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NOTE

from : The incoming UK Presidency

to : The K4 Committee

Subject: **K4 COMMITTEE WORK PROGRAMME FOR THE PERIOD FROM 1 JANUARY TO 30 JUNE 1998**

INTRODUCTION

1. This paper presents the UK Presidency's work programme for the consideration of the K4 Committee. The work programme is designed to have a practical focus, putting the emphasis on what can be done to improve co-operation between Member States to tackle issues, such as organised crime, illegal immigration, terrorism and drugs, which cause problems for all our societies. The programme takes account of the various priorities laid down by successive European Councils since 1995, and in particular takes account of the Council Resolution setting priorities in the justice and home affairs (JHA) field from January 1998 until the coming into force of the Amsterdam Treaty.

2. Recent Presidencies have presented separate programmes covering the work in each Steering Group area. The UK believes that recent developments in Third Pillar co-operation, such as the work of the Multi-Disciplinary Group on Organised Crime, the cross-pillar Horizontal Drugs Group and the Schengen incorporation working groups, have tended to blur the distinctions between the three Steering Groups, and that it will be more helpful to present a work programme which is instead structured around the central themes which the K4 Committee will be pursuing. The UK takes these to be: (a) work on organised crime (mainly as already set out in the Action Plan of the High Level Group on Organised Crime, and covering both police, and some customs, co-operation, as well as judicial co-operation in criminal matters); (b) work in countering terrorism; (c) work on drugs issues; (d) other customs co-operation in the law enforcement field; (e) work on immigration, asylum and visas; and (f) judicial co-operation in the civil field.

3. A number of these areas of work have a prominent external relations dimension. This is particularly so in the case of work on organised crime and drugs. The UK Presidency's programme of activities in external relations in the JHA field will be the subject of a separate Presidency paper.
4. During the UK Presidency, work will need to proceed in a number of other areas affecting JHA matters, eg enlargement. In particular, work on implementation of the Amsterdam Treaty, especially as regards incorporation of the Schengen acquis into the TEU, and the negotiations with Norway and Iceland will obviously have a very significant impact on how future work under the Third Pillar is conducted. Work in these sectors will be major UK priorities.

ORGANISED CRIME

Report and Action Plan of the High Level Group on Organised Crime

5. The UK Presidency will continue to progress the work outlined in the multi-annual programme which sets the priorities for co-operation from 1 January 1998 until the entry into force of the Amsterdam Treaty. Foremost among these is the Report and Action Plan of the High Level Group on Organised Crime (7421/97: JAI 14), endorsed by the Amsterdam Council in June 1997, on which a report will be made to the Cardiff European Council.
6. The Multi-Disciplinary Group on Organised Crime (MDG) brings together senior representatives of Government departments and operational agencies and drives the work required to implement the recommendations contained in the High Level Group's Action Plan. Six meetings are currently scheduled. The United Kingdom attaches great importance to the work of the MDG, and, in addition to the work on implementing the recommendations in the Action Plan, will use the Group to provide a forum:
 - . for continuing strategic policy development. Whilst taking forward the Action Plan, the European Union must continue to respond to new circumstances and new ideas;
 - . to improve operational co-operation by developing tools and mechanisms to support joint law enforcement operations, identifying priorities for such operations and addressing difficulties which arise in practice.
7. A major task for the MDG will be to prepare the report for the European Council on implementation of the recommendations in the Action Plan.
8. A further priority will be to carry forward work on the Pre-Accession Pact and other arrangements for dialogue with third countries such as Russia.

9. In addition, the MDG will aim to:

- carry forward work on high-tech crime, guarding against duplication of work in other fora and ensuring widest possible inter-operability of solutions;
- consider EU reporting on organised crime, proposing improvements to current mechanisms and arrangements for drawing operational successes to the attention of Ministers;
- implement the Joint Action on a European judicial co-operation network. The MDG will oversee the designation of national contact points and the first meeting of the representatives will be held in June;
- implement the Joint Action which provides for the establishment of a mutual evaluation mechanism, by designing and setting in motion the first round of evaluations; and
- complete any recommendations in the Action Plan which are outstanding from 1997.

10. As far as criminal judicial co-operation aspects of the Action Plan are concerned, particular priority will be given to completing the draft Convention on mutual assistance in criminal matters which aims to enhance and update as between EU Member States the provisions of the 1959 Council of Europe Convention on mutual assistance. Seven meetings are scheduled for the Working Group on Mutual Assistance.

