

Final Report on the **JHA Agencies' Network Activities 2021**

Frontex Presidency 2021

JANUARY 2022



Table of Contents

Foreword by the Executive Director of Frontex	5
Executive summary	7
1. Timeline	11
2. Meetings	12
2.1. Contact points meetings	12
2.2. Working Groups meetings	13
2.2.1. Working Group on Data Protection	13
2.2.2. Working Group on Communication	14
2.2.3. ICT & Cybersecurity Working Group	15
2.2.4. Working Group on External Relations (RELEX)	15
2.2.5. Working Group on European Situation Monitoring	16
2.3. Expert meetings	16
2.3.1. Public Access to Documents and the Management of Sensitive Operational Information in JHA Agencies	16
2.3.2. Trafficking in Human Beings	17
2.3.3. JHA Security Officers Network (JHA SON)	17
2.4. Heads of JHA Agencies meeting	18
3. Activities	21
3.1. Seminar “Understanding the Influence of Climate Change on Justice and Home Affairs”	21
3.2. Awareness raising session on the EU Green Deal policies with European Commission’s Directorate-General for Environment (DG ENV)	22
3.3. Seminar on Environmental Crime	23
3.4. Academy of European Law (ERA)-Frontex Annual Conference	24
3.5. Seminar on Artificial Intelligence (AI)	24
3.6. Seminar on Carbon Neutrality	25
4. Thematic reports	27
4.1. EU Green Deal and European Border and Coast Guard study	27
4.2. Artificial Intelligence – Based Capabilities for European Border and Coast Guard study	28
4.3. Environmental Crime Paper	28

- 5. Assessment of the JHAAN 29**
- 6. Inter-agency cooperation 31**
 - 6.1. EASO, Frontex and Europol joint strategic analysis on secondary movements 31
 - 6.2. JHA Agencies cooperation in the framework of EU Innovation Hub for Internal Security 31
 - 6.3. EMCDDA – Assessing the implications of recent developments in Afghanistan on international drug markets: How can we be better prepared? 33
 - 6.4. CEPOL offering EMCDDA space in its Learning Management System 33
 - 6.5. Joint work of EIGE and FRA on violence against women 33
 - 6.6. Eurojust and Europol efforts to reinforce the communication on EMPACT 34
- 7. Priorities for 2022 35**

Annexes 37

- I. Joint Statement on the EU Green Deal 38**
- II. Contribution to the Conference on the Future of Europe 40**
- III. RELEX Infographic 43**
- IV. EMPACT Infographic 44**
- V. Assessment Report 53**

Foreword by the Executive Director of Frontex

In 2021, Frontex was honoured to hold the Presidency of the Justice and Home Affairs (JHA) Agencies' Network.

During the Presidency the main objective was to understand how the work of JHA community might be affected by climate change. We also analysed and discussed what we, both as JHA Agencies and individuals, could do to protect the environment better and reduce our environmental impact. This leading topic reflected the political priority of the European Commission, namely the **European Green Deal**. It was the first time when the Network focused on environment and sustainability. The purpose was to raise awareness and integrate the elements of the European green and just transition to the work of the Network. We wanted the Agencies to be more knowledgeable and effective in responding to climate related challenges – from better understanding the impact of climate on justice and home affairs, through more comprehensive action against environmental crime to improved administrative procedures.

We also discussed how to embrace and benefit from increasing digitalisation, an important question which became even more relevant in light of the COVID-19 pandemic. Moreover, we could also learn to what extent the green and digital transition are interlinked and, for instance, how the JHA could “turn green” through digitalisation. We agreed to continue prioritising these issues in the Justice and Home Affairs Agencies' Network's (JHAAN's) activities in the coming years.



FABRICE LEGGERI Executive Director

We have also conducted an assessment of the JHAAN's functioning initiated under the Eurojust Presidency in 2020. In this respect, we looked at the first 10 years of the Network, drew lessons and thought about the future. In particular, we discussed challenges which we would need to face when implementing the New Pact on Migration and Asylum and the EU Security Union Strategy. This thorough exercise led to recommendations for improvements to JHAAN's structure and functioning, so the Network might be even more effective and supportive to its Members and their partners.

I would like to express my particular gratitude towards Executive Director Detlef Schröder for building on the achievements made in 2021 and prioritising digitalisation and the green transition under CE-POL's Presidency of the JHAAN in 2022. I wish CE-POL the best of luck and offer Frontex support and active involvement in the works of the Network.

Finally, I am also grateful to my fellow Heads of Agencies and their staff for their valuable contribution to the JHAAN's activities in 2021. It has been a very busy year, full of events. I hope it will be remembered as a very active, constructive, and inspiring Presidency, one that looked for new areas of our joint work. Its success could not be possible without commitment and involvement of all Network's members.

Considering that this report offers a unique opportunity to address and inspire debates, in particular in COSI and LIBE, I would invite the readers to reflect on how the experiences and the work of the Network could motivate a wider JHA community. In 2021 the Network showed a great interest

in understanding links between climate change and security, migration or fundamental rights. It also revealed the variety of actions we already take, and could take, for more effective fight against environmental crime. Finally, it showed that the Agencies themselves – for example through their administrative procedures, procurement, or Headquarters' design – can be more friendly to the environment.

Could this work inspire further strategic debates at the EU level, in a wider JHA community of policy makers and practitioners? Could they trigger further synergies and increased focus on the environment by respective national authorities?

Fabrice Leggeri, Executive Director of Frontex

Executive summary

In January 2021, the Network approved its work programme choosing the European Green Deal, Digitalisation and Assessment of the Network as the

main thematic priorities. This report outlines how the JHAAN work programme for 2021 has been implemented.

A. Thematic priorities

JHA turning green

This topic reflects the political priority of the European Commission, namely the **European Green Deal**. It is the first time the Network focused on environment and sustainability. The purpose of choosing this topic as a leading theme in 2021 was to raise awareness of, integrate and fine-tune the elements of the European green and just transition to the work of the Network. In this respect, the Network organised three seminars focusing on the climate change and its impact on JHA, environmental crimes, corporate carbon neutrality and a training about Green Deal policies for JHA Agencies' staff. Those events allowed to raise, among others, the following aspects:

- The links between climate change and organised crime/terrorism, as well as the impact of climate change on migration showing the extent to which the green transition and the fight against environmental crime are important for the JHA Agencies;
- The links between gender inequality and climate change, which calls for women to be more represented in the green decision-making for it to gain a gender perspective;
- The legal framework and operational aspects of the fight against environmental crime, including its maritime dimension, as well as other crimes impacting the environment (such as

deforestation linked with drug crimes), and actions taken by JHA Agencies in this regard;

- Possible measures to reduce the JHA Agencies' environmental impact, their carbon footprint, in particular both in their operational and administrative activities (such as through increased energy efficiency, teleworking and videoconferencing arrangements, moving to Cloud, using e-signature, removing plastic, avoiding air travel and encouraging the use of public transport).

Additionally, the EU Green Deal was discussed by the communication, data protection, and ICT experts within the respective JHAAN working groups.

The Network has also developed [a paper that summarises actions taken by JHA Agencies to fight the environmental crime](#) and signed a [Joint Statement on the EU Green Deal](#).

Within this thematic priority, Frontex has conducted [a study on European Green Deal and EBCG](#).

Digitalisation

Like the European Green Deal, Digitalisation reflects another political priority of the European Commission – Europe fit for the digital age. It is also an intrinsic component of the EU green and just transition and an important element of the evolving JHA policy area. It has been high on JHA Agencies' agenda for a long time and has already been discussed by

the Network on several occasions in the past. In particular, in 2020 the Heads of JHA Agencies, at their annual meeting, agreed on the list of “digitalisation” topics which deserve further attention. To follow up on those outcomes, the Network continued work in this direction by organising a seminar on artificial intelligence (AI) and exchanging knowledge on the digitalisation of the EU border management in a Frontex-ERA annual conference. The digitalisation was also discussed by communication, public access to documents, ICT, and data protection experts within the respective JHAAN working groups as well as during *ad hoc* meetings such as the one that focused on public access to documents and the management of sensitive operational information in JHA Agencies. As a result, the following aspects have been raised:

- The increasing use of IT systems by the JHA Agencies;
- The development and implementation of new functionalities of EU large-scale IT systems, such as Visa Information System (VIS), Schengen Information System (SIS), Eurodac, (European Travel Information and Authorisation System (ETIAS), Entry/Exit System (EES);
- The development of AI and its use in the management of EU external borders and of large-scale IT systems, in law enforcement, defence, space and security domain as well as the fundamental rights’ implications of AI systems;
- Processing on cloud and secure mobile telecommunication services as well as the safeguards which need to be developed to ensure

proper encryption of both the JHA Agencies’ files and staff communication;

- Development of information management strategies and possible synergies in this regard between the JHA Agencies.

Within this thematic priority, Frontex has conducted [a study on Artificial Intelligence-based capabilities for European Border and Coast Guard](#). Moreover, Frontex and Europol produced Digitalisation of Migrant Smuggling Report with the aim to raise awareness amongst law enforcement in the EU and the Western Balkan countries, as well as partner agencies, regarding on the use of digital applications for migrant smuggling and to give guidelines on how to increase law enforcements capacities when confronted with the digitalisation of migrant smuggling.

Assessment of the JHAAN

To mark the 10th anniversary of the Network in 2020, Eurojust as the Presidency, launched a process of the Network’s assessment. It focused on the value of the Network in enhancing inter-agency cooperation, implementing the EU priorities in the areas of freedom, security and justice and aligning activities in areas of common interest. In 2021, the Network concluded the process by producing an Assessment Report that highlights the Network’s key achievements and provides a list of recommendations. The report has been endorsed by the Heads of JHA Agencies at the annual meeting on 22 November 2021. The Assessment Report is annexed to this report.

B. Other topics in areas of common interest

EU Charter of Fundamental Rights

To implement the commitment of the Heads of JHA Agencies to exchange, within the JHAAN, practices regarding the implementation of the Charter in the Justice and Home Affairs area on an annual basis, expressed in [the Joint Statement on Fundamental Rights from 2019](#), and following the successful formula from the 2020 exchange, this year the Network once again included this topic in the agenda of the third contact points meeting. JHA Agencies reported on their internal and external activities aimed to respect, observe and promote Charter rights and FRA prepared an overview of these activities and measures and reported on Charter relevant elements of recent EU level strategy documents relevant also to JHA Agencies. In particular, FRA showcased the new mechanisms that had been established by JHA Agencies in 2021, new awareness raising activities and new forms of cooperation amongst JHA Agencies. Additionally, the newly appointed Frontex Fundamental Rights Officer updated JHA Agencies on the Agency's Fundamental Rights Monitors and provided an overview of the amended Serious Incidents Reports and how both mechanisms relate to Charter rights.

Conference on the Future of Europe

Following the launch of the Conference in March 2021, the Network started a reflection on how JHA Agencies can support this forward-looking initiative and contribute to the reflection process. The Agencies recognise it primarily as a mechanism for the general public to debate the future and express their wishes and expectations towards the EU institutions. However, the majority of the Network members saw the process also as an opportunity to

signal institutional improvements that could make the Agencies more effective. A contribution has been prepared in which eight JHA Agencies indicated areas of change that could make them more cooperative, connected, science-driven, visible, accountable and supportive to internal decision-making as well as external actions of the European Union.

CEPOL, EASO¹, EIGE, EMCDDA, eu-LISA, Eurojust, Europol and Frontex endorsed the contribution during the annual meeting of the Heads of JHA Agencies and it was subsequently submitted to the Common Secretariat of the Conference in December 2021. The Contribution to the Conference on the Future of Europe is annexed to this report.

Victims of Trafficking

In 2020, under the Presidency of Eurojust, the Network focused on the respective roles and victims-related actions undertaken by the JHA Agencies in the implementation of the 2018 [Joint Statement of commitment to work together against trafficking in human beings](#).

In this respect, under the leadership of Eurojust the Network published a [Joint report on the identification and protection of victims of human trafficking](#) on 18 October 2021, on the occasion of the EU Anti-Trafficking Day. The objective of this report was to increase awareness amongst the Member States of the Agencies' potential in helping the early identification and protection of victims and to encourage them to cooperate closely with the Agencies involved in this area. The report, which responds to one of the key actions of the EU Strategy on Combating Trafficking in Human Beings 2021-2025, is

¹ Regulation 2021/2023 on the European Union Agency for Asylum entered into force on 19 January 2022, transforming EASO into the EUAA.

based on the result of a questionnaire distributed to all Agencies within the Network and the outcome of an expert meeting, hosted by Eurojust in June 2021. It builds on two important strands in the process of investigating criminal networks involved in human trafficking, namely the early identification of victims and measures and actions for their protection. Additionally, the report includes information on the work of those Agencies active in the area of access to justice, protection of victims in criminal proceedings, compensation, as well as prevention.

1. Timeline

16 February	Seminar "Understanding the influence of climate change on Justice and Home Affairs"
22-23 March	1 st meeting of the Data Protection Working Group
26 March	1 st meeting of the JHAAN contact points
28 April	Meeting of the Communication Working Group
29 April	<i>Ad hoc</i> meeting of the JHAAN contact points on the Assessment of the Network
30 April	Awareness raising session for JHA Agencies' staff on the Green Deal policies with DG
20 May	<i>Ad hoc</i> meeting of the JHAAN contact points on the Future of Europe Conference
27-28 May	2 nd meeting of the Data Protection Working Group
1 June	Seminar on Environmental Crime
9 June	Experts meeting on Victims of Trafficking
9-11 June	Academy of European Law – Frontex annual conference on the EU border management
15 June	Seminar on Artificial Intelligence
21 June	2 nd meeting of the JHAAN contact points
24 June	Experts meeting on the Public Access to Documents and the Management of Sensitive Operational Information in JHA Agencies
22 July	1 st informal meeting of the JHA Security Officers Network (JHA SON)
8 September	<i>Ad hoc</i> meeting of JHAAN contact points on the Assessment of the Network
24 September	3 rd meeting of the JHAAN contact points
27 September	Workshop on e-signature for Data Protection Working Group
1 October	Meeting of the ICT Working Group
6 October	Seminar "How to make the JHA Agencies administrations carbon neutral by 2030?"
12 October	Meeting of the RELEX Working Group
13 October	Meeting of the Communication Working Group on EMPACT
29 October	<i>Ad hoc</i> meeting of the JHAAN contact points on the objectives and agenda of the Heads of JHA Agencies meeting
9-10 November	Meeting of the European Situation Awareness Working Group
22 November	Meeting of the Heads of JHA Agencies

2. Meetings

2.1. Contact points meetings

The meetings of the contact points are the main platform to coordinate the Network's activities and to discuss the strategic topics of relevance to JHA Agencies. As per tradition, in 2021 contact points held three regular meetings. Due to COVID-19 restrictions, all of them took place online. Also, building upon the experience from 2020, the contact points organised four additional *ad hoc* meetings dedicated to topics that required more extensive discussion.

Apart from regular attendees such as JHA Agencies, observers (European Commission's Directorate-General for Migration and Home Affairs (DG HOME), European Commission's Directorate-General for Justice and Consumers (DG JUST), European External Action Service (EEAS)), the contact points also invited the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) and EU Agencies Network (EUAN).

The main topics on the agendas were:

- Regular updates on Agencies' key activities, legal and structural changes;
- Network's activities: seminars and other events (described in point 3);
- Assessment of the Network, its activities since the establishment and recommendations for the future;
- Contribution to the Conference on the Future of Europe;
- Joint Statement by the Heads of JHA Agencies on the EU Green Deal;
- Implementation of the Joint Statement on Fundamental Rights from 2019;
- Preparations for the annual Heads of JHA Agencies meeting.

Additionally, the agendas included:

- The implementation of AI in the non-JHA agencies and administrative measures towards turning green; including the kick-off meeting of the EUAN Executive Directors Group on Administrative Excellence and its follow-up, presented by EUAN in view of seeking synergies with JHAAN green deal and digitisation priorities;
- Frontex research study „The Green Deal and the European Border and Coast Guard“;
- Frontex vulnerability assessment activities and possible areas of cooperation with JHA Agencies;
- Updates on the implementation of the priority topic of the protection of victims of human trafficking;
- Europol's Information Management (IM) strategy and discussion on IM coordination between JHA Agencies;
- The proposal to establish a JHA Security Officers Network (JHA SON);
- The implementation of COSI recommendations on the Network's communication on EMPACT.

2.2. Working Groups meetings

The meetings of the working groups provided a forum for thematic exchange at the expert level. Normally, working groups meet once a year, however, in 2021 the number of meetings in certain cases exceeded the initially envisaged scope. For example, the Data Protection working group met three times and additionally organised a workshop on e-signature. Similarly, Communication working group met twice, dedicating its second meeting to the discussion on how to improve JHA Agencies communication on EMPACT activities. Due to COVID-19 restrictions, all meetings took place online. The meetings were organised by Frontex which held the Presidency and therefore also chaired the working groups.

