



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 February 2013

6127/13

LIMITE

**JAI 80
COSI 12**

NOTE

from:	Presidency
to:	Standing Committee on operational cooperation on internal security (COSI)
No. prev. doc.:	5968/13 JAI 68 COSI 9, 5969/13 JAI 69 COSI 10
Subject:	Cooperation between JHA agencies: issues for discussion

Since its establishment, COSI has directed its attention to co-ordination between the JHA Agencies in the field of internal security and noted the progress made.¹

The Agencies have developed a number of practical and informal arrangements to ensure more effective co-ordination, information-sharing and joint activities. The Commission's Roadmap for the implementation of the Joint Statement² will no doubt continue to enhance this approach. There are also formal agreements and mechanisms in place to ensure operational co-operation where it is relevant and necessary.

In summary, it can be said that co-ordination with 'sister organisations' is integral to the *modus operandi* of all JHA Agencies.

¹ See latest report and scorecard: docs. 5968/13 JAI 68 COSI 9, 5969/13 JAI 69 COSI 10.

² Joint Statement of the European Parliament, the Council of the EU and the European Commission on a Common Approach on decentralised agencies.

There is a range of factors which generates an increasing demand and need for improved co-ordination and coherence. This may be seen as part of a natural evolution – as the EU's role in justice and home affairs increases and as the JHA Agencies themselves continue to evolve, the need for greater co-operation increases. The current economic climate which faces the EU and its Member States is also a very strong driver of the requirement to generate efficiencies and to improve effectiveness.

The Agencies' willingness to co-operate more closely together and to take on more responsibilities is a welcome characteristic and a signal of strength. It can, however, prove a challenge to give practical effect to these demands.

The structure of the JHA Agencies and their remits as established in the legislative and other basic acts gives rise, inevitably, to some fragmentation and competition. There are overlaps in the tasks of Agencies and the potential for synergies is not maximised. For example, similar training courses may be provided by two Agencies, similar information on identical crime phenomena may be gathered by different Agencies and analytical capacities already available and well-developed at one Agency may be developed separately by another. In addition, regional co-operation structures and mechanisms, which are established to address a focused and limited concern, may over time lead to further overlaps.

This is an understandable phenomenon. The legislative texts that establish the Agencies are proposed and negotiated in fora that rarely have to consider the texts of the other Agencies in detail and that follow the logic of the individual proposal before them.

The work programmes, strategic papers, action plans etc. of the Agencies are proposed and discussed at the level of Management or Governing Board. Ensuring co-ordination and coherence is even more difficult at these Boards because of practical obstacles such as the timing imposed by the legislative texts as well as a lack of resources and knowledge.

In addition, the relationships between the JHA Agencies reflect the relationships between the different 'corresponding' authorities at national level.

The Member States should address these structural issues and do so with the support of the Agencies. Lessons learned at national level with regard to co-operation between different authorities should now be applied at EU level. The Council should, therefore, find a way to address this issue within the existing legal, administrative and governance frameworks and without impacting on the respective competences.

COSI has the remit and competence to promote operational co-operation and to facilitate co-ordination. COSI should, therefore, consider in detail the current structures and tasks of the JHA Agencies in order to identify the obstacles to more effective operational co-operation, the areas of fragmentation and overlap, and to propose actions to facilitate and to enhance co-operation and operational efficiency.

To initiate this process, delegations are invited to consider and to discuss how COSI could improve its monitoring of

- **the functioning of co-operation between the Agencies, and**
- **the Member States' interaction with them.**

(This would be limited to those aspects that affect operational co-operation in the field of internal security and be aimed at making recommendations within the existing legal framework and without prejudice to their respective competences.)

Possibilities for action may include:

- regular (annual) co-ordinated briefings in COSI on the different Agencies' work programmes or annual reports, possibly involving the Chairs of the relevant Management or Governing Boards, in order to draw lessons from them, notably as regards co-ordination of Member States' contributions to the different management structures, and to give ideas for future programmes and reports
- an evaluation of the information exchange by Member States with the different Agencies (e.g. on a specific subject or in a specific field)?