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From: General Secretariat

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To: Standing Committee on operational cooperation on internal security (COSI)

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No. prev. doc.: 8387/10 JAI 287 COSI 17  
9441/2/10 REV 2 JAI 395 COSI 33

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Subject: Report on the cooperation between JHA Agencies in 2010

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Delegations will find in annex a report on the cooperation between JHA agencies (activities and key findings). The report was jointly drafted by CEPOL, Eurojust, Europol and Frontex.

This report is complemented by a draft scorecard which is set out in doc. 5676/11 JAI 45 COSI 5.



## Cooperation between JHA Agencies 2010

### Activities and key findings

#### 1. BACKGROUND

Since 2006, formal Justice and Home Affairs (JHA) inter-agency cooperation has taken place in the format of the yearly JHA Heads of Agencies Meeting. At the end of 2009, inter-agency cooperation got a new boost triggered by the former Swedish Presidency's request to CEPOL, Eurojust, Europol and Frontex to improve their cooperation. The agencies were requested to first evaluate existing cooperation, and against this background propose new methods that should translate into concrete action, including "inter alia, guidelines for strategic and operative work, common standards, joint training initiatives, development of working methods and routines for practical cooperation".<sup>1</sup> The Agencies were requested to jointly report to COSI on progress and achievements.

#### 2. ACTIVITIES IN 2010

##### 2.1. Evaluation and improvement measures reported to COSI

In January 2010, representatives from the agencies in question prepared an evaluation of ongoing activities (bilateral as well as multilateral cooperation) and summarised it in an Interim Report.<sup>2</sup> The results were presented to COSI at its first meeting on 11 March 2010.

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<sup>1</sup> *Follow-up to the Informal Meeting of EU Ministers of Interior on the Future of Europol and EU Law Enforcement Cooperation in The Hague on 1 October 2009 – request for a report on improved cooperation*, in: Annex II to *Interim report on the cooperation between JHA Agencies*, Brussels, 29 January 2010, 5816/10 JAI 87 COSI 2.

<sup>2</sup> *Interim report on the cooperation between JHA Agencies*, Brussels, 29 January 2010, 5816/10 JAI 87 COSI 2.

Subsequently, the four agencies elaborated a Final Report,<sup>1</sup> focusing on future cooperation and improvement measures. The report was presented to COSI on 30 April and adopted with some amendments.<sup>2</sup> COSI also accepted Europol's offer to hold the chairmanship of the JHA cooperation in 2010 and to organise the JHA Heads of Agencies meeting, thus resuming the tradition of JHA Heads of Agencies Meetings.

## **2.2. Implementation of the Final Report**

Following the adoption of the Final Report, CEPOL, Eurojust, Europol and Frontex have started implementing the provisions by using a Draft Scorecard<sup>3</sup> to track the implementation. The scorecard lists all measures proposed in the Final Report as well as the respective status of implementation. It is a living document which is constantly being updated. The implementation is planned to be finalised by the end of 2011.

## **2.3. Meeting of the JHA Heads of Agencies 26 November 2010**

As already outlined in the Final report, the four agencies identified the need to further extend their cooperation with other agencies active in the JHA area. Europol therefore also invited the heads of EMCDDA, FRA, OLAF and SitCen to the JHA Heads of Agencies meeting, next to the agencies already involved in this exercise, and relevant EU bodies (COSI (Belgian and Hungarian Presidencies), Council Secretariat, as well as the Commission). Under the overall theme of improving inter-agency cooperation, the participants discussed the impact of the Lisbon Treaty on inter-agency cooperation, budget matters, and concrete actions to make sure that agencies complement each others work<sup>4</sup>. As a follow-up to this meeting, the Commission proposes its closer involvement in the cooperation between JHA Agencies. The suggestions include measures to increase the coherence of Agencies' work, with the overall EU policy framework administered by the Commission and are currently the subject of a dialogue between the Commission and the Agencies.

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<sup>1</sup> *Final report on the cooperation between JHA Agencies*, Brussels, 9 April 2010, 8387/10 JAI 287 COSI 17.

<sup>2</sup> *Ensuring consistency of action in the light of the joint report on cooperation between JHA agencies*, Brussels, 26 May 2010, 9441/2/10 JAI 395 COSI 33, and 8387/10 + COR 1 JAI 287 COSI 17.

<sup>3</sup> doc. 5676/11 JAI 45 COSI 5.

<sup>4</sup> Outcome of the JHA Heads of Agencies Meeting, 26 November 2010, doc. 5677/11 JAI 46 COSI 6

### 3. CURRENT STATUS OF INTER-AGENCY COOPERATION

#### 3.1. Key findings

**Bilateral cooperation** between agencies is mostly targeted to the (operational) needs of the respective agencies. Several examples have shown that effective bilateral cooperation improves (operational) results, not only amongst the Agencies themselves, but also with regard to the cooperation between Agencies and Member States.<sup>1</sup>

At the beginning of 2010, however, the scope of bilateral cooperation varied from taking first steps to establish a formal working arrangement to a well established and systematic way of cooperation.<sup>2</sup> In the meantime, it is fair to say that all bilateral cooperation has profited from a boost in cooperation activities in 2010, which was, to a great extent, inspired and encouraged by the joint drafting of the Interim and Final Report.

