



**COUNCIL OF
THE EUROPEAN UNION**

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**POLGEN 204
CATS 120**

"I" ITEM NOTE

from:	General Secretariat of the Council
to:	COREPER
Subject:	The future of CATS

COREPER decided on 24 November 2009 that the ex-“Article 36 Committee” (or “CATS”) should continue its work until 1 January 2012. Before that time, the necessity of having CATS should be re-evaluated by COREPER, taking into account the efficiency and coherence of Council working structures¹.

In view of the decision on the continuation of the mandate of CATS beyond 2011, Member States held an exchange of views on the future of CATS during the CATS meeting on 5/6 September 2011.

After a careful consideration, taking into account the results of above discussions, the Presidency believes that there are good reasons for CATS to continue its role although with necessary improvements (cf. doc. 13206/11 CATS 66). Over the years CATS has proved to be an invaluable network for senior officials acting in politically sensitive and quickly-developing EU policy field to find solutions to problems covered by several working parties, before they escalate, thus allowing COREPER and the Council to focus on the most contentious political issues.

¹ Doc. 16070/09

It is also the opinion of the Presidency that in order to ensure better efficiency and coherence of Council working Structures, the working methods of CATS require some improvements. To this end, the Presidency proposes a number of guidelines on the future organization of CATS, presented in the Annex attached to this document.

COREPER is invited to confirm the decision to prolong CATS' mandate and to endorse the guidelines on improving its working methods, in accordance with Article 19.3 of the Council's Rules of Procedure

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1. CATS shall assist COREPER in relation to legal, horizontal and strategic matters of law enforcement and judicial cooperation in criminal matters, working in collaboration with other Council working parties and other relevant Committees, in particular where COSI would not be able to contribute. COREPER remains solely responsible for preparing legislative acts **and preparing the JHA Council**.
2. CATS shall continue to meet beyond 2011 subject to further evaluations to be carried out by COREPER. These evaluations will be undertaken and endorsed by COREPER, in conjunction with the adoption of each multiannual programme in the area of freedom, security and justice. The next evaluation will take place towards the end of the Stockholm programme and before the adoption of the next multiannual programme, and, if necessary, should also address the working structures in the Council in this area.
3. CATS shall continue to play a key strategic role in the field of law enforcement and judicial cooperation in criminal matters, focusing on horizontal or cross cutting issues in the field of law enforcement and judicial cooperation in criminal matters and on politically important legislative proposals and non-legislative initiatives.
4. CATS shall in particular:
 - be involved in in-depth discussions on relevant multiannual programs and their respective evaluation;
 - facilitate work in the field of law enforcement and judicial cooperation matters by clearing the number of outstanding questions and thus narrowing down the issues to be examined by COREPER and Council;
 - serve as a forum for an initial exchange of views in case of politically important legislative proposals and initiatives in order to set the direction for work at expert level in the relevant working parties;

- serve as a complementary forum for the purpose of informing and/or consulting Member States by the Commission in relation to important forthcoming initiatives;
- be a forum for the exchange of information on developments of interest in the areas of its mandate, in particular pending cases and developments in the case law of the Court of Justice / European Court of Human Rights

5. Member States are solely competent to designate their national representatives in CATS.

However, in order for the group to perform its functions in the most efficient way, it is recommended that CATS continues to be composed of senior officials responsible for or involved in the policy areas examined by the group and who are responsible for preparing Ministers for the Council meetings.

6. In order to achieve the above objectives, CATS should follow the guidelines mentioned hereafter:

- Agendas of meetings should be shortened and more focused on complex legislative and/or political files and/or certain outstanding issues of a strategic nature.
- Agenda points should distinguish between the discussion and information points.
- Annotated agendas should become a regular tool, which could support the better preparations of the delegations for a discussion.
- Mutual exchange of information must, as a rule, be done in writing, unless agreed or requested otherwise.
- Exchanges of views on politically important proposals and initiatives should be organized on the basis of documents circulated well in advance accompanied by concrete questions proposed by the Presidency.
- Any guidelines or suggestions to working parties should support but not duplicate the work of working parties.
- Joint discussions between Home Affairs and Justice delegates should be organized on horizontal issues.

- Relevant agencies, in particular EUROJUST, EUROPOL, FRA, CEPOL, may, upon invitation, participate in the meetings as required for the discussion of issues which relate to the tasks and competences of the Agency concerned.
 - Coordination with the external dimension of JHA must be ensured by the Presidency through participation of the Chair of the CATS, where appropriate, in the meetings of COSI and JAIEX and vice versa.
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