11. In the same context, the main priorities for the Working Group on the Relationship between Criminal and Community Law, for which six meetings are scheduled, will be to:

- finalise the draft instrument aimed at making private sector corruption a criminal offence, which complements earlier work on corruption involving the public sector;
- invite Member States to consider a possible Joint Action on a code of practice in mutual legal assistance.
- draw up a report to the MDG on the implementation of recommendation 6 of the High Level Group report, on the development of a comprehensive Union policy against corruption. This will take account of work in the First Pillar initiated by the Commission as a result of the recommendations made in its Communication on Corruption (COM(97) 0192);
- draft and submit to the MDG a contribution on recommendation 10 of the High Level Group report on co-operation between Member States and the Commission to combat fraud

- finalise the Explanatory Reports on the Second Protocol to the Convention on the protection of the financial interests of the European Communities, and on the Corruption Convention; and

Europol

12. The UK Presidency will do all it can to ensure that the Europol Convention enters into force as early as possible in 1998 and that Europol is ready to take up its work. The entry into force of the Convention is dependent on ratification by all Member States. The Convention specifies a number of instruments which must be in place before Europol starts its work (listed in Article 45(4)). A range of practical preparations will also need to be made.

13. Once Europol has taken up its activities under the Convention, the UK Presidency envisages that the Management Board will carry out the functions for which the Europol Working Group is currently responsible. Meanwhile, the programme for the Working Group under the UK Presidency can be divided into two main areas:
 - . preparation for the implementation of the Convention
 - . management of the existing Europol Drugs Unit (EDU).
 - . **Preparation for the implementation of the Convention**

14. Most of the instruments required under Article 45(4) of the Convention have now been completed, with texts "frozen" by the Council for formal adoption once the Convention is in force. Work is still needed on the following:
 - . confidentiality regulations (Article 31(1) of the Convention)
 - . rules of procedure of the Joint Supervisory Body (Article 24(7))
 - . headquarters agreement between the Netherlands and Europol (Article 37)
 - . bilateral agreements between the Netherlands and Member States on privileges and immunities of liaison officers (Article 41(2)).

15. There are a number of other issues that the Europol Working Group will need to address in preparation for the implementation of the Convention, even though there is no legal requirement for them to be in place before Europol takes up its activities. These include:
- . development of the Europol Computer System (TECS), including consideration of an interim solution for the phase immediately after implementation of the Convention;
 - . finance;
 - . appointments. Preparations will need to be made for the appointment of a secretary to the Management Board, the secretariat for the Joint Supervisory Body and a Financial Controller; and
 - . future work programme. The Management Board will need to consider amendments to the 1998 EDU work programme in the light of the additional activities which will be possible when the Convention is in force.

Management of EDU

16. In its role of overseeing the management of the EDU, the Europol Working Group functions as a shadow Management Board. The UK Presidency will seek whenever possible to schedule relevant agenda items in discrete blocks so that national representatives with a primary interest in the supervision of the EDU can attend for these items alone.

Police co-operation

17. Presidency work will focus on the following objectives:-
- proposals for co-ordination of work by EU law enforcement agencies to monitor criminal exploitation of the Internet (with particular reference to child pornography);
 - establishment of an EU contact network on credit card fraud;
 - further proposals for co-ordinating the policing of international football matches and other public events;
 - proposals for delivery of an EU framework police training curriculum for Central and Eastern European Countries by major EU police training colleges;
 - agreement to a standard method of exchanging fingerprint data;
 - progress report and recommendations on next steps in agreeing European standards for DNA profiling techniques;

- agreement on the use of digital signatures and encryption in telecommunications;
- taking forward the work of an expert group on combating counterfeiting of the Euro;
- establishment of a network of crime prevention experts; and
- developing a strategy for handling crime prevention matters in the Third Pillar.

Drawing in the work of other organisations

18. In carrying forward the work programme, the UK Presidency will draw in relevant information and experience from other international organisations, within the European Union and beyond, which are also working to tackle trans-national crime, including:-

- the Crime Experts' Group of the G8 Group of countries (the UK will have the Presidency of the G8 in the first half of 1998);
- Interpol (fingerprinting);
- Europol;
- the Schengen Group of countries (co-operation over public order policing and stolen vehicles);
- the Council of Europe (cybercrime);
- the European Standards Committee (stolen vehicle tracking devices); and
- the Association of European Police Colleges and EU Heads of Police Training;

Supporting events

19. During the Presidency, the UK will host a number of special events, conferences and seminars. Amongst those in the police co-operation area are:

- a conference on policing and human rights;
- a conference on threats posed by exploitation of the Internet;
- a seminar on crime prevention, in particular policy and practice on youth crime;
- a meeting of experts on football hooliganism.

