

9148/95

LIMITE

CK4 34

OUTCOME OF PROCEEDINGS

of: K.4 Committee

on: 4 July 1995

1. ADOPTION OF THE AGENDA

(8650/95 OJ/CK4 6)

The Committee adopted the agenda set out in 8650/95 OJ/CK4 6, with the addition under "other business" of the items "Public access to Council Decisions within the framework of Title VI" and "Setting up of new working parties".

**2. FOLLOW-UP TO THE DECISIONS ADOPTED AT THE JHA COUNCIL ON 20
AND 21 JUNE 1995**

(a) Burden-sharing with regard to the admission of displaced persons on a temporary basis

(8594/95 ASIM 206)

The Austrian delegation presented 8594/95 ASIM 206, which it had drawn up in agreement with the German and Netherlands delegations.

Steering Group I was asked to continue discussion of this document.

(b) Crime prevention - Proposal from the Swedish delegation

(SN 134/95)

The Swedish delegation presented its suggestions concerning cooperation on preventing crime within the European Union (set out in SN 134/95), as a follow up to the statement made by the Swedish Minister at the JHA Council meeting on 20 and 21 June 1995.

After a brief discussion on the desirability and possible arrangements for such cooperation, the Presidency suggested that this item be included on the agenda for Steering Group II on 5 July 1995.

(c) Relations with third countries (8540/95 JAI 28 and 8612/95 JAI 30)

(i) Contacts with third countries

The Committee discussed contacts with third countries following the meetings held on 20 and 21 June 1995 with the associated CCEE and the Baltic States (see 8540/95 JAI 28) and with delegations from the United States, Canada, Cyprus and Malta (see 8612/95 JAI 30). The Presidency announced that it would submit a note to the Permanent Representatives Committee on this subject.

The Committee noted that in general it could be concluded from these meetings that encounters of this kind should cover more precise topics and be more carefully prepared. One or two priority topics should be set for each group of countries.

The Belgian delegation considered that, in the present half year, priority should be given to contacts with the associated CCEE and the Baltic States, to the transatlantic dialogue and to the Euro-Mediterranean Conference. It wondered whether immigration matters involving the associated CCEE and the Baltic States should be examined by CIREFI or rather by Steering Group I or the K.4 Committee, given their comprehensive nature. Contacts with the United States should concentrate on the Police Academy in Budapest.

The Committee agreed to ask the Steering Groups to identify one or two topics for each group of countries. At the same time it was desirable to make full use of the possibilities offered by the new system of contacts by means of meetings at expert level and contacts with the Council General Secretariat and the Commission.

(ii) Langdon report

The Commission representative reminded the Committee that the PHARE programme provided for action in the areas covered by the Third Pillar and that Mr Langdon, who had been appointed to define the needs of the CCEE in this area with their future accession in mind, would shortly be meeting the Ambassadors of the countries concerned.

The Committee could consider inviting Mr Langdon to present his report, which should be ready in September 1995, at its October 1995 meeting.

(d) Brussels II Convention

In the light of the instructions given by the Council, the Committee instructed Steering Group III to continue work on the draft Convention, and include in its scope ancillary applications concerning the exercise of parental authority over the children of both spouses.

(e) Extradition Convention

The Committee instructed Steering Group III to continue work on the draft Convention to improve extradition between Member States of the European Union, taking into account the draft Convention submitted by the Spanish Presidency (8488/95 JUSTPEN 97).

3. FOLLOW-UP TO THE DECISIONS CONCERNING THE THIRD PILLAR ADOPTED BY THE EUROPEAN COUNCIL HELD IN CANNES ON 26 AND 27 JUNE 1995

(8605/95 JAI 29)

(a) Conventions on Europol, CIS and Protection of the Communities' Financial Interests

Several delegations regretted that examination of the question of possible jurisdiction for the Court of Justice to give preliminary rulings in connection with the Europol Convention had been postponed. Furthermore, it would be illogical if the Cannes conclusions did not apply to the other two Conventions.

The representative of the Council Legal Service stated that any conferring of jurisdiction to give preliminary rulings had to be expressly laid down in the texts of the Conventions.

Most delegations said that they would specify their positions at the Coreper meeting on 5 July 1995.

(b) Dublin Convention

In the light of the guidelines issued by the European Council, which asked the various States concerned to expedite the procedure for ratifying the Dublin Convention, the K.4 Committee took note of the progress of ratification procedures in those Member States and of the prospects for the accession of some of the new Member States to the Convention.

