

Helsinki, 29 November 2013

## **Non-paper on the Future Development of the EU Home Affairs Area after 2014**

### **Horizontal priorities**

#### ***1. Ensuring implementation of legislation and other EU initiatives***

*The primary focus should be placed on the efficient implementation and monitoring of adopted EU legislation and initiatives. The Member States should make efforts to ensure a uniform application of EU legislation and other instruments, and the Commission should take a stronger role in monitoring their implementation. The Commission should support measures by the Member States in implementing policies falling under national competence.*

In the coming years, it is essential to ensure effective implementation of the second-phase CEAS legislation (Common European Asylum System), the Schengen Governance package, and legislation concerning the European border surveillance system (EUROSUR). Steps should be taken to promote further approximation of practices by intensifying the operational cooperation between Member States with the support of EASO.

EU legislation on legal migration is likely to be completed during the Stockholm Programme. Finland considers that there is no particular need for new EU legislation once the directives that are currently being discussed are adopted. To improve European stability, growth and employment, it is necessary that effort is made to ensure effective implementation of common legislation.

Cooperation in managing migratory pressures in the EU is guided by the roadmap *EU Action on Migratory Pressures*. Implementation of this document will play a key part in combating illegal immigration in the coming years.

Under the leadership of the Commission, action should be taken to draft recommendations, or a handbook, concerning Integrated Border Management (IBM). This would promote uniform implementation of the IBM not only in the EU, but also in applicant countries and in countries in which the EU finances projects associated with the IBM.

Implementation of the EU Information Management Strategy needs to continue, but it could be done in a more effective and focused way, for example if the Commission took a more active role in taking the matter forward.

Finland supports the comprehensive reinforcement of the EU's disaster response capacity. The decision concerning the EU's new Civil Protection Mechanism should be implemented in the Member States so as to ensure international capacities to provide assistance, and improve prevention and preparedness for all types of disasters.

#### ***2. Developing cooperation between the authorities***

*Cooperation between Member States' authorities should be developed further, on practical and concrete terms.*

In spring 2013, the Commission released the first *Guidelines for the cooperation between Border Guards – Customs administrations working at the external borders*. The Member States should promote cooperation between these authorities in accordance with the proposed guidelines and engage in an active exchange of best practices. It is important that recommendations be drafted, under the leadership of the

Commission, concerning cooperation between all authorities both at national (including police, border, coast guard, customs, visa, immigration and asylum authorities) and at EU-level (inter-agency cooperation).

Decisions made by one country — for example in issuing residence permits — may have repercussions elsewhere in the Schengen area. Member States may, within the scope of their national legislation, grant residence permits on humanitarian grounds or regularise large number of immigrants. Measures could be taken to improve the exchange of information on developments at national level in the area of regularisation/asylum seekers who do not obtain refugee status or subsidiary protection but who cannot be returned.

In improving the exchange of information between law enforcement authorities of the Member States, and between the Member States and the agencies, as necessary, particular attention should be paid to the opportunities that automation offers in terms of implementing the principle of availability. It should also be possible to employ new instruments, if an operative need for them exists, while respecting fundamental rights and guaranteeing data protection.

The priorities which focus on tackling organised crime, endorsed by the Council, should remain a key instrument that guides action by EU institutions, agencies and the Member States.

### ***3. Ensuring resources and operation of agencies***

In Finland's view, the agencies have a central role in terms of maintaining EU internal security and in implementing and deepening the associated policies. This is why it is particularly important to ensure that the agencies have the operating conditions necessary to carry out their duties in accordance with the current mandates.

### ***4. Strengthening the external dimension of internal security***

The EU Internal Security Strategy includes a section on the external dimension of internal security, but so far progress on it has been slow. The external dimension of internal security should be given a considerably greater role in the upcoming Commission programme. The programme should emphasise the EU's external dimension as a necessary element in the area of internal security. Key priorities of internal security should be aligned with EU external relations policy. Cooperation with third countries essential in terms of internal security should be developed by agreeing on common strategic objectives and priorities for practical collaboration.

### ***5. Maritime policy***

Development of cross-administrative activities and efficient inter-agency cooperation in the maritime domain requires more cost-efficient use of maritime surveillance and executive means, in particular. The EU needs a well-functioning information sharing environment to support surveillance measures. This will allow cost-effective action to be taken to improve maritime safety, fight against crime and protection of the maritime environment. The potential offered by EUROSUR, for instance, in terms of using transnational surveillance resources should be made full use of, also in joint maritime operations coordinated by Frontex, the EU external borders agency. Emphasis should also be placed on cooperation between European coast guards (ECGFF, European Coast Guard Functions Forum).

## **Sector-specific priorities**

### ***6. Combating organised crime through administrative procedures***

New and more efficient ways should be sought to combat organised crime and other forms of serious crime which pose a threat to EU internal security. Therefore, the upcoming multi-annual programme should pay particular attention to "alternative" or "administrative" methods to combat crime. In this regard, action should be taken to improve the exchange of information between law enforcement, judicial

and administrative authorities (such as licence authorities) in the Union. At the same time, efforts should be made to explore if it is necessary to draft common EU rules and procedures to ensure effective implementation of administrative decisions (such as prohibition to pursue a business) made by the Member States in the entire EU area.

### ***7. Fight against cybercrime (including terrorism)***

Fight against cybercrime should be given a strong emphasis in the upcoming multi-annual strategic guidelines, in the Commission Work Programme and in the implementation of the EU Cyber Security Strategy. The operating conditions of Member States' law enforcement authorities to detect, prevent and investigate criminal activity taking place in information network environments should be harmonised at EU level. As regards network crime, and cyber terrorism, in particular, special attention should be paid to the fact that the Internet and other network platforms have a central part to play in terrorism threats and radicalisation. Due to the global nature of the net, cooperation with the EU and the Council of Europe and the UN, in particular, is of paramount importance. For this reason, cooperation with third countries in the fight against cybercrime should be developed.

### ***8. More effective return and readmission policy***

A well-functioning asylum system needs a credible return policy. In this regard, further EU-level efforts are needed. The priority is to implement readmission agreements already in force and to complete outstanding mandates. EU's readmission strategy should be further operationalised, including incorporating issues on readmission into a broader and coherent cooperation with third countries. From Finland's perspective, it is desirable that the EU's readmission agreement network be extended in the post-Stockholm phase to relevant third countries. Negotiations could be launched with one or two new countries of EU interest. Commission's resources to deal with readmission issues should be increased. Frontex should be given a more prominent role in coordinating joint operations and in supporting the operational capacities of Member States in return issues. Human rights standards must be fully respected in the framework of return policy.

### ***9. Smart borders***

It is important that the information systems included in the Smart Borders package be taken into use before visa liberalisation is implemented with any new large third countries. This will ensure that border control duties (including growth in cross-border traffic) can be managed in a flexible and cost-effective way, while also ensuring internal security. In border checks, the focus should move away from a "country-centric" approach towards a "person-centric" approach.