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Subject: Cooperation between JHA Agencies 2013
- Activities and Key Findings

Delegations will find in annex the report of the Heads JHA of Agencies meeting on 19 and 20 November 2013, submitted by Cepol which provided the secretariat of the Heads of JHA Agencies in 2013.

Cooperation between JHA Agencies 2013: Activities and Key Findings

1. Background

Since 2006, formal Justice and Home Affairs (JHA) inter-agency cooperation has taken place in the format of the yearly JHA Heads of Agencies Meeting. Initially only CEPOL, Eurojust, Europol and Frontex participated in the mechanism. Agencies were requested to evaluate existing cooperation, and against this background propose new methods that should translate into concrete action, including “inter alia, guidelines for strategic and operative work, common standards, joint training initiatives, development of working methods and routines for practical cooperation”.¹ As of 2010, this coordination mechanism gradually extended to 9 agencies (eu-LISA being the most recent member of the contact group having joined at the beginning of 2013), with both the Directorate Generals for Home Affairs and Justice of the European Commission and OLAF fully associated in the process. A Contact Group has been set up to drive this process at the implementation level, chaired each year by a different agency on a voluntary basis. The activities of the contact group aim at strengthening the principle of complementarity, so that agencies’ activities are progressively harmonised and their resources used in an optimal, cost-effective way reflecting each agency’s specific mandate as well as their individual and collective added value. Cooperation that is not specific to the JHA nature of the Agencies (such as procurement, internal control etc.) is often already dealt with in the wider context of all EU agencies. Several networks already exist and should not be duplicated by the JHA Agencies.

1.1. Inter-Agency JHA Scorecard

The main features of multi-lateral cooperation are reflected in a Scorecard featuring selected priorities primarily of multi-lateral character²; agencies jointly report to COSI on progress and achievements, and on any thematic priority commonly agreed at the beginning of each year. This has been done regularly, under the auspices of the rotating Presidencies, by Europol, Eurojust and Frontex who chaired the Contact Group prior to Cepol’s 2013 chairmanship. Throughout 2013, agencies have kept track of the activities in the Scorecard; in particular, in the area of combating Trafficking in Human Beings the agencies worked very closely. Agencies

also exchanged and consulted on planning documents, such as annual work programmes; these close exchanges contribute significantly to better identification of further cooperation initiatives. It needs to be specified however that a wealth of activities of operational, strategic, bilateral and multilateral nature exists outside the framework provided by the Contact Group or the Inter-Agency Scorecard. For this very reason, a specific section (2.3) has been included in this year’s Final Report.

¹ *Follow-up to the Informal Meeting of EU Ministers of Interior on the Future of Europol and EU Law Enforcement Cooperation in The Hague on 1 October 2009 – request for a report on improved cooperation*, in: Annex II to *Interim report on the cooperation between JHA Agencies*, Brussels, 29 January 2010, 5816/10 JAI 87 COSI 2.

² *Outcome of the JHA Heads of Agencies Meeting on 24 November 2011, Doc. 18075/11 JAI 913 COSI 116*

2. State of Play of Inter-Agency Cooperation in 2013

2.1. Key Findings

2.1.1 Strategic

It is fair to say that cooperation and coordination among JHA agencies is an irreversible process. However, momentum must not only be encouraged but nurtured, and clearly there exists space for improvement.

While each agency retains its autonomy and specificities in the implementation of its annual work programme, the sheer number of activities which involve the contribution of one or more “sister” agencies has grown remarkably. In parallel, the level of mutual engagement into each other’s activities has also evolved, with agencies recognising the added value that the contribution of other agencies can bring to the quality of delivery. Furthermore, the participation of the European Commission to both the Contact Group and Heads of Agencies level contributes to a more holistic and horizontal approach to planning and implementation, and ensures the agencies address EU policy needs in line with established priorities and available resources. Consultation on each other’s strategic planning cycles is by now an established practice, with agencies exchanging their draft annual work programmes well ahead of finalisation, thus reducing the risk of overlaps.

2.1.2 Implementation

At this level, JHA agencies cooperate both bilaterally and multilaterally; the multilateral level is the primary focus of the Inter-Agency JHA Scorecard. The number of multilateral actions identified in 2010 was 7 in the 2010 Scorecard, while by 2013 this number has more than doubled (Annex 1- JHA Scorecard 2013). Cooperation covers a number of cross-cutting priorities, ranging from initiatives addressing EU sector-specific priorities (such as Trafficking in Human Beings) to actions related to joint training, communications, and others. Out of the 18 existing lines of action in the 2013 Scorecard, 15 are either completed or on-going. However, as highlighted earlier, neither the Scorecard nor the initiatives coordinated by the contact group can provide a full and exhaustive picture of cooperation between JHA agencies, and Section 2.3 below contains contributions by the agencies identifying some of these key achievements.

