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FILE TITLE:

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PART:

2

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25 OCTOBER 1999

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LABOUR ADMINISTRATION

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Series : EUROPEAN POLICY

File Title : Frontiers

Part : 2

Date	From	To	Subject	Class	Secret
22/10/1999	FCO	FA/PS	Schengen/Gibraltar: Further UK/Spanish Bilateral Talks, 21 October	C	0
25/10/1999	Telegram/IN	FA/APS	Schengen/Gibraltar: UK/Spain Bilateral Talks	R	0
26/10/1999	MS/HO	MS/DTI	Schengen agreement on road traffic offences	C	0
27/10/1999	HS	FCS	Schengen participation	C	0
04/11/1999	FCS	HS	UK Schengen Application : Negotiating Position	R	0
04/11/1999	FCS	MS/DETR	Chapter on the Acquis	C	0
15/11/1999	HA/PS	HO	UK Schengen application: Negotiating position	R	0
22/11/1999	FCO	FCO	Schengen negotiations: End-game	C	0
23/11/1999	HS	FCS	Schengen: Outstanding Issues	U	0
24/11/1999	FCO	FA/PS	Schengen negotiations: End game	C	0
29/11/1999	HO	FCO	Schengen negotiations: end game	C	0
01/12/1999	Spain/HME	FCO	Text that the Spanish are taking to today's meeting	U	0
02/12/1999	FCS	FA/PS	Schengen/Gibraltar	C	0
02/12/1999	HS	FCS	Schengen: Outstanding Issues	C	0
06/12/1999	FCO	FA/PS	Schengen negotiations	C	0
07/12/1999	FA/APS	FCO	Schengen Negotiations	C	0
10/12/1999	FCO	FA/PS	Schengen/Gibraltar	C	0
11/12/1999	FA/PS	FCO	Schengen Negotiations	R	0
12/01/2000	FCO	Cab Off	Schengen/Gibraltar	C	0
02/02/2000	FCS	PM	Schengen/Gibraltar	C	0
04/02/2000	HS	PM	Schengen/Gibraltar	C	0
10/03/2000	Cab Off	FA/PS	Proposal for a new EU common visa list	C	0
23/03/2000	HS	MS/HMT	Review of the Operation of Frontier Controls	U	0
23/05/2000	HO	HA/PS	Schengen Application	U	0
14/08/2000	Colombia / Ambo	HO	Use of a UK passport in the European Union	U	0
11/09/2000	Cab Off	DTI	Free Movement of Goods: Provisions of Information to the Commiss	U	0
30/09/2000	HS	FCS	French republic initiatives on visas	C	0
10/10/2000	MS/HO	FCS	Opt-in to the draft directive defining the facilitation of un-authorized e	C	0
17/01/2001			FESCO Press Release - A European Passport for Issuers-A Report f	U	0
21/02/2001	FCS	MS/HO	State Responsibility for Examining a Request for Asylum lodged in a	U	0

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Foreign &
Commonwealth
Office

London SW1A 2AH

From The Secretary of State

25 February 2001

Dear Barbara,

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Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the Criteria and Mechanisms for Establishing the State responsible for examining a Request for Asylum lodged in a Member State or in Iceland or Norway ("Parallel Dublin Convention with Iceland and Norway")

Thank you for your minute of 6 February 2001, which sought (E)DOP agreement that the UK should opt in to the draft Council Decision for a parallel Dublin Convention with Iceland and Norway.

No Minister has replied. You may therefore take it that you have (E)DOP clearance to opt in.

I am copying this letter to the Prime Minister, members of (E)DOP, Sir Richard Wilson, Sir Stephen Wall and Sir Nigel Sheinwald.

Yours sincerely

ROBIN COOK

Barbara Roche MP



Date: January 17, 2001
Ref.: Fesco/01-002

*121. M
a. 10. 1. 01
P*
→ Terry Hayward
*Several proposals from FESCO on how to move to a
usable single European prospectus. I have asked UKREP
for an update on next steps.*

PRESS RELEASE

A EUROPEAN PASSPORT FOR ISSUERS - A REPORT FOR THE EU COMMISSION (FESCO/00-138B)

Under the terms of the EU's Financial Services Action Plan, FESCO was asked to prepare a paper for the Commission on how to facilitate cross-border offerings while at the same time ensuring high standards of information disclosure. This paper was forwarded to the Commission at the beginning of January and is now being made public through this press release. The paper is available on the FESCO website (<http://www.eurofefesco.org>, section "Recent publications and speeches").

The work in FESCO has been done in two stages. The first stage was to develop an option for issuers to shelf register and then just issue a securities note for each capital raising exercise in whichever jurisdiction(s) in the EU. In the summer of last year, FESCO consulted on this approach and received many responses. While broadly supportive of the principle of shelf registration, an overwhelming number of respondents wanted a more ambitious approach that removed the responsibilities of the host state for the vetting of prospectuses. The second stage of the work therefore, was to develop this more ambitious approach.

On this paper, that is now being made public and combine both stages of work, Mr Georg Wittich, Chairman of FESCO, said that:

"The proposals in this paper would deliver the objective of home state control of the prospectus for cross-border offerings, while at the same time maintaining appropriate protection for investors.

The paper achieved this by setting out:

- An automatic procedure of notification to the host jurisdictions;
- Adoption of enhanced European disclosure standards;
- A reduction in the quantity of information that needs to be translated;
- A proposal to ensure the consistent application of standards.

There are additional proposals in the paper to facilitate capital raising cross-border. These include a call for development of a single format for the prospectus, the ability to incorporate documents by reference and the option for issuers to shelf register.

Overall, I believe that the proposals made in this paper will go a long way to facilitating the cross-border raising of capital."

FESCO welcomes comments on all its papers. Comments on this paper, can be forwarded to the Secretary General of FESCO. All comments will be forwarded to the members of FESCO and to the European Commission unless respondents state otherwise.



NOTE FOR THE EDITORS

1. FESCO is composed of 17 national statutory securities regulators - one from each of the EU Member States, together with one from Norway and Iceland. FESCO's objectives are:
 - (i) sharing experiences and working together to facilitate the fair and efficient realisation of the Single Market for financial services;
 - (ii) uniting efforts in order to develop common regulatory standards in respect of the supervision of financial activities or markets concerning aspects that are not harmonised by existing EU Directives and where a common approach is appropriate;
 - (iii) providing the broadest possible mutual assistance and strengthening cross border co-operation so as to enhance market surveillance and effective enforcement against market abuse.
2. The EU Commission participates in FESCO as an observer.
3. FESCO sets up expert groups to work on common standards. The Expert Group on European Public Offers that drafted this paper was chaired by Mr Salvatore Bragantini, a Commissioner at the Italian Securities Regulator, the CONSOB. The group included experts from each of the FESCO members together with an observer from the European Commission.
4. The work was undertaken under the auspices of the EU's Financial Services Action Plan (COM(1999)232, 11.05.99).
5. The members of FESCO are: Bundes-Wertpapieraufsicht (Austria); Commission bancaire et financière/Commissie voor het Bank- en Financiewezen/ Kommission für das Bank- und Finanzwesen (Belgium); Finanstilsynet (Denmark); Rahoitustarkastus (Finland); Commission des opérations de bourse (France); Bundesaufsichtsamt für den Wertpapierhandel (Germany); **ΕΠΙΤΡΟΠΗ ΚΕΦΑΛΑΙΑΓΟΡΑΣ** / Capital Market Commission (Greece); Financial Supervisory Authority (Iceland); Central Bank of Ireland; Commissione Nazionale per le Società e la Borsa (Italy); Commission de surveillance du secteur financier (Luxembourg); Stichting Toezicht Effectenverkeer (Netherlands); Kredittilsynet (Norway); Comissão do Mercado de Valores Mobiliários (Portugal); Comisión Nacional del Mercado de Valores (Spain); Finansinspektionen (Sweden); Financial Services Authority (United Kingdom).
6. FESCO is chaired by Georg Wittich, Chairman of the Bundesaufsichtsamt für den Wertpapierhandel (Germany).
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THE FORUM OF EUROPEAN SECURITIES COMMISSIONS

Date: December 20, 2000
Ref.: Fesco/00-138b

**A "EUROPEAN PASSPORT"
FOR ISSUERS**

A REPORT FOR THE EU COMMISSION



INTRODUCTION

- I. FACILITATING OFFERINGS IN THE EEA BY CREATING A "EUROPEAN PASSPORT" FOR ISSUERS
- II. OPTION FOR ISSUERS TO "SHELF REGISTER"
- III. HARMONIZATION OF EXEMPTION CASES
- IV. CONSISTENT APPLICATION OF STANDARDS AND FUTURE DEVELOPMENTS
- V. FUTURE WORK TO BE DONE
- VI. CONCLUSIONS

- Annex 1: Items to be summarised in the Summary
Annex 2: Division of items for the "RD" and the "SN" related to shares
Annex 3: Division of items for the "RD" and the "SN" related to ordinary debt securities



INTRODUCTION

1. FESCO objectives

In addressing the issue of the mutual recognition of prospectuses in Europe, FESCO⁽¹⁾ members wish to create the opportunity for an issuer to make European public offers to all European investors or apply for listing in a manner that simplifies regulatory compliance for issuers while at the same time ensuring proper investor protection. The establishment of practical arrangements to facilitate mutual recognition on prospectuses echoes the objective of the EU Action plan for financial services to "reinforce the practical implementation of mutual recognition of prospectuses and provide for new streamlined procedures for raising subsequent instalments of capital (in particular, laying down the basis for common acceptance of shelf registration techniques)".

The day to day functioning of the mutual recognition of prospectuses shows that there is a need for modernisation and enhanced flexibility. The extension of an offer or a listing to various EEA States proves to be complex and some times is an obstacle to real pan-European strategies. The obligations for an issuer to comply with various specific requirements in each EEA State, like the translation of the full prospectus, does not encourage mutual recognition of information documents.

✓ The driving idea of FESCO is to create a "European Passport" allowing issuers to extend their offers (or to apply for listing) to other EEA States without having to produce duplicative sets of documentation or respond to numerous additional national requirements and, also, to facilitate the access to approved documents of all European investors.

