

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 44 181 880 1727)

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LIMITE

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NOTE

from: future Italian Presidency

to : K.4 Committee

No. prev. doc.: 12353/95 USA 3

Subject: **Relations with the United States of America**
– **Implementation, in the first six months of 1996, of the Joint EU-US Action Plan**

On 3 December 1995 in Madrid the Presidents of the Council of the European Union, the European Commission and the United States signed a document setting out a new Transatlantic Agenda and a Joint EU-US Action Plan. A significant proportion of the text relates to actions in the fields of justice and home affairs (see Annex).

The Presidency will begin implementing the Action Plan as regards matters covered by the Third Pillar by means of a specific number of practical measures based on existing models of cooperation. It suggests the following approach.

1. Priority objective

The most important common challenge we face is the fight against organized crime, terrorism and drug trafficking. The areas of the world in which a common approach is needed in these contexts are Central and Eastern Europe (in particular organized crime, drug trafficking), Latin America including the Caribbean (drug trafficking) and those countries where Islamic fundamentalism is emerging.

2. Specific measures in fields covered by Steering Group II

(a) Interim cooperative measures between the United States authorities and the Europol Drugs Unit (EDU)

The Union authorities could begin an examination of the legal possibilities of such cooperation (amendment of the joint action of 9 March 1995 or Protocol).

In addition a decision should be taken on the nature of the data to be exchanged (non-personal data) and the mutual respect of data-protection provisions.

Proposals in this respect should be put before the JHA Council in March 1996.

At the same time the Presidency will endeavour to ensure access for the United States to the Teledrug system.

(b) Measures in the sphere of training

The Presidency aims to continue defining the Union's contribution to the activities of the Budapest ILEA. At the same time a meeting will be arranged between the ILEA, the Judicial Training Centre in Italy, the Central and East European Police Academy (MEPA) and the Brussels ELEC (European Law Enforcement College), at which it will be possible to take stock of the steps being taken and/or proposed, so that duplication of effort can be avoided.

(c) Terrorism

Regular meetings and emergency meetings as needed. The United States delegation will be invited to attend the seminar in Rome on 23 and 24 April 1996 on the use of IT networks by terrorist groups.

(d) Other measures

- Organizing the exchange of information on law enforcement and criminal justice in the areas cited in the Joint Action Plan.
- Organizing and coordinating alternative development programmes under the aegis of the Commission.
- The German Presidency of the Dublin Group will make proposals for strengthening that Group.
- The United States will participate in the initiatives scheduled for the Caribbean and Latin America further to the Madrid European Council conclusions.
- At international meetings on drug issues (e.g. annual meeting of the United Nations Commission on Narcotic Drugs in Vienna) talks could take place between the Union and the United States.
- Relations should be established between the European Monitoring Centre for Drugs and Drug Addiction (EDMC) and the Inter-American Commission for the Control of Drug Abuse.

3. Other questions

A. Immigration and asylum

For the time being, it is important to await the outcome of the seminars to be conducted in 1996 on migratory flows both to the United States and the European Union.

B. Legal and judicial cooperation

During the first six months of 1996, priorities should be established on which to base the exchange of information between the Member States and the United States with a view to strengthening judicial cooperation. These priorities might be:

- the remote hearing of witnesses, particularly through the use of telematic means;
- strengthening extradition mechanisms by simplified procedures, particularly where the individual concerned gives his consent;
- exchanges of views between the Presidency, and possibly the Member States, and the United States authorities within the context of the work of The Hague Conference.

4. The Italian Presidency proposes that the Council examine this dossier at its March 1996 meeting.
5. The K.4 Committee might instruct its Troika to discuss the contents of the priority programme with the United States. Another possibility would be to entrust the Presidency and the Council General Secretariat with that task (see 6215/95 CRS/CRP 12 JAI 14 EXT 2 establishing the detailed rules for relations with third countries).