2.1.3 Policy/Horizontal aspects

In parallel with the qualitative and quantitative evolution of multilateral cooperation, work undertaken in 2013 has shown the importance of the external dimension of JHA policies as reflected in the role of JHA agencies as operational actors supporting the implementation of European policies. This is exemplified in the JHA Matrix on External Relations developed by the agencies in 2013, which showed that a significant number of agencies have developed formal and/or informal cooperation with Third Countries and international organisations, and that agencies are involved to varying degrees into the processes of pre-accession, accession, neighbourhood policy and other partnerships of the Union, sometimes using EU funding sources other than their core budget that support specific capacity-building projects in partner countries, in line with the relevant EU financial instruments and regulations which explicitly foresee such role for the agencies. It is clear that any action for agencies operating in the external dimension of JHA policies is to be in full coordination with the European Commission.

When approaching Third Countries, the EU shall be seen as a single entity with coherent policies mirrored by equivalent actions on the ground. The growing institutional demand for an enhanced role of agencies can be further deducted from initiatives such as the Task Force Mediterranean and the CSDP/FSJ Road Map exercise led by the European External Action Service. Institutional demand however needs to be carefully balanced with an assessment of resources available to agencies, and should match the external priorities of the JHA area as defined by the European Institutions and in coordination with the European Commission. Another noticeable feature stemming from the work undertaken in 2013, is that there exists, albeit informally, a de facto internal job market for the staff of the JHA agencies- an opportunity to be reckoned with, and which perhaps could inform new policies with regard to staff development and retention in the interest of this policy area. The results of the survey indicate a very high interest towards staff mobility.

2.2. Key Achievements at the Multi-lateral level³

The following key highlights can be considered as milestones for 2013, and may inform future initiatives undertaken within the JHA agencies framework:

- **Survey on Human Resources and Mobility** among the JHA agencies, with 570 respondents (approximately 1/3 of the entire active staff);
- Establishment of a **Contact Point list for External Relations** matters among the concerned agencies;
- Establishment of an **overview of External Cooperation initiatives** covering both Working Arrangements or Cooperation Agreements and technical assistance projects;
- Continuation and **strengthening of working level contacts among agencies**, with three JHA agencies contact group meetings implemented, one formal Heads of JHA Agencies meeting held, as well as one informal Heads of JHA Agencies meeting organised in 2013;
- Organisation of an annual **Visibility Event in cooperation with the European Parliament** focused on coordination in light of the European Commission Communication on the European Law Enforcement Training Scheme (LETS);
- First **Training Coordination meeting** organised in 2013;
- Organisation of a **Web Seminar (webinar) on the role of JHA agencies**, with 320 participants and 9 speakers from agencies as well as International Organisations.

2.3. Other Key achievements, including bilateral and operational cooperation

Apart from multilateral activities facilitated by the contact group, the below examples are meant to provide a fuller picture of the many activities implemented by the JHA agencies in support of EU policies⁴:

- The Fundamental Rights Agency (FRA) has organised a Conference on **combating hate crime in the EU** in Vilnius in November 2013, with the active participation of JHA Agencies such as Europol, CEPOL and Eurojust;

³ *These are mostly initiatives at the strategic/coordination level, undertaken within the framework of the Contact Group. Deeper analysis of these elements is provided in the following sections.*

⁴ *However, some of these activities have been facilitated at the Contact Group level.*

