



Council of the
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LIMITE

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'I' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 2)

Subject: Attendance of third parties at the preparatory bodies of the Council and at the informal videoconferences in the field of Justice and Home Affairs during the Belgian Presidency

- *Approval*

1. The meetings of the Council, consisting of representatives of the Member States, are organised to agree, approve or adopt positions or acts in the exercise, by the Council, of its legislative, budgetary or policy-making and -coordinating functions as laid down in the Treaties. The preparatory bodies, under the coordination and direction of COREPER, carry out certain preparatory work or studies defined in advance.
2. The decision-making autonomy of the Council requires that participation in Council proceedings, in the sense of taking, shaping or influencing decisions, be reserved for Council members only (with the exception of the Commission and the European Central Bank, under the conditions laid down in Article 5 of the Council's Rules of Procedure).

3. In order to protect the decision-making autonomy of the Council, the presence of third-party representatives ¹ in meetings of Council preparatory bodies in the field of Justice and Home Affairs during the following six months will be organised as described in detail in the annex, along the following general lines.

Union bodies, offices and agencies referred to in the Annex

4. The Union bodies, offices and agencies referred to in the Annex support and coordinate in various ways the activities of Member States' authorities in the field of Justice and Home Affairs. By virtue of the roles, competences and tasks that have been assigned to them, they collect and dispose of important operational information and knowledge. It might therefore be in the interest of the Council and its preparatory bodies to invite the relevant bodies, offices and agencies to take part in their meetings in situations identified in the Annex. This would also allow those bodies, offices and agencies to be well informed of the views of the Council or of COREPER, which should be taken fully into account in the implementation of their mandates.
5. When invited, those Union bodies, offices and agencies may state their view or inform the Council concerning a subject at issue under a given agenda item. They may answer the questions of the members of the Council or the preparatory body. However, they cannot be allowed to intervene during the deliberations and/or discussions on legislative or policy texts, unless their views on the operational or technical dimension of different policy options are expressly sought during the relevant meeting on such very specific aspects, and not on the whole text being discussed. Proceedings will be organised so that the representatives of those Union bodies, offices and agencies do not participate in the drafting of written documents in the course of the legislative process, including with drafting suggestions or detailed comments. Whenever possible, the meetings will be organised in different parts so that the representatives of third parties can be requested to leave the room for the deliberation and discussion phases.

¹ i.e. any representative of an EU institution (other than the Commission or the ECB), representatives of EU bodies, offices or agencies, representatives of third States or of international organisations, or other guests, who may sometimes be invited to attend certain Council meetings or meetings of Council preparatory bodies on an ad hoc basis and for one (or more) specific agenda item(s).

6. As regards the Standing Committee on Operational Cooperation on Internal Security (COSI), according to Article 71 TFEU, the COSI was set up “in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union”. According to the same provision, “without prejudice to Article 240, it [the COSI] shall facilitate coordination of the action of Member States' competent authorities. Representatives of the Union bodies, offices and agencies concerned may be involved in the proceedings of this committee.” According to Article 5 of Council Decision 2010/131/EU of 25 February 2010, “when appropriate, representatives from Eurojust, Europol, the European Agency for the Management of Operational Cooperation at the External Borders of the EU Member States (Frontex) and other relevant bodies shall be invited to attend, as observers, the meetings of [the COSI]. The Standing Committee will help ensure consistency of action by those bodies.” Without prejudice to those provisions, the attendance of the Union bodies, offices or agencies to COSI meetings will take place in conformity with the requirements set out in paragraph 5 above, in particular with regard to the need to preserve the decision-shaping and decision-making autonomy of the Council on policy texts.
7. Furthermore, some EU networks are referred to in Annex. This concerns Networks that have their basis in a legislative instrument of the EU or in Council conclusions. It only concerns networks composed of public authorities. Their expertise and practical experience may be useful for some specific items discussed by the preparatory bodies of the Council. The limitations described above with regard to the participation of Union, bodies and agencies are a fortiori applicable to the participation of networks in meetings of Council preparatory bodies.

