



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Presidency
to : Coreper/Council

Subject : Presidency note on the state of work on the draft Council Decision on setting up
the Standing Committee on operational cooperation on internal security (COSI)

Delegations will find attached a Presidency note on the state of work on the draft Council Decision on setting up the Standing Committee on operational cooperation on internal security (COSI).

It is recalled that no decisions can be taken as long as the Treaty of Lisbon has not entered into force following ratification by all 27 Member States.

**DRAFT Council Decision on setting up the Standing Committee on operational cooperation
on internal security (COSI)**

1. The Lisbon Treaty introduces a new committee in the area of JHA – the Standing Committee on Internal Security (COSI). On the day of entry into force of the Treaty, the Council, in accordance with Article 71 TFUE, will adopt a Decision setting up the Committee. A broad understanding allowed the drafting of the attached text.
2. When the Decision will be adopted, a Council Statement on the composition of the Standing Committee would be entered in the Council minutes. The text of the declaration could be as follows:

"Given its operational role, COSI will be capitals-based. Each Member State will decide whether it has a single representative for all subject matters or different representatives, in both cases enjoying appropriate support. However the number of delegates will be limited in order to ensure the efficiency of the committee's work. COSI's work will be provided with Brussels-based support. JHA Counsellors will play a supporting role and will meet as required between main meetings of COSI."

DRAFT**Council Decision on setting up the
Standing Committee on operational cooperation on internal security**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 71 thereof,

DECIDES :

Article 1

The Standing Committee on operational cooperation on internal security foreseen in Article 71 of the Treaty on the Functioning of the European Union (TFEU) is herewith set up within the Council.

Article 2

The Standing Committee shall facilitate, promote and strengthen coordination of operational actions of the authorities of the Member States competent in the field of internal security.

Article 3

1. Without prejudice to the mandates of the bodies referred to in Article 5, the Standing Committee shall facilitate and ensure effective operational cooperation and coordination under Title V of Part Three of the TFEU, including in areas covered by police and customs cooperation and by authorities responsible for the control and protection of external borders. It shall also cover, where appropriate, judicial cooperation in criminal matters relevant to operational cooperation in the field of internal security.
2. The Standing Committee shall also evaluate the general direction and efficiency of operational cooperation; it shall identify possible shortcomings or failures and adopt appropriate concrete recommendations to address them.

3. The Standing Committee shall assist the Council in accordance with the provisions of Article 222 TFEU.

Article 4

1. The Standing Committee shall not be involved in conducting operations, which shall remain the task of the Member States.
2. The Standing Committee shall not be involved in preparing legislative acts.

Article 5

1. When appropriate, Representatives from EUROJUST, EUROPOL, FRONTEX and other relevant bodies shall be invited to attend, as observers, the meetings of the Standing Committee.
2. The Standing Committee will help ensure consistency of action by these bodies.

Article 6

1. The Standing Committee shall regularly submit a report to the Council on its activities.
2. The European Parliament and the national Parliaments shall be kept informed, by the Council, of the proceedings of the Standing Committee.

Article 7

Entry into force...

Done at , 2009

For the Council
the President,
