

SEMDOC

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DUBLIN CONV 2405/97

LIMITE

NOTE

from: K.4 Committee

to : Committee set up by Article 18 of the Dublin Convention

Nos prev. docs: DUBLIN CONV 2402/1/97 REV 1, 2401/97

Subject: – Draft Decision concerning provisions for the implementation of the Dublin
Convention
– Draft Decision laying down the Rules of Procedure of the Committee

1. At its meeting on 24 and 25 July 1997, the K.4 Committee recorded its agreement to the above two draft Decisions ⁽¹⁾, which are to be formally adopted by the Committee set up by Article 18 of the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990.
2. Since that meeting, those draft Decisions have been finalized by the Working Party of Legal/Linguistic Experts. The final provisions (Articles 29 and 6 respectively) of each draft Decision have also been amended to take account of the fact that the first meeting of the Committee set up by Article 18 of the Dublin Convention will be convened for 1 September 1997.

⁽¹⁾ The Netherlands delegation entered a parliamentary scrutiny reservation.

3. It is therefore suggested that at its meeting on 1 September 1997, the Committee set up by Article 18 of the Dublin Convention:

- (a) (i) adopt draft Decision No 1/97 of the Committee, concerning provisions for the implementation of the Convention, as set out in DUBLIN CONV 2403/97;
- (ii) approve the publication of that Decision in the Official Journal of the European Communities;
- (b) (i) adopt draft Decision No 2/97 of the Committee, laying down its rules of procedure, as set out in DUBLIN CONV 2404/97;
- (ii) approve the publication of that Decision in the Official Journal of the European Communities;
- (iii) decide to have the first draft statement in the Annex to this note entered in the minutes of the Committee's meeting; and
- (iv) request entry of the second draft statement in the Annex to this note in the minutes of a forthcoming Council meeting.

1. Draft statement for entry in the minutes of the Committee, concerning the publication of its decisions in the Official Journal of the European Communities

The Committee states that it is in favour of acts adopted by it which are general in scope or impose mandatory provisions being published in the Official Journal of the European Communities.

When adopting such acts, other than decisions taken under Article 16(3) and Article 17(2) of the Dublin Convention, the Committee will therefore as a rule decide that the acts in question are to be published in the Official Journal, save where at the request of any of its members the Committee finds that the unanimity required for the purpose, by analogy with Article 18(3) of the Council's Rules of Procedure, is not forthcoming.

2. Draft statement for the minutes of the Council regarding publication in the Official Journal of decisions taken by the Committee

The Council states that it is in favour of acts adopted by the Committee set up by Article 18 of the Dublin Convention which are general in scope or impose mandatory provisions being published in the Official Journal of the European Communities.

When such acts are adopted by the Committee, the Council will therefore as a rule decide that they are to be published in the Official Journal, save where at the request of any of its members the Council finds that the unanimity required for the purpose, by analogy with Article 18(3) of its Rules of Procedure, is not forthcoming.
