

New Five-Year Programme on Future Priorities in the Fields of Justice and Home Affairs

Thomas Wahl

At their meeting on 12 December 2024, the EU Member States' Ministers responsible for home and justice affairs approved a new strategic agenda that shapes the future direction of EU policy in the area of freedom, security and justice (AFSJ). According to the titled "strategic guidelines for legislative and operational planning within the area of freedom, security and justice", the EU institutions are called on to put the set priorities into action during the next legislative cycle in accordance with the Treaties.

In total, the document sets out 39 guidelines. It underlines the importance of the free movement of persons and recalls that internal border controls within the Schengen area remain a temporary measure of last resort, while at the same time there is a need for external border controls and Member State cooperation on security and migration. In the field of justice, the document emphasises that judicial cooperation is a key objective of the AFSJ, based on the cornerstone of the mutual recognition of judgments and judicial decisions between Member States. The guidelines also "commit to the joint effort in upholding the rule of law within the EU by all available tools in accordance with the Treaties". An important element will be specific thematic discussions on rule-of-law related issues within the Justice Affairs Council.

Other important guidelines include the following:

- Efforts should now mainly focus on the coherent and effective implementation of adopted legislation and policy measures already in place;
- The upcoming Multiannual Financial Framework must be aligned with the implementation and future obligations of the Member States in the AFSJ;
- A fully interoperable IT architecture remains one of the major priorities fostering mutual exchange of information in the area of justice and home affairs;
- The preventive approach on irregular migration should be strengthened, *inter alia* by developing "ambitious and durable comprehensive partnerships" with countries of origin and transit;
- The EU's legal framework to address new types of threats, such as instrumentalization of migrants and hostile actors at the EU's external borders is to be strengthened;
- A more assertive and comprehensive approach to returns of persons who have no right to stay in the bloc will be developed and implemented;
- With regard to the fight against serious and organised crime, society should be made more resilient to organised crime by promoting public private partnerships, the administrative approach of prevention (e.g. prevention of the infiltration of the legal economy), and the use of AI for law enforcement;

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- Crime prevention strategies and tools, such as the European Crime Prevention Network (EUCPN) and the European Network on the Administrative Approach (ENAA) should form an integral part of the EU's efforts in the fight against crime;
- Special attention should be given to the fight against corruption and the promotion of integrity as part of an overall EU approach, encompassing actions ranging from prevention and analysis to repression of corruption;
- Given that criminal organisations operate far beyond the EU, it is essential to further improve law enforcement and judicial cooperation with third countries at the level of the EU and of the Member States;
- The work of the High-level Group (HLG) on access to data for effective law enforcement and its recommendations (→[eucrim news of 27 January 2025](#)) should be the basis for the political and practical future direction for the European vision of effective access to data for law enforcement purposes and the Commission should draft a respective roadmap for the implementation of the recommendations;
- A new counter-terrorism agenda addressing new and persisting challenges will be developed, with special attention to the victims of terrorism;
- The EU will continue to make progress in the use of AI in justice systems in order to facilitate and improve access to justice - at the same time, AI must be developed and used in a manner that is inclusive, sustainable, privacy-respecting and human-centred;
- EU institutions should engage in a reflection on all aspects of EU criminal and civil law in order to ensure consistency and focus on the implementation of the existing *acquis*;
- In the area of EU criminal law, priorities will be:
 - Further strengthening the judicial response to organised and particularly serious crime, including the fight against corruption;
 - Combating hate crimes and hate speech;
 - Supporting and protecting victims of crime;
 - Furthering work on data retention;
 - Improving the effectiveness of mutual recognition instruments, including the European Investigation Order and those on freezing and confiscation orders.
- The Member States and the Commission will remain committed to the European Judicial Network in Criminal Matters as well as other relevant networks aimed at deepening judicial cooperation, and will further analyse how to make the best use of these networks;
- The EU should continue its efforts to deepen judicial cooperation with third countries in both civil and criminal matters in order to ensure a coherent external dimension of the AFSJ;
- With regard to Russia's war of aggression against Ukraine, the EU will remain committed to supporting coordination and cooperation between all competent authorities at international and national levels with a view to holding fully accountable those responsible for the most serious international crimes through successful investigations and prosecutions of these crimes.
- The feasibility of potential new tasks of the EU agencies in the area of Justice and Home Affairs should be assessed while any future revision of their mandates should fully adhere to the supportive role assigned to the agencies;
- The European Public Prosecutor's Office, as an independent body of the EU, needs to be fully operational and effective to protect the EU's financial interests, in accordance with the Treaties.

Ultimately, with a view to the legislative process, the Council stresses that potential future initiatives implementing the guidelines must pay particular attention to coherence and consistency and be evidence based. The latter must be ensured by meaningful impact assessments, demonstrating the added value of an initiative/legislative proposal and taking into account subsidiarity, proportionality and impacts on the

different legal systems and traditions of the Member States and also financial implications at the national level. The principle that national security remains the sole responsibility of each Member State is to be explicitly taken into account.

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