



**COUNCIL OF  
THE EUROPEAN UNION**

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**14236/08**

**LIMITE**

**JAI 530  
RELEX 755**

**NOTE**

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from :	Presidency
to :	Permanent Representatives Committee
Subject :	Creation of an information and coordination mechanism concerning the external dimension of JHA questions, including a temporary ad hoc support group

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**I Introduction**

1. In December 2005, the Council adopted a "Strategy for the External Dimension of JHA: Global Freedom, Security and Justice" (hereinafter referred to as the "JHA-RELEX Strategy" (15446/05)). At its meeting on 4 and 5 December 2006, the Justice and Home Affairs Council took note of a Presidency report welcoming the reports' conclusions and highlighting, "again, the complementarity of the action in the field of JHA with the external policy of the EU<sup>1</sup>".
2. As recognised in the European Security Strategy, internal security issues, which are of fundamental importance to the EU and its Member States, are closely linked to external threats and challenges. The EU's migration policy also has a strong external dimension, as reflected in the European Pact on Immigration and Asylum and the Global Approach to Migration.

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<sup>1</sup> 15708/06 JAI 632 RELEX 836.

3. The JHA-Relex Strategy states that "the Commission and Council Secretariat will systematically monitor the progress of JHA external activity and report to the JHA Council and GAERC every 18 months". In June 2008, the JHA Council decided that a discussion on the conclusions and recommendations of the reports of the Council Secretariat (9391/08) and of the Commission (9573/08) on the implementation of JHA external strategy should take place under the French Presidency.
4. As a result, the French Presidency took the initiative of convening a temporary "JHA-Relex Friends of the Presidency Group". The establishment of this Group was approved by COREPER on 17 September (12693/1/08 REV 1 JAI 435 RELEX 613).
5. Meetings of the Group took place on 22 July, 19 September and 30 September. All Member States participated, as well as the Commission and Frontex, Eurojust and Europol. In accordance with the Group's mandate, the Article 36 Committee (CATS), the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), the Committee on Civil Law Matters (General Questions) and the High Level Working Group on Asylum and Migration (HLWG) were consulted on the ideas put forward by the Friends of the Presidency Group. The Working Party on External Relations was kept informed of those developments.
6. The Presidency submits for the attention of delegations this report on the outcome of the Group's work. The main conclusion which the Presidency would draw from that work is the need to take steps to increase coherence in this area. In the light of this, COREPER is invited in parallel to endorse a draft mandate for the creation of a JHA-Relex Ad Hoc Support Group (14431/08 JAI 546 RELEX 772).

## II Assessment

7. The principal conclusion from the discussions held within the Friends of the Presidency Group is the need for increased coherence and consistency within the external dimension of JHA, and with the external policy of the EU as a whole, it being understood that this can be achieved at European level only if individual Member States take the necessary steps to ensure the consistency of their positions within their own policy-making structures. It might also be useful if the Council bodies were to give greater consideration to the external dimension of JHA.
8. Within the field of JHA, there is currently no need to modify the competencies of the various bodies - CATS, SCIFA, the Committee on Civil Law Matters (General Questions), the High Level Working Group on Asylum and Migration and the working parties - to deal with external issues. However, those committees and working parties could still reflect on how they might strengthen their involvement in JHA-Relex activities within the framework of the existing structures.
9. To encourage better use of these structures, the Friends of the Presidency Group considered that there was a need to establish a JHA-Relex information and coordination mechanism. The aim of this mechanism would be to improve the flow of information between the Troika (defined as the Presidency assisted by the General Secretariat, the Commission and the incoming Presidency) and the Member States. It would act as a network between the various stakeholders: the Permanent Representations, the General Secretariat of the Council and the Commission. It would also help prepare the groundwork for strategic reflections on both thematic and geographical JHA-related issues, supporting the work of the relevant committees and working parties.
10. The mechanism would complement the work of working parties in both the JHA field and the area of external relations. The committees and working parties dealing with external relations would retain specific responsibility for the overall coherence of the EU's action in that area. The mechanism would be without prejudice to COREPER's overall responsibility for the preparation of Council meetings.

11. The Friends of the Presidency Group proposes that the JHA-Relex information and coordination mechanism should function as follows:
- The Troika will inform Member States on a regular basis of relevant JHA-Relex events. This should include timetables for and reports of meetings. This information will be circulated within the competent JHA committees/working parties and/or their Relex counterparts, in order to provide input to the work within their specific areas of responsibility.
  - Member States will be able to use the mechanism to keep each other informed of relevant issues related to bilateral cooperation, projects and meetings with third countries. This will also include information on second pillar activities, such as those performed by the police missions.
  - In addition, the mechanism will serve as an information tool on the state of JHA-Relex activities at EU and Member State level, providing geographical and thematic overviews of activities over recent years.
12. As part of this mechanism, it is proposed that a JHA-Relex Ad Hoc Support Group be established for a limited period, following which an assessment would be made of the need to maintain it. The Group would act as a forum for the direct exchange of information, evaluate the functioning of the mechanism, ensure horizontal follow-up in preparations for meetings with third countries and provide for the possibility for more strategic reflections on thematic and geographical JHA-related issues. A draft mandate for this Group has been drawn up separately by the Presidency and has been submitted to COREPER.
13. One of the first issues which might be addressed by the new Group could be the preparation of input to the future JHA-Relex strategy.

14. The Group would provide its support to the relevant committees and working parties. Its members should ensure liaison with the other JHA fora and committees and working parties dealing with external relations and provide a constant link with the competent ministries in their respective capitals.
15. The future Group should also examine the JHA-Relex activities of bodies such as Frontex, Eurojust and Europol, while fully respecting their competencies. It is clear from the Group's proceedings that those bodies are also in favour of an increased exchange of information and expertise.
16. Coreper is invited to take note of this report.

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