

6684/95

LIMITE

CK4 21

OUTCOME OF PROCEEDINGS

of: K.4 Committee

on: 7 April 1995

1. Adoption of the agenda

(6277/95 OJ/CK4 3)

The agenda as contained in the above document was adopted, with the inclusion under "Other business" of visa questions relating to Romania and a question concerning Burundi.

During the discussion of this item the Committee held a wide-ranging debate on its own role and the organization of its work.

2. Organization of Presidency proceedings

(a) Report on the hearing before the European Parliament's Committee on Civil Liberties and Internal Affairs

The Chairman gave a report on his meeting with this Committee on 23 May 1995, when the main topic had been the outcome of the JHA Council meeting on 9 and 10 March 1995.

(b) Timetable

The Chairman confirmed that an informal meeting of Interior Ministers would be held in Paris on the afternoon of 19 April. He also announced that the K.4 Committee's next two meetings would take place on 4 and 5 May and 6 and 7 June.

3. Relations with third countries in the JHA sector

(a) Procedures and programmes of meetings

(5121/1/95 JAI 4 REV 1

5376/95 JAI 7

5970/95 JAI 12)

Several delegations, including the German delegation, emphasized the importance of the Troika holding a ministerial-level meeting with Norway as early as June 1995 to examine problems concerning movement of persons. The Belgian delegation said that this meeting called for careful preparation by the relevant authorities of the Fifteen.

The Presidency explained that scheduling the Troika's meeting with Norway for the second half of 1995 should in particular enable Steering Groups I and II to make due preparations for it in close cooperation with the experts from Norway.

Steering Group I could address matters relating to common borders, the free movement of persons and Norway's membership of the Nordic Union.

Steering Group II could deal with matters relating to drugs, organized crime and terrorism.

The chairmen of these groups would keep in touch with Norway.

(b) CCEE:

Implementation of the Berlin Declaration and follow-up to the Troika on

19 January 1995

(4413/95 CK4 3)

The Presidency gave a reminder that, following the meeting between the K.4 Committee Troika and the CCEE (see 8649/94 CK4 61), questionnaires had been drawn up by Steering Group III (see 5772/95 JUSTPEN 38) and the Customs Cooperation Working Party and the Police Cooperation Working Party (see 4893/95 ENFOCUSTOM 6 and 4202/95 ENFOPOL 11 respectively). Four priority measures mentioned in the Berlin Declaration would be examined by the Working Party on Drugs and Organized Crime at its next meeting.

The Presidency would be asking Coreper to approve the holding of a technical meeting between CIREFI and the CCEE on 8 May 1995. It was also considering a seminar on drugs and organized crime that would be attended by the CCEE.

The Netherlands delegation said that, during preparations for the next meeting of Steering Group III, and together with the German and Austrian delegations, it would put forward measures concerning judicial cooperation with the CCEE in civil matters. It was agreed that the problem of visas would be discussed by CIREFI.

Further to the comments by the Danish, German, Belgian and Netherlands delegations, the Presidency said it would make a request to the presidencies of the three steering groups that at their next meetings they should identify the priority topics for dialogue with the CCEE. The Presidency would then put forward proposals on this subject at the K.4 Committee's meeting on 4 and 5 May 1995, when the advisability of a preparatory meeting between the Troika and the CCEE would also be discussed.

The Presidency's ideas were approved by the Committee.

(c) Guidelines in the framework of the transatlantic dialogue

(11998/94 ENFOPOL 160
4413/95 CK4 3)

1. Several delegations said that the dialogue with the United States should continue to be given priority.

The Belgian delegation was concerned at the lack of follow-up to the suggestions made by the United States delegation at the Troika's ministerial meeting in Luxembourg in June 1994 (7999/94 JAI 25).

The Presidency said that a thematic meeting with the United States, on drugs and organized crime, was scheduled for May 1995, in preparation for the Summit in June 1995 in Halifax.

Steering Group II was instructed to examine 11998/94 ENFOPOL 160 at its meeting on 12 April 1995. On the basis of the results of that meeting and any comments on the document – which would have to be sent to the Presidency by 15 April 1995 – the Presidency would submit to the K.4 Committee meeting on 4 and 5 May a document to be used in preparing for the thematic group in May 1995.

2. Budapest Police College: exchange of views

The Committee had a broad exchange of views on the Budapest Police College and approved the draft of a letter to the United States authorities which is set out in SN 2110/95. It was agreed that the subsequent task of working out the details of the Union's involvement in the College's activities would have to be given to Steering Group II. It was agreed that a letter to the CCEE should be drawn up setting out the K.4 Committee's position in this matter.

(d) The Union's Mediterranean policy

(4858/95 CK4 12
5154/95 CK4 14)

The Presidency informed the committee that in 6409/95 MED 13 – to be submitted to the Council on 10 April 1995 – account was taken, notably on page 17, of the work being done under the Third Pillar. The dossier would eventually be submitted to those bodies.

