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RESTREINT

ASIM 227

OUTCOME OF PROCEEDINGS

of : External Frontiers Working Party

dated: 24 November 1994

The External Frontiers Working Party met on 24 November 1994.
The outcome of the proceedings was as follows :

1. Adoption of the agenda

The Working party adopted the agenda set out in telex n° 4229 of 7 November 1994.

It was decided to postpone the examination of point 3 of the agenda (Combatting illegal immigration networks and illegal immigration) until the next meeting of the Working Party.

2. Further discussion of the draft Convention on controls on persons crossing external frontiers

(Docs 11287/93 ASIM 32, 7712/94 ASIM 119)

- a) Treatment of nationals from EEA countries as beneficiaries of community law (article 1 a) iii))

At the last meeting, the Presidency had suggested replacing article 1 a) iii) by a new paragraph referring to nationals from third countries listed in an annex to the Convention.

The vast majority of delegations expressed their support for the compromise put forward by the Presidency.

The Presidency agreed to submit a text to the Working Party before its next meeting.

b) List of non admissible persons (article 10)
(Doc. 9218/94 ASIM 173)

In the 1991 version of the Convention, third country nationals who were family members of Community nationals could be put on the common list of non admissible people.

In the new draft Convention, Paragraph 1a ii) now excludes such a possibility.

France and the United Kingdom delegations deem it important to include third country family members who are a possible threat to the "ordre public" on the common list. The Commission and the Netherlands are not in favour of retaining such a possibility.

A possible compromise would be to leave the question open by returning to a wording similar to that of the 1991 Convention.

The Presidency has suggested adding the following :

(i) a sentence to article 10 paragraph 2 :

"No nationals of Member States may, however, be put on the list."

(ii) a paragraph to Article 27 :

"The Provisions of this Convention shall not affect the scope of Community law provisions concerning Immigration and Residence."

The existing paragraph 2 of Article 27 would remain unchanged and become a third paragraph.

Discussions ensued on the merits of the proposal as well as on the role articles 11 and 12 could play in finding a compromise. No firm conclusion was reached. The Working Party agreed to discuss the issue again at its next meeting on 13 December 1994.

c) Adoption procedures of implementing measures (article 26)
(Docs. 9143/94 ASIM 170, 10667/94 ASIM 219 JUR 258)

Previous meetings showed that it would not be possible for all delegations to agree on any of the four alternatives put forward by the Presidency concerning voting procedures covering the implementing measures.

As a compromise, the Presidency had asked the Council's legal service to draft a text based on the principle of postponing the issue until after the coming into force of the Convention (10667/94 ASIM 219 JUR 258).

The Danish, French and Netherlands delegations were opposed to the proposal. Other delegations supported the principle. Greece, Italy and Spain entered scrutiny reservations.

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