implementation legislation as required by the international instruments;
3. Full implementation of the Non-Proliferation Treaty and of the Final Documents of the 2000 and 1995 Review Conferences to the Non-Proliferation Treaty;
4. Enactment of the provisions of the Convention of the Physical Protection of Nuclear Material (CPPNM) and encourage those concerned states to take into consideration relevant IAEA recommendations and to request, when appropriate, an IPPAS mission;
5. Timely, consistent and full implementation of reporting obligations imposed either by the international instruments or by the final reports of review conferences (Chemical Weapons Convention declarations, BWC-CBMs, reports on the Amended II Protocol to the CCW, Article 7 reports regarding the Ottawa Convention) and the creation of necessary conditions for processing the resulting information (e.g. translate and process information coming from BWC-CBMs in usable databases);
6. Implementation of confidence building measures like, inter alia, submission of national reports to the UN register on conventional weapons and expansion of the register;
7. Implementation of the United Nations' programme of action on the fight against the illicit trade in small arms and light weapons and of the OSCE document on SALW.

**C. Support the work of the international organisations (e.g. OPCW, CTBTO, IAEA) in their endeavour, in particular by:**

1. Reviewing the financial resources required by the international organisations in order to provide sufficient funding to enable them to discharge their monitoring activities, including those undertaken in the light of the new threats post September 11, and ensuring that the funds provided are used in the most effective way;
2. Sustaining and expanding the OPCW capabilities to conduct effective inspections especially challenge inspections and investigations into alleged use. More realistic and frequent training exercises, especially practice inspections, provide an ideal mechanism to maintain and enhance such capabilities;
3. Supporting the statutory activities of the IAEA and strengthening its work to assist Member States to deal with the following:
  - physical protection of nuclear material and installations;
  - safe and secure management of radioactive sources including the implementation of the code of conduct on the safety and security of radioactive sources;
  - illicit trafficking in nuclear and radioactive material.

**D. Reinforce, where needed, the multilateral instruments, in particular by:**

1. Working actively to fill identified gaps in the current pattern of multilateral instruments in the field of disarmament, arms control and non-proliferation;



2. Review and, if needed, strengthen national implementation measures of multilateral instruments in the field of disarmament, arms control and non-proliferation;
3. Continuing efforts to promote the universalisation of the draft International Code of Conduct against ballistic missile proliferation with a view to its adoption before the end of 2002;
4. Continuing the efforts to promote the strengthening of the IAEA safeguards system through the signature and ratification of the Additional Protocols;
5. Speeding up completion by EU Member States of the necessary formalities to bring the IAEA Additional Protocols into force for the EU;
6. Making a special effort to overcome the stalemate in the Conference on Disarmament and promote the commencement of negotiations of a Fissile Material Cut-off Treaty;
7. Drafting of an international instrument on marking and tracing of SALW (i.a. French-Swiss proposal) as well as an international instrument on brokering as a priority;
8. Working for the successful conclusion of a reconvened 5th BWC Review Conference in November 2002;
9. Working in favour of a successful and early conclusion of negotiations under way in Vienna to expand the scope and application of the Convention of the Physical Protection of Nuclear Material;
10. Strengthening the CCW, through the promotion of measures aimed at verifying compliance with the convention and its protocols, and through the development of legally binding instruments, especially on explosive remnants of war.

In order to achieve the aims contained in this Chapter, the EU and its Member States will exchange information about the results of demarches with a view to establishing a country focused database.

## **CHAPTER II - Export controls**

The EU as such and its Member States will:

1. Assess appropriate ways of improving the existing export control mechanisms: Nuclear Suppliers' Group, Zanger Committee, Missile Technology Control Regime, Australia Group and the Wassenaar Arrangement, as a contribution in the fight against terrorism, in order to prevent the diversion by terrorists of any weapons or "dual use" items or technologies.
2. Establish or further develop EU co-ordinating mechanisms with the aim to improve information exchange practices in different export control regimes and arrangements, in order to provide accurate and up to date information on risks of proliferation involving non-state actors and states that support them.
3. Promote, within the regimes and arrangements, common understanding and strict adherence to their guidelines, principles and practices.
4. Promote the inclusion of "prevention of terrorism" in the objectives of all existing export control regimes and arrangements.
5. Promote, where applicable, in the framework of intensified out-reach activities, adherence to effective export control criteria by countries outside the existing export control regimes and arrangements.

6. Examine measures, in close co-operation with the Commission, to improve the enforcement of the common control system based on the Council Regulation (EC) No 1334/2000 on dual use items and technology and consider whether there are further regulatory measures that could be adopted to render the control system more effective regarding non-proliferation by, among others, the following measures:
  - more regular exchanges of information between Member States (e.g. in the co-ordination group);
  - examine implementation by Member States of controls on transshipment, transit and post-clearance, according to the provisions of the Community customs code.
7. Invite the relevant EU institutions to consider initiating a review of the denial notice system to ensure that is operating efficiently after more than three years since its inception.