In order to make proposals to facilitate cross-border offerings by European companies and ensure high standards of information disclosure, FESCO has drawn up appropriate criteria to establish a system whereby the set of documents reviewed by home country/primary listing authority would be considered valid in other jurisdictions subject only to a notification to the host State regulator.

FESCO has also provided an option for issuers to shelf register and has identified other areas in which the directives could be amended to improve capital raising in the Single Market.

2. FESCO agreement and possible need for amendment of Directives

In this report, FESCO members agree to substitute the process of mutual recognition with one based on simple notification. In the document the term of "mutual recognition" must be intended to be referred to such a system. This will be based on the enhanced European disclosure standards⁽²⁾. The prospectus might be composed of separated documents or documents incorporated by reference. In order to set up the system FESCO members have identified the possible need for amendments to the EU directives.

(1) The Forum of European Securities Commissions (FESCO) assembles the following 17 Statutory Securities Commissions of the European Economic Area (EEA): Bundes-Wertpapieraufsicht (Austria); Commission bancaire et financière/Commissie voor het Bank- en Financiewezen/ Kommission für das Bank- und Finanzwesen (Belgium); Finanstilsynet (Denmark); Rahoitustarkastus (Finland); Commission des opérations de bourse (France); Bundesaufsichtsamt für den Wertpapierhandel (Germany); ΕΠΙΤΡΟΠΗ ΚΕΦ ΑΛΛΑΙΑΓΟΡΑΣ / Capital Market Commission (Greece); Financial Supervisory Authority (Iceland); Central Bank of Ireland; Commissione Nazionale per le Società e la Borsa (Italy); Commission de surveillance du secteur financier (Luxembourg); Stichting Toezicht Effectenverkeer (Netherlands); Kredittilsynet (Norway); Comissão do Mercado de Valores Mobiliários (Portugal); Comisión Nacional del Mercado de Valores (Spain); Finansinspektionen (Sweden); Financial Services Authority (United Kingdom). The European Commission attends FESCO meetings as an observer. The Chairman of the IOSCO European Regional Committee is also invited as an observer. FESCO is chaired by Georg Wittich, Chairman of the Bundesaufsichtsamt für den Wertpapierhandel (Germany).

(2) These standards being based on IOSCO Disclosure Standards.



3. Implementation and commitment of FESCO members

FESCO members will seek to implement the "mutual recognition" processes set out in this paper in their regulatory objectives and, when possible, in their respective rules. If a FESCO member does not have the authority to implement certain objectives or mutual recognition processes, e.g. on the use of the English language for the prospectus, it will commend these objectives or mutual recognition processes to its government and/or to the responsible regulatory authority. To the extent that Member States have the power to do so in compliance with the existing legal framework, implementation of the proposal could take place on a voluntary basis.

4. Chairmanship of the Expert Group

This report has been prepared by an Expert Group chaired by Salvatore Bragantini, Vice-Chairman of the *Commissione Nazionale per le Società e la Borsa* (CONSOB) .

I. FACILITATING OFFERINGS IN THE EEA BY CREATING A "EUROPEAN PASSPORT" FOR ISSUERS

5. Automatic procedure of notification

The goal of a "European Passport" is that of full control of the entire set of documents by the home country authority (where the issuer has its registered office⁽³⁾ or its primary listing) with an automatic procedure based on a simple notification to the host country authorities where the offer or listing takes place. Once the prospectus has been approved by the home country competent authority the issuer may make an offer or list its shares in the other EEA States by simply notifying its intention to the competent authorities of the countries where it is making the offer.

As already provided for by present directives, the prospectus must be previously approved by the competent authority.

The notification shall be accompanied by the approved prospectus, the approval certificate (dated not earlier than three months before the notification is made, otherwise a supplement to the prospectus may be deemed necessary) and, if required, by a translation of the summary of the prospectus.

The host country authority should not be allowed to ask for further information.

6. Content of the prospectus: adoption of enhanced European Disclosure Standards

Current disclosure requirements provided for by directive 80/390/EC would be replaced by the enhanced European disclosure standards.

It should be recalled that the above mentioned automatic procedure requires that the prospectus contain the information concerning the offer in all the countries involved otherwise the notification procedure is not applicable.

Also as regards the information on the tax regimes, FESCO is aware of the need to reduce the burden on issuers for offerings in Europe, where the conditions of a true single market have yet to be created.

⁽³⁾ The reference to the registered office of the issuer is made in accordance to the fourth recital of the preamble of Directive 93/22/EEC on investment services in the securities field, which, for the purpose of the authorization of investment firms indicates the registered office for legal persons and the head office for investment firms that are not legal persons



FESCO members encourage a system whereby the competent authorities could make the information on the national tax regime available on their websites or through a link to other government websites and this could be incorporated by reference in the prospectus.

Where this is not feasible, home and host country supervisors will co-operate in order to achieve the aforesaid goal.

7. Scope of the European Passport system

7.1 *Financial instruments involved*

IOSCO Disclosure Standards, on which the enhanced European standards are based, only apply to listings and public offers and sales of equity securities for cash. Within the EEA a great amount of listings/offers relate to debt securities. The European passport procedure should therefore be applied to debt securities also. FESCO members are currently discussing an enhanced schedule for ordinary debt securities by taking into consideration the different purpose of this schedule compared with that of equity securities, basically the issuer's solvency instead of its economic value.

In recent years, a whole range of new products has emerged and has met with considerable market success; such products have also been distributed across borders, on the basis of voluntary arrangements. The inclusion of such products (as well as reverse convertible bonds) in the notification system poses problems. In fact, creating and updating the related schedules will be a time consuming effort, and their result could soon become obsolete. The current schedule approach could be maintained with a flexible and efficient system as outlined in section IV of this paper. This should help avoiding a situation such as the current one where market reality cannot be captured under the available European law. Under this framework, the role of regulators should safeguard the interests of investors, while at the same time guaranteeing adequate involvement of practitioners. Alternatively, a system could be envisaged whereby issuers utilise items of different schedules, conforming to actual characteristics of securities issued. The possibility of adopting the second alternative entails further work to be done by the group on the feasibility and practical implications of such approach.

7.2 *Type of offer involved*

Even though the system is meant to facilitate cross border offers, it seems appropriate not to have different levels of disclosure for public offerings or listings. The level of disclosure should be the same throughout the European market and therefore no difference should exist between domestic and cross border issues. Bearing this in mind, the scope of the proposal could be extended to both domestic and cross border offers and listings.

The scope of the European passport could also be extended (in addition to securities listed on official markets) to securities traded on regulated markets as long as the prospectus has been drawn up pursuant to the relevant schedules.

Until a further modification of the directives, if a prospectus (or the documents composing the prospectus) is drawn up in accordance with the Directive 80/390/EC (in the future: the enhanced European disclosure standards), it must be recognised by other competent authorities, irrespective of the nature of the regulated market on which the shares of the company are traded. Therefore the reference to the "official" listing may be substituted with the concept of the "regulated" market.

For the correct functioning of the European Passport FESCO members encourage the harmonisation of compliance with continuous information obligations.



8. Single format of prospectus

Members of FESCO think it is urgent to develop a single format for prospectuses based on a common understanding of the definition of each disclosure item. They are ready to assist the Commission in such a development. Investor protection would benefit from the easier access to information, particularly cross-border information, that would result from a single format. Technology could also be harnessed more easily to facilitate the subsequent dissemination of the information in investor friendly ways (as in the US with the Edgar system). Furthermore, risks to investors associated with cultural and language differences in the EU would in part be mitigated by such an approach. A single format would also remove another obstacle to cross-border offers and listings as officials become familiar with the EU prospectus and information becomes more directly comparable. However, even with a single format, care will need to be taken to ensure that obligations arising from the need to follow a single format are not used to conceal information that would be of particular interest to investors in an issue. For this purpose such information is given adequate prominence at the beginning of the document.

9. Language

FESCO members agree that competent authorities must accept in the context of mutual recognition a prospectus drafted in English or in another language accepted by the competent authority of the EEA State where the offering takes place or the listing is sought.

If the prospectus is written in a language other than the investors' language, the host country competent authority may require a summary of the prospectus to be published in a language accepted by it. The purpose of the summary is to provide, in particular to retail investors, immediate succinct information on the most relevant aspects related to the issuer and the proposed operation in a concise format. The summary should make it clear that the prospectus is the document which contains full details of the issuer and the securities being offered and gives details of how to obtain these documents. The directors of the issuing company must declare that the summary reflects, albeit in a short form, the main elements contained in the prospectus. The content of this document would be a summary of the items indicated in Annex (1). The home country authority scrutinises the summary, verifies that its content is consistent with that agreed upon by FESCO members and approves its content. The issuer will deliver a translation of the summary to the host country authority which may not require modifications in either content or form. The responsibility of the translation lies with the issuer.

The summary should give in a few pages (the maximum limit might be indicated by the competent authority and the repetition of full paragraphs of the prospectus should be avoided) the most important information included in the prospectus, i.e. the information which enables investors to make an informed assessment on the situation of the issuer and on the operation itself.

However, because the content of the summary is a selection of pieces of information and a cutting down exercise, the responsibility of the content is an important issue. The responsibilities on the summary are the same of those on the prospectus: as a part of the full prospectus, the summary is included in the procedure of approval by the home competent authority. The summary must contain a declaration of those responsible for the prospectus that the information given in the summary is in accordance with the prospectus and that all the most important information is given to enable investors to make an informed assessment on the situation of the issuer and the proposed investment.

Furthermore the summary will be subject to the same supervision by the competent Authority as the prospectus itself and as only a « part » of the prospectus, investors cannot legally rely solely upon it.

It is, of course, not mandatory to have a summary. If the issuer chooses not to file a summary it must translate, if required, the entire prospectus.



12. Updates

The "RD" must contain the most recent annual financial statements established in accordance with national requirements. It may only be used for a period of 12 months after the approval of the annual financial statements.

When the information contained in the "RD" is modified or interim reports are prepared by the issuer after the publication of the updated version, the information should be published in the "SN".

