



Council of the
European Union

Brussels, 1 December 2015
(OR. en)

14779/15

JAI 936
COSI 160

NOTE

From: General Secretariat of the Council
To: Standing Committee on operational cooperation on internal security (COSI)
No. prev. doc.: 16287/14
Subject: Heads of JHA Agencies meeting, 3-4 November 2015

Delegations will find in annex the joint conclusions and final report 2015 of the Heads of JHA Agencies meeting on 3-4 November 2015, submitted by eu-LISA which provided the secretariat of the Heads of JHA Agencies in 2015.

Joint conclusions of the Heads of JHA Agencies meeting on

3-4 November 2015, Tallinn

In the framework of the annual meeting of the Heads of Justice and Home Affairs (JHA) Agencies, organised under eu-LISA's Chairmanship on 3-4 November 2015 in Tallinn, Estonia, JHA Agencies and the representatives of the European Commission (DG HOME and DG JUST), the European Parliament (LIBE Committee), the Presidency of the EU Council, the Council General Secretariat, the European Anti-Fraud Office (OLAF) and the European External Action Service (EEAS) undertook to step up cooperation and efforts towards ensuring the values and objectives of the area of freedom, security and justice.

The representatives of the JHA Agencies and the EU institutions agreed on the following joint conclusions highlighting the role of the efforts that JHA Agencies have in responding to the current security and migration challenges and in reinforcing joint activities in these fields. Against the background of the recent events in Paris, closer cooperation between the JHA Agencies becomes more necessary than ever.

The JHA Agencies are currently dealing with a number of challenges that the entire EU is facing. One is the challenge of coping with the significant rise in the number of irregular migrants entering the EU. Another is the increase in terrorist activities this year. The participants of the meeting therefore agreed that joint steps need to be taken by the JHA Agencies to tackle these and other challenges head on.

All the JHA Agencies expressed their commitment to continuing to take measures, within the limits of their mandates, to actively implement EU policies in the areas of fighting serious and organised crime, drug control, criminal justice, migration, asylum and border management, law enforcement training, gender equality and fundamental rights. In this way, the JHA Agencies support efforts at the EU and national level to ensure tolerance, respect and security in Europe.

Participants acknowledged that joint activities allow the JHA Agencies Network to make better use of the wide set of operational tools available to them, further allowing the Agencies to support practical action on the ground.

It was emphasised that existing tools and cooperation measures should be used not only for the effort to alleviate the current challenges but also for the development of long-term projects promoting the integration of available instruments and knowledge in the area of freedom, security and justice. The Agencies agreed that current joint activities should be developed into even stronger practical tools to meet the needs of Member States.

The activities performed by the Network of JHA Agencies and synergies created in the course of the year were highlighted along with the steps taken to implement the European Agendas on Migration and Security and the Renewed EU Internal Security Strategy 2015-2020. The Heads of JHA Agencies also elaborated in detail on joint activities yet to be taken by the Agencies to better respond to needs on the ground.

While building on existing initiatives and working together for a safer Europe, Agencies agreed to focus in particular on:

- ensuring fundamental rights, data protection and privacy of the people in Europe in the area of freedom, security and justice;
- developing further support to Member States for the management of irregular migration;
- streamlining inter-agency cooperation in the Hotspots and tackling irregular migration at the Western Balkan route;
- enhancing joint operational activities aimed at addressing the threats to Europe and the Schengen free movement area;
- cooperation with Third Countries within the legal mandates of the JHA Agencies in line with the European Agendas on Security and Migration and the Renewed EU Internal Security Strategy 2015-2020;
- advancing the use of state-of-the-art technology allowing for the optimisation of existing resources and increased efficiency at national and EU level.

