Meeting of the Council (Justice and Home Affairs)
Luxembourg 20/21 June 1994

Items 9 and 10: Customs Information System and European Information System

SPEAKING NOTE

The Commission's view on the institutional questions being submitted to the Council is as follows:

EUROPEAN PARLIAMENT

We attach the highest importance to respecting the letter and spirit of the Treaty on European Union as far as consultation of the European Parliament is concerned. Given the importance which we all recognise must be accorded to the two Information Systems and the discussion, confirmed by the highly commendable efforts by the Presidency to reach a conclusion during the last six months, it is inconceivable from the Commission's point of view that they do not meet the criteria of Article K.6, i.e. that they must both be regarded as "principal aspects of the activities in the areas referred to in this Title". To claim that the two instruments are less than that is to distort and belittle their importance. Once that has been established, there is no doubt in the Commission's mind that we are in the area of the second paragraph of Article K.6, i.e. that the obligation is to consult, not merely to inform, the Parliament. What form that consultation should take will be the Presidency's responsibility.

You will recall that in the case of the External Frontiers Convention, the decision was taken to send the Parliament a text of the Convention and invite their comments which were provided with commendable speed.

I would also recall that the reason why the Council agreed to consult the European Parliament on the draft External Frontiers Convention, and indeed on the text of the Convention itself, was the direct link between that Convention and another instrument on which the Parliament was being consulted, namely the Article 100C Visa proposal. I would argue that this same consideration applies to both the Conventions under discussion today.

The European Information System Convention provides for an instrument which is part of the External Frontiers Convention on which the Parliament has been consulted. However, the purpose of the Custom Information System Convention is to complement, in the areas covered by Title VI, the provisions of the draft regulation which will provide the legal basis for the same System in First Pillar matters. If, therefore, this link with other instruments was a determining factor in the case of the External Frontiers Convention, surely it is so also in these two cases.