13. Availability of documents

FESCO members agree that all the documents must be made available by the issuer, also by the local paying agent or the intermediary involved. The competent authorities or the exchanges involved should always be in a position to assist the investors in obtaining such documents. Furthermore FESCO members support the possibility of a separate circulation of the "RD", the "SN" and the Summary, (RD and SN being the prospectus), provided all the documents are available upon request at no cost. To facilitate the circulation of the various documents composing the prospectus, the members of FESCO encourage the use of electronic communication facilities such as the Internet. The competent authorities may accept that the listing particulars and prospectuses are published solely (free of charge) through electronic means, provided that competent Authorities are satisfied that investors may receive the listing particulars and prospectuses in printed form if so desired. All authorities are encouraged to put approved prospectuses on their web-sites if they accept electronic publishing of the prospectus as an alternative means. FESCO will explore the possibility of documents being made available through the FESCO web-site.

III. HARMONIZATION OF EXEMPTION CASES

14. Cases of total exemption from the obligation to publish a prospectus

For the purpose of the European Passport, though desirable, it is not entirely necessary to fully agree on a single definition of public offer. In fact an issuer may require the approval of a prospectus even if this is not necessary under its national legislation. According to present legislation (Article 12 of Directive 89/298/EC) it is already possible for an issuer to ask the home country authorities to approve a public offer prospectus drawn up in conformity with Directive 80/390/EEC, and this prospectus can be used, for the purposes of mutual recognition, in those countries where the offer takes place and which have a broader notion of public offer compared to that of the home country. Nevertheless, according to the above mentioned article 12, it is up to the various Member States to provide this possibility. It would therefore be necessary to make such a provision binding for all Member States.

The harmonisation of the total exemptions and derogations provided for by the present directives is a fundamental issue for the creation of the European passport. To this end the members have reached an agreement on the cases of exemption indicated below. As a general principle securities bought under an exemption must be bought for one's own account and therefore any subsequent resale to retail investors will trigger a public offer and therefore require the publication of a prospectus.

- a) offers addressed to qualified investors: a prospectus would not be required when the offer is addressed to those whose activity is in the financial sector, to commercial entities that are actually involved in trading in financial instruments within the range of their activity or to natural or legal persons that meet the requirements set forth by FESCO Experts Group on Investor Protection in defining professional investors. These persons must declare that they intend to be considered eligible as qualified investors and their declarations must be checked by the entity within the consortium which has been given this task.



- b) offers addressed to a restricted circle: a number of investors below 150 per country and not higher than 1500 in the EEA;
- c) offers where the individual denomination is in excess of 150,000 Euros per investor;
- d) offers and listings where the securities are issued by national governments and central banks of EEA States, or international and supranational institutions (such as the World Bank, the IMF, the ECB, the EIB) and other similar international organisations of which one or more EEA State is a member;
- e) offers and listings of securities offered in connection with a takeover or a merger provided that a document for the operation has been previously filed;
- f) securities allotted free of charge;
- g) offers of shares issued in substitution for shares if the issuing of such new shares does not involve any increase in the company's issued capital; and listings of shares issued in substitution for shares already listed on the same stock exchange if the issuing of such new shares does not involve any increase in the company's issued capital.
- h) offers of shares resulting from the conversion of convertible debt securities or from the exercise of the rights conferred by warrants or to shares offered in exchange for exchangeable debt securities provided that a public offer prospectus or listing particulars, relating to those convertible or exchangeable debt securities or those warrants, has been previously approved and published in the same EEA state; and listings of shares resulting from the conversion of convertible debt securities, or created after an exchange for exchangeable debt securities or from the exercise of the rights conferred by warrants, if shares of the company whose shares are offered by way of conversion or exchange or are offered to the holders of the warrants are already listed on the same stock exchange.

15. Partial Exemptions: simplified content of prospectus

Directive 80/390/EEC provides for a simplified content of the listing particulars in certain specific cases. The automatic notification procedure is not applicable to documents benefiting from partial exemptions. This does not preclude single members to allow the said partial exemptions within the terms provided for by the present directives.



IV. CONSISTENT APPLICATION OF STANDARDS AND FUTURE DEVELOPMENTS

16. Problems connected with the present situation

The single passport for issuers implies that the securities can be offered in all EU Member States without allowing the host supervisory authority to intervene. The investors will benefit from a wider range of products and the issuers will benefit from simplified procedure and a wider market. At the end of the process the cost of raising capital should become lower.

To put the system into work and to ensure that investors are properly protected throughout the Community, adequate guarantees in terms of consistent standards of implementation, as well as in terms of consistent understanding by all concerned authorities, should be introduced.

FESCO members recognise that a smoother mutual recognition mechanism can only work if there is an increased mutual confidence between the competent authorities in charge of the oversight of the information disclosed by the issuers. Therefore FESCO members confirm the need to institutionally avoid conflict of interests as stated in standard no. 2 of the FESCO Standards for Regulated Markets (99-FESCO-C).

The present situation is characterised by a patchwork of competent authorities including bodies (such as the exchanges) which perform also for profit activities. This might entail a conflict of interest if they should ensure investor protection. The national public competent authorities are entrusted with different powers, for regulation, supervision and enforcement. The new directive could provide answers to the problems and inconsistencies and address the following topics: standard setting, supervisory practices, enforcement and sanctioning, cross border cooperation.

A mix of direct regulation contained in the EU legislation and powers delegated to a "forum" of supervisory authorities could be the way forward. The directive, in fact, should set out the core regulatory standards and the conditions according to which supervisory authorities in the FESCO network should co-operate with the relevant Committee set up at the European level, as suggested by the interim report of the Wise Men.

Furthermore FESCO members are endowed with unequal powers and therefore, in order to have a consistent implementation of the regulations harmonisation of powers is required.

17. A proposed way forward

Having the same rules is still, not sufficient to ensure the creation of a real pan-European securities market.

If information is not properly controlled, issuers might exploit regulatory arbitrage and host competent authorities would be tempted to introduce local standards for the sake of investor protection.

To avoid the above described scenario the directive should address the issue of which kind of control should be performed on issuers and which type of powers the supervisory authorities should be entrusted with. The IOSCO questionnaire on self assessment (implementation of IOSCO Principles) lists a series of questions on the powers of supervisory authorities in this field. FESCO members hold the view that the prospectus should be pre-vetted (this being the equivalent of the licence for intermediaries) and competent Authorities should be empowered to ask issuers to disclose all material information to correct information included in prospectuses, as well as to stop the offer; to check the information through on site inspections; to sanction misbehaviour through effective sanctions.



A FESCO group should be set up to discuss existing practices of supervision, to review exemplar cases through a "peer review". The review should also include the full operation of the system, from the day to day supervisory practices, to the enforcement cases.

V. FUTURE WORK TO BE DONE

18. There are some residual aspects which do not favour a smooth system of automatic procedure of recognition for issuers. These are in fact practical obstacles either with respect to specific instruments or due to the fact that some issuers deserve an information tailored to them. However these difficulties do not hamper the functioning of the new system proposed at least for most cases. The Group has therefore to undertake urgent additional work on these aspects which may be summarised as follows:

- Modalities of the offer;
- Advertising;
- Pro-forma financial information and forecasts;
- SMEs and New Economy issuers;
- Time limits

a) Modalities of the offer

For specific aspects, and in particular for those concerning the various modalities of the offer, the IOSCO Standards require disclosure of certain items without giving the necessary indication on its content. Adequate harmonisation at EU level on the following aspects is deemed necessary for the automatic procedure of recognition.

- pricing;
- conditions of placing (In some countries public offerings of securities could be placed directly to the public by the issuer -if allotment of securities is not deemed an investment service under the ISD- ; other countries will require the distribution made through investment services firms);
- requirements about publication of prospectuses (the modalities can differ);
- ways to apply for the securities (written form, internet, telephone) and requirements applicable to any of these modalities can differ;
- methods of payment by investors;
- global amount of the offering (some jurisdictions may allow an open amount without determining the number of securities offered in the prospectus while others may require its previous determination);
- clauses of force majeure contemplated in the underwriting agreements: period in which the offering can be revoked if any of these events occur (some countries could have objections to the extension of this period after admission to trading but before the settlement date);



b) Advertising

The circulation of information on an offer especially by means of an advertising campaign may have an impact on the information contained in the prospectus. Considering that national regulations on advertising differ substantially across the EEA and that in cross border issues advertising campaigns should be harmonised throughout the internal market, FESCO members agree on the necessity to concur on the principles regulating advertising and other kinds of information circulated before and during an offer and to provide detailed rules. This might entail further work.

The circulation, even before the publication of the prospectus, of information on the offer different from advertisements, such as interviews and analyst presentations, deserves harmonised regulation in order to avoid inconsistencies with the content of the prospectus. FESCO members agree that this issue should be dealt with urgently.

c) Pro forma and forecasts

Common standards for the preparation of prospective financial information and pro forma financial information to be reported in investment circulars should also be established. Divergence in regulation and practice across the Single Market increase the compliance costs for issuers and undermine the comparability of such information for investors. Further work will be required to achieve a suitable pan-European approach. Investors must have confidence in the quality of the review work performed by Auditors/Reporting Accountants and therefore consideration should also be given to establishing common standards for such work.

d) SMEs

Fesco Members agree that when the period of existence of an issuer is inferior to the prescribed three years, the information on the issuer would be given only for the relevant business period. As the investment decisions are necessarily based more on future expectations than on past record, an issuer of the New Economy should present in more detail how it foresees its growth and future revenue and should also point out any dangers to this process. The cash position and expected sources of funding are also important to investors.

e) Time limit

In addition, FESCO members are currently considering the harmonisation of the deadlines for the approval and the recognition of documents.

✓ | FESCO members also agree on the need for a harmonised set of accounting standards. To this end they are considering to recommend the International Accounting Standards.

VI. CONCLUSION

19. Advantages of the proposal for investors and issuers

- The advantages for investors of the system of the "European Passport" are to:
 - have access to securities offered by other European companies;
 - have the same information throughout the European Market at best practice level.
- The advantages for issuers of the system of the "European Passport" are to:
 - reduce bureaucratic work, gaining access to the whole of the EEA with little more effort than is now necessary to obtain approval for a domestic offering;



- minimise the risk that an issue gets to the market after market conditions have changed, also thanks to the option for the shelf registration system.

