

JHA K4
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OUTCOME OF PROCEEDINGS

of: K.4 Committee

on: 21 and 22 September 1994

The K.4. Committee met in Brussels on 21 and 22 September 1994. Its findings are summarized below.

1. Adoption of the agenda

The Committee adopted the agenda in 9320/94 OJ/CK4 7, having agreed that items 9.1. and 9.2. below would be discussed under "Other business".

2. Draft Convention on the establishment of Europol, in particular

- areas of activity
- legal recourse
- auditing
- parliamentary control

(8074/1/94 EUROPOL 64 REV 1
3133/94 EUROPOL 66
9251/94 EUROPOL 95)

The results of the discussions of the K.4 Committee on this point are set out in 9571/94 EUROPOL 100.

3. Outcome of the Berlin Conference on 8 September 1994
(8990/3/94 ENFOPOL 107 REV 3)

1. The Committee discussed the outcome of the Berlin Conference on 8 September 1994.

In conclusion, the Committee adopted the declaration in 9533/94 CK4 72.

The Belgian delegation insisted on the need to stipulate which of the subjects referred to in 8990/3/94 ENFOPOL 107 REV 3 were to be examined in the near future.

Several delegations were in favour of involving other countries in the cooperation. The Baltic countries, Belarus, Ukraine, Cyprus and Malta were mentioned. Other delegations said that for the time being only the CCEE should be involved.

The Presidency said that it would examine the suggestion made.

The Presidency drew attention to the fact that the joint meeting with the CCEE held in Berlin on 8 September 1994 had taken place at the instigation of the Corfu European Council. The European Council's instructions had referred specifically to the associated CCEE but this did not rule out contacts with other third countries on the topics discussed in Berlin on the basis of 8808/94 CK4 64.

One delegation was opposed to the K.4 Troika being asked, while the Groups were still discussing the choice of topics, to contact the CCEE regarding their suggestions and wishes for future cooperation. The first step was rather to establish the Union's position before going on to discussions with the CCEE.

2. Summing up the discussion on the contacts to be made in the near future, the Chairman concluded that the CCEE's suggestions should be taken into consideration in the proposals to be drawn up by the Groups.

The Presidency would try to obtain the information necessary for a better picture of the CCEE's views on future cooperation and would be seeking the support of other Member States for that purpose.

4. Budget for the "third pillar"

A. 1994 budget

The Commission pointed to its general obligation to implement the budget, and to the fact that the remarks on Article B5-3000 "Measures concerning the internal market" allocated ECU 2 million to cooperation between police authorities ⁽¹⁾. If that appropriation were to be usable, the Council would have to take a decision at its meeting on 30 November and 1 December 1994.

The representative of the Council Legal Service presented his opinion, set out in 9295/94 JUR 207, which was that a legal basis was indeed necessary.

(¹) It should be noted that the remarks on Article B5-3000 have been corrected (OJ No L 169, 4.7.1994) and now read as follows:
"ECU 2 000 000 is intended for cooperation between police authorities (seminars and cross-border training sessions, etc.) either in connection with measures concerning the internal market or pursuant to the provisions in the Treaty on European Union on cooperation in the fields of justice and home affairs (Articles K.1(9) and K.8(2))."

In his view expenditure on training was operational expenditure and a Council decision under Article K.8(2), first indent, was also necessary if it were to be charged to the Community budget.

Most delegations hoped that by taking a pragmatic approach it would be possible to use the appropriations entered.

Some delegations, however, voiced misgivings, in the absence of an analysis of requirements and clear agreement on the way in which Article K.8 was to be applied.

Closing the discussion, the Presidency announced that before the Committee's next meeting it would prepare a draft joint action taking into account the suggestions made by the Commission (8823/94 CK4 65), Greece (9413/94 CK4 68), Portugal (9374/94 CK4 67), Germany (9443/94 CK4 71), Belgium and Steering Group I (9424/94 CK4 69).

B. 1995 budget and implementation of Article K.8

Having taken stock of the current budget procedure, the Chairman asked the Member States to start considering what measures could be financed from the appropriations likely to be entered in the 1995 budget.

Delegations stated their basic positions regarding implementation of Article K.8 and in particular the distinction between administrative expenditure and operational expenditure. Some delegations wanted the question of financing to be examined in tandem with the work programme. There was also a request for "ground rules" to be laid down, so that the Council did not have to decide on every individual dossier.

The Committee agreed to re-examine the matter in the near future.

5. Article K.5 of the Treaty on European Union: common positions in international organizations
(8225/94 CK4 57)

The Committee adopted the document to be submitted to the JHA Council as an "A" item on 30 November 1994.

6. Publication in the Official Journal of Conventions signed before the entry into force of the TEU
(8226/94 CK4 58 + ADD 1)

The document could not be approved as one delegation considered that conventions which its government had not signed could not be published.

The Presidency does not therefore intend to pursue the matter further; it will return to it, if appropriate, in the light of any new developments.

7. Relations with the United States and Canada
(7999/94 JAI 25)

Following an exchange of views, the Committee agreed to instruct Steering Group II to examine 7999/94 JAI 25, to make proposals regarding future cooperation with the United States and Canada and to report on its findings.

A reply could be sent to the letters from the United States and Canada to the Belgian Minister for Justice once the Council had taken its decision on relations with third countries (8808/94 CK4 64).

8. Outcome of the meeting of the Vienna Group on 12 and 13 September 1994

- Information from the Presidency

The Presidency informed the Committee of the recommendations adopted following the Vienna Group's meeting.

The Group would no longer meet as an independent forum and the cooperation for which it had been responsible should continue in the Council of Europe and other appropriate fora, such as the Budapest Group. The necessary adjustments would be made to the activities and structures of the Council of Europe so that all the Member States of the Vienna Group could continue to participate in the proceedings. Ministerial meetings on immigration would continue in the framework of the Council of Europe to prepare guidelines for stronger East-West cooperation.

9. Other business

9.1 Racism and xenophobia

The representative of the General Secretariat briefed the Committee on the first meeting of the Consultative Commission on Racism and Xenophobia, held on 19 September under the chairmanship of Mr Jean KAHN. Two eminent personalities from the European Parliament and one from the Council of Europe had been invited to take part in the proceedings. The Committee had organized its work schedule for the coming months. In accordance with the instructions given in Corfu, it would be submitting an interim report for the European Council in Essen.

9.2 Naples Conference on organized crime, 21 to 23 November 1994

The Committee asked the Italian delegation to supply details on the above meeting.

It instructed the Group on Drug Trafficking and Organized Crime to prepare the Union's participation in the Conference with regard to matters covered by the third pillar, in consultation in particular with the Group on International Organized Crime.

9.3 Public access to information

The French delegation drew the Committee's attention to the decision recently taken by the Council, at Coreper's suggestion, to make available certain documents relating to CIREA.

It wished the Committee to consider how the procedure decided on by the Council on 20 December 1993 was to be applied to Title VI documents.

It was agreed to return to the subject later.
