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COVER NOTE

From: Dr. Robert K. Visser, EASO Executive Director and Chair of the JHA Agencies Network

To: Mr. Rafael Fernandez-Pita y Gonzalez, Director-General of DGD, Justice and Home Affairs

Subject: The JHA Agencies Contribution on the new multiannual Justice and Home Affairs programme.

Delegations will find attached a letter with its annex from Dr. Robert K. Visser, EASO Executive Director and Chair of the JHA Agencies Network, on the abovementioned subject.



Mr. Rafael Fernandez-Pita y Gonzalez
Director General Justice and Home Affairs
Council of the European Union

Sent by email only

Valletta, 4 March 2014
Ref: EASO/ED/2014/049

Dear Mr. Fernandez-Pita y Gonzalez, *Dear Rafael,*

Subject: JHA Agencies Contribution on the new multiannual JHA programme

As EU operational actors and centres of expertise, the JHA Agencies have been requested to provide their input to the future multiannual JHA programme and to analyse their role on the implementation of such a programme.

At the request of the Commission, most of the JHA Agencies have held discussions within their Management Boards or similar governing structures on the new programme in its different thematic areas. Moreover, based on their operational and practical experience and their mandate they have analysed the potential direct role that each of them could play in the implementation of the future multiannual programme.

Additionally, the JHA Agencies have jointly identified through the JHA Agencies' network a number of cross-cutting issues of common interest and how the interagency cooperation could help the effective implementation of the new programme.

As a result, in addition to the individual contributions made to the debate regarding specific thematic priorities, the JHA Agencies have agreed on a common contribution concerning the new multiannual JHA Programme, which I have the pleasure to present herewith.

I would like to express my gratitude to all the JHA Agencies for their contributions in producing this document for your consideration.

Yours sincerely,


Dr. Robert K. Visser
EASO Executive Director and
Chair of the JHA Agencies Network

Annex: JHA Agencies Contribution on the new multiannual JHA programme

Valletta, 27 February 2014

The new multiannual Justice and Home Affairs (JHA) programme

Common general considerations by the JHA Agencies

Development of the area of freedom, security and justice and the JHA Agencies

The Justice and Home Affairs (JHA) field has experienced a profound transformation in the EU in the last two decades. Significant steps have been taken towards the development of an area of freedom, security and justice. The internal border controls in the Schengen area have been removed and an integrated management of the external borders has been promoted. A Common European Asylum System has been established while a Global Approach to Migration and Mobility has been developed. A more coordinated approach to police and judicial cooperation has been established removing obstacles to law enforcement cooperation between Member States and creating new instruments, such as the European Cybercrime Centre (EC3). An Internal Security Strategy, an EU strategy on drugs, as well as the EU policy cycle on serious and organised crime has been adopted. Finally, measures to facilitate access to justice and to promote full respect for fundamental rights have been implemented.

Additionally, the EU has developed financial support tools in the JHA area, most recently the Asylum and Migration Fund, the Internal Security Fund, the Justice Programme or the Rights, Equality and Citizenship Programme. Financial support is instrumental in assisting Member States and in providing additional opportunities for cooperation in order to achieve common goals.

The family of JHA Agencies (CEPOL, EASO, EIGE, EMCDDA, eu-LISA, Eurojust, Europol, FRA, and Frontex), the majority of which were created during this period, have played a key role in supporting the development of the area of freedom, security and justice and the implementation of the EU acquis in this field.

They have proved their added value by reinforcing the implementation of the EU priorities and objectives in this area. The JHA Agencies have provided crucial operational and technical support to the Member States and the EU Institutions by generating, compiling and sharing expertise and knowledge and have helped building a common European culture. Additionally, the JHA Agencies have also provided useful evidence based input to the policy debate and the decision-making process. Furthermore, they have shown their ability to create synergies by fostering bilateral and multilateral (especially through the JHA Agencies' network) cooperation among themselves and with key stakeholders inside and outside the EU.

While substantial progress has been achieved, challenges remain in the JHA area in order to consolidate the achievements, implement the EU acquis in a coherent way and further promote mutual trust and sincere practical cooperation. The new multiannual JHA programme offers the possibility to address the challenges and reinforce the area of freedom, security and justice.

The new multiannual JHA programme

The EU has adopted a series of multiannual programmes at Tampere (1999), The Hague (2004) and Stockholm (2009), to define the strategic priorities and the objectives to be achieved in the JHA field. These programmes have significantly contributed to creating a common European legislative and operational environment.