20. Publication

This document is made publicly available on the FESCO website and comments may be addressed to the Secretary General.



~~Top-DNJ~~
LMT
PJ

(f)

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

10 October 2000

Foreign Secretary

OPT-IN TO THE DRAFT DIRECTIVE DEFINING THE FACILITATION OF UNAUTHORISED ENTRY, MOVEMENT AND RESIDENCE

EDOP agreement to UK participation in the adoption of this draft Directive, which builds on the Schengen acquis for which we have been accepted for participation.

2. As part of its significant work programme in the area of combating illegal immigration, the French Presidency has introduced two complementary measures to harmonise penalties for trafficking of migrants: a draft Directive defining facilitation offences and a draft Framework Decision on the harmonisation of the penalties for such offences. The separate instruments reflect the respective competences under the EC Treaty and the Treaty on European Union.

3. Both measures are developments of the Schengen acquis (Article 27 SIC) for which the UK has been accepted for participation. In the Decision agreeing to the UK's application, we are committed to participation in any EU measure which develops the Schengen acquis in which we are participating. There has been legal discussion within Whitehall on the relationship between this commitment and the Protocol on the Position of the UK and Ireland ("the Title IV Protocol"), which enables us to decide whether to opt in to Title IV measures. Although the view of Whitehall lawyers was that it is difficult to reach a definitive view on the relationship between the Schengen and Title IV Protocols, and the legal arguments for retaining flexibility were not very strong, the Council Legal Service firmly advised that the UK's decision

under the Title IV Protocol was not pre-empted by the Schengen Decision, and hence that we needed to notify a further decision to opt in if we wished to participate in the adoption of Schengen development measures in Title IV.

4. On policy grounds, it seems preferable to retain our flexibility in this way, since there is always a risk that Schengen development in Title IV could evolve in a way which was inconsistent with our Frontiers Protocol. More positively, an opt-in acts as a confirmation of our and other Members States' Community obligations to each other.

5. On substance, this is a measure where we would want to opt in to its adoption, because of the current domestic focus on combating illegal immigration. The proposal is therefore timely and can generally be welcomed. A number of points in the draft Directive will require clarification in negotiation, particularly in relation to the scope of the proposal and the provisions on exemptions. It is also illogical, given that we are bound by our Schengen Decision to participate in the adoption of the draft Framework Decision, not to opt in to its complementary half which defines the offences in respect of which penalties are to be harmonised.

6. For Gibraltar, the same issues arise as Gibraltar is also committed to participate in Article 27 SIC.

7. On handiing, we shall need to present an opt-in carefully. Given the terms of our Schengen Decision, it would in reality be difficult not to opt in to a measure developing the Schengen acquis in which we shall be participating and the opt-in letter would need to be drafted with this in mind. Officials are making informal soundings of the CLS as to how this might most suitably be presented.

8. I therefore seek EDOP's agreement to the UK exercising its Title IV Protocol opt-in to this draft Directive; we need to submit an opt-in **before 2 November** and I should therefore welcome responses by **close on Monday 23 October**.

9. I am copying this letter to members of EDOP, Sir Stephen Wall (Cabinet Office) and Nigel Sheinwald (UKRep).

*Yours ever
Barbara*

BARBARA ROCHE

01712733965



(F)

DN

cc: JH

JS

MT

PU

Press

Markie Donnelly, CO

Will you please to put
any advice to the PM on this?

Foreign Secretary

DW

FRENCH REPUBLIC INITIATIVES ON VISAS

I am writing to seek your agreement that the United Kingdom should not participate in the adoption of three proposals put forward by France on visa requirements. The proposals constitute a development of the Schengen acquis.

2. The first proposal is for a Council Regulation on freedom of movement with a long stay visa. This would allow free movement, through all participating Member States, of people with a long-term visa issued by any other Member State, during the period before such people obtain their resident's permit.
3. The second proposal is for a Council Decision adapting the Common Consular Instructions about visas adopted by the Schengen Executive Committee. This would provide administrative mechanisms for long-stay national visas to act simultaneously as short-stay visas. These visas would be valid throughout the Schengen States, for three months during the holder's initial period of residence in the Member State.
4. The third proposal is for a Council Decision on the conditions for issuing visas by Member States. This would amend the Common Consular Instructions to require all visa applicants to provide evidence that they have travel insurance to cover the cost of repatriation and emergency hospital treatment.
5. The United Kingdom's application to participate in parts of the Schengen acquis has been approved. But the United Kingdom has not applied to participate in the elements of the acquis relating to visa requirements. Given that the French initiatives are aimed at amending the Schengen acquis on visas, in which the United Kingdom is not participating, a decision not to participate in the adoption of these proposals would be uncontroversial.

01712733965

6. I should be grateful for your agreement that we should not participate in the adoption of these proposals. It would be helpful to have E(DOP) endorsement by Monday, 16 October.

7. I am copying this minute to the Prime Minister, to other members of E(DOP) and to Sir Richard Wilson.



30th September 2000



already received.

hte

DN

cc: HT

PU

SB

Foreign Secretary

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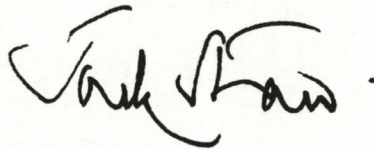
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7. I am copying this minute to the Prime Minister, to other members of E(DOP) and to Sir Richard Wilson.

A handwritten signature in black ink, appearing to read "Tony Blair".

30th September 2000

Mr: Jeremy Heywood

David North

Stephen Wall

Roger Liddle

Michael Roberts

Rachel Gwyon



(1)

CABINET OFFICE

70 Whitehall London SW1A 2AS

Telephone 020 7270 0177 Facsimile 020 7270 0112

e-mail: mdonnelly@cabinet-office.x.gsi.gov.uk

Martin Donnelly
European Secretariat

John Alty
DTI

11 September, 2000

Dear John,

**FREE MOVEMENT OF GOODS: PROVISION OF INFORMATION TO THE
COMMISSION ABOUT THE POSITION IN THE UK**

Thank you for your letter of 11 September, which we discussed. You and copyees should also have seen UKRep's letter of today taking a similar line.

It is as you say important that the UK should write rapidly to the Commission setting out what we know about the current threat to the free movement of goods within the UK, and the steps we are taking to resolve the problems.

The situation in the UK is of course not comparable to that which we have seen in France recently. But it is all the more important to delineate ourselves clearly from the French by following scrupulously the procedures laid down to deal with this type of situation, before others request us to take such action.

We therefore agree strongly that our tactical position in pressing the French to improve their own procedures will be helped by a letter from your Secretary of State. This should issue as early as possible, and at the latest tomorrow morning, so that it is in the public domain well in advance of Wednesday's Commission meeting and press conference.

I am copying this letter to recipients of yours.

yours

Martin

MARTIN DONNELLY

cc: John Warne - HO
Geoffrey Riggs - DTI
John Stevens - DTI
Anthony Vinall - UKRep
Kim Darroch - FCO

Rec 1518



(K)

~~DN~~ OIR
MT
PV

CABINET OFFICE

70 Whitehall London SW1A 2AS
Telephone 020 7270 0177 Facsimile 020 7270 0112
e-mail: mdonnelly@cabinet-office.x.gsi.gov.uk

Martin Donnelly
European Secretariat

14 August, 2000

Lesley Pallett
EIU
Home Office

Dear Lesley

USE OF A UK PASSPORT IN THE EUROPEAN UNION

I have seen Steve Williams' 7 August letter to you.

The Cabinet Office would of course be happy to organise a meeting to talk through any detailed implications of the UK passport card proposal if that would be helpful.

This proposal is, as Bernard Herdan's submission points out, a good example of how to make travel easier within the European Union. It is therefore a potentially important good news story for Europe, making cross-border movement easier in a practical way. Reaching agreement with our European partners may not be straightforward but the strong support of the travel trade should be helpful.

The wider media handling of this issue, in particular the attempts that will no doubt be made to link it to the separate issue of identity cards, will require careful handling. I note that you already have this in hand. While we will wish to think through other detailed issues, including the potential implications for Gibraltar, we should also maintain a sense of the wider priorities. I was pleased to note in this context that Steve Williams was not suggesting any FCO disagreement with the objectives of the proposal.

I am copying this letter to recipients of the earlier correspondence, **David North** and
Tom Livesey in No10, and Roger Liddle and Liz Lloyd in the Policy Unit.

yours

Martin

MARTIN DONNELLY

From: THE PRIVATE SECRETARY

Top - DN

cc JS
VJPO
PJ
GS



David North Esq
10 Downing Street
LONDON
SW1A 2AA

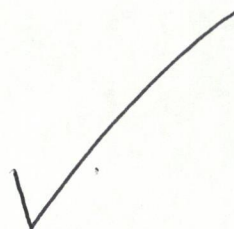
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~~Prime Minister~~
To be aware
DN

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

23 MAY 2000

Dear David,



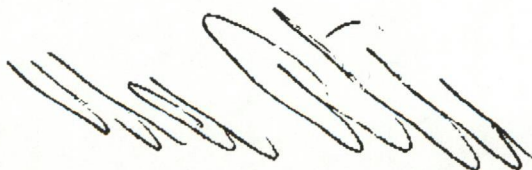
SCHENGEN APPLICATION

Successful outcome to United Kingdom's Schengen application expected on 29 May. Implementation programme to follow.

2. Foreign Commonwealth Office informed you before Easter of the outcome of our negotiations with Spain on the United Kingdom's application to participate in parts of the Schengen acquis. The arrangements, which were exchanged by Ambassadors on 19 April, have enabled us to conclude the negotiations on the United Kingdom application.
3. The Home Secretary therefore considers that his colleagues will be pleased to note that, on present plans, the United Kingdom's application will be adopted by the JHA Council on 29 May; the Home Secretary will sign the United Kingdom/Spain police cooperation agreement with Senor Major Oreja, which formed part of the successful outcome with Spain, on the same day.
4. The Home Secretary also notes that the successful outcome to negotiations with Spain will also enable a number of further JHA dossiers, notably the Mutual Legal Assistance Convention, Eurodac Regulation and negotiations on the parallel Dublin Convention, to proceed.
5. Following the expected adoption of the United Kingdom's Schengen application, the Home Office will be giving early consideration to planning for the implementation of the Schengen acquis in the United Kingdom and full participation in those parts of the Schengen acquis contained in our application.