There are two working groups that did not meet this year – Diversity and Inclusion (D&I) working group and Training working group. In the first case, upon the request of the Frontex Presidency, CEPOL undertook the chairmanship over the D&I working group. Although an annual meeting of the group

did not take place, an exchange of views was conducted concerning its current and future status and the possibility of being integrated into the newly created EUAN D&I working group. The consultations resulted into the update of the contact list of D&I experts on JHAAN ShareDrive. Furthermore, Agencies also provided an overview of their relevant developments. Last but not least, the third contact points meeting endorsed the proposal that emerged from this consultation, namely that D&I experts of JHA Agencies may continue their common work in implementing [the Joint Statement on D&I from 2019](#) in the format of targeted *ad hoc* exchanges, i.e. withholding from a permanent JHAAN working group format. At the same time, participation of each JHA Agency in the relevant EUAN working group was encouraged. When it comes to the annual meeting of the Training working group, it did not take place due to the workload of Frontex' training experts who are very much involved in the development of the Standing Corps.

2.2.1. Working Group on Data Protection, 22-23 March, 27-28 May, 27 September 2021

The first meeting gathered all JHA Agencies and the European Public Prosecutor's Office (EPPO), participating for the first time.

The working group discussed the issues such as the processing of Operational Personal Data (OPD), data categories and data subjects, Joint Controllershship Agreements (presented by Frontex) and issues related to the COVID measures (temperature checks, testing, contact tracing). On the second day, Frontex shared the Agency's experience with supervision by the European Data Protection Supervisor (EDPS)

and participants shared their knowledge on cloud processing using Microsoft and Oracle.

The working group concluded that:

- the Agencies entitled to process OPD have different definitions of suspect. In this respect, it was suggested to discuss the definition, to explain differences and to make a comparison study between all Agencies;
- Audits and Inspections by the EDPS was suggested as a topic to be added to the next meeting's agenda.

The second meeting focused on the latest European Court of Justice (ECJ) case law on data retention (namely the *La Quadrature du Net* and *Privacy International* cases, presented by Eurojust) and how it could affect the JHA Agencies' activities, as well as discussed issues related to social media monitoring (such as operational monitoring and marketing purposes for monitoring social media – the corresponding presentation was given by Frontex). Frontex presented a comparison on the different definitions of suspect of cross-border crime. The discussion continued on the second day with topics such as cooperation with the EDPS (audits, inspections and communication) and the preparation for the e-signature workshop.

The working group drew the following conclusions:

- Together with EPPO, DPOs from all JHA Agencies would strive to identify the gaps and similarities concerning the definitions of the suspects of cross-border crime;
- At the next meeting, the Agencies would discuss developments regarding Eurojust's first

proposed concept of Digital Criminal Justice, the DPO LE network, issues related to the SIS, ETIAS as well as international data transfers and cooperation with the UK.

Finally, Frontex as the chair of the working group organised a workshop on the usage of e-signature and its specific data protection challenges. Frontex described the main characteristics of e-signature and its legal framework, including the processing of personal data. The participants agreed that while it is a good tool that digitalises records, special attention has to be paid to the modalities of use of e-signature in the law enforcement context.

During the discussion which followed, several Agencies formulated their ideas for the topics of next year's meetings of the working group. The participants already agreed on keeping the issues related to EDPS supervision on the agenda. It was also decided that Frontex would share its e-signature privacy statement with all participating DPOs.

2.2.2. Working Group on Communication, 28 April 2021 and 13 October 2021

The meeting gathered all JHA Agencies, the European Commission (DG Communication) as well as two external attendees who talked about green nudging and demonstrated ways to effectively engage our staff in times of a pandemic.

The working group discussed the Network's work programme and communications activities related to the EU Green Deal and Digitalisation, where experts spoke about the green initiatives at their Agencies. DG Communication presented in detail the vision behind the #NextGenerationEU campaign, noting that it will not only be about the recovery, but also about the President of the European Commission

vision on the Future of Europe, and more precisely on Green and Digital transition. Following up on the Roadmap on the implementation of recommendations from the independent evaluation of the EU Policy Cycle / EMPACT 2018-2021, Europol presented the communication campaign for EMPACT 2022 and the working group discussed avenues for increased joint communications on EMPACT. The working group touched upon the way of becoming more innovative about digital publications, where Eurojust shared the successful digitalisation of its annual report ([Criminal justice across borders in the EU in 2020 | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](#)).

As a follow up to this meeting, the communication experts met once again to discuss how to enhance awareness about EMPACT activities, also among JHA Agencies that are not systematically involved. The meeting allowed communication experts to better understand the EMPACT ecosystem, discuss how JHA Agencies can better join efforts in communicating about the relevant activities and how to involve those JHA Agencies which normally do not take part in EMPACT. As a result, it was concluded among others:

- to maintain half-day meetings amongst JHA Agencies specifically on EMPACT at least once per year (involving the European Commission and the General Secretariat of the Council);
- to ensure internal coordination within JHA Agencies between communication and operational teams for clear awareness of EMPACT planning;
- to coordinate amongst JHA Agencies media production relevant to EMPACT;
- to share documents, photo and video materials, information as much as possible, and avoid duplication of efforts or overlaps.

2.2.3. ICT & Cybersecurity Working Group, 1 October 2021

The meeting gathered all JHA Agencies, European Maritime Safety Agency (EMSA), the EPPO, and the European Commission (DG HOME).

The working group discussed secure videoconferencing among JHA Agencies noticing how videoconferencing becomes an increasingly popular working pattern and combines the two major objectives of the Presidency (“turning green” and digitalisation). Frontex presented its Instant Messaging Solutions that is aimed to address the shortcomings of existing public applications such as WhatsApp or Facebook Messenger. Frontex also explained how

it attempts to decrease its environmental footprint by improving on-prem server room infrastructure and by moving to Clouds resources. Eurojust presented the state of play and objectives of Digital Criminal Justice project.

Europol and Frontex presented the development of their IM Strategies and the group discussed how to build further synergies in information management. Finally, the working group discussed the use of electronic signature for secure and remote processing of documents and workflows.

2.2.4. Working Group on External Relations (RELEX), 12 October 2021

The meeting gathered CEPOL, EASO, EIGE, EMCDDA, eu-LISA, Eurojust, Europol, Frontex, the European Commission (DG JUST and DG HOME) and EEAS.

The working group discussed external relations strategies and priorities for cooperation with third countries, among them the emerging priorities in response to crises in Afghanistan and at the EU’s border with Belarus.

Discussions focused on how to translate those key priorities into concrete cooperation frameworks, strategies to address key challenges for cooperation in the external dimension as well as new opportunities. The working group also discussed the implementation of technical assistance projects in third countries, exchanged knowledge about how the Agencies contribute to other European

Commission-funded projects in the external dimension, and discussed how to better support each other in capacity-building activities outside the EU. The meeting also touched upon the connection points between the JHAAN and the informal network of EU Agencies implementing projects under

the Instrument for Pre-Accession (IPA) and the European Neighbourhood Instrument (ENI). Finally, the working group discussed key priorities for cooperation with international organisations, ways to avoid duplication while using synergies with international organisations' work in the external dimension.

2.2.5. Working Group on European Situation Monitoring, 9-10 November 2021

The meeting was organised in a form of a seminar on crisis management. It gathered EASO, EMCDDA, eu-LISA, Eurojust, Europol, FRA, Frontex, the European Fisheries Control Agency (EFCA), DG HOME, and the European Commission's Secretariat-General.

The underlying objective of the seminar was to establish common awareness of the key features and practices for effective crisis management, including behavioural and organisational aspects. The participants discussed in particular their management

of the COVID-19 crisis, the JHA crisis management scope, professional and personal challenges in managing crisis. In more depth, the seminar discussed the different types of crises and phases in crisis management, as well as the role of trust in managing a crisis, good practices and effective methodology for crisis management. To illustrate the discussion with practical examples, participants performed a simulation exercise during which they demonstrated how they approach, communicate, and interact in a crisis situation.

2.3. Expert meetings

2.3.1. Public Access to Documents and the Management of Sensitive Operational Information in JHA Agencies, 24 June 2021

The meeting gathered Frontex, EASO, eu-LISA, EMCDDA, CEPOL, Eurojust, and the European Commission (DG HOME).

The Agency experts discussed the continuously increasing importance of public access to documents (PAD) processes for EU institutions, agencies and bodies 20 years after the adoption of Regulation (EC) No 1049/2001. Frontex spoke about practical aspects of processing PAD applications at Frontex to ensure that the Agency meets its legal obligations with the continuously growing number of the

received requests. Frontex presented its case handling model which helps to examine the disclosure of documents from both operational and legal perspectives. Frontex also highlighted its case-by-case assessment of sensitive operational information as well as the treatment of sensitive training materials, presented its PAD ICT tool (a one-stop-shop for processing PAD applications) and outlined its cooperation with EU institutions and agencies on the processing of PAD applications, which takes place primarily through *ad hoc* consultations. Participants also discussed best practices and different practical

approaches to the selected procedural matters. DG HOME shared how it handles PAD applications and how external consultations with originators of the documents are conducted. Finally, Frontex

presented trends in case-law regarding leaked documents and the supervisory bodies' considerations regarding comparable information.

2.3.2. Trafficking in Human Beings, 9 June 2021

The informal meeting, organised by Eurojust, discussed the results of the questionnaire launched on the JHAAN 2020 thematic priority on the identification and protection of victims of human trafficking. The JHA Agencies' experts also had the opportunity to exchange their views on the scope,

timeline and dissemination of the final joint product on this topic. The conclusions of the meeting contributed to the drafting of the [joint report providing an overview of the agencies' support to victims of human trafficking](#).

2.3.3. JHA Security Officers Network (JHA SON), 22 July 2021

This meeting was not foreseen by the Presidency Programme and was an initiative of the Heads eu-LISA, Europol, Frontex and EASO following a joint meeting with DG HOME in May 2021 where it was agreed that one of the side effects of the COVID-19 crisis for all Agencies is their increased reliance on digital solutions and IT systems. As a practical response to the need to create more synergies and better cooperation in the area of cyber security it was decided to propose to all JHA Agencies to jointly establish a Security Officers Network for the Justice and Home Affairs Agencies (JHA SON).

- Continue with the initiative on setting up the JHA Security Officers Network;
- Define and agree on the JHA SON mandate;
- Focus the existing JHA ICT working group on IT matters and align common IT security topics with the JHA SON when needed;
- Continue with further meetings for the JHA SON, with further decision on the chairmanship solution. Two main proposals have been raised: (1) chairing on a rotation basis in line with the scheduled JHA Presidency or (2) chairing on a rotation basis by several JHA Agencies in line with security expertise and needs, and availability of resources.

The first informal meeting of the security officers of JHA Agencies was held on 22 July 2021. The purpose of the meeting was to discuss a proposal to create JHA SON. The meeting was organised via video-conference. It was chaired by eu-LISA and gathered 11 security officers from eu-LISA, EUROPOL, EIGE, EASO, FRA, CEPOL, EMCDDA, and Frontex. The discussion resulted in the following recommendations for the Heads of JHA Agencies:

Those recommendations were shared with the Heads of JHA Agencies on 18 November via a letter by the Executive Director of eu-LISA, Mr Krum Garkov. The discussion will continue in 2022 and eu-LISA remains in the lead.

2.4. Heads of JHA Agencies meeting, 22 November 2021

Organised in a hybrid form, with majority of participants joining in Warsaw, the meeting gathered Heads of JHA Agencies, the Network's observers – DG HOME, DG JUST, EEAS, as well as partners such as LIBE Committee Secretariat, General Secretariat of the Council, Slovenian Presidency of the Council, and the representative of the EUAN. Commissioner for Home Affairs, Ylva Johansson addressed the participants of the meeting virtually.

The purpose of the meeting was to discuss the priority topics of the Network building on what was achieved in 2021 at the working level and to draw the conclusions for the future. It was also an opportunity for the Heads of JHA Agencies to discuss the most pressing matters of common interest.

Frontex, holding the Presidency in 2021, reported on the key achievements of the Network in the implementation of the two priorities – EU Green Deal and Digitalisation. The Agencies listed a number of actions they undertake already at this stage in relation to the suitability and digital transformation. For example:

- As of 2020, eu-LISA has introduced a new environmental Key Performance Indicator (KPI) to demonstrate the efforts of the Agency to reduce greenhouse CO₂ emissions, to achieve energy savings and to comply with the upcoming EU 2030 target for reducing greenhouse gas emissions;
- Since 2014, Europol has in place Environmental Strategy and since 2018 Environmental Policy with the aim of improving our environmental performance with the aim to become EMAS certified in 2021. It also has an Environmental Management System in place to measure progress about environmental performance and calculate the carbon footprint of the Organisation;
- The EMCDDA has undertaken a number of initiatives to organise a day-to-day work of the Agency towards the goal of CO₂ neutrality in 2026. These include for example an environmental workshop with all staff, solar power cells on the roof, electrical car chargers in the garage, or carbon neutral electricity;
- Likewise, EIGE is also committed to monitor and manage its environmental performance annually and takes steps to achieve EMAS standard. Following the requirements within the EMAS framework, in 2020 EIGE conducted an eco-mapping and developed environmental indicators monitoring system. EIGE management nominated green officer and eco-group, that work together to suggest ideas for awareness raising and behaviour change among staff in relation to the environmental sustainability;
- EASO is preparing its first Strategy on Digital Innovation in asylum procedures and reception systems and supports the EU Member States in developments towards digitalisation;
- eu-LISA continues supporting the European Commission, EU Member State authorities and JHA Agencies in the implementation of new digital solution of the large-scale IT systems. The Agency has made digitalisation a top priority at the corporate level by i.a. producing a Digital Workspace strategy and a corresponding action plan;
- FRA advances with its applied research in the area of digitalisation, including artificial intelligence. Following on from research on data quality and facial recognition technology, and most recently, its December 2020 report showcasing the potential implications of AI systems for fundamental rights, FRA continued to work

on AI by looking into bias in algorithms. In addition, FRA launched a project focusing on online hatred against women and ethnic minorities (linked to ongoing developments in relation to online content moderation).

The meeting highlighted that climate change and environmental issues will determine JHA work in the future and that digitalisation will continue to be a very important topic for this Network. In this respect, JHA Agencies agreed that both subjects should remain a priority for the Network with a greater focus on digitalisation of processes and training activities that would prepare the JHA Agencies to effectively benefit from it.

To underline their commitment to the EU green policies, the Heads signed the [Joint Statement on the EU Green Deal](#). It outlines five long-term objectives for the Network, such as contribution to the implementation of the European Green Deal and future Green Priorities, vigilance to challenges posed to EU policies in JHA by climate change, fight against environmental crime, implement green procedures and solutions aiming at reducing the Agencies' negative impact on the environment, and finally promotion of available environmentally-friendly approaches and practices, as well as support to green grassroots initiatives among the staff of the Agencies.

In the context of digitalisation, the participants also had a chance to exchange views on the state of play of the EU Innovation Hub for Internal Security and the challenges related to its establishment. In particular, the scarcity of human and financial resources that risk jeopardising the ambitious objectives it is expected to achieve.

Furthermore, the JHA Agencies discussed the Conference on the Future of Europe, in particular why they consider this process important and how they would like to contribute. They highlighted that the

Conference is primarily a forum for civil society to voice its views, but also was an opportunity to reflect on how the Agencies could improve themselves, cooperate better and adjust their procedures to the new challenges. A Contribution to the Conference on the Future of Europe has been endorsed by CEPOL, EASO, EIGE, EMCDDA, eu-LISA, Eurojust, Europol and Frontex. It elaborates in which directions the cooperation between the Agencies and their involvement in the EU general processes and policies could develop in the future. They also highlighted that the Conference is not over yet and that CEPOL's Presidency could promote this contribution in 2022, when the institutions will draw conclusions from the 2021 consultations.

The meeting was also an opportunity to discuss and endorse the outcome of the evaluation process that aimed to assess the Network's past work and propose adjustments to its functioning. In particular, the report supports maintaining the flexible character of the Network, gives directions on the functioning of its working groups, reforms its documents by making them clearer and more reader friendly. It invites the Council Secretariat and the Parliament's LIBE Committee to become Network's official observers which means that in addition to the Heads of JHA Agencies' annual meetings, they will also be invited to regular meetings of the Contact Points. Finally, the upcoming Presidencies will play a crucial role in implementing the recommendations, annexed in the Assessment Report.

CEPOL, as the upcoming Presidency, presented its Presidency Programme for 2022 which is presented at the end of this report.