- Fra also co- chairs the **Consultative Forum on Fundamental Rights** matters, which is an advisory body of Frontex;
- **Europol and Frontex** enhanced their **cooperation**, in view of the stipulation of an operational agreement allowing for the exchange of operational data. Agencies support each other in their core business activities, in line with Policy Cycle priorities. In 2013, the SIENA and Identity Access Management (IAM) configuration procedure has been initiated to prepare the environment and provide FRONTEX with a direct access to SIENA. The establishment of a **secure connection between Europol and FRONTEX** should allow for a more dynamic exchange of strategic information between both agencies. Europol is also supporting the development of **EUROSUR**, recognising it as an additional tool to improve its support to Member States;
- Under the framework of the **European Patrol Network activities**, Frontex cooperated in 2013 with various EU Agencies including JHA partners such as Europol, EASO and FRA;
- The recent Communication of the European Commission on the work of the **Task Force Mediterranean** foresees a number of specific actions where enhanced inter-agency coordination will be necessary;
- **CEPOL and Europol** have continued to cooperate on **training initiatives**, including the development and delivery of operational training in EU prioritised crime areas (**EU Policy Cycle**); these activities often included contributions from other EU agencies;
- **Eurojust** remained **Europol's key partner**. Apart from ongoing, well-structured cooperation facilitated by a joint Steering Committee and supported by a working-level task force, closer cooperation against **cybercrime** based on complementarity of respective mandates is currently the key subject of common interest;
- **Combating Trafficking in Human Beings** is a key European priority under the Policy Cycle 2013-2017, and is actively supported by the JHA agencies (also in line with the **Joint Statement** of the Heads of the EU Justice and Home Affairs Agencies "Working together against Trafficking in Human Beings" signed during the 5th EU Anti-Trafficking Day on 18 October 2011). A specific Operational Action Plan for the priority has been developed with the involvement of Europol, Eurojust, Frontex, CEPOL and the European Commission. CEPOL organized thematic training activities; Eurojust developed an **Action Plan** against THB for the period 2012-2016; Frontex developed an e-learning tool, based on the Anti THB manual; 2 multiplier trainings for national trainers have been carried out to ensure national implementation. The updated version of the Handbook on Risk Profiles on Victims of THB issued by Frontex in September 2013 will be shared with other agencies. FRA has been also involved in the implementation of the EU Strategy towards the eradication of trafficking in human beings e.g. in the context of the development of a best practice model on the role of guardians;
- Europol and FRA intensified cooperation to better investigate crimes that have a particular impact on **fundamental rights**, and to improve the observance of such rights in law enforcement activities. Labour exploitation is an emerging topic;
- EMCDDA and Europol published the first '**European Union report on drug markets: a strategic analysis**'. Intensive collaboration between analysts resulted in an overview of drug production, trafficking and consumption in Europe. In addition, Eurojust contributed to the first report with a section on casework involving high-level drug trafficking;

- **EMCDDA** worked closely with JHA agencies such as Europol and Eurojust, with the European Commission and the EU MSs on improving and developing **key indicators on drugs supply**. In 2013 a new EMCDDA reference group on drug supply issues has been established, featuring representatives from all MS, the European Commission, Europol, Eurojust and Eurostat;
- CEPOL launched the **Lecturers, Trainers and Researchers (LTR) Database** aimed at ensuring qualitative learning and facilitate access to qualified experts from the Member States, EU agencies and other bodies for the implementation of training activities at European level;
- In November 2013 in Moscow, **CEPOL** and the Ministry of Interior of the **Russian Federation** held a conference on “**Security during Major Sports Events**”, which featured the participation of experts from the Member States, Europol and Frontex alongside international organisations such as the United Nations Interregional Crime Research Institute- UNICRI; at the margins of this conference, **a working arrangement** was signed between CEPOL and the Academy of Management in Moscow;
- **eu-LISA and Frontex** negotiated a Working Arrangement encompassing the exchange of relevant strategic and technical information, cooperation in the area of statistics and training, and exchange of best practices in areas of common interest;
- **eu-LISA and CEPOL** signed a working arrangement in November 2013 to support each other in the delivery of their core tasks on training within the framework of their respective mandates;
- FRA and Eurojust are currently assessing ways of structured cooperation;
- **Eurojust** signed a cooperation agreement with **Frontex**, and shall shortly be signing one with **EMCDDA**;
- Eurojust and CEPOL finalised the **Common Curriculum** on Eurojust.

3. Thematic Priorities 2013

The following section reports on the outcomes of the three thematic priorities which agencies agreed to focus on in 2013:

3.1. JHA Agencies Human Resources and Mobility

Human Resources are key to supporting the EU JHA agenda. In order to provide a snapshot of the current situation, the agencies launched a survey aimed at gaining a better picture of active staff mobility, and to explore the strengths and weaknesses of existing mobility arrangements with a view to future improvements.

All 9 agencies participated to an anonymous survey which led to the encouraging result of **570 fully valid responses**⁵ (the actual turnout was over 650), amounting to approximately 1/3 of their total active. The results of this survey have been shared among the JHA agencies and with the relevant European Commission services.

