

SEMDOC

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

PO Box 1516, London N16 0EW, UK
tel: 0181 802 1882 (00 44 181 802 1882)
fax: 0181 880 1727 (00 44 181 830 1727)

11959/94

RESTREINT

CK.4 95

NOTE

from: Presidency

for : K.4 Committee

Subject: Relations with third countries in the fields of justice and home affairs

- Implementation of the Council's decision of 30 November/1 December 1994 (11155/94 JAI 58 and 8808/94 CK.4 64)
-

The conclusions adopted by the Council on 30 November/1 December 1994 on relations with third countries in the fields of justice and home affairs (11155/94 JAI 58 and 8808/94 CK.4 64) establish principles for relationships with third countries in the fields of justice and home affairs. In its decision the Council instructed the K.4 Committee to implement those principles with the adoption of more specific arrangements for the Union's relations with certain third countries or groups of third countries.

The Council instructed the K.4 Committee to act as the Presidency's special partner in organizing contacts with third countries. The Council left further arrangements for the practical implementation of those contacts to the K.4 Committee.

In this context account must also be taken of the principles applicable to external relations in Community areas and in common foreign and security policy, particularly decisions taken by the Council (General Affairs) to set up a structured dialogue with associated partner countries in Central and Eastern Europe (Presidency conclusions at the Essen European Council, Annex IV).

In view of the freedom of movement provided for in the EEA Treaty for nationals of the signatory States within the area of application of the Treaty, close cooperation between the European Union and the third countries in question is essential in the spheres of justice and home affairs. This is particularly true of the checks on movement of persons crossing external borders. Increased cooperation through structured dialogue, at senior political level also, must be sought when achieving the common goal of realizing an internal market.

I. The countries concerned

To simplify further proceedings, it seems sensible to group the third countries concerned into thematic and geographical categories, starting with those countries which already have contacts with the Union or whose contacts should become closer.

At the moment the following categories might be established:

- CCEE
- USA and Canada
- Switzerland and Morocco
- Norway, Iceland and Liechtenstein
- Cyprus and Malta
- Baltic States.

II. Level and frequency

The level of contacts and their frequency must be dictated by the interests of the Union, efficiency and the needs of the third countries. In the light of past experience, the following differentiated procedure is suggested for the groups of countries indicated above:

- The Council's report to the Essen European Council on a strategy to prepare for the accession of the associated CCEE (Annex IV to the conclusions) provides that, beginning in 1995, a meeting should be held on justice and/or home affairs every six months on the occasion of the corresponding Council meeting. This meeting should be held at ministerial level in the first half of 1995. In subsequent six-month periods, it will be decided in each case in the light of the topics requiring discussion whether the meeting should be held at ministerial level or at K.4 Committee level. Further meetings – e.g. a Troika meeting alongside a K.4 meeting – should be considered if required.
- With the USA and Canada, six-monthly seminars of experts will be held on topics determined in advance. Troika meetings at high political level should be considered if required.
- With Switzerland, Morocco and the Baltic States, a "tutor system" will be set up whereby these States are regularly briefed on the progress of work by individual Member States appointed for that purpose by the K.4 Committee. These "tutors" report back regularly to the other Member States within the K.4 framework about their contacts. If necessary these can be supplemented with annual Troika meetings at senior political level.
- Close cooperation should be sought with the EEA States of Norway, Iceland and Liechtenstein in the areas listed in Article K.1 of the European Union Treaty, with the aim of achieving free movement within the internal market and the Nordic passport union. To that end, meetings of experts should be arranged as needed at the level of the K.4 Committee, as well as at Steering Group and working party level. In addition, Troika meetings should be arranged where required at senior political level.

- The Union's relations with the countries of the Mediterranean Basin (including Morocco) in the areas of justice and home affairs will develop on the basis of the general approach used in the Euro-Mediterranean Partnership, building on the existing close relations with the countries in that region and the available structures of the Union's general Mediterranean policy and taking account of the particular requirements and possibilities of the countries in that region. A "tutor" system will also be adopted for contacts with those countries or groups of countries. During the first six months of 1995 a general Troika meeting with Cyprus and Malta will be held.

With the intensification of Community cooperation in Centre for Information, Discussion and Exchange on questions connected with the crossing of external borders (CIREFI) and questions of asylum (CIREA) the involvement of third countries will also have to be resolved. In its report to the Essen European Council (Presidency conclusions, Annex IV, point VII) the Council advocated the establishment of links between the associated CCEE countries and CIREA and CIREFI. Additional third countries could be invited if appropriate, on a decision of the K.4 Committee, to the discussion of topics being dealt with.

III. Topics

As regards the establishment of contacts with third countries, the Union is to identify those areas where cooperation with the associated countries is especially urgent or especially promising, either from their standpoint or that of the Union. For relations with the associated CCEE, a comprehensive package of measures, with proposals for how cooperation in the individual areas named in the Berlin Declaration should proceed, should be submitted to the European Council under the French Presidency.

The topics to be discussed should be decided in advance by the Parties to ensure the most efficient possible conduct of the talks. For this purpose, the relevant authorities should make contact in good time. To this end the third countries will tell the Council Secretariat at the beginning of each Presidency which particular authority has this responsibility.

The Council Secretariat will provide the Presidency and the "tutors" with assistance for the coordination and preparation of the meetings in particular so as to ensure that all parties are kept informed of the topics to be discussed on each occasion.
