



**COUNCIL OF
THE EUROPEAN UNION**

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OUTCOME OF PROCEEDINGS

from: General Secretariat of the Council
to: Delegations

Subject: Results of the Ministerial Meeting on Justice, Freedom, Security between Ukraine and the EU, Brussels, 9 June 2010

1. Opening of the meeting and adoption of the agenda

The agenda was adopted as reflected below.

In their opening statements, the Spanish Presidency and the Commission insisted on the importance of cooperation with Ukraine. Substantial changes had occurred in the EU in recent months, inter alia the entry into force of the Lisbon Treaty, the Stockholm programme and the adoption of the Internal Security Strategy. The EU urged Ukraine to introduce a number of important reforms, with which it was ready to help through technical and financial assistance.

The Ukrainian delegation stated that the whole of Ukrainian society was looking forward to a European future. The new government, installed after the President was elected in spring, had declared EU integration as a priority. Both the judicial reforms, including the fight against corruption, and the prospect of a visa-free regime, were considered priorities by the Ukrainian population.

The new government had already taken a number of measures in the fields of asylum, migration and readmission in order to meet the EU's expectations.

2. State of play of the implementation of the EC-Ukraine agreements on readmission and visa facilitation

Both parties stated that, overall, the visa facilitation and readmission agreements were applied in a satisfactory manner. The possible amendments and additions to these agreements, on which negotiations would start soon, might contain provisions to extend the group of beneficiaries of the visa facilitation.

3. Visa dialogue

The EU side explained that in order to reach the next operational phase of the visa dialogue, it would ask Ukraine to respond to a questionnaire aimed at complementing the analysis conducted by the EU experts within the four thematic blocks (document security, illegal migration, including readmission; public order and security; and external relations). The objective was to gather information on the development of legislation and on the actual implementation of measures in terms of resources, staff, infrastructure etc.

Ukraine confirmed that it had brought to the Presidential Administration as an urgent draft the ratification bill for the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. It was also consulting with the European Commission on a new National Strategic Programme on Drugs. Ukraine finally confirmed that it had stopped issuing passports that were not ICAO-compliant in 2007; the new passports were compliant with ICAO and EU standards, and were valid for 10 years.

The issue of the visa dialogue would be discussed again at the next EU-Ukraine Summit in autumn.

4. Implementation of the revised EU-Ukraine JLS Action Plan

(a) Migration and asylum

The EU underlined how important it was for Ukraine to set up a comprehensive Migration Policy Strategy, which would establish a central authority responsible for all migration and asylum issues and also a body competent to take binding decisions in asylum matters. The migration policy should cover both the fight against illegal migration and the proper means to protect people in need, refugees and victims. The EU was ready to provide technical and financial assistance to Ukraine either under the current bilateral programmes or under the Migration Partnerships.

Ukraine stated that it had been drafting legislation on the concept of state migration. Ukraine was fully aware of its responsibilities as a country bordering five EU Member States. The illegal migrants travelling into Ukraine came mainly from Central or South-East Asia. Ukraine confirmed that it would soon open three additional refugee centres, which would represent an improvement in the detention and accommodation conditions for illegal migrants.

Both sides confirmed that they shared similar problems with illegal migration

(b) Border management

The EU is satisfied overall with the efforts made by Ukraine to improve the State Border Guard Service, in particular by introducing the concept of Integrated Border Management. Cooperation with Frontex had been renewed by an agreement for the period 2010-2012. Agreements for local border traffic were in place with Poland, Slovakia and Hungary. The Commission announced that it would review these agreements on local border traffic, which had a twofold objective: to facilitate all types of local contacts, while promoting the interests of the broader geographical area away from the borders.

Ukraine considered its cooperation with the EU on border matters as a part of its objective of open borders, including membership of the WTO and visa-free access to the EU. The demarcation of the borders with Russia and with Belarus had now almost been completed.

Ukraine was strengthening its efforts at raising the quality of staff at the borders: a new grade of Chief Border Inspector had been created, video monitoring was present at the borders, and additional training was being carried out. The physical processes of border controls and the technical equipment had also been improved, leading recently to the introduction of an automated system of passport controls, which also works in trains.

Ukraine would soon confirm positively its support to the EUBAM mission, which was assessed positively by all parties.

