EUROPEAN COMMUNITIES
THE COUNCIL

Brussels, 7 October 1993 (14.10)
(OR. f)

CIRC 3678/93
ADD 1

CONFIDENTIEL

Subject: Draft list on the "acquis" of the Twelve in the fields of Justice and Home Affairs (TREVI "acquis")

I. The Convention between the Member States of the European Communities on the crossing of their external frontiers, the European Convention on the suppression of terrorism and the Ministerial Agreement on the establishment of the Europol Drugs Unit are monitored in CIRC 3665/93, JUR 101.

II. TREVI suggests that the following decisions adopted by the TREVI Ministers should also form part of the "acquis" of the Twelve:

1. Creation of a network of liaison offices and exchange procedures between them

   (Recommendation, Ministers, 31 May 1977, London; recommendation, Senior Officials, 8 December 1981, Copenhagen; decision, Ministers, 9 December 1988, Athens; 11-12 June 1992, Lisbon)

2. Procedure for exchange of information on acts of air piracy

   (Decision, Ministers, 10 June 1983, Bonn; recommendation, Ministers, 20 June 1985, Rome)

3. Exchange of information on firearms via permanent correspondents

   (Resolution, Ministers, 24 April 1986, The Hague)

4. Setting up of an international exchange of information on undesirable aliens from third countries who represent a terrorist threat

   (Decision, Ministers, 20 June 1985, Rome; decision, Ministers, 28 April 1987, Brussels)

5. Creation of a network of permanent correspondents on hooliganism at sporting events

   (Decision, Ministers, 28 April 1987, Brussels)

6. International exchange of information on thefts of weapons and explosives likely to be used for terrorist purposes

   (Agreement, Ministers, 28 April 1987, Brussels)

7. Continuous evaluation of the terrorist threat

   (Agreement, Ministers, 28 April 1987, Brussels; decision, Ministers, 2-3 December 1991, The Hague)

8. Secondment of drugs liaison officers to non-EEC countries

   (Agreement, Ministers, 28 April 1987, Brussels; agreement, Ministers, 9 December 1987, Copenhagen; decision, Ministers, 3 June 1988, Munich; recommendation, Ministers, 14 June 1991, Luxembourg)

9. Mandatory rules on the immediate dissemination of information following serious terrorist attacks

   (Decision, Ministers, 3 June 1988, Munich; decision, Ministers, 11-12 May 1989, Madrid)

10. Creation of a centre for the collection of evidence concerning falsified Arabic documents (ZAP)

    (Decision, Ministers, 12 May 1989, Madrid)

11. Common policy against the production, circulation and use of illegal means of payment

    (Recommendation, Ministers, 14-15 December 1989, Paris)

12. Common policy against violent organized crime

    (Recommendation, Ministers, 14-15 December 1989, Paris)

13. Common policy on the protection of the cultural heritage

    (Recommendation, Ministers, 14-15 December 1989, Paris; recommendation, Ministers, 11-12 June 1992, Lisbon)

14. Common policy on the protection of witnesses

    (Recommendation, Ministers, 14-15 December 1989, Paris)

15. Creation of a network of permanent correspondents on police techniques for assistance to drug production and transit countries

    (Decision, Ministers, 15 June 1990, Dublin)

16. Establishment of co-ordination of assistance to East European countries in reforming police forces

    (Decision, Ministers, 15 June 1990, Dublin)

17. Detachment of liaison officials within the EEC

    (Recommendation, Ministers, 14 June 1991, Luxembourg)

18. Co-operation in the field of technical and scientific policing using permanent correspondents

    (Declaration, Ministers, 14 June 1991, Luxembourg)

19. Co-operation on training

(Declaration, Ministers, 14 June 1991, Luxembourg; recommendation, Ministers, 11-12 June 1992, Lisbon)

20. Joint investigation measures to deal with terrorism ("wanted" notices and files)

(Recommendation, Ministers, 2-3 December 1991, The Hague)

21. Cross-border police co-operation

(Recommendation, Ministers, 2-3 December 1991, The Hague)

22. Common policy on monitored deliveries of narcotic drugs

(Recommendation, Ministers, 2-3 December 1991, The Hague)

23. Mutual assistance in investigations

(Recommendation, Ministers, 2-3 December 1991, The Hague)

24. Common policy on the analysis of crime

(Recommendation, Ministers, 11-12 June 1992, Lisbon)

25. Common policy on the organization of sporting events

(Resolution, Ministers, 12 June 1992, Lisbon)

III. TREVI suggests that the following decisions, currently being implemented should form part of the "acquis" of the Twelve:

1. Creation of a network of permanent correspondents on public order

   (Declaration, Ministers, 2-3 December 1991, The Hague)

2. Common policy on the interception of telecommunications

   (Declaration, Ministers, 2-3 December 1991, The Hague; recommendation, Ministers, 2 June 1993, Copenhagen)

3. Common policy against the funding of terrorism

   (Declaration, Ministers, 2-3 December 1991, The Hague)

4. Common policy on ecological crime

   (Draft recommendation, Ministers, 11-12 June 1992, Lisbon)

5. Common policy on road traffic

   (Recommendation, Ministers, 11-12 June 1992, Lisbon)

6. Common policy on money laundering

   (Recommendation, Ministers, 2 June 1993, Copenhagen)

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COMMUNAUTES EUROPEENNES
LE CONSEIL

Bruxelles, le 21 octobre 1993

CIRC 3678/93 ADD 1 REV 1 - 1755

CONFIDENTIEL

Objet : Projet de liste sur l'acquis des Douze dans le domaine de la Justice et des Affaires intérieures (acquis TREVI)

Projet de relevé d'acquis de la Coopération TREVI

I. La Convention européenne pour la répression du terrorisme ainsi que l'Accord ministériel sur la mise en place de l'unité drogues Europol sont mentionnés dans le document circ. 3665/93, JUR 101.

II. La Coopération TREVI suggère en outre que fassent partie de l'acquis des Douze les décisions suivantes adoptées par les Ministres TREVI :

1. création d'un réseau de Bureaux de Liaison (BDLs) et procédures d'échange entre ceux-ci ;

   Recommandation - Ministres, 31.05.1977 - Londres.
   Recommandation - Hauts Fonctionnaires, 08.12.1981 - Copenhague.
   Décision - Ministres, 09.12.1988 - Athènes.
   Recommandation - Ministres, 11-12.06.1992 - Lisbonne.

2. procédure d'échange d'informations en matière d'actes de piraterie aérienne et d'échange d'expérience et d'informations en matière de sécurité des transports terrestres et maritimes ;

   Décision - Ministres, 10.06.1983 - Bonn.
   Recommandation - Ministres, 20.06.1985 - Rome.

3. échange d'informations sur les armes à feu par le biais de correspondants permanents ;

   Résolution - Ministres, 24.04.1986 - La Haye.

4. constitution d'un échange international d'informations sur les étrangers indésirables en provenance des Pays tiers et représentant une menace du point de vue terroriste ;

   Décision - Ministres, 20.06.1985 - Rome.
   Décision - Ministres, 28.04.1987 - Bruxelles.

5. création d'un réseau de correspondants permanents en matière de hooliganisme à l'occasion des rencontres sportives ;

Décision - Ministres, 28.04.1987 - Bruxelles.

6. échange international d'informations sur les vols d'armes et d'explosifs susceptibles de servir à des fins terroristes ;

Accord - Ministres, 28.04.1987 - Bruxelles.

6a. collection centrale européenne sur les explosifs ;

Décision - Ministres, 03.06.1987 - Münich

7. évaluation permanente de la menace terroriste ;

Accord - Ministres, 28.04.1987 - Bruxelles.
Décision - Ministres, 02-03.12.1991 - La Haye.

8. détachement d'officiers de liaison drogues dans des Pays n'appartenant pas à la CEE ;

Accord - Ministres, 28.04.1987 - Bruxelles.
Accord - Ministres, 09.12.1987 - Copenhague.
Décision - Ministres, 03.06.1988 - Munich.
Recommandation - Ministres, 14.06.1991 - Luxembourg.

9. règles impératives concernant la diffusion immédiate d'informations suite à des attentats terroristes graves ;

Décision - Ministres, 03.06.1988 - Munich.
Décision - Ministres, 11-12.05.1989 - Madrid.

10. création d'un centre de collecte de preuves concernant les documents arabes falsifiés (Z.A.P.) ;

Décision - Ministres, 12.05.1989 - Madrid.

11. option de gestion commune en matière de lutte contre la production, la mise en circulation et l'utilisation de moyens de paiement illégaux ;

Recommandation - Ministres, 14-15.12.1989 - Paris.

12. option de gestion commune en matière de lutte contre la criminalité violente organisée ;

Recommandation - Ministres, 14-15.12.1989 - Paris.

13. option de gestion commune en matière de protection du patrimoine culturel ;

Recommandation - Ministres, 14-15.12.1989 - Paris.
Recommandation - Ministres, 11-12.06.1992 - Lisbonne.