The meeting was also an opportunity for the participants to update each other on the most important developments and discuss the current issues that remain high on the EU's political agenda. In particular, the Commissioner for Home Affairs referred to

the instrumentalisation of migration by the Belarusian regime and the need to support Afghan people. She underlined the important role JHA Agencies play now and will continue to play in the future in addressing the rapidly changing and complex challenges to the European area of freedom, security, and justice. The Commissioner also briefed on the legislative framework the European Commission is currently developing to support the Member States in managing the evolving threats, such as online sexual abuse of children, hybrid threats at the external borders. In this respect, she reminded that

the Agencies' mandates are being enhanced and that the expectations are high. She underlined that the European Commission would continue to provide all necessary support to the Agencies to facilitate the implementation of their tasks.

Finally, in the margins of the meeting Frontex and eu-LISA signed a cooperation plan for 2021-2023, and EASO and eu-LISA signed SLA on the Recovery Site for EASO Logical Infrastructure and Communications.

3. Activities

3.1. Seminar “Understanding the Influence of Climate Change on Justice and Home Affairs”, 16 February 2021

The purpose of the seminar was to raise awareness among JHA staff about the available research on the dependency between climate change and JHA policies, and to provide a platform for the JHAAN staff to exchange views with the academic community on those topics.

The event gathered JHA Agencies and representatives from academia.

The discussion was structured alongside three JHA-related policy areas:

- Climate change – how does it foster organised crime and terrorism?
- Climate change and the security of women and children.
- Climate and migration – how to prepare for the challenge ahead?

In the discussion, the following conclusions and key observations were made:

- Climate change fosters the development of organised crime and terrorism. More specifically, the scarcity of resources causes insecurity in countries such as Mali and Afghanistan which are characterised by the fragility of State institutions, political turmoil, and poverty. Local criminal and terrorist groups instrumentalise climate change, e.g. water-related security risk, in order to strengthen their political, social, economic and military position. In this regard, the importance of early warning tools should not be underestimated;

- Organised criminal and terrorist groups contribute to climate change themselves. This is particularly the case of the drug business: planting drug crops causes, among others, deforestation, land degradation and water pollution. Hence environmental crime needs to be recognised as a form of organised crime. Its prevention, detection, investigation and prosecution requires cooperation at the national and international level between administrative, law enforcement and judicial authorities. It has been enlisted as a priority of the EU Policy Cycle for organised and serious international crime 2018-2021, as well as for the 2022-2025 EMPACT Cycle;
- The root causes of the weaponization of climate change have to be studied in order to adequately address the aforementioned issues at source. The notion of environmental crime shall encompass criminal offenses such as the use of resources against populations. Besides, it should be borne in mind that the deterioration of livelihoods accelerates the fragility of States and generates migration;
- There are linkages between gender inequality, climate vulnerability and state fragility – there is a triple correlation. It is academically proven that due to water scarcity, women suffer more than men from higher food insecurity, poorer health and lowered security;
- Poorly designed climate measures may adversely affect some poor and disadvantaged people – in that respect, representatives of EIGE stressed that EIGE’s 2023 Gender Equality Index would focus on the Green Deal and gender equality;

- Women are often underrepresented in decision-making bodies dealing with climate change and the environment which results in a lack of gender perspective in the EU Green Deal and other relevant EU documents – thus, in order to tackle the correlation between gender inequality and climate change, adaptation strategies need to be put in place;
 - Although climate change is prone to cause significant population displacements (despite the lack of academic consensus in this regard), climate-induced migration is expected to be of mostly internal and short-distance nature;
 - Nevertheless, considering the irreversibility of some natural disasters (such as rising sea levels), increased migratory flows are expected in the future. They might provoke tensions in destinations which could be exploited by populist political movements. Thus, the terms surrounding climate-induced migration should be selected carefully considering existing connotations and their political importance;
 - Moreover, the definition of “refugees” used in the 1951 UN Geneva Convention does not include environmental considerations as a possible reason for seeking international protection, thus creating a risk of frictions between human rights and refugee law.
- The above observations shown that the discussion is multidisciplinary and relevant to different mandates of JHA Agencies. The academic focus was highly appreciated by the staff who benefited from the possibility to establish bilateral contacts for targeted follow-up discussions. Finally, the participants expressed their readiness to further reflect on the impact of climate change on JHA policy fields and suggested that similar events could take place in the future.

3.2. Awareness raising session on the EU Green Deal policies with European Commission’s Directorate-General for Environment (DG ENV), 30 April 2021

The purpose of this training was to provide a platform for JHA Agencies’ staff to learn from DG Environment about some of the Green Deal policies relevant to JHA Agencies’ mandates. The event was organised in an interactive manner to facilitate the discussion – all participants were divided into three small groups and jumped from one session to another until they cover all panels. The programme included the following topics:

- The Eco-Innovation Action Plan – a subset of innovation towards sustainable development intertwined with digitalisation;
- Environmental Crimes and Waste Trafficking which takes place both outside and within the EU. The participants could learn about

the upcoming changes in the rules that govern waste shipment within the EU and about the capacity-building for tackling waste trafficking in third countries;

- Circular Economy, more precisely the economic aspects of environmental policies such as circularity and resource efficiency, with a particular focus on aspects relevant for JHA Agencies, e.g. gender issues and their wider environmental implications.

The JHA Agencies’ staff appreciated the initiative and expressed their wish to take part in a similar event in 2022.

3.3. Seminar on Environmental Crime, 1 June 2021

This seminar was one of the highlights of Frontex Presidency. Its purpose was to provide a platform for European and International actors to share their experience and challenges in fighting environmental crime.

The event gathered JHA Agencies, EMSA, EFCA, DG JUST, DG TAXUD, DG MARE, Customs Control Working Party in the Council (CCWP), EnviCrimeNet, European Network of Prosecutors for the Environment (ENPE), the European Network of the Heads of Environmental Protection Agencies (NEPA), the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL), EEAS, Interpol and UNODC.

The discussion was structured alongside four panels:

- The landscape of environmental crime;
- Seas as crime scenes – the marine dimension of environmental crime;
- Addressing the challenges jointly;
- Presentations of JHA Agencies' case studies.

The first panel focuses on Directive 2008/99/EC, the main EU legal instrument in this regard, and its ongoing revision which aims at enhancing the law enforcement chain, namely the detection, investigation and prosecution of environmental crime. The participants noted that environmental crime is an identified crime threat under the EU Serious and Organised Crime Threat Assessment (SOCTA) that leads to relevant EMPACT activities. In this context, it was also stressed that the environmental crime is one of EMPACT 2022+ priorities (2022-2025). Drug crimes and their particular impact on the environment through deforestation (for planting drug crops), the generation of chemical waste and greenhouse gases was highlighted. Additionally, the topic was approached from a judicial perspective and finally, the topic has been put into a global context allowing participants to learn about

the variety of actions taken by international actors to combat the environmental crime. In their conclusions, the participants recognised that environmental crime brings particularly high benefits compared to its low detection risk, it is also characterised by convergence with other types of crime, including corruption. Therefore, the cooperation between EU Member States, with support by the relevant JHA Agencies and international organisations, is needed for combatting it effectively.

In the second panel, the participants discussed the EU Maritime Security Strategy and a set of tools facilitating intra-EU cooperation in tackling environmental crime and to detect maritime environmental crime, such as Common Information Sharing Environment, Eurosur Fusion Services of Frontex, Joint Deployment Plans and Joint Action Days of EFCA and the CleanSeaNet monitoring tool of EMSA. In their conclusions, participants stressed that environmental crime should be considered serious crime and sanctioned in a dissuasive manner, considering the irreversible damage which it causes.

In the same vein, during the third panel, the participants discussed possible enhancements to the prosecution of environmental crime through training activities, including online training which focuses on emerging crime patterns and financial investigations, and through cooperation amongst European practitioners, highlighting the existing platforms such as EnviCrimeNet – an informal network connecting police officers and other crime fighters in the fields and the ENPE, NEPA, and IMPEL.

The last panel of the seminar was devoted to actions and initiatives of EU law enforcement and customs entities, such as the EMPACT operational activities, the EnviCrimeNet network, Operation Retrovirus (launched during the pandemic to combat

illegal sanitary waste processing and disposal) and Frontex' Multipurpose Maritime Operations (MMO) aimed at combatting illegal migration, cross-border crime, illegal fishing and maritime pollution. In their conclusions, the participants underlined that the role of customs authorities is increasingly important given their extended scope of competence (for example verifying the compliance of goods, including environmental compliance). Thus, the Commission

initiative "Taking the Customs Union to the Next Level: a Plan for Action" foresees a new system of risk management and aims at improving cooperation between customs and other administrative bodies such as EnviCrimeNet authorities.

Many of the key observations of the seminar were reflected in the [Joint Paper on environmental crime](#).

3.4. Academy of European Law (ERA)-Frontex Annual Conference, 9-11 June 2021

In 2021, Frontex co-organised that ERA's annual conference. The topic of the conference was EU Border Management.

The event gathered JHA Agencies, European Ombudsman, DG HOME, DG HR, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and academics.

The first day was structured around the state of Schengen and the increasing need to enhance cooperation on internal security, as well as to reform the Schengen Borders Code and revise the Schengen Evaluation Mechanism.

The second day encompassed discussions on digitalisation, which was one of the Network's priorities,

namely AI, implementation of the recast Schengen Information System (SIS), of new IT systems such as the Entry/Exist Systems (EES) and the European Travel Information and Authorization System (ETIAS) and of their interoperability as well as developments related to EU Passenger Name Record (PNR) Directive.

The last day of the conference was devoted to structural and operational developments of Frontex, such as Standing Corps officers, the return and readmission operations, the recruitment of fundamental rights monitors upholding fundamental rights when controlling EU external borders, Frontex relations with third countries, in particular an enhanced operational cooperation with Albania, Montenegro and Serbia, where Frontex is allowed to use executive powers in the joint operations.

3.5. Seminar on Artificial Intelligence (AI), 15 June 2021

The purpose of the seminar was to follow up on the conclusion of the Heads of JHA Agencies meeting from 2020, when AI has been recognised as a topic that deserves further discussions in the JHAAN forum. It was also an opportunity for participants to learn about the results of Frontex study on AI-based capabilities for the European Border and

Coast Guard and to discuss the impact of the use of AI on the daily work of JHA Agencies and beyond.

The event gathered all JHA Agencies, DG HOME, European Commission's Directorate General for Communications Networks, Content and Technology (DG CONNECT), Joint Research Centre (DG JRC),

European Defence Agency (EDA), European Union Satellite Centre (SatCen), Council General Secretariat, LIBE Committee of the European Parliament, EEAS, EUAN, Portuguese Presidency and Slovenian Presidencies of the Council of the EU, EDPS.

The discussion was structured alongside three panels:

- AI-based capabilities for JHA;
- AI and ethics;
- AI perspectives beyond JHA.

The seminar started with an explanation of the Commission's strategy related to the development of artificial intelligence, including the proposal for an Artificial Intelligence Act (Regulation).

In the first panel, the participants could learn about the findings of a Frontex study, namely an overview of AI technologies which could be used by Frontex for border security purposes and what role the Agency could play in shaping the landscape of AI-based capabilities in border security. Additionally, the participants had an opportunity to get familiar with eu-LISA activities in the field of AI (incl. biometrics), such as for example the creation of an AI working group, the report on the use of AI in the operational management of large-scale IT systems,

future AI Testing Lab to facilitate the implementation of AI solutions.

In the second panel, the participants learnt from FRA that the extensive policymaking on AI at different levels requires careful attention to fundamental rights. This concerns in particular, but is not limited to, the protection of personal data, equality and non-discrimination as well as access to an effective remedy. Besides, CEPOL stressed the importance of including AI and fundamental rights and gender equality scrutiny in law enforcement training, as demonstrated in its annual training needs assessment.

In the third panel, Europol explained how AI tools are used by law enforcement agencies and national authorities, and how its Innovation Lab facilitates the multi-agency cooperation on AI. The participants could learn from EDA about AI significance in the field of defence. The use of AI was also discussed in the space and security domain during the presentation given by EU SatCen. Finally, European Commission's Joint Research Centre spoke about the use of AI in threat detection equipment.

The participants recognise that AI technologies are rapidly evolving, hence, they are eager to continue the dialogue on this topic and possibly organise a similar event in the future.

3.6. Seminar on Carbon Neutrality, 6 October 2021

The purpose of the seminar was to share best practices and the latest knowledge about administrative measures and staff initiatives that are targeted to reduce the carbon footprint emanating from staff daily work.

The event gathered all JHA Agencies, European Environment Agency (EEA), DG ENV, European

Commission's Directorate-General for Climate Action (DG CLIMA) and Deloitte.

The discussion was structured alongside three panels:

- Implementing green policies into planning and work programmes of Agencies;
- Making the workplace more efficient and greener;

- Turning JHA green – good practices and grass-root initiatives.

In the first panel, the participants discussed how different EU actors translate the EU Green Deal objectives in their long-term planning of activities. In particular, the participants learnt about the steps taken by the European Commission and EEA to become corporately climate-neutral by 2030. At the same time, Frontex presented its Environment Management, underlying the difficulty to combine the carbon-neutral objectives with Agency's operational nature that implies travelling and reliance on not always environmental-friendly equipment. As the Agency is in the process of procuring its own equipment, the environmental aspects are already being taken into account.

In the second panel, the participants learnt about the existing and future solutions at JHA Agencies that aim at modernising their workplaces and workflows to make them as less harmful for the environment as possible. This included the sustainable building concepts for the current and future premises, the integration of Eco-Management and Audit Scheme (EMAS) standards, green procurement procedures and digital tools in achieving the carbon-neutrality.

The third panel served as a platform to share good practices, such as the establishment of internal environmental working groups, the introduction of energy consumption monitoring tools, recycling, the limitation of single-plastic usage, the encouragement to use public transport and bicycles, etc.

4. Thematic reports

4.1. EU Green Deal and European Border and Coast Guard study

In June 2021, Frontex launched the research study “The Green Deal and the European Border and Coast Guard (EBCG)” in an effort to accelerate its green and digital transition in line with the Green Deal priorities. More specifically, the study was initiated in order to promote environmental sustainability as an integral part of Frontex’ operations, processes and infrastructure and to provide concrete sustainability guidance to the EBCG community and Frontex (guidance on where and how to increase environmental sustainability with a primary focus on digitalisation).

Developed with an external contractor (Deloitte), the study aimed in particular at:

- Identifying relevant international and EU regulatory instruments;
- Identifying Frontex’ activities with the highest environmental impact;
- Indicating practical measures for possible application in the short, medium and long term;
- Raising awareness and disseminating the findings from previous points to Frontex and the EBCG community.

The study was presented to JHAAN Contact Points on 24 September and to the Heads of JHA Agencies on 22 November 2021. Among its main findings are:

- The increasing importance of green policy-making and decarbonisation (with sustainable development and digitalisation at the heart of the activities of law enforcement entities);

- Key roadmaps and regulatory instruments, such as the Paris Agreement, the 2030 Agenda for Sustainable Development and the European Green Deal;
- A set of principles developed to serve as guidelines for the EBCG community in its efforts towards achieving sustainability and addressing climate challenges (the embedment of environmental issues in strategies and decision-making processes, the establishment of science- and fact-based targets for the reduction of environmental footprint, the development and diffusion of environmentally friendly technologies, awareness-raising on climate and environmental issues, public disclosure of the progress in implementing the sustainability targets, the monitoring and reporting on an organisation’s environmental impact);
- The ways to reduce the daily environmental impact of workspaces by reducing the demand for owned fuel combustion or owned vehicle use, through energy efficiency gains and by reducing the impact of business travel and commuting.

Frontex regularly informs the public of the outcomes of its EU Green Deal study on its website. The [first insight](#) was published in September, whereas [two subsequent insights](#) were made public in December 2021.

4.2. Artificial Intelligence – Based Capabilities for European Border and Coast Guard study

The purpose of this research was to outline the main opportunities, challenges and requirements for the adoption of AI-based capabilities in border management. It aimed at identifying synergies with ongoing AI studies and initiatives in the EU in order to contribute to the European AI landscape with the border security dimension. The study analysed technologies such as:

- Automated border control;
- Object recognition to detect suspicious vehicles or cargo, and
- The use of geospatial data analytics for operational awareness and threat detection.

The outcomes of this research were summarised in the final report, issued in March 2021 and available on [Frontex website](#). They were presented to the JHAAN on 15 June, during the Seminar on Artificial Intelligence, and included:

- Various risks and benefits for end users due to the evolving landscape of AI-based capabilities;
- The need to address key baseline gaps to facilitate wider uptake of AI technologies within the EBCG;
- Frontex' potential role in future AI uptake in border security (including the identification of future requirements and opportunities for that use of AI, strengthening the knowledge of AI, facilitating information and knowledge exchange, facilitating coordination between different stakeholder groups, incentivising innovation and facilitating access to funding), and
- The opportunities for further research oriented towards prevailing data gaps concerning the opportunities and challenges associated with AI-based systems in border security.

