

- Frontex Reinforcement Teams need to be speedily implemented, *inter alia* involving the secondment of Member States' border policing experts to the agency, subsequently taking special account of priority border areas.
 - Frontex should be closely involved in the European Surveillance System.
 - Consideration should be given to establishing regional and/or specialised branches.
 - Member States should fully cooperate to make the Frontex tool box function effectively. At the same time, consideration should be given to providing Frontex with its own equipment for border control as necessary, taking into account the experience of other Community agencies.
 - Frontex needs responsibility to initiate, organise and coordinate joint operations as well as return flights to third countries (countries of destination).
113. Coherent and effective controls along the external borders of the European Union require the national border forces to be of a uniform high standard. To this end:
- Frontex needs to be able to regularly evaluate and inspect national border forces. Reflections in this context should include the option to replace the current – very infrequent – Schengen evaluations and should find a way to ensure appropriate participation by the Member States in the evaluations;
 - a European Border Guard Certificate in the area of training activities should be considered;
 - Frontex should be given an extended role as advisory body for the Member States in all technical border management questions.
114. Increased operational and coordinating responsibilities should be accompanied by complementary competences for Frontex aimed at achieving synergies, cost savings and better interoperability. This implies, for example, initiating and coordinating joint calls for tender and further coordinating options in the field of procurement.
115. Development of a common border police “corporate identity” depends on regular contacts between Frontex and national experts. To this end, the Group proposed that exchange programmes be promoted as a component of border guard training. Frontex should be responsible for the overall coordination of these measures, including responsibility for harmonising the individual training units in the Member States.
116. Finally, a joint examination should be carried out as to how far closer cooperation between Frontex and the Member States' border forces with the

responsible customs authorities would generate added value. For example, joint analyses, serving as the basis for joint measures, could help create synergies in combating illegal migration and drug trafficking.

5.) Enhancing cooperation with third States

117. The modern internal approach on managing migration, asylum and the external borders of the European Union, as outlined above, can counter the symptoms of illegal migration, but is not sufficient to deal with the systemic problem. Especially in this area, a responsible policy needs to follow the principle “prevention is better than a cure”. Therefore the Group strongly recommends further developing a politically shaped strategy vis-à-vis third States, which would in particular allow illegal migration to be curbed at its roots, with a focus on border management problems.
118. Acknowledging that cooperation with third countries can only take place successfully in accordance with the *do ut des* principle, such a strategy should include, inter alia, the following objectives which are essential from the European perspective:
- The Group maintains that it is necessary to examine whether and to what extent Frontex could play a greater role in supporting and building up border management organisations in third countries. For example, it would generate added value if Frontex conveyed to third countries strategies developed by the European Union in a more continuous and consistent way than if individual Member States were assigned this responsibility in the framework of twinning and similar projects.
 - Some Group members considered it to be in the European Union’s interest to assist and advise third countries on producing and issuing forgery-proof identity documents as well as detecting forged and falsified documents. They proposed to give Frontex first-hand responsibility in this respect, while Member States’ experts should be tasked to accompany Frontex activities in both these areas. Financial and/or technical support by the European Union will be needed in order to achieve the intended success.
 - A sustainable preliminary measure to resolve problems before they occur at the borders of the European Union is the installation of European immigration staff of the Member States in third States with responsibility for advising on visa and related questions and recruiting possible immigrants. In order to achieve a high degree of flexibility, permanent operational groups of immigration staff could be established.
 - As regards ongoing patrols at sea led by Frontex, the political objective should be to also include the territorial waters and “search and rescue areas” of third countries affected, thereby helping them to meet their obligations under public international law. In order to extend the radius of operations, thus lowering the risks for asylum seekers and combating illegal migration more effectively, agreements should be reached with

third States on joint patrols at sea as well as on coordinating measures. The Group recommends giving Frontex a central role in the implementation of such agreements. If and where appropriate, start-up financial or material assistance should be made available to third States, either as an asset in the framework of the negotiations or as an alternative to joint measures.