14. option de gestion commune en matière de protection des témoins ;

Recommandation - Ministres, 14-15.12.1989 - Paris.

15. création d'un réseau de correspondants permanents en matière de technique policière pour l'assistance aux Pays de production et de transit de la drogue ;

Décision - Ministres, 15.06.1990 - Dublin.

16. institution d'une coordination en matière d'aide aux Pays d'Europe de l'Est pour la reconstitution des services de police ;

Décision - Ministres, 15.06.1990 - Dublin.

17. détachement de fonctionnaires de liaison à l'intérieur de la CEE ;

Recommandation - Ministres, 14.06.1991 - Luxembourg.

18. coopération dans le domaine de la police technique et scientifique par le biais de correspondants permanents ;

Déclaration - Ministres, 14.06.1991 - Luxembourg.

19. coopération en matière de formation ;

Déclaration - Ministres, 14.06.1991 - Luxembourg.
Recommandation - Ministres, 11-12.06.1992 - Lisbonne.

20. mesures de recherche communes en matière de lutte contre le terrorisme (affiches et fiches de recherche) ;

Recommandation - Ministres, 02-03.12.1991 - La Haye.

21. coopération policière transfrontalière ;

Recommandation - Ministres, 02-03.12.1991 - La Haye.

22. option de gestion commune en matière de livraisons surveillées de stupéfiants ;

Recommandation - Ministres, 02-03.12.1991 - La Haye.

23. assistance mutuelle dans les enquêtes ;

Recommandation - Ministres, 02-03.12.1991 - La Haye.

24. option de gestion commune en matière d'analyse de la criminalité ;

Recommandation - Ministres, 11-12.06.1992 - Lisbonne.

25. option de gestion commune en matière d'organisation de manifestations sportives ;

Résolution - Ministres, 11-12.06.1992 - Lisbonne.

III. La Coopération TREVI suggère enfin que fassent partie de l'acquis des Douze les décisions suivantes, dont l'application est en cours :

1. instauration de correspondants permanents dans le domaine de l'ordre public ;

   Déclaration - Ministres, 02-03.12.1991 - La Haye.

2. option de gestion commune en matière d'interceptions des télécommunications ;

   Déclaration - Ministres, 02-03.12.1991 - La Haye.
   Recommandation - Ministres, 02.06.1993 - Copenhague.

3. option de gestion commune en matière de lutte contre le financement du terrorisme ;

   Déclaration - Ministres, 02-03.12.1991 - La Haye.

4. option de gestion commune en matière de criminalité écologique ;

   Recommandation - Ministres, 11-12.06.1992 - Lisbonne.

5. option de gestion commune en matière de gestion du trafic routier ;

   Recommandation - Ministres, 11-12.06.1992 - Lisbonne.

6. option de gestion commune en matière de lutte contre le blanchiment de capitaux.

   Recommandation - Ministres, 02.06.1993 - Copenhague.

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COMMUNAUTES EUROPEENNES
LE CONSEIL

Bruxelles, le 26 octobre 1993

CIRC 3678/93
ADD 1 REV 1 COR 1 - 1.755

CONFIDENTIEL

Objet : **Projet de liste sur l'acquis des Douze dans le domaine de la Justice et des Affaires intérieures (acquis TREVI)**

Page 6 :

Le titre de cette page se lit comme suit :

Programme d'action relatif au renforcement de la coopération en matière de police et de lutte contre le terrorisme ou d'autres forme de criminalité organisée.

Déclaration d'engagement - Ministres, 15.06.1990 - Dublin.

EUROPEAN COMMUNITIES
THE COUNCIL

Brussels, 25 October 1993

CIRC 3678/93 ADD 2

CONFIDENTIAL

Subject : Draft list on the "acquis" of the Union and of its Member States in the fields of Justice and Home Affairs (TREVI "acquis")

- Note from the Presidency mentioning the observations of Senior Officials on the paper "established matters of TREVI cooperation"

After the drawing up of the paper, the Presidency circulated it to TREVI Senior Officials for observation and approval. The Presidency received the written answers of 7 Member States, which have been generally positive. Nevertheless, ITALY and GERMANY asked for an additional time limit for reflection.

This note mentions the various observations of Senior Officials on the paper and the decision taken by the Presidency.

-FRANCE made the following comments :

1. On the form, France proposed to group together the established matters of TREVI cooperation under the following subjects :

-offices and liaison officers
(items 1,17,16,21)

-common policy and mutual assistance
(items 23,24)

-serious hijacking and terrorism
(items 2,3,4,6,7,9,10,20)

-drugs
(items 8,15,22)

-violence
(items 5,12,14)

-other established matters
(items 11,13,18,25)

The Presidency could retain this new kind of wording.

