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NOTE

from:	Spanish, Belgian and Hungarian Presidencies
to:	Delegations
Subject:	JHA TRIO PRESIDENCY PROGRAMME (January 2010 - June 2011)

I. Introduction

The Spanish, Belgian and Hungarian Presidencies take over their responsibilities at a crucial stage for the development of the area of Freedom, Security and Justice. They will foster the adoption and initial implementation of the Stockholm Programme and, following the entry into force of the Lisbon Treaty, they will put into effect its relevant provisions, in particular the setting up and development of the Standing Committee on Operational Cooperation on Internal Security (COSI).

In this context, the three Presidencies are determined to promote the development of a European Area of Freedom, Security and Justice based on the rule of law with respect to the fundamental rights and where citizens may enjoy the highest possible level of protection and a fair and simple access to justice.

To this end, they will continue to deepen the freedom of movement within the Schengen space while reinforcing the fight against illegal immigration. They shall focus on strengthening EU relationships with key countries of origin and transit of migration flows, as their collaboration is essential to consolidate a sustainable and balanced migration system in Europe. The three Presidencies intend to successfully manage the enlargement of the Schengen area, by the accession of further Member States concerned, if the necessary preconditions are met.

They are likewise committed to improve EU action regarding the fight against terrorism and serious and organized crime in full compliance with the rule of law and protection of fundamental rights, while enhancing the assistance to the victims of crime, especially to victims of gender-based violence and terrorism. The development of the Area of Freedom, Security and Justice requires a concerted global structure covering the existing and forthcoming instruments. To this aim, the three Presidencies will develop, through a strategic approach, an Internal Security Strategy, in line with the Stockholm Programme.

They will devote their efforts to enlarge the channels through which citizens may exercise their rights surmounting the obstacles derived from the differences among legal systems and national practices. They will make every endeavour to improve the quality of the administration of justice as a public service at a European scale. Conscious of the importance of the external dimension of the JHA policies the three Presidencies will seek significant progress in judicial and police co-operation with third countries.

Achieving these objectives requires to take different measures at different levels. Experience shows that there is room for improving the way in which the European Union's added value in the field of Justice and Home Affairs is communicated. To this end, they will take steps towards clearer and effective communication measures, ensuring that European citizens are conscious of the significant progress made at EU level to increase their security and their fundamental rights.

The consequences of the Lisbon Treaty

The entry into force of the Lisbon Treaty will provide a significant impetus to the further development of the JHA area. The new general rule for the decision-making process in the JHA area, according to the ordinary procedure, constitutes a major change that should contribute to this renewed momentum.

In this scenario the three Presidencies will have to conduct the restructuring of the working methods in the Council in compliance with the new provisions both in terms of the organisation and distribution of work and the different procedure applicable. They will have to deal with the establishment of procedures to assess the implementation of the Area of Freedom, Security and Justice, focusing, in particular, on the principle of mutual recognition. They will also encourage the debate in order to identify which legislative acts of the JHA *acquis* with a legal base in the provisions on police and judicial cooperation in criminal matters of the Treaty of the European Union should be adapted to the new ordinary decision-making process.

The finetuning of the Standing Committee on Operational Cooperation on Internal Security (COSI) – its composition, functions and relations with the existing structures – foreseen by the Treaty, is a challenge that will require the attention of the three Presidencies.

The Adoption and Implementation of the Action Plan of the Stockholm Programme

The Stockholm Programme constitutes the framework for the activities of the three Presidencies. Its Action Plan will be the necessary reference for the construction of the area of Justice, Freedom and Security in the period 2010-2014. The Spanish, Belgian and Hungarian Presidencies will join their efforts in order to assure that the Action Plan will be timely adopted and its implementation started at a steady pace.

The three Presidencies will put the accent on speeding up and reinforcing the efficiency of judicial co-operation in both the civil and criminal fields, as well as of police co-operation mechanisms. In this respect, they will pay special attention to optimizing the use of information and communication technologies. Reinforcing the protection of vulnerable persons, in particular, of gender-based violence victims, preventing and combating terrorism, serious and organised crime and improving cross-border enforcement of judicial decisions will constitute some of their paramount challenges. The priorities of their endeavours in the horizontal, criminal and civil fields, as well as in the external relations are detailed below.

The principles of responsibility, solidarity and mutual trust are prerequisites for the definition of a common policy on migration within Stockholm Programme to ensure continuity and progress to the Global Approach to Migration and the European Pact for Immigration and Asylum.

The Trio is fully aware that integrated border management is only one element of a global policy of security to be promoted along with the advancement of legal migration and integration, the fight against illegal migration, the definitive implementation of the Common European Asylum System and the global partnership with third countries to ensure the synergies between migration and development.

The Spanish, Belgian and Hungarian Presidencies rely on the co-operation of the EU institutions, agencies and Member States to meet these ambitious objectives to the greater benefit of the European citizens.

II. Immigration and asylum

The three Presidencies will work on the immigration and asylum issues in the framework of the European Pact on Immigration and Asylum and in the continuity of the Global Approach to Migration.

The European Pact on Immigration and Asylum establishes a framework to advance towards a common immigration and asylum policy in the EU in close connection with the Global Approach and the objectives included in the revised Lisbon Strategy. In this context, the Trio Presidencies will look after the accomplishment of the monitoring process established in the Pact, promoting all the necessary activities for the annual debate of this Pact, which will start under the Spanish Presidency in the first half of 2010.

The Global Approach to Migration adopted by the European Council in December 2005 on Africa and the Mediterranean, and further strengthened in June 2007 in particular on the Eastern and South-Eastern regions neighbouring the European Union, defines the current European migration policy, and is also a key issue in the dialogue with countries of origin.

