



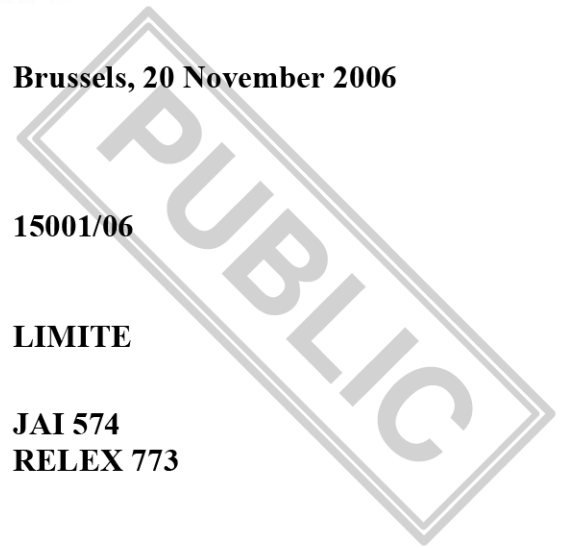
**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 20 November 2006**

**15001/06**

**LIMITE**

**JAI 574  
RELEX 773**



**NOTE**

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from : Council Secretariat  
to : Coreper/Council

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Subject : Report on the implementation of the "Strategy for the External Dimension of JHA: Global Freedom, Security and Justice" for the year 2006

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On 1 December 2005 the EU Justice and Home Affairs Council endorsed the Strategy for the External Dimension of Justice and Home Affairs and decided to forward it to the General Affairs Council for adoption<sup>1</sup>.

This strategy calls for the elaboration of a partnership with third Countries in the field of JHA, which includes strengthening the rule of law, and promoting the respect for human rights and international obligations. This is achieved through cooperation on:

- migration and asylum;
- border management and effective control of borders;
- law enforcement cooperation on combating terrorism as well as fight against organised crime, including trafficking in human beings, money laundering and fight against corruption;
- judicial cooperation in civil and criminal matters;
- assisting judiciary and judicial reform in third countries.

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<sup>1</sup> Doc. 15446/05

The Strategy calls on the Council Secretariat and the Commission to systematically monitor the progress of JHA external activity and to report to the JHA Council and GAERC in December 2006. The Council Secretariat focuses in this document on:

- an overall assessment of the effectiveness of political, technical and operational co-operation with third countries on JHA issues in the previous period;
- specific suggestions for geographical and/or thematic priorities for future action; and
- options for measures, whether political or technical, to improve co-operation with specific countries and regions.

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This report should actually be read in conjunction with the report by the EU's Counter-terrorism coordinator's reports to the European Council which summarizes progress in the implementation of the European Counter-Terrorism strategy and the state of play regarding ratification of the conventions and implementation of the legislative acts regarded as having priority, as well as the actions taken on the four priority headings (prevent, protect, pursue, respond).

## **I. Overall assessment**

### **I.1. Activities foreseen by the External Strategy**

In the External Strategy the EU agreed to take forward work on **Action Oriented Papers (AOP)** on the following specific issues:

- improving co-operation, on organised crime, corruption, illegal immigration and counter-terrorism, between the EU, Western Balkans and relevant ENP countries;
- increasing EU support to combating drug production in and trafficking from Afghanistan, including transit routes;

- implementing with Russia the Common Space of freedom, security and justice;
- strengthening counter-terrorism co-operation with North Africa;
- increasing and enhancing dialogue and co-operation on migration issues with countries of origin and transit in Africa.

The **AOP on cooperation between the EU and the Western Balkans**<sup>1</sup> as well as the **AOP on combating drugs from Afghanistan**<sup>2</sup> have been finalized and approved by JHA Council already in June 2006.

The AOP on **Western Balkans** sets out a number of recommendations and immediate actions to be taken in the fields of:

- improving regional cooperation of law enforcement, prosecutors and the judiciary;
- improving the exchange and sharing of criminal information and intelligence;
- increasing cooperation at operational level in particular in the areas of trafficking in human beings, smuggling of drugs as well as small arms;
- fighting corruption more effectively;
- fighting illegal immigration/performing effective border control
- preventing and fighting terrorism
- more effective donor coordination

The AOP on **Afghanistan** focuses on the profile of the EU presence, which should be raised especially through additional policy-making assistance to the Afghan government. It indicates the need for improved coordination and cooperation at the national level of the EU Member States and with the recipient countries concerned. In addition to a number of recommendations this AOP calls for immediate actions on:

- Updating the Matrix of Increased EU Drug Assistance to Afghanistan.
- A First meeting of the DLOs in Afghanistan and on the submission of a report on the situation and impact of the EU action to the Presidency through the Council Secretariat.

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<sup>1</sup> Doc. 9272/06

<sup>2</sup> Doc. 9370/1/06

- Inviting Europol to prepare a situation overview in preparation for the overall strategy.
- Examination of possibilities for training courses provided by CEPOL, FRONTEX and Europol.
- Maintaining regular discussion of the situation in Afghanistan and other points along the heroin routes in the competent Council bodies.