- In parallel, joint return measures should be facilitated. To this end, negotiations with third States in order to agree on practical arrangements should be intensified.

119. The willingness of third States to accept such agreements will clearly depend on the European Union making attractive offers in return, such as further development of mobility partnerships and circular migration. In particular, the Group recognises that a comprehensive European strategy on visas offers political leverage when dealing with third States.

Chapter IV: Developing Civil Protection

120. Natural or man-made disasters usually have severe consequences and are often not limited to one Member State. In order to limit the consequences of catastrophes as far as possible, it is necessary to improve preventive measures and rapid response of civil protection capacities and the use of other tools to protect people, property and environment. The key to the future development of the Community Civil Protection Mechanism lies in the right balance between two most important principles: national responsibility and European solidarity.
121. Prevention is an essential prerequisite for effective civil protection. Member States are responsible for civil protection and must actively build up their capacities at national and local level, taking the necessary preventive measures to enable them to be prepared for their own safety and protection. Member States should improve their national capacity for prevention and preparedness, not only for natural disasters but also for chemical, biological, radiological and nuclear risks. Through prevention, human suffering and economic damage can be avoided more effectively.
122. Regional cooperation between Member States facing the same type of natural disasters (floods, forest fires) should be promoted and encouraged through exchange of best practices, training and practical cooperation.
123. Solidarity is a key principle within the European Union. Therefore, Member States confronted with major emergencies can expect to receive support by Member States and the Community. Supporting and additional civil protection measures by the European Union should complement the responsibility of Member States to ensure their own national and local capability. At EU level it is necessary to develop this solidarity principle, which will enable a country at risk to obtain appropriate help from other Member States.
124. European added value can be improved in several fields: better coordination of instruments and capacities available, putting together tools and resources, improving training in civil protection areas, improving inter-constitutional coordination and relations with third countries as well as coordination with other actors such as the United Nations.
125. Development of the Civil Protection Mechanism should follow a step-by-step approach; we need to fully implement the recent recast of the civil protection mechanism, including setting up the modules, and make appropriate use of the new financial instrument, especially its measures facilitating transport.
126. There is a general consensus on the need to establishing a tool box of modules, equipment and personnel that should be available in the event of a major emergency for the benefit of any Member State, transforming the actual database of the CECIS (Common European and Coordination Information System) into a more dynamic platform which will constitute a natural upgrade of existing tools.

127. The European Union should focus on a better knowledge of the existing capabilities, not only to be able to offer a better response in a situation of crisis but also to identify more effectively assets and the need for capacities avoiding duplication of resources. In addition it is necessary to provide for interoperability of communication systems, technical equipment and existing response systems and structures in order to better coordinate operations by national operational centers of the receiving Member State. Such an intervention could be of great help to any Member State affected, which could in this way acquire additional support in terms of staff and other resources and also obtain more specialised equipment which is not available in every country.
128. The Monitoring and Information Centre (MIC) functions as both an information platform and a service provider, and should be further developed. The MIC should reinforce its analytical capacities and competence for gathering, selecting, analysing and weighing the appropriate information to be transmitted to the participating States. To do so, it would be necessary to upgrade the existing MIC which could become a central coordination point, having had a more operational role.
129. There is a need for an improved system of common training in the civil protection field, possibly through the networking of existing training or a common definition of training standards. This European Civil Protection training network should have a broad scope and focus on prevention, preparedness and response. It should improve the coordination of civil protection assistance interventions by ensuring compatibility and complementarity between the intervention teams from the participating States. It will also enhance the skills of experts involved in civil protection assistance operations through the sharing of best practices.
130. In accordance with the principles mentioned above, further development of European reaction capabilities could reduce time taken to send help and assistance. The main role of such capabilities would be to facilitate cooperation in civil protection assistance interventions in the event of major emergencies which might require urgent response actions. This applies also to situations where there may be an imminent threat of such major emergencies.
131. The role of civil protection in preventing and managing the consequences of terrorism should be given greater attention. Measures to deal with the consequences of specific terrorist threats and the role of civil protection in the protection of critical infrastructures could be further developed.

