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NOTE

from The Presidency

to ~~The K4 Committee~~

Subject: EU-US relations

- Meeting between the President of the K4 Committee, the Commission and US/senior officials in London (22 January 1998)
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1. On 22 January 1998 a senior level meeting was held in London in the framework of the transatlantic dialogue. This meeting followed discussions with US officials earlier in the same week in the context of the EU/US Task Force for the New Transatlantic agenda and the G8.

The meeting was chaired by Mr. Timothy Walker, chairman of the K4 Committee and attended by Mr. Adrian Fortescue on behalf of the Commission, Mr. Gilles de Kerchove on behalf of the Council Secretariat and Mr. Jonathan Winer (Deputy Assistant Secretary of State) on behalf of the United States.

Senior officials of the Presidency and the US delegation also took part in the discussion.

Europol

2. The Presidency noted that arrangements for the US visit to the EDU were now well advanced . The US expressed satisfaction. Once the visit had taken place, they would want to give priority was to a return visit by the EDU, which in their view could most usefully focus on US data-bases (especially those held by the FBI, FINSEC and the Johnstown Drugs Intelligence Center). The Presidency believed that particular value would come from an examination of US analytical practice and capability.

Trafficking in Women

3. The US noted that this was now a very high US political priority, with Mrs. Clinton in particular taking an active interest. They were keen to move on to further phases of work as soon as possible and, with that in mind, sought EU views on whether the timetable for the evaluation of the joint EU/US information project in Poland and the Ukraine could be brought forward from end of July. The Presidency, while not necessarily averse to this, pointed out that bringing forward the date of the evaluation seminar would depend on an earlier start date for the information campaigns. The Commission said that preparation of the EU component (use of La Strada) was well advanced, but was not sure the same was true of the US component. It was agreed that the US would urgently seek clarification in Washington of whether the US information campaign (use of the IOM) could be brought forward, and then get in touch with Presidency and the Commission. It was recognised that the results of the further enquiries in Washington might not be favourable but, in any case, subject to the outcome of the enquiries in Washington, the aim should be to complete the assessment exercise during the UK Presidency.

Organised Crime

4. The US believed that co-operation in this area had been generally productive under recent Presidencies and contacts with the future Austrian Presidency had been encouraging. There had been useful consultations in the margins of the Multi-Disciplinary Group and the US was impressed at the breadth of its agenda. The aim should be to identify areas of particular mutual interest for further contacts. They identified in this context high-tech crime, mutual legal assistance, asset-sharing and extradition; and the need to examine the phenomenon of organised crime in an academic context, possibly involving the US National Institute of Justice. On the last point, the Presidency referred to the expert meeting on an EU Research Programme, which it was holding and to which it might be possible to invite US experts. The US said that they were interested in attending a meeting of the MLA Working Group towards the end of the Presidency. It was pointed out that the EU had now endorsed the project-based approach initiated in G8.

Drugs

5. US hoped that co-operation with the EU in the Andean region could be developed on similar lines as in the Caribbean. Otherwise they saw a risk of duplication of financing and incompatibility of initiatives which could lead to displacement activity on the part of producers and traffickers. The US believed that certain countries would use any lack of co-ordination to “drive a wedge” between the US and Europe. They were not criticising the EU but feared that the situation would enable such countries to get off the hook by adopting only the lowest common denominator in interdiction and other measures, thereby undermining global anti-narcotics activity. The Presidency undertook to consider these points
6. In the context of American ideas on a possible EU-US exchange of views on the effectiveness of their respective drugs policies towards Latin-America, the Commission representative emphasised the importance of Vicepresident's forthcoming visit to Washington.
7. As for central and eastern Europe, the US had devoted considerable resources (eg \$5m p.a. for law enforcement training in the CEEs and Baltic States and \$20m for the NIS in 1998); they needed to know more of what the EU was doing. The Commission referred to the drugs/money laundering initiative under Phare; they would supply the US with further details. On the “Southern Tier” (Bulgaria, Romania, Macedonia etc.) the US noted that it would be using ILEA to disseminate knowledge on drugs and that Congress had also highlighted the importance of initiatives in Georgia, which, in terms of administration of justice, was still too dependent on Russia. The US would be carrying out an assessment in Georgia over the coming two months and asked about EU activity. The Commission referred them to the Pahr report and the experts report on Drugs in Central Asia; these reports had only just gone to Member States, so no decisions on follow-up had yet been taken. As for the forthcoming EU/Russia Co-operation Council, the US suggested that mutual assessment models in the context of the 1988 Vienna Convention might be an appropriate subject to raise. The US indicated that they were looking at such models for application in the Americas and might extend them further,

High-Tech Crime

8. The Presidency pointed out that this was an area to which the Home Secretary attached importance; it would be discussed under the “Organised Crime” heading at the informal meeting of JHA Ministers in Birmingham, and Ministers would have the G8 Communiqué following the December Ministerial meeting circulated to them. The Action Plan on Organised Crime (Rec.5) called for a cross-Pillar study of high technology crime to be carried out by end 1998. The US acknowledged the extent of the EU work programme in this area but stressed the need for pragmatism to ensure that law enforcement initiatives complemented, and did not cut across, separate issues such as the electronic commerce elements in the New Transatlantic Agenda. The Presidency argued that law enforcement and commercial elements could not be separated entirely (hence the cross-Pillar approach in the Action Plan) and referred to the need to engage the industry, for instance, with regard to the technical protocols relevant to regulation of the Internet

Nigeria/West African Frauds

9. The US said that many countries had been victims of these frauds. Although there had been various demarches on the subject in 1996, they had no short-term expectations of effective results. The Presidency indicated that the extent of the problem would be monitored and, if necessary, action on the issue could be taken forward within G8.

