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Key texts on  
**justice and home affairs**  
in the European Union

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**Volume 1 (1976-1993)**

**From Trevi to Maastricht**

**60 reports and documents on policing, immigration and asylum, Ad Hoc Group on Immigration, legal cooperation, the Trevi group and “acquis”, the Schengen Agreement and “acquis”**

**A Statewatch publication**

**edited by Tony Bunyan**

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# Introduction

This is a reference book for researchers, lecturers and students, lawyers, journalists, community and voluntary groups. It is a unique collection of reports and documents. Few of the documents were available prior to their adoption or even after, and many are still not available through publicly accessible sources. Commentary on the texts is limited to placing them in context.

The decision to publish this volume was three-fold.

First, the issues covered - the structures, work programmes, police cooperation, immigration and asylum, legal cooperation, and the Schengen Agreement - need, in our view, to be seen as one, interrelated, development covering justice and home affairs in the European Union.

Second, the policies and practices adopted over this seventeen years period by the EU governments were subject to little or no democratic scrutiny in the European or national parliaments.

Third, all of these policies were developed in secret by Interior Ministry officials, police, customs, and immigration officials, and officers of the internal security services. In a field, which so critically affects the rights of citizens, refugees and asylum-seekers, we hope to start breaking through the "veil of secrecy" and to encourage critical, informed research and investigative journalism.

The documents have been gathered over the past six years as part of Statewatch's work monitoring the field of justice and home affairs in the EU. Some have been hard to obtain, some have been translated. In deciding which documents to publish as "full texts" we have had to exercise a judgement on the importance of certain issues. So, for example, all the available texts concerning the implementation of the Dublin Convention on asylum-seekers are included here - even one or two adopted a few months after October 1993.

Where possible the texts are taken from the reports actually adopted rather than from "official" or sanitised versions. Every attempt has been made to ensure the accuracy of the texts provided but we can take no legal responsibility for any inaccuracy.

\* \* \*

The documents cover the period 1976-1993 when cooperation between the member states of the European Union was based on a series of *ad hoc* arrangements.

The Trevi group was set up in 1976 covering terrorism, police and customs cooperation and this was followed in 1986 by the Ad Hoc Group on Immigration. In 1988 the ironically-named "Coordinators of Free Movement" was set up, their task was to create the structures which would enforce "Fortress Europe". It was their report to the European Council - the "Palma Document" - which set out for the first time a coordinated programme

covering policing, customs, terrorism, immigration and asylum, and legal cooperation. From 1987 twice yearly meetings were held of Immigration Ministers and Trevi Ministers in the country holding the EU Presidency.

The Maastricht Treaty signed by the EU governments in December 1991 came into force as the Treaty of European Union (TEU) on 1 November 1993. Chapter One traces the creation of the new "third pillar" structures which made the *ad hoc* arrangements permanent and created the Council of Justice and Home Affairs Ministers and the K4 Committee (the Coordinators' group by another name).

Most of the key documents concerning immigration and asylum policy are available and reproduced here. The same is not true in the field of policing and customs where several documents are not available - although a full list of adopted measures is provided in Chapter 2. The area of legal cooperation is quite complicated being largely comprised - in this period - of a concerted attempt to get all member states to ratify selected Conventions agreed by the Council of Europe.

This collection of documents is of permanent interest for several reasons. First, it forms what is called "The Trevi acquis" to which Sweden, Finland and Austria acceded when they joined the European Union. Second, the "Trevi acquis" is now incorporated into the current *acquis communautaire* on justice and home affairs. This *acquis* will, in turn, be inherited when the Amsterdam Treaty (June, 1997) comes into effect.

\* \* \*

Readers will come across instances where different dates are used. For example, in Document 51 on the Minutes of the meeting of Immigration Ministers, 1-2 June 1993 was the date of the actual meeting, 9 November 1993 the date the report with the Minutes was prepared, and 29-30 November 1993 the date the Ministers agreed the Minutes.

A list of other available documents which could not be included for reason of space but which will be of interest to the conscientious researcher are available as document compilations (listed on page 142) and can be ordered from Statewatch.

Post-Trevi developments under the Maastricht and Amsterdam Treaties are available on the SEMDOC website.

The introductions to Chapter 3: Immigration and asylum were written by Frances Webber. A number of people have helped by obtaining, exchanging and translating the documents including: Heiner Busch, Christian Busold, Professor Lode van Outrive, Mads Pedersen, Trevor Hemmings, Sandra Schmidt, Phil Collins, Sonia Routledge and Elspeth Guild, while others prefer not to be acknowledged.

Comments and suggestions for future volumes are welcomed, as are documents we were unable to obtain.

September 1997

# Statewatch

*Statewatch* monitors justice and home affairs in the European Union and is one of the leading sources of information on this field. It is a voluntary group, founded in 1991, and has a network of 34 contributors from 12 European countries.

The areas covered by *Statewatch's* work pose the biggest threat to civil liberties and human rights of citizens both within the EU as well as those who seek to enter as refugees and asylum seekers. Yet in these areas policy-making and practices are highly secret with little or no democratic control or accountability.

This publication is one step in confronting the secrecy on justice and home affairs. Another is the

## ***Statewatch* European Monitoring and Documentation Centre on justice and home affairs in the European Union (SEMDOC)**

which aims, by making available documents and reports, to encourage critical research and investigative reporting.

*SEMDOC* has an extensive collection of reports from the Council of Justice and Home Affairs Ministers, the K4 Committee and its Steering Groups and Working Parties, reports from the Schengen Executive Committee, the European courts, the European Commission and the European parliament. Contact *Statewatch* for details.

## **Bulletin**

*Statewatch* bulletin is published six times a year. It covers the Council of Justice and Home Affairs Ministers, the Schengen Agreement, European courts, policing and Europol, immigration and asylum, racism and fascism, prisons, civil liberties, internal security agencies, the military and new books, pamphlets and reports.

Individuals and voluntary groups: £15.00 a year or £24.00 for two years  
Institutions and libraries: £30.00 a year  
(outside Europe please add £3.00 to the rate)

## **World Wide Web database**

*Statewatch* has an extensive searchable database with over 28,000 entries on the Web: [www.statewatch.org](http://www.statewatch.org)

## **Publications**

**The Europol Convention**, Tony Bunyan. 1995. £5.00

**Crimes of arrival: immigrants and asylum-seekers in the new Europe**, Frances Webber. 1996. £2.50

**Researching the European state: a critical guide**, Tony Bunyan 1996, £7.00. Annotated bibliography with 1,600 entries.

**Statewatching the new Europe: a handbook on the European state**, edited by Tony Bunyan. 1993. Paperback, 208 pages, £4.50

***Statewatch* complaints against the Council of Ministers concerning access to documents on justice and home affairs lodged with the European Ombudsman**, Free

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