

The future development of the EU's Justice and Home Affairs (JHA) policies

Estonia, Finland, Germany, Hungary, the Netherlands, Slovenia, Sweden and the United Kingdom attach great value to European cooperation in the area of freedom, security and justice. The multiannual programmes of Tampere, the Hague and Stockholm have demonstrated the value of a strategic approach and a long-term vision for future JHA cooperation. In addition, the multi-annual programmes adopted by the European Council have supported the unity of the EU as well as comprehensive development of the JHA area as a whole.

As the Stockholm Programme is coming to an end, a new strategic vision is needed to give long-term guidance to future JHA policies towards 2020. This would also support the coherence between this policy area and the EU budgetary framework. We need a new Agenda for Freedom, Security and Justice.

On the basis of article 68 TFEU the European Council shall define the strategic guidelines for the legislative and operational planning within the area of freedom, security and justice. The European Council intends to discuss the strategic guidelines in June 2014. It is essential that the JHA Council plays a leading role in the preparatory process of a new JHA policy framework, as well as in the next phase; the elaboration of the guidelines and the implementation of the future objectives. In addition, an effective follow-up mechanism should be agreed upon that closely monitors the implementation of the agreed objectives. The high-level senior committees (notably CATS & COSI) must play a central role in this regard.

The preparation of the future policy framework should be conducted in a transparent way. EU institutions, Member States, civil society, citizens and practitioners should be closely involved in the process. A transparent and open preparation of the new policy framework will also facilitate its implementation. It is important that all EU institutions are committed to promote the objectives set out in the policy framework.

In order to contribute to the preparation of a new JHA policy framework we - the JHA Ministers of the aforementioned Member States - have prepared this common position on what in our view are the guiding principles for future JHA cooperation.

In our opinion a substantive discussion at the JHA Council in December is of the utmost importance. In order to contribute to the discussion on European Council level in June 2014 as well as to the preparatory process of the Commission, we intend to further develop, deepen and express our goals and priorities in the field of security and justice together with other Member States in the period between December and June 2014.

The future JHA policy framework:

Is based on actual needs and evaluation...

The way the follow-up to the Stockholm Programme is designed should take into account new realities and be anchored in the current economic and social context. JHA cooperation can only evolve and succeed by means of a thorough step-by-step process involving the major stakeholders. JHA cooperation should serve the interests of all citizens, businesses and authorities involved and should therefore be based on their actual needs. New actions should build on the existing framework and be based on evidence and practical needs. EU measures must always be based on thorough impact assessments, including an ex-ante cost-benefit analysis which meets the needs of the Member States. In each case we have to consider on which level the solution has to be sought: national, EU, regional, - or even multilateral/global. Implementation costs and organizational consequences for the government services have to be taken into consideration in every stage.

Gives priority to quality, consolidation and implementation...

A large quantity of legislation has been introduced since the beginning of the JHA cooperation. In order to ensure that actual benefits are yielded from this legislation, more emphasis has to be put on consolidation and on the efficient implementation and effectiveness of the existing instruments into national legislation, as well as their use in practice. This is even more important in view of the ending of the five-year transitional period on 30 November 2014, as set out in the Protocol No. 36 to the Treaty of Lisbon. As a result, the restrictions on the scope of powers of the Commission and the jurisdiction of the European Court of Justice concerning police and judicial cooperation will be removed - and the provisions of the Treaty of Lisbon enter fully into effect.

At the same time, the quality of legislation needs to be improved. Legal acts ought to be user-friendly, taking into account the needs of Member States' authorities and legal practitioners. There should be stronger "better regulation" principles built into each proposal including robust and independent impact assessments scrutinized by the Council. In the drafting phase of new legislation more attention should be paid to analyzing existing legislation with the aim of consolidating where possible.

It is essential that we exchange experiences and good practices in order to improve cooperation between law enforcement agencies and deepen mutual understanding of different legal and judicial cultures in the EU. It is also essential to step up training on EU-related issues and make it accessible to all professionals involved regarding the implementation and application of EU law in this policy area.

Is effective, cost efficient and supports growth...

In order to uphold and strengthen citizens' trust, the EU has to ensure the effectiveness, proportionality and cost-efficiency of every measure it takes. It is necessary to provide insight on the (financial and organizational) impact of new proposals in an early stage as well as at the end of the legislative procedure, evaluating both the implementation and the effects on the issue at hand as well as the efficiency of used resources. Successful operational cooperation between Member States, such as joint investigation teams, should be communicated at EU level in order to promote best practices.

For impact assessments and evaluations alike, there is a need for evidence based policies. New technologies should be used to improve access to information of Member States' legal systems and to contribute to the smooth and democratic functioning of the area of freedom, security and justice.

Makes good use of the resources...

The EU agencies have a central role in implementing and realizing the benefits for citizens of the policies in the field of Justice and Home Affairs. It is important to ensure that the EU agencies have sufficient funding - within the current budgetary agreements - and operating conditions, necessary to carry out their duties in accordance with their current mandate. Furthermore, it is important to enhance the cooperation between the agencies in line with their respective mandates.

Is based on the respect for European values and fundamental rights...

The Union is based on common values and respect for fundamental rights. They must be safeguarded by all Member States, EU institutions as well as the EU agencies. The Union should reinforce its commitment to the European values by finalizing its accession to the European Convention on Human Rights. Continuous attention must be given to the position of vulnerable groups in society. Continuous attention is also needed to give effect to the rights of victims. Promoting information exchange and sharing knowledge and best practices are important. Cooperation between Member States in cross border cases should be supported. For instance, we should consider setting up a European virtual network of authorities responsible for victim policy to explore best practices.

Strengthens the coherence between the internal and external dimension...

A better coherence between internal and external actions in the JHA area is needed. Strengthened coordination between various actors, EU Member States, EU institutions and agencies, would provide a more effective approach of the common challenges and result in better resource- and cost-effectiveness. The external dimension of JHA policies and actions has significant possibilities for providing a more effective environment for economic growth in the EU and its partners, building on openness, cooperation and stability. The Union must intensify its efforts in multilateral, international cooperation within the framework of its competence.

Operative cooperation with third countries in terms of internal security should be developed by strengthening further activities aimed at combating organised and transnational crime, notably by agreeing on common strategic objectives and priorities for practical collaboration. The external dimension of JHA should also be fully reflected in development programmes to ensure capacity building in police and justice as a precondition for growth and stability.