⁵ *Incomplete individual survey responses were excluded from the analysed data.*

The main highlights are as follows:

- The **gender breakdown** of respondents was 49% (female) to 51% (male);
- **74% of respondents worked in an EU (non-JHA) agency, body or Institution prior to taking up duties in a JHA agency**; out of these, 87 actual respondents worked in a European Commission DG.
- **6%** of respondents previously worked in a JHA agency;
- **81% of respondents would consider relocating at the same grade and seniority to another JHA agency**; the gender balance among those who would consider relocating is almost equal (about 40%);
- **215 respondents (38%) have recently applied for posts** in another EU Institution, Agency or Body in the past 12 months;
- **10% of respondents hold indefinite duration contracts** (amounting to 55 staff members); out of these, 12 are Contractual Agents (22%) and 43 are Temporary Agents (78%);
- Out of the 55 staff holding indefinite duration contracts (no distinction between operational/support functions), 10 regularly consult the EPSO website for job opportunities;
- Out of the total No of respondents, **245 staff members reported being part of operational/core business areas**; among those, **71 staff members regularly consult the EPSO website** for job opportunities (29%), indicating a strong interest/potential for mobility among specialists;
- 36% of respondents previously participated in an EPSO concours (general competition for permanent posts);
- **71 respondents** are currently placed on a **CAST list** (candidates suitable for recruitment as Contractual Agents);
- Around **70% of respondents rate the possibility to move to a higher grade as their primary motivation to seek mobility**; the second highest ranking factor is the end of the employment contract (57%)
- **Spouse unwilling/unable to move**, and the perception that the **current agency offers more advantageous conditions** for career development are ranked as the **two highest factors discouraging mobility** (24% each).

3.2. External Relations

The supporting **role of JHA agencies** in addressing the **link between internal and external dimension of the justice and home affairs area** is growing in terms of institutional demand and awareness. This can be ascertained *inter alia* by the growing number of references to JHA agencies within documents stemming from the EU Institutions.

Building on the work done by Frontex in 2012, CEPOL launched a **mapping exercise** to provide a **first comprehensive factual snapshot** of the agencies' concrete engagement in supporting the EU's external relations priorities. 6 agencies out of 9 contributed to this effort covering legal instruments and informal cooperation, as well as cooperation on technical assistance to third countries.

Data analysis shows that **6 JHA agencies** have listed **101 cooperation instruments** (under various terminologies, excluding informal cooperation). Out of these, 56 involve **cooperation with 26 Third Countries**, mostly from the **Candidate, Potential Candidate and neighbourhood policy areas**. **16** is the number of arrangements **between EU agencies and international/regional organisations**. **6 agencies** have stipulated **25 agreements between themselves and other JHA agencies** or other EU institutions/bodies. This wide number of actions and cooperation instruments highlights the importance of enhanced coordination in the field of external dimension under the wider policy steer of the European Commission and within the JHA policy priorities.

Technical cooperation projects contribute to giving a more complete picture of the agencies' involvement in the EU's external action.

Five (5) agencies reported a total of **27 active or pending award technical cooperation projects**, mostly focused on the provision of expertise and/or training. All projects are **funded by an EU financial instrument (IPA, ISEC or other)** and involve Member States in the implementation phase. The **geographical reach** of those projects involves primarily the Western Balkans and ENP areas, but does not exclude strategic partners of the EU such as China, certain South American countries as well as the Maghreb and MEDA regions.

3.3. Training Coordination

Developments in the area of training must take into account the **concrete progress on the LETS communication**⁶. The Visibility Event organised in 2013 under the auspices of the European Parliament provided an opportunity to gain further inspiration to bring this strand of work forward. In parallel however, it is clear that **training is one area in which JHA agencies' cooperation and coordination is growing**, and the level of **coherence with training needs** articulated at the level of the Institutions is also **progressing**.

For instance, **CEPOL's training portfolio** heavily involves agencies like **Europol and Eurojust** (structured cooperation on Policy Cycle and EU cooperation instruments courses), and features the extensive participation of other JHA agencies (**FRA, eu-LISA, Frontex, EMCDDA** in particular) either in the implementation or the development of both residential activities, including the **European Police Exchange Programme**, and non-residential (online) activities. By the end of 2013, CEPOL will have concluded **72 residential activities** (courses, seminars and conferences) out of which **44 have either been jointly organised or received the support of another JHA agency**. **12 webinars** have been attended by agencies' experts as of October 2013, out of 31 activities of this kind.

Frontex and FRA developed a fundamental rights training manual for border guards. Together with Frontex, FRA will assess the national implementation of this manual in 2014. FRA launched a 'Fundamental rights-based police training' manual for police trainers in December 2013, which also features a compilation of human rights training practices in national police academies. FRA also began delivery of tailored fundamental rights training for Frontex staff in 2013, which will continue in 2014.