Chapter V: Using New Technologies and Information Networks

1.) Public security, privacy and technology

132. Balancing citizens' expectations of privacy against their expectations of proactive protection is not a new dilemma for public security organisations, but it is taking on an ever more acute form. In the "digital tsunami" environment the traditional measures to protect privacy will become less and less effective unless appropriate technological measures are used as an essential complement to legal means. In order to achieve a sufficient level of protection, "privacy-enhancing technologies" are absolutely essential to guarantee civil and political rights in the age of cyberspace.
133. Information is the key to protecting the public and in an increasingly connected world in which public security organisations will have access to almost limitless amounts of potentially useful information. This is a challenge as well as an opportunity – public security organisations will need to transform the way they work if they are to master this data tsunami and turn it into intelligence that produces safe, open and resilient communities. The key to effectiveness will be using technology to connect the capabilities of a multitude of stakeholders and ensure the right information gets to the right person in the form they are best able to use.
134. Member States should prioritise investment in innovative technologies that enable automated data analysis and improve real-time collaboration. Research in these areas should be encouraged, ensuring that ideas can move quickly from a research context to practical implementation.
135. Secondly, the European Union should ensure that these activities are coordinated as efficiently as possible. Member States should be aware of any significant research activities or pilot programmes being undertaken in other Member States and the teams involved in these activities should be given opportunities to share information and collaborate.
136. Thirdly, Member States individually and collectively should take a "platform" approach to delivering public security. This involves moving beyond interoperability and focusing on a services-oriented approach, so that outputs from different parts of the system can be shared (within and across organisations) and elements of the system can be easily and quickly reused.
137. Fourthly, Member States need to focus on building converged platforms – they need to move towards converged networks (or, where necessary, solutions that ensure all their networks can "talk" to each other) and they need to ensure all data streams are digital and capable of being meshed together.
138. Another way collaborative innovation could be encouraged would be to use the new collaborative tools in the workings of the European Security Research and Innovation Forum (ESRIF) to have a wide and deep discussion amongst experts of the type of projects that should win support and funding.

139. Efforts should be made to launch a “European Security Tool Pool” Initiative. Such a “tool pool” would not be a place, a body or a database but rather an innovative concept allowing Member State and European Union institutions to make available and secure tools of proven or potential use in the security field for appraisal and/or testing by authorities of other Member States and, where useful, support their mutual deployment e.g. by meeting related licence costs, translation and training.

2.) The Principle of Availability and a European Union Law Enforcement Information Management Strategy (EU IMS)

140. It has long been agreed that a key factor for success in international cooperation in preventing and fighting crime is the exchange of information between law enforcement agencies. This conclusion is reiterated by the Group and pointed out as a major challenge for the enhancement of future EU law enforcement cooperation. For this reason, the Hague Programme also established the Principle of Availability (PoA) with a view to improving the exchange and availability of law enforcement information.
141. As regards the legal framework for the exchange of law enforcement information, a pragmatic step-by-step approach is needed towards a comprehensive and coherent strategy for EU information exchange. A list of data categories appropriate for use in further attempts towards more integration should be identified.
142. It is obvious that the implementation of the PoA is a complex matter that requires thorough reflection and discussion. Besides continuous political appraisal, the implementation of the PoA raises a number of other important issues, i.e. issues of a legal, organisational and technical nature. In addition, a sound data protection regime is a prerequisite for the implementation of the PoA. Although not yet completed in operational terms, perhaps the most prominent example of achievement so far is the incorporation of the Prüm Treaty on DNA, fingerprints and vehicle registrations into the EU acquis. Europol has also developed competence and a means to enhance availability at EU level.
143. Exchange of law enforcement information in European Justice and Home Affairs in general and in connection with the PoA has been dealt with according to an approach taking each issue in isolation. This has led to a somewhat uncoordinated and incoherent palette of information systems and instruments, but has also incurred costs and delays detrimental to operational work. It seems clear that in formulating a future EU policy on the exchange and availability of information, this is an opportune moment to go beyond the limited perspective of a case-by-case approach and aim for a holistic objective in law enforcement information management.
144. On this basis, the Group recommends in general for the post-Hague Programme that:

- the PoA be carried over to a new programme with necessary adjustments and additions;
- an EU JLS Information Management Strategy (EU IMS) be established, with a view to making the PoA tangible and providing a coordinated and coherent approach to the exchange of information, aiming at a professional, business-oriented and cost-effective use of information technology and information networks.