United Nations agencies and other intergovernmental organisations

8. United Nations agencies and other intergovernmental organisations may have relevant expertise and collect important analytical and operational information for the development of EU policies. In the duly justified cases referred to in the Annex, it may be in the interest of the Council and its preparatory bodies to benefit from that expertise not otherwise readily available to delegations, in so far as their attendance is only aimed at exchanging information and views on matters of analytical or operational nature, and in any case within the limits set out for the attendance of the Union bodies, offices and agencies. The United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Organisation for Economic Cooperation and Development (OECD) have a particular expertise with regard to asylum, migration and integration. The United Nations Office on Drugs and Crime (UNODC) provides support in addressing problems in relation to drugs, organised crime, corruption and terrorism, while the World Health Organization (WHO) has the expertise on health aspects of drug policies, including those relating to determining whether psychoactive substances should be controlled under the international drug control conventions. The United Nations Commission on International Trade Law (UNCITRAL) has an expertise on modernization and harmonization of rules on international business. The International Institute for the Unification of Private Law (UNIDROIT) carries out important work on modernisation, harmonisation and co-ordination of private and in particular commercial law between States and groups of States. The UN Office for Disaster Risk Reduction (UN DRR) is in charge of supporting the implementation, follow-up and review of the global Sendai Framework for Disaster Risk Reduction 2015-2030, in which the Member States and the EU take part. The UN Office for the Coordination of Humanitarian Affairs (OCHA) coordinates the global emergency response to save lives and protect people in humanitarian crises. The UN Economic Commission for Europe (UNECE) oversees, inter alia, the Convention on the Transboundary Effects of Industrial Accidents. The World Customs Organisation (WCO) has a unique global expertise in customs matters that enhance the effectiveness and efficiency of customs administrations. Interpol (the International Criminal Police Organization) with his global outreach is an important interlocutor in building effective cooperation to fight cross-border crime. The Hague Conference on Private International Law (HCCH) is a world intergovernmental organisation composed of 91 members, including the European Union, and which plays a key role in the field of civil law cooperation.

Organisation of proceedings in the preparatory bodies

9. For each preparatory body in the field of Justice and Home Affairs, the annex to this note sets out the type of file or item on the agenda for which the invitation of each third party may be envisaged, the purpose that justifies the presence of the third party (i.e. the operational need, the expertise sought, etc.) and the specific contribution expected from the third party concerned (presentation, expertise on specific issues including reply to technical questions of delegations etc.) in the successive meetings.
10. In view of the above, the Permanent Representatives Committee is invited to approve the attendance of third-party representatives to meetings of preparatory bodies in the field of Justice and Home Affairs as set out in the annex for the second semester of 2023.
11. In all other cases, COREPER shall be invited as necessary to approve the attendance of third-party representatives for a specific meeting or specific agenda items.

B.3	Working Party on External Aspects of Asylum and Migration (EMWP)
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Non-legislative files

Frontex, EU Asylum Agency or Europol may be invited to provide explanations/report to the Working Party on the implementation of certain tasks that have been attributed by EU legislation (either the founding act or other acts) to these agencies.

Frontex, EU Asylum Agency or Europol may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency;
- provide information on aspects of their functioning.

The United Nations High Commissioner for Refugees (**UNHCR**) and the International Organization for Migration (**IOM**) can also be invited to the Working Party due to their particular expertise with regard to asylum, migration and reintegration.

UNHCR and IOM may in particular be invited to attend a meeting of the Working Party, on the agenda of which a particular third-country has been put by the Presidency, to:

- provide factual information (figures, operational and strategic information or the analysis thereof) which they hold pertaining to that third-country;
- provide information on aspects of their mission in that third-country.

B.4	Horizontal Working Party on Drugs (HDG)
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Legislative files, legal acts and atypical acts

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) may be invited to provide explanations to the Working Party on technical and operational aspects pertaining to the implementation of the new Regulation on the European Union Drugs Agency (**EUDA**) in view of its entry into application in 2024, in particular in relation to the additional tasks that are attributed to the agency.

Europol may on specific occasions be invited to provide explanations to the Working Party on technical and operational aspects pertaining to the implementation of the new Regulation on the European Union Drugs Agency, in particular in relation to the additional tasks that are attributed to the agency that are linked to Europol’s tasks relating to drugs supply issues.