Furthermore, **EASO and Frontex** cooperate in the development and delivery of training and training materials in the field of nationality identification and access to international protection. **EASO and FRA** also closely cooperate in developing modules for the EASO training programme.

⁶ *COMMUNICATION FROM THE EUROPEAN 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*

It is reasonable to believe that **closer coordination shall continue and expand in the future**. To take cooperation to the next level, a first meeting of training experts was held in Bramshill in June 2013. The group agreed to share best practices, methodologies, resources and activities in a structured manner and on a regular basis to create further synergies, learn from each other and avoid duplication of work.

4. Outcomes of the Annual Meeting of the Heads of JHA Agencies on 19/20 November 2013, Bramshill, United Kingdom

The meeting was attended by the Heads of JHA agencies as well as by the Chair of COSI, and representatives of the European Commission, the General Secretariat of the Council of the EU, the European External Action Service, and OLAF. During the meeting, representatives shared the major developments and challenges with regard to their respective areas, discussed the achievements of inter-agency cooperation in 2013, and agreed on selected items to be taken forward under the chairmanship of EASO, leading the coordination of the JHA agencies in 2014. The following conclusions as to the ways forward were drawn:

- **Human Resources in JHA Agencies:** following the approval of new Staff Regulations⁷ specifically addressing the core personnel of EU agencies by creating a new category of staff (Temporary Agents cat. 2f) and a number of other innovations aimed at stabilising the agencies' workforce, agencies should initiate a dialogue with the European Commission to devise **new ways to encourage mobility of staff among JHA agencies, whilst not duplicating the work done at the level of the larger network** of the EU agencies; towards this end, measures such as the recasting of the existing inter-agency job market, the identification of core common elements in job descriptions may be explored. Furthermore, suggestions were made to explore the possibilities of enhancing mobility via the implementation of joint projects between agencies, which could facilitate the creation of recruitment pools.
- **External Relations:** Heads of Agencies agreed that External Relations are an increasingly important aspect of work for many agencies. The RELEX matrix of JHA Agencies developed in 2013 should be further fine-tuned and completed to include all legal instruments and technical cooperation projects implemented by JHA agencies or featuring their involvement as formal partners or associates. As a general rule, the external work of JHA agencies should focus on EU foreign policy priorities, matching the priorities in the area of home affairs. In this context, the **agencies invited the relevant European Commission services to consider organising a yearly consultation/information/coordination meeting with the relevant European Commission services and the EEAS** to get acquainted with on-going and planned cooperation activities in priority regions/countries. This consultation/information mechanism shall also aim at **seeking synergies and avoid/reduce overlaps with planned or on-going EU funded projects and initiatives** in those regions/countries, and when necessary should address funding issues via the relevant financial instruments. The **European Commission** has expressed its **general agreement** to work together more closely on those aspects.

⁷ Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union

Finally, in order to enhance coherence between external and internal aspects in the JHA policy area, **agencies have agreed to extend an invitation to the EEAS to attend meetings of the JHA Contact Group** on a case by case basis, in addition to their annual attendance to the Heads of JHA agencies meeting.

- **Training Coordination:** In light of the LETS Communication, and in addition to consultation and coordination of training activities in the context of annual planning, agencies shall continue to meet at expert level in 2014, should liaise regularly, and should work to increase efficiency and identify synergies in cross-cutting areas. **CEPOL** will be the driving force and coordinator for implementing the LETS, in close cooperation with other EU agencies and the network of national training academies. Priorities should reflect the outcomes of the meeting of training experts held in Bramshill in June 2013, be in line with the LETS Communication, and shall focus on **sharing knowledge and resources, achieving common standards, procedures and quality assurance, and identify/address challenges** to improve qualitative learning. In 2014, a comprehensive overview of training activities provided by the agencies may also be considered as a means to further integrate training cooperation and training coordination. Good practices, such as the close cooperation between Europol and Cepol in the development and delivery of training, should be strengthened and broadened to the wider family of JHA agencies.
- **Operational Cooperation:** the JHA agencies have agreed to **revise the format** of the JHA Scorecard and to include an additional chapter on **Operational Cooperation**, to better reflect the conduct of operations and analysis work jointly undertaken by two or more agencies. This should help better mirror the actual delivery and added value that JHA agencies bring to this policy area. Within this context, at the suggestion of FRA, the agencies agreed that **Hate Crime** should deserve specific attention as a thematic priority, also in light of the Law Enforcement Training Scheme.