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'I' ITEM NOTE

From: Presidency/General Secretariat of the Council
To: Permanent Representatives Committee

Subject: Presidency's proposals regarding the abolition of the GENVAL Working Party and a new approach to the Mutual Evaluations foreseen by Joint Action 97/827/JHA

On the basis of discussions held with in **CATS** and for the reasons set out below, the Presidency proposes that Coreper agrees:

- to abolish the Working Party on General Matters including evaluations ("GENVAL") as from 1 January 2018 and
- to transfer the responsibility for the mutual evaluation set up under Joint Action 97/827/JHA as follows to other JHA working groups:
 - **CATS** will be responsible for the general issues regarding the Mutual Evaluation process (choice of the topic, methodological and procedural issues, etc.), as well as for the final report and the follow-up
 - the day-to-day handling of the evaluation and the examination of the country reports will be dealt with by the JHA working party whose mandate covers the topic of the evaluation round¹.

¹ For the current 8th round on environmental crime: joint formations of COPEN and LEWP.

Reasons for the proposal

The mandate of the GENVAL WP, as defined in point E.19 of doc. 17653/09 reads as follows:

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.

The mutual evaluation mechanism as set up by Joint Action 97/827/JHA has been entirely organised and supported by the GENVAL WP, including the choice of subject for the evaluation, the drafting of the questionnaire, the organisation of the visits and finally the examination and adoption of the evaluation reports. However, national delegates usually participating in GENVAL meetings do not necessarily have a specific expertise on the subject matter of the Mutual Evaluation, while the working group(s) concerned by the evaluation subject are not involved.

Tasking CATS with the general overview of the evaluation process will provide a more horizontal steering and follow-up as well as the multi-disciplinary approach required. Handling and discussion of the evaluation visits and reports in the working groups dealing with the subject matter will ensure that the relevant experts are closely associated to the evaluations and that the lessons learned are more easily integrated into related EU policies and used by the concerned national authorities.

As regards other subjects, it should be noted that over the years, the agendas of the GENVAL WP have evolved to include information points rather than discussion points making certain GENVAL meetings of relatively limited substantial content and outcome.

Subjects that were dealt with by the GENVAL WG as "fall-back option" and that require further handling in the Council, will therefore be dealt with by CATS or COSI in their respective coordinating roles or by another Council preparatory body that can usefully be tasked with the matter, according to the prerogatives of the Presidency to organise the work of the Council. This could lead, where appropriate, to a more prominent handling of topics because of the more horizontal role of CATS and COSI or, in other cases, to a better connection with other policies in specific working groups.