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

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Subject: Outcome of the JHA Heads of Agencies Meeting on 24 November 2011

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Delegations will find in annex the outcome of the JHA Heads of Agencies meeting on 24 November 2011, submitted by Eurojust which provided the secretariat of the Heads of JHA Agencies in 2011.

## Introduction

Eurojust was the secretariat of the Heads of JHA Agencies in 2011<sup>1</sup> and organised the Annual Meeting which was held at its premises on 24 November. Representatives from Europol, CEPOL, Frontex, FRA, European Commission DG Justice and DG Home Affairs, OLAF, EMCDDA, SitCen, GCS and the Polish and incoming Danish COSI Presidencies attended the meeting.

### 1. Short *tour de table* on new strategic developments in each Agency

The Heads of Agencies were invited to report on developments in their agencies in 2011.

In brief:

- Eurojust: Setting up of Eurojust National Coordination Systems; the obligation for Member States to exchange with Eurojust information about serious cases; JITs and Community Funding; appointment of new Administrative Director; new premises of Eurojust.
- Frontex: Arab Spring; Greek-Turkish borders; amended Regulation on Frontex, in particular the mandate to assess capacity in the Member States and the possibility of processing of personal data; European Surveillance System.
- CEPOL: Discharge for 2009; five-year evaluation and its recommendations; CEPOL Strategy being confirmed; human rights-based law enforcement system; ETS exercise.
- FRA: Focus on fewer but larger projects with various sub-components and producing results, i.e. useful findings for practitioners and Agencies; not minority issues only (though still very important) but also matters for all EU citizens (e.g. data protection); training initiatives.
- EU SITCEN: Today part of the External Action Service (EEAS); counter-terrorism issues; intelligence-based organisation.
- EMCDDA: 10 years of cooperation with Europol; developing cooperation with Eurojust and CEPOL; EU Drugs Action Plan; forensic analyses; early warning system.
- OLAF: Internal structure review; Reform Regulation expected by the end of this year/early next year, in particular better possibilities for concluding arrangements; forensic training; Joint Customs Operations.

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<sup>1</sup> Document 9441/2/10 REV 2.

- Europol: New headquarters; 24/7 operational centre; single contact point operational data; new information management regime under preparation, i.e. two AWFs: organised crime and counter-terrorism.
- EASO (DG Home Affairs): First Management Board meeting on 24 November 2011; high expectations/demands.
- IT Agency (DG Home Affairs): Regulation published on 1 November 2011; to be operational by 1 December 2012; Management Board to be established in January and its first meeting in March 2012.

In reference to the Lisbon Treaty and proposed new Regulations for Eurojust and Europol, COM DG Home Affairs and DG Justice confirmed close cooperation.

## **2. COSI: Views on inter-agency cooperation**

Mr Adam Rapacki, Chairman COSI, and Mr Ole Hasselgaard, incoming Chairman COSI, stressed the importance of a coherent approach, the policy cycle and close cooperation between the JHA Agencies. They also mentioned the need for involving the customs services and that they favour extending the mandates of the Agencies to include new threats, such as cybercrime, rather than the creation of agencies. They welcomed the report of the JHA Agencies on their activities in 2011 and are impressed by the inter-agency-cooperation and the results presented in the Scorecard. Greater ambitions will require greater coordination and COSI will play a role in that. The programme of the incoming Presidency builds on the Stockholm Programme and will focus on making cooperation work in practical terms, with the participation of Eurojust in COSI's operational work. The incoming Presidency will focus on enhancing the exchange of information, including between the Agencies, the solidarity clause, the ETS and the policy cycle, i.e. finalising the SOCTA methodology.

### **3. Multi-annual Financial Framework 2014-2020 in the areas of Home Affairs and Justice**

DG Home Affairs, represented by Ms Belinda Pyke, and DG Justice, represented by Ms Lotte Knudsen, presented the Multiannual Financial Framework 2014-2020, based on the Communication from the Commission 'A budget for Europe 2020', and its policy fiches. Proposals for zero growth and a 5% staff reduction will understandably cause practical difficulties for the Agencies. DG Home Affairs has submitted two proposals of immediate relevance to the meeting, namely those in respect of the Asylum and Migration Fund and the Internal Security Fund. In 2013, they will start dialogues with the Member States to identify the priorities with a view to establishing a multi-annual approach. The COM envisages a stronger external dimension, a stronger ability to react to emergencies and a better use of the Agencies by, for instance, using the Frontex Risk Analyses and Europol assessments as input for these dialogues.

DG Justice is in a different position with a spending budget of €911 million. As part of a streamlining exercise, designed to underpin policy priorities, DG Justice replaces the six Financial Programmes with new two proposals for a Justice Programme, and a Rights and Citizens Programme. The Justice Programme will cover matters, both in the civil and criminal area, such as training, IT measures such as the e-Justice portal, and the use of such practical tools as video conferences, as well as networking and awareness. Actions against drugs will also be covered under the future Justice programme. All these proposals will now need to be negotiated in the Council.

Concerning the DG Home programmes, the Agencies would welcome an involvement and/or consultation related to funding initiatives in order to prevent duplication of tasks and to contribute to a better involvement of the Member States and other partners.