Final Report of the JHA Agencies Network in 2015

1. Introduction

In the beginning of 2015 the nine EU Justice and Home Affairs (JHA) Agencies, working together in a joint network, agreed on a common set of priorities to be focused on in the coming year. After inter-agency consultations, the JHA Agencies agreed to focus their bilateral and multilateral activities on the following strategic priorities:

- Further enhancing coordination of evidence-based input of JHA Agencies to the policy debate at EU level;
- Continue to keep JHA Agencies' operational activities as well as operational bilateral and multilateral cooperation in line with the political objectives and particular needs of the EU and the Member States in the respective areas of competence of the JHA Agencies and within the remit of their mandates;
- Fostering the JHA Agencies' coherent external communication strategy towards the EU institutions, with the objective of achieving greater coherence of the JHA Agencies' activities vis-à-vis the EU institutions;
- Increasing the visibility of the JHA Agencies vis-à-vis the EU institutions and bodies, the Member States as well as the general public to better indicate the relevance of the JHA Agencies' actions for the citizens, taking stock of the services provided by and tools available at the JHA Agencies.

In addition, the strategic priorities were further defined in an Action and Communication Plan 2015 specifying the sub-priorities in the various areas of work.

The aim of this report is to provide an overview of the activities performed by the JHA Agencies Network in the course of the year, taking into account the main turning points in the area of Justice and Home Affairs in 2015. The report also gives an overview of the Heads of JHA Agencies meeting on 3-4 November 2015 in Tallinn. It is addressed to the JHA Agencies as well as to the EU Council, the European Parliament and the European Commission.

2. Turning points in Justice and Home Affairs in 2015

During 2015 EU's external borders were faced with a sharp increase as regards arrivals of irregular migrants and asylum seekers. Another major challenge is the increase in terrorist activities this year. Thus, a wide set of programming documents was adopted by the EU institutions and agencies, reflecting on the challenges to the EU's internal security and formulating policies and operational recommendations addressing the challenges. Among others, the European Agenda on Migration¹ and the European Agenda on Security² were published, building on the achievements to date and seeking synergies in future initiatives.

The European Agenda on Migration was rapidly followed by dedicated communications and action plans addressed to alleviate the migration pressure and promoting a better use of the existing tools, calling also for increased cooperation among the JHA Agencies. The JHA Agencies took action being well aware of the fact that the current high migratory flows impacting the EU require both immediate steps as well as sustainable long-term measures. The EU and national authorities need to ensure a high level of security and strengthen the fight against smuggling of and trafficking in human beings, irregular immigration as well as terrorism and other serious and organised crime. While these concerns must be addressed appropriately, while respecting fundamental rights, facilitating border crossings for EU citizens and bona fide travellers from third countries has to remain an integral part of a well-managed and effective border policy.

The JHA Agencies took stock of the overall political debate and its impact on operational work by the Agencies carried out both individually and jointly. Thus, concrete steps were taken to translate the political priorities into operational results. The current report reflects the steps taken by the Agencies in the course of this year and sets general goals for the joint actions next year.

3. Key achievements of the cooperation within the JHA Agencies Network

3.1 Cooperation initiatives in the area of asylum, migration, border management and fight against trafficking in human beings, drug trafficking, cybercrime and terrorism

¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

² http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf

- 3.1.1** Taking into account the events currently impacting the management of EU's external borders in the field of asylum and migration, an **EU Regional Task Force was been set up in Catania**, Italy, with the participation of **Frontex, Europol, EASO and Eurojust**. Through the hotspot initiative, the Agencies are engaged in the coordination of operational activities and are providing expertise in their areas of responsibility, in line with the framework of the European Migration Agenda.
- 3.1.2** Due to the high migratory pressure on the Greek islands and the limited resources available at these locations for processing arriving migrants, the setting up of hotspots has been envisaged also in Greece. In contributing to the initiative, **Frontex, EASO and eu-LISA have started to carry out supporting actions in Lesbos**, Greece. Frontex provides the Greek authorities with infrastructural facilities and human resources (screeners and interpreters) to assist in the reception and registration process of arriving migrants/refugees. EASO is contributing to the initiative by the deployment of asylum support teams. eu-LISA provides expertise on Eurodac registration and related technical matters as the use of additional technologies can help to improve ability of the Greek authorities to respond to the present crisis. Europol supports investigations run by Greek authorities against traffickers and has deployed its expert within the framework of EU RTF in Piraeus.
- 3.1.3** Agreement to set up the **EU Regional Task Force in Piraeus**, Greece, in the premises of the Frontex Liaison Office has also been reached.
- 3.1.4** CEPOL has amended its Work Programme 2015 to address the dynamic challenges in migration management as emerged in 2015. Towards this end the Agency will organise **4 additional training activities on migration related issues** reflecting the regional character of the migration routes, where relevant third parties are supposed to participate alongside the EU MS. The activities are scheduled to take place in January 2016.
- 3.1.5** Furthermore, FRA has developed **a checklist on how to ensure respect for fundamental rights when taking fingerprints for Eurodac** while CEPOL has focused attention to providing training for "Migration Mediterranean" projects.