4.3. Environmental Crime Paper

As a follow up to the seminar on environmental crime which took place on 1 June 2021, the Network produced a paper [Environmental Crime. Actions taken by EU JHA Agencies](#). It presents the JHA Agencies' key achievements in the fight against environmental crime and contributions towards protecting the environment. In particular, the paper describes how JHA Agencies:

- Combat environmental crime through a multilateral operational response (Operation 30 Days at Sea, Operation Retrovirus, Multipurpose Maritime Operations in the Black Sea, Operations Pontus and Pontus II),
- Prevent and detect environmental crime with real-time surveillance;

- Support the prosecution of cross-border environmental crime;
- Enhance EU law on environmental crime (especially through the review of the Environmental Crime Directive), and
- Provide comprehensive training.

The paper demonstrates how the JHA community increasingly contributes to the fight against environmental crime, both with their analysis and operational activities as well as by supporting the relevant legislative and policy-making processes.

5. Assessment of the JHAAN

In 2020, under Eurojust Presidency, the Heads of JHA Agencies agreed to have a thorough reflection on the functioning and value of the Network. In this respect, JHAAN contact points prepared the evaluation exercise, namely a concept, methodology, and timeline.

In the concept, it was agreed that the assessment would cover organisational aspects and how the purpose for which the Network was established has been achieved, specifically in the following areas:

- Cooperation between Agencies in specific crime areas, including warning and risk analysis;
- Common sphere of governance;
- JHA information systems and interoperability;
- Coordinated approach to EU institutional affairs and external relations;
- Fundamental rights and gender equality;
- Training and efforts in the field of research and development;
- Raising awareness about the work of the Agencies.

It was also agreed that the scope of the assessment would be two-fold:

1. A quantitative analysis of the overall organisation of the network activities:
 - Number of meetings of the Heads of JHA Agencies;
 - Number of hosts, including number of FTEs and budget used annually;
 - Number of reports presented to COSI;
 - Number of expert groups, including the number of meetings and deliverables;
 - Number of joint products and recurrent joint products.

2. A quality-based reflection on the entire format of the JHAAN, its practical organisational aspects and content. In particular, the Network agreed to review its work, identify challenges and weaknesses and suggest changes or improvements. The assessment covered the following chapters:

- Results and impact for each area (as mentioned above under point III);
- Working methods regarding the JHA meetings and joint products;
- Role of the Presidency;
- Relations with stakeholders & partners, and
- Role of the network and its long-term plan/vision.

To collect the information needed for the analysis, in Q4 2020 the JHA Agencies answered to three questionnaires – Agencies as member, Agencies as host, JHAAN working groups and analysed their final reports from the past to see what has been done/agreed in each area outlined in the concept, and to draw conclusions and observations.

In Q1 2021, Eurojust compiled the replies and prepared the quantitative analysis and the overview of participants in the annual meetings. Eurojust also prepared a First Analysis – a discussion paper with observations, suggestions and guiding questions that was presented by the Agency and discussed among the members of the Network at the first contact points meeting on 26 March. At this point, Eurojust handed over the assessment to Frontex.

Frontex analysed the outcomes of the discussion on the First Analysis and drafted the Second Analysis

that detailed further the scope of the assessment. This document was presented by Frontex and discussed amongst JHA Agencies at the *ad hoc* meeting on 29 April.

Following the agreed methodology, in Q2 2021 Frontex conducted a mapping of the Network's relations with stakeholders. The outcomes of the mapping were discussed at the second contact points meeting on 21 June 2021.

Based on the discussions on the First and Second Analysis and the elements agreed therein, the

contact points conducted a revision of Network's tools and products and drafted guidelines for the establishment and functioning of the working groups, including the list of working groups and *ad hoc* experts' meetings. The results were presented and discussed at the *ad hoc* meeting on 8 September 2021.

The draft assessment report was presented and discussed at the third contact points meeting on 24 September, and finally endorsed by the Heads of JHA Agencies on 22 November 2021. The assessment report is attached as an annex.

6. Inter-agency cooperation

The activities of the Network were, as in previous years, complementary to the wealth of bilateral and multilateral projects between the Agencies, illustrated by the selected examples below.

In general, Agencies continued working closely together on joint analytical products such as joint reports on secondary movements, as well as on Digitalisation of migrant smuggling.

6.1. EASO, Frontex and Europol joint strategic analysis on secondary movements

In 2018, EASO, Frontex and Europol initiated cooperation on joint reporting on secondary movements in the EU and Schengen Associated Countries, which resulted in the publication of two ad hoc reports covering aspects related to the fields of international protection, irregular migration and migrant smuggling released in 2019 and 2020. Based on this successful collaboration, in 2021 EASO, Frontex and Europol drafted and adopted Terms of Reference for

the development of a series of joint reports on secondary movements, which foresee the production of two joint reports per year, each addressing a topic chosen by the three Agencies. EASO has assumed the coordination of the first cycle of joint production. Analytical work on the first report in the series has been launched and is ongoing. This is expected to be released by the end of February 2022 and will focus on Afghan nationals.

6.2. JHA Agencies cooperation in the framework of EU Innovation Hub for Internal Security

The work of the Innovation Hub is being delivered by the Hub Team, which is coordinating and carrying out the work on the four base tasks identified by COSI in May 2020. The Hub Team meets twice a month (online) since November 2020 and is composed of representatives from the Innovation Labs (or contact points) of all the JHA Agencies together with the Commission (DG HOME and JRC), and the General Secretariat of the Council, including the EU Counter Terrorism Coordinator's office.

The Hub Team has mapped relevant ongoing and planned projects at the Agencies' level in the internal

security domain. It has also set-up a digital platform to exchange and disseminate information among the Hub Team members. The Hub team has, furthermore, developed an operational and financial model which describes the principles for operational work of the Hub (priority setting, modalities of activities, project implementation, principles for the financing of projects), which was endorsed by COSI in May 2021 together with a governance model. In addition, the Hub Team is in the process of developing its digital identity and an internet website to inform the interested stakeholders and the public on Hub's activities.

Moreover, members of the Hub Team agreed to work on five pilot projects to show concrete results for the Hub in the absence of dedicated sources of funding to carry out projects and activities.

Europol proposed and developed the concept of the Hub in close cooperation with other Agencies. It hosts the secretariat (Hub Team) and has dedicated staff organising and chairing all meetings of the Hub, coordinating the preparatory and follow-up work, as well as preparing documents and reports. In addition, Europol is leading the project “AP4AI” (Accountability principles for Artificial Intelligence) supported by Eurojust, FRA, CEPOL and EASO. The project aims to create an accountability framework for security and justice practitioners including Law Enforcement Agencies to capitalise on Artificial Intelligence capabilities, whilst demonstrating accountability and assuaging societal concerns about their use. The main output of this project will be a toolkit for security and justice practitioners to auto-evaluate future AI systems in light of the accountability principles.

eu-LISA has been actively contributing to the work of the Hub since its inception. The Agency led the development of the operational and financial model of the Hub and provided its expertise in defining the Hub’s other cooperation modalities. In the framework of the Hub, together with partners Frontex and Europol, eu-LISA is leading one of the five pilot projects selected by the Hub Team – “AI initiatives in ETIAS”. With ETIAS being one of the first use cases where AI will be applied within systems managed by eu-LISA, the two-part project aims to conduct a feasibility study on AI for risk profiling, and to examine how AI can support the analysis of the information to be collected in central repository for reporting and statistics CRRS. In addition, eu-LISA is supporting the Hub’s work by providing its Extranet space for a repository for collaborative work between members of the core team. eu-LISA has also committed to deploy one staff member to support the work of the Hub.

FRA is dedicated to working together with other JHA Agencies in the context of the EU Innovation Hub for Internal Security to develop technical solutions in compliance with fundamental rights. For example, throughout 2021, FRA provided support from a fundamental rights perspective to projects related to artificial intelligence (AI) and biometrics, led by Europol and Frontex. FRA is contributing to the project “Accountability principles for AI” managed by Europol and supported by Eurojust, i.a. by organising an expert meeting with fundamental rights experts. FRA experts also provided some input to the Frontex projects “Technology foresight on biometrics for the future of travel”, and “Pilot Project for Entry and Exit systems, border processes and technology solutions. In its activities to support the work of the Hub, FRA aims to ensure that fundamental rights are factored in throughout the innovation process by providing expert advice and bringing in evidence from its available research findings.

Frontex has strongly supported the establishment of the Hub with both financial and human resources contributions. In 2021 the Agency was in the lead of two out of the five Hub’s projects: The Technology Foresight on Biometrics and the Entry-Exit System Pilot Project. The Agency has already allocated in the 2022 annual work plan budget for a fully dedicated research and innovation project.

Finally, EMCDDA has also been heavily involved in the development of the concept and the modalities of work for the Hub team and contributed to all the Hub meetings since its inception. EMCDDA provided its expertise in areas related to innovation and research in the drugs field. The Agency contributes together with JRC and Europol to the pilot project ‘EU-coordinated Darknet monitoring to counter criminal activities’, which aims to develop a flexible online multi-user software framework for monitoring Darknet criminal activities, including the online drug markets.

6.3. EMCDDA – Assessing the implications of recent developments in Afghanistan on international drug markets: How can we be better prepared?

On 16 September 2021, the EMCDDA convened an expert meeting to gather knowledge on the recent developments in Afghanistan and their implications for drug markets. The meeting was attended by key international partners with knowledge on Afghanistan, including the UNODC and the US Department of State. The meeting was supported by

Europol and Frontex and resulted in a restricted briefing for EU policy makers.

This activity is an example of the ability of JHA Agencies to work together and rapidly produce a timely policy briefing on an emerging issue of critical importance.

6.4. CEPOL offering EMCDDA space in its Learning Management System

Starting in 2021, CEPOL offered EMCDDA the opportunity to have a dedicated space („tenancy”) within its Learning Management System LEEEd, to store content and run own training activities there.

The aim of this project is to ensure autonomy to EMCDDA to manage their own learning content and add on to the content based on their needs and are able to independently operate their own sites but report any issues to CEPOL who is contracted to the service provider. Preparations are progressing well.

6.5. Joint work of EIGE and FRA on violence against women

To support the efforts to eliminate violence against women, FRA and EIGE cooperate in providing data and expertise. In 2021 FRA and EIGE started preparations for a joint FRA-EIGE survey to collect data on violence against women in those EU Member States that are not taking part in the Eurostat-led data collection on gender-based violence against women. By combining data from the FRA-EIGE survey with the Eurostat-led project on gender-based

violence against women, FRA and EIGE will be able to examine the situation across the EU and compare it with FRA data from 2012. A joint FRA-EIGE report is planned for 2024. To mark the International Day for the Elimination of Violence against Women, [EIGE and FRA issued a joint statement](#) calling on the EU and all Member States to double their efforts to protect women's rights with concrete action.

6.6. Eurojust and Europol efforts to reinforce the communication on EMPACT

At the end of 2020, the Council issued a Roadmap on the implementation of the recommendations of the independent evaluation of the EU Policy Cycle 2018-2021. In this context, Eurojust was mandated to lead, with the assistance of Europol, the implementation of recommendation 5.4 *Enhancing awareness of national prosecutors*.

Among the various communication activities that took place in 2021 to implement the recommended actions (more specifically, launching a communication campaign targeting national judicial actors to promote the benefits of EMPACT; holding an informative presentation of EMPACT to the College of Eurojust and the European Judicial Network (EJN) plenary meeting), Eurojust hosted a [webinar titled 'Prosecuting with EMPACT' on 8 September](#). Representatives from Eurojust, Europol and the European Commission (DG HOME), presented various aspects of EMPACT and the possibilities for prosecutors to work with the EMPACT framework, including

a specific Eurojust EMPACT case, future plans for EMPACT and the practicalities of handling EMPACT cases at Eurojust and Europol.

The presentation of EMPACT to the College of Eurojust took place in June, where a representative from Europol addressed the issue of the involvement of the judiciary in the process, focusing on the new EMPACT cycle.

Eurojust also presented the communication campaign at the 57th plenary meeting of the EJN, at three National Empact Coordinators (NEC) meetings, at several national events and at a JHA Agencies' meeting on communicating about EMPACT.

Overall, the campaign reached hundreds of prosecutors and judicial experts in a short period, and laid the foundation for their informed participation in the next policy cycle.

7. Priorities for 2022

In 2022, the Justice and Home Affairs Agencies' Network will be presided by CEPOL. Frontex notes with great satisfaction that CEPOL is committed to ensure

continuity with the priorities of previous presidencies, including digitalisation and the green transition.

A. Implementation of recommendations of the 10-years assessment report

CEPOL shall chair the JHAAN for the second time after 2013. The 2022 CEPOL Presidency shall be the first one operating after the endorsement of the 10-years assessment report of the Network. We

will thus focus on implementing the relevant recommendations of this report, in particular establishing close cooperation with the other members of the first Trio, i.e. EASO and eu-LISA.

B. Continuity of established practices

CEPOL will hold the regular three contact point meetings of the Network. In the spirit of the assessment report, one meeting is planned for on-line. CEPOL will also hold the annual Heads of JHA Agencies meeting. CEPOL will hold at least 1 meeting for each of the established working groups with a rotating presidency, i.e.

- Data Protection WG
- Communications WG
- External Relations WG
- ICT & Cybersecurity WG

CEPOL will also organise the annual meeting of the Training WG, being the permanent chair of the WG under the Assessment Report.

Should the pandemic situation allow, most meetings are planned to take place in a physical format at CEPOL HQ in Budapest, while in some cases on-line formats will still be used. Ad hoc on-line meetings may be organised if need be. The meeting calendar with tentative dates will be communicated in early 2022.

CEPOL will prepare, update and coordinate all regular network products and reporting tools. Running an inclusive Presidency, CEPOL does rely on the active contribution of the other JHA Agencies being members of the Network.

C. Three thematic priorities

Based on the activities of the Network so far under the umbrellas of **Digitalisation and Green Issues**, CEPOL will further elaborate on these topics, emphasizing certain aspects thereof. In particular, digitalization will be looked at from the perspective of electronic training, learning and capacity building, while green issues will be discussed in the context

of the implementation of the JHAAN Joint Statement on the EU Green Deal. In addition, CEPOL will also devote some activities of the Network to the issue of **cooperation of JHA Agencies with third countries**, with special emphasis on capacity building activities under the current MFF.

D. Training as an overall priority

As training is the core of CEPOL's mandate, the Agency will put a high emphasis on different aspects of training of inter-agency relevance in the JHAAN context. Digitalisation, training needs around

digital skills, primarily for law enforcement, will be given an emphasis in this respect, too.

Annexes

Annex I – Joint Statement on the EU Green Deal 38

Annex II – Contribution to the Conference on the Future of Europe 40

Annex III – RELEX Infographic 43

Annex IV – EMPACT Infographic 44

Annex V – Assessment Report 53



JOINT STATEMENT BY THE HEADS OF JHA AGENCIES ON THE EU GREEN DEAL

Recognising the complexity of the environmental challenges we face and the effects that environmental deterioration has, and will continue to have, both on our work and on all of us as individuals;

Acknowledging that the transition to a green, sustainable, climate-neutral and inclusive European Union is the key priority for the years to come;

Fully aware of the increasing presence and undeniable importance of environmental issues in the area of justice and home affairs, and the challenges that climate change poses for the security of the EU;

Recalling the growing focus on sustainable, green approach in research and innovation;

The Justice and Home Affairs Agencies, within their respective mandates, are committed to continue their efforts to:

1. contribute to the implementation of the European Green Deal and future Green Priorities in close cooperation with EU Institutions;
2. pay particular attention, in cooperation with academia, expert organisations in the field and relevant agencies' stakeholders, including civil society, to challenges posed to EU policies in Justice and Home Affairs by climate change;
3. continue fighting environmental crimes (which includes marine pollution, illicit waste trafficking and wildlife trafficking amongst others) and crimes that negatively affect the environment, such as drug production, in particular within the framework of EMPACT;
4. identify and implement, where possible, green procedures and solutions aiming at reducing the Agencies' negative impact on the environment;
5. promote and raise awareness of available environmentally-friendly approaches and practices, as well as support green grassroot initiatives among the staff of the Agencies.

