

## **SALZBURG FORUM MINISTERIAL CONFERENCE**

**Modra, 19 June 2014**

### **JOINT DECLARATION**

The Ministers of Interior of the Salzburg Forum states met on 19 June 2014 upon the invitation of the Slovak Presidency of the Salzburg Forum. The regular meeting's objective was to exchange views on key issues currently shaping the environment of internal security in the region and beyond it, to identify common positions, as well as assess their recent regional cooperation and agree on its future course. The meeting was also attended by the head of the Representation of the European Commission in Bratislava and by representatives of Europol.

On the occasion of their meeting, the Ministers have agreed on the following:

#### **The post-Stockholm programme**

The Ministers expressed their disappointment that they could not, along with their colleagues from other EU Member States, participate directly in the drafting of the Strategic Guidelines that were submitted to the European Council for approval. There have been extensive debates on the future of the EU's Justice and Home Affairs policies in the run-up to the 2014 June European Council and numerous valuable ideas have been voiced. Regrettably, the drafting process of the Strategic Guidelines was considered to be lacking in transparency and not giving sufficient guarantee of a direct link between the high level discussions ongoing since the informal Council meeting in Vilnius in July 2013 and the ultimate wording of the document. On the other hand, numerous of the joint positions of the Salzburg Forum agreed upon in late 2013 under the auspices of the Romanian presidency have been featured prominently in the summaries of the debates and have also received support from other EU Member States. The Strategic Guidelines will be essential to address the future key challenges we need to focus on when implementing these guidelines, in particular the promotion of social cohesion and fundamental values, the tackling of the root causes of cross-border criminality, the enhancement of cyber security and security of data and the development of a comprehensive approach towards migration which takes into consideration opportunities and challenges of migration.

#### **Selection of the new executive director of Frontex**

The Ministers reflected on the recent selection procedure for the new executive director of Frontex. They noted a significant lack of transparency of the selection procedure, especially as regards the explanation of the reasons of its failure. The

Ministers expressed their concern about the expected duration of the unfortunate situation of the agency remaining without regular leadership. In this context, the current tensions in Ukraine and the summer migration season in the Mediterranean need to be accounted for as pressing circumstances. The Ministers expect the new selection procedure to be more transparent and yielding an appropriate candidate as soon as possible. The member states of the Salzburg Forum will explore the possibility for a common support to the best suited candidate from the region for the post of Frontex executive director. A candidate from a Salzburg Forum member state could play an integrating role regarding future challenges and contributions in the field of migration and border management.

### **Cooperation in the context of the situation in Ukraine**

Reiterating the contents and the aims of the Salzburg Forum Declaration on the Situation in Ukraine of March 2014, in particular the reference to possible contribution to strengthening Ukrainian law enforcement structures, the Ministers discussed specific forms of this contribution. It was recognized that active demonstration of interest from the Ukrainian authorities is a necessary precondition of any cooperation offered by the Salzburg Forum member states. The Ministers agreed on a mechanism consisting of an information exchange between the Salzburg Forum member states on the numbers of illegal border crossings, visa applications, asylum applications, ongoing activities and other relevant data related to Ukraine. The Ministers exchanged information on everyday cooperation with the Ukrainian authorities. The Salzburg Forum Ministers are ready for long-term cooperation with Ukrainian authorities, aiming at promotion of the rule of law and good governance, based on the values of democracy and human rights. This includes possible contributions to strengthening modern police structures in Ukraine, for example within the forthcoming EU CSDP-mission, with the goal of a coordinated Forum Salzburg approach.

### **Invalidation of the Data Retention Directive**

Consensus has been found among the Ministers, that the recent invalidation of the Data Retention Directive (2006/24/EC) by the Court of Justice has resulted in an unfortunate situation of legal uncertainty. As the processing of retained telecom data is an important element of many law enforcement activities, the Ministers agreed that there is a need to explore ways to have a EU-wide legal instrument on that issue. Such an instrument would have to address all the issues raised in the CJEU's judgment and comply with all of its requirements. The Ministers believe that such legal instrument is possible. They also agreed to call on the Commission to set up an expert group to develop a response to the immediate repercussions of the CJEU's ruling and also the long-term strategy on reinstating the data retention regime. Based on the outcome of the expert group's workings, CATS should - taking into account the common position of the Salzburg Forum - prepare possible options. FRA should be properly involved in the preparation of the different options, in particular with

regard to the possible development of a new legislative proposal. Before any decision on further steps is taken, the Ministers agreed that the Council should have the opportunity to discuss the options at hand.

### **Schengen accession of Bulgaria and Romania**

The Ministers reaffirmed their long-standing support for the Schengen accession of Bulgaria and Romania. They called for a decision of the Council on the date of full application of the Schengen acquis by these states, recalling that all legal conditions have long been met for that decision to be taken.

Mindful of the various effects of the still missing date of Schengen accession of both countries, the Ministers have discussed ways of how to actively contribute to the end of this frustrating stalemate.

The Ministers recalled that the full application of Schengen acquis is not only an entitlement, but also an obligation for both Bulgaria and Romania stemming from EU Treaties. By failing to agree on a date when such a full application should begin, the Council effectively makes it impossible for both to meet their obligations resulting from EU membership.

### **Evaluation of the Slovak Presidency of the Salzburg Forum**

The Ministers took note of the expert meetings and other activities organized by the Slovak Presidency of the Salzburg Forum. The Ministers welcomed the outcome of several coordination meetings organized in Brussels, such as the strategic document on the future of COSI. As regards regional cooperation, the Ministers took note of the Witness Protection Group information and reaffirmed their support for the continuation of its work. Based on the outcome of the expert meeting on vehicle crime, the Ministers acknowledged the necessity of enhanced cooperation in this field and agreed on the establishment of a working group in the framework of the Salzburg Forum. Following the conclusions of the Mass Events Group, the Ministers supported the organisation of further expert meetings focused on security of sports events and elimination of spectator violence.

### **Slovenian Presidency of the Salzburg Forum**

The Ministers welcomed the information on the programme of the upcoming Slovenian Presidency of the Salzburg Forum and expressed their commitment to continuing close cooperation.

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