6. I am copying this letter to Private Secretaries to members of EDOP,
Sir Richard Wilson and Sir Stephen Wall.

Yours ever,

A handwritten signature in black ink, appearing to read 'Mara Goldstein', written in a cursive style.

MARA GOLDSTEIN

From: THE PRIVATE SECRETARY

(4)



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

David North Esq
10 Downing Street
LONDON
SW1A 2AA

23 MAY 2000

DN
C. JS
JB
MT

Dear David,

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6. I am copying this letter to Private Secretaries to members of EDOP,
Sir Richard Wilson and Sir Stephen Wall.

Yours ever,

A handwritten signature in blue ink, consisting of several fluid, overlapping loops and strokes, positioned above the printed name.

MARA GOLDSTEIN



QUEEN ANNE'S GATE LONDON SW1H 9AT

23 MAR 2000

Dawn Primarolo MP
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

Dear Dawn,

REVIEW OF THE OPERATION OF FRONTIER CONTROLS

Thank you for your letter which I received on 7 March proposing a review of the operation of frontier controls.

2. As you say, controls exercised at the frontier form an important part of the way we conduct many aspects of Government business, and it is important that they should be effective, efficient and user friendly. I agree that we need to check from time to time whether there is room for improvement given developments in the work of the respective departments and agencies involved and the need to foster a joined-up approach.

3. I do not however believe that this is the right time for a major review of the kind you propose. There are two main reasons for this. First, I must for the time being devote all available resources in my Immigration & Nationality Directorate to the delivery of our targets for increased asylum decisions and removals of failed asylum seekers. As you will know, I have made a case in Spending Review 2000 for very substantial increases in both our current targets and our resources. A major review of frontier controls would unavoidably divert a substantial amount of effort from this priority.

4. Secondly, the changes for which we have just legislated in the Immigration & Asylum Act are being implemented over the course of this year. The two main thrusts are to give us better control over the asylum issue and to enable us to modernise immigration control, especially at ports of entry. It seems to me that it would make more sense to wait for the detailed policy to be developed and put in place before we look more widely at issues of responsibility and co-ordination. This does not mean that this work is being done in isolation from other interested agencies. As you know, there is a tripartite structure at

both national and local levels involving the Immigration Service, the Police Service and H M Customs & Excise which is charged with maximising practical co-operation between the three agencies. This group is seized of current work on changing the immigration control, and is also a forum for considering other relevant developments such as changes in the Terrorism legislation.

5. You may be aware too that the Home Affairs Committee has announced an inquiry into controls at ports of entry. I understand that they are likely to take oral evidence in June. I am sure that we would wish to take account of their conclusions in any review on the subject.

6. If we were to go down this road, we would need to prepare the ground carefully in relation to our position on internal frontiers. The Government obtained at Amsterdam a protocol enabling us to continue to operate frontier controls on persons at the UK's internal frontiers with other EU Member States. This protocol was hard-won and a significant personal success for the Prime Minister. A review of the type you suggest could be mis-interpreted by other Member States and the Commission and cast doubt on our continuing commitment to an immigration system based on frontier controls, particularly since the review would involve a link with Customs controls, where routine internal frontier checks on goods have been lifted.

7. If there are any specific aspects of current frontier controls which you feel would benefit from urgent attention, I would of course be content for that to be discussed between our officials. I hope you will understand, however, why I cannot agree to a wide-ranging review of the kind you propose at this particular time.

8. I am copying this letter to the Prime Minister, John Prescott, Derry Irvine, Peter Mandelson, Stephen Byers, Alan Milburn, Mo Mowlam, Nick Brown, John Reid, Paul Murphy and Sir Richard Wilson.

Yours ever,

Jack

JACK STRAW

FROM: MICHAEL ROBERTS
DATE: 10 MARCH 2000

JOHN SAWERS - ~~fx~~ S+P.
No.10

Cc Jeremy Heywood
Philip Barton
Roger Liddle
Liz Lloyd
David Bostock
Robert Cooper
Sebastian Wood

Speak: Wall

JS
e: JRo
AC

PROPOSAL FOR A NEW EU COMMON VISA LIST

The Home Secretary recommends that the UK should not opt in to the proposal for a revised EU Common Visa List. The FCO agree. Member States will not be surprised. Commonwealth countries will be relieved. But championing Hong Kong might become more difficult. Handling needs care in relation to our Schengen application.

2. The Commission has brought forward a proposal for a new Common Visa List (CVL) to harmonise visa regimes. This will replace the existing CVL in which the UK has participated since 1996. The proposal is covered by our Title IV Protocol which gives us the right to choose whether or not to opt in to this piece of legislation. Home Office and FCO agree that in this case we should not opt in.
3. By exercising our opt-out, and by no longer participating in a Common Visa List, the UK might be viewed as less *communautaire*. But Amsterdam has moved the goalposts for us.
4. Adoption of the CVL will be by QMV. By opting in, we would be obliged to implement the List even if outvoted. In its current form, the draft CVL would force the UK to impose 32 new visa regimes (including on 26 Commonwealth countries) and to lift regimes on others (including Slovakia, Croatia, Bulgaria and Romania) who pose a serious immigration risk for the UK. Difficult to defend at home and abroad.

1

4. Nor could there be any guarantee that negotiations would succeed in amending other difficult provisions. Unlike the existing List, the new CVL gives no margin of discretion to individual Member States to impose or remove visa regimes according to their circumstances: third countries are either on the visa-required list or the visa-not-required list.
5. In the longer term, participation in harmonised visa policy might undermine the UK's Frontiers Protocol, also successfully negotiated at Amsterdam.
6. Other Member States will understand a UK decision not to opt in, and most already expect as much. Nonetheless, there are tactical advantages in delaying any formal confirmation of a decision not to opt in until after the 27 March Justice and Home Affairs Council where our Schengen application is to be considered.
7. While free to determine our own visa regime, the UK's ability to champion the cause of Commonwealth countries and Hong Kong will be diminished. Our negotiators will continue to question the rationale for imposing regimes. Fortunately, Hong Kong is on the proposed visa-not-required list. But if in negotiation other Member States sought to change this, we would be lobbying for Hong Kong from the outside.
8. Home Office and the FCO are agreeing plans for presenting a decision. The existing CVL will no longer apply once the new List is adopted.
9. No action is required of you.

Michael Roberts
European Secretariat
Room 342, 70 Whitehall
Tel: 270 0059

2

RESTRICTED - POLICY



File

Top-JS
cc JRo
PB
DN
PU
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MT

Prime Minister

SCHENGEN/GIBRALTAR

Support for Robin Cook's report and handling plans. An early deal will avoid future problems on JHA co-operation. Two points of detail to register.

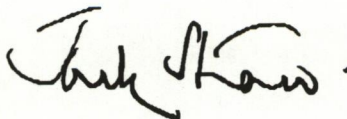
2. Robin Cook's minute to you of 2 February on continuing negotiations with Spain reported the latest progress. I am grateful to FCO for the extremely hard work which has been undertaken so far; I trust that the most recent flexibility exhibited by Spain will enable an early deal to be concluded.
3. I appreciate Robin's caution on handling this dossier in a period of both Gibraltar and Spanish elections. I am content that, while maintaining low-key official contacts, we do not formally hand over the latest text to the Spanish until after 10 February; but I hope that we can move swiftly thereafter and, if at all possible, conclude the deal before 12 March. Robin's proposals for contacts with Spanish interests are therefore very welcome to smooth the way. As to the Portuguese Presidency, the informal JHA Council on 3-4 March could provide an opportunity to undertake any further talks which might by then be useful.
4. I must nonetheless register my real concern that we should keep up the momentum on this matter. If we do not, there is a real risk that the flexibility provisions will come into play in the JHA area and that (whatever promises Spain may make) the United Kingdom's Schengen application will start to unravel. I therefore welcome Robin's intention to provide a further report on the future prospects for a deal after the Gibraltar elections and in the light of subsequent contacts with the GoG and Spain.
5. On the text to be handed to the Spanish, my officials have been closely involved in the progress of the negotiation and I can support it. I would however draw attention to two points: on the police co-operation agreement, the agreement is to be between myself and Major Oreja. Given the Schengen origin of the agreement, I have no difficulty with this. Second, I would urge

RESTRICTED - POLICY

RESTRICTED - POLICY

that the proposed United Kingdom unilateral statement on SIS legal base does not become a deal-breaker. As currently drafted it is entirely factual but, if necessary, we can address the issue in the future.

6. I am copying this minute to members of (E)DOP, Lord Falconer, Sir Stephen Wall (UKRep), Peter Torry (Madrid), Sir Richard Luce (Gibraltar), Sir John Holmes (Lisbon) and Sir Richard Wilson.



4th February 2000

RESTRICTED - POLICY

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES PIECE/ITEM (one piece/item number)	PRGM 49 1893/1	Date and sign
Extract details:	Note dated 2 February 2000	
CLOSED UNDER FOI EXEMPTION	27(1)	m Bonifè 13/3/2023
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958		
TEMPORARILY RETAINED		
MISSING AT TRANSFER		
NUMBER NOT USED		
MISSING (TNA USE ONLY)		
DOCUMENT PUT IN PLACE (TNA USE ONLY)		

Instructions for completion of Dummy Card



Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer
or Number not used.

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ARCHIVES	

DEPARTMENT/SERIES PREM 49 PIECE/ITEM 1893/1 (one piece/item number)	Date and sign
Extract details: Draft dated 20 January 2000	
CLOSED UNDER FOI EXEMPTION 27(G)	m Benjoe 18/3/2023
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
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NUMBER NOT USED	
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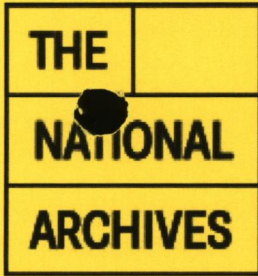
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or Number not used.



