EUROPEAN UNION
THE COUNCIL

Brussels, 31 January 1995 (13.02)
(OR. f)

4519/95

RESTREINT

CK4 6

OUTCOME OF PROCEEDINGS

of: meeting of the K.4 Committee Troïka with the CCEE

on: 19 January 1994

No. prev. doc.: 12030/1/94 CK4 97 REV 1

1. Introduction

In the context of the conclusions on relations with third countries adopted by the JHA Council at its meeting on 30 November and 1 December 1994 (see 11608/94 JAI 72), and following the conclusions of the Essen European Council concerning relations with the CCEE (see 12030/1/94 CK4 97 REV 1, pages 6 and 7 and 11 to 15) and the proceedings of the K.4 Committee on 19 and 20 December 1994, a meeting took place on 19 January 1995 between the K.4 Committee Troïka and representatives of the countries of Central and Eastern Europe.

The purpose of the meeting was essentially to:

– consider the short-term measures to be implemented following the Berlin Declaration (see 10950/94 JAI 54);

– take cognizance of proposals from the CCEE in other areas where cooperation was a matter of priority.

The results of the meeting are summarized below.

2. Situation in the CCEE

(a) The information supplied by the CCEE showed that they were faced with organized crime and drug trafficking to an increasing degree. On the domestic level, ministerial committees had been set up in the areas covered by the third pillar. At present, most of these countries were giving a high priority to the measures bringing them closer to the internal market.

(b) The following delegations gave details of the situation in their countries:

(i) Hungary

The Hungarian delegation said that since 1980 Hungary had sought international cooperation in the fields of Justice and Home Affairs by joining Interpol and updating the agreements on mutual assistance. The signing of the association agreements had required Hungary to harmonize its legislation. The opening of frontiers had led to an increase in organized crime and drug trafficking.

Hungary was an important country of entry. 100 million entries were recorded each year, 90 000 of which were illegal; 70 000 people had been expelled in recent years.

Hungary had concluded bilateral agreements with neighbouring countries on organized crime, drug trafficking and readmission. The readmission agreements had already entered into force. The relevant UN conventions on drug control of 1971 and 1988 had been ratified. Drug use had increased. Traffickers were punished severely under the new criminal code. Drug addicts received medical treatment. A new act had been drawn up for the law-enforcement agencies. Important texts of Council of Europe Conventions had been signed and ratified.

(ii) Romania

The Romanian delegation said Romania had undertaken to achieve greater compatibility between its legislation and that of the Union and its Member States. A ministerial committee was studying the question of accession to the two conventions mentioned in Article K.2 of the Maastricht Treaty, i.e. the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Convention on the Status of Refugees of 1951.

A new Constitution had been adopted. A law of 1992 had reorganized the judicial structure and provided for the restoration of the Court of Appeal. Texts adopted in the Council of Europe offered considerable assistance in devising an appropriate judicial system. Romania would play an active part in the various international meetings of Justice Ministers this year and would organize the informal meeting of Justice Ministers of the Council of Europe (5 to 7 June 1995).

All these efforts should place Romania in a better position to combat:

– the transit of drugs, especially by Turkish and Iranian traffickers;

– the illegal trade in arms from Ukraine and Moldova;

– the illegal trade in radioactive and nuclear substances.

(iii) Czech Republic

The Czech delegation said that, as a result of stricter controls, the number of illegal immigrants in the Czech Republic had fallen from 43 000 in 1993 to 20 000 in 1994.

(iv) Poland

The Polish delegation said that Poland now had a coordination structure. It circulated a document setting out what it saw as the priorities for cooperation in the area covered by the third pillar.

3. Requests made by the CCEE

(a) General cooperation

The Polish delegation made the following requests concerning general cooperation in the areas covered by the third pillar:

- observer status in the three Steering Groups;
- involvement in the activities of the working parties;
- organization of study visits and exchange of liaison officers;
- involvement of CCEE in joint actions;
- financial assistance for joint operational and analytical projects;
- organization of training courses in the Member States and the CCEE.

