COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.12.2007
COM(2007) 855 final

Proposal for a

COUNCIL DECISION

on the Community position to be adopted in the Cooperation Committee established by the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part, in relation to the establishment of a Subcommittee on Justice, Freedom and Security

(presented by the Commission)

EXPLANATORY MEMORANDUM

(1) The EU-Georgia Cooperation Council meeting of 14 November 2006 adopted a recommendation on the implementation of a European Neighbourhood Policy (ENP) Action Plan. As indicated in this recommendation, the Action Plan sets out concrete steps in bringing forward the fulfilment of the Parties' obligations set out in the 1999 Partnership and Co-operation Agreement between the European Communities and their Member States, and Georgia, and provides a broader framework for promoting a much closer economic and regulatory integration of Georgia into the EU in a period of five years.

(2) The EU-Georgia ENP Action Plan includes several objectives related to the domain of Justice, Freedom and Security, in particular under "Priority area 4" and point 4.3 of the "General Objectives and Actions". Moreover, the EU-Georgia ENP Action Plan provides for an enhanced EU-Georgia dialogue on migration issues, including, inter alia, readmission and visas issues.

(3) With a view of establishing an appropriate institutional framework for developing this dialogue and for carrying out a regular monitoring of the implementation of Justice, Freedom and Security related objectives, the EU-Georgia ENP Action Plan foresees (Chapter 4.3) the establishment of a new Subcommittee on Justice, Freedom and Security within the framework of the Partnership and Co-operation Agreement between the European Communities and their Member States, and Georgia.

(4) As provided for by Article 2 paragraph 1 of the Council and Commission Decision of 31 May 1999 on the conclusion of the aforementioned Partnership and Co-operation Agreement, the text of the proposal for a Council Decision on the position to be taken by the Community in the EU-Georgia Cooperation Committee with regard to the establishment of a Subcommittee on Justice, Freedom and Security is attached.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Article 2 (1) of Council and Commission Decision of 31 May 1999 [1]on the conclusion of the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and Georgia, of the other part,

Having regard to the proposal from the Commission,

Whereas:

(1) The EU-Georgia Cooperation Council, on 14 November 2006, adopted a recommendation on the implementation of the EU/Georgia Action Plan,

(2) Article 83 of the said PCA provides that the Cooperation Council shall be assisted in the performance of its duties by a Cooperation Committee,

(3) The EU-Georgia Cooperation Council adopted the Rules of Procedure of the Co-operation Committee on 12 October 1999[2] delegating responsibility for the establishment and further set up of subcommittees to the EU-Georgia Cooperation Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

The position to be adopted by the Community in the Cooperation Committee established by Article 83 of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part, in relation to the establishment of a Subcommittee on Justice, Freedom and Security shall be in accordance with the annex to this Decision.

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1 OJ L 205, 4.8.1999, p. 1.
2 OJ L 297, 18.11.1999, p. 38.

Done at Brussels,

For the Council
The President

ANNEX

THE COOPERATION COMMITTEE,

Having regard to the Agreement on Partnership and Cooperation between the European Communities and their Member States, of the one part, and Georgia, of the other part, ("the Agreement") and in particular Article 83 thereof;

Whereas:

(1) According to Article 10 of the Rules of Procedure of the Cooperation Committee[3], the Cooperation Committee may establish sub-committees and define their terms of reference;

(2) The EU/Georgia European Neighbourhood Policy (ENP) Action Plan (Chapter 5) provides that the joint bodies established under the Agreement will advance and monitor the implementation of the Action Plan and that structures established under the Agreement should be reviewed to ensure that all priorities under the European Neighbourhood Policy are duly reflected;

(3) The areas of Justice, Freedom and Security represent key priorities of the EU/Georgia ENP Action Plan.

HAS DECIDED AS FOLLOWS:

Sole Article

A Subcommittee on Justice, Freedom and Security is hereby established. The Terms of Reference of this Subcommittee are herewith attached.

