



Council of the  
European Union

Brussels, 14 December 2016  
(OR. en)

15580/16

JAI 1091  
COSI 237

**NOTE**

---

From: General Secretariat of the Council  
To: Standing Committee on Operational Cooperation on Internal Security  
(COSI)

---

No. prev. doc.: 14779/15

---

Subject: Heads of JHA Agencies meeting, 14 November 2016

---

Delegations will find in annex the joint conclusions of the Heads of JHA Agencies meeting on 14 November 2016, submitted by the Fundamental Rights Agency (FRA) which provided the secretariat of the Heads of JHA Agencies in 2016.

**Heads of JHA agencies meeting, 14 November 2016, Vienna**

**Summary of discussions**

**1. Opening and adoption of the agenda**

As Chair of the network of EU Justice and Home Affairs Agencies, the European Union Agency for Fundamental Rights (FRA) welcomed participants from the Justice and Home Affairs (JHA) agencies and the European Union (EU) institutions and bodies to the meeting and presented the agenda and the day's set up. The meeting was attended by the Heads or other high-ranking representatives of JHA agencies and by high-level representatives of the European Commission (DG HOME, DG JUST and DG NEAR), the General Secretariat of the Council, the Slovak Presidency of the Council of the EU, the upcoming Maltese Presidency and the European External Action Service. The European Commissioner for the Security Union also participated in the first working session on security, while the European Commission Coordinator for the Rights of the Child participated in the working session on child protection.

The aim of the meeting was to discuss how JHA Agencies can help in the implementation of EU policies on security and migration, as well as to look at how to streamline inter-agency cooperation on child protection, take stock of achievements in 2016 and to look ahead to 2017.

The agenda was adopted without any amendments and participants introduced themselves briefly during a tour de table.

## **2. JHA Agency cooperation in the implementation of the European Agenda on Security and the European Agenda on Migration**

During the first working session of the day, participants reflected on how to best work together to effectively implement the European Agenda on Security and the European Agenda on Migration. The aim of this session was to enable an open and strategic discussion between the Commissioner for the Security Union, representatives of JHA Agencies and the EU institutions, as well as the current and future Presidencies of the Council of the EU.

The session began with opening remarks by the European Commissioner for the Security Union. The Commissioner underlined the key role that JHA Agencies play in building an effective security union, and stressed that JHA Agencies and EU institutions must support each other and Member States in a strategic way. Early use of Agencies' expertise in policy making was also recommended. A tour de table followed, with participants discussing how each Agency can best provide support to Member States and EU Institutions and deliver results in enhancing security within their respective areas of competence, and how the Agencies can better cooperate in the areas of security and migration.

While the Agencies highlighted how the Network and the way in which JHA Agencies work together has improved in recent years, cooperation among JHA Agencies, EU institutions and Member States can still improve; for example through the timely sharing of information and data. This would enable agencies to plug the gaps in data analysis that could lead to security threats. All participants agreed to work towards more effective ways of sharing best practices and tools to enhance strategic cooperation – especially when it comes to tackling terrorism, trafficking in human beings and cybercrime.

For key conclusions following this discussion, see Section 5.

### **3. Streamlining inter-agency cooperation to strengthen child protection**

The aim of this session was to enable an open discussion between the European Commission Coordinator for the Rights of the Child, representatives of JHA Agencies and the EU Institutions, as well as the current and future Presidencies of the Council of the EU.

The European Commission Coordinator for the Rights of the Child shared her reflections with regard to JHA Agencies' work on child protection. This shaped the discussion which focused not only on concrete examples of where Agencies are working together to enhance child protection, but also on opportunities for Agencies to improve their individual and collective approaches to child protection in their work and to foster a culture of collective responsibility and accountability which positively impacts the lives of children in the EU.

During a tour de table discussion, it was recognised that issues relating to children are faced by all JHA Agencies in their work. Participants observed the lack of a uniform approach towards children as being a key challenge. They agreed that child protection issues need to be more systematically identified and addressed in the various areas of their work.