(c) Fight against corruption

The fight against corruption was described by the EU side as one of the critical priorities for Ukraine, to avoid a negative impact on the positive development of a society based on democracy, respect for human rights and the rule of law. Furthermore, attracting international investment would be difficult unless the problem of corruption was effectively dealt with.

Ukraine announced that it had ratified the UN Convention against Corruption as well as the Council of Europe Criminal Law Convention on Corruption and its additional protocol. The Presidential Committee set up in February 2010 had declared the fight against corruption a priority. The way Ukraine was implementing GRECO recommendations was described as being thorough enough to merit positive feedback from the Council of Europe. Many efforts were also being made, inter alia in the educational system, such as for the training of judges, to ensure that no single person would ever be able to use his or her authority to decide in an arbitrary manner on a candidate's future.

(d) Fight against organised crime: drugs, trafficking in human beings

The EU side focused on the global efforts needed to combat all these areas of crime; those efforts were reflected in several new measures adopted in the EU since 1 January 2010. Ukraine was invited to intensify its own efforts, with the participation of NGOs. It was important to raise awareness among the people and to set up a proper identification system to better detect all forms of crime. The EU also urged Ukraine to introduce a data protection system, which would allow enhanced cooperation with Europol and Eurojust.

Ukraine underlined the links between these types of crime, such as trafficking in human beings and organised crime. It stated that it had already ratified the UN Convention against Transnational Organised Crime, while new legislation against trafficking in human beings was currently being prepared, before it would be sent to Parliament. Ukraine also mentioned that it suffered from amphetamines produced in Poland and in the Netherlands and that it had also found cannabis and plants coming from EU Member States.

(e) Strengthening the judiciary

The EU asked Ukraine to clarify the progress that had been made in the reforms that were envisaged, in particular on the reform of the Constitutional Court and the administrative courts, the recasting of the draft code of criminal procedure, the codes of civil and of administrative procedure, the draft law on public prosecution, and the selection, training and discipline of judges.

Ukraine stated that there was general support in the public and in the government for reforming the judicial process with respect to the timing of cases, their length, the professionalism of judges and preventing corruption. Ukraine would handle these issues in conformity with the results of the work of the experts of the European Commission for Democracy through Law (the “Venice Commission”), even if a constitutional reform programme would be too complicated to set up only for that purpose. Nevertheless, several measures were

already in place, such as the rule that a judge is appointed for the first time for a period of five years, whereas his lifetime appointment has to be approved in Parliament. For every appointment there is also a requirement to have more than one candidate. Also, in line with the recommendations of the Venice Commission, the appeal rules have been simplified, creating a single procedure instead of separate ones for administrative and economic cases. Two thirds of the Higher Council of Judges will consist of judges. As far as the ratification of the 1981 Council of Europe Convention on Data Protection is concerned, the draft legislation has been introduced in Parliament. Following a request to the President, the draft law might be treated urgently and could be ratified by mid-July 2010.

5. Presentation by Belgium on its future EU Council Presidency

The Belgian delegation gave an insight into some of the priorities of its Presidency in the field of Justice, Home Affairs and Asylum and Migration.

As a key horizontal topic, Belgium will put forward the fight against human trafficking. Belgium will take the opportunity of the European Anti-Trafficking day in October to develop new instruments.

The Belgian Presidency is convinced of the importance of a multidisciplinary and preventive approach in the fight against terrorism as well as in the fight against organised crime.

Regarding the field of judicial cooperation in criminal matters, special emphasis will be placed on the improvement of direct judicial cooperation and the feasibility of a general instrument replacing the European evidence warrant (possibly called “European Investigation Order”).

With regard to security, Belgium is committed to the development of a coherent and effective internal security policy. A preventive approach to crime will be stressed in particular, for example in the prevention of radicalisation or in the fight against the trafficking of weapons of war.

With regard to asylum and migration, Belgium attaches great importance to the following topics:

- working out a common European asylum policy ensuring fair access to asylum procedures and offering a high level of protection to those in need;
- well-managed legal migration that is beneficial for the countries of origin and destination as well as for the migrant.

The protection, identification and prevention of trafficking and disappearance of third-country unaccompanied minors, will also rank high among Belgian priorities.

6. Any other business

There was no other business.

7. Closing remarks

The conclusions of the meeting were approved as issued under reference 10925/10.

LIST OF PARTICIPANTS

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