

K4
7.6

EUROPEAN UNION
THE COUNCIL

Brussels, 14 July 1994 (25.07)
(OR. f)

SEMDOC

Statewatch European Documentation &
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8226/94

RESTREINT

CK4 58

NOTE

from: General Secretariat

to : K.4 Committee

No. prev. doc.: 6509/94 CK4 39

Subject: Publication in the Official Journal of the European Communities of the conventions signed between the Member States before the entry into force of the Treaty on European Union in areas which now fall under Title VI

The Member States concluded certain conventions before the entry into force of the Treaty on European Union, in areas which now fall under Title VI (Annex). None of those conventions has been published in the Official Journal.

Article 18(5) of the Council's new Rules of Procedure stipulates that the Council shall decide unanimously whether conventions signed between the Member States should be published in the Official Journal.

The General Secretariat of the Council considers it appropriate to refer to the K.4 Committee the question of whether, for reasons of transparency, the following should be published in the Official Journal:

- all the Conventions drawn up to date within the framework of former European Political Co-operation (judicial co-operation in criminal and civil matters);
- the Dublin Convention determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities.

The following questions arise in connection with publication:

1. Is signing by the twelve Member States necessary?

It will be noted that, among the Conventions quoted in the Annex, only Convention B1 has been signed by the 12 Member States.

Article 18(5) of the Rules of Procedure which applies to future conventions expressly refers to conventions signed "between the Member States" and does not mention "conventions signed by all the Member States".

- Publication of conventions which have not been signed by all the Member States is therefore possible.

The Spanish delegation entered a reservation on the publication of Conventions (A2 and A6) which Spain had not signed.

2. What must be published?

The texts of the conventions, including the preambles and the final provisions, must be published as well as the date on which and place at which they were opened for signature together with, if appropriate, an indication of the date of entry into force.

A progress report on signing and ratification could be published periodically (once a year).

3. Must conventions be numbered?

Taking other international organizations as an example, conventions are quoted by means of their date and place of signing and not by their serial number (e.g. Council of Europe Conventions). However, several delegations favoured numbering conventions. In that case it has to be established whether the proposed numbering system is acceptable.

4. Where should existing conventions be published?

All delegations can agree to Conventions being published in a special edition of the Official Journal, "C" series; the Commission preferred publication in the "L" series.

A. Conventions drawn up within the framework of former EPC

– in criminal matters

- A1. Agreement on the application between the Member States of the European Communities of the Council of Europe Convention on the Transfer of Sentenced Persons (Brussels, 25 May 1987).
- A2. Convention between the Member States of the European Communities on Double Jeopardy (Brussels, 25 May 1987).
- A3. Agreement between the Member States of the European Communities on the Simplification and Modernization of Methods of Transmitting Extradition Requests (San Sebastian, 26 May 1989).
- A4. Convention between the Member States on the Transfer of Proceedings in Criminal Matters (Rome, 6 November 1990).
- A5. Convention between the Member States of the European Communities on the Enforcement of Foreign Criminal Sentences (Brussels, 13 November 1991).

– in civil matters

- A6. Convention abolishing the Legalization of Documents in the Member States of the European Communities (Brussels, 25 May 1987).

A7. Convention between the Member States of the European Communities on the Simplification of Procedures for the Recovery of Maintenance Payments (Rome, 6 November 1990).

B. Conventions drawn up by the Member States in the area of asylum

B1. Convention determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities (Dublin Convention) (Dublin, 15 June 1990).

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ADD 1
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from : Presidency

to : Council General Secretariat

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On page 5 (Annex) of the above document a point C, worded as follows, should be added:

"(C) Conventions between Member States in the customs area

- C1. Convention between the EC Members States on mutual assistance between the customs administrations of 7 September 1967 including the Additional Protocol of 7 September 1967 and the Protocol on the accession of Greece of 7 September 1967."
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