

March 2009

**Danish contribution to a  
new multi-annual programme in the field of justice and home affairs  
– justice and police cooperation –**

**General remarks**

During the last decade, the European Union has made great progress in creating an area of freedom, security and justice. The Tampere Programme (1999) and the Hague Programme (2004) have served as a solid basis for the substantial work carried out in the field of justice and home affairs, and many important results have been achieved over the years.

The creation and further development of a European area of freedom, security and justice must continue to be a key priority for the European Union, providing citizens with freedom and modern standards of justice with a high level of protection of fundamental rights, as well as protecting citizens from serious forms of crimes.

The basic principles set out in the Tampere and Hague programmes have proven to be of great value. These well-established principles should remain a corner stone for the work in the field of justice and home affairs and should be developed further in a new JHA programme.

Denmark strongly hopes that the Lisbon Treaty will be ratified by all Member States as soon as possible, so that the renewed provisions on JHA could form the basis for a new multi-annual programme. The Lisbon Treaty will allow Denmark to continue to play an active role in the creation of an area of freedom, security and justice by giving Denmark the possibility to opt-in in measures adopted in the field of JHA. This alteration of the Danish exception requires a referendum in Denmark.

**Guidelines for the future JHA programme**

Denmark supports a new multi-annual JHA programme based on the following guidelines:

**Overall approach**

- Consolidation and simplification of already adopted legislative measures, focusing on effective and swift implementation in Member States.
- Legislation should be of the highest quality easily accessed and understood by citizens as well as practitioners.
- New proposals should be evidence based and accompanied by impact assessments, focusing on clear added value as regards cross-border cooperation.

- New proposals should respect the principle of proportionality and subsidiarity and should take due account of the different legal systems and traditions in Member States.
- Non-legislative options should be considered as alternative to legislative instruments.
- Measures should be taken to secure the highest possible level of openness and transparency in the field of justice and home affairs.

### **Evaluation**

- In the future, more emphasis should be put on the implementation and evaluation of the functional aspects of the JHA acquis in Member States.
- Evaluation should be based on the well-established system of "peer evaluation", benefiting from the experiences of experts from other Member States.

### **Organised crime**

- Continuing a multi-disciplinary and coordinated approach on EU level and on national level.
- Focusing *i.a.* on the transnational flow of assets among criminal organisations with a view to intercept and seize criminal cash and to combat money laundering more efficiently.
- Trafficking in human beings: strengthening and further developing the multi-faceted effort laid down in the 2005 EU Action Plan on Human Trafficking.
- Narcotics: focusing on demand-reducing as well as supply-reducing measures; extending cooperation with source and transit countries outside the European Union to tackle drug trafficking.
- Firearms: developing a common approach in combating illegal trafficking and transfer of firearms.
- Sexual exploitation of children: creating measures for better monitoring of cross-border sexual offences, focusing *i.a.* on the illicit sharing of child pornography via the internet.

### **Counter Terrorism**

- Continuing the development of a high level of counter terrorism measures, including mechanisms that could ensure better awareness and understanding of the circumstances leading to terrorist acts.
- Improving close cooperation between Member States in the field of counter terrorism, focusing *i.a.* on the sharing of best practice in reducing vulnerability to attacks and securing critical infrastructure.
- Developing smooth and effective mechanisms for information sharing between responsible authorities.
- Ensuring at the same time, that all measures taken are proportionate and respect human rights and fundamental freedoms.

### **Other Police cooperation**

- Implementing the new legal basis for Europol already politically agreed on.
- Strengthening the role of Cepol in sharing best practice as regards law enforcement.
- Supporting the development of measures in the field of community/neighbourhood policing.
- Improving the protection of victims and other witnesses, *e.g.* by closer cooperation in the development of cross-border witness protection programs.

## Data Protection

- Continuing a horizontal approach in the field of information exchange and data protection, focusing on consolidating, simplifying and modernising data protection regulations.
- Developing a more comprehensive and coherent data protection strategy, taking into account the demand for a high level of protection of citizen's privacy as well as the need of smooth and effective mechanisms for information sharing between Member States themselves and between Member States and third countries.

## Criminal Justice

- Strengthening and further developing cooperation in the field of criminal justice based on the fundamental principle of mutual recognition.
- Approximation of laws and regulations of Member States should only be considered, if this proves essential to ensure the effective implementation of judicial cooperation between Member States in criminal matters.
- Focusing on clear added value in cross-border cooperation.
- Avoiding duplication of work carried out by the Council of Europe and the European Court of Human Rights in the field of criminal procedure law; EU instruments regulating the right to a fair trial already covered by other international measures could lead to legal uncertainty.
- Developing better ways of sharing best practice on how to implement and apply the European Arrest Warrant, the European Evidence Warrant and other instruments on mutual legal recognition.
- Consolidating the cooperative role of Eurojust based on the new Council Decision, focusing on enhancing practical cross-border cooperation with clear added value.
- Strengthening the European Judicial Network of national contact points, focusing on raising awareness among practitioners.
- Further developing online tools to aid and support judicial cooperation in criminal matters.

## Civil Justice

- Strengthening and further developing cooperation in civil matters based on the fundamental principle of mutual recognition.
- Approximation of laws and regulations of Member States should only be considered, if this proves essential to ensure the effective implementation of judicial cooperation between Member States in civil and commercial matters.
- Emphasising accessibility to justice, focusing on timely review of existing instruments *i.a.* with a view to ensure coherence and better interaction among existing instruments.
- Improving the enforcement of cross-border judgements with a view to ensure transparency, efficiency and effectiveness.
- Further developing a European Judicial Network in civil and commercial matters, focusing *i.a.* on the creation of online tools to aid and support judicial cooperation.

## E-justice

- Further developing the creation of a specialised e-justice website for citizens as well as for practitioners.

- Focusing on measures with clear added value from a practical perspective, *e.g.* strengthening the use of video conferencing and e-evidence (electronic documents, electronic presentations of forensic materials etc.), facilitating cross-border procedures and improving access to justice.
- Ensuring the principle of voluntary participation, recognising the relative technological advancement of Member States, aiming at participation by all Member States.
- Also focusing on the appropriate funding, *i.a.* on an EU level, and ensuring the necessary data protection.

### **External Relations**

- Further strengthening of the relationship between the European Union and USA, Russia, and other key third countries.
- Focusing *i.a.* on the feasibility of negotiating and concluding bilateral and regional agreements between Member States and third countries on the recognition and enforcement of judgements in civil and commercial matters and other forms of civil judicial cooperation as well as bilateral and regional agreements on mutual legal assistance in criminal matters.
- Emphasizing the raise of procedural and prison standards to facilitate extradition of suspects and repatriation of prisoners.