DEPARTMENT/SERIES <u>PREM 49</u> PIECE/ITEM <u>1893/1</u> (one piece/item number)	Date and sign
Extract details: <u>Letter and attachments dated 12 January 2000</u>	
CLOSED UNDER FOI EXEMPTION <u>27(1)</u>	<u>m Boniface</u> <u>13/3/2023</u>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

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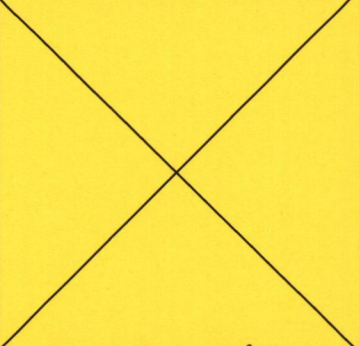
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DEPARTMENT/SERIES PREM 49 PIECE/ITEM 1893/1 (one piece/item number)	Date and sign
Extract details: Letter dated 11 December 1999	
CLOSED UNDER FOI EXEMPTION 27G)	m Bonifra 13/3/2023
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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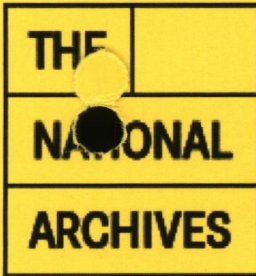
Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
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DEPARTMENT/SERIES PREM 49	Date and sign
PIECE/ITEM 1893/1 (one piece/item number)	
Extract details: Letter and attachment dated 10 December 1999	
CLOSED UNDER FOI EXEMPTION (274)	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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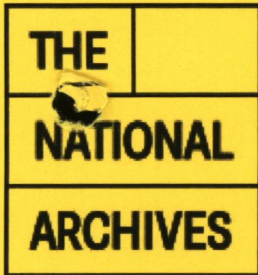
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Enter the piece and item references, .
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DEPARTMENT/SERIES <u>PREM 49</u>	Date and sign
PIECE/ITEM <u>1893/1</u> (one piece/item number)	
Extract details: <u>Letter dated 7 December 1999</u>	
CLOSED UNDER FOI EXEMPTION <u>276)</u>	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
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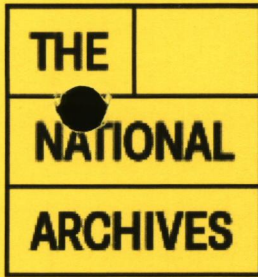
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DEPARTMENT/SERIES <u>PREM 49</u> PIECE/ITEM <u>1893/1</u> (one piece/item number)	Date and sign
Extract details: <u>Letter dated 6 December 1999</u>	
CLOSED UNDER FOI EXEMPTION <u>27(1)</u>	<u>m Bonface</u> <u>13/3/2023</u>
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Enter the piece and item references, .
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or Number not used.



Foreign &
Commonwealth
Office

London SW1A 2AH

2 December 1999

Top-JS
c JPB
PB
MT
AC

Dear John,

Schengen/Gibraltar

At the meeting which you and Philip Barton had with Jeremy Hill and Steve Williams yesterday, it was agreed that you would write to Ramon Gil-Casares to confirm the invitation to the re-scheduled talks on Tuesday, but without going into substance. You thought you might follow this up with a phone call to Ramon. We suggest that you write along the lines of the enclosed, short draft (which has also been discussed with the Embassy in Madrid). As you can see, Monday is a public holiday in Spain (so is Wednesday).

...

Yours etc.,

Tim

(Tim Barrow)
Private Secretary

John Sawers
10 Downing Street

2 December 1999

Ramon Gil-Casares
~~Chef de Cabinet of~~
~~Prime Minister Aznar~~

*President
Madrid*

Foreign Diplomatic Counsellor to

Issue

I am looking forward to our meeting here in London on Tuesday, 7 December. I very much appreciate your readiness to travel to London at what is, for all of us, an exceptionally busy time in the run up to Helsinki. ~~I also know that your visit will be sandwiched in between two public holidays in Spain.~~

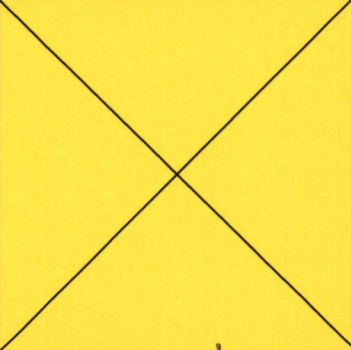
The talks will be held here in 10 Downing Street, ~~starting at 1130.~~ Our team will comprise myself and Philip Barton from No. 10, and Jeremy Hill and Steve Williams from the FCC.

Although there remain some difficult issues for us to discuss, I believe that the two sides are now close to an agreement on an ^{balanced} overall package ~~and~~ We will be approaching Tuesday's talks with the clear objective of reaching that agreement.

John Sawers

and we will aim to
and continue through lunch.
As President Aznar
and Prime Minister Blair
contact directed us to
achieve before the
Helsinki European Council.

THE	
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DEPARTMENT/SERIES <i>PRem 49</i> PIECE/ITEM <i>1893/1</i> (one piece/item number)	Date and sign
Extract details: <i>Note dated 2 December 1999</i>	
CLOSED UNDER FOI EXEMPTION <i>27(1)</i>	<i>m Boniface</i> <i>13/3/2023</i>
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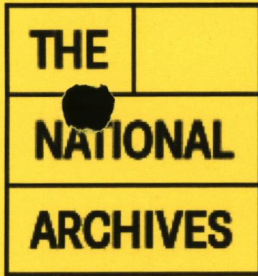
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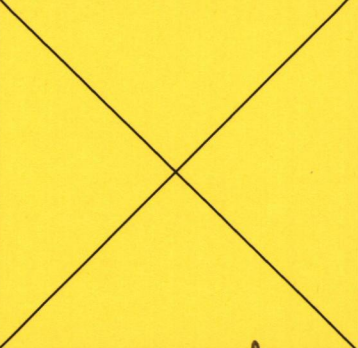
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DEPARTMENT/SERIES <i>PREM 49</i> PIECE/ITEM <i>1893/1</i> (one piece/item number)	Date and sign
Extract details: <i>Letter dated 29 November 1999</i>	
CLOSED UNDER FOI EXEMPTION <i>27(i)</i>	<i>m Boniface</i> <i>13/3/2023</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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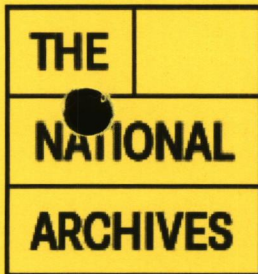
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DEPARTMENT/SERIES PREM 49 PIECE/ITEM 1893/1 (one piece/item number)	Date and sign
Extract details: Fax and attachments dated 1 December 1999	
CLOSED UNDER FOI EXEMPTION 27(1)	m Boniface 13/3/2023
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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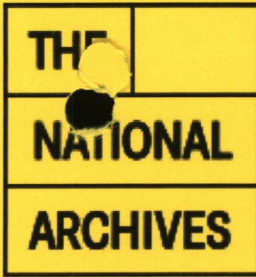
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DEPARTMENT/SERIES <i>PR6M 49</i>	Date and sign
PIECE/ITEM <i>1893/1</i> (one piece/item number)	
Extract details: <i>Letter dated 24 November 1999</i>	
CLOSED UNDER FOI EXEMPTION <i>27(1)</i>	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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Top: HA/PS

← COS
FA/PS
FA/PS (AB)
FA/PS (MT)
AC/Press

(F)

Foreign Secretary

SCHENGEN: OUTSTANDING ISSUES

Positive Coreper discussion of United Kingdom application for Schengen participation. Recommend accepting majority view on form of future commitment to participation.

2. As reported in your Private Secretary's letter of 15 November to No 10, I am grateful to you and your officials for their continuing efforts to achieve a broad-based agreement with Spain on the extension of the United Kingdom's intended participation in the Schengen acquis to Gibraltar, which will have a broader effect in respect of the continuing problem of Gibraltar competent authorities.

3. At Coreper on 17 November, when our Schengen application was considered, the discussion went more favourably than we could have hoped: there is an emerging consensus on our partial participation in the SIS; and technical details of confidentiality and evaluation have been resolved. This leaves the form of our commitment to future participation in those areas covered by our application (Article 10(2)) and territorial scope. On other JHA issues, too, Gibraltar is increasingly the outstanding issue.

4. On partial participation in the SIS, it is clear that Member States can agree to our approach. Spain hinted strongly in Coreper that its outstanding reservation is linked to Gibraltar. There is some debate as to the modalities of achieving our partial participation and I am content for this detail to be resolved later. I propose however to make a United Kingdom declaration at the time the Decision is adopted, which would reserve our position in relation to wider United Kingdom participation, even in Article 96 data, in the longer term should Schengen attitudes towards the exchange of police and immigration data change. This will also serve to reassure the United Kingdom police service that the Government has regard to their need for data for police intelligence purposes.

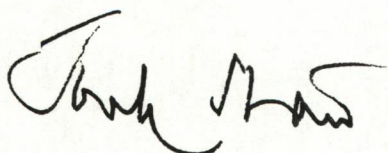
5. On United Kingdom commitment to future Schengen participation, it is clear that, despite Sir Stephen Wall's best endeavours, other Member States will not accept anything less than a legally binding provision in an article of the Decision. I fully recognise the Whitehall lawyers' concerns on this matter but I believe arguments can be made to justify the compatibility of Article 10(2) with the Schengen Protocol. I therefore recommend that we acquiesce in an article provision. This is not all unwelcome; the fact that Coreper agreed to clarify the territorial scope of Article 10(2) will prevent future debate on this and an article provision for this is legally more secure than a declaration.

6. The remaining outstanding Schengen issue is therefore territorial scope. Germany has been joined by France, Austria and Luxembourg in identifying difficulties in relation to any future extension to the Channel Islands and Isle of Man. I am satisfied that we can reassure them on their points of concern. We understand that they may now be prepared to accept Article 7(1) in the Decision but we need to keep the possibility of a declaration to support this in mind.