3.) Elements of the proposed EU JLS Law Enforcement Information Management Strategy (EU IMS)

Objectives

145. The objectives enshrined in the PoA were developed in the 2005 report of the Friends of the Presidency on the implementation of the PoA (FoP report): "The objective must be to establish business processes which can facilitate the quick, efficient and cost-effective means for exchanging data. These processes must be accountable and incorporate good practices in the sharing of data. [...] The technical solution must be designed to meet current and future business needs, taking into account functional and technical requirements. Its functionality and interoperability should be maximised and it must be easy to expand and modify".
146. These objectives can be said to encapsulate the discussions held within the Group and they could serve as a contribution to the formulation of policy on exchange of information beyond 2010.

Setting out guidelines

147. The objectives of the FoP report are also valid for law enforcement services at national level. Models describing communication and information flows have been developed, as well as specific guidelines to ensure that the solutions devised take into account present and future demands on interoperability, integration and cost efficiency. There is a need for such work also at EU level. An example of specific guidelines is the proposal for Council Conclusions on the definition of a policy for a coherent approach to the development of information technology (IT). This proposal is an appropriate expression of a holistic approach to exchange of information and work should therefore be undertaken to agree on such guidelines as one element of a future EU JLS Law Enforcement IMS.

Updating the inventory

148. An ad hoc study on the third-pillar information systems was presented in May 2003. The study provided a first general inventory of existing and planned law enforcement IT systems at EU level at the time. An updated, appropriately expanded and more business-oriented overview would inter alia contribute to ensuring that the capabilities of the systems are fully exploited and that overlapping mechanisms and duplications are avoided.

Establishing a dedicated working group

149. A dedicated Council working group in which senior officials responsible for prioritising and balancing business needs and investments in technical solutions for information flows would enable progress towards an EU JLS Law Enforcement IMS as well as on specific endeavours to enhance the exchange of information. It is therefore recommended that such a group is established.

Developing a Common Requirements Vision

150. Furthermore, a basic element for any law enforcement service is to identify needs or requirements in terms of access to information and intelligence. During 2008, the Police Chiefs Task Force is expected to establish a Common Requirements Vision (CRV). The Group anticipates that on the basis of the CRV as one element, it will be possible to describe the desired situation of information exchange, i.e. an Information Model based on business practitioners' needs. The transition to the desired situation can then be effected through a progressive approach and should be guided by an Information Management Strategy.

Using a coherent approach

151. The Common Requirements Vision and an Information Model should be seen in conjunction with the agreed progressive (data field by data field) approach to further work on the PoA. A key issue is to assess which types of information are useful, needed or required, i.e. carry out a prioritisation. So far a total of 49 types of relevant information have been identified, of which six have been the subject of an assessment as to how the PoA could be applied to them (DNA, fingerprints, ballistics, vehicle registrations, telephone numbers and minimum data for the identification of persons contained in civil registers). Departing from the work already done, a top ten list of data categories appropriate for use in further attempts towards more integration should be identified.
152. Continued work on the progressive approach in the overall context of an EU Law Enforcement IMS would also look at technical means and modalities, in particular to find out whether law enforcement services at a strategic level in other Member States hold or have access to information needed for successful operational work and cooperation. The continuation of work on the progressive approach should be carried out by the aforesaid dedicated working group on exchange of information for further consideration by the Council. Such work in conjunction with an Information Model will also assist in identifying the needs for enhanced functionality for already existing systems.

