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NOTE OF A MEETING HELD ON 5 NOVEMBER 1991

WITH THE NETHERLANDS MINISTER OF JUSTICE

Present: Home Secretary
Mr Langdon
Mr Gillespie
Mr Heal
Mr Pugh

Professor Hirsch Ballin
Netherlands Minister of Justice

Mr J H Grosheide, Director General
for European and Immigration Affairs

Mr J J Schutte, Adviser for Legislation
and Public Law

Mr J B Hoekman, Netherlands Ambassador

INTRODUCTION

The Home Secretary welcomed Professor Hirsch Ballin: the purpose of his visit was two fold - to prepare for the meeting on 13 November of Justice Ministers, which Mr Patten would be attending, and to prepare for the Trevi meeting in December.

EUROPEAN FRONTIERS CONVENTION

2 The Home Secretary said that it was very unfortunate that the Gibraltar issue had cropped up at such a late stage in the negotiations over the EFC. The United Kingdom had already proposed several possible solutions to Spain, and he would be seeing Sr Corcuera tomorrow, although he was not optimistic that agreement could be reached.

3 Professor Hirsch Ballin agreed that it was very unfortunate that this issue should stand in the way of agreement, and said that he would be happy to provide any assistance which the Home Secretary might want in resolving the matter.

CAR CRIME

4 The Home Secretary said that he would like car crime to be on the agenda of the next Trevi meeting. Car crime dominated UK crime figures and it would be very helpful to share experience with other European countries. He was pressing manufacturers in the United Kingdom to improve the security of their vehicles and it might be helpful to take a Europe-wide initiative to establish common standards for vehicle security.

5 Professor Hirsch Ballin agreed that he would put this on the agenda for Trevi. The Netherlands were also encountering substantial increases in car crime, particularly the theft of vehicles for export to Eastern Europe. The discussion might consider whether it would be helpful to establish an information system to pass intelligence between enforcement agencies involved in tackling organised car crime.

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EUROPOL

6 The Home Secretary said that the United Kingdom saw considerable advantages in developing a service to pull together and disseminate criminal intelligence: it should be more pro-active than Interpol, which tended to be a purely passive gatherer of information. At this stage, however, the United Kingdom could not agree to Europol developing into an operational agency, as Chancellor Kohl had proposed.

7 Professor Hirsch Ballin said that the Netherlands shared the United Kingdom's views, and would welcome support in developing the proposals along those lines in Trevi. There was a general will to support the development of Europol, and it was probable that agreement could be reached with the Germans, although some technical and procedural problems remained with France and Italy. The aim should be to reach agreement that Europol should be established in the first instance as an intelligence service with thorough evaluation after a few years before it developed further.

8 The Home Secretary was also keen to work towards a "Euro-warrant" which would allow a warrant for a person's arrest issued in one country to be enforced in another. There were certain constitutional difficulties at present that it should be overcome in the longer term.

9 Professor Hirsch Ballin said that in effect this happened already through the Schengen information system which the United Kingdom had indicated it could not accept. He hoped to have a discussion of this issue at the meeting of Justice Ministers on 13 November, and following further collection of information, to produce a document for formal discussion before the end of the Presidency.

IGC ON POLITICAL UNION

10 The Home Secretary said that the United Kingdom was happy to work inter-governmentally on interior and justice issues and would be happy to see Trevi consolidated as a Council of Interior Ministers. The United Kingdom could not however concede competence. Immigration policy was a particularly sensitive area in the United Kingdom and it would be politically impossible for any United Kingdom government to give up its rights to retain checks at its frontiers. Immigration was a matter of fundamental concern to the British people because of their experience over the last 40 years, and they would not accept giving up the natural advantages of geography for identity cards or other enforcement methods which were not as effective.

11 Professor Hirsch Ballin said that the Netherlands recognised the United Kingdom's concerns and had revised the Presidency text to try and meet them. Justice and long stay immigration matters were still dealt with in Article A, which referred to inter-governmental co-operation; and Article X, which dealt with short stay and visa matters had been revised so that inter-governmental instruments would remain in force until replaced by Directives under Article X, which would have to be unanimously agreed. This was in his view the most modest form of the Treaty which would be acceptable to other member states. It would be important to improve the practical arrangements for the enforcement of frontier controls, including agreeing standards for those

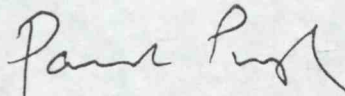
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responsible for issuing visas, and improving the exchange of information, particularly in connection with asylum seekers.

12 The Home Secretary agreed that improvements in the practical arrangements would be helpful, and he would be happy to consider carefully the revised text, but he doubted that it would be possible for the United Kingdom to accept it. The United Kingdom had been confident in 1986 that its rights to control entry had been preserved, and would continue to argue to maintain that position. He acknowledged that there were differing interpretations of Article 8A. The United Kingdom was keen to reach agreement at Maastricht, and one possible means of achieving that might be an understanding that the United Kingdom should be permitted to continue to interpret Article 8A as we did now. The Prime Minister would in any event make clear to Heads of Government that the United Kingdom would not give up its rights to control the movement of people over its frontiers.

13 Professor Hirsch Ballin said that he appreciated the United Kingdom's position, and was grateful for the Home Secretary making it so clear. He would consider the points made, but his view was that Article X as revised was as close to inter-governmental decision making as possible.

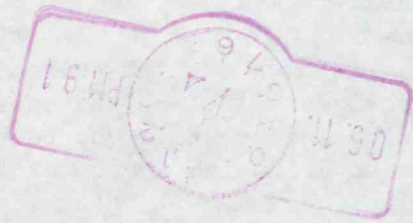


Private Office
5 November 1991

PAUL PUGH
Private Secretary

cc: Mr Regan
Mr Narey
Miss Rae
Mr Sutton
Mr Burns
Mr Hammond
Mr Langdon
Mr Angel
Mr Boys Smith
Mr Rawsthorne
Mr Gillespie
Mr Platt
Mr Harding
Mr Heal
Mr Sanderson
Mr Nicholls
Mr Varney
Mr Warne
Mr Crump
Mr Moorey
Mr Kerpel

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From: THE PRIVATE SECRETARY

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HOME OFFICE
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5 November 1991

Dear Stephen

Paul Pugh

VISIT BY NETHERLANDS JUSTICE MINISTER

You may wish to see the note of the Home Secretary's meeting with the Netherlands Justice Minister, Professor Hirsch Ballin, in advance of the Prime Minister's meeting on Thursday. Much of this is routine stuff, but I would draw your attention to the comments which the Home Secretary made about Article 8A, which are recorded in the penultimate paragraph of the note.

** enclosure*

I am copying this letter to Richard Gozney at the Foreign Office.

yours
Paul Pugh
PAUL PUGH

Stephen Wall Esq
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