JUDICIAL CO-OPERATION IN CRIMINAL MATTERS

20. In addition to the matters referred to at paragraphs 9 - 11, the UK Presidency will aim to complete work on the draft Convention on disqualification from driving. It will also bring forward proposals to examine the adequacy of provision for legal interpretation in criminal proceedings in Member States.

TERRORISM

21. Following work by the Luxembourg Presidency on terrorist funding, the UK Presidency will produce proposals on best practice and further co-operation in this area. The Presidency will also be seeking written contributions from Member States for incorporation into the work on threat assessment and racial attacks. The UK Presidency will also schedule time for a discussion of recent terrorist incidents and of plans to replace the BDL network.
22. Close links will continue with the Second Pillar, and the UK Presidency plans at least one joint meeting of the Third and Second Pillar terrorism working groups.

Special events

23. The UK Presidency plans to host two major seminars on chemical and biological terrorism and arms trafficking. It also plans to host a workshop on bomb scene management. Follow-up work from these events will be taken forward by the terrorism working group.

CUSTOMS CO-OPERATION

24. The UK Presidency will aim to get the Customs Information System (CIS) fully operational as soon as possible. The Presidency will encourage Member States to ratify the CIS Convention at the earliest opportunity, in line with the High Level Group on Organised Crime's recommendation that the Convention should be ratified by the end of 1998. The Presidency will ensure that the Customs Co-operation Working Group works closely with the Commission on the development of the database for exchanging customs information for use in law enforcement co-operation, and that appropriate decisions on the implementing rules are taken.
25. The Presidency will support the organisation and co-ordination of joint surveillance exercises involving Member States, applicant countries and other key third countries. The exercises during the UK Presidency will target air cargo and sea containers. The Presidency will seek to ensure that the study of container controls is followed up with a further programme of visits to spread best practice. The World Customs Organisation exercise targeting trafficking along the Balkan Route will also take place during the UK Presidency.

- . seek to co-ordinate EU common positions on work being developed for the UN General Assembly Special Session on Drugs, to be held in New York on 8-10 June 1998;
- . advance practical implementation of anti-drugs projects in the Caribbean and Central Asia, ensuring effective co-ordination with partners;
- . continue work on practical measures to tackle drug trafficking from Latin America and heroin trafficking along the Balkan route;
- . ensure effective co-ordination on drugs issues with third countries, in particular the USA, Russia and the pre-accession countries of Central and Eastern Europe and Cyprus;
- . develop a new Joint Action on practical measures to enhance co-operation on asset confiscation.

Supporting events

29. During the Presidency the UK will host a number of supporting events on drugs-related themes:
- Metropolitan Police seminar on pan-European Turkish organised crime: London, 2-6 March;
 - European Foundation of Drug Helplines (FESAT) Anniversary Board meeting: Cardiff, 5-7 March;
 - Home Office seminar on "Emerging technologies for law enforcement in the 21st century" (including drug detection technologies) London, 24-25 March;
 - Conference on "Drugs: the European dimension": Wilton Park, Sussex, 6-8 April;
 - European International Policing Executive Conference (themes will include the response to the drugs problem) Aberdeen, 10-12 May;
 - Standing Conference on Drug Abuse Conference on " Drugs and Europe: co-operation and collaboration" : May (venue and date to be confirmed).

26. The Presidency will be following up the Joint Action on Memoranda of Understanding between Customs administrations and the business community, and the Resolution on Police/Customs co-operation. There will also be further work on developing the use of risk analysis techniques by customs administrations in the EU, on identifying centres of expertise, and on sharing best practice.

DRUGS AND DRUGS-RELATED ISSUES

27. The UK Presidency will continue to give priority to action against drug trafficking and drug misuse. Work will be carried forward in all three pillars of the European Union, with the Horizontal Drugs Group playing a central role in co-ordinating and, where necessary, initiating, taking forward and overseeing appropriate activity. The UK Presidency will seek to build on the wide range of work already under way, in line with the EU Action Plan on Drugs 1995-99, the complementary drugs strategy agreed at the Madrid European Council, and decisions taken at subsequent Councils. The Presidency's main objectives are to:

- progress further implementation of the EU strategy against drugs. The focus will be put on practical activity, aimed at enhancing co-operation, and taking full account of measures agreed at the Luxembourg European Council on 12-13 December 1997;
- begin consideration of the main elements of a post-1999 EU drugs strategy;
- ensure effective EU co-ordination for the UN General Assembly Special Session on Drugs; and
- promote effective implementation of the EU/Caribbean and EU/Central Asia drugs initiatives.