Done in Warsaw on 22 November 2021

Nina Gregori

*Executive Director of the European
Asylum Support Office (EASO)*

Michael O’Flaherty

*Director of the European Union
Agency for Fundamental Rights (FRA)*

Fabrice Leggeri

*Executive Director of the European
Border and Coast Guard Agency
(FRONTEX)*

Ms Catherine De Bolle

*Executive Director of the European
Union Agency for Law Enforcement
Cooperation (EUROPOL)*

Carlien Scheele

*Director of the European Institute
for Gender Equality (EIGE)*

Detlef Schröder

*Executive Director of the European
Union Agency for Law Enforcement
Training (CEPOL)*

Alexis Goosdeel

*Director of the European
Monitoring Centre for Drugs and
Drug Addiction (EMCDDA)*

Krum Garkov

*Executive Director of the European
Union Agency for the Operational
Management of Large-Scale IT
Systems in the Area of Freedom,
Security and Justice (eu-LISA)*

Ladislav Hamran

*President of the European Union
Agency for Criminal Justice
Cooperation (EUROJUST)*



CONFERENCE ON THE FUTURE OF EUROPE

Contribution of the undersigned Agencies

Justice and Home Affairs Agencies believe that they can greatly contribute to the future prosperity of Europe and well-being of its citizens by building and strengthening further, in close cooperation with the EU Member States, the common area of freedom, security and justice. Considering the Future of Europe Conference, the Agencies wish to highlight areas that, in their view, are vital for their effective future cooperation and proper implementation of their respective mandates, both as individual Agencies and as members of the JHA community.

The voice of JHA Agencies aims to supplement the ongoing debate within the Future of Europe Conference and add the Agencies' view to contributions of the civil society and other entities involved. It is an invitation to further thematic, future-oriented discussions.

The Agencies stress that they cooperate very closely and recognize that the depth of contacts and cooperation between JHA Agencies is unique. The Justice and Home Affairs Agencies' Network that has been in place for over 10 years has contributed to this very advanced level of cooperation and outstanding team spirit. Nevertheless, new challenges driven by crime, environmental deterioration, technological revolution, and geopolitical developments, including hybrid threats, call for even deeper involvement and improvements in ways the JHA community operates.

Improvements in the identified domains can be supported by the Agencies themselves but first of all require drive and leadership of respective EU Institutions.

The Agencies believe that, to fully realise their potential, they need to become more:

Cooperative

Cooperation frameworks between the agencies deserve further attention in order to simplify and facilitate various forms of joint action and information exchange.

In the same vein, synergies should be built between the Agencies and national authorities, creating one ecosystem. In this spirit, the Agencies welcome initiatives designed to foster cooperation between relevant national authorities. The relevant EU Agencies should be considered a part of this overarching approach, as they support and complement the activities of national authorities with their unique capabilities and tools. Any future framework should be designed to link not only national authorities, but also include and build synergies with the respective EU actors. The plan to strengthen the Schengen area is an example of this comprehensive approach to mobility and security.

Connected

Major progress has been achieved in ensuring the interoperability of different EU information systems, thus enhancing internal security in the Member States to the benefit of all citizens. Digitalisation of border protection, law-enforcement and justice are vital to achieve a fully-fledged and effective area of freedom, security, and justice.

Information exchange and coordination of activities between the Agencies also require unified, interoperable, and secure communication tools. The COVID–19 pandemic clearly showed the need for new, better coordinated solutions. On-line platforms and channels are essential for various purposes, ranging from the exchange of strategic and operational information, holding on-line events to efficient and secure coordination of officers deployed on the ground. Modern digital tools, secure videoconferencing, interoperable databases, and cloud solutions would be instrumental in facilitating cooperation of the entire JHA community, enabling the exchange of both classified and non-classified information. The EU agencies should be at the forefront of applying cutting-edge solutions in this domain, in the spirit of the Digital Compass. The solutions should be chosen and applied by the Agencies in a coordinated and interoperable way.

Science-driven

Research and innovation shall remain important drivers for the JHA Agencies, providing them with the necessary knowledge and effective tools to implement their mandates. The JHA community should not only be a receiver of off-the-shelf products but be able to inspire industry and academia to seek solutions needed for their work. Their research and innovation activities should be supported with adequate funding and EU research programmes should benefit, as much as possible, from the Agencies' expertise and reflect their needs. The EU Innovation Hub for internal security has the potential to be a remarkable initiative aimed at providing a joint EU platform to support the delivery of innovative cutting-edge products for the security of citizens in the EU.

Increased focus on analysis and deeper relations with academia would further support effective, well-planned, and properly targeted work of the Agencies. Training and learning remain essential and need to build on scientific research.

Artificial Intelligence can offer great ways of making the Agencies more effective and capable. This developing field of technology deserves proper attention, interest, and training, also with the view of ensuring that its use fully reflects the EU standards on fundamental rights and data protection.

Better support decision-making

The Agencies frequently support the European Institutions with their knowledge, data, and expertise. The Agencies' thematic reports, statistical data, and analysis support policy-making and provide the necessary background for various strategic initiatives, such as policy cycles on organized crime or on integrated border management. Nevertheless, the Agencies believe they could increase their contribution, supporting evidence-based policy-making and legislation more actively. They could, to a greater extent, contribute to the process as practitioners, who will later apply various legal solutions, use databases, or operate information systems designed at the EU level.

Visible and accountable

The Agencies are often – for both, respective expert communities, and ordinary citizens – the emanation of the European Union and embodiment of the European values and policies. Key European principles, in particular the promotion of and respect for Fundamental Rights and gender equality, will continue guiding the Agencies' activities. The activities should remain characterized by the highest level of commitment and professionalism. The Agencies' contribution to the EU functioning should be made increasingly visible to European citizens. Transparency and accountability shall remain central in building a closer relationship between the Agencies and the wider public.



Supportive to external action

The Agencies play an instrumental role outside the EU, supporting and implementing various EU policies, be it with operational activities, capacity-building projects or support to EU Common Security and Defence Policy missions. This contributes to European security, strengthens the EU's partnerships with third countries and serves the implementation of the EU's interests in the context of external action. The JHA Agencies could become an even stronger player in EU's contribution to capacity building activities in and overall support to third countries, therefore building mutually beneficial partnerships.

European Union Agency for Law Enforcement Training (CEPOL)

European Asylum Support Office (EASO)

European Institute for Gender Equality (EIGE)

European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)

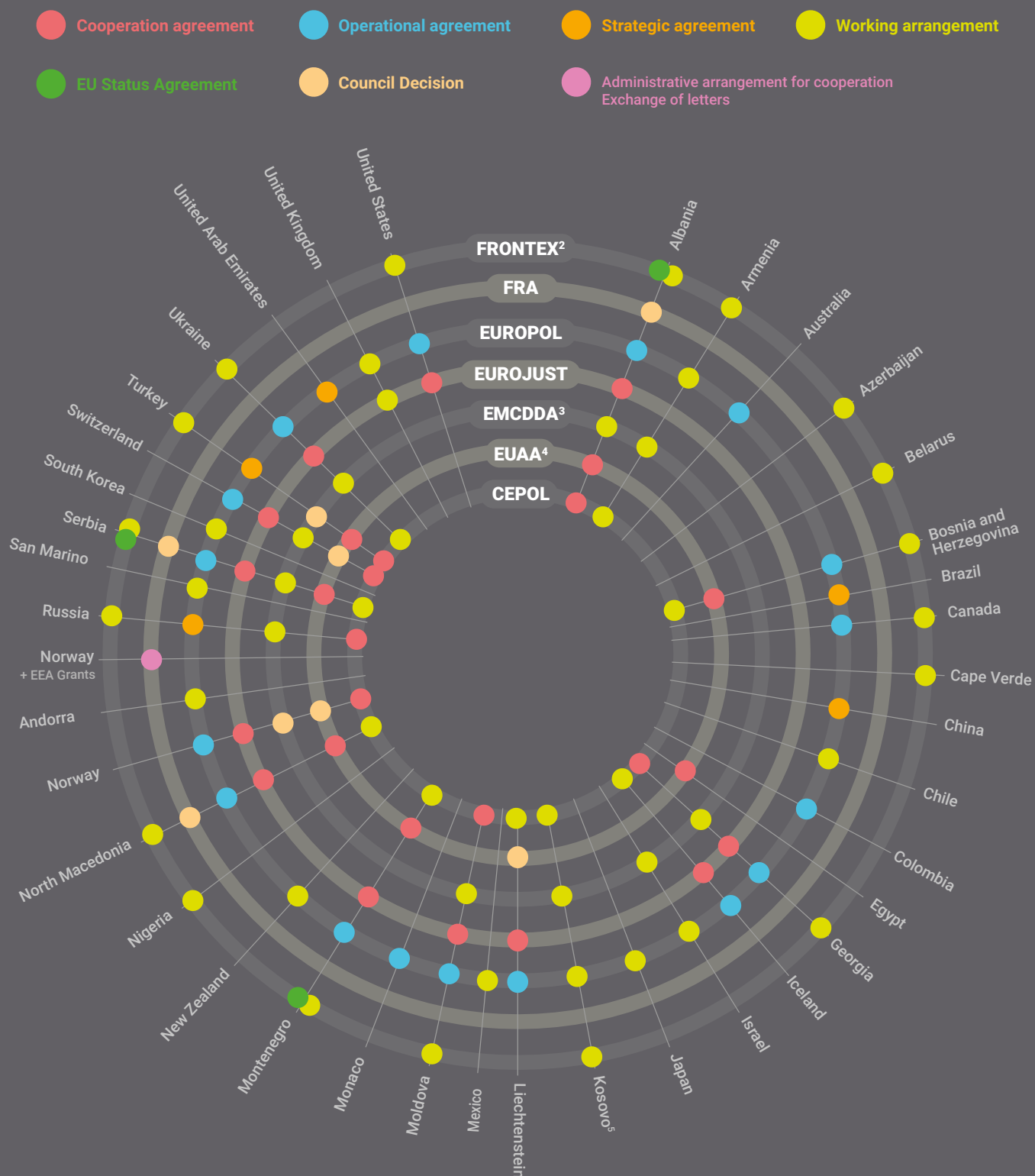
European Union Agency for Criminal Justice Cooperation (Eurojust)

European Union Agency for Law Enforcement Cooperation (Europol)

European Border and Coast Guard Agency (Frontex)

Justice and home affairs agencies

Cooperation instruments with third countries¹



¹ This infographic portrays different types of agreements concluded by the agencies with third countries. It does not cover other types of cooperation, such as capacity building projects.

² For Frontex, States participating in the Schengen *acquis* are not considered third countries.

³ Regulation 2021/2303 on the European Union Agency for Asylum transforming EASO into the EUAA entered into force on 19 January 2022.

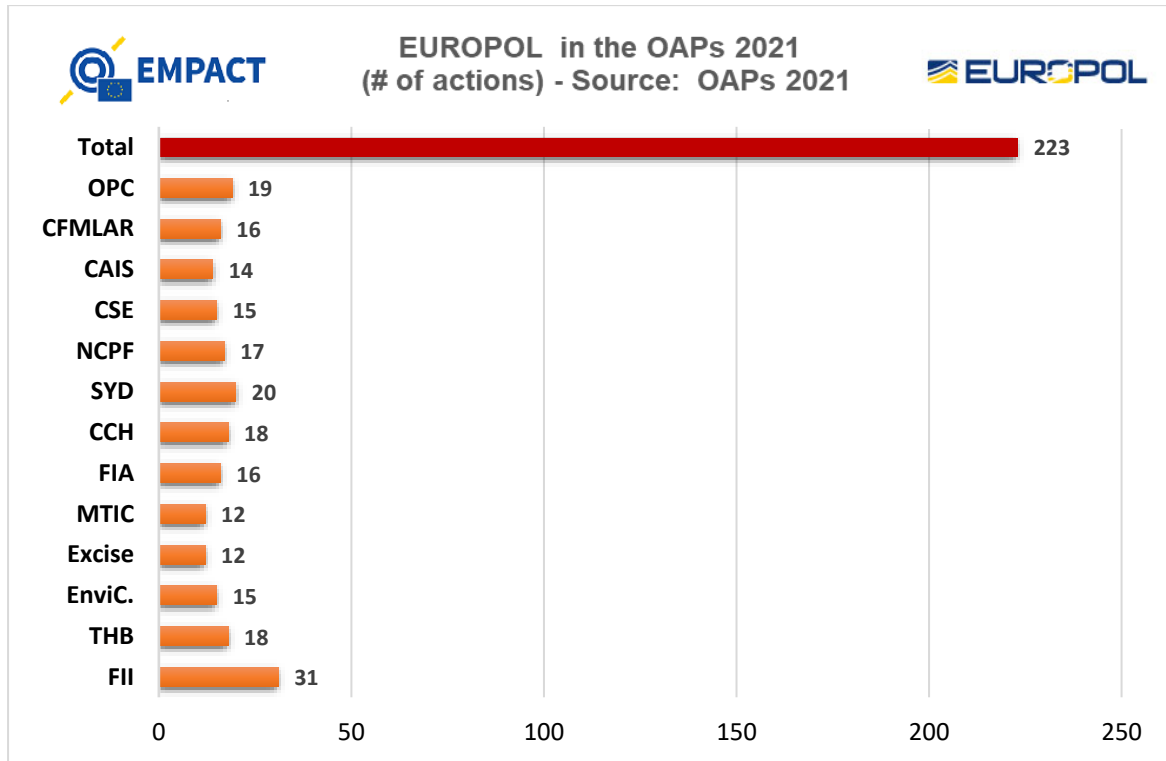
⁴ For the EMCDDA, up to 2015, the terminology used for the existing instruments was Memorandum of Understanding.

⁵ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo Declaration of Independence.

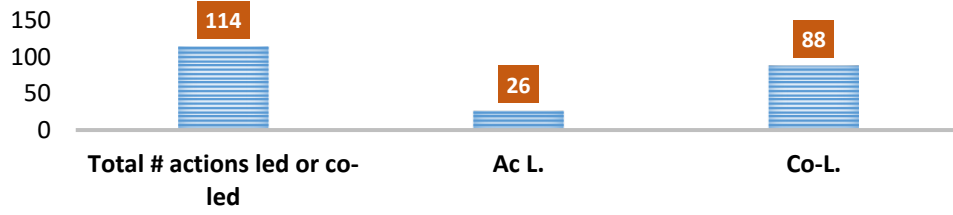
EU COM AND EU AGENCIES INVOLVEMENT IN OAPs 2021

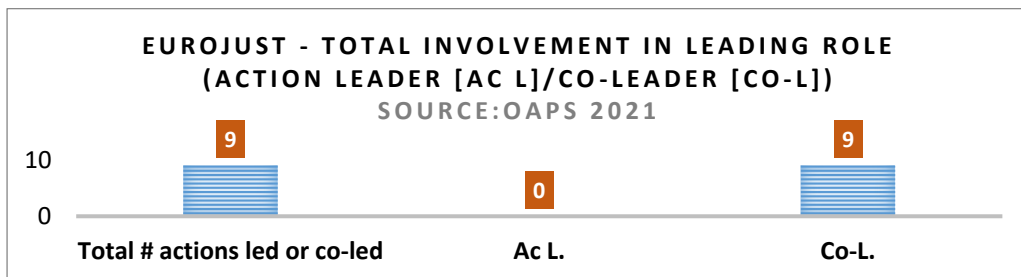
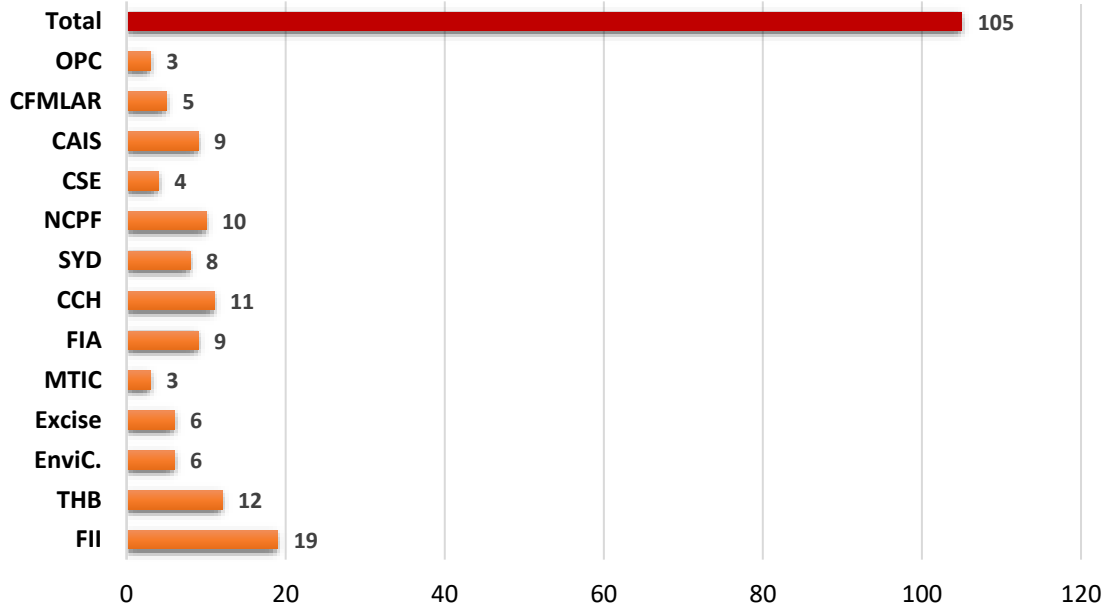
The priorities are abbreviated as follows :

- CAIS:** Cybercrime Attacks Information Systems
- CCH:** Cannabis, Cocaine and Heroin
- CFMLR:** Criminal Finances, Money Laundering and Asset Recovery
- CSE:** Child Sexual Exploitation
- Envic.:** Environmental Crime
- Excise:** Excise fraud
- FIA:** Firearms
- FII:** Facilitated Illegal Immigration
- MTIC:** MTIC fraud
- NCPF:** Non-cash Payment Fraud
- OPC:** Organised Property Crime
- SYD:** New Psychoactive Substances and Synthetic drugs
- THB:** Trafficking of Human Beings.



