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"I/A" ITEM NOTE

From: Presidency
To: Permanent Representatives Committee/Council

Subject: Draft Renewed EU-US Statement - Enhancing transatlantic cooperation in the area of Justice, Freedom and Security

1. The European Union (EU) and the United States of America (U.S.) adopted in 2009 a Statement (doc. 15184/09) on enhancing transatlantic cooperation in the area of Justice, Freedom and Security. That Statement set out the principles and main areas of the transatlantic cooperation such as mobility, law enforcement, counter-terrorism, judicial cooperation, fundamental freedoms, resilience and international cooperation for a period of five years.

2. At the EU-US JHA Senior Officials meeting on 3-4 February 2015, it was agreed to prepare, in view of the next EU-US JHA Ministerial meeting (Riga, 2 and 3 June 2015), a renewed transatlantic JHA Statement between the EU and its Member States and the US, which would reconfirm the principles of the previous Statement and outline a list of concrete actions.
3. This renewed Statement has been drafted in several rounds of talks between the EU side (Presidency, Commission and EEAS) and the U.S. partners. It was also discussed, at the meetings of the JAIEX Working Party on 17 March and on 11 May 2015, with Member States commenting in writing on their priorities and objectives for the transatlantic cooperation. COTRA has been kept duly informed.
4. The draft Riga Statement as it stands at this stage of the discussions can be found in the Annex. As discussions with the U.S. side are still ongoing, this draft may be subject to further changes.
5. The Permanent Representatives Committee is invited to suggest to the Council to:
 - note the lines of approach of the draft renewed EU-US Statement Enhancing Transatlantic cooperation in the area of Justice, Freedom and Security, as set out in the Annex;
 - authorise the Presidency, with the Commission, to continue discussing with the U.S. side the text on that basis, with a view to the adoption of the above Statement at the next EU-US JHA Ministerial meeting (Riga, 2-3 June 2015).

Renewed EU-U.S. Statement

Enhancing transatlantic cooperation in the area of Justice, Freedom and Security

The European Union and the United States of America recall their joint statement on enhancing transatlantic cooperation in the area of Justice, Freedom and Security adopted in Washington D.C. on 28 October 2009. Building on that statement and the commitments therein as well as on our joint efforts, our good cooperation, and the progress we have achieved since its adoption, and noting that our cooperation has expanded since to encompass a wider range of topics and methods than we had initially foreseen, including through cooperation of our agencies, we the European Union and its Member States, on the one side, and the United States of America on the other side, renew our commitment to cooperate further for the benefit of our citizens.

We share strong values and face many similar challenges. We agree to strengthen our cooperation both bilaterally and in international fora to strengthen our partnership and to address these challenges even more effectively.

Recognizing the successful cooperation achieved so far in the areas of Mobility and Migration, Security and criminal and civil justice, we agree that this work should be pursued on the basis of reciprocity and in view of a stronger and balanced partnership.

To this end, we commit to undertake the following concrete actions:

I. PERSONAL DATA PROTECTION

1. Conclude the review of the Safe Harbor Framework and negotiations of the “Umbrella” Agreement concerning law enforcement transfers of personal information between the European Union and the United States, in order to ensure effective protection of such information when transferred across the Atlantic

II. COUNTERTERRORISM AND COUNTERING VIOLENT EXTREMISM

1. Enhance the cooperation in the area of countering terrorism and violent extremism including preventing people from being drawn into terrorism, building the capacity of civil society and other sectors to support those at risk of radicalization to violence, and challenging terrorist and violent extremist narratives
2. Increase all aspects of engagement and cooperation with the Communication Service Providers to tackle violent extremists' and terrorists' abuse of the internet, including exchange of best practices and experiences, while also protecting fundamental freedoms
3. Promote the use of multi-national platforms, such as INTERPOL's Stolen and Lost Travel Documents (SLTD) database, INTERPOL's 24/7 network for notices, and the INTERPOL Foreign Fighter Cell to address and combat terrorist activity in all countries
4. Enhance bilateral information sharing between the EU Member States and the U.S. Terrorist Screening Centre
5. Continue and further expand the engagement on borders and aviation security including in high-risk third countries, following risk and threat based principles, including through collaboration in the areas of science and technology to detect and screen for current and future terrorist threats