**Multilateral cooperation** mainly relates to the governance area of the Agencies. By its nature, multilateral cooperation requires more coordination work. However, the synergy effect of a joint effort, in particular towards key stakeholders and the public, is significant.<sup>3</sup> From the very beginning, the four agencies considered involving other JHA agencies in some of the planned activities. Some Agencies have already shown interest in joining specific activities of the Final Report.

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<sup>1</sup> For example: Joint promotion of Joint Investigation Teams by Europol and Eurojust; or the training cooperation between Frontex and CEPOL.

<sup>2</sup> For example the cooperation between Eurojust and Europol, with regular Steering Committee meetings and Task Force meetings. Progress is measured by means of a joint scorecard.

<sup>3</sup> For example *The Joint Report by EUROPOL, EUROJUST and FRONTEX on the State of Internal Security in the EU*, Brussels, 7 May 2010, 9359/10 JAI 390 COSI 29; joint awareness sessions.

Cooperation that is not specific to the JHA nature of the Agencies (such as procurement, internal control etc.) is often already dealt with in the wider context of all EU agencies. Several networks already exist and should not be duplicated by JHA Agencies. This does not exclude cooperation of JHA Agencies on concrete issues, such as joint procurement of specific ICT equipment, etc. From the Agencies' point of view, their respective legal frameworks do not always support full operational cooperation.<sup>1</sup> COSI decided that the "competent Council bodies will discuss the appropriate implementation",<sup>2</sup> which should also be seen in the context of the ongoing revision of the Frontex Regulation, and the upcoming revision of Eurojust's and Europol's legal bases.

### 3.2. Key achievements

#### **Bilateral cooperation** (examples):

- A staff exchange programme, starting in 2011, has been agreed between Eurojust and Europol. Further awareness projects are being prepared.
- Europol and Eurojust have improved their cooperation regarding the promotion of Joint Investigation Teams.
- Both also achieved an improved contribution from Eurojust to the OCTA, taking into account Eurojust's special requirements as a judicial body.
- The members of Europol's Analysis Work File Heroin agreed to Eurojust's participation, the association process of which is currently being handled.
- Progress has been made between Europol and Eurojust to agree on a table of equivalence to exchange classified information above the level of 'EU restricted'.
- Europol and Frontex have established contact points in various areas for operational cooperation.
- As both Frontex and Europol follow a regional approach, mutual involvement in their respective meetings has become standard.
- Europol and Frontex have continued their mutual contribution to each other's products, such as the Europol Illegal Immigration Bulletin and the Frontex Tailored Risk Assessment.
- CEPOL's training activities are being aligned with Europol's OCTA findings.

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<sup>1</sup> Reference was made in the *Final report on the cooperation between JHA Agencies*, p. 8.

<sup>2</sup> *Ensuring consistency of action in the light of the joint report on cooperation between JHA agencies*, p. 2.

- CEPOL's e-learning tool on Europol is about to be finalised.
- Eurojust and Frontex are planning to sign a cooperation instrument at the beginning of 2011.
- Eurojust has increased its involvement in CEPOL training courses and both Agencies are jointly developing a common curriculum on Eurojust.
- Frontex has frequently contributed to CEPOL seminars and training, for example the CEPOL study tour or the Frontex training project on trafficking in human beings.
- CEPOL and Frontex Heads of Agencies regularly consult on cooperation issues. Eurojust and Europol participated in the last CEPOL Annual Programme Committee in September 2010.
- CEPOL and Frontex have exchanged best practice in the field of media monitoring.

**Multilateral cooperation** (examples):

- The JHA Heads of Agencies Meeting was held on 26 November 2010 at Europol.
- During the JHA Heads of Agencies Meeting, the (re)establishment of a working group on planning and performance measurement was agreed in order to streamline annual planning documentation.
- The attendance of governance meetings by other Agencies is considered on a regular basis.
- The EU Policy Cycle<sup>1</sup> will be implemented by the Agencies, with a leading role by Europol.
- In the field of EU institutional affairs / external relations, the Agencies have improved their coordination with EU bodies, working groups etc.
- All Agencies will participate in the Agencies' exhibition at the European Parliament "EU Agencies – The Way Ahead" from 31 January to 4 February 2011.

Next to the progress made with regard to these concrete activities, a major achievement is the more systematic approach towards inter-agency cooperation in general, i.e. jointly agreeing on a set of activities, monitoring its implementation by a scorecard, organising regular Heads of Agencies Meetings following a rotation principle, and all in all ensuring consistency and continuity of the work.

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<sup>1</sup> *Council Conclusions on the creation and implementation of a EU policy cycle for organised and serious international crime*, 25 October 2010, 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94.

#### **4. WAY FORWARD**

During their meeting on 26 November 2010, the Heads of Agencies accepted Eurojust's offer to take over the chairmanship for JHA Agency cooperation in 2011, Frontex volunteered for 2012, and CEPOL for 2013. As these agencies were involved in the drafting of the reports together with Europol, they will jointly assure the further implementation of the Final Report. The Agencies propose to continue providing COSI with regular updates on the progress.

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