



ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
HELLENIC REPUBLIC

Ministry of Interior
Ministry of Public Order and Citizen Protection
Ministry of Shipping, Maritime Affairs and the Aegean

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On the future developments in the area of Home Affairs

Introduction

The Hellenic Presidency submits this discussion paper in view of the Informal JHA Ministerial meeting in Athens in order to continue at political level the ongoing discussions on the future developments of the JHA area, as requested by the European Council in June 2013. Efforts undertaken under the Lithuanian Presidency will be pursued until June 2014 in order to prepare a substantial contribution to the draft Strategic Guidelines that the European Council will discuss and adopt in June 2014.

As it concerns Member States' contributions, the Presidency notes the existence of full support for the role of the JHA Council in this process. Future Guidelines must reflect interests, needs and political priorities of the Member States and of the European Union, taking into account lessons learned, new challenges, as well as distinction of competences in the Home Affairs area. Moreover, Member States expressed overall agreement with the practice of multiannual programming (Tampere, Hague and Stockholm Multiannual Programmes).

The core message of the Member States' contributions is that the European Union and the Member States should cooperate more in JHA matters following the legislative instruments of the past three periods of programming (1999-2014). The most relevant issues for the next programming period shall be discussed following the lines developed below. The objective of this document is not to list, in an exhaustive manner, all proposals made by Member States, but to outline a number of key concepts:

Main topics of contributions:

I. It is time to evaluate existing legislation and policies adopted so far with a view to examine their effectiveness in preventing and combating illegal migration and in promoting orderly migration and integration of legal migrants. There might be policy and legislation gaps that have to be addressed. The codification in the area of legislation could become a remedy of gaps by including "de facto" measures considered as obsolete while new legislative instrument may be required to respond to recently adopted EU policies (transfer of protection).

II. Member States might examine policy issues further to practical ones such as the evaluation tools, the practitioners networks, or new technologies aiming at providing political solutions to persisting problems, as for instance linking development and migration policies for third countries with a view to prevent illegal migration flows.

III. Most contributions pointed to the need for ensuring better coherence / consistency between internal and external policies of the EU. Issues of both better managing migration and reacting in a more flexible manner to emergency situations could be achieved by this interface. The implementation of the principle of conditionality in external EU relations could be of added value in this direction.

IV. There seemed to be a significant degree of consensus among Member States to align policy planning with the new financial planning period which could be followed by a periodical review of EU policy objectives for the JHA area.

V. Divergent views existed among Member States on the possible solutions in a number of issues. It is suggested to limit our **ambitions** by trying (a) to resolve cross-border problems when they appear and (b) to establish a certain set of standards at EU level, on various fields such as fundamental rights or common operational tools (e.g. visa, applications for international protection). Among the issues on which there is ground for standardization at a certain level, suggestions varied on many topics, namely the efficient use of existing common tools (e.g. visa or applications for international protection) in the domain of Home Affairs.

VI. There is also room for discussion on the improvement of the way the principle of solidarity, which is enshrined in the Treaties, is implemented; a number of suggestions give more focus to this principle, more emphatically as regards the concept of “burden (or responsibility)-sharing” and its linkage to concrete criteria, such as population, GDP etc.; whereas, according to others, each Member State must be responsible for the implementation of its own policies. In this spirit, the Council in close cooperation with the European Commission needs to explore all possible tools and actions that will translate the solidarity principle to concrete results within the framework of a gradually established “burden (or responsibility) sharing mechanism” in the entire migration and asylum range.

VII. One way suggested for achieving solidarity among member states is via an exploration of further ways of reinforcing solidarity practices in all aspects of the management of mixed migratory flows. This would include a thorough evaluation of the implementation of the Dublin Regulation III in the year 2015, of the management of borders, of the “transfer of protection”, of relocation, of voluntary as well as forced returns to source countries etc with allocation criteria fully examined (population, GNP, geographical area etc), as well as via ‘joint processing’ protection or ‘external processing’, which are complementary actions of allocating asylum applicants and beneficiaries of international protection.

VIII. Related to the issue of solidarity and international protection is the need for consolidation of a mechanism of a comprehensive approach of emergency situations, especially in cases of mass influx of third country nationals in the territory of the EU and sharing of burdens among member states, beyond a “mechanism of early warning” by applying the Directive of Temporary Protection in a flexible way and by conducting emergency drills in regular intervals. The issue of protection of refugees could be improved by an enhancement of dialogue, cooperation and solidarity with third countries concerning the issue of protection of refugees, by reinforcing of regional protection programmes, relocation from third countries to countries of the EU etc.

IX. The impact of economic crisis upon legal migration and integration policies might be examined with a view to promote both higher competitiveness of the EU economy (linking migration policies with the national labor market needs) and social cohesion in European societies.

Questions:

- 1) Which innovative EU policies should be adopted, or which existing policies should be enhanced in order to address new challenges in the JHA area in the post Stockholm period?
- 2) How to achieve better coherence between internal and external EU policies in order to prevent illegal migration, address emergency situations and promote integration?
- 3) Which principles should be further examined and how they can be implemented with a view to strengthen cooperation among MS in migration crisis management (emergency situation)?
- 4) How can EU and the Council translate the principle of solidarity into concrete policies and practices? Can this be transferred in the framework of a gradually established “burden sharing mechanism”?
- 5) Which integration strategies should be adopted aiming at enhancing social cohesion and combating racism and xenophobia?

Conclusion

The Presidency will carefully listen to all comments made at the Informal Ministerial meeting. The Presidency encourages the Commission to give due consideration to Member States' concerns when drafting its Communication.