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NOTE

from: Legal Service

to : Working Party on External Frontiers

Subject: Drafting proposal for Article 26 of the draft Convention on External Frontiers

1. At its meeting on 27 and 28 October 1994, the Working Party on External Frontiers asked the Legal Service to draft a new version of Article 26 of the draft Convention on External Frontiers, incorporating the compromise proposal submitted by the Presidency.
2. Article 26 could be drafted as follows:

"The necessary implementing measures shall be adopted by the Council acting on the initiative of the Commission or of a Member State. The voting arrangements shall be adopted by the Council, acting unanimously, after the entry into force of the Convention."

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3. This wording would allow a decision on the voting rules for the adoption of measures for implementing the Convention to be deferred until a later stage, thus surmounting one of the obstacles to establishment of the Convention. The question would remain completely open and the Council would retain the widest freedom of choice with regard to the solution to be adopted.

By specifying that this decision will be taken by the Council acting unanimously, the provision is in line with Article K.3(2)(c) of the EU Treaty, which provides for Title VI Conventions to be drawn up by the Council acting unanimously.
