



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 November 2013  
(OR. en)**

**15696/13**

**LIMITE**

**JAIEX 91  
RELEX 981  
ASIM 94  
CATS 68  
JUSTCIV 253  
COEST 351  
PROCIV 130**

**NOTE**

---

From: Presidency  
On: 5 November 2013  
To: JAI-RELEX Working Party (JAIEX)  
Subject: Discussion paper on the future development of the JHA area

---

**DISCUSSION PAPER ON THE FUTURE DEVELOPMENT OF THE JHA AREA**

**JAIEX – NOVEMBER 08, 2013**

**INTRODUCTION**

At the informal ministerial meeting in Vilnius on 18-19 July 2013, the JHA ministers held first debate on the lessons learned and on the follow-up to the Stockholm Programme. Building on the results of that meeting, the Presidency invited to hold more in-depth discussions during the forthcoming meetings of the four horizontal preparatory bodies in the Council (CATS, COSI, SCIFA and the Working Party on Civil Law Matters (General Questions)).

The purpose of forthcoming discussions is to address issues specific to the mandate of each of the committees as well as horizontal aspects such as those pertaining to the external dimension of the JHA area. The Presidency discussion paper (doc. 14898/13) will serve that purpose.

Based on terms of reference of JAIEX and at request of some MS delegations at the informal ministerial meeting, the Presidency also wishes to raise a discussion within JAIEX working party in order to collect views from the delegations on the post-2014 JHA external relations. This should contribute to a ministerial debate on the post-Stockholm period at the JHA Council at a later stage and should serve as an informal contribution of the Council to the Commission's Communication on the future of the JHA area foreseen for the first quarter of 2014.

### **A REINFORCED EXTERNAL DIMENSION**

The Stockholm Programme underlined the rising importance of the external dimension of the EU's policy in the area of freedom, security and justice. The objective was twofold: reinforce EU relations with third countries and serve the internal security.

### **CURRENT THEMATIC PRIORITIES**

"The EU Internal Security Strategy in Action<sup>1</sup> " identified five strategic objectives [all directly linked with external actions] where the EU could bring real added value:

- disruption of international criminal networks
- prevention of terrorism and addressing radicalization and recruitment
- raising the levels of security for citizens and businesses in cyberspace
- strengthening security through border management
- increasing Europe's resilience to crises and disasters.

All above listed areas remain actual under current circumstances.

---

<sup>1</sup> COM(2010) 673 final

In 2010, the EU established a multi-annual policy cycle to ensure effective cooperation between Member States' law enforcement agencies, EU Institutions, EU Agencies and relevant third parties in the fight against serious international and organised crime. From the formulation of strategic priorities throughout to operational action, the multi-annual policy cycle ensures that an intelligence-led approach guides the efforts aimed at tackling the major criminal threats facing the EU.

On the basis of the recommended priorities set out in the SOCTA 2013, the Council approved 9 crime priority areas for the fight against serious and organized crime in the EU for the period 2013-2017. Most of the priority areas, in particular illegal immigration, human trafficking, excise fraud and Missing Trader Intra Community fraud, synthetic drugs, cocaine and heroin trafficking, cybercrime have clear external aspect and will remain high on the JHA agenda of external relations in the post-2014.

With a view to increasing EU dialogue and cooperation with countries of origin and transit in order to manage migration flows more effectively, the EU's Global Approach to Migration provides a strategic framework for the external dimension of migration. It is built around three pillars, namely improving the organization of legal migration and mobility, preventing and curbing irregular migration and strengthening synergies between migration and development. The protection of asylum-seekers and refugees is also a central element of the global approach to migration.

While contributing to the protection of fundamental rights and values, the political objectives of the EU's external relations in this field include the promotion of human rights, good governance and the rule of law. The close economic links in a globalized world need to be accompanied by judicial cooperation and cooperation in the area of fundamental rights. For countries applying to join the EU, alignment with the *acquis* on judiciary, judicial cooperation and fundamental rights, as well as sufficient capacity to implement the *acquis*, is a precondition for membership.

Also the external dimension of Civil law issues has proven over the years to be an important priority area. International cooperation can protect and facilitate the interests of our citizens and business.

The Union's capacities to prevent, prepare for and respond to all kinds of disasters cannot be considered only at EU-level. Close cooperation is needed with neighbouring countries, countries with a Member State perspective, with international organisations and through regional cooperation.

## **GEOGRAPHIC PRIORITIES**

- Enlargement and Western Balkans: helping acceding and candidate countries adjust to the EU acquis and contributing to stability in the Western Balkan region.
- The EU's neighbours: implementing the freedom, security and justice component of the European Neighbourhood Policy, e.g. Eastern Partnership dimension, development of JHA area in particular.
- Strategic Partners (USA, Canada, Russia, Brazil, India, China, South Africa and Mexico): maintaining the transatlantic dialogue with the United States and Canada and implementing the Common Space on Freedom, Security and Justice with Russia.
- Other partners: helping strengthen the rule of law and judiciary, as well as cooperation to prevent illegal activities within the framework of Partnership and Cooperation Agreements.
- Particular importance is attached to developing cooperation with international organizations, especially the United Nations, Council of Europe, and Interpol.

Security, promotion of human rights, good governance and the rule of law should continue to be seen as integral part within relevant strategic partnerships, and taken into account in the dialogue with our partners when programming EU funding in partnership agreements. In particular, internal security-related priorities should feature in political dialogues with third countries and regional organisations where appropriate and relevant for combating multiple threats.

## **HORIZONTAL ISSUES**

Cooperation of EU JHA agencies with third parties has advanced, however the pace of concluding new cooperation arrangements continues to be dependent on a variety of internal and external influencing factors.

On the mechanisms to bring JHA external relations to a higher level, it wasn't possible yet to enhance the level of JHA competence in EU Delegations abroad, as it had been envisaged in the Stockholm Programme. On complementarity between the EU and Member States' actions, Council Conclusions were adopted on this in December 2011. It is worth mentioning again the importance to associate Member States in formulating external policies and to inform them of on-going negotiations.

### **THE WAY FORWARD**

The delegations are invited to reflect on the above-mentioned by responding to the following questions:

- a) Which thematic priorities should be highlighted for the post-2014 period in the external dimension of justice and home affairs sector?
- b) Should strategic partnerships be reflected in the post-2014 period – are there any new partner countries emerging in this context? Which thematic areas it concerns?

---