



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

**JAI 546
RELEX 772**

"I" ITEM NOTE

from : Presidency
to : Permanent Representatives Committee

Subject : Creation of an Ad Hoc Support Group concerning the external dimension of
 JHA ¹ questions

1. The proceedings of the Friends of the Presidency Group mandated by COREPER on 17 September 2008 for the external dimension of JHA questions ("JHA-RELEX") led to delegations recognising the need to increase coherence within that dimension and with the EU's external policy as a whole, as illustrated by the Presidency's report on the outcome of the Group's proceedings (14236/08 JAI 530 RELEX 755).
2. To that end, the idea of creating an information and coordination mechanism concerning the external dimension of JHA questions in order to ensure a more effective and more comprehensive exchange of information between the Presidency, the incoming Presidency, the Commission and delegations met with very broad support from the Group.

¹ In this note, the term "JHA" must be understood to include not only matters relating to Title VI of the Treaty on European Union, but also those covered by Title IV of the Treaty establishing the European Community.

3. The Friends of the Presidency Group also broadly supported the idea of setting up, within the framework of that information mechanism, a temporary JHA-RELEX Ad Hoc Support Group. The Group's aim would be to facilitate the exchange of information and contribute towards more strategic and horizontal reflections in that area, with a view to supporting the work of the relevant RELEX and JHA committees and working parties by helping to ensure their consistency, but without prejudice to their mandates. It could act as a matter of priority in areas in which coordination currently appears to be lacking.
4. This Ad Hoc Support Group would:
- ensure the proper functioning of the information and coordination mechanism;
 - facilitate a regular flow of information between the JHA-RELEX working bodies on questions relating to events, initiatives and projects in the JHA-RELEX area;
 - ensure horizontal follow-up to preparations for JHA-related meetings with third countries wherever such meetings involve several JHA committees or working parties, and report back on such follow-up to CATS, SCIFA, the High Level Working Group on Asylum and Migration, the Committee on Civil Law Matters (General Questions) and the competent geographical or thematic RELEX working party;
 - contribute towards the future updated JHA-RELEX Strategy, in cooperation with the competent committees and working parties. Where appropriate, the Ad Hoc Group could also take part in strategic reflections on thematic and geographical issues linked to the external JHA dimension in order to enable the competent committees and working parties to discuss those issues in more detail. In particular, at the request of the competent geographical working parties, it could focus on certain geographical areas which are of priority interest to the Union.

5. All documents distributed within this Ad Hoc Support Group would be forwarded to the relevant JHA-RELEX committees and working parties; conversely, the Group would be provided with any JHA/RELEX-related documents distributed to such committees and working parties. It would report to the competent RELEX and JHA committees and working parties (in particular the geographical working parties), which could in turn refer matters to it. It would not have to deal with any institutional questions. COREPER's responsibility for supervising and ensuring the consistency of the work of its own various preparatory bodies would not be called into question, nor would the responsibility of the geographical groups in coordinating relations with the countries in their respective areas of competence and preparing for summits with third countries under COREPER's authority.
6. The Group's composition would be such as to ensure a cohesive approach to EU action in the external JHA dimension. It should be able to meet at short notice if necessary and would work without interpretation. It would be chaired by a representative of the Member State holding the Council Presidency.
7. It is proposed that the term of office of the JHA-RELEX Ad Hoc Support Group should expire at the end of 2009, since an updated JHA-RELEX Strategy should have been adopted by then. At that moment, COREPER could decide to extend the Group's term of office if such an extension were deemed to be truly desirable, based on an assessment of the Group's functioning, and in particular its contribution towards ensuring the effectiveness and consistency of and guaranteeing the absence of any compartmentalisation or overlaps in the work carried out by the Council bodies. Such an assessment would be carried out by the Antici Group in consultation with the JHA Counsellors and the Working Party on External Relations.
8. COREPER is invited to approve the setting up of a JHA-RELEX Ad Hoc Support Group on the basis of the mandate defined above for the period until the end of 2009.