



EU Justice and Home Affairs agencies' cooperation in 2017

Final report

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Foreword

The Justice and Home Affairs (JHA) agencies' network was established in 2006 and is made up of nine European Union (EU) agencies ⁽¹⁾. The network plays key operational, coordination and advisory roles in the implementation of EU priorities and objectives in the areas of freedom, security and justice. Over the years, it has served as a forum for agencies to boost cooperation in the migration and security fields, to identify collaborative opportunities and to improve operational and technical support to Member States and EU institutions. The network deals with issues that are dynamic, multifaceted and constantly evolving: this calls on the agencies to react in a timely manner to an ever-changing environment.

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) had the honour of chairing the network in 2017. This report provides an insight into the main collaborative activities carried out over that period — an impressive number of inter-agency activities accomplished over the year — some 70 in the field of migration and about 80 in the area of security. The report also identifies challenges and opportunities for future inter-agency collaboration, to be taken forward by the European Institute for Gender Equality (EIGE), which will head the network in 2018.

This report shows that the sustained efforts within the JHA agencies' network during 2017 is a continuation of strong working partnerships developed, in some cases, over more than a decade, and illustrates how inter-agency collaboration and support is the way forward for Europe to face new challenges and increased demands. In a time when public resources are scarce, we must always endeavour to provide the best 'European added value' possible. In 2017, the JHA network has proven once again that the 'cluster' approach to coordinating actions undertaken by agencies by policy area can enhance mutual agency priorities. Using this approach ensures that activities, outputs and outcomes are joined up and complementary. This report clearly demonstrates how synergies between agencies lead to a clear added value for the EU Institutions and, ultimately, benefit the EU public in general.

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Conclusions of the Heads of Justice and Home Affairs agencies' meeting on 28 November 2017, Lisbon

The JHA agencies, with the support of the EU institutions and bodies, have proven their capacity to respond to the new and increasing challenges they are called to face by flexibly adjusting their working methods, building new capacities, optimising human and financial resources and, last but not least, by coordinating and implementing joint actions in their respective areas of competence. This brings them to provide added value where it is needed by maximising their efficiency and efficacy.

General points

1. The Heads of the JHA agencies called for striking a balance between the available resources and the constantly increasing expectations of their main stakeholders. The JHA agencies Directors are fully aware that the EU is facing a time of restrictions and trust that the importance of their roles will be duly taken into account in the framework of the negotiations on the EU Multi-Annual Financial Framework for 2021–2027.
2. In order for the JHA agencies to perform appropriate technical and analytical work, they depend on the exchange of high-quality data and information with the EU Member States (MSs). This exchange of data and information, combined with actions to achieve fully functioning interoperability, will greatly enhance the EU's capacity to face emerging challenges. Many tools and standards to facilitate this work already exist; full implementation needs to be assured by all actors involved to make sure they serve their purpose to the maximum of their capacity.
3. Directors agreed that in order to address new developments in the migration and security areas and links between internal and external threats, closer cooperation with non-EU countries is required. JHA agencies within their mandates, together with the European Commission and European External Action Service, will work with third countries on the exchange of best practices, capacity building, know-how and expertise and joint operational work. This should ultimately facilitate and reinforce the JHA agencies' capacity to act effectively and efficiently within the Union and beyond.

Use of cyberspace for criminal purposes (key cooperation theme for 2017)

4. The expanding influence of the internet, the exploitation of cyberspace and the transformational nature of new technologies present both challenges and opportunities for the work of the JHA agencies. Although individual JHA agencies have different mandates, expertise and priorities, these challenges are intertwined. The JHA agencies are committed to reinforce their mutual cooperation in this area by ensuring that the use of resources is maximised by further strengthening synergies.
5. Existing legislative frameworks were established before the digital age. In order to address current concerns in this field, existing legislation should be reviewed and, where necessary, adapted to provide a legal environment that is fit for purpose. The JHA agencies also noted that the judiciary and law enforcement authorities need to be equipped with the necessary tools in order to respond in a more coordinated manner to cyber criminality (e.g. on the darknet). The JHA agencies are ready to take on a supporting and advisory role on this matter.
6. JHA agencies acknowledged the importance of enhancing public-private partnerships in the field of cybercrime and cybersecurity. Building consensus on the legal framework to facilitate effective cooperation with the private sector is crucial. The JHA agencies intend to strengthen such partnerships whilst acknowledging their limitations related to mandate and resources. The JHA



agencies are of the view that concerted effort is required involving all the relevant major actors – the EU institutions and the MSs – along with the technical support and advice that the JHA agencies can provide. As one concrete follow-up action, eu-LISA will extend its roundtable events with industry to all JHA agencies.