- 3.1.6** In the context of the Task Force Mediterranean, the coordination of operational activities among relevant JHA Agencies has been performed. **A pilot project** with the participation of EASO, Frontex, CEPOL, Europol and Eurojust for **data gathering on facilitators of smuggling and trafficking in human beings** has been carried out.
- 3.1.7** In addition, in the context of the European Multidisciplinary Platform against Criminal Threats (EMPACT) operational actions have been coordinated among relevant JHA Agencies.
- 3.1.8** CEPOL continues to dedicate about one third of its residential training budget to organise the activities **supporting EU Policy Cycle priorities** meeting the needs identified by the EMPACT teams.
- 3.1.9** **Joint Operational Team (JOT) "MARE"** has been set up at Europol to facilitate operational cooperation against criminal smuggling networks between the most affected Member States, Frontex and other partners.
- 3.1.10** Eurojust and Europol through the inter-agency cooperation contributed to the EMPACT action on **combating trafficking in human beings for the purpose of labour exploitation**. Eurojust is working on the report on prosecuting trafficking in human beings for the purpose of labour exploitation and FRA has published a study on severe forms of labour exploitation.
- 3.1.11** Cooperation between Europol, CEPOL, ENISA and Eurojust within the Programme Board of the **European Cybercrime Centre (EC3)** was established as a joint initiative to develop a cybercrime training competency framework. Furthermore, an agreement between Eurojust and Europol on the secondment of a temporary placement of a Eurojust representative at the European Cybercrime Centre (EC3) was signed in February 2015.
- 3.1.12** Development of **common risk indicators**, as adopted in the latest version of the Schengen Handbook, to be used in the context of Frontex Joint Operations in cooperation with Europol in order to counter terrorism and radicalisation.
- 3.1.13** In the field of combating drugs and drug addiction, the Europol-EMCDDA **joint publication on illicit drugs** was distributed to dedicated recipients via the Secure Information Exchange Network Application (SIENA).
- 3.1.14** As regards countering terrorism with a focus on combating foreign terrorist fighters, in 2015 a practical overview was drawn up containing information on the mandate and activities of the JHA Agencies in this field. The **"toolbox" encompasses the measures available to the Agencies to combat foreign terrorist fighters**, a significant threat continuing to affect the security of citizens in Europe and beyond.

3.2 Cooperation among Agencies on the Smart Borders Pilot

The Smart Borders package is one of the priorities of the European Agenda on Migration to enhance border management. Carrying out its Pilot project in 2015 was entrusted to eu-LISA by the European Commission. **The aim of the Smart Borders Pilot** was to test new and existing border devices and procedures proposed by the Smart Borders package (2013) and the Commission's Technical Study³ (2014) to assess the capability of feasibility, facilitation, security and user acceptance of the new proposal.

The Smart Borders Pilot was carried out in cooperation with Member States, involving 12 Schengen area Member States and 18 different border crossing points. **Several agencies were closely involved in the Pilot** as its scope encompassed a significant desk research element, which was developed in cooperation with **FRA, Frontex, Europol and ENISA** who provided their know-how and expertise.

An interim report on the preliminary technical observations of the Pilot was provided to the European Commission, the Council and the European Parliament in July 2015. The report reflected important mid-term findings which provided an initial insight into the feasibility of concepts that use biometric data at both automated and manual border controls. A more detailed analysis of the Smart Borders Pilot will be presented in **the final report** in the end of November 2015. It will also contain the results of a FRA survey related to Smart Borders and fundamental rights of over 1,000 third country nationals at seven EU border crossing points.