Done at,

For the EU-Georgia Cooperation Committee

For Georgia

For the European Community

[3] OJ L 297 of 18.11.1999, p. 38

Terms of reference

of the Sub-committee on Justice, Freedom and Security established under the Partnership and Co-operation Agreement between the European Communities and their Member States, and Georgia

THE CO-OPERATION COMMITTEE,

Having regard to the Partnership and Co-operation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Georgia, of the other part,

Having regard to the Rules of Procedure of the Co-operation Committee, established by the Co-operation Council on 12 October 1999 as Annex to its own Rules of Procedure, and in particular Article 10 thereof,

Has established a Sub-committee on Justice, Freedom and Security with the following Terms of Reference:

Article 1

The Sub-committee shall discuss the implementation of the Partnership and Co-operation Agreement and the related European Neighbourhood Policy Action Plan in the following areas:

- border management;
- management of legal and illegal migration (including issues related to readmission, visa, security of travel documents, asylum);
- internally displaced persons
- fight against organised crime (including smuggling of and trafficking in human beings, illicit drugs, money laundering, cyber crime, corruption and other forms of illegal activities);
- fight against terrorism(including terrorism financing);
- law enforcement and judicial cooperation;
- the rule of law and reform of the judiciary;
- protection of personal data.
- development of cross-border and regional cooperation on Justice, Freedom and Security issues.

The above list is not exhaustive and other subjects may be added by the Cooperation Committee.

Article 2

The Sub-committee shall work under the authority of the Co-operation Committee. The sub-committee shall report, and transmit its conclusions to the Co-operation Committee after each meeting.

Article 3

The Sub-Committee shall be composed of representatives of the Parties.

Upon agreement of both Parties, experts may be heard regarding specific points on the agenda of Sub-committee meetings as appropriate.

Article 4

The Sub-committee shall be chaired alternately by the Parties according to the rules on alternate presidency of the Co-operation Committee[4].

Article 5

An official of the European Commission and an official of the Government of Georgia shall act jointly as permanent secretary of the Sub-committee. All communications concerning the Sub-committee shall be forwarded to the Permanent Secretary of the Sub-committee.

Article 6

The Sub-committee shall meet whenever circumstances require upon agreement of the Parties, on the basis of a written request from either Party, and at least once a year. Each meeting shall be held at a place determined by both Parties and time agreed by them.

Upon receipt of a request for a Sub-committee meeting, the secretary of the other Party shall reply within fifteen working days.

In cases of particular urgency, Sub-committee meetings may be convened at shorter notice, subject to the agreement of both Parties.

Before each meeting, the chair shall be informed of the intended composition of the delegation of both Parties.

Meetings of the Sub-committee are jointly convened by the two Permanent Secretaries, acting in agreement with the Secretaries of the Co-operation Committee.

Article 7

Items for inclusion on the agenda shall be submitted to the Permanent Secretaries a minimum of 15 working days in advance of the Sub-committee meeting in question. Any supporting documentation shall be provided to the Permanent Secretaries a minimum of 10 working days in advance.

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[4] OJ L 297, 18.11.1999, p. 38

Based on these items, a provisional agenda shall be drawn up and forwarded, with available supporting documentation, to the Secretaries of the Co-operation Committee, as well as to the Permanent Representations of the Member States, not later than 5 working days before the Sub-committee meeting. In exceptional circumstances, with the written agreement of both Permanent Secretaries, items may be added to the agenda in shorter time limits.

Article 8

At its meetings, the Sub-committee may treat any or all of the areas listed in Article 1.

Article 9

Unless otherwise decided, Sub-committee meetings shall not be public.

Article 10

Minutes shall be taken for each meeting. A copy of the minutes and conclusions of each Sub-committee meeting shall be transmitted to the Secretaries of the Co-operation Committee. Copies shall also be forwarded to the Permanent Representations of the Member States.