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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Future development of the JHA area - Letter of the Hellenic Presidency to the President of the European Council

Delegations will find in annex a letter of the Hellenic Presidency to the President of the European Council concluding the discussions in the Justice and Home Affairs Council on 5/6 June 2014 concerning the Future development of the area of Freedom, Security and Justice.



ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
HELLENIC REPUBLIC

Athens and Luxembourg,

Mr Herman Van Rompuy
President of the European Council
Rue de la Loi 175
1048 Brussels



6 June 2014.

Dear Mr. President,

Following the request by the European Council in June 2013, the Lithuanian Presidency started a series of discussions on the issue of the future of the Justice and Home Affairs area. Following these the Hellenic Presidency organised a series of extensive debates in the Council. The concluding debate took place in the JHA Council on 5 June on the basis of a Presidency paper¹ and focused on both the general principles and a set of thematic issues: the external dimension, internal security, and the JHA contribution towards the EU's social and economic development.

With this letter, we would like to submit an account of the Council's observations and proposals in order to bring to your attention a number of issues where further reflection is needed with a view to forging an EU-wide consensus.

The Hellenic Presidency believes that the debate in the Council demonstrated the importance of consolidating the progress achieved so far in the JHA area and of creating greater trust and closer links between different stakeholders. Member States were equally affirmative on the need to improve the link between the EU's internal and external policies, in order to create synergies and adopt a comprehensive approach to tackling the complex geo-political neighbourhood of the EU, the ever-evolving security challenges and the consequences of the global economic crisis.

On general principles and issues, Member States were of the view that the Stockholm Programme was successful in laying the legislative cornerstone for a stronger area of freedom, security and justice addressing the needs of the Union for that period, and that there is now a need to shift the focus towards the quality of legislation and towards implementing it consistently. Some Member States proposed a review of the *acquis*, which could possibly lead to the repeal of unnecessary or redundant instruments. It was also stressed that the correct implementation and transposition of the rules already agreed must be enforced by all the means offered by the Treaties. New initiatives should address real needs, with due regard to the principle of solidarity, and should be thoroughly assessed from the financial and operational point of view, as well as on the basis of subsidiarity, proportionality and responsibility sharing. Improving mutual trust and enhancing operational cooperation was considered to be key in achieving greater efficiency and effectiveness in the JHA area, especially by means of enhanced training for practitioners and information exchanges between the authorities of the Member States. Timely use of technological innovations and mobilising the expertise of the EU agencies would also make a decisive contribution. Pilot projects were held to be particularly useful in this respect.

On the external dimension, Member States noted that promoting and defending core EU values and the EU's interests throughout the world was a key challenge. In order to achieve this, the focus should be put on dialogue and comprehensive partnerships with third countries involving a variety of instruments and based on the principle of positive conditionality (more for more). This was understood as meaning that JHA issues should be

¹ See 9531/1/14 of 27 May 2014.

promoted as one of the main building blocks of EU foreign policy and as a way of achieving greater complementarity between the relevant actors, especially by mobilising JHA expertise at all levels.

Efficient border management and return policies were deemed necessary in order to ensure the credibility and integrity of the area of freedom, security and justice. The convergence of national practices in the implementation of the Common European Asylum System was seen as a priority, which would in turn constitute an expression of both solidarity and responsibility on the part of the Member States. The principle of solidarity was reaffirmed, and the prospect of finding new ways to embody solidarity, in particular through burden-sharing mechanisms in view of the high pressure exerted on the external borders of some Member States, was raised.

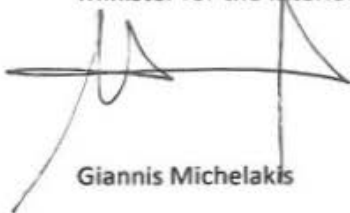
On security, Member States took the view that the overarching framework of internal security was adequate and that the main priorities, such as combating organised crime, trafficking and smuggling in human beings and terrorism, remained valid and needed continuous attention. The development of a common justice and security culture was felt to be crucial, in particular by means of enhanced training and greater contacts between the authorities of the Member States and EU agencies. Cybersecurity-related issues featured highly in the debates and it was felt that further common action was needed in this area, in particular in association with private and research sectors. Most Member States felt that the level currently reached in the approximation of material criminal law was sufficient, meaning that the need for any new proposals in this area should be firmly established.

On the contribution of JHA policies to promoting more dynamic societies, Member States debated a number of issues with a view to enhancing the economic and human capital benefits of mobility, against the background of both the demographic and the economic challenges facing the EU. Streamlining the tools of the common visa policy for *bona fide* travellers was supported. Consensus was also achieved on the need for further work on better integration of third country migrants. The prospect of new initiatives on admission and mobility of such migrants was met with caution, while the prospect of free circulation of ideas, knowledge, skills and talents was considered to be important for growth. The division of competences between Member States and the Union, in accordance with the Treaties, especially in the area of legal migration, and the satisfaction of the needs of national labour markets were underlined in this connection. It was acknowledged that the Justice area was key in fostering economic growth by capitalizing on advances already made, notably by pushing forward mutual recognition in civil law and removing obstacles to mobility for EU citizens and businesses. Furthermore, Member States expressed their wish to be closely associated in evaluating this process. There was wide support for simplifying the legal corpus in this area.

The Hellenic Presidency trusts that this contribution of the Council will prove useful with a view to preparing the June European Council and the future Strategic Guidelines for legislative and operational planning in the area of freedom, security and justice. The Council stands ready to assist in the implementation of the future Strategic Guidelines.

Yours sincerely,

Minister for the Interior



Giannis Michelakis

Minister for Justice, Transparency
and Human Rights



Charalampos Athanassiou

Minister for Public Order
& Citizen Protection



Nikolaos Dendias