



INFORMAL HIGH LEVEL ADVISORY GROUP (“THE FUTURE GROUP”)

- Terms of Reference -

CONTEXT

The European Council adopted the first multi-annual programme for the field of justice and home affairs in Tampere in 1999, enabling the European Union to make major progress in the fields of visas, asylum, border controls and illegal migration – i. e. fields that have become community concerns with the entry into force of the Amsterdam Treaty on 1 May 1999.

The Hague Programme goes back to November 2004 and identifies new and important priorities. Apart from other aspects it defines above all the principle of availability for the cross-border exchange of relevant police intelligence as a major step forward for police co-operation.

Based on the positive experiences with the multi-annual programmes to date and given the fact that the Hague Programme is scheduled up to the end of 2009, it is worthwhile to reflect already now on the future of European home affairs policies up to 2014. To this end, it is useful to consult also external expertise in a structured manner.

OBJECTIVE

At the informal meeting in Dresden (14 – 16 January 2007) and in the margins of the JHA-Council on 14 February 2007, Ministers principally endorsed a proposal of the German Presidency to establish a high level advisory Group consisting of the Commission, the German Presidency, incoming Presidencies of Portugal, Slovenia, France, of the Czech Republic and Sweden as well as one representative of the following Presidencies of Spain, Belgium and Hungary. The Group should prepare a report giving the Commission and the Council a basis from which to begin formal negotiations on the Post-Hague Programme to be proposed by the Commission probably in 2009. The Group shall take into account the mid-term evaluation of the Hague Programme carried out by the Finnish Presidency in particular in terms of effectiveness and practical results. The work and report of the Group shall not in any way prejudice the Commission's right of initiative or replace the Council structure and/or EU decision-making.

The Group should examine

- areas where we need more cooperation at EU-level, because there is an added value of EU-action compared to national actions,
- areas where action on the national level is sufficient to reach the political and all legislative objectives;
- areas where we can improve and simplify existing European regulation.

Overlapping of action at the EU and the national level should be avoided.

The Group will give advice on how to foster consistency of policy and legislative initiatives in view to the next multiannual programme following the Hague Programme (2010 – 2014).

TASK OF THE GROUP

The Group will provide advice to policy makers at EU and national level on issues such as:

- combating terrorism and organised crime,
- police cooperation,
- migration, control of external EU-borders, asylum, visa, biometric data,

The Group will fully integrate the external dimension of JHA policies into its work.

PROPOSED APPROACH

The Group will be co-chaired by the Minister of Interior of the acting Presidency and the Commissioner for Justice, Freedom and Security.

The Group will establish its own working method and will decide on the items to be included in the agenda for discussion. Discussions on the different topics will be conducted on the basis of documents prepared by the co-chairs as well as the participating members or other Member states.

Each member of the Group will nominate a representative and – optionally – a deputy to the *sherpa* group. *Sherpas* can be assisted.

The Group may decide on the most appropriate way to feeding its reflections with any substantive studies or contributions.

The secretariat for the Group and the *sherpa* group will be provided by Directorate-General “Justice, Freedom and Security” of the European Commission. It will be supported by the acting Presidency.

REPORTING AND DELIVERABLES

The Group shall provide advice, in the most appropriate format (e.g. statement, report). This advice may be addressed to policy makers at EU and national level.

TRANSPARENCY

All Members of the JHA-Council are invited to transmit written contributions to the Group.

The co-chairs will regularly report on the status of the work of the Group to other Members of the JHA-Council in an appropriate manner.

GROUP'S COMPOSITION

Members of the Group are, ad personam, the Vice-President of the European Commission, responsible for Justice, Freedom and Security, Mr. Franco Frattini, the Ministers responsible for interior matters of each Member State holding the EU Presidency from beginning 2007 till the end of 2009: Germany, Portugal, Slovenia, France, Czech Republic and Sweden, as well as one representative of the following trio-presidency from beginning 2010 till June 2011 (Spain, Belgium and Hungary).

To ensure the coherence of possible proposals with the specificities of the common-law-system, the Member States having a common-law-system should designate together one expert who will participate as an observer.

A representative of the Secretariat General of the Council is invited to participate as an observer.

Politicians with a special expertise, presidents or directors of international, European or national bodies in the area of Justice and Home Affairs (e.g. Interpol, Europol, Eurojust, Frontex, national law enforcement authorities) may be invited to participate on an ad hoc basis.

Representation of members is reserved to the political level, those of guests to the highest level.

WORK PLAN AND INDICATIVE TIMETABLE

The Group will meet whenever appropriate as often as required and as long as relevant matters within the scope of its mandate will require debate and advice by the Group. About one or two meetings of the *sherpa* group are expected to be necessary to prepare the debates at the Group. It shall conclude its work by 31 October 2008 with a report.

The *sherpa* group will set up a work plan.