Legal immigration

As the existing link between migration and employment is increasingly clear, the three Presidencies will promote the facilitation of well-managed legal migration, which will be beneficial for the countries of origin, the countries of destination and the migrant him/herself, based on the needs of the labour markets, in the framework of the guidelines for the employment policy coordinated in the revised Lisbon Strategy, and respecting the principle of community preference and the migrants' rights recognised in the *acquis*. The effective matching of labour market demand and supply needs to be enhanced, and synergies between migration and development must be promoted, in order to maximize its potential positive effects, fostering, for instance, temporary or circular migration, as stated in the conclusions of the European Council of 14 December 2007, and in order to minimize its negative effects, as *brain-drain*.

They will work also in the follow-up and on the evaluation of existing directives, paying special attention to the implementation of the Council Directives on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. They will also continue the discussions during the Trio Presidencies, on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State and on the remaining two legal instruments included in the Policy Plan on Legal Migration, COM(2005) 669 final of 21 December 2005: on the conditions of entry and residence for seasonal workers and for intra-corporate transferees, in the light of their added value and of the respect of the principle of subsidiarity. New proposals for regulating legal migration can be studied.

Finally, based on the principle of Union preference, during the Trio Presidencies revocation of the transitional periods limiting the free movement of workers from the new Member States will be tried to be achieved.

Integration of Third Country Nationals

Common action at EU level regarding integration of third country nationals has already produced a clear framework and a set of valuable instruments to enhance and back the policies implemented by the Member States in this field. The basic framework was established by the Common Basic Principles and the Common Agenda for Integration and strengthened by the Council Conclusions on the strengthening of integration policies in the European Union by promoting unity in diversity and by the Declaration on integration in the European Union.

The three Presidencies will make a step further by developing two new instruments: the first is the identification of indicators that can be used for the evaluation of outcomes of integration policies and hence for comparative learning. This first aspect will build on the European Conference on Evaluation and Indicators organized by Germany in 2009 and be linked to the follow-up measures for the European Pact on Immigration and Asylum. The second instrument are European Modules, which can be used as a flexible reference for introduction programmes, involvement of the host society, participation of immigrants and other aspects of the integration process.

Furthermore, special attention will be given to measures required in the field of education, vocational training, recognition of qualification and competences, and active labour market policies in order to enhance the overall performance of the migrant population and reduce the differences with the host society. Active participation of migrants in all spheres of society is another crucial challenge that needs to be promoted and to be assessed through adequate statistical tools which will be highlighted when developing the abovementioned European modules. Bearing all this in mind, the Spanish presidency will organize in 2010 the fourth Ministerial Conference on Integration.

Illegal immigration

The Three Presidencies will continue to keep the commitment of the EU in the fight against illegal immigration, strengthening cooperation with all the stakeholders concerned, especially with origin and transit third countries. They will pay special attention to the fight against the employment of illegally staying migrants, one of the main pull factors for illegal migration

Particular consideration will be given to efficient and sustainable return and readmission policies with full respect for human rights.

Convinced that better results can only be achieved by a common approach among Member States, the Three Presidencies will continue to support Community Action in the field of return and readmission. The importance of an effective readmission policy with the main countries of origin and transit, including the implementation of the existing EU readmission agreements, will be underlined and, with the purpose to optimize the results of these tools, evaluation mechanisms will be envisaged.

Likewise, efforts will be directed to bring the ongoing negotiations to a successful close,. In order to ensure a more successful return policy, efficient practical and operational cooperation between MS, EU Institutions and Frontex will be reinforced.

The role of Immigration Liaison Officers (ILOs) and the possibilities to reinforce the operational cooperation, promoting the exchange of information and best practices and encouraging networking will be strengthened.

Special attention also needs to be given to the sensitive issue of unaccompanied minors. In compliance with the Stockholm Programme, an Action Plan will be drafted, lead by the principle of the best interest of the minor, which will be based on a comprehensive approach, hence including prevention measures, protection both in origin and destination countries and assisted return. The cooperation in this respect with countries of origin will be one of its key elements.

Border management

The Three Presidencies will work in further developing of the EU integrated border management, promoting active collaboration between the Member States, FRONTEX and the relevant EU agencies and bodies.

New ways of maximizing the effectiveness of the existing EU instruments will be explored in order to reinforce the operational cooperation at external borders, following the principles of solidarity and joint responsibility for the protection of the external border.

In line with the progress achieved by the previous Presidencies, the Trio will continue to update the current border control model to the new technologies in this field.

The introduction and exploitation of new technologies aim to achieve a positive impact on the free movement of persons and goods. In order to obtain the maximum benefit from these tools, a coherent and integrated approach should be adopted, taking into account the balance between technical and operational needs and the rights of free movement and data protection. The Trio Presidency will pay particular attention to the development of workable and proportionate solutions aimed to enhance the efficiency of border control at all types of borders, as for instance developing the VIS.

The three Presidencies will continue the strengthening of the role of FRONTEX, according to the outcomes of the evaluations related to this Agency. To that end, it is necessary to ensure permanent attention for the further enhancement of the risk analysis and the necessary human and material resources to improve the effectiveness of Frontex operational actions and technical challenges.

EUROSUR deployment and other strategic initiatives and instruments to enhance the efficiency of border control and surveillance will be dealt with.

In order to involve third countries in the EU coordinated border management, the Trio Presidency will pave the way to a common strategy covering capacity building, technical assistance and cooperation mechanisms with origin and transit countries to improve border control in order to fight illegal immigration.

Visa policy

In the eyes of the Trio Presidency, the visa policy will be based on a balance between, on the one hand, the visa policy as part of a multi-layered system facilitating legitimate travel and tackling illegal immigration and, on the other, as one of the elements of the External Relations policy, such as the continuation of the visa dialogue with the relevant countries of the Western Balkans.

The Three Presidencies will therefore promote the deployment of the Visa Information System (VIS), according to the regional and gradual approach foreseen in the VIS Regulation.