Non-legislative files

The **EMCDDA** may be invited to provide data, scientific evidence and analysis, to the Working Party, as well as explanations and report to the Working Party on the implementation of:

- certain tasks such as collection, analysis and dissemination of data, cooperation with European and international bodies and organisations and with third countries, that have been attributed by Regulation 1920/2006 to that agency and the new tasks following the expected adoption of the new Regulation on the EU Drugs Agency.
- the EU Drugs Strategy 2021-2025 ² and the EU Drugs Action Plan 2021-2025 ³, in particular regarding 53 of the 85 actions of the Action Plan, for which the EMCDDA is identified as responsible party.
- other tasks that have been attributed to that agency, such as assessing the implications of developments in Afghanistan on drug production and trafficking.

The **EMCDDA** may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide evidence-based information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as cooperation with European and international bodies and organisations (including the UN Office on Drugs and Crime and the Commission on Narcotic Drugs) and with third countries, drugs situation and developments in EU Member States and third countries;
- provide information on aspects of its functioning.

² OJ C102 I, 24.3.2021, p1.

³ OJ C272n 8.7.2021, p2.

Europol may be invited to provide information, analyses and assessments related to the drug market or to drug-related crime to the Working Party, as well as explanations and report to the Working Party on the implementation of:

- certain tasks such as collection, analysis and dissemination of information, cooperation with European and international bodies and organisations and with third countries, or information, that have been attributed by Regulation 2016/794 to that agency;
- the EU Drugs Strategy 2021-2025 ⁴ and the EU Drugs Action Plan 2021-2025 ⁵, in particular regarding 32 of the 85 actions of the Action Plan, for which Europol is identified as responsible party;
- other tasks that have been attributed to that agency, such as assessing the impact of developments in Afghanistan on drug production and trafficking.

Europol may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide evidence-based information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as cooperation with European and international bodies and organisations (including the UN Office on Drugs and Crime and the Commission on Narcotic Drugs) and with third countries, drugs situation and developments in EU Member States and third countries;
- provide information on aspects of its functioning.

⁴ OJ C102 I, 24.3.2021, p1.

⁵ OJ C272n 8.7.2021, p2.

The **United Nations Office on Drugs and Crime (UNODC)** as well as representatives of the Commission on Narcotic Drugs (CND) , which functions as the governing body of the UNODC, may be invited to present any drug-related report it has issued, or to provide information on their functioning or activities, such as activities in Afghanistan or Ukraine. The **World Health Organization (WHO)** may be invited to provide its expertise on health aspects of drug policies, any reports prepared by it in this area, and updates on its relevant activities, such as recommendations on the scheduling of new psychoactive substances.

Civil society, including the **Civil Society Forum on Drugs** may be invited to present information related to their activities on the work of the UN Commission on Narcotic Drugs, or to the drugs situation in EU Member States or in third countries, or to report on the implementation of tasks for which the EU Drugs Strategy or Action Plan 2021-2025 requests the input from civil society, such as:

- the broadening of capacities in information gathering, monitoring and analysis;
 - the monitoring of implementation of the Strategy and the Action Plan;
 - the evaluation of the Strategy and the Action Plan;
- the development and implementation of drugs policies, at national, EU and international levels.

B.23	Horizontal Working Party on Cyber Issues (Cyber)
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Legislative files, legal acts and atypical acts

ENISA may be invited to provide explanations to the Working Party on technical and operational aspects pertaining to elements of the proposal for a Regulation laying down measures to strengthen solidarity and capacities in the Union to detect, prepare for and respond to cybersecurity threats and incidents, because of its particular expertise in the areas covered by the two proposals.

ECCC (**European Cybersecurity Competence Centre**) may be invited to provide explanations to the Working Party on budgetary aspects pertaining to elements of the proposal for a Regulation laying down measures to strengthen solidarity and capacities in the Union to detect, prepare for and respond to cybersecurity threats and incidents, because of its future role in managing a part of the funds to be implemented under the proposed Regulation.

Non-legislative files

CERT-EU may be invited to provide information/report to the Working Party on the implementation of certain tasks (such as the monitoring of cyber incidents) that have been attributed by EU legislation (either the founding act or other acts ⁶) to CERT-EU.

⁶ OJ C 12, 13.1.2018, p. 1-11 Arrangement between the European Parliament, the European Council, the Council of the European Union, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European External Action Service, the European Economic and Social Committee, the European Committee of the Regions and the European Investment Bank on the organisation and operation of a computer emergency response team for the Union's institutions, bodies and agencies (CERT-EU)

CERT-EU may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as cyber threat assessments;
- provide information on aspects of its functioning.

