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*Committee on Civil Liberties, Justice and Home Affairs*

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## **WORKING DOCUMENT**

on a strategy on the external dimension of the area of Freedom, Security and Justice

Committee on Civil Liberties, Justice and Home Affairs

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## INTRODUCTION

In December 2005, the Council has endorsed a "*Strategy for the external dimension of JHA: Global Freedom, Security and Justice*"<sup>1</sup>. This document draws on a Council's General Secretariat contribution and a Commission's communication of October 2005 entitled "*A Strategy on the external dimension of the area of freedom, security and justice*"<sup>2</sup>.

The European Parliament will express its views on this Commission's communication, although it is also recommended to take into consideration also the other documents related to the Council's strategy.

The work on this dossier will be done in enhanced cooperation between the LIBE Committee and AFET, according to the article 47 of the Rules of procedure. The working group of the LIBE committee has already started its work by a meeting with the Commission.

## HISTORICAL BACKGROUND

*The first attempt to clarify the EU external relations in the field of JHA was done in 2000<sup>3</sup> at the Feira European Council.*

*In 2004, the Hague Programme considered the external dimension of the AFSJ as a growing priority and focused on security, fight against terrorism, asylum and migration. It called on the Commission and the Secretary General/High Representative of the Council to draw up an EU strategy covering all external aspects of JHA by the end of 2005. This was also confirmed by the Brussels European Council of June 2005.*

## COUNCIL'S GENERAL SECRETARIAT CONTRIBUTION TO THE STRATEGY

On 4 October 2005, the General Secretariat of the Council issued a *Contribution to the debate that should lead by the end of 2005 to a Strategy for JHA External relations*<sup>4</sup>.

The document makes reference to the European Security Strategy<sup>5</sup> of 2003 and tries to identify "how external action by the Union can better serve the interests of the EU as a whole and of its individual Member States in JHA matters".

The fight against terrorism, organised crime, and the management of migration flows are the priority themes according to the Council's Secretariat.

The Council recommends a more proactive approach, putting all the instruments available in the pursuit of the objectives, a greater coherence among the instruments used, and makes several practical suggestions which are taken over by the Presidency's strategy.

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<sup>1</sup> doc. 15446/05

<sup>2</sup> COM (2005)491

<sup>3</sup> doc. 7653/00

<sup>4</sup> doc. 12850/05

<sup>5</sup> doc. 15895/03

## COMMISSION'S COMMUNICATION "A STRATEGY ON THE EXTERNAL DIMENSION OF THE AREA OF FREEDOM, SECURITY AND JUSTICE"<sup>1</sup>

The Communication of the 12 October 2005 reviews the external challenges facing the AFSJ, the instruments at the EU's disposal, suggests a number of objectives, priorities, principles and proposes a number of future steps.

As regards the challenges to the EU's internal security, the communication refers to terrorism, organised crime (which benefits from the failure of institutions in weak states), illegal migration.

The Commission's declared objective is to demonstrate how the external dimension of justice and home affairs contributes to the establishment of the internal AFSJ and at the same time supports the political objectives of the European Union's external relations, "including sharing and promoting the values of freedom, security and justice in third countries".

The communication recalls that the external dimension of the AFSJ is not an independent policy area but must be part of the EU's external policy activities. It suggests that the justice, freedom and security aspects of the external relations policy should be reinforced.

The Commission considers the fostering of the rule of law, good governance, democracy and respect for human rights in external countries as follows:

- they are essential to reinforce the AFSJ *internally*
- the internal and external aspects of *EU security* are intrinsically linked
- societies based on these values will be more effective in *the fight against threats to security*
- they allow reaching sustainable development and the *Millennium Development Goals*.

The Commission claims that the "wide-ranging framework" for regulating the AFSJ within its borders and "the EU's experience and success in issues such as border management, migration management and fighting organised crime" can act as an inspiration for third countries.

The communication suggests that the EU can do more to strengthen capacities and cooperation throughout the world and that it should continue to encourage regional cooperation. Successful cooperation with Turkey, Morocco, Ukraine, Moldova, Russia is referred to.

The communication draws a number of political priorities: promotion of human rights, strengthening of institutions, promotion of good governance, improvement of migration asylum and border management, fight against terrorism, dealing with organised crime including trafficking in persons, drugs and human organs, counterfeiting, economic and financial crime and cybercrime.

