



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 October 2008 (16.10)  
(OR. fr)**

**14069/08**

**LIMITE**

**JAI 514  
CATS 78**

**PUBLIC**

**NOTE**

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from: Presidency

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to: COREPER/COUNCIL

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No. prev. doc: 13800/08 JAI 498 CATS 76

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Subject: Draft Council conclusions on the principle of convergence and the structuring of internal security

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Delegations will find attached draft Council conclusions on the principle of convergence and the structuring of internal security, including the amendments discussed at the meeting of the Article 36 Committee on 2 October 2008 and the comments made in Coreper on 9 October 2008.

1. Following the discussions which took place at the informal meeting in Cannes on 7 July 2008, during which the "principle of convergence" was presented, conclusions seeking to define and give substance to that principle are submitted to the Council. They are illustrated with a number of high-visibility concrete and operational projects.
2. These conclusions should constitute guiding principles for the post-Hague programme, which would thus focus on operational cooperation to be developed further.
3. The EU's response to threats may make progress if we work better together on real specific operational projects. This pragmatic approach is, potentially, a fruitful one.  
While the institutional problems are genuine and must of course be resolved, it is nonetheless possible to move ahead by means of an operational approximation of law enforcement authorities and convergence of their actions.
4. The conclusions are divided into two parts.
5. The first part seeks to set out some key points, such as:
  - closer cooperation among personnel,
  - approximation of equipment and practice,
  - approximation through joint action,
  - approximation of legal frameworks.
6. The second part seeks to set out how the dynamic might be expressed at European level, i.e. how to make it sustainable by improving the common framework for analysis and action which we already have (December 2006 conclusions relating to the internal security mechanism).

It is proposed that

- the threat assessment mechanism and the capacity to establish strategic and operational priorities should be improved;

- the "implementation" aspect should be more specific, grounding EU action on a project-based approach, with projects which may cover all Member States or particular geographical regions depending on the interests of the Member States concerned;
  - the emphasis should be on exchanges of information and personal data protection, and also on the external dimension of JHA, which are all closely linked to operational activity.
7. These conclusions do not seek to enhance institutional coordination mechanisms: to a large extent these will depend on the forthcoming reforms.
8. **The Council is invited to approve the conclusions in the Annex.**

Draft

**COUNCIL CONCLUSIONS**  
**ON THE PRINCIPLE OF CONVERGENCE**  
**AND THE STRUCTURING OF INTERNAL SECURITY**

**Recalling** the Council agreement of 1 and 2 June 2006 outlining a process for the establishment of a reference framework for the internal security of the European Union, approved by the Council at its meeting on 1 and 2 June 2006<sup>1</sup>,

**Considering** the avenues for future work and the guidelines identified by the Ministers for Home Affairs of the European Union at their informal meeting on 7 July 2008 in Cannes,

**Taking account** of the report by the High-Level Advisory Group on the Future of European Home Affairs Policy<sup>2</sup>,

**Taking account** of the strategy for the external dimension of the area of freedom, security and justice, approved by the Council at its meeting on 1 and 2 December 2005<sup>3</sup>,

**In view of** the substantial progress achieved in the area of justice and home affairs in connection with the implementation of the Tampere and Hague programmes,

**Given** the need to strengthen the action of the European Union, by giving it a real operational aspect, to guarantee a high level of security for European citizens within the common area of freedom, security and justice,

**In view** also of European citizens' desire to see the added value of action undertaken at the European level,

**Considering** that regular evaluation would contribute to enhancing the effectiveness and coherence of actions undertaken in the area of the internal security of the European Union,

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<sup>1</sup> 9596/06 JAI 271 CATS 104.

<sup>2</sup> 11657/08 JAI 373 and 11960/08 JAI 388

<sup>3</sup> 15446/05 JAI 488 RELEX 741.

## **The Council of the European Union:**

**Supports** the consolidation and reinforcement of the European Union's work in protecting the safety and security of its citizens, within the framework of a process of convergence consisting in promoting closer operational cooperation among the law enforcement authorities of the Member States,

**Considers** that this convergence may, in addition to the principles of mutual recognition and availability of information, constitute a guiding principle for the continued construction of the common European area of security and for improved operational cooperation between law enforcement agencies,

**Invites** the Member States to develop approaches that facilitate operational cooperation among their law enforcement authorities, where such cooperation will deliver practical benefit to the partners, while taking account of the legal, operational and other constraints in place in the Member States, in terms of:

- closer cooperation among personnel, promoted by
  - developing joint training programmes for the personnel of the law enforcement authorities of the Member States, taking advantage in particular of the potential offered by the European Police College,
  - establishing temporary exchanges of personnel among the law enforcement authorities of the Member States, in particular within the framework of European police stations,
  - creating and developing networks of senior personnel from the law enforcement authorities of the Member States, or of senior personnel in the judicial field,
  - fostering the learning of European Union languages in the law enforcement authorities of the Member States,
- approximation of equipment and practice, promoted by
  - reinforcing the interoperability of equipment, maximising opportunities to pool equipment, and developing standard approaches for its use at the level of the European Union, in border areas in particular,
  - producing manuals and guides to best practice, where they will provide added value, that can be made available to all Member States,
  - strengthening links with the security technology research sector,

- approximation through joint actions, promoted by
  - developing shared platforms and databases, where these represent added value for Member States,
  - organising joint operations which enable operational cooperation between the Member States to be strengthened, including joint investigation teams;
  - jointly preparing and organising joint exercises;
- approximation of legal frameworks, promoted by
  - establishing common legislative instruments, where these represent added value for citizens;
  - establishing common definitions, in particular where the fight against organised crime is concerned,
  - progressively simplifying procedures for exchange and cooperation between Member States in the context of cross-border criminal investigations within the European Union,

**Wishes**, in addition to these initiatives, to strengthen the coherence of existing and future arrangements in the area of security and promote a clear understanding by European citizens of the policies conducted by the European Union,

- on the basis of the common framework for analysis and action, in order to:
  - assess the threat facing European citizens,
  - identify the European Union's priorities for responding to this threat,
  - define a working method for implementing those priorities, and
  - carry out regular evaluations of action taken,
- by improving the threat assessment mechanism and particularly OCTA, but also by including contributions from the judicial authorities and assistance from agencies,
- by defining strategic and operational objectives more clearly, and having them approved at political level,
- by developing a project-based approach for achieving the strategic and operational objectives set within the above framework,
- by accepting that some of the projects may be conducted at regional level, by the Member States most concerned,

- by establishing precise rules for evaluating the actions undertaken,
- by continuing to improve the exchange of information within the European Union, in particular by implementing the provisions of the Council Framework Decision of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union and the Council Decision of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime,
- by ensuring a high level of protection of personal data in the European Union,
- by taking the external dimension of internal security into account in all actions undertaken by the European Union,
- by establishing the resources and structures needed to coordinate action by the various European Union actors in the area of security, in particular the agencies of the Union, and by making the fullest possible use of their resources for priority actions,
- by improving the definition of the architecture of internal security, particularly through taking the judicial aspect into account;
- by making greater use of the Council's working structures in pursuing those objectives and by continuing the process of reflection on their modus operandi, their mandates and the relationships between them,

**Calls on** the competent bodies to make regular evaluations, for example in the context of the evaluations relating to the five-year programme, of the measures set out in these conclusions.