Esteemed colleagues, ladies and gentlemen,

The next phase in Europe’s future is knocking at the door. At the end of 2009, the Hague Programme will come to an end, and for the next four years, a new policy programme will determine the EU’s course in the field of Justice and Home Affairs (JHA). With the end of the Hague Programme in sight, work has begun in Brussels on formulating a new multi-annual policy framework for JHA. Preparations for the Stockholm Programme, so called because the new programme will be adopted in the second half of 2009 under the Swedish Presidency, are already in full swing.

Against this background, in 2007, the Future Group on Home Affairs and the Future Group on Justice were established. Both were modestly sized, high-level groups tasked with advising the JHA Council in the autumn of 2008 on the substance of JHA policy after 2010. The Netherlands submitted a written contribution that covered the territory of both Future Groups. The European Commission will make an announcement concerning the post-Hague Programme in the spring of next year, based partly on the Groups’ reports.

Today’s colloquium is about sharing ideas on the future of JHA cooperation, particularly where cooperation between the EU’s police and justice systems is concerned. Our hope is that the discussion today will form part of the European debate concerning that future. This method incidentally ties in neatly with the ‘public consultations’ that the European Commission has been holding since 25 September. I consider this a commendable initiative that includes citizens, organisations and government bodies in preparing for the Stockholm Programme.

As an EU citizen, academic and Minister of Justice, I am lucky enough to be able to have my say, at a number of levels, when it comes to the future architecture of JHA cooperation. And I am pleased to have this opportunity today to share some thoughts on the future of police and judicial cooperation within the EU. To me it is a fascinating future, in a world that never stands still, whether figuratively speaking, as witness the speed of technological progress, or literally, with the growing mobility of people and businesses.
The Future of Police and Judicial Cooperation in the European Union

From Tampere to Stockholm

More extensive cooperation on JHA is a basic condition for both the existence and further strengthening of the area of freedom, security and justice. Cooperation is essential to our ability throughout the Union to defend the fundamental rights of citizens, as laid down in the European Convention on Human Rights and the EU’s Charter of Fundamental Rights. It is essential to our ability to meet today’s challenges, such as terrorism and organised crime.

To that end, a number of measures aimed at JHA cooperation have been developed and are now being implemented. The last few years have seen important progress. I would point to the Tampere Programme, for example, the first general JHA multi-annual policy programme; its successor, the Hague Programme and the recent incorporation of the Prüm Treaty in the European legal order. This is the practical application of the principle of availability.

The Treaty of Lisbon will also better enable the European Union to meet the challenges of the times. The changes incorporated in the Treaty will make the Union more democratic and decisive. But the introduction – soon, we hope – of the Lisbon Treaty will not mean our work is done. It will then be up to us to make the best possible use of the extra scope the Treaty provides. So our work has only just begun.

What is the best way to shape this wider cooperation from 2010 onward? As far as I am concerned, a number of elements point the way.

Implementation of Existing Instruments

First, a new JHA policy framework must build on existing policy and legislation, and on the results of both. For that reason I am not entirely happy with the title of the report by the Future Group on Home Affairs: New Ideas for a Free and Safe Europe. In my view, our starting point should be the optimal implementation of existing instruments. We should not be too quick to look for solutions in new institutions, organisations or structures, in new policy and new legislation. If we are to achieve better cross-border cooperation we need to make better use of the instruments we have and, if necessary, improve the working practices of the organisations we already have.

In a world that, thanks to increasing mobility and technological progress, is constantly changing, it is vital that we take stock at regular intervals. That we carefully re-examine proposed solutions to JHA issues and consider the feasibility of the measures we envisage.

Let’s apply this exercise to Europol’s Organised Crime Threat Assessment (OCTA). I believe that the frequency of annual threat analyses is too great, and I would therefore propose a multi-annual cycle. Unfortunately, the quality of the OCTA also leaves something to be desired. That quality depends greatly on the