



ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
HELLENIC REPUBLIC
Ministry of Justice, Transparency and Human Rights

**Informal Justice and Home Affairs Ministers' Meeting, Athens 23-24, January 2014
Discussion paper, Session 1 (Justice) – 23 January 2014**

On the future development in the area of Justice

A. Introduction

The Hellenic Presidency submits this discussion paper in view of the Informal JHA Ministerial meeting in Athens in order to continue discussions at political level on the future development of the JHA area as it was requested by the European Council in June 2013. Efforts performed 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 should discuss and adopt in June 2014.

B. Guidelines concerning the Future Development of the JHA area

In contributions received so far from Member States, the Presidency noted full support for the role of the Council in this process, as future Guidelines must reflect the interests and needs of Member States and citizens, and as the JHA Council is best positioned to do this.

Member States displayed also general satisfaction with the idea of programmes that have prevailed so far, such as the Tampere, the Hague and Stockholm programmes, while acknowledging that for the years ahead a more political and strategic level of programming was preferable.

The most relevant issues for the next programming period shall be discussed following the lines developed below:

1) Topics on which a large consensus was found in the Member States' contributions:

The core message that dominates the Member States contributions is that we should progress towards more practical cooperation in JHA matters, after intense legislative activities over the period 1999-2014.

The objective of this chapter is not to list in an exhaustive manner all proposals that were made by MS but to outline a number of key concepts:

a) Time has come to focus on ***the quality of implementation of the legislation adopted so far***. In this context, it will also be useful to reinforce existing –and explore new - types of monitoring and evaluation tools, impact analysis, assessments and costs-benefit ratios considering the balance of competencies with full respect of the *acquis*. Both the Commission and Member States should

participate actively in these mechanisms. This will not only reinforce the quality of applicable legislation, it will also enhance mutual trust between practitioners, which is key to further cooperation.

b) **Improved cooperation between practitioners** can also be reached **by providing better training**, in particular on the European tools available to them. Many suggestions have been made to that end, ranking from a better use of current agencies and networks, such as CEPOL or the European Judicial Network, to the setting up of a European training centre for practitioners.

c) In some cases, **better quality of legislation** can only be reached **through codifying certain parts of the acquis**, especially when it has developed in a scattered manner. Suggestions for codification of the existing acquis (for instance in the area of civil law, procedural law or legal migration) could be accompanied by the repealing of those measures which are de facto obsolete.

d) Another overall trend identified in Member States contributions refers to a **better use of new technologies** in almost all areas of JHA cooperation, such as for instance border management, law enforcement exchanges and e-Justice.

e) Most contributions mention the need to ensure **better coherence/consistency between internal and external policies**. On the one hand, JHA objectives should be considered as a core competence and a priority of the EU's external action. On the other hand, EU instruments and know-how, including those of EU External Service and of the Commission, should be made available to the Council and to the Member States. This could inter alia help Member States to react in a more accurate manner to emergency situations. More generally, the necessary flexibility to react to emergency situations was mentioned by Member States in connection with threats originating from outside or inside the EU.

f) Finally, there seemed to be a significant degree of consensus among Member States **to align policy planning with the financial planning period**, knowing that the current multi-annual financial framework lasts until 2020. A new policy period should therefore be prepared in a synchronised way with the future MFF. Several MS asked that the Institutions should (under modalities that remain to be determined) also undertake periodically a review of the global policy objectives for the JHA area.

Question : Ministers are invited to assess and discuss these main orientations and outline the trends they intend to support.

II) Discussion on the level of ambition for the future of the JHA area in respect of problem solving and preparing the future

Depending on the issues which were addressed, contributions diverged as to the best way of solving problems or preparing the future. In some areas, it was suggested to *limit the level of ambition to solving practical cross-border problems* when they appear while in others, it would appear necessary to establish a certain set of standards at EU level.

Among the *issues needing a certain level of standardisation* which will facilitate easy understanding, will increase mutual trust, eliminate discrepancies and contribute to the uniformity, stability and visibility of the exchange of data, there were suggestions on various topics, such as i) on fundamental rights, notably in criminal sector or ii) on minimum quality standards for the recognition of evidence in criminal justice.

Question: Ministers are invited to express their thoughts on the most appropriate method to make progress in the development of the JHA area; in particular, ministers are invited to indicate how we could specify the level and the quality of standardisation in the context of fundamental rights and in the field of recognition of evidence in criminal justice, so that this standardisation will become more consistent and effective.