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LIMITE

JAI 1

NOTE

from: General Secretariat of the Council

to : K.4 Committee

Subject: Relations with third countries
- proceedings of Steering Groups I, II and III in early January 1996

At the meetings of Steering Groups I (9 January 1996), II (11 and 12 January 1996) and III (11 and 12 January 1996), relations with third countries were discussed, either at the request of the K.4 Committee (meeting on 13 December 1995) or on the basis of technical documents submitted by the Presidency.

The outcome of those proceedings should be considered supplementary to the guidelines adopted in 12982/95 JAI 63 (relations with third countries), 12935/95 JAI 61 COR 1 (Transatlantic Dialogue), 12950/95 JAI 62 (Euro-Mediterranean Conference) and 9997/1/95 JAI 40 REV 1 (Andean countries).

I. General comments

During discussion of the notes that had been forwarded, the need became apparent for an effective and coordinated contribution from the three Steering Groups regarding how relations with third countries should be defined and conducted.

Since police, judicial, asylum and immigration matters were tending to increase in importance in the European Union's relations with third countries, these must be

taken into account in appropriate ways (with the Presidency and the General Secretariat on the one hand and the Commission on the other present in horizontal bodies, in accordance with their respective responsibilities).

Furthermore, several delegations thought that priorities should be defined in the various programmes with third countries. Agreement needed to be reached first among Members of the Union.

II. Transatlantic Dialogue (4053/96 ENFOPOL 10)

A. Steering Group I

The Commission representative said that the United States and Canada were very interested in contacts with CIREFI and CIREA.

Several delegations thought that the two bodies should not suffer a work overload through contacts with third countries to the detriment of the primary focus of their work which was within the European Union. If necessary, slimmed-down contact structures should be established, e.g. working parties with a restricted number of delegations, to make the work more efficient. In any case, really precise topics should be dealt with, as emphasized by the Greek delegation.

B. Steering Group II

Steering Group II examined Presidency document 4053/96 ENFOPOL 10.

Following the discussion, the Presidency announced that it would be suggesting to the K.4 Committee that priority be given to the following actions:

- technical meeting between the Working Party on Drugs and Organized Crime, including the EDU and US experts (see point 3.A, page 4) to examine the organized crime situation and establish common parameters;
- involvement of the United States in cooperation with the Andean countries, in particular via participation in the meeting with those countries scheduled for March 1996 in Rome (see point 3.D, page 6);
- emergency meetings on terrorism (see point 3.E, page 6);
- promotion of coordinated training (see point 3.F, page 6).

The EDU representative stated that the EDU could receive non-personal data forwarded by the United States. The preparation of joint strategic analyses would be both possible and desirable.

C. Steering Group III

Steering Group III examined relations with the United States on the basis of the Joint EU-US Action Plan (12353/95 USA 3) and suggestions made by the Presidency (12935/95 JAI 61).

The Group agreed to suggest that the K.4 Committee should adopt the following priorities in the field of judicial cooperation:

- the remote hearing of witnesses, particularly through the use of telematic means;
- strengthening extradition mechanisms by simplified procedures where the individual concerned gave his consent;
- cooperation as regards seizure and forfeiture;
- exchange of views between the Presidency, and possibly the Member States, on the one hand, and the United States authorities on the other, within the context of the Hague Conference as regards its current proceedings.

III. Follow-up to the Euro-Mediterranean Conference (12950/95 JAI 62)

A. Steering Group I

The delegations were informed by the General Secretariat of the Council that the Barcelona Declaration contained several references to Third Pillar topics. For instance, the matter of immigration was expressly mentioned. The Commission and the General Secretariat of the Council were currently reflecting on working structures to deal with the follow-up to the Conference. Once such structures were in place, attention should be paid to ensuring that Third Pillar bodies make a suitable contribution to the follow-up work. Delegations would be kept informed of how plans were proceeding.

B. Steering Group II

The Group agreed to the guidelines contained in 12950/95 JAI 62 which, in particular, provided for a seminar on terrorism and a meeting for exchanging information on illegal immigration, drug trafficking and organized crime.

C. Steering Group III

Steering Group III examined this item on the basis of the Declaration and work programme drawn up in Barcelona on 27 and 28 November 1995 (EURO-MED 1/95), taking into account the guidelines set out in 12950/95 JAI 62.

