EUROPEAN UNION
THE COUNCIL

Brussels, 30 July 1999
OR. en

10509/99

LIMITE

CATS 19
COMIX 167

OUTCOME OF PROCEEDINGS

from : Article 36 Committee
dated : 14 June 1999

I. Art. 36 Committee

1. Adoption of the agenda

The Agenda was agreed as set forth in doc. 9097/1/99 OJ/CATS 2 REV 1, subject to the addition of an item under point 18 at the request of the Presidency on the information of candidate countries on JHA issues.

2. Analysis of the threat of terrorism for the Member States

The Committee took note of the analysis of the threat of terrorism for the Member States.

3. Statistics on racism and Xenophobia
doc. 9113/99 ENFOPOL 44

The Committee took note of the statistics set out in doc. 9113/99 ENFOPOL 44. As in the past, some delegations questioned the methodology. The Commission suggested to refer the matter to the Vienna Observatory on Racism and Xenophobia.

4. Cooperation in the evaluation of danger warnings

doc. 5044/3/99 ENFOPOL 1 REV 3

Due to reservation by UK and ES on the proper wording of point 2.1 of the recommendation, the Presidency decided to send it back to the Working Group.

5. Cooperation in combating the financing of terrorist groups

doc. 7650/1/99 ENFOPOL 30 REV 1

The Committee agreed on doc. 7650/1/99 and decided to send it, via Coreper, to the Council for adoption as an A-point.

6. EUROPOL: Financial regulation

doc. 9114/99 EUROPOL 30

Subject to the lifting by F of its scrutiny reservation and by NL of its parliamentary reservation, the Committee decided to request the Council to formally adopt it.

7. EUROPOL

- **Start of activities (oral report)**

  A, GR, I and P informed the Committee on the state of ratification of their bilateral agreement with the Netherlands on immunities to be given to liaison officers.

  The progress achieved make it likely that Europol will be able to take up its activities on 1st July 1999.

- **Report on implementation of the Treaty of Amsterdam and the work programmes**

  doc. 9011/99 EUROPOL 29

  The Committee took note of the report of the Presidency.

  I raised a scrutiny reservation due to the late arrival of the document.

  F asked that the Committee define a precise mandate for the Europol Working Group. F announced that it will table soon a document on the way to implement Article 30(2) of the TEU.

- **Supplementary budget 1999**

  doc. 7684/2/99 EUROPOL 24 REV 2

  F agreed on the supplementary budget 1999 it being understood that its agreement does not entail any agreement on the 2000 budget.

- **Budget 2000**

  doc. 9172/99 EUROPOL 31

  The Committee took note of doc. 9172/99 EUROPOL 31.

  ES asked that the two feasibility studies on terrorism be among the relevant documents for the meeting of 20/21 July 1999.

  F expressed its regret that the audit be, again, postponed until 2001. It reminded the Committee that this audit was requested in 1998 for the setting up of the 1999 budget.

  The Presidency answered that it was premature to launch an audit the very same week as Europol starts its activities.

  The incoming Finnish Presidency indicated that it will endeavour to have the 2000 budget adopted at the October JHA ministerial meeting.

- **Salary adjustment (oral report)**

  The Presidency indicated that the Management Board of Europol agreed on an 8,5% salary adjustment.

  The formal draft decision will be put on the agenda of the next meeting of the Committee.

8. Delimitation/coordination of areas of work in the Third Pillar

The Committee had an in-depth discussion on doc. SN 3360/99.

Most delegations (A, UK, I, S, F, DK, B, NL, P, ES, FIN) expressed reservations on the way this document describes the functions and tasks of the Multidisciplinary Group on organised crime ("MDG"), especially the third sentence which implies that this group has only a subsidiary role.

The Commission indicated though that a clear division of tasks should be made between the MDG and the Article 36 Committee ("CATS").

The French delegation indicated that there is a need to convene the heads of police and of criminal justice and that the MDG could be an appropriate forum for this.

Some delegations questioned the direct link suggested at the end of point 3 between the sub-group telecommunication and the CATS.

9. Mutual recognition of judicial decisions and judgements in criminal matters
docs. 9129/99 CRIMORG 72 COPEN 5
7090/99 CRIMORG 35 JUSTPEN 18

The UK delegation, supported by DK, F and A, while welcoming that the Presidency intends to take work forward on mutual recognition with tight time-tables, indicated that it would wish to see work taken forward in a broad manner with set priorities. It questioned whether the MDG should have a look at the paper first (the MDG had previously discussed mutual recognition, asset tracing and high-tech crime) and stressed the need for a multi-annual work programme.

