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NOTE

From:	Presidency
To:	Delegations
Subject:	Information note from the Presidency on the state of play regarding the future development of the JHA area

BACKGROUND

In its 27-28 June 2013 conclusions, the European Council mandated the future Presidencies to start discussions on the future strategic guidelines in the area of freedom, security and justice with a view to its June 2014 meeting. The Commission was invited to present appropriate contributions to this

process. The Lithuanian Presidency, being the first to take office after the conclusions were adopted, initiated the discussions by holding a ministerial debate on 18-19 July 2013 at the informal ministerial meeting in Vilnius.

Based on the proposals put forward at that meeting, the discussion in the Council centred around four horizontal preparatory bodies, i.e. SCIFA, COSI, CATS and the Working Party on Civil Law Matters (General Questions). To foster the debate and ensure that all views were heard and taken into account, the Presidency invited the Member States to submit their written observations by 2 December 2013.

This note summarises the preliminary considerations set out by the Member States regarding the **horizontal principles** for constructing the post-2014 guidelines. The Presidency believes that these principles could serve as input for the further debate and notably for the future Commission Communication on the post-Stockholm period.

SUGGESTIONS FOR THE HORIZONTAL PRINCIPLES OF THE POST-2014 GUIDELINES

Focus on quality of action

The future guidelines should be aimed at consolidating the progress achieved and should take the form of a short, strategic and result-oriented **political framework** of action allowing for a swift reaction to developments, challenges and crises occurring in and outside Europe.

Emphasis should be laid on **user-friendliness** and **proper implementation of existing initiatives and legal acts**. Particular emphasis should be given to the way the existing legislation is applied and enforced in different Member States so that it is equally effective throughout the EU. The **quality of legislation** needs to be improved, where necessary by means of consolidation and evidence-based evaluation.

Although the future guidelines should not become a catalogue of new legislative initiatives, **any remaining gaps in legislation** should be identified and remedied in a coherent way. New legislative steps should be preceded by a detailed impact assessment including an ex-ante cost-benefit analysis, evaluating implementation costs. In the drafting phase of new legislation, attention should be paid to analysing existing legislation with the aim of consolidating where possible.

Time to pool resources

In the wake of the economic crisis, Member States are pleading for more efficient use of available resources. From this perspective they see that **synchronising policy and financial cycles** would be beneficial and would make it possible to achieve better planning and implementation. In order to strengthen citizens' trust, the EU has to ensure the effectiveness, proportionality and cost-efficiency of its policies.

When speaking of current deficiencies and future opportunities, many of them mention the importance of **practical cooperation (including further development of operational cooperation)** between the Member States. Practical cooperation between the Member States and the Commission and use of the **agencies** and their practical know-how are also seen as essential.

Sharing best practices and information exchange should make it possible to increase **mutual trust and understanding of different legal and judicial cultures**, which is essential in JHA cooperation. National and EU-level training and exchange of experts may be beneficial in this regard.

Synergies with other policy areas

The guidelines should take into account the current economic and social context. Member States stressed the need to seek **synergies between JHA and other relevant policy areas** (economic policy, education, social policy, development, etc.) so that the use of non-JHA instruments could further contribute to achieving the JHA goals. By exploring these cross-cutting issues, the EU could become more flexible in adapting swiftly to changing situations. It was pointed out that successful **crisis management** requires a horizontal, and not merely a sectoral, approach and that the EU's crisis management mechanisms should be improved. Similarly, synergies with other actors (e.g. the private sector) should be sought.

Many Member States emphasise the need **to communicate effectively** with regard to freedom, security and justice issues. This should increase trust and public support within the EU and improve its ability to act.

Work should be continued on developing the **use of information and communication technologies** at European level. Technological development should facilitate and contribute to the functioning of the area of freedom, security and justice, while at the same time guaranteeing and respecting privacy and fundamental rights.

Greater coherence between the internal and external dimension

Many Member States noted the importance of **coherence between the internal and external dimensions of the area of freedom, security and justice**. Internal policy priorities should be properly reflected in external policy and relations with third countries.

Greater coordination between various actors, EU Member States and EU institutions and agencies and wider use of bilateral and multilateral instruments would make it possible to tackle common challenges more effectively.

THE WAY FORWARD

Putting the future development of the JHA area on the Council agenda for 5-6 December 2013 should make it possible to hold a discussion at political level on the direction the debate is taking and the progress achieved so far. It should also serve as the Member States' input for the future Commission communication planned for March 2014. This Member States' input will be further enhanced by subsequent debates and contributions from the Council in the months preceding the adoption of the aforementioned Communication. As a further follow-up to the discussions in the Council bodies and the written comments (notably on sectoral priorities) received from the Member States, the Lithuanian Presidency will, shortly after the Council meeting, consolidate the Member States' written contributions so that they may be further discussed under the incoming Presidency(ies).