Ensuring data protection

153. Finally, an adequate normative framework as well as specific provisions on data protection are essential requirements for the implementation of the PoA. Besides the Framework Decision on data protection, specific provisions should be developed. As new actions are undertaken, additional standards for the processing of information potentially aimed at EU cooperation might be

needed. Effort to bring national legislations and practices into line can and should also be continued in order to progressively improve their compatibility whilst adapting them to current law enforcement realities.

154. Ensuring greater public understanding of the benefits of data sharing between Member States should be a priority. The strategy should include a commitment to make clear to European Union citizens how information will be processed and protected, on the basis of proportionality and necessity.

Chapter VI: Implementing the External Dimension of Home Affairs Policy

155. In the era of globalisation, external relations increasingly comprise challenges linked simultaneously to various policy areas. This development requires a modern policy response able to keep pace with the growing complexity and speed of change. Interlinked policy areas demand an integrated approach intensifying the cooperation between the responsible Ministers and Commissioners for Foreign or External Affairs, Development Policy, Defence and Home Affairs, depending on the subject. This cooperation should be realised by way of consultation and, where appropriate, joint meetings.
156. Key thematic priorities within the external dimension of the area of freedom, security and justice are migration, the fight against terrorism and organised crime and strengthening fundamental rights.
157. Cooperation with neighbouring regions should also address security concerns in the European Union and making best use of all leverages available. Relations with third countries should be based on partnership in order to meet common challenges and shared policy objectives. A differentiated and flexible approach to individual third countries and regions is warranted, which recognises the importance of working with the European Union's neighbours given their proximity. Comprehensive policies encompassing all aspects of justice, freedom and security are being developed with priority countries, such as candidate or neighbourhood countries, while with other countries cooperation will focus on specific issues.
158. Where appropriate and as a complement to the European Union, Member States should mobilise their significant political, financial and operational resources alongside the Community and Union to work towards common objectives. In addition to the ongoing work on geographic and thematic issues, the European Union should take forward action on specific priority issues by means of Action Oriented Papers.
159. In the area of freedom, security and justice, actions and measures have to follow strict geographical prioritisation and political differentiation: the European Union first has to define its key strategic interests. To this end, the European Commission should table an issues paper at the beginning of the period of the post-Hague Programme". At a second stage the European Union has to identify which third countries are of vital interest for cooperation.

Thematic challenges

160. Terrorism is a constant threat. Terrorist attacks have led to an increased international commitment to combat terrorism, as exemplified by the EU Action Plan on Combating Terrorism. The European Union is reaching out to third countries, regional and international organisations to develop and deepen cooperation in this context. Efforts will be directed towards the protection of people and critical infrastructure.
161. The ever-growing sophistication in organised crime, including money laundering and other financial crimes, and cross-border trafficking in drugs,

persons and arms can only be countered through improved law enforcement and judicial cooperation, both within the European Union and externally, and through support for capacity-building in third countries.

162. Given the economic and/or social gap between the European Union and other regions, migration, including the problem of illegal immigration, is set to continue. This requires increased dialogue and true partnership with partner countries in order to focus, develop and benefit from synergies between migration and development. Instruments under the Global Approach to Migration should be further developed and implemented in order to achieve cooperation with third countries.
163. Another requirement and policy priority is the protection of fundamental rights. We need to promote human rights in third countries in order to ensure that they are placed at the heart of law enforcement policies. As to the latter, developments in information technology and enhanced use of databases within the European Union (e.g. SIS II, Visa Information System, possibly an entry-exit control system) will raise *inter alia* the question of increased data exchanges also with third countries with implications for our data protection regime that need to be considered. A clear legal framework for protection of data inside the European Union and when transferred to third countries is essential. The European Union has a strong political interest in presenting a coherent policy in this sensitive matter by signalling to third countries that data transfers can take place provided that certain guarantees are in place.