The Committee instructed Steering Group I to monitor progress in this area.

(c) Drugs

The K.4 Committee discussed the organization of the proceedings of the group of experts from the Member States which was to submit an analytical report to the European Council in December, accompanied by proposals on the practical implementation of the strategy involving reducing supply, combating trafficking, and international cooperation.

The French delegation felt that the group should consist basically of experts in the matters covered by Article K.1(9) of the Treaty on European Union.

The Spanish delegation thought that the national drug coordinators were the best qualified to do this work. The German delegation, on the other hand, said that the group referred to in the Cannes conclusions was not the same as the national drug coordinators' group.

The Presidency and the Commission representative told the Committee that a Conference was likely to be held in December 1995 under the auspices of the Commission and the Presidency, attended by representatives of the Member States and of the European Parliament. That Conference would cover all drug problems, with particular reference to the report from Mr Santiago de Torres on the application of Article K.1(4) of the TEU.

The Presidency said that it would make its intentions clear very shortly, taking into account:

- the overall nature of the matters to be examined, including those relating to Article K.1(9) which were of some urgency;
- the report from Mr Santiago de Torres;
- the aforementioned Conference;
- the need to avoid any overlap with the work of existing bodies and fora;
- the proceedings of the EDU and the EDMC.

The group of experts – whose members could, but need not necessarily, be the national drug coordinators – could hold an initial meeting in September.

(d) Racism and xenophobia

The Committee took note of the new mandate from the European Council set out in 8964/95 RAXEN 33 + COR 1.

4. WORK PROGRAMME FOR THE THIRD PILLAR FOR 1995: PROCEEDINGS DURING THE SECOND HALF OF THE YEAR

(8626/95 ASIM 207 and 8719/95 ENFOPOL 63)

The Presidency presented the priorities of the three Steering Groups as set out in the abovementioned documents.

The Chairmen of the Groups would present their respective work programmes at the individual meetings of their Steering Groups.

The Belgian delegation suggested systematic monitoring of the implementation of decisions taken under the Third Pillar.

5. EUROPOL CONVENTION

- Further work
- Protocols implementing the Convention

See point 3.(a).

6. FINANCING OF TITLE VI : PROJECTS WHICH COULD BE FINANCED UNDER THE 1995 BUDGET

The Committee took note of the following guidelines:

In view of the joint action and the decision approved with regard to Title VI financing, the Presidency suggests that the K.4 Committee adopt the following implementing arrangements:

Requests for financing must be submitted via the Permanent Representations, if possible before 31 July 1995.

Such requests must be substantiated in relation to existing budget appropriations and include the information necessary to enable the Commission to prepare them for decision.

The Working Party referred to in Article 4 of the Decision will consist of the Counsellors from the Permanent Representations responsible for JHA matters.

The Commission will be asked to provide the necessary technical support for proper formulation of financing requests or, if necessary, for supplementing the information relating to them.

The Counsellors will meet on 18 July to discuss this matter.

The Commission representative told the Committee that:

- for the Counsellors' forthcoming meeting the Commission would draw up a check-list of the rules and criteria to be observed, under the Financial Regulation applicable to the general budget of the European Communities and its implementing regulations, for submitting projects to be financed;
- projects to be financed from the 1995 budget should be submitted as soon as possible, given the length of the procedure, particularly when the expenditure exceeded a certain amount (currently ECU 42 000);
- projects already submitted before adoption of the Decision would have to be recast on the basis of the check-list.

A sum of ECU 2 200 000 was currently available for police cooperation, along with ECU 500 000 for transparency. ECU 2 500 000 would be released later in the year for the other aspects of JHA cooperation, once a transfer had been approved by the Budget Authority.

When the Italian delegation asked whether these appropriations could be used to finance projects relating to burden-sharing, the German delegation stated that it could not agree to such expenditure being financed from the general budget of the Communities.

The Commission representative gave a reminder that, in addition to the appropriations mentioned above, there was a sum of ECU 200 000 under the budget heading of the European Refugee Fund, and he invited suggestions from the Member States as to how this sum could be used.

7. OTHER BUSINESS

(a) Public access to Council Decisions within the framework of Title VI of the Treaty

The German delegation presented document 7013/95 JAI 16. The Committee agreed to put this item on the agenda for its next meeting.

(b) Setting up of new working parties

The Presidency suggested setting up two new working parties; the working party on mutual assistance in criminal matters and the technical and forensic police working party; it would submit the matter to the Permanent Representatives Committee.