3.3 Enhancing information exchange among JHA Agencies

3.3.1 In 2015 the JHA Agencies continued **sharing information, within the limits of their mandates, on the recent developments in their areas of responsibility as well as key strategic and operational activities.** Information was exchanged also about the existing strategic, analytical and other reports.

³http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/smart_borders_report/_smart_borders_report_en.pdf

- 3.3.2 A document repository** at eu-LISA's Extranet platform (Sharepoint) for the Network's working documents was established in 2015 to allow all the documents for the different meetings, issued within the limits of the mandate of the Agencies, to be stored in a single location. eu-LISA proposed to ensure the technical management of the repository. At the present stage it includes the event calendar, a forum, a survey creation tool, announcement board, as well as the documentation from the Network's meetings and also provides an opportunity to perform online editing of the documents (Word, Powerpoint and Excel) of the network. The repository can be accessed after undergoing an authentication procedure.
- 3.3.3 An index of analytical products and reports** was drawn up in 2015 based on the contributions of the JHA Agencies Network. The document provides an overview of different types of analytical, statistical and trend reports and other products that the Agencies issue as their core mandate in order to fulfil the functions entrusted to them.
- 3.3.4 Further development of the reporting tool of multilateral cooperation activities of JHA Agencies, the Scorecard, was one of the steps taken by the Network in 2015.** The Scorecard taking stock of the various cooperation initiatives among JHA Agencies was modified and updated. The document serves as an overview of the joint actions and also as a basis for assessing whether the cooperation initiatives and areas could be extended to other JHA Agencies and/or related areas.
- 3.3.5 In the framework of the discussions among the Agencies the subject of information security was raised,** in particular the protective markings of documents. Attention was drawn to Commission decisions [2015/444](#) and [2006/3602](#) providing a classification system with the levels of protective markings and handling instructions with the plan to apply protective markings for the documents of the Network.

3.4 Synergies in the area of training

The topic of cooperation in the field of training was discussed at several meetings of the JHA Agencies calling for continued joint action and streamlining of training activities among the Agencies to establish further synergies and added value to the Member States.

- 3.4.1** It was agreed that cooperation in the field of training among the JHA Agencies should be further enhanced through streamlining, and where possible harmonisation of the different training programmes. **The Law Enforcement Training Scheme (LETS)**⁴ constitutes an important tool for that purpose. Therefore, updates on the state-of-play and future practical implementation of LETS were given at the Agencies' meetings.
- 3.4.2** The training experts agreed to perform a mapping of existing **Learning Management Systems (LMS)** and the creation of a **common Pool of Trainers** available to JHA Agencies. The lecturers, trainers and researchers database maintained by CEPOL could be used to further enhance the use of European experts in the JHA training domain.
- 3.4.3** The Training Matrix, accompanied by an annual report, is functioning as a solid basis for structured exchange of information and coordinated planning. The Training Matrix was updated to better define the types of training provided and allow for a more detailed overview of the existing training products.
- 3.4.4** Existing EU standards in the field of training, such as the **Sectoral Qualification Framework (SQF)** for Border Guarding, developed by Frontex, was considered as additional tool for the further streamlining of training programmes of the JHA Agencies.
- 3.4.5** 2015 also saw the launch of the **European Joint Master's in Strategic Border Management**, developed by Frontex in cooperation with Member States, Schengen Associated Countries and partners organisations including FRA and EASO.
- 3.4.6** In 2015 CEPOL launched its **European Joint Masters programme addressing common challenges of police cooperation in the framework of internal security**. It is implemented by 21 partners bringing together the law enforcement services, EU agencies and Academia.
- 3.4.7** Discussions to enhance training effectiveness in the framework of the **Schengen Evaluation and Monitoring Mechanism (SEM)** were held in cooperation with the Commission. Further inter-agency cooperation on Schengen evaluation trainings was considered at expert level and will be taken forward.
- 3.4.8** It was established that a discussion should be started on extending the collaboration to judicial training institutions to create synergies in the area of training, in particular more systematic involvement of the **European Judicial Training Network (EJTN)** into this specific strand of work.