2. France also proposed to retain the action programme as a TREVI established matter as endorsed by Ministers in June 1990. This proposal was repeated during the meeting of the 'free movement of persons' Coordinators on 22 October last.

The Presidency recognized the significance of the action programme. It suggested enclosing it to the paper as the action programme is not exactly a TREVI established matter.
However, it is appropriate to note that measures actually taken on the basis of the action programme (such as common research measures regarding the fight against terrorism –posters and research cards) are established TREVI matters and have been integrated to this paper.

3. France also wished to add specific points to the text.

– Under item 1 (establishment of a network of Liaison Offices (BDLs) and exchange procedures between them), France suggested adding *'establishment of a coded system of communications by fax (cryptofax TPN)'*.

The Presidency considered the formula advised by the French delegation was too restrictive since Ministers adopted a resolution referring to teletext (I – mail (SAGEM).) (Ministers, 11 and 12 June 1992, Lisbon). It therefore decided to maintain the text as it was.

– under item 2. (procedure of information exchange regarding hijacking), France suggested adding *'and of exchange of experiences and information regarding land and sea transport safety'*.

The Presidency took the French comment into account and amended the text consequently.

4. France also put a question to the Presidency :

Docs item 6 regarding international information exchange on arms and explosives theft likely to be used for terrorist purposes take into account 'the European central collection on explosives' which was subject to the Ministerial decision of June 1988 at Munich?

The Presidency took into account this comment and added the establishment of 'the European central collection on explosives' to item 6a of the paper.

5. France wished to add to the established matters presented :

-European central collection on fingerprints.

-designation and establishment of central coordination and information centralisation structures concerning the fight against terrorism (UCLAT in France, GIA in Belgium,...)

The Presidency carried out complementary research concerning these two "decisions". However the Presidency did not find any trace of a ministerial decision on these matters. The Presidency would consequently be very grateful if France could send to the Presidency a copy of the text of the decision as it was adopted by Ministers as well as an extract of the minutes mentioning the adoption.

-SPAIN made the following observations :

1. Spain cannot agree to item I of the paper because the Convention relating to the crossing of external borders has not yet been approved by Spain.

The Presidency did indeed not keep this item in the paper. The Convention on the crossing of external borders is not a TREVI established matter in the field of Justice and the Interior (it is an established matter in the field of immigration). It therefore stuck to the conclusion drawn on this issue during the meeting of coordinators on

21 and 22 October last.

2. Spain pointed out that Item 10 would become null and void (establishment of a collection centre of evidence concerning falsified Arabic documents – Z.A.P.)

The Presidency pointed out that the Ministerial agreement had duly been taken and that, up till now, as far as it knows, it has not been suppressed.

-The UNITED KINGDOM made the following comments :

1. The United Kingdom could not agree with Item 1 considering that the Convention on external borders was not a TREVI established matter in the areas of Justice and Home Affairs.

The Presidency suppressed this reference from item I.

2. The United Kingdom wished to add :

– a reference to the creation of Counter–Terrorist Liaison Officer (CTLOs) (Dutch Presidency, October 1991)

The Presidency carried out further investigations on that point. Nevertheless, the Presidency did not find any trace of a ministerial decision on that matter. The Presidency would therefore be grateful to the United Kingdom if they could send a copy of the text of decision as it was adopted by Ministers as well as the extract of the minutes which was subject to the adoption.

– a reference to the responsibility of EDU such as it was agreed upon by Ministers in Copenhagen in June 1993.

The presidency commented that it had already mentioned EUROPOL under item I of the document.

3. The United Kingdom specified that :

- item 23 'mutual assistance in investigations' also includes investigations on terrorism.

The Presidency mentioned that the term 'investigations' in the wording of the item also included investigations on terrorism. Indeed, during the Ministers' meeting at the Hague in 1991, two texts were submitted to Ministers (one from the WG 92 Group on 'ordinary' crime and the other from the WG 1 on terrorism). Ministers agreed on the texts but asked that they be merged into one text. The Presidency therefore decided to maintain the text as it was.

- the term 'common policy' should be replaced by the term 'cooperation'.

During the meeting of coordinators on 21 and 22 October last, it was asked what was the meaning of the expression used in the counter-proposal of the presidency, that is 'option of common management'. The Presidency therefore suggested to return to the initial wording used by the United kingdom, that is to say the term 'cooperation'.