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<sup>1</sup> COM (2005)491

It also recalls some principles:

- geographic prioritisation
- differentiation between countries
- flexibility
- cross-pillar coordination
- close partnership with third countries
- relevance of external action: link between internal activities aimed at creating AFSJ and external actions
- added value
- benchmarking

The methods and policy instruments for pursuing the strategy are notably the bilateral agreements, accession process, European Neighbourhood Policy, regional cooperation, individual arrangements with particular countries (US), operational cooperation with Europol, Eurojust and CEPOL, development policy, international organisations. The communication refers to ongoing cooperation with the United States, the Western Balkans, Russia, Ukraine, Mediterranean countries.

Finally, the communication makes suggestions for implementing the strategy:

- the Commission should set priorities, define actions and monitor the implementation; the Council should also review progress and priorities
- coordination within the Council should improve
- the coherence of the EU's external actions should improve
- the Commission should play its full part in international organisations giving greater visibility to the EU's action
- the Commission should strengthen its efforts to support regional cooperation
- the EU should further develop its capacity to react quickly to sudden needs or threats.

## **A STRATEGY FOR THE EXTERNAL DIMENSION OF JHA: GLOBAL FREEDOM, SECURITY AND JUSTICE <sup>1</sup>**

Incorporating the key elements of the Commission and Secretariat contributions, the UK Presidency issued a "*Strategy for the external dimension of JHA: Global Freedom, Security and Justice* " which was adopted by the JHA Council on 1-2 December and endorsed by GAERC on 12 December 2005.

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<sup>1</sup> Council's doc. 15446/05 JAI 488 RELEX 741 of the 06.12.2005

The strategy starts by announcing and detailing the key thematic priorities of the EU: terrorism, organised crime (trafficking of human beings, drugs), corruption, managing migration flows.

The EU must work in partnership with third countries on these issues "which includes strengthening of the rule of law, and promoting the respect for human rights and international obligations".

The strategy draws attention to the links between the JHA objectives and the Common Foreign and Defence Policy, the European Security and Defence Policy, the Development Policy, the European Security Strategy<sup>1</sup> and the EU's economic and trade objectives.

The Presidency recalls the underlying principles stated in the Commission's communication and adds some others (e.g. relations with third-countries should be used as an incentive for them to adopt and observe international standards and obligations on JHA matters).

The EU can use several mechanisms to achieve its JHA objectives: the prospect of joining the EU, the European Neighbourhood Policy and the Action plans, the strategic partnership with the US and wider Transatlantic Dialogue, the co-operation with Russia.

After some suggestions (e.g. the EU should work with established regional groupings, international organisations and EU agencies, etc.), the strategy proposes structures and processes:

- **monitoring** of the co-operation with third-countries every 18 months, by the Commission and Council Secretariat<sup>2</sup>;
- **action oriented papers (AOP)** on specific countries, regions or themes, produced by the Presidency working with the Council Secretariat, Commission and interested Member States. The first five papers shall be drafted on:
  1. counter-terrorism cooperation with North Africa
  2. cooperation with the Western Balkans and other near neighbours of the EU on organised crime, corruption, illegal immigration and counter-terrorism
  3. drug production and trafficking from Afghanistan
  4. cooperation with African countries on migration
  5. Common Space of freedom, security and justice with Russia

## IMPLEMENTATION OF THE STRATEGY

Three "Groups of Friends of the Presidency" were established to work on the AOP on the Western Balkans/relevant ENP, Afghanistan and Africa/Migration.

The AOP on improving cooperation with the Western Balkans has already been approved by the JHA Council of 1-2 June 2006 while the work on ENP countries is still going on. The AOP of the Group on Afghanistan/Drugs has been approved by the same JHA Council. The AOP on Africa/Migration has been postponed in light of the work done under the UK Presidency and of current projects within the Commission. The AOP on Russia will be dealt

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<sup>1</sup> doc. 15895/03

<sup>2</sup> the first report is due by December 2006

with during the next Finnish Presidency.

At the Ministerial Conference on the “*Role of internal security in relations between the EU and its neighbours*”, 4-5 May 2006, Vienna, representatives from the EU, third countries, the USA, Russia and international organisations debated on the role of internal security in their external relations, defined the key principles of the partnership with the third countries and focused on the priority areas for future cooperation: terrorism, organised crime, corruption, migration and asylum.

## **CONCLUSION**

The European Parliament shall express its opinion on the Communication of the Commission, trying to make practical recommendations in view of the Council's strategy on the external dimension of the AFSJ. The Rapporteur intends also to take into account the first five themes chosen by the Council and the content of the existing action oriented papers.

As the Commission and Council Secretariat will report every 18 months on the progress of the co-operation with third-countries, it is also wished that the European Parliament examines this report and monitor the implementation of the AOP.