Following the adoption of the Community Code on Visas the Trio Presidency will give special consideration in a view to stimulate the Local Consular Cooperation, as promoted by the Community Code on Visas and to contribute to the best implementation of it.

Furthermore, the Trio Presidency will support the introduction of new and the development of existing methods of co-operation among Member States and gradual involvement of new technologies in the field of visa policies. The implementation of the Regulation of the European Parliament and of the Council in view of setting up Common Visa Application Centres (CAC) is regarded as an instrument among others to further enhance the harmonisation of the application of the Visa Instructions.

The evaluation of the Visa Facilitation Agreements will be considered as a priority as well. The Three Presidencies deem it necessary to measure the outcomes of those Agreements, as they are a relatively new instrument in the common visa policy.

Asylum and international protection

The Trio Presidency will work towards the implementation of the second phase of the Common European Asylum System, as agreed in the Hague and Stockholm Programme, which should ensure access to asylum procedures and offer a high level of protection to those in need of it. Whenever appropriate, in the framework of migration issues, access to international protection should be taken into account.

The Three Presidencies will intensify the actions to complete the establishment of a common area of protection, working on the legislative proposals included in the European Commission's Policy Plan on Asylum adopted on 17 June 2008, with emphasis in reinforcing practical cooperation and providing for a single procedure based on common rules along with establishing uniform statuses for refugees and beneficiaries of subsidiary protection.

The development of the European Asylum Support Office will contribute to the achievement of further harmonisation.

Solidarity is one of the pillars of the Common European Asylum System. The Trio Presidency calls for an intensification of EU solidarity towards third countries, while respecting the principle of voluntary participation. This can be done by further engaging in capacity building projects and by implementing the joint EU resettlement scheme.

As for the solidarity among Member States, the Trio Presidency will explore measures, e.g. the improvement of existing financial instruments, to support Member States affected by massive flows of asylum applicants.

Cooperation with third countries in the framework of the EU Global Approach

The Global Approach to Migration offers the possibility for new forms of dialogue and cooperation with third countries in this field. The Trio presidency will continue to seek for an effective and balanced implementation and further development of its three components, through the various tools, in particular the mobility partnerships, the EU migration missions, the cooperation platforms and the migration profiles.

In line with this Global Approach the Trio Presidency shall aim to increase EU cooperation with origin and transit countries in particular, to support institutional capacities that will enable them to better manage legal migration, fight more effectively against illegal migration and better control their external borders in the framework of community cooperation agreements and partnerships.

In this context the Trio presidency will continue to implement the Global Approach to the South and to the East and the South-East of the European Union. In this regard it stresses the importance of the preparation and celebration of the next EU/Africa Summit, as well as preparatory work on the III Ministerial Euro-African Conference on Migration and Development to be held in 2011 and the follow up to the Building Migration Partnerships conference and project. We will pursue an enhanced, structured and comprehensive dialogue with the Latin America and Caribbean region on migratory issues, as foreseen in the Lima Declaration (May 2008), in order to explore further ways to tackle common challenges and mutually identified areas of interest.

III. Schengen area and acquis

The single great zone of mutual security and mobility that the Schengen Area constitutes is one of the most significant achievements of the European Union, which grants the right of freedom of movement to hundreds of millions of people, while at the same time guaranteeing a significantly high standard of security. Further development of the Schengen Area is of key importance to the security and stability of Europe, and therefore is one of the most important objectives in the focus of the Trio Presidency. The accession of Bulgaria and Romania will further enlarge this area; when yet another large group of European citizens will experience from first hand the reality of borders becoming passable without controls. At the same time, security threats whose trends are already discernible now will continue to pose challenges.

In this context, clarification and consolidation of the acquis pre-dating the Treaty of Amsterdam could be launched. Spain, Belgium and Hungary, building on the work of the previous presidencies, will carry on with the discussions in the Council on improving the efficiency of the Schengen evaluation process.

The evaluation of Member States which have declared their intention to join the Schengen Area will continue in 2010. Spain, Belgium and Hungary will work to conclude the evaluation process in the relevant chapters, so that the Council will be in a position to make the decision on the full application of the provisions of the Schengen acquis in Bulgaria and Romania in 2011. The evaluation of the Member States already applying the Schengen acquis will continue, with ten Member States evaluated in the course of 2010 and 2011. In parallel, depending on the time of submission of their declaration of readiness, the Trio Presidency will also launch (or continue) the evaluation of Cyprus, the United Kingdom and Ireland (in respect of their accession to the Schengen Information System).

Attention will be paid to the completion and successful launch of a new generation of the Schengen Information System. The Trio Presidency understands that the soonest possible implementation of the project is crucial from the point of view of the security of the Schengen Area.

IV. Internal Security Strategy

The Trio Presidency is committed to develop a multidimensional Internal Security Strategy, in line with the Stockholm Programme.

One of a series of concrete action will be the further development of the so-called European Criminal Intelligence Model (ECIM).

The operational dimension of the EU internal security co-operation will be assessed and developed with a view to maximising the synergies between the national, regional and European action levels and between the relevant actors.

V. Fight against terrorism

The EU condemns all forms of terrorism and will continue to combat it with all the instruments provided by the Rule of Law. The fight against this multifaceted and complex challenge remains a top priority for the three Presidencies.

The main focus will be on the further implementation of the EU Strategy and Action Plan to Combat Terrorism. The three Presidencies will aim at further developing the multidisciplinary answer to terrorism, the operational co-operation between the law enforcement authorities of the Member States, the co-operation with European agencies like Europol and Eurojust, as well as the co-operation with key third countries.

Specific attention will be paid to the phenomena of radicalisation and recruitment. The comprehensive EU Strategy and Action Plan on Radicalisation and Recruitment will continue to be directional in this regard. The three Presidencies will focus primarily on the prevention and the detection of radicalisation at an early stage.

