



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 1 June 1999 (22.06)  
(OR. d)**

**8816/99**

**SEMDOC**

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**LIMITE**

**ENFOPOL 40**

**COMIX 35**

**NOTE**

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from :	Presidency
to :	Working Party on Police Cooperation/Norway/Iceland Joint Committee
No. Prev. doc.:	SCH/I (99) PV 1
Subject :	Outcome of the proceedings of Schengen Working Group I on 23 April 1999.

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**1. Opening of the meeting and adoption of the agenda (SCH/I (99) COJ 1)**

On behalf of the German Presidency, Mr Schultz welcomed the delegates to the last meeting of Working Group I before the Amsterdam Treaty entered into force. Following the addition of items under Other Business (see below), the agenda was adopted.

**2. Approval of the minutes of the meetings held on 20 October, 5 November and 12 November 1998 (SCH/I (98) PV 10, 11 and 12)**

The abovementioned minutes were approved as they stood.

### 3. Annual Report of Working Group I for 1998 (SCH/I (99) 21)

The Presidency invited the delegations to take note of Working Group I's draft contribution to the 1998 Annual Report and asked them for their initial reactions.

Confirming the accuracy of the information relating to France on hot pursuit and surveillance, the French delegation requested that the solutions proposed in the report (for Articles 39, 40 and 41) be deleted or at least worded more generally.

The Chairman noted that the Netherlands and Italian delegations supported France's suggestion. While he remained convinced of the merit of these proposals, he agreed to amend the wording.

Spain wanted a correction made <sup>1</sup> and Belgium referred to the fact that Note SCH/I (99) 22 made a distinction between surveillance operations and instances where cases were opened but that did not lead to surveillance. It was decided to settle this bilaterally with the Presidency.

The Chairman asked the other delegations to examine the draft contribution and to send him their comments. The report would be discussed in detail at EU level at the next meeting of the Council Working Party on Police Cooperation.

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<sup>1</sup> Page 6 of SCH I (99) 21 should be amended to read: 1 surveillance operation for Spain in 1997 as opposed to 8.

**4. Update of the Schengen *acquis* in the area of police cooperation (SCH/I (99) 20 REV 2)**

The Chairman presented this document, which outlined proposals on how to improve police cooperation pursuant to Articles 39, 40 and 41. These proposals were based on four years' experience of Schengen cooperation and therefore required careful examination. They would also give direction to future discussions in this area.

At the request of a number of delegations, the Chairman outlined the proposals put forward in this document. He concluded that the delegates could approve the main thrust of SCH/I (99) 20 REV 2, which would be used as a basis for discussion at future meetings. He took note of the French delegation's point that, where necessary, it was for the higher bodies to assign the various proposals to the respective EU Council working parties. The Presidency, however, thought that a single working party ought to deal with this document on the basis of a mandate.

**5. Application of Article 39 of the Schengen Convention: improving police cooperation in preventing and investigating criminal offences (SCH/I (98) 75 REV 3, SCH/C (99) 38 and SCH/Com-ex (99) 12)**

The Presidency said that after the meeting of Group III on Judicial Cooperation, the proposals put forward by this group had been incorporated into a new REVision of the document (SCH/I (98) 75 REV 3). A written procedure had subsequently been initiated at Central Group level so that the Executive Committee could take a decision on these proposals, which would thus also form part of the Schengen *acquis*.

France's representative said that although the REVised document had taken account of Working Group III's wishes, the introduction had not yet been examined. Accordingly, he called for a REView of the proposals made in Note SCH/C (99) 38 for amending the introduction.

France's proposal, supported by the Netherlands and Italy, met with agreement. A REVised version of the document would take account of all the proposed amendments contained in Note SCH/C (99) 38 - with the exception of the amendment relating to the first line on page 2<sup>1</sup> - as well as the request that a sentence indicate that the list on page 2 of the document was not exhaustive; this would then be submitted to the Central Group meeting on 26 April 1999 and to the Executive Committee meeting on 28 April 1999.

Winding up the discussion, the Chairman regretted that Germany's viewpoint, outlined below, had not been adopted by the Working Group. The Presidency announced that it intended to issue this statement at the Central Group meeting on 26 April 1999:

Statement by Germany for entry in the minutes:

"The Federal Republic of Germany is of the opinion that Article 39(1) of the Schengen Convention authorises the requested police authorities that do not have the power to deal with requests permissible under national law, to forward them to the competent authorities. Germany considers that this also covers forwarding requests to the competent judicial authorities whenever this proves necessary."

## 6. Other business

- *Final report on the illegal immigration project (SCH/I-Immigra (99) 2 REV)*  
The above document was distributed to the delegates who noted that the project leader would present it at the Central Group meeting.

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<sup>1</sup> "The following solutions may be envisaged in the short term" (France's proposal read... may be sought).

- *Manual on Crossborder Police Cooperation (SCH/I (98) 90)*

The Chairman said that the following questions were still in abeyance and called on the delegations to state their positions so that the Manual on Crossborder Police Cooperation could be completed:

- Was hot pursuit admissible when there was an attempt to commit a criminal offence?
- When someone escaped from custody or pre-trial detention, was hot pursuit justified in all cases or only when the person who escaped had committed an extraditable offence?

- *Telecommunications*

The delegates were presented with the final report from the Sub-Group on Telecommunications to Working Group I on the options for interoperability between the different digital radio systems, TETRA and TETRAPOL (SCH/I-Telecom (99) 24).

Replying to a query from the French delegation, the Chairman confirmed that neither Working Group I nor the Central Group would discuss this report but that it would serve as a basis for future discussion in the competent EU Working Party.

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