

Note from the General Secretariat of the Council on the conclusions of the Antici Group concerning the working parties in the JHA area (21 January 2002)

Caption: In a note dated 21 January 2002, the General Secretariat of the Council sets out the conclusions of the meeting of the Antici Group held on 14 January 2002 concerning the reorganisation of working parties in the field of justice and home affairs (JHA).

Source: Note from General Secretariat to Coreper. Subject: Council working methods (JHA area) – Analysis of Working Parties in the JHA area. Outcome of the meeting of the Antici Group, 5502/02, JAI 7. Brussels: Council of the European Union, 23.01.2002. 5 p. <http://register.consilium.europa.eu/pdf/en/02/st05/05502en2.pdf>.

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http://www.cvce.eu/obj/note_from_the_general_secretariat_of_the_council_on_the_conclusions_of_the_antici_group_concerning_the_working_parties_in_the_jha_area_21_january_2002-en-13f7b180-bc46-4f3b-80de-58bef05ffb4b.html

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Note from the General Secretariat to the Coreper (21 January 2002) Council working methods (JHA area) – Analysis of Working Parties in the JHA area. Outcome of the meeting of the Antici Group

1. Background:

1.1. As instructed by Coreper on 19 December 2001, the Antici Group met on Monday 14 January 2002 to examine the Council General Secretariat's report on the reorganisation of working parties in the Justice and Home Affairs area (15515/01 JAI 184).

1.2. This document sets out the Antici Group's conclusions, in the order the items are dealt with in the General Secretariat note. The Swedish delegation reiterated the view already put forward in Coreper that reorganisation of the working parties should be much more radical and result in a total of only 8 working parties/committees. A note explaining its proposals will be available in good time for Coreper to discuss it at its meeting on 23 and 24 January 2002.

1.3. Although most delegations agreed that the working parties needed to be reorganised, the Antici Group was also aware that there needed to be greater consideration of working methods, particularly in the area of police cooperation. The need to make the latter more operational meant finding work schedules and working methods which differed from those in the legislative area ("project based approach").

1.4. The Group agreed to propose that Coreper should not implement the decisions on reorganisation of the working parties before 1 January 2003. However, the Chair asked the forthcoming Danish Presidency to examine whether that date might be brought forward to 1 July 2002, depending on the extent of the reorganisation finally decided.

2. Asylum and immigration:

2.1. Although **SCIFA** was set up for a transitional period of 5 years (until 1 May 2004) with a mandate which did not explicitly state that all asylum and immigration matters submitted to the Council should necessarily be passed on to it (see 6166/2/99 CK4 12 REV 2), most delegations thought it preferable not to dissolve SCIFA in view of the work which needed to be completed. The Chair proposed reiterating in Coreper's minutes that it was up to each Presidency to decide which matters needed to be submitted to SCIFA before being put on the Coreper/Council agenda.

2.2. The Antici Group felt that **CIREA** could be dissolved and its work taken over by the Commission.

3. Judicial Cooperation on civil law matters:

The Antici Group confirmed that the 1999 rationalisation was satisfactory.

4. Judicial Cooperation in criminal matters:

The Antici Group confirmed that the two working parties (on **Substantive Criminal Law and Mutual Assistance in Criminal Matters**) should remain.

5. Police and Customs Cooperation:

5.1. Most delegations agreed with the Council General Secretariat's proposal that the "**Police Cooperation**" and "**Customs Cooperation**" Working Parties should be retained. However, one delegation proposed merging the two working parties and the Europol Working Party into a single Group ("Law Enforcement Operational Group"). The Chair suggested examining this matter in the light of the Swedish note referred to in 1.2 above.

5.2. Most delegations agreed to dissolve the Working Party on **Drug Trafficking** and spread its activities as

relevant over the Police Cooperation and Substantive Criminal Law Working Parties and the Multidisciplinary Group on Organised Crime.

5.3. Most delegations agreed that the **Europol** Working Party should be retained for the time being and dissolved once the Europol Convention amendment process had been completed.

5.4. The second and third pillar working parties on **terrorism** would remain separate, but their responsibilities and cooperation procedures had still to be defined.

6. SIS operational working parties:

Most delegations thought that the **SIS Working Party** should be retained, given the current state of the work on SIS II. The Group asked the General Secretariat to consider merging the SIS Working Party with the **SIRENE** Working Party. A short note on this is attached and concludes that such a merger would be a good thing.

7. Other working parties:

7.1. The Working Party on the **Schengen Acquis** would remain but would meet only as necessary.

7.2. There was a small majority in favour of merging the **Schengen Evaluation and Collective Evaluation** Working Parties. One delegation proposed giving the merged Working Party the additional task of conducting the evaluations provided for in the Joint Action of 5 December 1997 establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime, and establishing a single working party to be responsible for JHA evaluations. Another suggestion was that the two working parties should be merged after the accession negotiations had been completed. The Chair concluded that Coreper should examine the matter in greater detail.

7.3. The Group agreed that the Working Party on **Data Protection** should be dissolved.

7.4. Most delegations felt that the **Multidisciplinary Group on Organised Crime** should be retained but that the Working Party on the **Contact and Support Network** could be dissolved.

7.5. The Group thought that the Working Party on the **European Judicial Network** should be retained, together with the **High-Level Working Party on Asylum and Immigration**.

7.6. Five delegations were in favour of setting up a horizontal Working Party on **Money Laundering**. The Chair indicated that Coreper would examine the matter.

Annex

SIS operational working parties (Schengen Information System)

There are three working parties dealing with SIS matters (SIS-TECH, SIRENE, SIS Working Party). While SIS-TECH concentrates on the technical aspects of SIS, the SIRENE Working Party deals with matters from the police standpoint, and thus represents SIS users. The SIS Working Party acts as a "Steering Group" and examines matters passed to it by the SIS-TECH and SIRENE Working Parties before they go on to the Article 36 Committee.

The proposal is to merge the SIS and SIRENE Working Parties in order to improve and expedite working methods. This will mean that a specific matter can be examined from the police, legal, financial/budget and organisational standpoints by a single working party without it being necessary to wait for the SIRENE Working Party to submit an opinion to the SIS Working Party, a process which can delay a matter for weeks or even months because of meeting scheduling problems, among other reasons. Merging the two working parties will also mean that the Article 36 Committee does not have to examine SIS "technical" matters in detail. It will therefore be able to hold on to its advisory role in matters with political implications and the

added value attached to it.

This proposal does not affect the informal six-monthly meeting of SIRENE Heads, as laid down in the SIRENE Manual, which examines operational problems in the SIRENE bureaux.