The three Presidencies will also focus on combating terrorist use of the Internet, on enhancing the security of explosives, on CBRN threats and risks and on the co-operation between the central bodies in the Member States that are responsible for co-ordinating the exchange and analysis of information and intelligence on terrorism.

VI. Fight against serious and organised crime

The fight against serious and organised crime requires a multidisciplinary intelligence-led approach in order to face this global phenomenon and provide much more effective and long-term results.

The three Presidencies will continue to work on improving the operational co-operation between the law enforcement services of the Member States and with European structures and bodies, especially with Europol.

The Council Decision replacing the Europol Convention will enter into force in January 2010. The three Presidencies will support Europol's efforts for a smooth adaptation of its working methods to the new legal framework, especially on the implementation of measures aimed at deepening the possibilities for the office to assist and support the competent law enforcement authorities of the Member States in line with the goals of the Stockholm Programme.

The three presidencies will promote the added value of the OCTA and explore the further development of its regional approach.

The three Presidencies will continue to implement the Concerted Work Strategy and the Practical Measures against Cybercrime. Special attention will be paid to combat any form of sexual abuse of children on the Internet.

Special attention will be paid to the fight against environmental crime and to the protection of cultural heritage through law-enforcement work.

Attention will be paid to research and academic contributions in the field of the fight against organised crime. A reflection on the new socio-economic spheres where organised crime has gained an influence and which have deep impact on the everyday life of our citizens will be launched in this regard.

Identification and recovery of criminal assets and the fight against money laundering will remain a key priority.

Particular attention will be paid to the issue of identity fraud.. In this regard, initiatives will be launched with regard to the verification of the authenticity of identity documents at European level.

VII. Fight against trafficking in human beings

The fight against trafficking in human beings will also remain an important priority.

On the basis of the results of the evaluation of the EU Action Plan against Trafficking in Human Beings, new orientations for action will be delivered. The three Presidencies' aim is to mainly focus on all forms of exploitation and to pay special attention to highly vulnerable victims.

VIII. Fight against Drugs

The three Presidencies will continue to implement the EU Drugs Action Plan for 2009-2012. They reiterate the importance of a multidisciplinary, comprehensive and well-balanced approach, focusing on all kinds of prevention measures as well as on the fight against precursors and the illicit production and trafficking of drugs.

They will seek to take forward this well-balanced approach in working with key third countries, through, among other instruments, the networks of liaison officers of the EU Member States.

Ways towards a more effective and coordinated law enforcement co-operation will be explored through a reflection on the work of the existing co-ordination structures to fight against drugs trafficking.

IX. Police and Customs cooperation

The three Presidencies will seek to deepen the operational co-operation between the law enforcement authorities in the EU and with European agencies like Europol.

They will explore the possibilities for compiling and enhancing the current EU legal framework for law enforcement cooperation especially for cooperation in the border regions. The development of the operational law enforcement co-operation on the basis of the Prüm Decisions will be promoted.

The Trio Presidencies will seek to enhance the interoperability between radio communication systems in the field of law enforcement.

Maximum benefit should be drawn out of the European Network for Internal Security Technology Departments. Networking of law enforcement specialists working in particular areas will be promoted.

In the field of security at football matches with an international dimension the three Presidencies will evaluate the current working program and will prepare a new working program for 2011-2013. The Trio Presidency will explore the necessary policing measures regarding major sport events to be held in Europe in the years to come and new ways to counter transnational hooliganism.

The three Presidencies will enhance the co-operation between the authorities responsible for the private security sector in the Member States.

Measures with regard to the protection of public figures will also be envisaged.

Specific attention will be given to the evaluation of the common use of liaison officers and the identification of best practices. Existing networks of European liaison officers shall be strengthened and new geographic areas for setting up such networks shall be considered. The co-ordination among European liaison officers deployed outside the Union, their deploying Member States and European actors, such as Europol, shall be improved.

Experiences and best practices in working with Police and Customs Co-operation Centres should be further exchanged and minimal standards for their functioning could be developed.

Cepol continues to be an essential tool in promoting joint training and a common European police culture. The three Presidencies will focus on the efficient functioning of the organisation and on its core-business in line with the Stockholm Programme. On the basis of the results of the audits and the evaluation of Cepol new measures could be proposed. The three Presidencies will also reflect on the co-operation and coordination between Cepol, Europol and Frontex in the field of training in order to achieve the goals set by the Stockholm Programme.

The three Presidencies will continue to implement the EU Strategy for Customs Co-operation by putting forward a new Customs Co-operation Action Plan.

X. Crime Prevention

The three Presidencies are committed to continue the co-operation in the field of crime prevention.

There is a need to emphasize and concentrate on local authority and local community involvement in crime prevention.

Special attention will be paid to prevent and fight against gender-based violence. Emphasis will be put to the introduction and promotion of non-violent conflict management to prevent violence and/or restore relationships.

Methods will be elaborated which can effectively be used by the local authorities to prevent and fight against burglary.

Based on the newly adopted Council Decision on the European Crime Prevention Network, Spain, Belgium and Hungary would like to go further into the process of enhancing its potential in order to reinforce the concrete exchanges of best practices between the Member States.

XI. Civil protection

The three Presidencies acknowledge that climate change and new types of risks generate more and more severe natural and man-made disasters.

Therefore the three Presidencies wish to continue improving EU response capacities in the face of disasters and crises, both within EU-borders as well as in third countries. Naturally, this implies, at all times, a sufficient balance of all three aspects of prevention, preparedness and response. In this respect, the three Presidencies commit themselves to the follow-up of the Commission Communication on Reinforcing the Unions Disaster Response Capacity and the Commission Communication on Prevention of natural and man made disasters.