Participants shared their views on how to enhance Agencies' cooperation to safeguard the best interests of children, particularly in light of the increase in the number of children arriving to the EU in the context of the current migration situation. JHA Agencies concluded that better coordination, cooperation and promoting of each other's tools and training would help address this situation by getting evidence-based advice and expertise to those working on the ground and raising awareness in countries where it is most needed.

For key conclusions following this discussion, see Section 5.

#### 4. Reflecting on 2016 and the year ahead

The final working session of the day focused on the highlights of JHA Agency cooperation in 2016, concluding with a look at the priority areas of work under the European Monitoring Centre for Drug and Drug Addiction (EMCDDA) as incoming Chair of the Network of JHA Agencies in 2017.

Participants reflected on key activities and achievements in 2016, as well as challenges and opportunities for future joint JHA-Agency cooperation.

In addition to the Heads of JHA Agencies meeting on 14 November 2016, the focal points of the Network (the nine Agencies, in addition to the Commission (DG HOME and DG JUST) and the European External Action Service) met three times at FRA's premises in Vienna (in February, June and September) to discuss and plan joint work and exchange information about the implementation of their work programmes in common areas (for example, in the areas of migration, security and organised crime). FRA also hosted three specialised meetings of Agencies' experts between April and June on the topics of: 1) victims of crime; 2) joint training initiatives of the Agencies; and 3) ICT (meeting of JHA Agencies' Heads of ICT). In addition, eu-LISA will host a meeting of Data Protection Officers in Tallinn in November to discuss topics of common interest among the JHA Agencies from the data protection perspective.

FRA presented the draft report of the Network's activities, which had been circulated to participants prior to the meeting and will be finalised and presented to the **Standing Committee on Operational Cooperation on Internal Security (COSI)** of the Council of the EU in December 2016. The report will also be shared with the European Parliament and the European Commission.

Bilateral and multilateral activities were structured around two main levels of cooperation in 2016, thematic and horizontal, broken down into priority areas:

- 1) Thematic, policy-driven operational cooperation in the fields of asylum and migration, security and organised crime, with a strong focus on fundamental rights and gender equality as cross cutting aspects.
- 2) Horizontal, cooperation on issues such as coordination and information exchange, training, external relations with third countries and communication activities.

FRA also briefly presented the Multilateral JHA Agencies Scorecard, attached to the 2016 report as a separate annex outlining the various joint activities of JHA Agencies in detail. For example, the scorecard details around forty joint activities in the migration field and thirty joint activities of JHA Agencies in the security field in 2016, alongside numerous horizontal activities related to training and other areas of collaborative work.

EMCDDA presented the priorities for 2017. Strengthening the exchange of relevant information, data and analytical tools, while keeping a focus on the protection of fundamental rights, will remain at the heart of JHA Agencies' joint activities. The thematic priorities will be the following:

- Migration and border management: supporting Member States and the EU in implementing the EU agenda on migration;
- Internal security: implementing the EU strategy for security and the EU agenda on security;
- Internet and new technologies: expanding the focus on the internet, as an information sharing tool, but also as a tool which drives organised crime.

EMCDDA informed the participants about tentative dates for meetings at EMCDDA premises (Lisbon) in 2017:

#### **Tentative dates for JHA Agencies' Network meetings in 2017**

<b>Regular JHA meetings*</b>	
1 <sup>st</sup> JHA network meeting	9–10 February 2017
2 <sup>nd</sup> JHA network meeting	20–21 June 2017
3 <sup>rd</sup> JHA network meeting	28–29 September 2017
Heads of JHA agencies' meeting	9–10 November 2017
<b>Other JHA meetings</b>	
Informal network of the agencies' experts on external relations linked with the institutional meeting	3–4 April 2017 (to be linked with the regular meeting of the EC with JHA agencies)
EC meeting with the JHA agencies on external dimension (TBC)	4 April 2017
'Internet and new technology' expert meeting	20–21 April 2017
ICT expert meeting	7 June 2017
Training experts' meeting	19 June 2017

\* *Please note that meetings run over two half days, beginning at lunchtime on day one and ending at lunchtime on day two to facilitate those who have far to travel.*

## **5. Any Other Business and joint conclusions**

JHA Agencies agreed to sign a multilateral agreement to exchange EU classified information. The next Chair, EMCDDA, will take the lead on drafting the agreement, with the support of JHA Agencies that already have such agreements in place.