⁴ Communication from the Commission to the European parliament, The Council, the European Economic and Social Committee and the Committee of the Regions "Establishing a European Law Enforcement Training Scheme", COM(2013) 172 final of 27.03.2013

3.4.9 Concerning possible extension of joint training areas, **proposals on new horizontal training topics** of relevance to several or all JHA Agencies were made, such as Schengen evaluation, information security, train-the-trainer methodology, data protection, fundamental rights and gender related matters.

3.5 Coordination of joint efforts in external matters

The Network coordinated information exchange between the JHA Agencies, the Commission and the European External Action Service on **Working Arrangements and Memoranda of Understanding on the external relations** of the JHA Agencies as proposed by the European Commission.

The Agencies provided updates on existing relations and **cooperation activities with third countries and international organisations** at meetings and through a dedicated joint overview (“Relex Matrix”).

3.6 Synergies in the areas of ICT solutions, cybersecurity and business continuity

3.6.1 The JHA Agencies explored **the use of ICT solutions, related economies of scale and joint projects in line with their respective mandates**. The Agencies discussed the added value and benefits of shared business processes and IT tools supporting such processes. It was identified that ICT support to provide common technical solutions is available within the Agencies while the particular business areas would have to be identified based on needs assessment.

3.6.2 Furthermore, the Agencies agreed to discuss the needs and existing processes to **exchange EU classified information and non-classified sensitive information within the limits of their mandates**; and to facilitate the identification of respective technologies in order to exchange such information. It was agreed to take further steps to develop cooperation in this domain.

3.6.3 The importance of **sharing best practices in the fields of cyber security and business continuity focusing on the needs of JHA Agencies** was also highlighted paving the way for enhanced expert level cooperation in these areas. It was agreed to take further steps to develop cooperation also in these fields.

3.6.4 Concerning future steps to be taken to implement these priority areas, a **Roadmap was drawn up** focusing on the areas of exchange of EU classified information and non-classified sensitive information within the limit of the mandates of the Agencies as well as cyber security and business continuity.

3.7 Increasing the visibility of the JHA Agencies

Increasing the visibility of the JHA Agencies vis-à-vis the EU institutions and bodies, the Member States as well as the general public to better indicate the relevance of the JHA Agencies' actions for Europeans was considered as one of the priorities in 2015.

3.7.1 A video on the role of the JHA Agencies contributing to internal security and fundamental rights in Europe was produced. The video covered areas such as border, migration and asylum management, fight against serious and organised crime, judicial cooperation, training provided to national authorities, ensuring equality and protecting personal data and fundamental rights in Europe. The video was presented to the Heads of JHA Agencies on 3-4 November 2015.

3.7.2 In addition, **press statements were issued about the meetings of the network at eu-LISA's website.** Press conferences covering *inter alia* the activities of the JHA Agencies Network were organised by eu-LISA.

3.7.3 The **Final Report of the JHA Agencies Network 2015** will be issued and circulated to the Commission, the Council, the European Parliament and other relevant bodies.

3.7.4 The Network's activities for 2015 were presented in the Council at the **Standing Committee on Operational Cooperation on Internal Security (COSI)** and at the Committee on Civil Liberties, Justice and Home Affairs (**LIBE**) of the European Parliament.

3.7.5 Furthermore, a presentation of the activities of the Network was made at the **Heads of EU Agencies meeting on 20 February 2015** in Brussels and will be delivered again at the Heads of EU Agencies meeting in February 2016.

4. Outcome of the Heads of JHA Agencies meeting on 3-4 November 2015 in Tallinn

During the heads of JHA Agencies meeting on 3-4 November 2015 in Tallinn the Agencies discussed their cooperation in the course of 2015 focusing on areas such as management of irregular migration, combating trafficking in human beings, the fight against serious and organised crime, drug control, criminal justice, law enforcement training, gender equality and fundamental rights. Information was exchanged also on the JHA Agencies' external relations and cooperation with Third Countries. A corporate video presenting the cooperation of the nine JHA Agencies and thus providing further visibility to their joint actions was also introduced during the meeting.