The work on the **AOP on a Common Space of freedom, security and justice with Russia** has been concluded. The paper will be tabled to the JHA Council in December 2006<sup>1</sup>. It focuses on recommendations on:

- Freedom
  - To facilitate the movement of persons/readmission
  - To cooperate on border issues
  - To develop cooperation in the field of migration and asylum policy
- Security
  - To intensify cooperation in the area of counter-terrorism
  - To improve the security of travel documents
  - To combat transnational organised crime
  - To promote a comprehensive anti.money-laundering policy

The AOP part on **cooperation with relevant ENP** countries is still under examination. However, this issue should in future also be dealt with in relations with Presidency initiatives towards this region.

The relevant Working Parties within the Council are currently examining the existing stage of **cooperation on counter-terrorism with North Africa**. On the basis of the results of this exercise Member States will discuss how to go forward with the relevant AOP on this issue.

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<sup>1</sup> Doc. 15534/06

**Migration issues with countries of origin and transit in Africa** are currently dealt with under the "Global Approach to Migration" which was adopted by the Council in December 2005. Therefore, the objectives of this AOP materialize through the ongoing work to make migration a shared priority for political dialogue between the EU and the African Union. In this context Council welcomes the outcome of the European-African Ministerial Conference on Migration and Development, which took place in Rabat on 10-11 July 2006 and which resulted in an agreed political declaration and action plan. The EU will work further towards this roadmap, especially with the view of a next Ministerial meeting between EU and AU which is planned for November 2006 in Tripoli.

In April 2006, the JHA Council agreed to the general framework to be followed in external relations in the field of **judicial cooperation in civil matters**.

Negotiations were resumed with Norway, Iceland and Switzerland on the new Lugano Convention following the adoption of the opinion of the European Court of Justice on the question of external competence. Negotiations continued within the framework of the Hague Conference on the new instrument on maintenance obligations. In addition, bilateral contacts in the field of judicial cooperation in civil matters were reinforced, in particular with the North African countries in the framework of the Malta process and with Russia in the framework of the Partnership and Cooperation Agreement.

## **I.2. Cooperation with third countries in the field of JHA**

In addition to the numerous meetings with third countries in the field of external relations (also discussing JHA matters) the following meetings took place at the level of JHA Ministers:

- **EU-Russia** Permanent Partnership Council on Justice and Home Affairs, Moscow, 21-22 March 2006
- **EU-US** Justice and Home Affairs Troika, 3 May 2006, Vienna

- **EU-Ukraine** Justice, Freedom and Security Ministerial Meeting, 4 October 2006, Luxemburg
- **EU-Russia** Permanent Partnership Council on Justice and Home Affairs, Helsinki, 30 October 2006
- **EU-US** Justice and Home Affairs Troika, 6 November 2006, Washington

The meetings with Russia mainly dealt with

- visa facilitation and readmission;
- document security;
- migration issues, including asylum and border cooperation;
- fighting terrorism;
- combating drugs;
- combating organized crime and law enforcement cooperation;
- judicial cooperation in penal matters
- Judicial cooperation in civil and criminal matters

The two ministerial meetings with the US covered issues like:

- data protection and sharing of information;
- visa reciprocity/visa waiver program;
- cooperation between Europol/Eurojust and US authorities;
- counter-terrorism.

Finally, the ministerial meeting with the Ukraine discussed:

- readmission and visa facilitation;
- stocktaking of implementation of the JHA Action Plan (migration, border management, fight against organised crime, law enforcement).

During the first half of 2006 the Presidency took the opportunity to bring together the EU, its Member States and third countries, in particular countries in the eastern, south-eastern and southern neighbourhood, as well as the United States of America and the Russian Federation. This dialogue had been understood as a further step in implementing the strategy for the external dimension of freedom, security and justice.

This process led up to the **Vienna Ministerial Conference** on 4-5 May 2006 with Ministers from about 50 countries and heads of relevant international organisations having an exchange of views on the role of internal security in their external relations. Finally, the Conference agreed on a “Vienna Declaration on Security Partnership”<sup>1</sup>. Coreper agreed on 19 October 2006 on a way forward with respect to this format of cooperation<sup>2</sup>.

In addition, agencies such as Europol, Eurojust and Frontex, as well as Member States' liaison officer networks, also enhanced their operational cooperation with relevant third countries in the field of JHA. Several agreements with the main partners have already been signed or are currently being negotiated.

## **II. Geographical and/or thematic priorities for forward action**

In order to meet the expectations of citizens the EU must respond to the security threats of terrorism, organised crime, corruption and drugs and to the challenge of managing migration flows. In an increasingly interconnected world, cooperation in the field of justice and home affairs becomes ever more important.