7. Training of law enforcement officers and judicial authorities has been identified as an area that deserves further investment. A larger pool of officers with a broad set of skills – cyber expertise as well as expertise related to specific crime – is required to ensure increased operational success. A number of training activities are already in place, although the extent to which they are used should be improved. There is a need to reach out and involve all relevant actors to ensure awareness of ongoing initiatives as well as the development of new specialised and multidisciplinary training courses. The development of closer and more effective cooperation on training in this area will be followed up during the JHA agencies' network meeting on training in 2018 and beyond.

8. A growing need to build monitoring capacity for strategic analysis and operational purposes in order to increase understanding and support operational priorities has been identified. JHA agencies Directors expressed their commitment to invest further in these areas, including monitoring the surface web, the darknet, as well as social media platforms. Some agencies underlined that conducting web-based surveys, structured data collection as well as awareness-raising and dissemination of preventive messages is a key opportunity area which needs to be expanded.

9. On a more technical level, consensus is needed on the terminology used to describe and define the different parts of cyberspaces and related crime. Individual JHA agencies have already undertaken work in this area. In order to ease cooperation and streamline activities, agencies agreed to share and merge existing experience in order to cover all terms relevant for the cyberspace ecosystem.

Migration and Health

10. In 2017, Frontex led the development of a 'toolbox on migration' in order to help identify gaps and opportunities for enhanced inter-agency cooperation, ranging from preventing irregular migration in third countries to capacity building and integration within the EU territory. The objective of the exercise is to strengthen the capacity of both the EU and MSs in responding to the migration crisis. In 2018, the network will continue to update the toolbox and perform a first analysis of the information it contains.

11. At the meeting, the Heads of the JHA agencies discussed the health threats facing both migrants and EU agencies' staff and deployed experts working at the external borders and in the reception centres. Throughout the discussion, the role of the JHA agencies and the responsibilities of the EU MSs in this respect were made clear by recalling the principles of subsidiarity and duty of care. The JHA agencies recognise a need for striking a balance between the security and health aspects of migration and acknowledge the need to consider the subject from both angles. The work to develop and implement health and safety strategies tailored to addressing this problem has already started in some agencies. The JHA agencies agreed to exchange experiences amongst them to further reinforce this area of their work.

12. In the light of the conclusions of last year's meeting of the Heads of JHA agencies regarding child protection in the context of migration, which was tabled by FRA, the Directors deemed important to continue the discussion on health and migration in 2018 and on the most vulnerable groups of migrants, in particular unaccompanied children and women.



13. The JHA agencies also agreed to create an inventory of existing materials and guidelines developed by the EU and International Organisations on occupational health, prevention and training tools that could be applied to the staff deployed to work in the reception centres. Here it would be important to consider the possibility of involving relevant partners such as DG Santé, ECDC and EU-OSHA.



Introduction

For several years now, the area of justice, freedom and security has witnessed a number of challenges related to the continued arrival of an unprecedented number of migrants and refugees to Europe; security threats at home and abroad; and the beginning of the negotiation process with the United Kingdom on Brexit.

In such difficult times, the need for strong collaboration and joint efforts is particularly apparent. The nine Justice and Home Affairs (JHA) agencies (CEPOL, EASO, EIGE, EMCDDA, eu-LISA, Eurojust, Europol, FRA and Frontex), together with their partners inside and outside the European Union (EU), acted to meet these challenges by fostering more intense bilateral and multilateral cooperation, creating synergies and, where necessary, adapting their work and activities to better serve their core mandates.

