

Brussels, 8 September 2009

Draft

FICHE

**on possible implications of the Treaty of Lisbon provisions
for the JHA working structures**

The Lisbon Treaty introduces a number of new provisions in the JHA area. These include the creation of a new committee - the Standing Committee on Internal Security (COSI)¹ and the abolition in the Treaty of the Article 36 Committee. In July 2009, delegations have reached a common understanding on the possible tasks, composition and functioning of COSI.

The introduction of COSI should however be seen in the broader context of a necessary general review of the JHA working structures, taking into account the relevant provisions of the Lisbon Treaty, the need for a multidisciplinary approach, for enhanced coherence and maximum efficiency and focus of the structures that will remain.

This note sets out the possible arrangements in the overall architecture of JHA structures which answer the double objective of addressing the consequences of the entry into force of the Treaty of Lisbon and introducing more efficiency in the work of the Council in this area.

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

Basing itself on the current list of Council preparatory bodies, the Presidency submits to delegations' consideration the suggestions for modification as presented below.

¹ Article 71 TFEU.

A.6	Article 36 Committee (CATS)	<p>Should continue to meet during a limited period of time until the end of 2012. At that time, the value of having CATS should be re-evaluated by COREPER.</p> <p>CATS should be maintained in a network and meet twice per Presidency. It should focus its discussions on strategic issues where COSI would not be able to contribute. Examples of such issues are for instance taking strategic decisions relating to the development of model criminal law provisions, strategic issues relating to Russia and USA on criminal law cooperation, selection of strategic partners for developing agreements on police cooperation, extradition and mutual legal assistance and setting criteria therefore, etc.</p> <p>CATS should not be involved in negotiations on EU legislation.</p>
E.1	Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)	<p>Should continue to meet during a limited period of time until the end of 2012. At that time, the value of having SCIFA should be re-evaluated by COREPER.</p> <p>SCIFA should be maintained in a network and meet twice per Presidency. It should focus its discussions on strategic issues where COSI would not be able to contribute. Examples of such issues are for instance the issue on solidarity in the Mediterranean, changing visa policy for persons (and not on nationality as proposed recently) or using legal immigration better.</p> <p>SCIFA should not be involved in negotiations on EU legislation.</p>
E.2	Working Party on Free Movement of Persons, Integration, Migration and Expulsion	Renamed and merged with G.11 Working Party on Free Movement of Persons.
E.3	Visa Working Party	Continues.
E.4	Asylum Working Party	Continues.
E.5	CIREFI	Abolished. CIREFI and its functions are transferred to FRONTEX. FRONTEX should report to the Council on statistics.
E.6	Working Party on Frontiers	Continues.
E.7	Committee on Civil Law Matters	Renamed Working Party and continues in the present form in several subgroups.
E.8	SIS/SIRENE Working Party	Merged with E.17 and E.18 Working Party for Schengen Matters when the Agency for SIS, VIS and Eurodac has been set up.

E.9	SIS-TECH Working Party-	Merged with E.17 and E.18 Working Party for Schengen Matters when the Agency for SIS, VIS and Eurodac has been set up.
E.10	Law Enforcement Working Party	Includes E.11 Europol Working Party and E.13 Customs Cooperation Working Party. Can meet in subgroups (either police or customs) where the agenda necessitates this.
E.11		
E.12	Working Party on Terrorism	A single Working Party on Terrorism is created. It consists of 3 subgroups: Current COTER, TWP and C.38 Working Party on the application of specific measures to combat terrorism.
E.13	Customs Cooperation Working Party	Merged with E.10 and E.11 Law Enforcement Working Party.
E.14	Working Party on Cooperation in Criminal Matters	Continues.
E.15	Working Party on Substantive Criminal Law	Continues.
E.16	Working Party on Collective Evaluation	Abolished.
E.17	Working Party for Schengen matters	Includes current Working Party on Schengen Evaluation and current Working Party on the Schengen Acquis. Deals with issues that are not handled by the Agency for SIS, VIS and Eurodac.
E.18		
E.19	Working Party on Organised Crime and General Matters including Evaluation	Multidisciplinary Group on Organised Crime transforms into the Working Party on Organised Crime and General Matters including Evaluation. Deals with matters relating to organised crime, excluding terrorism, that are not covered by COSI or other working parties and all evaluation mechanisms under Article 70 TFEU except Schengen evaluations. Will meet in different subgroups depending on the issue.
E.20	<i>no longer exists</i>	
E.21	Working Party on Civil Protection	Continues.
E.22	Working Party on Fundamental Rights and Citizens Rights	Ad Hoc Working Party on Fundamental Rights and Citizenship is made permanent and is tasked with, for example, negotiations on accession of the Union to the ECHR and the EU Agency for Fundamental Rights.
E.23	Working Party on Information Exchange and Data Protection	Becomes permanent and includes Ad Hoc Group on Information Exchange ² and G.9 Working Party on Data Protection on data protection. It may meet in subgroups.
E.24	JAI-RELEX Ad Hoc Support Group	Becomes permanent.

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Cf. docs 6259/5/06 REV 5 and 9208/1/08 REV 1

B.3	High-Level Working Group on Asylum and Migration	Continues
B.4	Horizontal Working Party on Drugs	Continues
B.10	Working Party on E-Law	Transformation of Working Party on Legal Data Processing with the mandate of implementing the action plan on e-justice. The previous Legal Data Processing issues should be transferred to the Commission, and would include discussions on the integrated system for access to Community Law and CELEX.
C.38	Working Party on the application of specific measures to combat terrorism	Will become a subgroup under E.12 Working Party on Terrorism which could have several subgroups under the same umbrella.