7. On Gibraltar, I look forward to your proposals for concluding agreement with Spain on the four conditions they attach to our Schengen application. This will have the added advantage, for me, of removing the obstacle to agreement to a number of JHA items at the Council, notably the Eurodac Regulation and the parallel Dublin agreement.

8. There will be further discussion at Coreper on 24 November; subject to any new points raised then, can I assume that you and colleagues are content with this approach unless I hear to the contrary by close on Friday 26 November.

9. I am copying this letter to the Prime Minister, members of EDOP, Derry Irvine, Sir Richard Wilson and Sir Stephen Wall.



23 November 1999

CONFIDENTIAL

by fax to Mr. Jones etc.
cc: PS
LMT
PU
Back to me D 24/11

From: Steve Williams
Date: 22 November 1999

cc: PS/Mr Vaz
PS/PUS
Dr Jones Parry
Mr Wright
Mr Sheinwald
Mr Collecott
Mr Hill, SED
Mr Hendry, Legal Advisers
Dr Young, Legal Advisers
Mr Speller, Gibraltar
Mr Oakden, Madrid

PS

SCHENGEN NEGOTIATIONS: END-GAME

ISSUE

1. How to settle the negotiations with Spain on the Gibraltar aspects of the UK's application to participate in Schengen?

TIMING

2. Immediate. The recommendation is that we seek clearance from No 10 and interested Departments by close of play on 25 November.

PREFERRED OPTION

3. That the Private Secretary should write to No 10 in terms of the draft letter attached; and that we also now show to Caruana the latest negotiating text. SED agree (indeed, as with all work on the Schengen/Gibraltar negotiations, this is very much a co-production).

BACKGROUND AND ARGUMENT

A

4. The Private Secretary's letter to No 10 of 11 November summarised the state of play of the last round of talks. We are seeking through the Embassy in Madrid to produce by the end of this week a consolidated text with outstanding issues in square brackets.

5. Both sides now agree that the outstanding issues now need to be discussed and settled at a higher level. The Private Secretary's letter to No 10 of today's date recommends

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that this should be done through contacts between No 10 and the Moncloa.

6. The present submission (through the draft letter attached) makes recommendations for what our bottom line should be on the outstanding points. The analysis and argument is contained in a more detailed annex to the draft letter.

7. If we can settle our negotiating position by the end of this week, there is still time early next week in which we may be able to do a deal in advance of the JHA Council on 2/3 December. The Home Secretary is very keen to do this. There are also indications on the Spanish side that it would like to achieve this if possible.

8. We have kept Caruana closely informed of progress in the talks with Spain. Jeremy Hill was in Gibraltar last week to update him. The recommendations in the draft letter to No 10 would, we believe, be acceptable to him. The most difficult aspect is likely to be the exclusion of Gibraltar from the articles relating to the Schengen Information System (SIS). We consider that he would accept this as a last resort but he will not be comfortable with it.

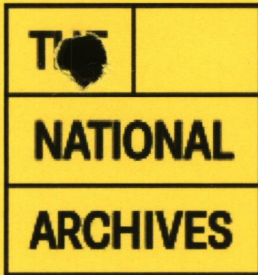
9. We have not yet shown a text to Caruana although we have run through the provisions orally in some detail. But, until we show Caruana a text, we cannot be sure that we will carry him with us. With the prospect of a consolidated text with square brackets being agreed by the end of the week and a deal being done early next week, we recommend that we now show a text to him. We would also then reiterate, where necessary, what our position would be on the key outstanding issues. We will want him unequivocally to support the new arrangements and we will be dependent on him to deliver on issues such as Gibraltar ID cards.

PARLIAMENT AND PRESENTATION

10. The draft letter to No 10 also deals with parliamentary aspects and presentation. We will need to agree a handling strategy with Spain and will be working up ideas during the course of this week. We will also be giving further thought to precisely how the arrangements are to be formalised (probably by an exchange of letters).

S. M. Williams

Steve Williams
EUD(I) W37
270 2309



DEPARTMENT/SERIES <u>PREM 49</u> PIECE/ITEM <u>1893/1</u> (one piece/item number)	Date and sign
Extract details: <u>Draft letter dated</u> <u>22 November 1999</u>	
CLOSED UNDER FOI EXEMPTION <u>27(1)</u>	<u>m Bonifera</u> <u>13/3/2023</u>
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RESTRICTED - POLICY

file



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

15 November 1999

Dear Hilary,

UK SCHENGEN APPLICATION: NEGOTIATING POSITION

The Prime Minister has seen the Home Secretary's letter of 27 October and the Foreign Secretary's reply of 4 November.

He welcomes the progress made to date in negotiations on our Schengen application and agrees with the proposed strategy for the run-up to the JHA Council of 2/3 December. It will be important to ensure that our protocol on frontier controls is not put at risk, and he agrees that colleagues should be consulted again if we are forced to compromise on the extent of our participation in the Schengen Information System. He also agrees that colleagues should be consulted if we are unable to secure a declaration in place of Article 10 of the draft Council Decision. He recognises, however, that we have committed ourselves to full engagement in these areas.

The Prime Minister is aware of the work going on to reach agreement with Spain on the application of Schengen provisions to Gibraltar. He is keen that the momentum of these negotiations be maintained, and stands ready to intervene at the appropriate time.

I am copying this letter to the Private Secretaries of (E)DOP members, and to Sir Richard Wilson and Sir Stephen Wall.

Yours ever,

David

DAVID NORTH

J

Ms Hilary Jackson
Home Office

RESTRICTED - POLICY

RESTRICTED - POLICY

FROM: MICHAEL ROBERTS
DATE: 5 NOVEMBER 1999

DAVID NORTH

No.10

Cc John Sawers
Liz Lloyd
Roger Liddle
Mark Langdale
Sebastian Wood
David Bostock

PB
Is this okay?
JN

UK SCHENGEN APPLICATION: NEGOTIATING POSITION

Response to Jack Straw's minute of 27 November on state of negotiations over UK Schengen opt-in. First discussion at Coreper on 17 November. Decision could come at JHA Council on 2/3 December.

The Home Secretary notes good progress, but identifies three outstanding issues:

- **negotiations with Spain on the application of Schengen provisions to Gibraltar.** Postboxing arrangements continue to be the main sticking point. Next round of talks with Spain, due on 9 November, will consider a new UK text. Intervention by No 10 with the Moncloa will be necessary later on.
- **Extent of our participation in the Schengen Information System.** France, like Spain, is objecting to our wish for partial participation. Our concern is that sharing SIS immigration data might put at risk our Protocol on frontier controls. Compromise may be necessary, but we shall first need to be reassured on the legal point.
- **Cherry picking:** our partners are insisting on the inclusion of legally binding text which commits us in advance to participate in any future developments to the Schengen articles into which we now opt. Our concern is this might jeopardise our right to opt in under Article 5 of the Schengen Protocol. We have therefore argued for a political declaration in its place. But at present this looks unattainable.

RESTRICTED - POLICY

RESTRICTED - POLICY

The Foreign Secretary's note of 4 November broadly endorses the Home Secretary's approach. But it underlines the need for further consultation of colleagues if we come under pressure to compromise. There is still opportunity in Coreper to push for an opt-in on our preferred terms. But as we approach the JHA Council, there will be growing attraction in isolating Spain in its difficulties over Gibraltar. We are unlikely to want to cherry pick, and indeed have committed ourselves to full engagement in those areas into which we are opting. The development of Schengen articles can in any case only proceed subject to unanimity.

There is not strictly a need for you to write. But there is some value in restating No 10's interest. The Foreign Secretary's note was specifically not sent in his capacity as Chairman of (E)DOP.

Michael Roberts

MICHAEL ROBERTS
European Secretariat
Room 342, 70 Whitehall
Tel: 270 0059

RESTRICTED - POLICY

475

RESTRICTED - POLICY

DRAFT REPLY FROM DAVID NORTH TO PS/HOME SECRETARY.

Private Secretary
Home Office

UK SCHENGEN APPLICATION: NEGOTIATING POSITION

The Prime Minister has seen the Home Secretary's letter of 27 October and the Foreign Secretary's reply of 4 November.

He welcomes the progress made to date in negotiations on our Schengen application, and agrees with the proposed strategy for the run-up to the JHA Council of 2/3 December. It will be important to ensure that our protocol on frontier controls is not put at risk, and he agrees that colleagues should be consulted again if we are forced to compromise on the extent of our participation in the Schengen Information System. He also agrees that colleagues should be consulted if we are unable to secure a declaration in place of Article 10 of the draft Council Decision. He recognises, however, that we have committed ourselves to full engagement in these areas

The Prime Minister is aware of the work going on to reach agreement with Spain on the application of Schengen provisions to Gibraltar. He is keen that the momentum of these negotiations be maintained, and stands ready to intervene at the appropriate time.

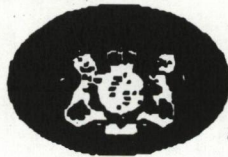
I am copying this letter to Private Secretaries of (E)DOP members, and to Sir Richard Wilson and Sir Stephen Wall.

David North

RESTRICTED - POLICY

RESTRICTED - POLICY

1. cc David Burton
Let me know if there
is a problem in all this.
2. (He) J. Sam



MR
Looks OK to me.
Let's start Tuesday.
MD

28/10/99
✓ CC DB
RG
SM
2. MD
3. MRK
TOP JS
e JH
PB
MT
AC

2

Foreign Secretary

Negotiations on the United Kingdom application to participate in Schengen have reached an advanced stage. The matter has now been referred to Coreper, prior to consideration by the Council. Proposals for the United Kingdom's negotiating position on the major points of concern.

2. Colleagues will recall that I submitted to the former German Presidency on 20 May the United Kingdom's application to participate in those areas of the Schengen acquis that relate to law enforcement co-operation, judicial co-operation, narcotic drugs and the Schengen Information System (SIS). This was followed by supplementary letters on 9 July and 6 October relating to additional Schengen provisions in these areas. With the support of the Presidency and a number of our partners, the negotiations on our application have been swift and positive. We now appear to be entering the closing phase of discussions. A draft Council decision has been drawn up as the vehicle for formal approval to the terms of our participation. This will be considered by Coreper shortly, prior to Ministerial approval, possibly at the JHA Council on 3-4 December. Decision is by unanimity of the thirteen Schengen states and the United Kingdom.

