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Subject : Comprehensive report - "Develop and strengthen the co-operation between Justice and Home Affairs and Civilian Crisis Management of the European Security and Defence Policy"

At its meeting on 10 November 2009 the Article 36 Committee endorsed the attached comprehensive report "Develop and strengthen the co-operation between Justice and Home Affairs and Civilian Crisis Management of the European Security and Defence Policy".

COEREPER/Council are requested to take note of and endorse the report as set out in annex.

**COMPREHENSIVE REPORT - "DEVELOP AND STRENGTHEN THE CO-OPERATION
BETWEEN JUSTICE AND HOME AFFAIRS AND CIVILIAN CRISIS MANAGEMENT
OF THE EUROPEAN SECURITY AND DEFENCE POLICY"**

Background

Judges, prosecutors, police officers and civilian administrators from EU Member States are making important contributions to the prevention of conflicts and re-building of states in conflict areas within the framework of the European Security and Defence Policy. Human resources for ESDP civilian crisis management missions are mainly drawn from the Justice and Home Affairs sector of member states, and demand for this personnel is high and increasing. Nevertheless, there is only limited awareness of and engagement in ESDP affairs by JHA actors. A consistent and coherent EU action based on a joint geographical approach between the ESDP and the JHA sector would increase the efficiency of efforts and initiatives in the mission areas.

EU initiatives in the Western Balkans are obvious examples in this regard. Afghanistan is another example where the need for an improved cross-sector cooperation would allow for more streamlined efforts. Illicit drugs trafficking, terrorism and illegal migration constitute real problems in this region and the EU's police mission has the challenging task to provide advice and support to the Afghan police forces. Greater coherence between EU initiatives would ensure an optimization of invested resources, but also provide the beneficiaries of the EU initiatives with a common message from the EU in the region.

The need to enhance coherence and improve institutional coordination was emphasized in the European Security Strategy and in its Implementation Report in 2008.

Outcome from discussions during the Swedish Presidency

During the Swedish Presidency the need for closer cross-sector cooperation has been discussed in different fora, such as the Article 36 Committee, an Informal Ministerial meeting at EUROPOL, an Informal CIVCOM meeting and the Police Chiefs Task Force. Foreign Ministers welcomed initiatives in this area in Council Conclusions on ESDP in November 2009.

In the JHA fora, the following was in particular emphasized:

- Agreement that the EU civilian crisis management instrument contributes to the fight against organized crime and to strengthening efforts to improve internal security in the EU. Recognition that the JHA area can contribute to ESDP, and that the external dimension of JHA and ESDP often operate in the same geographic area.
- Broad agreement that there is a need for greater coherence in external action, that there are potential synergies between the JHA area and the ESDP crisis management instrument, and that cooperation should be improved. Better cooperation in the area is of the utmost importance and can contribute to more efficient resource utilization. The EU needs to make better use of the competences available in the various sectors and to work in a more integrated way.
- Recognized that the setting up of a cooperation framework allows the exchange of information between Europol and civilian ESDP missions, including the mechanism for exchange of personal data between Europol and the Kosovo Mission EULEX, via the Europol National Units of volunteering Member States.
- A concrete example of an area where cooperation between JHA and ESDP needs to improve concerns the need for better operative knowledge, not least regarding information exchange.
- Experience gained in missions contributes to competence development of law enforcement personnel. Relevant JHA authorities should recognize this rationale when prioritizing allocation of appropriate personnel to ESDP missions and in career development.
- Other constructive suggestions put forward by Member States include giving Europol an increased role in ESDP, adopting common training activities, and increasing synergies between liaison officers and civilian ESDP missions.

Possible ways ahead

- 1) Awareness raising of ongoing activities through regular cooperation between CIVCOM and relevant JHA structures giving JHA actors and ESDP actors an opportunity to discuss how to contribute to the respective fields.
- 2) Include the issue of increased cooperation between the JHA sector and ESDP as a recognized important element to strengthening EU efforts in civilian crisis management and in the fight against organised crime.
- 3) Seek advice from relevant Member State JHA actors in the preparation and evaluation of ESDP missions, as needed.
- 4) Request the drafting of narratives accounting for the ESDP activities aims, objectives, working methods, achievements etc. for distribution to relevant JHA actors at both MS and EU levels as appropriate.
- 5) Create effective relations between JHA actors (e.g MS liaison officers) and ESDP Missions in host countries to achieve coordination between relevant Mission and JHA activities in same country.
- 6) Examine the possibility for EUROPOL and EUROJUST personnel to visit and serve in ESDP missions.
- 7) Examine the possibility to include National JHA actors in already planned Member States' visits to Missions (e.g. in the framework of PSC or CivCom visits, Presidency visits or Member States bilateral visits).
- 8) Encourage the JHA sector in Member States to increase qualified resources to the ESDP missions.

- 9) Current arrangements be thoroughly evaluated with a view to examining possible solutions allowing for the direct sharing of information between Europol and ESDP.
- 10) Develop coordinated training programmes between CEPOL, ESDC, EGT, EUROPOL, EUROJUST and relevant MS training institutions.

The successive presidencies:

- are encouraged to carry out this work in close liaison with the General Secretariat of the Council and the European Commission and to involve, as needed, experts from Member States;
 - are requested to provide regular progress reports of this work to the relevant preparatory bodies, and to make a final report to the Council by mid 2011 at the latest.
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