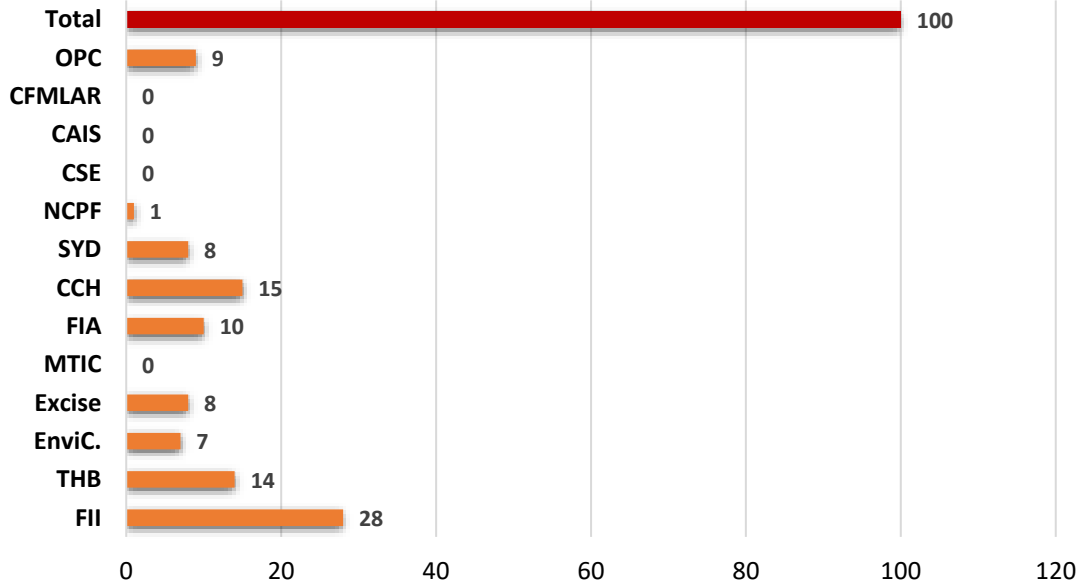
**EUROPOL - TOTAL INVOLVEMENT IN LEADING ROLE
(ACTION LEADER[AC L]/CO-LEADER[CO-L])**
SOURCE:OAPS 2021





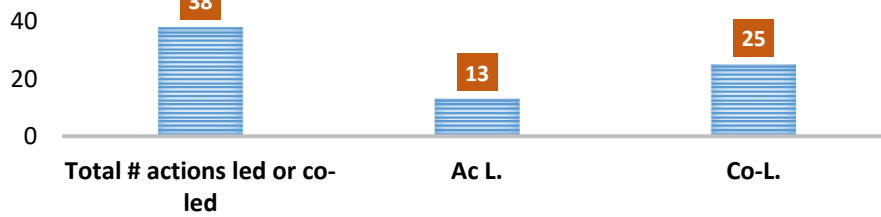


FRONTEx in the OAPs 2021 (# of actions) - Source OAPs 2021



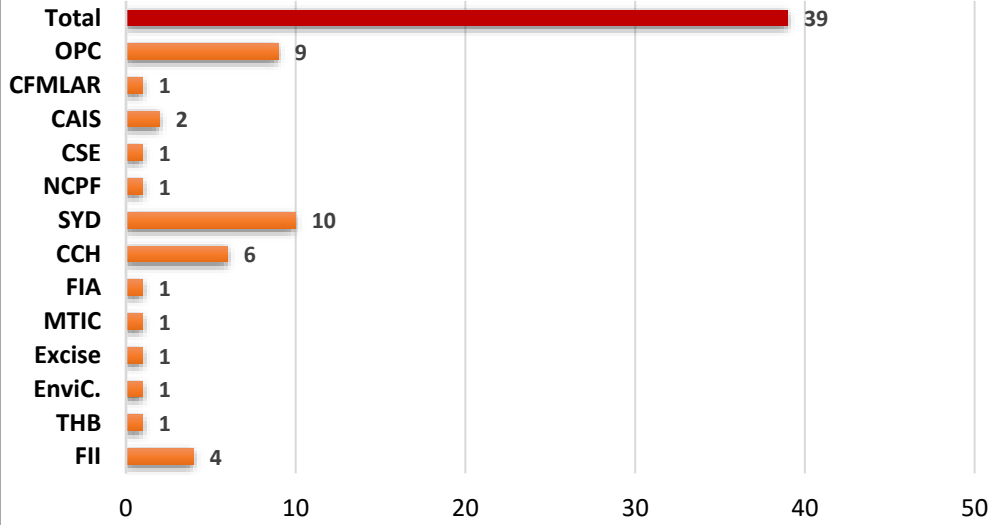
FRONTEx - TOTAL INVOLVEMENT IN LEADING ROLE (ACTION LEADER [AC L]/CO-LEADER [CO-L])

SOURCE: OAPS 2021

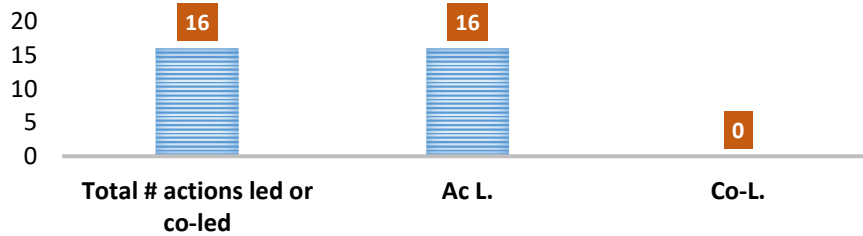


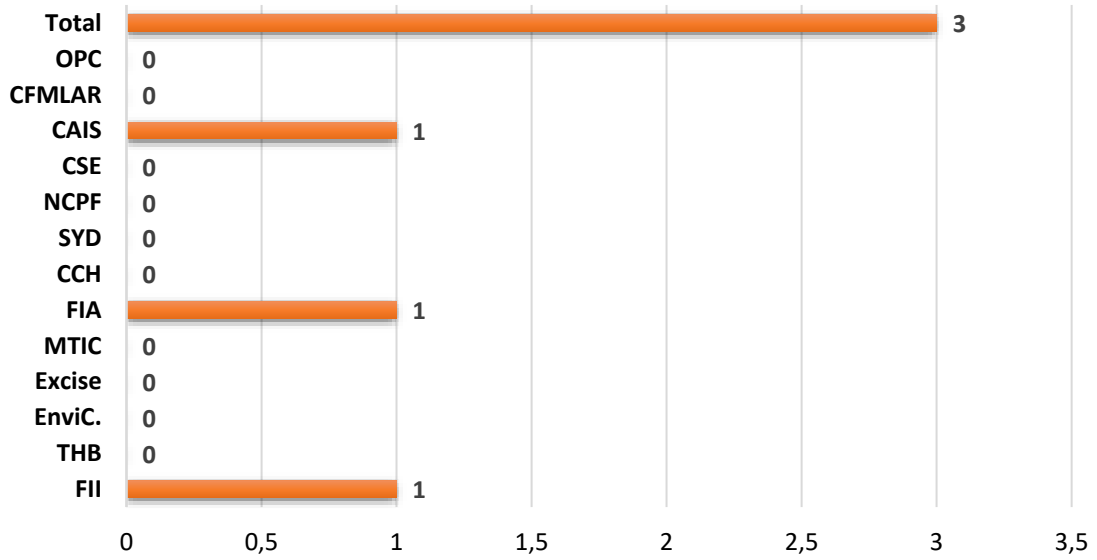


CEPOL in the OAPs 2021 (# of actions) - Source OAPs 2021

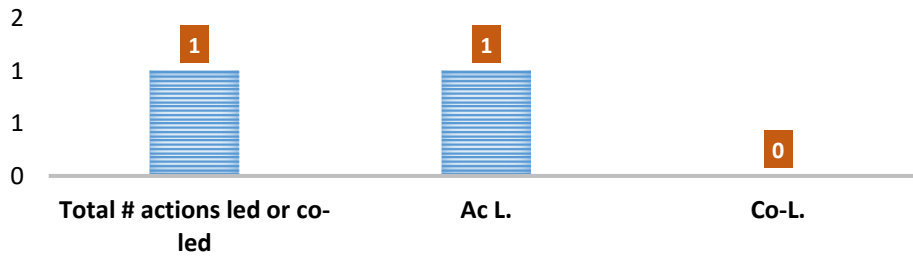


CEPOL - TOTAL INVOLVEMENT IN LEADING ROLE (ACTION LEADER [AC L]/CO-LEADER [CO-L]) SOURCE:OAPS 2021

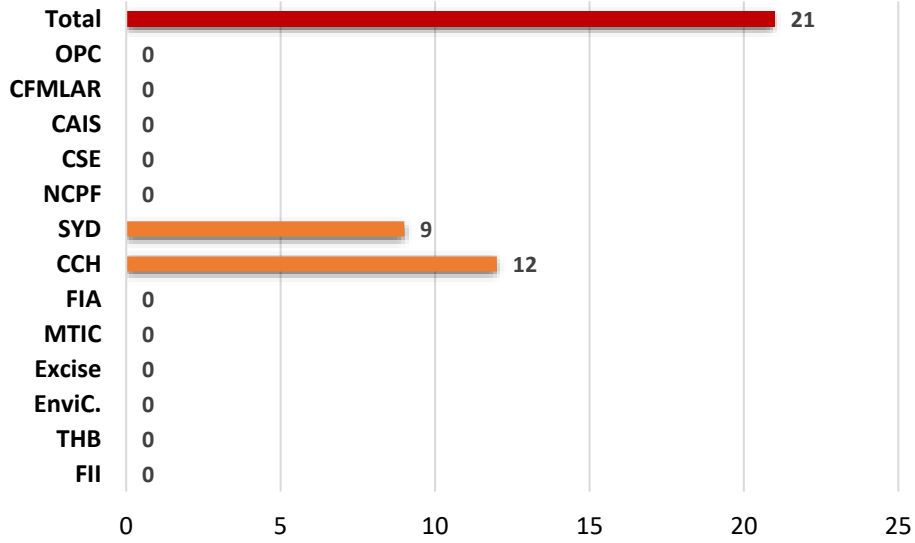




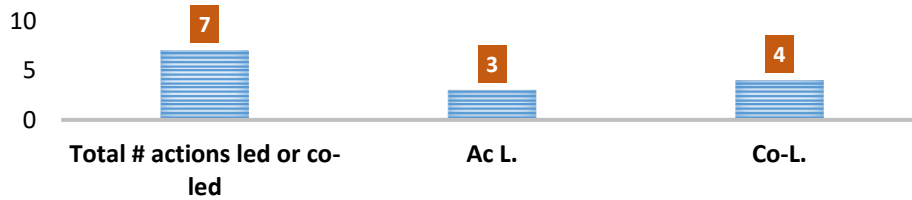
EU-LISA - TOTAL INVOLVEMENT IN LEADING ROLE
 (ACTION LEADER [AC L]/CO-LEADER [CO-L])
 SOURCE:OAPS 2021



EMCDDA in the OAPs 2021
 (# of actions) - Source OAPs 2021

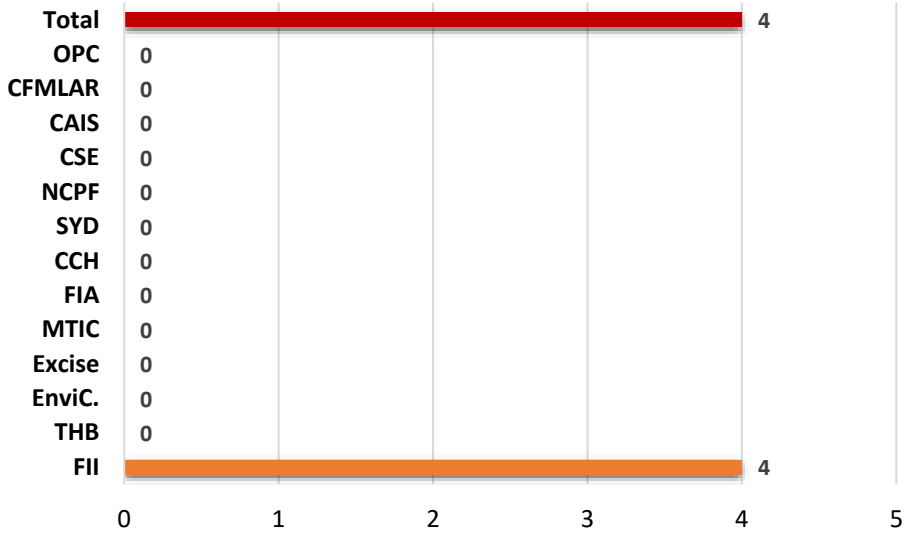


EMCDDA - TOTAL INVOLVEMENT IN LEADING ROLE
 (ACTION LEADER [AC L]/CO-LEADER [CO-L])
 SOURCE:OAPS 2021

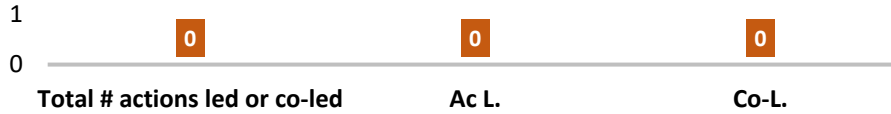




EASO in the OAPs 2021 (# of actions) - Source OAPs 2021



EASO - TOTAL INVOLVEMENT IN LEADING ROLE (ACTION LEADER [AC L]/CO-LEADER [CO-L]) SOURCE:OAPS 2021



Assessment of the **Justice and Home Affairs Agencies' Network**

Report 2021



Table of Contents

Executive summary 2

Acronyms 3

Introduction 4

I. Key achievements of the Network 5

II. Methodology of the Network's assessment 10

III. JHA Agencies in the Presidency of the Network 11

1. Trio Presidency Coordination 11

2. Annual JHAAN activities and reporting 13

3. Resources 14

4. Working Groups 14

IV. JHA Agencies as members of the Network 19

1. Raising awareness of the JHAAN and its activities 19

2. JHAAN joint products 20

V. Relations with stakeholders and partners 21

VI. Role of the Network and its long-term plan 24

Executive summary

With the Justice and Home Affairs Agencies' Network (JHAAN) celebrating its **10-year anniversary** in 2020, the nine Heads of the JHA Agencies sought an assessment of the Network's achievements and working methods.

The Network was found to be a very good platform for working-level coordination. It allows for concerted and focused actions on chosen thematic priorities, such as trafficking in human beings, digitalisation, information exchange and joint strategic reflection. The joint activities and the valuable documents produced by the Network support the Agencies' efforts in developing the area of freedom, security, and justice.

The assessment included a quantitative analysis of the overall organisation of the Network and a quality-based reflection on its practical organisation and content. This report highlights the main outcomes of this process. It provides an overview of the key achievements of the Network as well as

observations regarding the Network's format and functioning, so it can be strengthened to make it even more effective.

The report includes a set of concrete, focused recommendations, including:

- Establishment of a TRIO Coordination,
- Ensuring adequate budgeting and human resources,
- Adopting new guidelines for the establishment and functioning of working groups and thematic expert meetings,
- Strengthening cooperation with key stakeholders such as the European Parliament and the Council.

The assessment report was endorsed by the Heads of JHA Agencies on 22 November 2021.