### **CHAPTER III – International co-operation.**

The EU as such and its Member States will:

1. Improve preparation for international assistance in relation to the CWC and the BWC to protect states against the use or threat of chemical and biological weapons in consistence with the decisions agreed upon by the European Council of Ghent.
2. Provide, as appropriate, international assistance through the OPCW, in accordance with Article X of the Chemical Weapons Convention.
3. Continue its efforts to maintain and upgrade, where appropriate, a high level of physical protection on nuclear material and facilities, and to make use of the relevant provisions of the CPPMN regarding international co-operation in the case of misuse or theft of nuclear material.
4. Make full use, as regards sources and radioactive materials, of the provisions of the convention on assistance in the case of nuclear accident or radiological emergency.
5. Support and enhance, within the EU financial possibilities and building on already existing initiatives in the Russian Federation and other CIS, co-operation programmes for disarmament and non-proliferation with a view to:
  - assist in the destruction of weapons of mass destruction and their means of delivery;
  - assist in the disposition of the related released materials, including radioactive materials;
  - reduce proliferation risks, i.a. through ISTC/SCTU co-ordinated programmes;
  - improve the required legislative development and implementation (i.a. export control).
6. Study the possibilities for a targeted assistance programme on export controls for the Central Asian states.
7. Strengthen the co-operation in the field of destruction of SALW and other conventional weapons surpluses, as well as in facilitating the tracing of lines of supply.

### **CHAPTER IV - Political dialogue**

The EU as such and its Member States will:

1. Intensify the political dialogue on disarmament, arms control and non-proliferation, in particular with countries in Asia and the Middle East.

2. Invite like-minded countries outside of the EU to join the effort to promote the universalisation of multilateral instruments.
3. Intensify and expand co-operation with candidate countries related to export control, with a view to improving their capacity to fulfil the requirements of common export control, and thus support in concrete terms their membership in all export control regimes. Raise more frequently export control issues with third countries in the context of political dialogue.
4. Promote the implementation of the relevant provisions of the UN Security Council resolutions and decisions.
5. Promote a strict implementation of UN, EU and OSCE arms embargoes.

The Council will consider the adoption of common positions and joint actions to assure the effective implementation of the listed measures."

### **TRADE ISSUES**

#### **Jute**

The Council adopted a decision accepting on behalf of the European Community the Agreement establishing the terms of reference of the International Jute Study Group 2001. On 13 March 2001 the negotiating conference set up by the United Nations Conference on Trade and Development (UNCTAD) adopted the Agreement. This new Agreement will eventually replace the International Jute Agreement from 1989 which went into liquidation on 11 October 2001.

*(Doc. 7206/1/02)*

#### **Antidumping : Ammonium nitrate from Russia**

The Council adopted a Regulation imposing a definitive antidumping duty on imports of ammonium nitrate originating in Russia.

*(Doc. 7068/02)*

### **ECOFIN**

#### **Council recommendation on the appointment of the Vice-President of the Executive Board of the European Central Bank**

In the light of informal discussions by ECOFIN Ministers during their informal meeting on 12 and 13 April, the Council has recommended that Mr Lucas D. PAPADEMOS should be appointed Vice-President of the Executive Board of the European Central Bank for a term of eight years with effect from 1 June 2002.

This recommendation will be submitted for decision to the Heads of State or government of the Member States which have adopted the euro, after consulting the European Parliament and the Governing Council of the European Central Bank.

*(doc. 7276/02)*

**Labour force sample survey**

The Council adopted a Common Position on a Proposal for a modification of Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community.

The proposed modification provides that the survey shall be a continuous survey providing quarterly and annual results; however, during a transitional period not extending beyond 2002, Member States which are unable to implement a continuous survey shall instead carry out an annual survey to take place in the spring.

By way of derogation, the transitional period shall be extended until 2003 for Italy and until 2004 for Germany, under the condition that Germany provides quarterly substitute estimates for the main labour force sample survey aggregates as well as annual average estimates for some specified labour force sample survey aggregates.

**ENVIRONMENT**

**Quality of petrol and diesel fuels**

The Conseil adopted a common position on the modification of directive 98/70/EC on the quality of petrol and diesel fuels, following the agreement reached at its session on 12 December 2001, with two statements by the Swedish delegation. The common position will be forwarded to the European Parliament for a second reading, in accordance with the codecision procedure.

The draft directive is aimed at completing environmental specifications for petrol and diesel fuels, in particular with the introduction of "zero" sulphur fuels (with levels of sulphur less than 10mg/kg (ppm) whereas the current limit is 50 ppm).

**Waste statistics**

The Council adopted a common position on the draft regulation on waste statistics, the text of which will be submitted to the European Parliament for a second reading, in accordance with the codecision procedure. The aim is to establish a framework for monitoring the implementation of waste policy by requiring the Member States to submit regular statistics on waste generation, recovery and disposal.

**DECISION ADOPTED BY WRITTEN PROCEDURE**

**CFSP financing**

The Council agreed, by written procedure on 12 April 2002, on the text of a letter to be sent by the Presidency to the Chair of the Budgetary Control Committee of the European Parliament providing information on certain financial aspects of CFSP further to the Council's letter of 25 January 2002.