The CSIRTs Network (Computer Security Incident Response Teams Network) may be invited to attend a meeting of the Working Party to report on technical operational cooperation among Member States' competent authorities regarding cybersecurity issues.

The CSIRTs Network may in particular be invited to attend a meeting of the Working Party to:

- present its annual work progress or any report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as cyber threat assessments;
- provide information on aspects of its functioning.

ENISA may be invited to provide information report to the Working Party on the implementation of certain tasks (such as exchanges relating to cybersecurity to ensure coherence in the development and the implementation of Union policy or reporting by the Executive Director on his tasks) that have been attributed by EU legislation (either the founding act or other acts ⁷) to ENISA.

⁷ OJ L 151, 7.6.2019, p. 15-69 Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act)

ENISA may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as cyber threat assessments and the implementation of the Cybersecurity Skills Academy;
- provide information on aspects of its functioning.

The EU Cyber Crisis Management Liaison Organisations Network (EU-CyCLONe) may be invited to a meeting of the Working Party to report on EU-CyCLONe's findings on the coordinated management of an ongoing large-scale cyber incident or cyber exercises that it had participated in.

The EU-CyCLONe network may in particular be invited to attend a meeting of the Working Party to:

- present its activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as cyber threat assessments;
- provide information on aspects of its functioning.

Europol may in particular be invited to attend a meeting of the Working Party to:

- provide information/report to the Working Party on the implementation of certain tasks (such as the combating of cybercrime) that have been attributed by EU legislation (either the founding act or other acts ⁸) to Europol;
- present its annual activity report or any other report which it has issued such as the Internet Organised Crime Threat Assessment (IOCTA);
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as EMPACT projects on cybercrime and the implementation of the Cybersecurity Skills Academy;
- provide information on aspects of its functioning.

The **European Union Institute for Security Studies (EUISS)** may be invited to provide information/report to the Working Party on the state of play and implementation of EU funded projects in Cyber Diplomacy.

EUISS may in particular be invited to attend a meeting of the Working Party to:

- contribute to the annual Cyber Diplomacy Toolbox Tabletop Exercises (CyDipTTX) , including to act as the facilitator/moderator of the discussion;
- provide updates to delegations and information on the EU funded Cyber Diplomacy Initiative project that fosters the coherence between EU and third countries efforts on Cyber Diplomacy, and increase the participation of the partner groups in those activities.

⁸ OJ L 135, 24.5.2016, p. 53-114 Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA

The NIS Cooperation Group may be invited to provide information/report to the Working Party on the implementation of certain tasks such as exchanges relating to cyber security to ensure coherence in the development and the implementation of Union policy.

The Cooperation Group may in particular be invited to attend a meeting of the Working Party to present the outcome of the NIS Cooperation Group plenary meetings or any other meetings, such as those of its work streams, including reports which they are drafting or have issued.

Legislative files, legal acts and atypical acts

Frontex, EU Asylum Agency, Europol and eu-LISA may be invited to provide explanations to SCIFA on technical and operational aspects pertaining to elements of any legislative proposal for which its attendance, in accordance with other sections of this Annex, is authorised for the Working Party responsible for the handling of that proposal.

Non-legislative files

Frontex, EU Asylum Agency, Europol and eu-LISA may be invited to provide explanations/report to SCIFA on the implementation of certain tasks (such as the implementation of the European Border and Coast Guard (EBCG) Regulation with regard to the standing corps) that have been attributed by EU legislation (either the founding act or other acts) to that agency.

Frontex, EU Asylum Agency, Europol and eu-LISA may in particular be invited to attend a meeting of SCIFA to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as overview of migratory flows and trends;
- provide information on aspects of their functioning and on the support that the agencies can propose to Member States.

Legislative files, legal acts and atypical acts

Frontex may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the draft proposal on the Return Directive because of:

- its particular expertise in assisting Member States in effecting returns covered by the proposal;
- the return tasks that in the past have been attributed to Frontex.

The **International Organization for Migration (IOM)** may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of draft legislative proposals on legal migration (e.g. labour migration and family reunification) because of its particular expertise in this field.

The **Fundamental Rights Agency (FRA)** may be invited to provide its views based on research it carries out relevant for the discussions in this Working Party, such as research on the fundamental rights situation of long-term residents in the EU.

