

SEMDOC

Statewatch European Documentation &
Monitoring Centre on justice and home
affairs in the European Union

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10950/94

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NOTE

from: K.4 Committee

to : Permanent Representatives Committee/Council meeting on Justice and Home Affairs

No. prev. doc.: 10668/94 CK4 91

Subject: Implementation of the Berlin Declaration

Further to the Conference with the States of Central and Eastern Europe held on 8 September 1994, the K.4 Committee instructed the three steering groups to establish, within their respective areas of competence, practical proposals for implementing the agreed ideas for increased cooperation in combating drug crime and organized crime in Europe.

It was understood that in some fields this work would be lengthy; priority should thus be accorded to measures that could be implemented quickly.

The replies have been examined and the following proposals may be selected as measures that can be carried out quickly.

The Council invites the K.4 Committee to examine the possibility of accelerated implementation.

A. Measures relating primarily to police and customs cooperation

- (a) Offering of advice on establishing crime-fighting structures (organizational aspects of their setting-up and operation);
- (b) Swifter dispatch of liaison officers to the States of Central and Eastern Europe;
- (c) Training measures:
 - participation in training courses in the EU (multiplier training);
 - organization of training courses in the States of Central and Eastern Europe; the possibility of organizing courses with the States of Eastern Europe has still to be examined as a separate item;
- (d) advice on legislation/directives and working manuals (e.g. vehicle identification and drug detection);
- (e) assistance with equipment:
 - e.g. vehicles, communications and forensic technology;
- (f) advice on implementing data-processing applications:
 - exchange of experience (problems/advantages, etc.);
 - advice on procurement;
- (g) conduct and evaluation of investigations:
 - parallel conduct of investigations, coordinated in the country in question in accordance with its national conditions;
- (h) multinational analysis and intelligence groups.

B. Measures in the immigration field

- cooperation in combating the use of false documents;

- cooperation in combating illegal immigration. Such cooperation should extend to the exchange of information on the activities of illegal immigration networks.

C. Measures relating primarily to judicial cooperation

(a) Theft of and illegal trade in radioactive and nuclear material

All the States concerned should ratify the Convention on the Physical Protection of Nuclear Material concluded in the framework of the International Atomic Energy Agency and opened for signature on 3 March 1980.

(b) Key conventions concluded in the framework of the Council of Europe

The States of Central and Eastern Europe could be invited to sign and ratify certain key conventions in the framework of the Council of Europe. Those conventions could be:

- the 1959 European Convention on Mutual Assistance in Criminal Matters and the 1978 Additional Protocol;
- the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;

- the European Convention on Extradition and the second Additional Protocol;
- the 1977 European Convention on the Suppression of Terrorism.

(c) Trade in stolen vehicles

- the process of approximating legislation to make it possible to recover stolen vehicles effectively.

(d) Mutual judicial assistance

Work to encourage mutual judicial assistance with the States of Central and Eastern Europe should be stepped up. In this context, consideration should be given to the possibility of:

- developing networks of contacts between judicial authorities, possibly those dealing with particular fields;
- setting up networks of contact magistrates for direct contacts in other areas of cooperation, and exchanging liaison magistrates;
- facilitating direct contacts between local competent authorities, bearing in mind the respective roles of those authorities and the central authorities of the Member States.