The Group thought it more appropriate to await the outcome of the meeting mentioned under B above, which would be held in conjunction with the seminar on Islamic and other types of fundamentalism, to be held in Rome from 4 to 6 March 1996. That meeting could present a good opportunity for an initial discussion on possibilities for improving cooperation. In the light of those discussions, the priorities to be adopted for judicial cooperation might be re-examined.

IV. Structured dialogue with the CCEE and the Baltic countries (4052/96 ENFOPOL 9)

A. Steering Group I

- Bulgaria and Romania (in connection with the new visa obligation)

It was pointed out that these two countries had not only approached various Member States, but also the Commission, in order to have themselves removed from the list annexed to Council Regulation No 2317/95. A copy of the reply given by Mr SANTER, the President of the Commission, was circulated to the delegations.

Steering Group I agreed that at this stage it was not vital for the Council to give a reply, pending the countries' reaction to the letter from the President of the Commission.

B. Steering Group II

The Group gave its agreement in principle to the actions set out in 4052/96 ENFOPOL 9.

A technical meeting with the CCEE and the Baltic countries was scheduled for 1 March 1996 in Brussels. At that meeting, the various initiatives could be developed.

C. Steering Group III

Steering Group III held its discussion keeping in mind the action programme with the CCEE, including the Baltic countries, for the fight against international organized crime. The programme had been adopted on 25 September 1995 in Brussels (see 10042/95 JUSTPEN 125 + COR 1).

In the light of the guidelines adopted on several occasions by the European Council and most recently by the Madrid European Council, the Group put relations with the CCEE as the first priority in European Union relations with third countries.

With this in view, it agreed to inform the K.4 Committee that a seminar would be held in Budapest or Prague (to be decided), probably in early March 1996.

This seminar would be the first opportunity for implementing the action programme agreed in September 1995. It would be financed by the budget of the European Communities (Title VI) and organized by the Spanish authorities. In that context, the following three points would be examined:

- analysis of existing legal instruments in the field of international judicial cooperation (progress with signatures and ratifications and study of problems liable to arise);
- introduction of new legal concepts into the various national legislations, particularly in connection with the following topics:
 - = persons turned state's evidence (Italian delegation),
 - = special protection for witnesses and experts (Spanish delegation),
 - = confiscation of the proceeds from criminal activity (French delegation),
 - = cross-border research (German delegation);
- improved communication between the judicial authorities of the Member States and those of the CCEE.

In the latter context, the Group examined a draft questionnaire on the subject, to be submitted, once its preparation was complete, as a proposal from the Member States of the European Union to the third States at the seminar. Following the finalization of the questionnaire at the seminar, it would be addressed to all the States concerned, including the Member States.

In **civil matters**, Steering Group III put together a draft questionnaire in preparation for the future practical extension to the CCEE, including the Baltic countries, of the Lugano Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters.

Once the agreement of the other Lugano States (Switzerland, Iceland and Norway) had been obtained, the draft questionnaire would be sent to the CCEE.

V. Andean countries (4049/96 ENFOPOL 6)

A. Steering Group II

The Steering Group tended to favour the suggestions contained in 4049/96 ENFOPOL 6, including, in particular, a meeting on 11 March 1996 in Rome.

B. Steering Group III

The Group did not comment on relations with the Andean countries.

VI. China and Russia (12916/95 JAI 59 and 12918/95 JAI 60)

A. Steering Group I

Delegations did not comment on the above documents.

B. Steering Group II

The Group agreed to the guidelines in the above documents.

C. Steering Group III

(a) Russia

With regard to relations with Russia, the Group held its discussions on the basis of instructions from the K.4 Committee (see 12916/95 JAI 59).

It considered that the following aspects should be given priority:

- combating trafficking, especially in nuclear and radioactive substances and stolen vehicles;
- judicial assistance and cooperation, in particular by establishing a network of contacts;
- seeking to establish technical assistance for Russia with a view to its possible accession to Council of Europe conventions, particularly conventions on mutual judicial assistance. In this context, the Group suggested bearing in mind the work already done on this matter within the Council of Europe.

(b) China

With regard to China (see 12918/95 JAI 60), the Group did not set any priorities. However, it wished to draw the K.4 Committee's attention to the fact that this should not result in another steering group dealing with judicial cooperation matters.