3. Colleagues have been consulted as necessary on specific points which have arisen during the course of negotiations. The draft Council Decision is being circulated at official level for a final check on the detail. There are three key issues remaining to be resolved. The first of these - bilateral discussions with Spain over Gibraltar-related issues - is being taken forward separately under your lead. The other points relate to our participation in the Schengen Information System (SIS), and to the terms of our participation in future measures building on the Schengen acquis.

4. On the SIS, our application indicated that we wished to participate in all areas of data exchange other than those relating to the movement of persons (Article 96 of the Schengen Implementing Convention). Discussion in the Council Working Group has established that this is feasible in technical and legal terms. The draft Decision has therefore been drafted to reflect our wishes. Our partial participation in the SIS is however likely to prove politically unacceptable to a number of partners, most notably France and Spain. They have drawn

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attention to the integrity of the System, arguing that we should be seeking to adapt to Schengen, not it to us. We remain concerned however that participation in the SIS immigration data may risk our Protocol on the maintenance of internal frontier controls. We intend to defend our position at Coreper but if the political resistance cannot be removed, we may need to consider a compromise. I will consult colleagues further as necessary on this, and seek the advice of Law Officers as to any impact on our frontiers position. In the meantime I shall be speaking to my French counterpart; Spanish resistance is linked to their wider Gibraltar concerns and can best be addressed through that.

5. The other issue of concern relates to a provision which has been included in the draft Council Decision (currently Article 10) relating to our participation in future measures building on the Schengen acquis. The intention of the provision is to ensure that the United Kingdom keeps pace with developments in EU co-operation in the areas to which our Schengen application relates. It seeks to avoid the undesirable situation where different versions of a provision might co-exist within Europe. This would effectively reduce the discretion for future co-operation afforded to us by the Schengen Protocol, Article 5 of which enables us to opt-in individually to measures building on the Schengen acquis. In addition to the content of this provision, there is the issue of whether any such provision should be in a legally binding form in the Decision or stand as a declaration.

6. This is a significant point, to which our partners clearly attach great importance. Our assessment is that the impact will not be so far reaching in policy terms. We have already accepted a "no cherry picking" approach, in which we are seeking to enter into entire blocks of existing Schengen co-operation. I cannot see that it would be politically acceptable for us to depart from this policy in relation to future measures building on these provisions. Nor would it necessarily be in our own interests to do so, given our wish for effective European Union co-operation on law enforcement. And as members of the Council, we will participate in the adoption of development measures and can therefore vote against them if they are sufficiently damaging to our interests (the areas in which we are seeking participation are subject to unanimity).

7. I am therefore seeking colleagues' agreement that we do not seek to block this provision at Coreper or in Council. We should strongly argue for it to be in a declaration form, but if we cannot secure sufficient support for this position we should be prepared to agree to its inclusion in the Decision. We should of course ensure that the provision is drafted to be compatible with the approach of the Schengen protocol. Officials are looking at this at present. The provision should also not prevent us from exercising our right to opt in under Article 5 of the Schengen Protocol to measures building on the Schengen acquis in areas not included in our application. It is conceivable that we might wish to do so in areas where "Schengen related" has been given a broad definition, (for example in relation to false documents or re-admission). But it remains to be seen whether our acting in this way would prove contentious to EU colleagues.

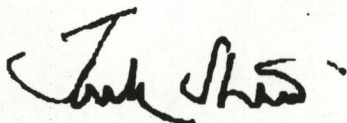
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8. Unless I hear to the contrary by close on Friday 5 November, I will assume that colleagues are content with our proposed line on these points and we will take them forward on this basis for Coreper, which may be as soon as Wednesday 10 November.

9. I am copying this minute to the Prime Minister, members of EDOP, Sir Richard Wilson and Sir Stephen Wall.



27th October 1999

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FCS/99/135

HOME SECRETARY

UK Schengen Application: Negotiating Position

1. Agreement with the general approach set out in your letter of 27 October regarding UK negotiating strategy for our Schengen application, subject to further consideration of any proposed compromise on Article 96 of the Schengen Information System. We should continue to aim for a declaration on Article 10 of the draft decision.
2. Thank you for your letter of 27 October. I am replying as Foreign Secretary, not as (E)DOP chairman. I welcome the considerable progress which you and your officials have made in the negotiations on our Schengen application. As we approach the final stages, we need to have a clear idea of what may be necessary in order to close the deal. As you say, our officials are working closely together on one crucial aspect-reaching agreement with Spain over the application of the Schengen provisions to Gibraltar.
3. I agree with your general approach, although I very much hope we succeed in securing partial participation in the SIS. Quite apart from possibly placing our frontiers protocol at risk, any new Article 96 commitment which required our entry clearance officers to draw on SIS immigration data would have significant resource implications. I therefore welcome your offer to consult colleagues again should we be forced to consider a compromise.
4. I also agree that it would be difficult for us to block Article 10 of the draft decision at Coreper or in Council. But I see legal difficulties in going for anything other than a declaration. Only a declaration will achieve the

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protection we seek of our rights under Article 5 of the Schengen Protocol. As you say, we must not undermine these rights, which were recently reiterated to Parliament in the response to the Foreign Affairs Committee report on Gibraltar. If it looks like we will not succeed in getting a declaration I would like to be consulted again.

5. I am copying this minute to the Prime Minister, members of (E)DOP, Sir Richard Wilson and Sir Stephen Wall.

ROBIN COOK

Foreign and Commonwealth Office
4 November 1999

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4 November 1999



Foreign &
Commonwealth
Office

London SW1A 2AH

From The Secretary of State

~~Top: 1B~~
K:MY
OB
P)

File
PMB
3/11

Dear Michael,

Thank you for your letter of 1 November seeking colleagues's agreement to the line you propose to take in the forthcoming negotiations with the applicants on the environment chapter of the acquis. You asked for comments by 4 November before the first Council Working Group discussions of the EU's draft Common Position.

I understand that Departments are content with the approach outlined in your letter which officials have already discussed and agreed. I gather that DTI Ministers may write to add points of detail, but you may take it they are content with your general approach.

I therefore conclude that you have colleagues' agreement to proceed for now on the basis set out in your letter. If the UK line needs significant updating or adjustment in light of developments in the negotiations it would be helpful if you could consult colleagues again.

I am copying this letter to the Prime Minister, EDOP, Sir Richard Wilson and Sir S Wall.

Yours sincerely

ROBIN COOK

The Rt Hon Michael Meacher MP

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Top: PB
cc: MY

1. ~~DJ/JS~~

2. file
PRB
4/11

FCS/99/135

HOME SECRETARY

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A handwritten signature in cursive script that reads "Robin Cook".

ROBIN COOK

Foreign and Commonwealth Office
4 November 1999

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Top: HA/PS
 cc COS
 FA/PS
 FA/PS (AB)
 FA/PS (MT)
 AC/Press

Foreign Secretary

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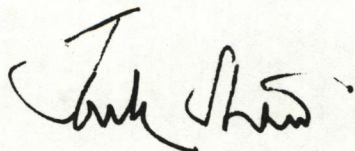
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27th October 1999

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Top: HA/PS

EA/PS
PU



Jane Kennedy MP
Selborne House
54-60 Victoria Street
London
SW1E 6QB

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

OB
f

26 OCT 1999

Dear Jane

Your predecessor, Keith Vaz, wrote to me on 1 October to state that he agreed that the United Kingdom should participate in the Schengen 'Agreement on Road Traffic Offences and the Enforcement of Financial Penalties thereof', and in the negotiations on the Explanatory Report on the Agreement. Jack Straw has now written to the Finnish Presidency of the European Union, to notify them of the United Kingdom's ... position. I attach a copy of his letter to Mr Hakamies.

I am copying this letter to Lord Whitty and members of EDOP.

Yours
Barbara

BARBARA ROCHE

46/1.00



QUEEN ANNE'S GATE LONDON SW1H 9AT

08 OCT 1999

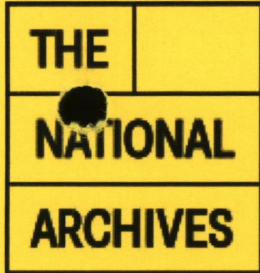
Mr Kari Hakamies
c/o Charles Eisen
Director General (Justice & Home Affairs)
General Secretariat of the Council
Rue de la Loi, 175
B1048
Brussels
Belgium

Dear Mr. Hakamies,

Further to my letter of 9 July outlining the Decisions of the Schengen acquis that the United Kingdom wishes to participate in, I write to inform you that the United Kingdom also wishes to participate in the Schengen 'Agreement on Co-operation in proceedings for Road Traffic Offences and the Enforcement of Financial Penalties thereof'. Consequently, the United Kingdom also wishes to participate in the negotiations on the Explanatory Report on the Agreement that are to take place in the Judicial Co-operation Working Group.

Yours sincerely,

JACK STRAW



DEPARTMENT/SERIES <i>PREM49</i> PIECE/ITEM <i>1893/1</i> (one piece/item number)	Date and sign
Extract details: <i>Letter dated 22 October 1999</i>	
CLOSED UNDER FOI EXEMPTION <i>27(1)</i>	<i>m Bonifice</i> <i>12/3/2023</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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NUMBER NOT USED	
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DOCUMENT PUT IN PLACE (TNA USE ONLY)	

Instructions for completion of Dummy Card



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Use the card for one piece or for each extract removed from a different place within a piece.

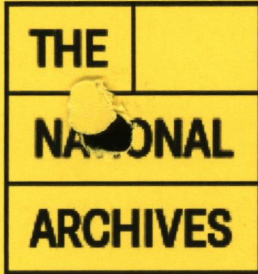
Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer
or Number not used.



DEPARTMENT/SERIES PREM 49 PIECE/ITEM 1893/1 (one piece/item number)	Date and sign
Extract details: Telegram dated 25 October 1999	
CLOSED UNDER FOI EXEMPTION 27(1)	m Bonifacio 13/3/2023
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