Non-legislative files

Frontex may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (in particular those related to return and the reintegration of returnees as well as its expertise in facilitating readmission) that have been attributed by the EBCG Regulation to that agency.

Frontex may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as returns, readmissions and reintegration;
- provide information on any return or reintegration related aspects of its functioning, as well as external aspects of its action

The **International Organization for Migration (IOM)** may be invited to provide explanations/report to the Working Party on specific issues for which this organisation has a particular expertise (e.g. with regard to legal migration, voluntary return, integration and reintegration).

IOM may in particular be invited to attend a meeting of the Working Party to:

- present its annual report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as labour migration, family reunification, integration and reintegration;
- provide information on any legal migration, integration and reintegration related aspects of its functioning.

E.3	Visa Working Party
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Non-legislative files

eu-LISA and **EU Asylum Agency** may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as the setting up of an EU visa application portal or the collection of data on visa and asylum applications) that have been attribute by EU legislation (either the founding act or other acts) to that agency.

eu-LISA and **EU Asylum Agency** may in particular be invited to attend a meeting of the Working Party to:

- present their annual activity report or any other report which they have issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which they hold pertaining to any topic that is put on the agenda by the Presidency, such as the implementation of the revised VIS regulation and of the digitalisation of the visa procedure;
- provide information on aspects of their functioning.

E.4	Asylum Working Party
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Legislative files, legal acts and atypical acts

EU Asylum Agency may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the draft legislative proposal on the Asylum and Migration Management Regulation, as well as the Asylum Procedures Regulation, because of:

- its particular expertise in the application of the asylum rules, including, among others, the determination of responsibility of Member States;
- tasks related to the implementation of the solidarity mechanism(s) that in the past have been or in the legislative proposal may be attributed to that agency;
- its involvement in the preparation of simulations illustrating the functioning and technical impact of the proposed solidarity mechanism and the border procedure;
- its expertise in regard to the asylum procedure and all aspects of the Common European Asylum System;
- its expertise in providing guidance to Member States in the technical implementation of key provisions of the future Asylum Procedures Regulation, at multiple levels including policy-making, operational level and national monitoring.

eu-LISA may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the draft legislative proposal on the Eurodac Regulation because of:

- its particular expertise in the operational management of the Eurodac database, including preparation for the upgrade of the system under the new Regulation, once adopted;
- tasks related to interoperability between Eurodac and other large-scale IT systems under the management of eu-LISA that in the past have been or in the legislative proposal may be attributed to that agency.

Non-legislative files

EU Asylum Agency may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as coordinating and stimulating operational cooperation between Member States or organising support for the specific needs of the Member States' asylum systems) that have been attributed by the EUAA Regulation to the agency.

EU Asylum Agency may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide statistical and factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as asylum trends, key indicators for a reference year, analyses of secondary movements, as well as information on changes to policies, best practices and persisting challenges, information on case law;
- provide information on any asylum-related aspects of its functioning.

eu-LISA may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as operational management of the Eurodac database) that have been attributed by the EUAA Regulation to the agency.

eu-LISA may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as statistics on hits generated by the system to illustrate the implementation of the Dublin Regulation;
- provide any other information on the functioning of the Eurodac system, on interoperability or the necessary redesign of the database
- because of their expertise, provide information and/or opinion on technical and operational aspects of the EU platform for the exchange of information on beneficiaries of temporary protection and adequate protection.

Legislative files, legal acts and atypical acts

Frontex may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the proposal on the Schengen Borders Code as well as on the policy document developing a multiannual strategic policy for European integrated border management because of:

- a particular expertise by the agency in the control of external borders covered by the proposal;
- tasks that in the past have been attributed to that agency.

Non-legislative files

Frontex may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as the European Integrated Border Management, vulnerability assessments, risk analyses) that have been attributed by the EBCG Regulation to that agency.

Frontex may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency;
- provide information on aspects of its functioning.

Occasionally, the following agencies may be invited to attend a meeting of the Working Party in order to present reports or provide information:

- eu-Lisa, e.g. on the implementation of the Entry/Exit System;
- Europol, e.g. on false documents or secondary movements;
- the European Union Agency on Asylum, e.g. on secondary movements;
- the Fundamental Rights Agency, e.g. on its guidance on the compliance monitoring of fundamental rights at the EU's external borders;
- Interpol, e.g. on the Frontex-Interpol Electronic Library Documents System.