III. MIGRATION AND BORDER CONTROL

1. Promote dialogue on voluntary and forced return and readmission, in accordance with the international protection standards including cooperation with third countries

2. Expand the U.S.-EU dialogue on the growing phenomenon of mixed migration and discuss organization of common joint initiatives to provide increased protection to persons most in need
3. Discuss the feasibility of developing cooperation on future entry/exit systems and solutions accelerating border control processes including through trusted traveler programs as well as continue the reflection on the feasibility of the U.S. preclearance in the EU Member States
4. Without prejudice to the necessary U.S. legislative efforts, continue tripartite meetings with the aim of achieving full visa reciprocity as soon as possible in a secure environment
5. Carry out joint research and/or best practices exchange on fighting financial crimes, money laundering and organised crime structures linked to migrant smuggling and human trafficking
6. Enhance EU-U.S. dialogue and cooperation on international protection and voluntary resettlement in particular in response to the continuing crisis in Syria

IV. MONEY LAUNDERING AND TERRORISM FINANCING

1. Engage with our international partners to combat money laundering and the financing of terrorism and support compliance with international standards, including the Financial Action Task Force Recommendations.
2. Exchange best legal and technical practices to combat money laundering and terrorist financing (in particular to address current and emerging risks such as value movements via the internet and new payment methods)

V. FIREARMS AND EXPLOSIVES

1. Improve firearms tracing in coordination with U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
2. Organize joint actions and training for U.S./EU law enforcement, including:
 - a. The EU-U.S. Explosives Experts Seminar to share information on IED techniques, harmonize C-IED research and development efforts, coordinate training and equipping of personnel, and limit the diversion of IED precursor materials.
 - b. EU-U.S. Explosive Detection Canine Group and EU-U.S. Explosive Detection Dog Canine Handler Seminar
 - c. Detecting illegal or trafficked firearms sent through express delivery services

VI. CYBERCRIME

1. Facilitate law enforcement exchanges including but not limited to those pertinent to child sexual abuse offenses, travelling child sexual offenders and network intrusion
2. Collaborate in fighting and disrupting cybercrimes and enhancing cyber security including through joint research
3. Promote adoption of the Budapest Convention, and train practitioners on its provisions

VII. DRUGS

1. Pursue and enhance our cooperation on all aspects of the drugs phenomenon in a balanced approach and promoting it in international fora

VII. INFORMATION EXCHANGE AND CRIMINAL JUSTICE COOPERATION

1. Enhance the implementation of the U.S.-EU Mutual Legal Assistance Agreement (including in relation to transmission of financial information), conclude its review as foreseen by the Agreement and conduct workshops (including through Eurojust) to discuss such issues with national competent authorities
2. Joint training for Central Authorities on internet technology to improve both cybercrime initiatives and MLAT practice
3. Explore the possibilities for enhancing reciprocal law enforcement authorities' access to the criminal records systems of their partners
4. Complete the Joint Review of the U.S.- EU PNR Agreement
5. Exchange information on victim's assistance programs

IX. OUTREACH

1. Support coordinated capacity building in third countries, including through UNODC, in the areas of drug supply and drug demand reduction, cybercrime, combatting transnational organized crime, promoting judicial reforms and strengthening the justice sector institutions with a particular focus to strengthen central authorities
2. Engage with international Partners and assist authorities in certain third countries to recover stolen and fraudulently obtained assets

3. Promote reinforced coordination in multilateral fora for judicial cooperation, such as the Hague Conference
4. Promote increased implementation of the international anti-crime legal instruments, including the United Nations Convention against Transnational Organized Crime (UNTOC), the United Nations Convention against Corruption (UNCAC)

We recognize that priorities that are not included in the above non-exhaustive list of actions may develop in the coming five years and we envision our ministerial and senior officials and expert/operational level meetings as a mechanism: (a) to monitor the current trends and challenges; (b) to identify new ones in the area of Justice, Freedom and Security; and (c) to establish concrete actions designed to meet those challenges. We further reaffirm our commitment to cooperate in order to accomplish those actions, responsive to and consistent with our values, to secure justice and freedom for our citizens.