All initiative regarding training will be pursued thoroughly in order to create a comprehensive disaster management training network and particular attention will be paid to the implementation and development of the Civil Protection Modules and to the reinforcement of the Monitoring and Information Centre (MIC) within the Civil Protection Mechanism framework. The three Presidencies will also carry out work with regard to prevention. In addition, the Presidency will pay specific attention to the evaluation of the Civil Protection Mechanism and Financial Instrument, which will start during the term of the next three Presidencies.

The EU will also strive towards further improvement of the cooperation with the UN. The progress of the elements of the European Programme for Critical Infrastructure Protection (EPCIP) will be followed-up during the three Presidencies and special consideration will be given to CBRN-related risks and forest fires prevention.

XII. Law-enforcement information exchange and information systems

The development of a global and coherent long-term EU policy on law enforcement information exchange, within the full respect of data protection, will be further pursued.

Efforts will be deployed in order to come to a more efficient use of the current national and European law enforcement information systems, in order to avoid overlaps and to optimise costs and potentials for the final users.

The establishment of an Agency to manage large-scale IT systems is considered as a priority.

The three Presidencies will seek to launch and implement an operational Schengen Information System of a new generation.

Continued attention will be given to the implementation of the Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities and to the implementation of the Prüm Decisions, with a view to start with the EU-wide automated sharing of information, at the latest in August 2011.

XIII. Road safety

Collaboration between Member States on the improvement of sanctions particularly on the execution of prohibition of driving should be strengthened. For the better achievement of this aim, attention will be given for the evaluation of the application of the Convention on Driving Disqualifications adopted by the Council Act of 17 June 1998 and if necessary to transfer its provisions to a new EU legal act. In this way, a highly effective communication channel should be established, connected to the mutual recognition of such prohibitions.

Attention will be given to develop the law enforcement co-operation, the strengthening of the data exchange, the sharing of evidence to be used in the different proceedings, such as photographs taken by automatic speed control devices, the mutual recognition of such evidence and the final decisions in all kinds of proceedings (e.g. withdrawal of driving licence) and the taking over of the enforcement of the fines, including administrative ones.

XIV. Protection of Personal Data

The Lisbon treaty provides for a horizontal legal basis regarding the protection of personal data. Depending on a possible legislative proposal to be proposed by the Commission, the objective of the three Presidencies will be to further develop a consistent legal framework applicable in all EU fields to the processing of personal data both in the Member States and by EU institutions. Within this legal framework, specific rules will be needed regarding judicial cooperation in criminal matters and police cooperation. In the short term, the three Presidencies will ensure that the indispensable modifications required following the entry into force of the Lisbon treaty are made to the Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

The Trio Presidencies will in any case pay attention to the follow up and the implementation of the Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

The three Presidencies will examine how to ensure a strong data protection regime in the EU Information Management Strategy and in the assessing of the EU information exchange model.

The EU should develop a proactive and consistent approach of data protection in the relations with third States. In this regard, on the basis of the proposition of the Commission, the three Presidencies will negotiate a data protection and data sharing agreement with the US of America, achieving the work carried out by the EU-US high level data protection group, in particular concerning the right of judicial redress for European citizen in US.

XV. Fundamental rights

The European Union has these past few years increasingly asserted its ambition as a player in the field of protection of fundamental rights, on the level of external as well as internal policies.

The creation of the European Fundamentals Rights Agency (FRA) reflects the seriousness with which the EU has taken up the task of protecting and developing fundamental rights and freedoms within the EU itself. The three Presidencies will dedicate heightened attention for this internal dimension as an integral part of the JLS agenda in particular through discussions, where appropriate, on the functioning as well as the output of the FRA. Also, depending on the request of the countries concerned, the adoption of a Council decision on the possible participation as an observer in the FRA of those countries with which a Stabilisation and Association Agreement has been concluded would be promoted.

The three Presidencies will give priority to the accession of the EU to the European Convention on Human Rights.

Specific policy issues may also be highlighted as priorities to reach the general objective of promoting fundamental rights at the level of the EU, notably the participation in the democratic life of the Union, the protection of the rights of the child, the protection of the rights of the victims of violence and attention for the needs of vulnerable people.

XVI. Horizontal issues in the field of Justice

E-Justice

A full use of the information and communication technologies in the field of justice is essential. The EU must push forward the projects included in the Action Plan 2009-2013. In this respect, the three Presidencies consider that the European e-Justice portal has to be launched as soon as possible. An assessment of the implementation structure's activities should take place before June 2011.

Projects such as the interconnection of registers of wills and the training of legal practitioners (e.g. through e-learning) should consequently be launched. Work should start on the signature and notification of judicial and extrajudicial decisions in civil and commercial matters, on legal aid, on the European order for payment as well as on the small claims procedure. Furthermore, attention will also be paid to the horizontal issue of translation and interpretation.

In addition to these projects and taking into account the open nature of the Action Plan, other possibilities may be explored.

Training of judges, prosecutors and staff of the Administration of Justice

An adequate training of judges, prosecutors and judicial staff on a common European basis plays an essential role in order to foster and consolidate mutual trust, which is a key element for the construction of a true area of freedom, security and justice. The EU should promote a European legal culture, by encouraging all the judges, prosecutors and judicial staff to deepen their knowledge on EU law and on the different judicial systems and practices in the Member States.

The implementation of the general guidelines as accepted by the Member States in the resolution concerning the training of judges, prosecutors and staff of the Administration of Justice must be encouraged. In particular, efficient cooperation between the European Judicial Training Network (EJTN) and the relevant national training centres must be developed.

The exchange programmes should be addressed to junior and senior judges, prosecutors and judicial staff, focusing on general and specific topics and promoting the knowledge on European institutions and bodies. Relevant programmes of the national training centres should be opened to nationals of other Member States.