JOINT EU-US ACTION PLAN**II. RESPONDING TO GLOBAL CHALLENGES**

We share a common concern to address in an effective manner new global challenges which, without respect for national boundaries, present a serious threat to quality of life and which neither of us can overcome alone. We pledge our actions and resources to meet together the challenges of international crime, terrorism and drug trafficking, mass migration, the degradation of the environment and nuclear safety and disease. Together we can make a difference.

1. Fight against organized crime, terrorism and drug trafficking

We will cooperate in the fight against illegal drug trafficking, money laundering, terrorism, organized crime and illicit trade in nuclear materials.

We will enhance bilateral cooperation and institutional contacts. We will also enhance the capabilities of criminal justice and investigative systems and promote the rule of law through international training programmes at regional institutions such as the International Law Enforcement Academy in Budapest, the Italian Judicial Training Centre, the Middle and East European Police Academy and a similar administration of justice institution for the Western Hemisphere.

We will take steps to establish an information exchange mechanism on cooperation between the US and the EU and its Member States in the law enforcement and criminal justice fields, especially regarding activities in providing training, technical assistance and equipment to other nations.

We will foster the exchange of law enforcement and criminal justice expertise between the US and the EU in three areas:

- scientific and technological developments;
- exchanges of experts and observers between appropriate institutes and agencies;
- the sharing of information such as studies and analyses of emerging trends in international criminal activity.

When mutually agreed, we will jointly prepare reports to include recommended courses of action.

We will discuss the possibility of establishing interim cooperative measures between competent US authorities and the European Drugs Unit and begin implementing the possibilities provided for in the Convention on EUROPOL, to facilitate relations between EUROPOL and the US Government.

We will examine possibilities for cooperation in support of the UN Drug Control Programme marine interdiction initiatives.

We will coordinate alternative development programmes to counter drug production.

We will jointly support the establishment of cooperative links between appropriate EU institutions such as the European Monitoring Centre for Drugs and Drug Addiction and the Comisión Interamericana para el Control del Abuso de Drogas.

We will coordinate our counter-narcotics assistance programmes and projects in the Caribbean.

We will take action to strengthen the Dublin Group by reinforcing and supporting its members' counter-narcotic measures.

We will work to conclude an agreement in order to exchange, among other things, sensitive information for the pre-clearance of shipments of essential and precursor chemicals used in the production of illegal drugs and cooperate in joint training programmes in chemical diversion control.

We will cooperate on assessing and responding to terrorist threats.

2. Immigration and asylum

We will:

- strengthen information exchanges on illegal immigration and on asylum taking into account, *inter alia*, the work of the Geneva Intergovernmental Consultative Group;
- cooperate in the fight against the traffic in illegal immigrants;
- cooperate in the fight against the traffic in women;
- exchange information on asylum trends and on successful asylum system reform;
- establish common responses to refugee crisis situations, notably by early-warning mechanisms and coordination;
- develop a common stance on temporary protection in United Nations High Commission for Refugees;
- coordinate positions on the Conference on Refugees and Migrants in the Commonwealth of Independent States;
- improve existing arrangements and exchanges of intelligence in areas of mutual concern, for example, forged identity documents and transport carriers' liability;
- convene seminars in 1996 and compare the results of our respective studies on migration flows both into the US and into the EU.

3. Legal and Judicial Cooperation

We will:

- identify means of strengthening international judicial assistance and cooperation in the obtaining of evidence and other relevant information;
- cooperate on judicial seizure and forfeiture of assets;
- identify means to strengthen and improve international mechanisms for extradition, deportation, mutual legal assistance and other cooperative action to ensure that international fugitives have "nowhere to hide";
- cooperate in promoting the work of The Hague Conference on Private International Law and the International Institute for Unification of Private Law (UNIDROIT).



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CORRIGENDUM

to : 12935/95 JAI 61

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Subject: **Relations with the United States of America**
– Implementation, in the first six months of 1996, of the Joint EU-US Action Plan

Point 3.5 (last paragraph on page 4) is replaced by the following:

"5. *The Presidency and the Commission should, within the framework of the Transatlantic dialogue, take account of the K.4 Committee's comments on the implementation of the programme and of the Council's discussions (see point 4 above).*"

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