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THE COUNCIL

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NOTE

from: Presidency

on : 28 January 1994

to : Working Party on Asylum

Subject: Implementation of Article K.5

- Defence of common positions in international organizations and at international conferences on the subject of asylum

This note concentrates on the field of asylum, since it is in this chapter of the priority work programme for 1994 (10684/93 JAI 12, point I.2, third indent) that the above issue is mentioned.

Any conclusions drawn from the examination of this note could, however, be applied to other fields covered by Title VI.

Brussels, 28 January 1994

IMPLEMENTATION OF ARTICLE K.5

(defence of common positions in international organizations and at international conferences) IN THE FIELD OF ASYLUM

I. INTRODUCTION

Article K.3 of the Treaty on European Union provides that, on the initiative of any Member State or the Commission, the Council may adopt joint positions. This provision applies inter alia to the field of asylum.

Under Article K.5, common positions adopted in accordance with the rules laid down in Title VI are to be defended by the Member States within international organizations and at international conferences in which they take part.

At its meeting on 29 and 30 November 1993, the Council made provision in the priority work programme for 1994 - by way of action in the field of asylum - for the adoption of a common position of the Member States in external bodies, in particular in the UNHCR Executive Committee and the Council of Europe.

With this in mind, and to facilitate the adoption of a common position by the Union, the following working rules are proposed. They are not exhaustive.

II. RULES

1. Principle

As far as possible, the Member States will try to adopt a common position on matters of common interest dealt with by international organizations or conferences. To this end, the Presidency, the other Member States and the Commission will be able to put forward initiatives.

Discussions will aim to identify the key issues for the Union and its Member States and to establish a common position where possible.

2. Preparatory discussions

At the beginning of each six-month period, the Secretariat will draw up a schedule of meetings concerning asylum which will take place in international bodies. For this purpose it will use the information supplied by the bodies themselves, the Member States and the Commission.

The inclusion of a meeting in the schedule will not depend on its being attended by all twelve Member States.

The points to be taken into consideration are as follows:

- prior adoption by the Council of an act concerning a subject covered by Title VI;

- the fact that the findings of the international bodies could affect future work by the Twelve.

Informal international consultations between the relevant departments of national administrations could be a matter for consideration during the discussions.

Preparation for proceedings will take place in the Working Party on Asylum in sufficient time before the international meeting, bearing in mind that a common position has to be submitted to the K.4 Committee and COREPER and to be adopted by the Council (as an "A" item where appropriate).

The discussions will be determined by the agenda for the international meeting and by the working documents drawn up for the meeting, if these are available.

If no points of major importance are involved, the Council will not adopt a common position, although the Member States could try to establish a co-ordinated view.

3. **Conduct of proceedings**

Where necessary, further co-ordination meetings will be held on the spot during the meeting, on the initiative of the Presidency or at the request of Member States or the Commission. As a rule, an initial meeting will be held before the start of any international proceedings.

Secretarial services for the co-ordination meetings will be provided by the General Secretariat of the Council.

When the Union has established a common position or a co-ordinated view, the Presidency will defend it if the Member States agree. However, it will also be possible at any time for a common position to be defended by Member States in the course of proceedings.

The results of the proceedings will be submitted to the Working Party on Asylum for approval and, if necessary, to the other relevant bodies for their opinion.