Given that the Stockholm Programme and its Action Plan will complete its five year period at the end of 2014, the strategic guidelines for legislative and operational planning for the coming years, as foreseen in Article 68 of the Treaty on the Functioning of the European Union, are to be defined by the European Council in its meeting of June 2014. In preparation for that meeting, the Council of the EU has been requested to undergo a process of reflection and the Commission has been invited to

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present contributions. As part of this process, the Council of the EU has held several meetings, at technical and ministerial level, to discuss the future of the JHA policies. On the other hand, the Commission began a wide consultation process in 2013, inviting all relevant stakeholders to participate herein, with the aim to adopt Communications ahead of the June 2014 European Council.

A common contribution by the JHA Agencies

In this context, the JHA Agencies, as EU operational actors and centres of expertise, have been requested to provide their input to the future multiannual JHA programme and to analyse their role on the implementation of such a programme.

At the request of the Commission, most of the JHA Agencies have held discussions within their Management Boards or similar governing structures on the new programme in its different thematic areas. Moreover, based on their operational and practical experience and their mandate they have analysed the potential direct role that each of them could play in the implementation of the future multiannual programme.

Additionally, the JHA Agencies have jointly identified through the JHA Agencies' network which cross-cutting issues are of common interest and how the interagency cooperation could help the effective implementation of the new programme.

As a result, in addition to the individual contributions made to the debate regarding specific thematic priorities, the JHA Agencies share the following common general considerations as well as a common understanding on their potential role concerning the implementation of the new multiannual JHA programme:

The JHA Agencies contribute to an area of freedom, security and justice focussed on the people

The area of freedom, security and justice is, first and foremost, a single area in which the people's fundamental rights, interests and needs are in the centre of the EU policies and actions.

In the following years, the JHA Agencies will continue to find themselves at the forefront of the EU as relevant operational and scientific actors. They contribute to the concrete achievements and developments of the EU in the area of freedom, security and justice and make effective and enhance the visibility of EU policies and initiatives and their impact across its territory and beyond. They also give the highest priority to the respect and promotion of fundamental rights in their activities.

The EU communication initiatives should further explore the possibility of increasing coordination and better incorporating the activities performed by the JHA Agencies. Raising awareness about the work of the JHA Agencies is in itself a way of communicating the relevant EU policies. The concrete results as well as the possibilities offered by the policies in the area of freedom, security and justice should be clearly and effectively communicated to the general public and especially the practitioners.

The JHA Agencies support the coherent and effective implementation of the EU acquis

A common European legislative and operational environment has been created in the area of freedom, security and justice. The EU acquis in the JHA area has experienced a continuous development in the last years. Since many of these legal instruments and EU initiatives as well as recommendations (e.g. in the field of asylum, border management, criminal law, etc) need to be transposed or applied during the period of the new multiannual JHA programme, particular attention will be devoted to the implementation of the EU acquis.

In line with their respective mandates, the JHA Agencies are called to play an essential role in supporting the coherent and effective implementation and operationalization of these legal instruments. The JHA Agencies can enhance the EU's added value by coordinating actions at practical

and operational level, by fostering coherence and synergies among the JHA Agencies and with Member States, avoiding duplication of actions and promoting a cost-effective implementation.

Consolidation and effective implementation of the existing acquis will be a priority in the next years. Should however new legislative instruments be proposed during this period, they should recognise the value and the work of the JHA agencies and should make the best use of the existing resources and knowledge.

The JHA Agencies provide evidence based input to policy and decision making

In the new multiannual JHA programme, the JHA Agencies should enhance the provision of evidence to the policy debate and to the decision making process, including the programming of the relevant financial instruments. The potential of such evidence should be fully used in the cost-effective and objective evaluation of the implementation of policies and actions in the JHA field. As centres of expertise and excellence at EU level, the JHA Agencies are ideally placed to report and offer to the EU Institutions and bodies and to the Member States regular, updated and reliable information, trends and data on the situation of the different JHA areas at EU level.

The JHA Agencies help building a common EU culture based on mutual trust and close practical cooperation

A genuine common EU culture can only be built on the basis of fundamental rights, common values, shared ethical and professional standards as well as mutual trust between all the professionals in the JHA area at national and EU level. To build this common EU culture, exchange of experiences and good practices, as well as common training and common information easily accessible to practitioners across the EU are essential.

The JHA Agencies are key actors in fostering practical cooperation among all the stakeholders involved in the implementation of the JHA policies through the coordination of operational activities, building networks of experts across the EU, the development and sharing of resources, experiences and expertise and the establishment of communities of good practice.

The JHA Agencies play a key role in promoting the exchange of information, with full respect to data protection standards. A sophisticated EU intelligence sharing and information management structure should be further developed promoting the exchange of relevant information between Member States and the EU agencies. Greater integration and interoperability of systems around a single central hub could be promoted building on the European Information Exchange Model (EXIM). Moreover, the JHA Agencies are responsible for the development and maintenance of critical Information Systems which underpin the area of freedom, justice and security, such as the Schengen Information System (SIS), the Visa Information System (VIS), Eurodac, the Europol Information System, Eurosur, the EU Early Warning System on new psychoactive substances, as well as the development of new systems such as the ones proposed in the Smart Borders Package.