### **4. EU Policy Cycle for organised and serious international crime**

The Director of Europol gave an update on the EU Policy Cycle, which has been designed to coordinate actions in the Member States through the steps of policy development, policy setting, implementation and evaluation. Particular interest now focussed on Operational Action Plans (OAPs) with the identification of eight crime priority threats, and workshops dedicated to developing practical responses to them.

COSI must oversee the results before the next round, when the assessment will be reviewed and priorities will be revised, if appropriate. This cycle is a test period, using the OCTA 2011, to identify the eight strategic priorities and a strong involvement of the Agencies. The first full cycle will be 2013-2017. Europol provides the framework for the exchange of information (AWFs) and logistical and other support is provided by the (maintained) COSPOL (now EMPACT) Support Unit. The OAPs will be for adoption by COSI on 8 December, and the implementation should start 1 January 2012. The previous COSPOL projects have been a good learning session and will contribute to improving today the efficiency of actions in the Member States.

Eurojust (8 analysts already assisting with the OAPs) and Frontex confirmed their full commitment. CEPOL stressed the need to also invest in training that explains what the policy cycle stands for, to promote it and increase awareness, and expects to have collected good case studies by 2013. Eurojust additionally provided prosecutorial and judicial input to the Policy Cycle in COSI via its close links with the Consultative Forum, which brings together Prosecutors General and Directors of Public Prosecutions from all Member States.

## **5. Implementation of the Final Report on enhanced cooperation between JHA Agencies, the Scorecard and the review of the 2011 experience**

The contact group, established in 2010 under the chairmanship of Europol, continued its activities and was reinforced with representatives from FRA, DG Home Affairs and DG Justice. The group met twice in 2011 for a useful exchange of ideas and products.

An updated Scorecard<sup>1</sup>, keeping track of the implementation of the different measures enhancing bilateral and multilateral cooperation between the Agencies, and an Activities Report 2011<sup>2</sup> were circulated. The contact group considered that some measures could not be fully implemented by the end of 2011, either because of changing priorities or because impending amendments to the legal framework (such as Frontex's new Regulation) meant that investing resources in alterations to the existing framework would not bring significant added value. The Scorecard uses four stages to mark the state of play of each measure: 'Achieved', 'Ongoing practice', 'Under preparation', and 'Postponed'. In general, the Agencies made significant progress in cooperation in 2010 and 2011.

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<sup>1</sup> See doc. 18077/11 JAI 915 COSI 118.

<sup>2</sup> See doc. 18076/11 JAI 914 COSI 117

In 2011, experts on planning cycles of the five Agencies contributed to an overview document capturing the complex information on the different planning cycles and products. Important opportunities to learn best practices from each other remain, as do opportunities to streamline planning processes and to involve Agencies in each other's planning consultation processes, as done by FRA, Europol and EMCDDA.

The meeting particularly welcomed the overview document of different planning cycles as very useful for joining up strategic planning in the future.

## **6. Proposals for JHA Activities in 2012-2013**

Eurojust and Frontex presented joint proposals for JHA activities in 2012-2013<sup>1</sup>. They proposed to focus on multilateral cooperation initiatives and suggested six possible areas where JHA cooperation could be further enhanced: organisational strategies and planning, streamlining efforts in external relations, thematic programmes, JITs, training, and the exchange of personal data amongst the Agencies.

## **7. Anti-Trafficking Day (ATD), 18 October 2011**

The Executive Director of Frontex reported on the preparations and organisation of the ATD and mentioned the positive feedback from participants on the commitment of the Agencies and the content/workshops.

## **8. European Training Scheme (ETS)**

The Director of CEPOL presented the ETS, which is welcomed by all participants.

DG Justice referred to its recent communication on training in the judicial area and emphasized that the use of the e-Justice portal could be explored. Eurojust stressed the importance of involving the European Judicial Training Network (EJTN), as well as integrating the training for prosecutors and the judiciary.

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<sup>1</sup> See doc. 18079/11 JAI 916 COSI 119.

## 9. Evidence-based advice on Fundamental Rights

The Fundamental Right Agency (FRA), represented by the Head of the Freedoms & Justice Department, explained how it collects its data on the fundamental rights situation in the EU in the form of desk research and fieldwork research, which allows for the collection and analysis of comparable data across the EU27 and Croatia. Alongside in-house experts, the Agency draws on its Network of research contact points in the EU27 and Croatia. Some examples of FRA surveys (for example, on the Roma), which are based on random sampling, were presented. FRA announced an interesting project for 2012 on data protection redress mechanisms.

Participants agreed that embedding the principles of fundamental rights is important and will add to public legitimacy.

DG Justice underlined the importance of the measures on procedural rights in criminal proceedings, including the right to information and the Letter of Rights, in facilitating the fair prosecution of cross-border crime. Eurojust added that the programme also importantly contributed to building mutual trust between judicial and prosecuting authorities in the European Union.

### Closing remarks

Eurojust will report to COSI on 8 December 2011 on the outcome of the meeting.

In addition, Eurojust will inform COSI about the activities of the JHA Agencies in 2011 and provide an updated Scorecard. Finally, COSI is invited to consider the proposals for JHA activities in 2012-2013.

The request from EMCDDA to be associated with the activities of the contact group was welcomed.

Subsequent to the meeting, OLAF expressed their interest to become also a member of the Contact Group of the JHA Agencies.