Council No 7960/99
FauxDoc 6

EXPLANATORY MEMORANDUM ON JUSTICE AND HOME AFFAIRS MATTERS

Draft Council Decision on the improved exchange of information to combat counterfeit travel documents

Submitted by the Home Office on 17 May 1999

Subject Matter

1. This Explanatory Memorandum relates to a proposal for a Council Decision to establish a system for the improved exchange of information to combat counterfeit travel documents.

Ministerial responsibility

2. The Home Secretary has responsibility for policy on immigration issues including the issue of travel documents.

Legal and procedural issues

i) Legal basis

3. The proposal is made under Article 34(2)(c)TEC which allows for the Council to promote co-operation which contribute to the pursuit of the objectives of the Union and may adopt decisions for purposes consistent with the objectives of Title VI. The United Kingdom will wish to establish that this is a more appropriate legal base than Article 63 (3) (b) TEC, which addresses immigration policy to combat illegal immigration.

ii) European Parliament

4. Under Article 39 TEC, the Council is required to consult the European Parliament before adopting any measure referred to in Article 34(2)(b)(c) and (d).

iii) Voting Procedure

5. Article 34(2) provides that the Council will act the basis of unanimity except on matters of procedure. In this case, unanimity would apply.

iv) Impact on United Kingdom law

6. The proposal as it stands will not have any impact on United Kingdom law.

European Economic Area

7. As the proposal relates to the exchange of information between European Union Member States, it would not apply to, or involve, the non-EU EEA states.

Consultation with others

8. As an issue concerning operational issues internal to Member States, the Government does not propose to consult outside organisations.

Policy implications

9. This proposal is the redrafted version of FauxDoc 2, which was submitted for scrutiny under the pre-Amsterdam procedure on 26 February and has now been reformulated for presentation to the Justice and Home Affairs Council on 27-28 May. The redraft takes into account points raised by the United Kingdom at working group level and the Government is now content with the content of the text.

Financial implications

10. The Government considers that the financial implications arising from this proposal will be limited to the cost of staff time in completing, despatching, receiving and disseminating the completed forms.

Timetable

11. There is no specific time-table for the introduction of this measure.

PARLIAMENTARY UNDER-SECRETARY OF STATE
FOR THE HOME DEPARTMENT

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