Non-legislative files

The **United Nations Commission on International Trade Law (UNCITRAL)** may be invited to provide explanations/report to the Working Party in relation to its work on modernization and harmonization of rules on international business.

UNCITRAL may in particular be invited to attend a meeting of the Working Party to:

- present UNCITRAL annual priorities in the areas of insolvency laws and the international effects of judicial sale of ships;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as the UN procedures for the adoption of UN international instruments which could be at a certain point in time ratified by the Member States on behalf of the EU.

The **International Institute for the Unification of Private Law (UNIDROIT)** may be invited to provide explanations/report to the Working Party in relation to its work on modernisation, harmonisation and co-ordination of private and in particular commercial law between States and groups of States.

UNIDROIT may in particular be invited to attend a meeting of the Working Party to:

- present UNIDROIT annual priorities in the areas of private international laws;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as the UNIDROIT procedures for the adoption of UNIDROIT international instruments which could be at a certain point in time ratified by the Member States on behalf of the EU.

The **Hague Conference on Private International Law (HCCH)** may be invited to provide explanations/report to the Working Party in relation to its work on the harmonisation of private international law rules at global level.

The **HCCH** may in particular be invited to attend a meeting of the Working Party to:

- present international instruments (such as the 2000 Protection of Adults Convention) or ongoing projects (Surrogacy/Parentage) relevant to the work of the EU;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as existing instruments which could be at a certain point in time ratified by the Member States on behalf of the EU.

E.12	Working Party on Terrorism
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Legislative files, legal acts and atypical acts

Europol may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the Regulation on addressing the dissemination of terrorist content online, applicable as of 7 June 2022 because of:

- a particular expertise by the agency in relation to Article 14 of the above-mentioned Regulation on cooperation between hosting service providers, competent authorities and Europol, which includes facilitation by the EU Platform for illicit content online (PERCI) for the transmission of removal orders and referrals (voluntary system) to Hosting Service Providers within the EU, through a single channel;
- tasks that in the past have been or in the legislative proposal may be attributed to that agency.

Non-legislative files

Europol may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as, in particular, initiatives and measures taken by its European Counter-Terrorism Centre) that have been attributed by EU legislation (either the founding act or other acts) to that agency.

Europol and **Frontex** (and occasionally also **Eurojust**) may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as the update of the recommendations of the six-monthly EU threat assessment in the field of counterterrorism and the "non-binding procedures" which have been endorsed by COSI;
- provide information on aspects of their functioning.

E.14	Working Party on Judicial Cooperation in Criminal Matters (COPEN)
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Legislative files, legal acts and atypical acts

Eurojust may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the draft legislative proposals on :

- the revision of Directive 2008/99 on the protection of the environment through criminal law (2021/0422(COD));
- asset recovery and confiscation (2002/0167(COD));
- the transfer of criminal proceedings (2023/0093(COD));
- combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council.;
- the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime

because of:

- a particular expertise by the agency in the subject matter covered by the proposals;
- tasks that in the past have been or in the legislative proposals may be attributed to that agency.

The Fundamental Rights Agency (FRA) may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the legislative proposals on gender based violence (2022/0066 (COD) and the revision of the victims' rights Directive.

because of:

- a particular expertise by the agency in the subject matter covered by the proposal;
- tasks that in the past have been or in the legislative proposal may be attributed to that agency.

The European Network of Victims' Rights may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the legislative proposal on the revision of the victims' rights Directive.

because of:

- a particular expertise by the agency in the subject matter covered by the proposal;
- tasks that in the past have been or in the legislative proposal may be attributed to that agency.

Non-legislative files

Eurojust may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency including with regard to the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime (the "mutual evaluations", Joint Action 97/827/JHA);
- provide information on aspects of its functioning.

The European Public Prosecutor's Office (EPPO) may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency;
- provide information on aspects of its functioning.

Europol may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency including with regard to the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime (the "mutual evaluations", Joint Action 97/827/JHA);
- provide information on aspects of its functioning.

The European Judicial Network (EJN) may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, including with regard to the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime (the "mutual evaluations", Joint Action 97/827/JHA);
- provide information on aspects of its functioning.

The Fundamental Rights Agency (FRA) may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency;
- provide information on aspects of its functioning.

