

7574/96

LIMITE

ASIM 80

NOTE

from: Presidency

to : Council

Subject: Convention on the crossing by persons of the external frontiers of the Member States of the European Union
- Progress report

1. In the conclusions of its meetings in Essen on 9 and 10 December 1994, in Cannes on 26 and 27 June 1995 and in Madrid on 15 and 16 December 1995, the European Council called on the Justice and Home Affairs Council to see to it that the above Convention was signed as soon as possible. Similarly, at their informal meeting in Rome on 26 January 1996, most Ministers pressed for early conclusion of the Convention.
2. With this in mind, the Presidency has arranged a series of meetings of the specialist Working Party, Steering Group I and the Article K.4 Committee; it can report significant progress on the technical problems. Only a very small number of such problems now remains (see footnotes in 12092/6/95 ASIM 326 REV 6). Those problems could soon be resolved, once the two major political problems have been settled.

3. The first such problem concerns jurisdiction for the **Court of Justice**, which is sought, either in general or in part, by most Member States and rejected at this stage by Spain and the United Kingdom. Although compromise arrangements would seem to be possible, no real progress has been made, owing among other factors to the horizontal nature of the question, which also arises for other Conventions in line for signing under the 3rd pillar.

4. The second such problem is due to the lack of agreement between Spain and the United Kingdom regarding the **territorial application** of the Convention.

