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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

Subject: Mid-term review of the 2014 JHA strategic guidelines
- Exchange of views

Pursuant to the Treaty,¹ the European Council defined in its conclusions of June 2014² the strategic guidelines for legislative and operational planning within the area of freedom, security and justice (AFSJ). The same conclusions indicate that the European Council *will hold a mid-term review in 2017*. This review is an opportunity for delivering guidance for action in a changing Europe.

The review process - three steps

1. As the first step, the Presidency will invite the Ministers of Justice and the Ministers of Home Affairs to give political guidance to the review process at their joint session during the JHA Council meeting on 12 October 2017. The aim of this political debate is to identify what has already been achieved under the 2014 guidelines and to raise possible issues to address.
2. Subsequently, the Presidency, in close cooperation with the General Secretariat of the Council, will organize an informal seminar on Wednesday 8 November 2017. It will bring together key personalities and practitioners from Member States, Schengen Associated Countries, from EU institutions, bodies and agencies, and from academia and civil society organisations. By sharing experiences and creative thinking in this informal and more operational setting, the Presidency expects this seminar to bring innovative ideas to the review process.

¹ "Article 68 TFEU: "*The European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice.*"

² EUCO 79/14.

3. The outcome of the political discussion at the 12 October 2017 JHA Council and the seminar on 8 November will form the basis for a synthesis that the Presidency will send by letter to the President of the European Council in time for the meeting of the European Council on 14-15 December 2017.

The implementation of the 2014 guidelines - general considerations

Since the definition of the strategic guidelines in June 2014, the context within and around the European Union has changed substantially. The internal security situation and the migratory pressures have brought with them extreme challenges to which a new set of responses was devised – some currently implemented, others still under development.

The strategic guidelines defined in June 2014 call for EU action in the various fields of the Area of Freedom, Security and Justice (further referred to as AFSJ), including through the adoption of legal instruments and other policy measures. In this respect, it is clear that significant progress has been made in all policy fields, with agreements reached within set deadlines or developments going sometimes much further than initially envisaged.

More generally, the 2014 strategic guidelines underline that “the overall priority is now to consistently transpose, effectively implement and consolidate the legal instruments and policy measures in place.” They state that “intensifying operational cooperation while using the potential of Information and Communication Technologies' innovations, enhancing the role of the different EU agencies and ensuring the strategic use of EU funds” would be key.³ The guidelines further stress the importance of “coherent policy measures” across the AFSJ area⁴, “synergies [between] related policy areas,” “the link between the EU's internal and external policies”⁵ and “cooperation between the EU's institutions and bodies.”⁶

Proper implementation, cooperation and consistency have been and always will be a challenge, since AFSJ issues demonstrate a growing complexity with implications over multiple policy areas. Policy responses therefore increasingly need to provide coherent solutions across related policy fields, including the EU's external policies. Giving due consideration and support to effective implementation, cooperation and consistency would have a significant impact on the efficiency of policies developed in the AFSJ area.

Cybersecurity is a good example of a complex area with cross-sectoral implications. “Thinking global” is called for by the very nature and impact of technology. The Digital Summit convened by the Presidency in Tallinn on 29 September 2017 is a timely wake-up call for the EU to become more consistently engaged.

³ point I.3.
⁴ point I.1.
⁵ point I.2.
⁶ point I.2.

Migration is yet another field revealing growing complexity. This is even more blatant in crises situations, where coordinated action becomes crucial between many stakeholders at EU, national and local levels, in cooperation with third countries and international organisations, between public and private entities or civil society, as well as across many policy fields, even extending beyond the AFSJ area. The added value of Member States' experience or bilateral relations with third countries should also increasingly be recognised and preserved in favour of a comprehensive migration policy. Further support is needed to strengthen the Union's contribution to reinforce Member States' efforts.

Finally, even where a “full set” of legislation and policy measures exist, the very potential for EU and Member States action will remain sub-optimal if implementation is not given appropriate attention and support.

Proposed approach to the review

Rather than going through the various policy fields in an exhaustive manner, the Presidency proposes that the review addresses the overarching actions and ways of working that can actually make a difference when it comes to transforming the 2014 strategic guidelines into effective action:

1. transposition, implementation, consolidation;
2. coherence and synergies; and
3. cooperation and coordination.

Questions

In the light of the above considerations, Ministers are invited to exchange views on the basis of the following questions:

- 1) In your opinion, which are the most important achievements made so far in the follow-up to the 2014 strategic guidelines in the AFSJ area?
- 2) Which crucial issues remain to be addressed in the follow-up to the 2014 strategic guidelines in the AFSJ area?