The NL delegation supported the Presidency approach.

The FIN delegation indicated that during its Presidency, the MDG could have a strategic discussion of the matter.

The Presidency concluded that the UK paper would be put to the relevant working structures, taking into account the offer from the Finnish incoming Presidency, immediately with a view to a report in December to Article 36 Committee.

10. Mutual assistance in criminal matters (report on the special meeting of the Article 36 Committee on 10 June 1999)
doc. 8560/99 JUSTPEN 39

The Presidency reported on the special meeting of the Article 36 Committee and noted that it might consider to convene another meeting, subject to information from the UK delegation.

11. UN Convention against Transnational Organised Crime (Information from the Presidency)

The Presidency informed the Committee on ongoing work in the MDG.

12. ILEA (Thailand)

doc. 9110/99 CATS 7 ENFOPOL 43

Six delegations (UK,NL,F,I,DK,FIN) expressed an interest for an EU participation to the project.

The Presidency concluded that the ways and means of such participation should be discussed at a further meeting of the Committee.

13. Report on data protection in the Third Pillar

docs. 9083/99 CATS 4

9084/1/99 CATS 5 REV 1

The Committee took note of doc. 9083/99 CATS 4, UK and F raising a scrutiny reservation.

14. Consultation of the European Parliament on confidential and secret information

doc. 9078/99 CATS 3 ASIM 26

On request of the Legal Service of the Council, the Presidency agreed that this item be discussed when the opinion of the Legal service will be available.

15. Oral report by the Presidency on the JHA Council on 27 and 28 May 1999

The Committee took note of the oral report by the Presidency of the JHA Council on 27 and 28 May 1999.

16. Presidency report on the Troika meeting with the Council of Europe on 17 May 1999

doc. 8899/99 CATS 2 ASIM 25

The Committee took note of the document.

17. Agenda items sub II

The agenda of the Mixed committee is agreed as set forth in doc. 9097/1/99 OJ/CATS 2 REV 1.

18. Other business

Request from Poland to participate to Council Working Groups (Presidency)

The Presidency indicated that it had received a letter from the Polish Minister of Interior asking that Polish experts be invited to Council Working Groups.
The Commission advised the Presidency not to interfere with the screening process.
F indicated that this request should be dealt with at the level of Coreper/Council.
The Presidency indicated that the Committee should define at a forthcoming meeting ways to better inform candidate countries of the development of the work in the JHA field.

II. Mixed Committee

1. Adoption of the agenda

The agenda was agreed as set forth in doc. 9097/1/99 OJ/CATS 2 REV 1.

2. Presidency progress report on SIS 1+
doc. 9059/99 SIS 13 COMIX 54

The Mixed Committee took note of the Presidency report on SIS 1+ as set out in doc. 9059/99 SIS 13 COMIX 54.

3. Presidency report on progress in developing an emergency plan for SIS
doc. 8761/1/99 SIS 7 COMIX 14 REV 1

The Mixed Committee took note of the President report on progress in developing an emergency plan for SIS as set out in doc. 8761/1/99 SIS 7 COMIX 14 REV 1.

4. Access to SIS by vehicle registry authorities
doc. 8835/99 SIS 8 COMIX 18

After a first exchange of views, the Committee asked the Legal Service of the Council to produce an opinion on the question raised in doc. 8835/99 SIS 8 COMIX 18.

5. Reply to the Joint Supervisory Authority on the SIS II pilot study
doc. 8760/99 SIS 6 COMIX 13

The Committee agreed that the draft letter set out in doc. 8760/99 SIS 6 COMIX 13 be sent to the Chairman of the JHA by the Chairman of the Article 36 Committee.

6. Other business

Use by L of Article 2(2) of the Schengen Convention (NL)

The NL delegation asked whether Luxembourg abided by the rules of procedure set out in the Comex decision of 2 December 1995 (Comex 5 Rev 2) when availing itself of Art 2(2) of the Schengen Convention and restoring controls at internal borders.

L answered that the Minister of Justice had informed his Colleagues at their informal meeting in Berlin that Luxembourg might re-establish border controls to fight smuggling of aliens coming from Macedonia. A formal letter was sent to the German Minister of Interior in advance of the decision.

The Presidency indicated that this item will be discussed at the next meeting of the Strategic Committee on Immigration, frontiers and asylum.