Acronyms

AWP	Annual Work Programme	EU-RTF	European Union Regional Task Force
CEPOL	European Union Agency for Law Enforcement Training	EU SatCen	European Union Satellite Centre
COSI	Committee on Operational Cooperation on Internal Security	EUAN	EU Agencies' Network
GSC	General Secretariat of the Council	EUISS	European Union Institute for Security Studies
DG ECHO	Directorate-General for European Civil Protection and Humanitarian Aid Operations	Eurojust	European Union Agency for Criminal Justice Cooperation
DG HOME	Directorate-General for Migration and Home Affairs	Europol	European Union Agency for Law Enforcement Cooperation
DG JUST	Directorate-General for Justice and Consumers	FRA	European Union Agency for Fundamental Rights
EASO	European Asylum Support Office	Frontex	European Border and Coast Guard Agency
EEAS	European External Action Service	FTE	Full-time equivalent
EIGE	European Institute for Gender Equality	ICT	Information and Communication Technologies
EJTN	European Judicial Training Network	Interpol	International Criminal Police Organization
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction	IOM	International Organization for Migration
EMPACT	European Multidisciplinary Platform Against Criminal Threats	IPA	Instrument for Pre-Accession Assistance
EMSA	European Maritime Safety Agency	IT	Information Technology
ENP	European Neighbourhood Policy	JHA	Justice and Home Affairs
EPPO	European Public Prosecutor's Office	JHAAN	Justice and Home Affairs Agencies' Network
ERCC	Emergency Response Coordination Centre	LIBE	Committee on Civil Liberties, Justice and Home Affairs
ESDC	European Security and Defence College	PAD	Public Access to Documents
eu-LISA	European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice	RELEX	External Relations Working Group
		SPD	Single Programming Document
		SSO	Shared Support Office
		THB	Trafficking in human beings
		UNHCR	United Nations High Commissioner for Refugees

Introduction

In May 2010, COSI agreed on a new approach for ensuring cooperation between JHA Agencies.¹ The accompanying final report,² drafted jointly by CEPOL, Eurojust, Europol and Frontex, laid out a set of actions, which became the foundation of JHAAN. The Network continued to grow, and since 2012 it has comprised nine EU Agencies: [CEPOL](#), [EASO](#), [EIGE](#), [EMCDDA](#), [eu-LISA](#), [Eurojust](#), [Europol](#), [FRA](#) and [Frontex](#). Its main objective is to increase inter-agency cooperation and explore synergies in areas of common interest within JHA area.

In 2020, marking the 10-year anniversary of the Network's existence, the Heads of JHA Agencies agreed that a thorough reflection on the functioning and the value of the Network should be conducted and a discussion concerning the future of JHAAN should be held. In 2020, during the Presidency of Eurojust, JHAAN agreed on a concept, a methodology and a timeline to conduct the assessment. Due to the COVID-19 pandemic, the work of the Network in 2020 was readjusted and the timeline for concluding the assessment was moved under the Frontex Presidency in 2021. The following analysis presents JHAAN's key achievements and challenges from 2010 to 2021 and sets out a list of recommendations to further improve the functioning of the Network.

-
- 1 Ensuring consistency of action in the light of the joint report on cooperation between JHA Agencies, Council of the European Union, 9441/2/10 REV 2, 26 May 2010.
 - 2 Final report on the cooperation between JHA Agencies, Council of the European Union, 5816/10 JAI 87 COSI 2, 9 April 2010.

I. Key achievements of the Network

The past 11 years of JHAAN's existence are an opportunity to reflect on the work done and how to further improve the functioning of the Network. The analysis of previous Final Reports and Scorecards (documents prepared on an annual basis by JHAAN Presidencies) allowed to collect examples illustrating over a decade worth of work in different areas. Exercising this result-based approach showcases the value of the Network in enhancing inter-agency cooperation.

The added value of the Network is highlighted by the mechanisms it has created, which have not only improved the general coordination and governance of the Network but, most importantly, further strengthened and facilitated multilateral cooperation among its members.

The Presidency of the Network rotates among the nine Agencies every year. From 2010 onwards, JHAAN has held annual meetings of the **Heads of the Agencies** and, regularly met on working level among the **Contact Points**. Additional channels for cooperation and discussions have been established through thematic **Working Groups**. Focusing on the existing challenges and possible solutions in their area of expertise the Working Groups allow to exchange views on the latest developments and discuss issues of shared interest. For example, in 2019, the discussions carried out by the Data Protection

Working Group after the adoption of the new *Data Protection Regulation for EU institutions, bodies, offices and Agencies* (Regulation 2018/1725) facilitated the cooperation with data protection authorities as regards the processing of operational data. The External Relations Working Group (RELEX) allows, among other things, to explore synergies and collaboration between Agencies implementing capacity building projects in third countries (e.g. via IPA and ENP funds) and facilitating exchange on good practices in relation to cooperation with third countries in the JHA area.

Throughout the last ten years, the Network has created tools and products which keep track of and facilitate the Agencies' and the Networks' day-to-day and long-term activities. Since 2010, the Network has been preparing and presenting to COSI its annual **Final Report** that summarises the implementation of the Network's priorities and activities agreed for a given year and sets the priorities for the next one. In addition, the ongoing bilateral and multilateral cooperation activities among JHA Agencies are included in the **Scorecard** that is prepared on annual basis - a document that keeps all Agencies aware of the ongoing and completed multilateral and bilateral activities.

Networks' highlights



○ —————
YEARLY MEETINGS OF HEADS OF AGENCIES



○ —————
**YEARLY PRESENTATION OF FINAL REPORTS
TO COSI**



○ —————
7 JOINT STATEMENTS



○ —————
9 JOINT PAPERS



○ —————
21 SEMINARS & CONFERENCES

In order to further enhance the collaboration between the Agencies in specific areas of common interest, the Heads of JHA Agencies issue Joint Statements which outline shared priorities. The Agencies reflect the guidance included in the Joint Statements in their activities. The following Joint Statements have been adopted so far:

- Joint Statements on the common work against Trafficking in Human Beings (2011, 2018),
- Joint Statement on zero tolerance for sexual harassment (2017);
- Joint Statement on the Charter on Fundamental Rights (2019);
- Joint Statement on Diversity and Inclusion (2019).

Moreover, in 2020 the Agencies' Data Protection Officers adopted a Joint Statement on the data protection implications of the COVID-19 crisis.

In addition to the joint statements by the Heads, the Network issues joint documents, such as the 2014 paper titled *From strategic guidelines to actions: the contribution of the JHA Agencies to the practical development of the area of freedom, security and justice in the EU*. The document outlined the role of JHA Agencies in the development of the area of freedom, security, and justice.

Through increased multilateral cooperation and coordination of activities, JHAAN has accomplished significant achievements in specific thematic areas.

Operations in the JHA domain are highly data-driven, thus the exchange of information is significant. One of the examples of a successful inter-agency cooperation around **data sharing** was the involvement in the European Commission-led Information

Mapping Project Team, which in 2011 reviewed the legal aspects, communication channels, information flows and IT aspects of cross-border law enforcement data sharing. The continuously improving and well-established regular exchange of data and information among Agencies to support each other's early warning and risk analysis as well as other analytical work is also an important achievement.

The Network has been actively cooperating as regards **trafficking in human beings** – a topic relevant to the mandates of most of the Agencies, whose representatives actively participate in meetings organised by the EU Anti-Trafficking Coordinator. One of the key instances of multilateral cooperation is the 2015 joint pilot project for data gathering on facilitators of smuggling and trafficking in human beings³. In 2021, JHAAN published a joint report on the identification and protection of victims of human trafficking on the occasion of the EU Anti-Trafficking Day. The report responds to one of the key actions of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 and serves as a key reference document for national authorities engaged in tackling human trafficking.

JHAAN provides a forum for cooperation in other specific **crime areas** such as combating organised crime, drug trafficking or terrorism. Operational cooperation was further strengthened by many instances of collaboration between the Agencies, including but not limited to the development and improvement of key indicators on drugs supply (2013) and the implementation of the EU Policy Cycle for organised and serious international crime, which allow for the regular exchange of intelligence, situational awareness and risk analysis.

3 Participating Agencies: EASO, Frontex, CEPOL, Europol, Eurojust

A significant part of the inter-agency cooperation has been policy-driven operational cooperation in the areas of **migration** and internal security. This includes the establishment of the EU Regional Task Force (EU-RTF) in Catania, Italy⁴ and in Piraeus, Greece (2015)⁵ as well as the mapping of the data collection and information exchange tools and reports developed by each Agency in the area of asylum, migration and border management (2016).

In order to strengthen the Agencies' ability to fulfil their objectives, both individually and as a Network, it is important to develop competences and skills for the Agencies' staff. The Network provides a unique opportunity to expand on internal **capacity building** through joint trainings and, to a limited extent, staff exchange. A good illustration of multiagency cooperation is the 2015 launch of the European Joint Master's programme.⁶ Moreover, another particularly important element of cooperation in the area of capacity building and training among Agencies is mutual support in development and delivery of training materials and training for Member States officers. The Agencies consult each other to make use of available training and/or jointly develop training materials in line with their respective mandates. Aiming at efficiency gains and savings, the Agencies continue to explore options to jointly use (digital) training and learning tools in the context of digitalisation. Finally, the Agencies aim to coordinate and mutually support each other in capacity building projects outside the EU.

JHAAN has also made strides in the area of **innovation and research**, with the EU Innovation Hub for Internal Security being a good example. This coordination mechanism aims to support sharing of information and knowledge, facilitating the setting up

of joint projects, as well as disseminating the findings and technological solutions developed by the participating innovation labs. As such it contributes to the establishment of a common innovation picture for internal security and the promotion of the alignment of innovation and security research efforts across the EU.

While implementing its activities, the Network continued to **cooperate with key stakeholders**, including various EU institutions and bodies as well as occasionally – international organisations. This is also pertinent to the meetings of JHA Agencies experts. A coordinated approach to EU institutional affairs allowed for the streamlining of exchange of information and the strengthening of the voice of JHA Agencies who are members of the Network. Continued cooperation with partners, such as EU Agencies' Network (EUAN), allowed the Network to avoid duplication of efforts and actions.

The inter-agency cooperation was tested with the challenges brought forth by the **COVID-19 pandemic**. The Agencies' individual and joint efforts to deal with the impact of the pandemic were captured in the Joint Paper on the JHA Agencies COVID-19 response. First published in July 2020 and again in January 2021 (to cover all actions taken by JHA Agencies in 2020), it describes relevant developments, including the fundamental rights implications of government COVID-19 measures, the quick adaptation of organised crime to the changing circumstances and the recent surge in drug use, domestic violence and child abuse.

Throughout its activities, the Network continues to underline its commitment to **fundamental rights and gender equality as core values of the EU**.

4 Participating Agencies: Frontex, Europol, EASO and Eurojust

5 Participating Agencies: Frontex, EASO and eu-LISA

6 Developed by Frontex in cooperation with Member States, Schengen Associated Countries and partner organisations including FRA and EASO.

As contributing to internal security and safeguarding fundamental rights remains a key element in the objectives and mandates of JHA Agencies, issues related to fundamental rights are horizontally referenced and integrated into the Network's activities. Fundamental rights mainstreaming takes place across the broader thematic priorities of the Network including through training, research, and operational activities. As a follow-up to the joint statement on the implementation of the Charter of Fundamental Rights of the European Union, in 2020 and in 2021 the JHA Agencies exchanged experiences regarding its application.

Raising awareness about the work of the Agencies and the Network both internally as well as externally is equally important from the perspective of greater visibility and synergies with stakeholders. The

results and the contributions of JHAAN should be showcased and recognised. JHAAN has continued to participate in joint awareness raising activities in the European Parliament (including the exhibitions in 2011 and 2013 displaying **EU Agencies – The Way Ahead**). In 2015 a promotional video, *Our bonds are our strength*, was produced presenting the work of JHAAN and its member Agencies. Moreover, the communication experts of all nine Agencies developed a practice of coordinating any actions related to the promotion of the Network. As a result, the communication activities not only facilitate internal work and inter-agency cooperation but also inform the public on the Agencies' mandates and the European added value the Agencies' cooperation in the JHA area.

II. Methodology

of the Network's assessment

The scope of the assessment encompassed both a quantitative analysis of the overall organisation of the Network and a quality-based reflection on the format, practical organisation and content. The data sources included replies to three questionnaires disseminated among the members of the Network as well as analysis of Final Reports, Scorecards, and other Network documents. The review has shown that the Network has a well-established foundation for cooperation. In the past 11 years the Agencies have created a common sphere of governance which aims at better alignment of planning, achieving consistency and interoperability.

The review allowed for the identification of some challenges and the areas where improvements can be sought such as ensuring adequate human and financial resources, raising awareness amongst the staff and stakeholders about the Network or harmonising the functioning of and reporting from the Working Groups. Reforms are possible if only there is the commitment and the dedication of the Contact Points, and the high-level support from the Heads of Agencies. Further growth and successful implementation of the Network's priorities can be achieved through the implementation of the recommendations set forth in the sections below.

III. JHA Agencies

in the Presidency of the Network

1. Trio Presidency Coordination

The idea of a yearly, rotating Presidency of JHA Agencies' Network was one of the key foundations for creating a functioning Network with a common sphere of governance. The Agency holding the Presidency of the Network is responsible for organising the Network's meetings, laying out the Network's thematic priorities, and coordinating the implementation of activities as set out and agreed upon by the Network's members.

The agenda and thematic priorities of the Presidency are consulted with all JHA Agencies as well as with the Network's observers, i.e. the European Commission (DG HOME and DG JUST) and European External Action Service, and finally approved by the Heads of JHA Agencies. Considering the general EU context and priorities, the Presidency may use this opportunity to focus on specific issues relevant to its mandate and distinctive responsibilities, however, making sure that they are of relevance to the entire Network.

RECOMMENDATION 1: Establishment of a Trio Presidency coordination

It is recommended to explore the modalities and functionality of a Trio Presidency format. This would allow the introduction of overarching topics pertinent to the Network and discussing them in a more thorough way. This will also facilitate long-term planning, reflect EU policy developments, ensure a smooth transition from one Presidency to the other and by consequence contribute to the agenda of the Agency that holds a presidency in a given year.

One of the possibilities for tangible long-term planning could be the Trio Presidency Programme. The upcoming Trio could explore the added value of this option at the working level and provide the following Trio with lessons learnt. Due to the Network's composition of nine Agencies, the rotating Trio will consist of the same three Agencies in the course of the three-years period. The next Presidency trio would be CEPOL, EASO and eu-LISA (2022, 2023, 2024). The following trio would consist of FRA, EMCDDA and EIGE (2025, 2026, 2027) while Europol, Eurojust and Frontex would make up the third Trio (2028, 2029, 2030).

A dedicated meeting to discuss Trio priorities will be held once a year in Q3-Q4. It will be organised by the Agency that holds the Presidency in the upcoming year, unless agreed otherwise among the Trio. The meeting will provide an opportunity to reflect on ongoing discussions and developments in EU JHA policy (relevant papers, initiatives, strategies etc.). To better align the priority topics the Network can consider involving observers and partners (such as the European Parliament, the General Secretariat of the Council, the European Commission, and the European External Action Service).

Establishment of a Trio Presidency coordination



2. Annual JHAAN activities and reporting

The Annual Heads of JHA Agencies meeting offers a possibility for a high-level strategic discussion on the Network's activities and priorities. Furthermore, the presence of the Agencies' key stakeholders at the meeting also gives an opportunity for an exchange of views between Heads of JHA Agencies and high-level observers.

The adopted approach and the number of the meetings works well and the current practice of having one meeting of the Heads of JHA Agencies and at least three meetings of the Contact Points annually should continue.

The assessment of the Network's activities underlined the added value of the working level meetings between the Contact Points. The active cooperation and communication provide a great opportunity to exchange information and learn about activities carried out by the Agencies. The working level consultation of the respective SPDs/AWPs contributes to a better understanding of the work of the Agencies and consequently results in increased opportunities for joint actions.

JHAAN annually reports to the Council (COSI) and the European Parliament (LIBE Committee) about the activities of the Network. The reports are usually elaborate and long, covering a wide range of topics.

RECOMMENDATION 2: Meetings of the Network

The agenda of the annual Heads of JHA Agencies meeting should be designed not only to facilitate formal discussions on agreed topics but also to enable a free exchange of views between the Heads of JHA Agencies.

In order to increase cost-effectiveness and limit the environmental impact, each Presidency is invited to consider the balance between face-to-face and virtual (online) meetings. It is, however, recommended that at least one meeting of the Contact Points be held in person. Additionally, it would be useful, when appropriate, to continue the practice of organising *ad hoc* online meetings as they give flexibility to the Network to discuss concrete topics or urgent issues on short notice.

RECOMMENDATION 3: Streamlining the Final Reports

The annual reporting to EU Institutions should aim to be shorter and more focused on chosen topics to foster discussion and seek political guidance from the Institutions. This would not only allow for more guided cooperation but also increase awareness about the products and achievements of the Network.

Additionally, the use of infographics and other visual material is recommended.

