

JHA K4
21. MINS

6622/96

LIMITE

CK4 8

OUTCOME OF PROCEEDINGS

of : K.4 Committee

on : 1 April 1996 in Rome

1. Adoption of the agenda

The agenda was adopted with the addition of the following "Other business" items:

- ~ Eurodac
(requested by the Presidency)
- Intergovernmental Conference
(requested by the Austrian delegation)
- Discussions on the International Criminal Court
(requested by the Belgian delegation).

The Commission also circulated during the meeting a draft report on cooperation in combating drugs in the Caribbean.

2. Follow-up to the JHA Council meeting on 19 and 20 March 1996

- (a) Multiannual work programme
(5837/96 JAI 21 and 5365/96 JAI 10)

The Presidency circulated a draft Council Resolution adopting the multiannual work programme in the form of a meeting document. It stressed that the only purpose of the document was to provide ideas for discussion by the Committee

and to illustrate the form which the multiannual work programme – taking into account the directives given by Ministers at the JHA Council meeting on 19 and 20 March 1996 – should take.

Without prejudice to a more detailed examination, most delegations found the document a useful basis on which to work. A number of additions and amendments were proposed, both for the recitals and for the body of the Resolution.

The Committee agreed that the draft, as adapted in the light of these comments, would be re-examined by the JHA Counsellors, so that it could be discussed in detail at the Committee's next meeting (13 and 14 May 1996) and adopted by the JHA Council on 4 and 5 June 1996.

(b) Draft Convention on extradition

The Chairman of the Working Party on Extradition gave a progress report.

The Committee reaffirmed the importance of concluding discussions at Working Party level as quickly as possible, and submitting the dossier to the JHA Council in June.

(c) Structured dialogue with the CCEE, Cyprus and Malta
(5659/96 JAI 17)

The Committee welcomed the guidelines which had emerged from the meeting on 20 March 1996. They must now be put into effect.

The Danish and Swedish delegations emphasized the importance of the structured dialogue. The Danish delegation thought the Union should define what it expected from the applicant countries, with due regard for their diversity.

The Belgian delegation said that easing of restrictions on the movement of persons must be offset by greater security.

The Committee agreed to instruct the three Steering Groups to define the *acquis*.

(d) ILEA

- (i) Follow-up to the meeting of Directors of Police Academies on
22 March 1996
(6139/96 ENFOPOL 63)

This item, which was also on the agenda for Steering Group II on 2 and 3 April 1996, was not discussed.

- (ii) Inauguration of the ILEA on 22 April 1996

See below under item 3(a)(iii).

- (e) Draft Convention on corruption
(6185/96 JUSTPEN 42)

The Presidency took a "tour de table" on how this subject should be dealt with and on the legal form chosen.

The great majority of delegations were in favour of a Convention, for which Article K.1(7) seemed an appropriate legal basis.

The French delegation set out its ideas regarding the choice of criminal matters for approximation of legislation and on the choice of the legal instrument. It would submit its position in writing.

The question of consulting the European Parliament was raised by the Commission and several delegations, and the Presidency was asked to make a proposal along those lines in the near future.

3. Relations with third countries

(a) Transatlantic dialogue

(5676/96 USA 6)

The Presidency informed the Committee of the state of implementation of the EU-United States joint action plan.

Cooperation in the areas covered by the first and second pillars was proceeding satisfactorily. However, there was legitimate cause for concern on several points in the "Global Challenges" section, which concerned cooperation covered by Title VI of the TEU. One positive aspect was cooperation on chemical precursors.

- (i) Several delegations argued that the third pillar must be actively involved in implementing the action plan. The plan, which set out specific cooperation measures, must be complied with. The United Kingdom delegation asked for a note to be drafted on the activities of the third pillar in this area.

The Belgian and Greek delegations suggested that Union representatives should take part in meetings of United States bodies dealing with immigration, asylum, and police, customs and judicial cooperation.

- (ii) With regard to specific points in 5676/96 USA 6, some delegations argued that the TELEDUG system and the Italian Judicial Training Centre really belonged in the context of bilateral relations between Italy and the United States.

Consideration should be given to the United States delegation taking part in a meeting of CIREFI/CIREA. The French delegation pointed out that a decision of this kind would have to be taken by the Permanent Representatives Committee.

In this context, the Presidency pointed out that the text of the action plan, which had been approved at the highest level, was binding.

- (iii) On the ILEA, the conclusions discussed at the Ministers' lunch on 19 March 1996 were confirmed, i.e.:

At the inauguration of the Academy, the Union would be represented by the troika at ministerial level; the other States could take part if they wished at a level which they would themselves determine.