Moreover, given that most of the JHA Agencies have been assigned tasks related to training, they support the aim that a substantive number of professionals in the JHA area participate in a European Training Scheme, such as the Law Enforcement Training Scheme (LETS), or similar programmes. In achieving this goal, it is essential that training is systematically made accessible to all professionals involved in the implementation of the area of freedom, security and justice (i.e. judges, prosecutors, judicial staff, legal practitioners, police and customs officers, border guards and migration, asylum officers, and other civil servants). A coordinated approach, however, as provided in the LETS, is equally essential in order to promote synergies between JHA Agencies and to enhance the focus on quality.

The JHA Agencies promote solidarity and responsibility at operational level

The area of freedom, security and justice is based on the principles of solidarity and responsibility. The EU legislative framework should be effectively implemented in all its elements while the EU should promote solidarity between the Member States to achieve common goals.

In addition to the financial support provided by the EU in the framework of the Multiannual Financial Framework 2014-2020, the JHA Agencies are instruments of solidarity at operational level. Their operational activities to support Member States on the ground and the provision of information and knowledge to support the Member States' systems and initiatives are concrete examples of solidarity in the EU. Financial and operational solidarity should further complement each other.

The JHA Agencies increase the EU crisis prevention and management capacity

The JHA field is dynamic, multifaceted and constantly evolving being subject to potential crisis situations (e.g. in the field of asylum, migration, border management, terrorism, etc).

The JHA Agencies make a substantial contribution to the development and reinforcement of the overall EU anticipation and prevention capacity. An improved ability to process data and intelligence should facilitate targeted and efficient EU policy-making. The JHA programme should underline the value of the agencies' risk analysis and assessments in this regard.

Additionally, the JHA Agencies are a key component of the EU toolbox for emergency situations and crises management in the JHA area in coordination with all the relevant EU actors involved. As such, they can make a substantial contribution to the prevention, management and evaluation of crises in the JHA field. The EU crisis coordination arrangements need to take fully into account their role.

The JHA Agencies support coherence between the internal and the external dimension in this field

The internal and the external dimensions in the JHA field are closely interlinked. Migration, asylum, border management, judicial cooperation, the fight against serious and organised crime, including trafficking in human beings as well as in drugs cannot be effectively addressed without taking into consideration the cooperation with third countries.

Many of the JHA Agencies are playing a significant role in supporting the implementation of external actions in agreement with the European Commission and in coordination with the European External Action Service and within the framework of the EU external relations policy. In this regard, many of the JHA Agencies have engaged in cooperation and capacity building activities (i.e. delivering training, sharing expertise, providing technical assistance, including the use of specialised IT systems, and promoting fundamental rights) in key third countries.

In line with their mandates, the JHA Agencies can be an essential instrument contributing to the objectives of the Global Approach to Migration and Mobility.

Policy coherence coupled with operational coordination with the direct participation of the JHA Agencies should reinforce the overall EU output at operational level in the external dimension. The EU Agencies as operational implementing actors in the JHA external dimension are key position to promote and safeguard the EU own JHA interests and policy objectives.

The JHA Agencies support the use of the EU financial instruments

The new multiannual JHA programme will be implemented during the period of the new Multiannual Financial Framework 2014-2020. The JHA Agencies are committed to support the effective and

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efficient use of the new financial instruments in the JHA area by providing evidence to identify the financing needs and possible priorities, by eventually implementing actions directly according to their mandates and by supporting the evaluation of their implementation.

Enhanced coherence in the use of EU financial instruments could be further developed, including an assessment of whether a result can be best achieved via the JHA agencies vis-à-vis other actors, and avoiding financing the similar actions via multiple channels.

Funding should be sufficient to achieve the objectives of the new multiannual programme, including the human and financial resources granted to the JHA Agencies bodies which should enable them to fulfil their tasks according to their mandates and the new programme preserving the quality of their actions.

The JHA Agencies foster synergies among themselves and with other stakeholders

Given their links, the activities in the different areas of the JHA field require coordination, coherence and consistency among all the stakeholders involved.

To achieve this goal, while fostering synergies in areas of common interest, the JHA Agencies maintain close relations with the EU Institutions and bodies. The JHA Agencies have shown their ability to cooperate in diverse operational activities as well as exchange information in different areas of their expertise which has led to enhanced benefits of the EU action in the JHA area.

Many of the JHA Agencies have established networks of contact points, consultative fora and other networks to enhance the relations with relevant external partners and stakeholders (e.g. Member States' experts, international organisations, civil society organisations, professional associations, academia, industry, etc.). This cooperation should be further strengthened in the implementation of the new multiannual JHA programme.