The Joint Investigation Teams (JITs) Network Secretariat may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency;
- provide information on aspects of its functioning.

The Genocide Network Secretariat may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency;
- provide information on aspects of its functioning.

E.21	Working Party on Civil Protection (PROCIV)
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Non-legislative files

The United Nations Office for Disaster Risk Reduction (UNDRR) may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency including with regard to implementation of the global Sendai Framework for Disaster Risk Reduction 2015-2030;
- provide information on aspects of its functioning.

The United Nations Economic Commission for Europe (UNECE) may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, including with regard to the Convention on the Transboundary Effects of Industrial Accidents;
- provide information on aspects of its functioning.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) may be invited to attend a meeting of the Working Party to:

- present any report, conclusions or other document which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, including with regard to the coordination and consistency of the response to disasters outside the Union in accordance with Article 16 of Decision 1313/2013/EU;
- provide information on aspects of its functioning.

E.22	Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP)
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Legislative files, legal acts and atypical acts

The **European Union Agency for Fundamental Rights (FRA)** may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of: i) the proposal for a Council Decision on adding hate speech and hate crime to the areas of crime laid down in Article 83(1) of the Treaty on the Functioning of the European Union, as well as ii) the possible future legislative proposal for a Directive establishing minimum rules on the definitions and sanctions of hate speech and hate crime to be adopted by the European Parliament and the Council in line with the ordinary legislative procedure, because of:

- a particular expertise by the agency in the concepts of hate speech and hate crime, as well as the scale and repercussions of these phenomena against all sorts of categories of people who could be their victims and thus, covered by the proposal;
- tasks that in the past have been or in the legislative proposal may be attributed to that agency, such as the overseeing of collection of coherent data for the purposes of the aforementioned legislative proposals.

Non-legislative files

FRA may be invited to provide to the Working Party' independent, evidence-based advice on fundamental rights (based also to its comprehensive cooperation with all EU and international stakeholders), to ensure full respect for fundamental rights across the EU often by raising awareness of possible violations thereof.

FRA may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds, pertaining to any topic that is put on the agenda by the Presidency;
- provide information on aspects of its functioning, also in the course of implementation of the Regulation (EU) 2022/555, which amended the Regulation establishing FRA, with a view to enhancing the agency's mandate and improving its functioning.

The European Institute on Gender Equality (EIGE), may be invited to present its activities, such as the results of its research.

Non-legislative files

The **European Data Protection Board (EDPB)** may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as contributing to the consistent application of data protection rules throughout the European Union, and promoting cooperation between the EU's data protection authorities) that have been attributed by EU legislation (either the founding act or other acts) to that agency.

The **EDPB** may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- present its priorities in the data protection field;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as international data flows and the application of the General Data Protection Regulation and the Law Enforcement Data Protection Directive.

The **European Data Protection Supervisor (EDPS)** may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as contributing to the consistent application of data protection rules throughout the European Union, and promoting cooperation between the EU's data protection authorities) that have been attributed by EU legislation (either the founding act or other acts) to that agency.

The **EDPS** may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- present its priorities;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as artificial intelligence and cybersecurity.

The **European Union Agency for Fundamental Rights (FRA)** maybe invited to provide the Working Party with independent and evidence-based advice on fundamental rights, and in particular the fundamental right to the protection of personal data

FRA may in particular be invited to attend a meeting of the Working Party to:

- present its views based on studies or research it carries out relevant for the discussions in this Working Party and related to the fundamental right to the protection of personal data.
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency

E.25	Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS)
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Non-legislative files

Eurojust, Europol and The European Judicial Network (EJN) may be invited to attend a meeting of the Committee to provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime (the "mutual evaluations", Joint Action 97/827/JHA).

E.26	Law Enforcement Working Party - Police - Customs
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Legislative files, legal acts and atypical acts

Europol may be invited to provide explanations to the Working Party on technical and operational aspects pertaining to elements of the draft legislative proposal laying down rules to prevent and combat child sexual abuse because of:

- a particular expertise by the agency on operational implications covered by the proposals in terms of cross-border law enforcement cooperation, processing of personal data, cooperation with Union bodies or external actors or tasks in the area of research and innovation;
- tasks that in the past have been or in the legislative proposal may be attributed to that agency.

Whenever possible, the meetings will be organised in different parts so that the representatives of Europol leave the room for the deliberation and discussion phases related to drafting in the course of the legislative process.

