



**COUNCIL OF
THE EUROPEAN UNION**

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PUBLIC

"I" ITEM NOTE

from: Presidency
to: Permanent Representatives Committee
Subject : 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) and the abolition in the Treaty of the Article 36 Committee. Coreper has reached a common understanding on the possible tasks, composition and functioning of COSI. The Decision is awaiting parliamentary scrutiny in some member states.

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 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. Basing itself on the current list of Council preparatory bodies, the Presidency submitted for consideration the suggestions for modification of the working group structure under the JHA Council as presented below. This does not exclude that some Working Parties are also involved in preparatory work for different Council formations. The Permanent Representatives have discussed these issues several times.

At a meeting of JHA Counsellors on 16 December an understanding was reached on the reform of the working group structures in the JHA area in accordance with the attached list, which draws on doc 11602/09 POLGEN 112 List of Council preparatory bodies.

The Presidency invites Coreper to:

- a) adopt the JHA working structures in accordance with the attached list;
- b) take note that the decision of COSI will be adopted as soon as parliamentary scrutiny reservations have been lifted;
- c) decide that the attached list will enter into force on 1 July 2010 at the latest; it is for the Presidency to decide to advance that date if it so wishes;
- d) decide that the decision for E 22 and E 24 will enter into force with immediate effect.
- e) take note that on request by Delegations, the General Secretariat has indicated that it will draw up a separate code for documents relating to the free movement of persons.

E.0	CATS	Decision has been taken by Coreper
E.1	Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)	Decision has been taken by Coreper
E.2	Working Party on Integration, Migration and Expulsion	Working Party on Migration and Expulsion is renamed. The Working Party should be able to meet in different formations depending on the agenda.
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. The Working Party may, where necessary, deal with aspects of issues previously dealt with by E.5 CIREFI.
E.7	Working Party on Civil Law Matters	Committee on Civil Law Matters is renamed and continues in the present form in several formations.
E.8	SIS/SIRENE Working Party	Merged with E.17 and E.18 Working Party for Schengen Matters .

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 become operational.
E.10 E.11	Law Enforcement Working Party	Includes E.10 Police Cooperation Working Party and E.11 Europol Working Party. Will deal with general issues of police cooperation and law enforcement.
E.12	Working Party on Terrorism	Continues. The E.12 Working Party on Terrorism should meet together with C.19 (COTER) when dealing with horizontal or cross cutting issues such as Action Plans.
E.13	Customs Cooperation Working Party	Continues.
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 E.18	Working Party for Schengen Matters	Includes the current Working Party on Schengen Evaluation and Working Party on the Schengen Acquis. It also includes SIS-TECH and SIRENE and should be able to meet in different formations according to the items on the agenda.
E.19	Working Party on General Matters including Evaluation	Multidisciplinary Group on Organised Crime transforms into the Working Party on General Matters including Evaluation. Deals with matters relating to organised crime, prevention, excluding terrorism, that are not covered by COSI or other working parties and all evaluation mechanisms that will be set up under Article 70 TFEU except Schengen evaluations (which are dealt with by the WP for Schengen matters). May deal with all other topics that are not dealt

		with by any other working party. May meet in different formations 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, Citizens Rights and Free Movement of Persons	Ad Hoc Working Party on Fundamental Rights and Citizenship is renamed, made permanent and tasked with all matters relating to fundamental rights and citizens rights including free movement of persons, negotiations on accession of the Union to the ECHR, the follow-up of reports from the EU Agency for Fundamental Rights. The Working Party should be able to meet in different formations whenever necessary depending on the subject of the agenda.
E.23	Working Party on Information Exchange and Data Protection	Ad Hoc Group on Information Exchange is renamed, made permanent and is merged with G.9 Working Party on Data Protection. It may meet in different formations or subgroups.
E.24	JAI-RELEX Working Party	JAI-RELEX Ad Hoc Support Group is made permanent.
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 B.10 Working Party on Legal Data Processing (E-justice and E-law) with the mandate, inter-alia 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 and Union Law and CELEX.
C.19	COTER	Continues
C.38		Continues