28. The main activities of the Horizontal Drugs Group, in conjunction with other appropriate Council working groups in all three pillars, in particular the Customs Co-operation Working Group and the Second Pillar CODRO, will be to:

- launch initial consideration of the main elements of a post-1999 EU drugs strategy, with a view to reporting to the Cardiff European Council on (i) progress on implementation of specific aspects of the existing strategy; (ii) possible key themes/priorities for the post-1999 EU drugs strategy; and (iii) particular measures for action in 1998/99;
- take forward implementation of the Joint Action on new synthetic drugs, following the establishment of the early warning system;
- continue implementation of the Joint Action on the approximation of drugs laws and practices;

36. The UK Presidency will continue Cirea's primary function of exchanging information, including detailed studies of the situation in countries of origin. Cirea will continue its contacts with the countries of Central and Eastern Europe and Cyprus, Canada and the United States of America.

MIGRATION

37. The Presidency will continue with any necessary work arising from consideration of the problems relating to immigration from Iraq.

Admission

38. The UK Presidency will provide the opportunity for a discussion on the Commission's draft Convention on rules for the admission of third-country nationals; it is envisaged that a first examination of the Articles of this Convention should take place during the Presidency. The Presidency regards family reunification as the main element of the existing Resolutions on admission. Pending the conclusion of negotiations on the Convention, the Presidency will propose the further consideration of Member States' policies in respect of family reunification, following the work begun during the Netherlands and Luxembourg Presidencies, with a view to the adoption of a specific measure on this subject. The Presidency will initiate this work by the circulation of a questionnaire.
39. The Presidency will take forward any action required in connection with the Council Decision on monitoring the implementation of instruments already adopted concerning the admission of third-country nationals. Discussions will take place as necessary on the initiative of the Dutch Presidency, pursued by the Luxembourg Presidency, concerning the exchange of information in the fields of asylum and immigration. The Commission's Action Plan will be submitted during the UK Presidency. The Migration working group will discuss the proposal to hold a meeting of Euro-Mediterranean migration experts during 1998.

Enforcement policy

40. The UK Presidency will continue the inter-Pillar discussions on third countries presenting problems regarding return of their nationals, initiated under the Dutch Presidency. The Presidency will explore ways in which the procedures for issuing travel documents and laissez-passer might be speeded up and ways in which third-country governments might be encouraged to co-operate. The Presidency will also pursue discussions, begun under the Dutch Presidency, on the examination of enforcement priorities by identifying best practice.

IMMIGRATION, ASYLUM AND VISA ISSUES

ASYLUM

30. The UK Presidency will ensure the effective implementation of the Dublin Convention which entered into force on 1 September 1997. The Presidency will build on the work undertaken by the Netherlands and Luxembourg Presidencies and will, in particular, aim to bring forward, as necessary, proposals to improve the operation of the Convention. The Presidency plans to host a seminar for practitioners.
31. The Presidency has no plans at present to seek to conclude the text of a draft parallel Convention to the Dublin Convention. This will be reviewed in the light of negotiations with Iceland and Norway on the Schengen acquis and of the wishes of other Member States, particularly in relation to the recent approach by Switzerland.
32. The Presidency will continue discussion of the Commission's proposal for a draft joint action on the temporary protection of displaced persons. In the light of developments on the draft joint action on temporary protection, the Presidency may consider it appropriate to take forward discussions on the Danish delegation's paper on subsidiary protection, taking account of any further analysis required.
33. The Presidency proposes to invite Member States to consider the issue of the speed with which applications for asylum are dealt with. Member States will be invited to exchange examples of good practice in handling large numbers of applications fairly and quickly, including dealing with backlogs. The Presidency will also propose an exercise to assess the amount of time Member States take to resolve claims, and will circulate a paper to initiate discussion on this exercise.
34. The Presidency will take forward any discussion or action arising from the Council Decision on monitoring the implementation of instruments concerning asylum, on which Member States have reported in the course of the Luxembourg Presidency. The Presidency will also take forward initial consideration of any proposal, which may be presented by the Commission, for a draft Convention on harmonisation of asylum procedures.