3. Resources

Holding the Presidency of the Network has an impact on the Agencies' resources, including human and financial. While the budget of each Presidency may vary and should be adjusted according to each Agencies' proposed programme and capabilities, the assessment identified **a minimum baseline of €5 000 as the budget for the hosting Agency in**

a given year. The preparation and the implementation of the Presidency activities is time consuming and requires input of dedicated experts. The assessment found that **the optimal solution foresees an allocation of minimum FTE to work on Presidency related matters.**

RECOMMENDATION 4: Ensuring adequate budgeting and human resources

It is recommended that the Agencies holding the Presidency allocate adequate and sufficient budget and sufficient human resources for the purpose of carrying out the Presidency of the Network and implementation of its priorities in a given year. Besides the actual year of the Presidency, resources should be allocated for the preparation (6 months prior) and reporting process (3 months after).

4. Working Groups

Cooperation within the Network facilitated meetings of experts, which allow for sharing of experiences and lessons learnt. With time, some of those meetings became more regular and gained a more formalised setting. On the other hand, for certain topics JHA Agencies' experts developed a practice to consult each other on *ad hoc* basis, for example on THB or legal matters.

While some of the topics, which are of general interest to all EU agencies, may naturally overlap with EUAN, the JHAAN experts focus on issues which are exclusive to JHA Agencies (e.g. processing of operational personal data, security of JHA IT systems, communication on EMPACT).

Following the analysis and discussions carried out during the assessment, the Contact Points agreed

that there should be two types of frameworks for experts' cooperation:

1. permanent Working Groups that meet on a regular basis (at least once a year) and
2. lists of contact points for targeted *ad hoc* cooperation/meetings.

The Contact Points agreed that the permanent Working Groups will either have a chair rotating on annual basis (in line with the Presidency rotational order) or a permanent one.

The existing formations were grouped considering their historical status, number of participating Agencies per Working Group and the regularity of their meetings to differentiate them from lists of experts to be used on *ad hoc* basis.

Working groups with a rotating chair

Working Group on Data Protection: established in 2012, following the Agencies Experts' Conference on Data Protection, it has a leading role in maintaining the closer collaboration and discussion relating to harmonisation of the rules implemented by the adoption of the new Data Protection Regulation. All JHA Agencies and relevant partners/invitees meet on regular basis.

Working Group on External Relations (RELEX): established in 2013, the objective of the group is to bring together external relations officers to exchange information and practices concerning external relations. The representatives of the European Commission and EEAS attend the meetings in observer capacity. While the group has not met regularly in the past, consultations concluded that it should be transformed into a permanent Working Group.

Working Group on Communication: with all JHA Agencies meeting within this forum since 2014, the group facilitates the coordination of inter-agencies internal and external communication.

ICT & Cybersecurity Working Group: the aim of the group is to improve the digital exchange of classified and sensitive information. All JHA Agencies and relevant partners/invitees meet annually since 2015.

Working groups with a leading chair

Working Group on Training: established in 2013, it serves as a platform for coordination of capacity building and training activities. It promotes synergies concerning training in areas of common interest. While it meets annually, not all Agencies attend on regular basis. Besides the participating Agencies (CEPOL, Frontex, Europol, EMCDDA, EASO, eu-LISA) the meetings are also attended by representatives of EJTN, ESDC and DG JUST in case of relevance. The

leading Agency which will hold the permanent chairmanship in the Working Group is CEPOL.

Working Group on European Situation Monitoring: the group meets since 2018 and its objective is to focus on the creation of a common situation picture and exchange of information on operational topics. Besides the interested JHA Agencies (in 2018: Frontex, EASO, EIGE, eu-LISA, Eurojust, Europol; in 2019: Frontex, Europol, EMCDDA) the meetings involve a number of external entities including: DG HOME, EEAS, EMSA, ERCC/ECHO, EU SatCen, EUISS, Interpol, IOM, UN-HCR. The leading Agency which will hold the permanent chairmanship of the Working Group is Frontex.

Ad hoc meetings of experts via the established list of contacts

On Trafficking in Human Beings: meeting since 2012 as a follow-up to the JHA Agencies' Joint Statement signed in 2011 and the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. The experts from CEPOL, EASO, EIGE, eu-LISA, Eurojust, Europol, FRA and Frontex meet with the EU Anti-Trafficking Coordinator to discuss progress and coordinate activities.

On Public Access to Documents (PAD): meeting since 2019, experts on public access to documents exchange best practices and discuss new developments. In 2021 the representatives of Eurojust, Europol, EASO, CEPOL, EMCDDA, eu-LISA, Frontex as well as EMSA and the European Commission were present at the meeting. In view of this assessment exercise, all JHA Agencies as well as the European Commission were asked if they would like to become a Working Group. The replies indicated that experts wish to meet on *ad hoc* basis.

Working Groups



WORKING GROUP ON DATA PROTECTION

**WORKING GROUP ON EXTERNAL
RELATIONS (RELEX)**



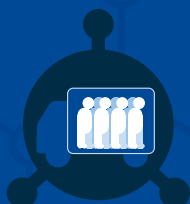
WORKING GROUP ON COMMUNICATION

ICT & CYBERSECURITY WORKING GROUP



WORKING GROUP ON TRAINING

**WORKING GROUP ON EUROPEAN
SITUATION MONITORING**



**AD HOC EXPERTS MEETING ON
TRAFFICKING IN HUMAN BEINGS**

**AD HOC EXPERTS MEETING ON
PUBLIC ACCESS TO DOCUMENTS**



**AD HOC EXPERTS MEETING
ON DIVERSITY AND INCLUSION**

On Diversity and Inclusion: met only once in 2019 and led to the adoption of the [Joint Statement on Diversity and Inclusion](#). In 2020 the experts did not exchange any updates. In 2021, in view of the establishment of the EUAN's working group on the diversity and inclusion, CEPOL as the chairman of this Working Group ran an assessment on the added value of having a dedicated Working Group in JHAAN. The assessment suggested that the discussions on Diversity and Inclusion topics in JHAAN should continue on *ad hoc* basis based on the established list of experts rather than take a form of a structured exchange characteristic for the Working Groups.

In order to devise a common approach to the establishment of new Working Groups, **the JHAAN Contact Points have developed the following guidelines:**

- Each JHAAN Working Group shall be composed of experts from some or all JHA Agencies.
- Each JHAAN Working Group shall consist primarily of JHA Agencies but other EU entities or international organisations may be invited to participate, either on a regular or *ad hoc* basis. Every represented JHA Agency or any other entity is considered to be a member of a Working Group and shall nominate a dedicated contact point.
- Any JHA Agency has the right to propose the establishment of a Working Group. This proposal shall be presented to and discussed by the JHAAN Contact Points.
- Each JHAAN Working Group shall be established or terminated on the basis of a joint decision of JHA Agencies represented by JHAAN Contact Points, after they consult their respective Heads. This decision has to be duly recorded by the Presidency.
- Any change to the functioning of a Working Group such as list of members, chairmanship, etc., has to be communicated to all JHA Agencies through the JHAAN Contact Points and duly recorded by the Presidency.
- Each JHAAN Working Group should in principle be chaired by the Presidency, unless:
 - another JHA Agency, upon request of the Presidency, agrees to chair a Working Group (e.g. the Presidency is not a member of a Working Group or the Presidency does not have sufficient capacities to lead a Working Group in a given year). It is the responsibility of the Presidency to approach JHA Agency(ies) with such a request through JHAAN Contact Points, or
 - the decision on the establishment of a Working Group defines a permanent chairmanship.
- Each JHAAN Working Group shall meet at least once a year. The Presidency shall in this respect include the list of Working Groups in its JHAAN Work Programme for the following year.
- Each JHAAN Working Group is responsible for setting its own agenda. It should, however, align it, when possible, with the priorities of the Presidency. It is the role of the chair of a Working Group to draft an agenda in coordination with contacts points of a Working Group. The agenda should be forwarded to the JHAAN Contact Points for information in advance of a meeting.
- Each JHAAN Working Group **shall report on its work and the composition of members** to the Presidency. The Presidency will share the outcome of the meetings and achievements of each Working Group with the JHAAN Contact Points and reflect their activities in the final JHAAN report each year. The list of members shall be recorded by the holding Presidency and communicated to the upcoming Presidency.

RECOMMENDATION 5: Confirmation of new guidelines on the establishment and the functioning of the Working Groups

It is recommended that the proposed guidelines be adopted and implemented. The formalisation of the establishment and the functioning of the Working Groups will further structure and streamline their operation.

The list of Working Groups and its members, as well as the contact lists of experts that meet on *ad hoc* basis, should be posted on SharePoint and updated annually by the Presidency.

IV. The JHA Agencies

as members of the Network

1. Raising awareness of JHAAN and its activities

Internal and external communication of the Network about its activities and member Agencies is an important element of its functioning. Raising awareness among Agencies' staff provides a better understanding of the working methods, enhances trust, and improves daily cooperation. The Network should aim to enhance its visibility within the Agencies. The work of the Contact Points could be

particularly useful in this regard, as they serve as the focal point of information about the Network within individual Agencies.

Raising awareness among external stakeholders is also important to improve the knowledge and the public perception of the work done by the Agencies and the Network.

RECOMMENDATION 6: Support of awareness raising initiatives

It is recommended that the Network continues to implement awareness raising activities directed at both external and internal stakeholders. Among the initiatives worth considering are to:

- Develop a yearly Newsletter,
- Organise topical briefings open to Agencies' staff,
- Carry-out staff exchange programmes and
- Hold an annual online event aimed at familiarising selected staff with JHA Agencies mandates and activities.

Each Presidency should have the flexibility to plan awareness raising according to its programme and priorities.

The Network should consider a more interactive way of raising awareness about its activities among the Member States (mainly COSI), and other stakeholders, such as the LIBE Committee. This might involve shorter reporting and the use of infographics.

2. JHAAN joint products

The Network reports on its annual activities to the European Parliament (LIBE Committee) and the Council (COSI) by presenting its Final Report and the Scorecard. Since 2010, the Network has developed a number of tools and products aimed at improving its operational activities. The assessment process allowed for a more thorough analysis and discussion on the structure and added value of the

existing joint products. So far, the Presidency has been responsible for the update of all tools and products, requiring the engagement of significant resources. Consequently, the Agencies agreed to share the responsibility and the workload of revising and leading the future updates of relevant products and tools. They also agreed on the revised format of the tools, making them more user-friendly.

RECOMMENDATION 7: Revision and continuation of annual update of the JHAAN tools and products

The revisions of annual tools and products, such as the Final Report and the Scorecard, agreed amongst the Contact Points should be implemented. The products should undergo an annual update carried out either by the Presidency or the designated Agencies.

In order to maximise the effect of the JHAAN annual tools and products, it is also recommended to increase awareness amongst the Agencies' staff about their existence and content.

In order to simplify work on the tools and products, the Agencies are encouraged to use the online JHAAN platform stored at the SharePoint. The Agency responsible for providing access (two-step authentication for security reasons) to the JHAAN platform is eu-LISA.

V. Relations

with stakeholders and partners

Since its establishment, JHAAN has cooperated with a number of key stakeholders. The 2010 interim report to COSI highlighted that the support of other key players (EU Institutions and Member States) is important to increase cooperation between the Agencies. Over the past 10 years stakeholders with whom the Network cooperated have been categorised as observers and partners. The European Commission (DG HOME and DG JUST) and the EEAS have been considered observers since 2011 and 2012 respectively. Other stakeholders with whom the Network cooperates but who have not been granted observer status are considered partners. In addition, *ad hoc* guests are invited to attend JHAAN meetings (e.g. EUAN, EPPO).

Observers and some partners (LIBE Committee of the European Parliament⁷, the GSC and EU Council Presidency⁸) are invited and take part in the annual Heads of JHA Agencies and/or the regular Contact Points meetings. The same applies to the *ad hoc* guests – EUAN SSO, coordination with whom is essential for ensuring synergies, avoiding overlaps and consolidating efforts on shared topics.

The role and scope of the observers and partners were some of the key elements of the JHAAN ten-year assessment. Aiming to include the specific guidance and feedback of the observers and partners themselves, the observers and selected partners were approached with specific questions developed by JHAAN.

RECOMMENDATION 8: Granting observer status and participation of observers and partners in JHAAN meetings

It is recommended that the decision on who is granted observer status should be approved by the Heads of JHA Agencies. A formal invitation can be issued by the Presidency following the approval of the Heads of JHA Agencies.

The decision on which partners or *ad hoc* guests should be invited to the Contact Points meetings should rest in the hands of the Presidency after having consulted the Network.

7 In the meeting of the Heads of JHA Agencies, LIBE is represented by its Chair or a Member; representative of the LIBE Committee Secretariat represents the Committee during the Contact Points meetings.

8 Representatives of (current and incoming) EU Presidencies as well as GSC are invited to the Heads of JHA Agencies meeting only.

RECOMMENDATION 9: Strengthening cooperation with the European Parliament and the Council

It is recommended to develop deeper cooperation with the Council through inviting the GSC to take on the role of an observer. Giving GSC the status of an observer might be instrumental in strengthening cooperation with the Council and its rotating Presidencies. The observer status means that GSC will be invited to Contact Points regular meetings as well as to the Heads of JHA Agencies annual meetings.

It is recommended that LIBE Secretariat should be invited to take on the role of an observer. In past years cooperation with LIBE Secretariat has been carried out on *ad hoc* basis. The European Parliament is an important stakeholder, and it would be valuable for the Network to develop a more structured and permanent cooperation with it. The observer status means that LIBE Secretariat will be invited to Contact Points regular meetings as well as to the Heads of JHA Agencies annual meetings.

Granting the GSC and LIBE Secretariat the status of observers should facilitate further convergence, keep JHAAN better informed about policy and legal developments and involve JHAAN more in the implementation of EU policies, the EU legislative process and the Council Presidency's initiatives. Furthermore, it would increase the visibility of JHAAN.

Finally, future Presidencies are encouraged to consider the participation of EUAN SSO in JHAAN meetings on *ad hoc* basis.

RECOMMENDATION 10: Facilitating the active role of observers during Network meetings

In order to facilitate active involvement of observers during the Network meetings, it is recommended that observers who take part in the Network's meetings are given a possibility to actively propose agenda items to the Presidency and present them accordingly.

When asked about the biggest added value of the JHA Agencies' Network the responders highlighted the fact that it can be used as a forum for the **exchange of information** and joint reflection on topical issues, discussion of **common actions** and the **development of synergies**. In their views being involved in the activities of the Network allows external partners to **keep up-to-date** knowledge and be informed on activities and priorities of individual JHA Agencies. The possibility to establish stronger working relations and making use of the expertise of topical Working Groups was also highlighted as particularly valuable.

The exchange of information on the development of EU policies, future legislative actions and policy priorities could also be highly beneficial from the perspective of the Network and its individual members. The increased information flows could feed into complementarities in planning and synergies in the execution of common activities.

Most of the Network's stakeholders **were aware** of JHAAN reports and products and generally found them useful. At the same time, more forward-looking content which would feed into future policy-making would be even more beneficial. Notably **no overlaps** between JHAAN activities and other cooperation formats were identified. When asked about future areas of focus, stakeholders highlighted the added value of working towards the **improvement to the core business** of JHA Agencies and further improvement of the **daily cooperation between** the Agencies and respective partners and observers.

Overall, the Network is well perceived. Its observers and partners seem committed towards reinforcing its further activities and effectiveness.

VI. Role of the Network and its long-term plan

Since the creation of JHAAN in its current format, the Network has developed a well-established model of operation. The main objective of the Network is streamlining and improving the cooperation between the Agencies with specific mandates, distinctive responsibilities, and capabilities in the area of freedom, security, and justice. While the model is working well, small changes should be introduced. The assessment has found some areas where further improvement would be beneficial, and the implementation of the recommendations mentioned in this report should tackle the identified challenges.

JHA Agencies play an important role in facilitating the implementation of EU policies. Increasing the effectiveness of the Network can further benefit this process. With the established structure, growing interoperability and coordinated approach, JHAAN can move forward with implementing and contributing to relevant EU policies. Thanks to its established mechanisms including the meetings

of the Heads of JHA Agencies alongside the Contact Points meetings, Working Groups and *ad hoc* meetings of experts, the focus of the Network can be placed on important common strategic issues as well as thematic areas of interest.

The Network should continue to avoid overlaps of the work of the Agencies in operational sphere such as the activities carried out within the EU policy cycle – EMPACT, which, along with other frameworks, may be promoted by the Network. The members of the Network should continue to work together, and the Network shall further serve as the coordination platform with key stakeholders, including European Commission, European Parliament, the Council, and other partners such as EUAN.

Conclusion

The assessment report was endorsed by the Heads of JHA Agencies on 22 November 2021.



European Border and Coast Guard Agency
Plac Europejski 6, 00-124 Warsaw, Poland

T +48 22 205 95 00

F +48 22 205 95 01

frontex@frontex.europa.eu

www.frontex.europa.eu

FPI 21.0071

PDF:

TT-05-22-031-EN-N

ISBN 978-92-9467-245-2

doi: 10.2819/297302