Overall, participants agreed that much has been achieved in their 10 years of cooperation in the context of the JHA Agencies Network, but that more can be done to further support the work of EU institutions and Member States in line with existing EU policy and operational priorities – for example, in the fields of security and migration.

Aligned with JHA Agencies' existing work programmes, and building on several years of expertise and experience, the meeting concluded the following (which will be reflected in the final report of the JHA Agencies Network in 2016):

### **General observations:**

1. There was general consensus that close cooperation between JHA Agencies is needed more than ever. JHA Agencies, working with their network partners, should step up cooperation with each other to identify opportunities where their specialisation can be put to further use to support the implementation of EU policies in a timely and effective manner.
2. We recognise that in these current challenging times the approach of 'business as usual' will not work, and we must be innovative in our shared and individual approaches to meet our Agencies' given mandates.
3. JHA Agencies – within the limits of their mandates – should make every effort to share relevant information with each other. Likewise, EU Institutions could be encouraged to engage more with JHA Agencies to ensure that Agencies, as centres of excellence in their fields, can better support them with evidence-based input into work programmes and legislative developments at an early stage.

4. JHA Agencies should increase their efforts to share and utilise each other's tools and promote each other's work to raise awareness of common issues across respective mandates, which can enhance the delivery of evidence-based advice and operational support to those working on the ground.
5. While acknowledging the benefits of the internet, the increasing use of cyberspace as a tool for criminal activity and abuse is a matter of grave concern that Agencies could more effectively identify how to respond to in their respective areas of work.
6. Within the JHA family, we can further develop specialist networks of expertise, drawing on our various areas of specialist knowledge and operational work.
7. All JHA Agencies reaffirm the critical role that fundamental rights and gender equality play across our areas of work. In this context we recognise fundamental rights and considerations of gender to be enablers (rather than inhibitors) of good outcomes.

#### **Security and migration:**

8. We must avoid conflating migration with terrorism; notwithstanding the demands on JHA Agencies to respond effectively to security threats.
9. The EU Security Agenda provides multiple areas for enhanced collaboration across Agencies that are under-explored.
10. A key challenge in the fields of both migration and security is enabling the interoperability of large-scale IT systems and aligning the capabilities of technology with policy priorities, while remaining fundamental rights compliant. JHA Agencies, together with the Commission and other EU institutions, will take this forward in 2017.
11. Internal and external security issues of the EU are increasingly linked, with internal security strongly depending on countering and managing external security threats. Within their mandates, relevant JHA Agencies and the European External Action Service, along with other Commission services, will work together on cooperation with third countries - especially in the areas of migration, asylum, border management, and the prevention of terrorism and organised crime.



## **Child protection:**

12. It is recognised by all JHA Agencies, even by those without a specific role in the area, that their work engages children. Participants agreed on the need to collaborate more effectively in placing a focus on the protection of children; including respecting the particular vulnerabilities and rights of children involved in judicial proceedings – both as victims and suspects/offenders; including those children who are in need of protection from delinquency or radicalisation.
13. It was proposed that JHA Agencies could seek to make children more visible in their respective data collection. The Commission has taken steps to improve the collection of disaggregated data on children in migration, and this will be taken forward with relevant Agencies in 2017.
14. As we engage in issues related to children, we need to take into account the place of children in a wider context – for example, with respect to families – while at the same time acknowledging the best interests of the child in Agencies' work.
15. Within the remit of their mandates, JHA Agencies highlighted that further collaboration is needed to address the issues of unaccompanied minors and missing children.

---