Non-legislative files

Europol, Frontex and Cefpol may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as Secure Communications, Eurosur Fusion Services, Firearms Handbook for Border Guard and Customs...) that have been attributed by EU legislation (either the founding act or other acts) to that agency.

Europol, Frontex, Cefpol, World Customs Organisation, Interpol, European Public Prosecutor's Office may in particular be invited to attend a meeting of the Working Party to:

- present its annual activity report or any other report which it has issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as the implementation of 12th LEWP (Customs) Action Plan 2024-2025, implementation of EMPACT 2022-2025, preparation, implementation and assessment of joint police and customs operations, threat assessments on serious and organised crime;
- provide information on aspects of their functioning.

Eurojust and the European Judicial Network (EJN) may be invited to attend a meeting of the Working Party to provide factual information with regard to the follow-up to the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime (the "mutual evaluations", Joint Action 97/827/JHA, cf. also E.14 - COPEN);

Non-legislative files

Frontex, EU Asylum Agency, Europol and eu-LISA may be invited to provide inputs on the overall state of the Schengen area to prepare Schengen Council meetings and ensure an adequate follow up, supported by their expertise.

Frontex, EU Asylum Agency, Europol and eu-LISA may in particular be invited to attend a meeting of the Working Party for Schengen Matters to: – present its annual activity report or any other report which it has issued; – provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency; – provide information on aspects of their functioning and on the support that the agencies can propose to Member State.

Legislative files, legal acts and atypical acts

eu-LISA and **Europol** may be invited to provide explanations to the Working Party on technical and operational aspects pertaining to elements of the draft Regulation on Prüm II because of:

- a particular expertise by the agencies in the areas of interoperability, information exchange and police cooperation covered by this draft Regulation;
- tasks and responsibilities that may be attributed to the agencies in this draft Regulation.

eu-LISA, **Europol** and **Frontex** may be invited to provide explanations to the Working Party on technical and operational aspects pertaining to elements of the draft Regulations on Advanced Passenger Information because of:

- a particular expertise by the agencies in the areas of interoperability, information exchange, border management and police cooperation covered by these Regulations;
- tasks and responsibilities that may be attributed to the agencies in these draft Regulations.

Non-legislative files

eu-LISA, **Europol** and **Frontex** may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as interoperability or the development of the new FADO system) that have been attributed by EU legislation (either the founding act or other acts) to those agencies.

eu-LISA, Europol and **Frontex** may in particular be invited to attend a meeting of the Working Party to:

- present their annual activity reports or any other report which they have issued;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as interoperability and the centralised IT systems, Prüm, API, PNR, FADO, SIENA or UMF;
- provide information on aspects of their functioning.

Legislative files, legal acts and atypical acts

eu-LISA and **Eurojust** may be invited to provide explanations to the Working Party on technical, operational aspects pertaining to elements of the draft legislative proposal for a Regulation on Digitalisation of judicial cooperation as well as a Directive on Digitalisation of judicial cooperation because of:

- a particular expertise by the agencies in the areas of interoperability, information exchange and judicial cooperation covered by the proposals;
- tasks and responsibilities that may be attributed to the agencies in the legislative proposals.

Non-legislative files

eu-LISA and **Eurojust** may be invited to provide explanations/report to the Working Party on the implementation of certain tasks (such as interoperability or the transfer of the e-CODEX system) that have been attributed by EU legislation (either the founding act or other acts) to that agencies.

eu-LISA and **Eurojust** may in particular be invited to attend a meeting of the Working Party to:

- present the activity reports or any other report which they have issued concerning the systems related to judicial cooperation under their responsibility;
- provide factual information (figures, operational and strategic information or the analysis thereof) which it holds pertaining to any topic that is put on the agenda by the Presidency, such as interoperability and the decentralised IT systems; provide information on aspects of their functioning.

Additionally, the **Hague Conference on Private International Law** may be invited in order to report on their own e-Justice projects, as

- these projects may be mentioned in the e-Justice Action Plan;
- these projects may contribute to digitalisation of Justice in Member States, with the e-Justice WP providing a forum to discuss their interoperability of these projects and their overall level of support for European e-Justice, and;
- these projects may serve as precursors and prerequisites for EU e-Justice projects, to be possibly integrated into legislative proposals.