Eurodac

35. The UK Presidency will look to conclude the draft Eurodac Convention. The UK Presidency will also take forward work on the measures necessary to implement the Convention. The Presidency will continue the work already under way on the requirements for tendering and awarding the contract for the Eurodac system, and will make proposals.

Cirea

41. The Presidency will hold a seminar on the work of Airline Liaison Officers in London on 25/26 February 1998. The seminar will include contributions from serving Airline Liaison Officers and there will be an opportunity to consider the effectiveness of work of this kind in the light of the outcome of the seminar. The Presidency will consider presenting proposals for strengthening the pre-entry control by developing work on Airline Liaison Officers.
42. The UK Presidency will pursue any action necessary arising from the Council Decision on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals, in the light of the reports made in the course of the Luxembourg Presidency. The Presidency will also take forward any action necessary arising from the Council Decision on monitoring of instruments adopted by the Council concerning illegal immigration, re-admission, the unlawful employment of third-country nationals and co-operation in the implementation of expulsion orders.

VISAS

43. The Presidency intends, in consultation with the Commission, to secure the adoption of the Regulation under Article 100c of the Treaty establishing those countries whose nationals require a visa before entering the territory of the Member States, following reconsultation of the European Parliament by the Council.
44. The UK Presidency will place particular priority on the question of visas and pre-entry controls in discussion with the countries of Central and Eastern Europe and Cyprus, with a view to improving their arrangements and practices. This will build on work begun under the Luxembourg Presidency and will develop the initiatives started at the Luxembourg Seminar in December 1997.
45. The Presidency will consider the responses of Member States to the questionnaire on airport transit visa arrangements and will promote discussion of steps to make these arrangements more effective, bearing in mind the current legal action of the European Commission against the European Council on the Joint Action of 4 March 1996 on airport transit arrangements.
46. The Presidency will continue work on the Joint Action initiated by the Luxembourg Presidency in respect of a uniform sheet for affixing visas where the person is not in possession of a recognised document. The Presidency will promote co-ordination of the position of Member States in any follow-up work on visa questions taken forward under the Budapest Process, having regard to the outcome of the Ministerial meeting in Prague in October 1997 and the remit undertaken by the Republic of Slovenia.
47. The Presidency intends to develop the visa group as a forum for the exchange of views on current issues on visa questions among the Member States. This will be a standing agenda item.

False documents

48. The UK Presidency will continue the work of the False Documents working group. In order to facilitate the exchange of information on false documents and allow greater access to the travel document records of Member States, the Presidency will introduce a proposal for improved communication through nominated contact points and the introduction of a common format enquiry form. The Presidency will also introduce a text proposing minimum levels of forgery detection equipment at border posts.
49. The Presidency will also propose the introduction of a common format document examination form for use by expert examiners. The form will comply with the technical methods used and the tuition provided at the EU seminars for national forgery trainers. The Presidency will pursue outstanding work on a harmonised EU system for archiving and transmitting document images.

Cirefi

50. The Presidency intends that Cirefi will continue its primary function of exchanging information with an emphasis on practical co-operation and effective analysis of migration trends and issues. The Presidency also proposes that Cirefi will continue its contacts with the countries of Central and Eastern Europe and Cyprus, Canada and the United States of America.

SEMINARS

51. During the UK Presidency seminars will be organised of airline liaison officers, on the Dublin Convention and, jointly with the United States, on immigration matters.

RACISM AND XENOPHOBIA

52. The UK Presidency will set in hand the preparation of a report to the Council on compliance by Member States with the provisions of the Joint Action concerning action to combat racism and xenophobia.
53. The UK plans to hold a seminar on race relations during its Presidency, as a follow-up to the European Year Against Racism 1997. The UK envisages that the primary focus of the seminar would be on possible measures against racial discrimination.

CIVIL JUDICIAL CO-OPERATION

54. During the UK Presidency, work will be taken forward on the review of the 1968 Brussels Convention and the 1988 Lugano Convention on jurisdiction and enforcement of judgements in civil and commercial matters. Proposals for review of both conventions are due to be considered during the UK Presidency.

55. Work will also be undertaken to finalise the Convention on jurisdiction and enforcement of judgements in family matters (Brussels II). Further work will also be done on the proposal for a European Enforcement Order with consideration being given to the Commission Communication on obtaining and enforcing judgements in the European Union.
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