Geographical challenges

164. Enlargement means the transposition of the *acquis*, as well as the transformation of institutions, in the **candidate countries**. The accession process should focus on reform in the area of justice and home affairs from the very beginning. It should be assured that the necessary reforms are fully implemented prior to accession in order to allow subsequent harmonisation among Member States in this sensitive field. The strengthening of institutions such as the judiciary and the police makes a decisive contribution to consolidating the rule of law and respect for human rights in the candidate countries.
165. Cooperation with the **Western Balkan countries** is intensive, with the aim of strengthening stability and prosperity in the region in the light of the countries' European perspective. The launching of the dialogue on visa liberalisation will open further prospects to peoples from the region. Within the Stabilisation and Association Process, the European Union is supporting the Western Balkan countries in developing their performance in the four priority areas of police and organised crime, integrated border management, judicial reform, and asylum and migration. The pace of reform in the Western Balkan countries is uneven and we therefore need to continue using the European perspective to drive the reform process forward in the four priority areas.
166. The **European Neighbourhood Policy (ENP)** provides the political framework for our cooperation with the "near abroad", i.e. our Mediterranean partners and the countries further to the East and Southeast. Our self-interest

in upgrading policies in these countries is self-evident – they are at the doorstep of the European Union. The ENP builds upon existing agreements between the European Union and the partner in question (Partnership and Cooperation Agreements or Association Agreements). The bilateral ENP Action Plans cover ambitious chapters on justice, freedom and security policy, thus giving the relationship a closeness which differs from cooperation with other third countries. The implementation of JHA reforms by ENP partners will also be vital for ensuring the success of the whole policy, which aims at enhancing the security of the European Union by exporting stability to their neighbours.

167. The European Union's proximity policy towards the **Mediterranean region** is governed by the comprehensive Euro-Mediterranean Partnership. The Mediterranean has a strategic importance for the European Union's stability and security. The regional dimension of the MEDA programme has proven particularly useful in the AFSJ, spreading a message of developing confidence in cooperation among the countries concerned on such sensitive issues as migration, justice and police. This should be developed further.
168. The European Union and the USA should cooperate bilaterally in order to secure visa-free travel for all Member States. Moreover, they should cooperate in relevant international fora in order to create an environment where travel is safe, secure, and expeditious for bona fide travellers. Modern technology will play a key role in delivering targeted and more secure controls and allow us to focus our border control resources on identified risks. Besides the areas of counter-terrorism and border security, current cooperation between the European Union and the US includes the fight against international crime, cybercrime, drug trafficking and trafficking in human beings. As to data protection, our common goals are clear: to protect our citizens' security by making sure law enforcement authorities have the information they need to do their work and to protect our citizens' fundamental rights and privacy. In the context of the ongoing work in the High Level Contact Group on Data Protection, the European Union should aim at concluding a binding agreement with the US on data protection, based on reciprocity. Consideration could further be given to a common transatlantic space with more sharing of relevant information and at the same time greater protection of personal data, expedited travel for bona fide passengers and more secure borders.
169. **Russia** is, together with the US, our main strategic partner in the field of justice, freedom and security. The framework for our cooperation with Russia is the EU-Russia Common Space of Freedom, Security and Justice which is very comprehensive, ranging from counter-terrorism to the fight against drug trafficking, from migration and asylum to judicial cooperation in criminal and civil matters. It is widely acknowledged that this is the best-functioning of the four Common Spaces with Russia.
170. **Africa** should remain a priority for enhanced dialogue and cooperation in the field of Justice and Home Affairs, covering a broad range of issues on the JHA agenda, *inter alia* migration, fight against terrorism, drugs and trafficking of human beings. The Joint EU-Africa Strategy and its Action Plan for the period 2008-2010 are the cornerstones of cooperation.

171. In addition to the priority geographical challenges identified above, it is important to address in the post-Hague Programme other challenges in the JHA area: **Latin America, Afghanistan, Iraq and its neighbouring countries, China and India.**
172. Given the increasing importance of JHA external relations, it is necessary to reflect on how to deal with these issues in the European Union's institutional framework in the future.

Future Group
*new ideas for
a free and safe Europe*

ANNEX

Informal High Level Advisory Group on the Future of European Home Affairs Policy („The Future Group“)

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