Nevertheless, organized crime could not be the subject of a meeting at ministerial level in Budapest in which the European Union Ministers would take part.

However, a discussion on organized crime could be held at a purely technical level between experts (or Chiefs of Police), but without any policy statement being made.

Ministers felt that the European Union/United States talks should form part of the transatlantic dialogue and not take place in the presence of third States.

The Presidency added that it had contacted the Hungarian authorities on this matter. Member States could give the Hungarian and United States representatives in their countries their responses to the invitation to Budapest for 22 April 1996.

(b) Canada

(5991/96 CDN 1 and 6070/96 CDN 2)

(c) Russia

(4532/96 JAI 4)

(d) Andean Pact countries

(5863/96 ENFOPOL 60)

(f) Asia

(5576/96 PVD 11 PESC 60 (Asie))

The Committee did not discuss relations with Canada, Russia, the Andean Pact countries and Asia in detail.

(e) Follow-up to various seminars

The Committee welcomed the results of the seminar held in Budapest from 25 to 28 March 1996 on judicial cooperation between the Member States of the European Union, the CCEE and the Baltic countries.

Tangible and encouraging results were achieved at this seminar, the conclusions of which appear in 6219/96 JUSTPEN 44.

(g) Euro-Mediterranean Conference

The Presidency said that it was considering a meeting on drugs. In any event, the Presidency and the troika were continuing their talks with the countries of that region.

(h) In general, several delegations felt that the third pillar bodies should be fully involved in the Union's relations with third countries. The creation of new structures should be avoided. The K.4 Committee had a central role to play in this area.

In the light of these remarks, the Presidency announced that a note, drafted together with the Commission, would shortly be sent to the K.4 Committee. It would set out a global strategy vis-à-vis third countries, excluding the applicant countries.

4. Title VI financing

- Use of heading B5-801 appropriations

The Committee noted that:

1. there were 3 different categories of appropriations:
 - ECU 1,369 million available immediately (subject to adoption of a legal basis) for any type of JHA project;

- ECU 3,750 million available immediately for funding the EDU (or even – although this was in dispute, see below – for funding police cooperation) and
 - ECU 9,250 million placed in the reserve by the European Parliament;
2. the Council had asked the Legal Service whether heading B5-801 appropriations could be used (in accordance with the remarks on the Article in question) for purposes other than those specified, i.e. funding the EDU (not all delegations backed the question to the Legal Service);
 3. there was no consensus on Community funding for the EDU;
 4. a majority of States preferred to divide up the ECU 1,369 million between a limited number of projects. Certain Member States proposed dividing up the appropriations left over from 1995 more or less equally between the following three categories of specific projects:
 - projects submitted by the Member States which fell within one of the categories of priorities set out in 5838/96 JAI 22 of 15 March 1996 (list to be reviewed);
 - Caribbean/Latin America initiative;
 - aid to the prospective new Member States of the Union (CCEE, Baltic States, Cyprus and Malta).

5. Other business

(a) Information on international meetings

- = 39th meeting of the United Nations Commission on Narcotic Drugs
(Vienna, 16 to 25 April 1996)
- = 5th meeting of the United Nations Commission on Crime Prevention and Criminal Justice
(Vienna, 21 to 31 May 1996)
(6218/96 JAI 24)

The Committee agreed on the guidelines set out in 6218/96 JAI 24 concerning the practical implementation of Article K.5 of the TEU.

The competent bodies of Steering Groups II and III have been instructed to prepare for these meetings as regards points covered by TEU Title VI.

(b) International Criminal Court

The Belgian delegation drew the Committee's attention to the work in progress aimed at setting up an International Criminal Court.

The Presidency suggested referring this matter to Steering Group III so that any coordination measures deemed necessary could be organized.

(c) Eurodac

The Presidency announced that a Eurodac meeting would take place on 15 April 1996, as the Eurodac project was to be submitted to the JHA Council meeting in June.

Some delegations (EL/NL) voiced a number of reservations on the principle of fingerprints.

(d) Intergovernmental Conference

The Austrian delegation regretted that the documents concerning the third pillar prepared by the Presidency for the Intergovernmental Conference had not been forwarded to JHA Ministers for their March Council meeting. Similarly, conflicts should be avoided between meetings of the IGC devoted to third pillar matters and meetings of the K.4 Committee.

Other delegations wanted information about the IGC discussions to be given at the JHA Council meeting.