(b) The following specific requests were made at the meeting by CCEE delegations:

(i) Judicial cooperation

- compilation of an inventory of questions of international law (Czech delegation)

  A questionnaire listing the most important conventions could be drawn up.

- need for accession to the relevant European conventions (Hungarian delegation)
- free movement of judicial decisions (Hungarian delegation)

  Accession by the CCEE to the Lugano Convention could be envisaged.

- assistance in creating an appropriate legislative framework to combat organized crime (Slovak delegation)

– facilitation of cooperation between the judicial authorities in the CCEE and their counterparts in the Member States of the Union (Polish delegation)

– highly specialized technical assistance for judicial cooperation (criminal, civil, asylum and legislative procedures) (Polish delegation)

(ii) Police and customs cooperation

– more efficient exchange of information between Member States of the Union and the CCEE (Polish and Romanian delegations)

The Romanian delegation asked for such exchanges to cover in particular organized crime and the arms trade.

– promotion of cooperation between EDU/Europol and the CCEE authorities before the Convention establishing Europol came into force (Polish delegation)

– joint projects (analytical, operational) in areas such as car theft and the analysis and anticipation of drug-trafficking routes (Polish delegation)

– access to the Schengen data-processing system and the future Europol system (Slovak delegation)

– creation of a common database (Slovak delegation)

– dispatch of liaison officers (Hungarian delegation)

(iii) Cooperation on immigration and asylum

– exchanges of information with CIREFI, CIREA and EURODAC (Polish, Czech and Romanian delegations)

– technical and judicial cooperation on visa policy (Romanian delegation).

4. Positions of members of the K.4 Committee Troïka

The Troïka examined these requests in the light of the opportunities for implementing certain short-term measures provided for in the Berlin Declaration (see 8990/3/94 ENFOPOL 107 REV 3).

Cooperation on specific matters had to be seen in the context of the approximation of laws. The German delegation emphasized the effectiveness of CIREFI as an instrument of cooperation.

Assistance to these countries should seek the formulation of appropriate legislation. The Commission representative said that full use should be made of the possibilities offered by the relevant provisions of the association agreements in areas such as drugs, money-laundering and nuclear safety.

The Presidency said the question arose for the Union as to whether the subjects covered by the Berlin Declaration and the methods of cooperation were suited to the problems involved. The methods were as follows:

– signing and ratification of conventions
– approximation of laws
– specialized aid and assistance
– contacts and liaising
– participation in meetings of expert groups, such as CIREFI and CIREA
– practical organization of cooperation structures in the fight against organized crime.

With regard to the requests by the CCEE, the Presidency said that, during the examination of requests for access to databases and for participation in the proceedings of Union bodies, the constraints imposed by the various legal instruments and by the Council's rules of procedure had to be respected.

The German delegation favoured close cooperation on visa policy and immigration networks.

5. Conclusions

The Presidency drew the following conclusions:

(a) The meeting had enabled CCEE needs to be defined. The measures provided for in the Berlin Declaration appeared to offer ways of meeting the short-term needs of these countries.

(b) The Presidency would suggest to the K.4 Committee that the subjects be divided among the three Steering Groups, which could then consider in detail the content, extent and form of the relevant measures. Steering Group III could be asked to draw up a questionnaire on the important conventions. Steering Group I could start discussions on visa policy.

(c) When the appropriate bodies had completed their work, the Presidency would contact the CCEE to prepare for the ministerial meeting in June 1995. It might also wish to call a further meeting of the K.4 Committee Troïka and the CCEE. The CCEE were asked to appoint a contact person for matters covered by the third pillar.

(d) A meeting between CIREFI experts and experts from the CCEE would be held in the meantime, with particular reference to the subject of visas.

(e) The CCEE would receive information on the content of certain Union documents.

The Presidency said it would send these conclusions, which were approved by the CCEE representatives, to the K.4 Committee.