The development of an area of enhanced freedom, security and justice can only be successfully achieved through relationships based on mutual partnership between the European Union and its partners. Such a partnership between interested countries will be future and action oriented, and based on the following key principles:

- Definition of concrete areas of common interest in the fields of combating terrorism, organised crime, corruption as well as in the field of management of migration flows.
- Coordinated engagement, mutual understanding and cooperation in order to tackle common problems and meet shared policy objectives in the field of justice and home affairs.

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<sup>1</sup> Docs. 8501/06 and 9122/06

<sup>2</sup> Doc. 11090/06

- Efforts to make justice and home affairs a shared priority in external relations, including through a coordinated engagement in the work of relevant international organisations (United Nations, Council of Europe, OSCE).
- Work towards action oriented solutions, especially on terrorism, organised crime, corruption and illegal immigration.
- Applying a differentiated and flexible approach, including a multi-disciplinary assessment of needs.
- Promoting the rule of law, democracy, fundamental rights and good governance seen also as a means of bolstering security.
- Mobilisation of political, financial and operational resources to work towards common objectives.

Internal and external security are closely related. Therefore priorities for future engagement should be formed by both, the internal and external policy objectives.

In this context the EU especially emphasizes that

- the European Neighbourhood Policy offers a coherent framework for cooperation on security-related matters with the EU;
- the prospect of closer cooperation with the EU is an effective way to approximate international standards in justice and home affairs.

In an increasingly global economy, effective co-operation on justice and home affairs issues also supports the Partners' economic and trade objectives, by providing a political and legal environment conducive to economic development and the development of international commercial links.

The EU will therefore improve the concept of partnership with interested third countries in the field of justice and home affairs. Based on this concept and the interest expressed by relevant third countries, geographical and thematic priorities will materialize. The EU's priorities for the external dimension of JHA include:

- Enlargement: helping acceding and candidate countries to adjust to the acquis;



- Maintaining the transatlantic dialogue with traditional partners like the United States and Canada;
- Implementing the Common space on Freedom, security and Justice with Russia;
- Western Balkans: stabilising the region by, for example, assisting to the building up of effective public institutions;
- ENP countries: implementation JHA component of ENP Action Plans; implementation of the Home Affairs Action Plan with Ukraine; implement and strengthen the JHA aspects of the Association Agreements signed with the Mediterranean countries;
- A broad dialogue with Africa on migration and migration-related issues;
- Central Asia: supporting the strengthening of rule of law and judiciary as well as cooperation on preventing illegal activities under the framework of Partnership and Cooperation Agreements;
- Developing a JHA aspect in EU's relation with China and India.

### **III. Options for measures to improve cooperation with specific countries and regions**

As building an area of freedom, security and justice is high on the political agenda of the Member States there is a need to ensure that a commensurate priority is given to JHA issues in the EU's external action. This still requires a coordinated and coherent response in the EU's relations with third countries. Although good results have been achieved in implementing the Strategy for the External Dimension of JHA, others key issues have still to be improved. In order to improve this situation three measures need to be taken:

- The Commission and the Council Secretariat will continue to systematically monitor the progress of JHA external activities and report to the JHA Council and GAERC every 18 months, with the next report due by June 2008. This report will provide Ministers with relevant information as foreseen by the External Strategy. The report should also draw on other established reporting arrangements. Reporting should take place in a coordinated manner.

- To supplement the overall assessment process, and based on the specific priorities identified in this report and agreed by the Council as such, the incoming Presidencies might include in their programme for JHA-External relations a limited number of actions, possibly by means of oriented papers covering specific priority countries, regions or themes. These papers should drawn up by the principles set out in the Strategy for the External Dimension of JHA in December 2005. These action oriented papers will be produced by the Presidency working with the Council Secretariat and Commission, and supported in particular by groups of interested Member States, with input by the relevant functional and geographical working groups and committees. The conclusions of these papers should be fed into the EU's external relations policy with third countries and regions, and complemented by action by the Member States and appropriate EU bodies. Wherever appropriate, conclusions recommending action to be taken should be agreed in partnership with the countries or regions concerned.
- While acknowledging that there is important ongoing work on other important geographic and thematic issues, the EU agreed to take forward work on the following specific issues:
  - Continue the implementation of the AOPs on Western Balkans and Afghanistan;
  - Start the implementation of the AOP on a Common Space with Russia;
  - Continue the work on migration issues in relation to Africa, especially by strengthening the dialogue with the AU;
  - Focus on special issues/groupings within the ENP countries, e.g. on Organised crime originating from regions to the South-East of the EU,
  - Enhance cooperation on drug issues with Latin America and the Caribbean.

Coreper will remain the body with cross-pillar responsibility for ensuring coherence across Council work in this area. The geographical and functional working groups and committees which cover JHA and external relations issues will be consulted in a timely way on issues relevant to them, will co-ordinate between themselves, if appropriate meeting jointly on an ad hoc basis to cover important issues such as work on the specific priorities identified above.