In this context, the improvement of language skills and the use of ICT tools, in particular e-learning, must be encouraged, underlining the need for streamlining and focusing on high quality and cost effective projects.

Simplification of the *acquis*

Coherence and transparency are the most important conditions for legal actors to apply Union rules in a uniform and appropriate manner, especially in the area of freedom, security and justice.

Coherence and consolidation of the *acquis* are desirable both at conceptual and legal level. The simplification and better law making principles should be maintained throughout the decision-making process and shall be of a guidance regarding the JHA *acquis* as well.

When a legislative intervention is considered, better law making requires impact assessment which should pay special attention to practical experience of Member States. Attention should also be paid to the analysis of existing instruments with the aim to consolidate instruments with similar content, where possible, thus avoiding multiple-legislation. The overall objective should be to simplify legislative instruments by harmonising procedures already included in the legal acts in force and to streamline fragmented legislation

EU legislation should be made easily accessible and user friendly for the European citizen. It is also necessary to stress the importance of consolidating EU legislation.

XVII. CRIMINAL JUSTICE

Further development of the principle of mutual recognition and of the exchange of information

Mutual recognition is the cornerstone of the development of a series of instruments on criminal judicial co-operation between Member States which already cover, or will do so in the short term, all the stages of the criminal procedure.

The three Presidencies will work with a view to developing further the principle of mutual recognition. They will pay particular attention to the improvement of direct judicial cooperation, in particular, exploring the options of reinforcing the application of the principle of mutual recognition in the field of evidences in criminal proceedings, exploring the feasibility of achieving a general instrument replacing the European evidence warrant (possibly called “European Investigation Order”) or accepting evidence gathered in another member State.

In parallel the three Presidencies will work on the improvement of the implementation, evaluation and follow-up of the instruments adopted so far.

Great importance will also be attached to completing the exchange of information on criminal records by creating an EU index of non EU nationals.

Approximation of substantive and procedural laws

Approximation of national criminal law is an essential element for increasing mutual trust and facilitating mutual recognition. In this field, the three Presidencies will continue the work both at the level of approximating substantive criminal law and at the level of approximating procedural criminal law.

As regards to substantive criminal laws, a number of framework decisions have been adopted which cover major forms of organized crimes and other serious offences. New fields of approximation could be explored, such as cybercrime or the offence of arms trafficking throughout the Union. However, main efforts should be focused on deepening the existing framework decisions by adopting legal instruments of a second generation, bringing a higher level of approximation, in the fields identified by the Treaty. Areas that will be prioritised in this context by the three Presidencies are trafficking in human beings and sexual exploitation of children.

At the level of the approximation of procedural law, which is a key element for increasing mutual trust and facilitating mutual recognition, the three Presidencies will focus on the setting up of

- common minimum standards as to procedural rights and guarantees for individuals in criminal proceedings on the basis of the step by step approach followed in the road map on procedural rights adopted by the Council on 30 November 2009¹

Depending on an initiative to be submitted by the Commission, the Trio will also work on the improvement of Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA);

¹ Reference to the Resolution adopted by the Council

The three Presidencies will also consider the re-launching discussions in view of establishing common rules on the *ne bis in idem* principle in the light of the jurisprudence of the Court of Justice.

Cooperation between judicial authorities

The criminal justice systems are increasingly confronted with situations where several Member States have criminal jurisdiction to prosecute the same facts relating to the commission of criminal offences. Multiple prosecutions can lead to duplication of activities.

Work of the three Presidencies in that field will be focused on the following:

- To allow, on the basis of the Framework Decision discussed in 2009, the transfer of criminal proceedings from one Member State to another;
- To further develop, based on the experience gained so far, the model agreement on joint investigative teams.
- To promote timely and efficient implementation of Council Decision 2009/426/JHA on the strengthening of Eurojust.

The three Presidencies will also promote the intensification of judicial cooperation in the border zones, possibly by developing common models that could be at the disposal of the judicial authorities concerned.

The three Presidencies will start the reflection on the possible developments of article 86 of the Treaty on the Functioning of the European Union

The three Presidencies will endeavor to develop exchange of judicial information and best practices in relation with the prosecution of such crimes through the European Network of Contact Points in respect of persons responsible for crimes of genocide, crimes against humanity and war crimes.

Protection of the vulnerable persons, in particular children

Member States must assure that different national legal systems do not hinder the prevention, repression and redress of crimes against children whose perpetrators pretend to seek immunity benefiting from a cross-border element.

The three Presidencies will work to strengthen the legal framework of the fight against sexual exploitation of children and child pornography.

Effective actions in this field require not only legislative initiatives but also the rationalization of the available tools as well as a coordinated approach of the measures taken by the Member States and the European Union institutions and bodies. The three Presidencies will continue the work to ensure the necessary coordination in the cross-border alert mechanisms and to improve the information exchange.

Assistance to and protection of victims

The protection of the victims of crime constitutes a basic responsibility for Public Authorities and society as a whole. Primary attention must be given to the victims, in order to protect them and to alleviate their suffering by avoiding negative effects of cross-border victimisation. In this respect, the three Presidencies will make efforts towards improving the solidarity mechanisms in support of the victims.

The three Presidencies will put emphasis on the assistance to victims, inter alia, victims of terrorism as well as victims of gender-based and domestic violence. To this aim, the three Presidencies will work on a European legal framework, in particular to remove any obstacle to an effective implementation of protection measures in the whole territory of the EU, so that victims under threat receive the necessary protection regardless of their Member State of residence (possibly through a European protection order).

Practical implementing measures of existing EU instruments

The three Presidencies will focus their work not only on enhancing the legislative framework but also on ensuring proper implementation of existing legal instruments. The three Presidencies are convinced that more should be done at the level of practical measures accompanying such implementation.