(e) Cyprus and Malta:

- Follow-up to Coreper on 16 March and preparation for the General Affairs Council meeting on 10 April 1995
(4413/95 CK4 3)

The Committee's discussions concerned the organization of the ministerial-level meetings between the Troika and these two countries in June.

The report by the Ambassadors of the Fifteen in Malta had revealed problems concerning visa policy and accession to the relevant international conventions on drugs, terrorism and organized crime. These points had to be dealt with in the dialogue with Malta.

The Committee was informed by the Greek delegation that the Government of Cyprus would shortly be putting forward suggestions concerning the dialogue with that country.

(f) Other third countries

Regarding Norway, see item 3(a).

4. EUROPOL

- Progress report
- Institutional questions
(6266/95 EUROPOL 48)

- (a) The K.4 Committee discussed institutional questions with a view to the informal Council meeting in Paris on 19 April 1995. The Presidency put forward document 6266/95 EUROPOL 48, which it saw as a starting-point for the discussion.

It acknowledged that there was a link between the solution to be found to the question of access to information and the institutional questions regarding channels of appeal.

The Presidency's approach was welcomed by most of the delegations. A number of delegations, however, thought that the basis for discussion provided by 6266/95 EUROPOL 48 was too limiting. The new document to be drawn up by the Presidency would have to take account of the K4 Committee's discussions at its meeting in Nuremberg on 12 and 13 October 1994. The following insertions would have to be made:

- as regards relations with the European Parliament: the option set out in Annex II to 10181/94 CK4 82;
- as regards budgetary control: the guidelines contained in 9042/94 CK4 77;
- as regards the channel of appeal: the possibility of an appeal to the Court of Justice as provided for in Article K.3(2)(c) of the TEU.

The Presidency was willing to make reference in an amended version of 6266/95 EUROPOL 48 to the above options on informing the European Parliament and budgetary control. On the same basis, the possibility of an appeal to the Court of Justice would be mentioned. The document would also take into account the outcome of the proceedings of Steering Group II at its meeting on 12 April 1995.

The Netherlands delegation said that, in accordance with the conclusions of the Essen European Council, the discussions on institutional questions would have to be based on 10434/2/94 EUROPOL 112 REV 2.

- (b) The Presidency reported to the Committee on the contacts with heads of the data-protection bodies of the Member States of the Union, who were asking to be consulted on data-protection provisions in the draft Convention on the establishment of Europol.

The Committee agreed to consider the question of whether and how these bodies should be consulted and to discuss it at its next meeting.

5. Legal implications of the instruments provided for in Article K.3(2) of the TEU

(9500/93 JUR 131
12264/94 JUR 295 ASIM 237)

After discussion, it appeared that most Member States agreed with the Legal Service view that *"joint action adopted by the Council on the basis of Article K3(2)(b) of the TEU is obligatory in law and that the extent of the obligation on the Member States depends on the content and the terms of each joint action"*.

Only the United Kingdom and Portuguese delegations were not fully in agreement with this approach. They considered that joint actions were not automatically of a legally binding nature. Not only the implications of a joint action but also the whole question of whether it was legally binding depended on its actual text.

The Committee noted that this difference of view did not prevent the use of joint actions as provided for in Article K.3(2)(b) of the TEU.

6. Guidelines for Title VI financing

– Summary of the situation

(5116/95 JAI 3
5739/95 JAI 11
6038/95 JAI 13
4589/95 JUR 20 CK4 7)

The Presidency gave the Committee a report on the discussions in Coreper.

The positions stated in Coreper on 23 March 1995 (6038/95 JAI 13) were confirmed. The German delegation would make a written proposal to help find a solution. The Committee noted that Coreper would continue its discussions.

7. Other business

– Opinion the visa situation vis-à-vis Romania (with a view to the European Union/Romania Association Council meeting on 10 April 1995 (6362/95 ASIM 117)

This item had been requested by the Belgian delegation, which drew attention to the Romanian position as described in the above document.

As the Visa Working Party had given its opinion, and the Union would take a non-committal position in the Association Council on 10 April, it was agreed that the opinion should be sent to the relevant subordinate bodies of the General Affairs Council.

The Spanish delegation asked for the council's and Commission's Legal Services to give their opinions on the legal possibility for the Member States to issue national visas after the Union's adoption of the list of third countries whose nationals required visas.

– Burundi

The Commission drew delegations' attention to the common position of 24 March 1995 defined by the Council on the basis of Article J.2 of the TEU with regard to Burundi (OJ No L 72, 1.4.1995, page 1).

In it, the Union states that it is prepared to assist in restoring the rule of law and strengthening the Burundi judiciary system, inter alia by giving help with the training of magistrates (through the implementation of a programme of assistance to the judiciary system).

The Committee agreed to have this question examined by Steering Group III.