In 2017, several policy and legislative developments took place to better address the new threats posed by both organised crime and the actions of individuals. To ensure full efficiency of the instruments already in place, the revision of the European Agenda of Security took place. During the year the agencies actively contributed to the assessment process by providing their expertise and practical experience. The publication in March 2017 of the *European Union Serious and Organised Crime Threat Assessment 2017* (SOCTA 2017) by Europol — in cooperation with the EMCDDA, Eurojust and Frontex — resulted in the adoption of the new EU Policy Cycle for organised and serious international crime, including the elaboration of the relevant Multi-Annual Strategic Plans (MASPs), for the period of 2018–2021 as well as the Operational Action Plans (OAPs) for the year 2018.

The recent terrorist attacks in London, Stockholm, Manchester, Paris, Barcelona and Turku resulted in the deaths of dozens victims and left hundreds more injured. It highlighted the focus on soft targets (public areas and events) and led to calls for enhanced measures to protect EU citizens. A number of new policy instruments were introduced: the Directive on combating terrorism was adopted on 15 March 2017; the Firearms Directive was revised followed by its adoption on 17 May 2017; and the revision of the EU Regulation on explosives precursors was launched on 30 May 2017. In the area of countering terrorism, the agencies updated the JHA agencies' toolbox to address the phenomenon of foreign terrorist fighters (FTFs). Furthermore, CEPOL, Eurojust, Europol and FRA are members of the newly established High-Level Commission Expert Group on Radicalisation (HLCEG-R), tasked with strengthening capacity and know-how on anti-radicalisation measures. Also this year, the new EU Action Plan on Drugs 2017–2020 was adopted in July, emphasising the need to explore the links between drugs, terrorism, migration, and people smuggling and trafficking in human beings (THB).

The large-scale global cyber-attack on 12 May 2017 has once again highlighted the urgent need for the EU, its agencies and Member States to step up their actions to combat the growing threat of cybercrime, focusing also on detection and deterrence. Europol and its European Cybercrime Centre (EC3) are playing a major role in this area. In 2017, they contributed to successful enforcement operations, closing down two major criminal dark web markets. The newly established European Judicial Cybercrime Network (EJCN), with the support of Eurojust, is now fully operational, and CEPOL has increased its training activities in this domain. The internet and cybercrime were also at the centre of the work of the JHA agencies in 2017 with an expert meeting and a conference organised in Lisbon in April.

The continued arrival of significant numbers of migrants and refugees at the borders of the EU resulted in JHA agencies, EU institutions and Member States strengthening their common endeavours to address this situation. In 2016, legislative efforts defined the establishment of new systems to secure the external borders, including the EU Entry/Exit System (EES) and the European Travel



Information and Authorisation System (ETIAS). In 2017, both EES and ETIAS remain high on the agenda of priorities, although significant progress has already been made with inter alia the Council final adoption of the EES Regulation on 20 November. Other relevant legislative efforts are the proposal for a European Criminal Records Information System for third country nationals (ECRIS-TCN), the entering into force of the amendments to the Schengen Borders Code on 7 April 2017, the continued support to the Member States in implementing the Passenger Name Record Directive (PNR Directive) as well as ongoing initiatives regarding the exchange of PNR data with third countries (TCs). The JHA agencies continued their operational role in the 'hotspots' in Greece and Italy, through close inter-agency cooperation and by providing support to those two Member States to help fulfil their obligations under the asylum and migration *acquis* and assist with investigations and prosecutions related to the smuggling of migrants. Progress has also been made in breaking the business model of smugglers on all major migration routes to Europe, where JHA agencies, together with relevant Common Security and Defence Policy (CSDP) missions, played an important role. Tackling smuggling is also a core part of the Partnership Framework approach and, for example, EU support to the strong commitment of the Nigerian government has resulted in a decrease in the number of irregular migrants transiting through Agadez, Niger, from 340 per day on average in 2016 to 40-50 per day in 2017. Significant progress has also been made in establishing migration partnerships with other Western African countries, as part of the effort to reduce pressure on the central Mediterranean route.

In response to major policy developments in the fields covered by justice and home affairs, continued reforms of JHA agencies have taken place with the new Europol Regulation entering into force on 1 May 2017, the adoption of the European Public Prosecutor Office Regulation in October, and the significant advancement in the legislative process of the new Eurojust Regulation, a proposal to revise the eu-LISA mandate published in June and ongoing efforts to change EASO into the EU Agency for Asylum. The new legislative package on new psychoactive substances (NPS) was adopted on 10 November 2017, and the EMCDDA founding Regulation was adopted accordingly on 21 November.