The three Presidencies will continue to prepare the operational implementation of the European Criminal Records Information System (ECRIS), in line with Article 6 of the Decision on ECRIS, in particular the drafting of the manual for practitioners.

The three Presidencies will propose a standard procedure to follow efficiently the implementation of every instrument on mutual recognition, as it was done for the Framework Decision on the European Arrest Warrant, in order to stimulate timely implementation, to detect potential problems and to take practical measures such as adaptation of the EJM tools.

The three Presidencies will address the practical problems in the application of the European Arrest Warrant identified through the fourth round on mutual evaluation.

The three Presidencies will take the appropriate measures with the objective of optimizing the use of the European Judicial Network and Eurojust, by promoting the links between national EJM contact points via a secure telecommunications connection enabling them to communicate between themselves (as referred to in Article 10 of the new Decision on EJM), and by preparing connection at national level to Eurojust's Case Management System.

XVIII. Civil justice

Implications of the external competence of the Union

Since July 2009, there is a procedure to authorise a Member State to amend an existing agreement or to negotiate and conclude a new agreement with third countries on specific civil justice issues falling within the exclusive competence of the Union.

The Trio Presidencies is in favour of an efficient application of this procedure since these bilateral agreements are intended to provide an adequate legal framework to meet specific needs of the parties concerned.

As one of the conditions for the authorisation is that the envisaged agreement would not undermine the object and purpose of the Union's external relations policy as decided by the Union, the three Presidencies consider that it's essential to define an EU external strategy with clear interests and priorities in the area of judicial cooperation in civil matters.

Further development of the application of the principle of mutual recognition

Recent Union instruments confirm that mutual trust between Member States has reached a level which can entail abolishment of procedures on declaration of enforceability („exequatur”). Accordingly, free circulation of decisions entered in civil and commercial matters can be attained more widely since decisions made in one Member State would be enforceable in the other Member States „automatically”, without the need for any intermediary procedure, identically to national judgments. This system evidently cannot exist without appropriate guarantees.

Great importance is attached to the general review and modification of the Brussels I Regulation which is to remain a basic legal instrument of the common area of justice, keeping in mind the problems raised in the official report on the application of the judgement regulation e.g. such as concerning the intellectual property. To this end review should focus on improving the coherence of the Union system of recognition and enforcement of foreign judgments as well as on simplifying this regime.

Harmonization of rules on conflicts of jurisdiction and laws

The works on the harmonization of rules on conflicts of jurisdiction and laws should be carried on. In this context the discussions on the Regulation on succession and wills should be conducted.

Progress towards the adoption of a Regulation relating to matrimonial property regimes and all the necessary efforts to reach a satisfactory solution with regards to the future Regulation on applicable law and jurisdiction on divorce matters should be made.

Work should be carried out to improve legal certainty through harmonisation of conflict of law rules in other areas such as mobile equipment, moral persons, and, as required in article 27 §2 of Rome I, claim assignment.

Improving cross-border enforcement of judicial decisions

Further work should be devoted to improving the cross-border enforcement of judicial decisions.

The position of creditors will be improved if they are provided with protective measures such as bank attachment which can be enforced throughout the European Union. The best solution for the attachment of bank accounts should be found. Nevertheless, the reflexion should focus not only on bank accounts but should have a broader scope so that creditors are protected from debtors that might try to evade their obligations.

In order to improve the enforcement of judicial decisions, creditors must be provided with reliable information on the property owned by debtors. Agreement should be sought on the establishment of an information exchange system between Member States as well as on the creation of a European patrimonial declaration by debtors for enforcement purposes only.

Practical aspects of implementation of existing EU instruments

The common area of justice may only become reality for the citizens of the EU, if the existing Union instruments adopted in this field are efficiently applied. Therefore the level of awareness of the existing Union *acquis* in the civil law area should be increased.

Inconsistencies among the existing legal acts of the Union prove to be one of the greatest obstacles to their effectiveness in every day life.

Therefore, attention should be paid to ensure the coherence in the Union legislation in the civil law area during the ordinary review of certain instruments, as well as during the elaboration of the new instruments. Furthermore, the coherence of the civil matters arising in the other areas of the EC Treaty should be ensured.

Good application of legal rules requires high standard of legislation work. To this requirement of the “quality-law-making” at Union level will contribute the future Common Frame of Reference which would be a “toolbox” for Union lawmakers dealing with dossiers involving European aspects of contract law. Particular attention should be given to this project.

XIX. External relations

The area of Freedom, Security and Justice has a steadily growing role in the Union’s external relations. The role and the importance of judicial and home affairs issues have increased, in particular, regarding the enlargement policy, the European Neighbourhood Policy and the EU relations with the US, Russia, Africa and Latin-America. Furthermore, the growing interdependence between internal and external security, the risk of terrorism, trafficking of human beings, drugs trafficking or organised crime will make external relations a priority in the Stockholm Programme. Greater coherence and the external clarity of the JHA-RELEX demands a comprehensive approach as well as intensified cooperation and coordination within the framework of the global external relations policy of the European Union.

As far as **thematic priorities** are concerned, the three presidencies are committed to carry on the efforts of the previous presidencies in the field of immigration, counter-terrorism, the fight against organized crime, judicial cooperation and the strengthening and protection of fundamental rights.

Migration issues are a central element in the EU's relations with third countries. Further development and implementation of the Global Approach to migration is a key element in the programme of the Trio Presidency. The Trio will promote the Global Approach through dialogue and cooperation with third countries in the field of legal immigration, migration and development and the fight against illegal migration. Further progress on the follow-up process of the Rabat Conference and the implementation of the outcome of the Ministerial Conference on "Building Migration Partnerships – A platform for applying the Global Approach to Migration to the Eastern and South Eastern regions neighbouring the EU" will be a priority issue. Likewise, migration dialogue with Latin America and the Caribbean and Asia will be strengthened. Furthermore, reinforcing the existing Mobility Partnerships with African and Eastern European countries as well as considering new developments in those regions, will be a key component for the Trio Presidency.