Alien Smuggling/Border Control Issues

10. The Presidency referred to the draft EU Action Plan on the influx of migrants from Iraq and the neighbouring region and the Presidency’s Troika visit to Turkey. Turkish perceptions were that recent problems with illegal immigration were not new; what had happened was simply a switch from overland routes to sea routes (which might suggest that land frontier controls were becoming more effective). Those arriving included Bangladeshis and Sri Lankans, as well as Iraqis, and there appeared to be extensive involvement of organised crime. A further visit to Turkey by the chairman of K4 might be necessary later. The US said the influx appeared to have caused no problems in the US or Canada, but they shared UNHCR concerns that the obligations on the receiving states under the Geneva Convention should be fully honoured. They also wished to see Turkey’s asylum capability enhanced; the UNHCR would undertake some work on this, which the US was prepared to assist financially. The Presidency recognised the human rights dimension of the issue; the Presidency team had visited the UNHCR in Geneva after Ankara. There were undoubtedly some with valid claims to asylum among the migrants. The Commission pointed out that these considerations were fully reflected in the draft Action Plan.

11. The US said they were examining possible options for law enforcement co-operation with Albania, Bulgaria, Romania and the Ukraine in order to fill what they saw as a serious gap. They have been improved by what they had heard about the working methods of the Visby Group which seem to offer a promising model for regional co-operation and they envisaged holding a meeting at ILEA in May to discuss South East european regional needs. The issue of EU participation was complicated by the fact that two of the countries were applicants for EU membership and thus eligible for support under that heading. On the latter point, the Commission referred to Phare assistance being given in the Black Sea area and undertook to check whether there were other relevant current EU initiatives.
12. The US asked about meetings of CIREFI and CIREA. The Presidency said that a meeting of CIREFI with the US had been provisionally fixed for 15-16 June. No date had yet been decided for a meeting with CIREA. In the asylum context, the US thought it would be useful to pursue, for example, the handlines of asylum claims by persons claiming to be victims of torture better to establish their case; the Presidency undertook to consider this. . The US also asked for an update on the proposed Presidency EU/US seminar on illegal immigration. The Presidency undertook to keep the US informed of any developments with regard to the seminar.
13. The US had also done some thinking on other areas of possible co-operation in the immigration field and mentioned the possibility of collaboration with the EU on bar-code reading of immigration documents. This was noted by the Presidency.

Third Pillar Expenditure Programmes

14. The US were anxious that the EU keep in mind the possibility of associating third countries in projects agreed under Falcone, Grotius etc; they were also finding difficulty in getting information about these programmes. The Commission saw no problem in principle with the participation of third countries, including therefore the US, will be give to adhesion candidates projects financed by these programmes, even if attention could be expected to focus on the candidate countries. A project related to false documents had already involved US participation. The Presidency described the general procedures applicable to the bidding process, which were common to all the programmes. The Commission added that the criteria against which bids should be made were published in the Official Journal. The US could obtain more information about the programmes from the JHA Task Force. The basic principle was that projects approved under these programmes were designed primarily having the interest of Member States in mind. However the rules provided for extension of participation to non Member States on case by case.

International Law Enforcement Academies

15. The US assessment was that, despite initial problems, good bilateral relations were now being established between ILEA (Budapest) and individual EU States. The US foresaw a number of possible future initiatives, including use of ILEA (Budapest) for leadership training in the context of mutual assessment, and making available ILEA resources to all law enforcement agencies in the region. Negotiations were under way for the establishment of comparable bodies in Panama and South-East Asia in order to tackle organised crime and drugs on a multi-lateral, multi-disciplinary basis. EU participation in both would be welcome. Negotiations on a centre in Poland would depend on the position taken by the new Government there. The Presidency expressed gratitude for this summary of US activity and plans.

Transatlantic Consultations On Proposed JHA Co-operation

16. The US were concerned at the speed with which initiatives (especially joint actions) were being developed in the Third Pillar; these often impacted on US law enforcement effort (for example, the definition of organised crime in the “participation” instrument was relevant to the UN discussions in Vienna, and the proposal regarding Judicial Contact Points also had wider implications). They enquired whether there could be some mechanism for informing them of such proposals at an early stage. The Presidency hoped that the informal contacts which had built up between succeeding EU Presidencies and the US would be helpful in this respect; the UK Presidency’s initiative for the publication of Third Pillar proposals should also be of assistance in meeting US concerns.

Transatlantic Consultations on Mutual Assessment

17. The US had noted with interest the EU's Joint Action on Mutual Assessment and said they would in principle be prepared to have the US performance in these areas examined by the EU. The Presidency noted this suggestion. The Commission stressed the importance of the words "mutual" which carry implications which all Member States might need to consider carefully in responding to this US suggestion.
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