Different ways of enhancing the collaboration among JHA Agencies in order to better contribute to the objectives of the European Agenda on Security and European Agenda on Migration and the Renewed EU Internal Security Strategy 2015-2020 were elaborated. Legal, practical and financial issues as well as long-term planning and goals were taken into consideration when seeking mutual synergies.

Documents that reflect the activities of the JHA Agencies Network in 2015 were revised and approved. The members of the Network gave their support and updates to the following reports and tools: Final Report of the JHA Agencies Network in 2015, Multilateral JHA Agencies Scorecard, Index of reports and analytical products, Report on the JHA Agencies Training Matrix 2014, Toolbox on the activities of the JHA Agencies in combating terrorism, in particular foreign terrorist fighters, and the Relex Matrix. Furthermore, the general approach to developing inter-agency cooperation in ICT, business continuity and cybercrime was agreed, without prejudice to existing cooperation in these fields.

The JHA Agencies and EU institutions represented at the Heads of JHA Agencies meeting also agreed on joint conclusions of the meeting highlighting the role and efforts of the JHA Agencies in responding to the current challenges in Europe and meeting the needs of Member States and people in Europe.

5. Summary

In 2015 the JHA Agencies engaged in a high number of cooperation activities in a wide range of areas of importance to the EU. Joint action in the areas of competence of the Agencies is facilitating the provision of freedom, security and justice across Europe. Taking into account the challenges that the EU is facing, the reinforcement of the joint actions by the Agencies is an increasingly important priority for the EU.

With a view to enhancing their cooperation, in 2015 the JHA Agencies took further steps to increase awareness on their strategic, analytical and other reports to make better use of the existing information. The Agencies within the limit of their mandates also shared information on the available measures in the field of combating terrorism, in particular foreign terrorist fighters. A respective toolbox was drawn up serving as a practical overview for already existing legislative and operational possibilities to combat the issue. In addition, the Agencies discussed further possibilities and tools for information exchange, within the limits of their mandates, as well as cooperation in the field of business continuity and cyber security.

As per the Joint Statement signed on 18 October 2011 on the occasion of the Fifth EU Anti-Trafficking Day, the Agencies carried out joint activities in the area of addressing trafficking in human beings (THB), cooperating with the European Commission/Office of the EU Anti-Trafficking Coordinator in the context of the THB Contact Points Coordination Group in implementing the EU Strategy towards the eradication of THB (2012-2016).

Furthermore, cooperation in the area of training was continued and steps were taken to enhance and extend the joint actions. Various actions were also taken to increase the visibility of the Agencies vis-à-vis the EU institutions and bodies as well as the general public.

6. Perspectives for 2016

In 2016 FRA will take over the chairmanship of the JHA Agencies Network. Taking into account the political priorities and following the initiatives in 2015, the following priority actions for the year may be envisaged:

- Strengthened **practical actions and information exchange** among the JHA Agencies within the limits of their mandates in the areas of migration, asylum and border management and fight against organised and serious crime;
 - Enhanced focus on **fundamental rights in policies and initiatives** in the areas of freedom, security, justice and gender equality, including building on collaboration with civil society;
 - Further **cooperation in the area of training**, e.g. e-learning methodologies and tools, sharing of trainers and case studies, joint planning of training, cooperation in Schengen Evaluation training, and extension of the training collaboration to the judicial sphere, in particular the European Judicial Training Network (EJTN) and the preparation of the methodology for the Strategic Training Needs Analysis as envisaged in the LETS communication;
 - Further efforts and synergies in the **exchange of information within the limits of JHA Agencies’ mandates, cybersecurity and business continuity**;
 - **Development of operational collaboration with the partners outside the EU, in cooperation with European Commission and European External Action Service**, in order to link EU law enforcement and migration management services with the partners in neighbouring countries to share knowledge and skills on return and readmission, and to improve judicial and law enforcement cooperation to dismantle and prosecute the smuggling and trafficking networks.
-