Regarding counter-terrorism, current actions will be strengthened in line with the European Union's Counter-Terrorism Strategy adopted in 2005. Special focus will be given to the external dimension of the EU Counter-Terrorism Strategy. Continued implementation of the EU Action Plan to Combat Terrorism remains a top priority for the Trio Presidency. Countering radicalization and terrorist recruitment will remain an important issue.

Reinforcing cooperation with third countries and regions in the fight against organized crime with special attention to cross border trafficking in drugs and human beings will be in the agenda of the Three Presidencies. The Trio will tackle the issue with a multidisciplinary approach tailored to each country and regional situation and specific needs.

The exchange of information and cooperation between Europol, or Eurojust and third countries will also be strengthened.

The civil and criminal law dimension of the Union's external relations should be promoted and developed. Regarding judicial cooperation in criminal matters, the Trio Presidency will continue to enhance bilateral and regional cooperation and to promote the ratification and implementation of international legal instruments, such as Council of Europe and UN conventions. As for the judicial cooperation in civil matters, the Trio Presidencies priorities will follow the principles and working methods set out in the general framework strategy of the External Dimension in the Field of Judicial Cooperation in Civil Matters. Particular attention should be paid to the work carried out within the Hague Conference on Private International Law as well as other fora of international cooperation in the civil law area (Council of Europe, UNIDROIT, UNCITRAL).

As far as **geographical priorities** concerned, cooperation in Justice and Home Affairs is particularly important with candidate countries and those that have a common border with the European Union.

The three presidencies will focus on candidate and other countries with European Perspective. Fostering the European Perspective of the Western Balkans countries through deepened cooperation in the justice and home affairs field focusing, especially on the fight against organized crime, drugs trafficking, money laundering, counter-terrorism will be one of our main objectives. Improving regional and strategic cooperation between law enforcement and judicial authorities particularly in the areas of drugs, trafficking in human beings and arms trafficking remain an area of crucial importance under the Trio Presidency.

Depending on the request of the countries concerned, the adoption of a Council decision on the possible participation as an observer in the Fundamental Rights Agency of those countries with which a Stabilisation and Association Agreement has been concluded would be promoted.

Strengthening the fight against illegal immigration, terrorism, drug trafficking and improving the judicial cooperation with the European Neighbourhood Policy (ENP) Countries continue to be important objectives, especially with partners in the Mediterranean Area. Consequently, the Trio Presidencies intend to reinforce cooperation with those countries in all areas covered by justice and home affairs policies to contribute to the development of a Euro-Mediterranean Area of cooperation in these fields.

In the framework of the Eastern Partnership the Trio Presidencies will further strengthen cooperation in the following areas: corruption, the fight against organized crime, drugs, border management, money laundering, trafficking in human beings and judicial cooperation. The Trio Presidencies intend to explore the possibilities to promote mobility while contributing to the security of the region and the European Union itself.

The EU-US strategic dialogue addresses broad range of topics of common interest, including the fight against terrorism and organised crime, migration, police and judicial cooperation, border security, and information exchange. The protection of personal data and the exchange of information for Law Enforcement purposes will be issues of particular importance over the period of the Trio Presidency. The Trio Presidency will continue the dialogue and the work related to border and document security. Our aim is to exchange practical experience and best practice concerning the implementation of new measures in the issuing of travel documents for bona fide passengers, electronic entry-exit systems as well as to ensure secure borders on both sides of the Atlantic. The Trio Presidencies will support the work pursued by the Commission to achieve full visa waiver reciprocity for all Member States. Cooperation with Canada is also a priority for the Trio

Russia is one of our strategic partners in the field of freedom, security and justice. Cooperation with Russia in the field of JHA is based on the roadmap for a common space of freedom, justice and security.

Africa will remain a priority for enhanced dialogue and cooperation in the field of freedom, security and justice. The Rabat process shall be carried on: the management of migration, linking migration and development and the fight against illegal migration. The Joint EU-Africa Strategy is the cornerstone of the cooperation on a broad range of issues like migration, fight against terrorism and drugs. Concerning migration and development, the Three Presidencies will aim to deepen the joint efforts in the fight against migration, reinforcing the cooperation regarding readmission policies and border management. The Three Presidencies will intensify the cooperation with Africa in the field of counter terrorism, the fight against drugs, organised crime, including trafficking in human beings. All these issues will be dealt with in order to develop institutional building initiatives in the justice, law enforcement field and other key JHA areas.

The Trio Presidencies will pursue the "Structured dialogue EU-Latin America and Caribbean) on migratory issues", adopted in June 2009, following the Lima Declaration, in order to continue exploring ways of moving forward in regard to common challenges and mutually identified areas of interest. The Three Presidencies will continue developing the EU-LAC cooperation in the fight against drugs, in line with the EU Drugs Strategy and the fight against organised crime. The Three Presidencies will also explore the possibilities for enhancing the judicial cooperation with the countries of the region.

The trio will explore the possibilities of enhancing the cooperation with Asian countries, among others the ASEM forum. Moreover, as regards China, the Trio Presidencies would like to extend the scope of the recent dialogue. Besides the commercial relations, the growing presence of Chinese organized crime groups on the territory of the EU call for closer cooperation in the field of justice and home affairs (e.g. the abuse of intellectual property rights). We will set out the guidelines of developing JHA cooperation with China. The cooperation with other Asian countries, such as Vietnam, will also be strengthened.

The three presidencies will seek to enhance coordination of the EU position within all international organisations, particularly by supporting the key role of the United Nations on counter-terrorism activities, the work of the UNODC and other relevant UN bodies. Active support and participation will be given as well to activities of the Council of Europe and OSCE.
