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Dimension of JHA: Global Freedom, Security and Justice

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COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING DOCUMENT**

**Progress report on the implementation of the Strategy for the External Dimension of  
JHA: Global Freedom, Security and Justice**

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## 1. INTRODUCTION

Further to a Communication from the Commission<sup>1</sup> the Council adopted a Strategy for the External Dimension of the Area of Freedom, Security and Justice in December 2005 (hereafter "the Strategy")<sup>2</sup>. The purpose of the Strategy is to contribute to the successful establishment of the internal area of freedom, security and justice and to advance the EU's external relations objectives by promoting the rule of law, respect for human rights and international obligations.

The present paper responds to the request in the Strategy for the Commission and Council Secretariat to monitor progress and report to the Council every 18 months, with the first report due by December 2006. In line with this request, the present paper focuses on **implementation** efforts in 2006 as regards thematic and geographical priorities. **It does not aim at developing the Strategy further.**

The implementation of the Strategy led to the Vienna Ministerial Conference on 4-5 May 2006 and adoption of the "Vienna Declaration on Security Partnership" which was welcomed by the European Council of 15-16 June 2006. Moreover, a dialogue on internal security issues between the EU, the Russian Federation and the U.S. was initiated on 4 May 2006. To date the Council has adopted two Action Oriented Papers that aim at implementing the Strategy<sup>3</sup>.

Despite the short reporting period (December 2005 to date) and the fact that cooperation with third countries on justice, freedom and security is a longer-term effort based on institution and capacity building requiring sustained commitment on both sides, **progress has been overall positive and steady across topics and regions.**

The EU's internal policies increasingly have an "impact on international relationships and play a vital role in the EU's external influences. Conversely, many of Europe's internal policy goals depend on the effective use of external policies".<sup>4</sup> The area of justice, freedom and security (JLS) is a striking illustration of the positive cross-fertilisation between internal and external policies. As highlighted in recent Communications<sup>5</sup>, this area is at the heart of EU citizens' interest. They expect concrete action at EU level. It flows from these premises that the overriding concern should be the continued **implementation** of the thematic and geographical priorities set out in the Strategy, rather than finding new priorities. Close cooperation between the Commission and Member States are essential in order to **deliver** political and operational **results**.

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<sup>1</sup> COM(2005)491 of 12.10.2005.

<sup>2</sup> Doc. 14366/3/05 JAI 417 RELEX 628.

<sup>3</sup> Action Oriented Paper on improving cooperation on organised crime, corruption, illegal immigration and counter-terrorism between the EU and Western Balkans, doc. 9306/06 JAI 248; Action Oriented Paper on increasing EU support for combating drug production in and trafficking from Afghanistan, including transit routes, doc. 9305/06 JAI 244, both adopted by the JAI Council on 1-2 June 2006.

<sup>4</sup> Commission Communication of June 2006 "Europe in the World", COM(2006) 278.

<sup>5</sup> Commission Communications: A citizens' agenda: delivering results for Europe, COM(2006) 211; Implementing The Hague Programme: the way forward", COM(2006) 331.

## 2. RECENT DEVELOPMENTS

### 2.1. Migration<sup>6</sup>

Following the tragic events in Ceuta and Melilla in September 2005, Heads of State and Government met at Hampton Court and discussed the challenges of migration. They concluded that there is an urgent need for concerted action, both among Member States and in partnership with countries of origin and transit.

Building on a Commission Communication<sup>7</sup>, the European Council adopted the "Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean" on 16 December 2005 which sets out priority actions in three areas: strengthening cooperation and action between Member States; working with key countries of origin in Sub-Saharan Africa; and working with neighbouring countries in the Mediterranean region. Implementation began immediately in January 2006.

Meanwhile, migration issues moved higher up the agenda in 2006. The influx of illegal immigrants from West Africa on the Canary Islands from March onwards, coupled with the continued flows to Italy and Malta and the enormous strain this presents, demonstrated the urgent need for the EU to act, not least to prevent the human tragedy that so often accompanies precarious crossings of the Mediterranean.

An EU-Africa regional ministerial conference on migration and development took place in Rabat on 10-11 July 2006, bringing together countries of origin, transit and destination along migration routes of West and Central Africa. Ministers adopted an Action Plan, with a set of operational measures. The conference agreed that the fight against poverty and the promotion of sustainable development in African states is central to this partnership. The Rabat Declaration called for a second, follow up ministerial conference in two years time at the latest. In addition, in the framework of the EU-Africa dialogue, a conference on migration and development will take place at ministerial level on 22-23 November 2006 in Tripoli, bringing together all African countries and the EU.

The Commission has identified four key migration routes from Africa to Europe and has been coordinating the reporting activity of Immigration Liaison Officers present along these routes. Meanwhile, the **FRONTEX** Agency<sup>8</sup> has completed a risk analysis report on Africa, identifying main routes taken by migrants who cross the continent on dangerous journeys. It is coordinating joint patrol operations by Member States on the West Coast of Africa and in the Mediterranean and supports joint return operations.

The Commission has presented a proposal<sup>9</sup> for the creation of **rapid reaction teams** made up of experts from Member States who can assist other Member States in cases of sudden mass influx of immigrants. The Commission also adopted a package of

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<sup>6</sup> See also point 3.7.

<sup>7</sup> Communication: Priority actions for responding to the challenges of migration, COM(2005)621.

<sup>8</sup> European Agency for the Management of Operational Cooperation at the External Borders.

<sup>9</sup> Proposal for a Regulation establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism, COM(2006) 401.

measures worth 2.45 M €, financed under the Rapid Reaction Mechanism, to help **Mauritania** deal with the flow of illegal immigrants to the Canary Islands. A similar intervention of 2 M € is prepared for Senegal. Moreover, the Commission continues to provide financial and technical assistance to non-EU countries to help them increase their capacity to manage international migration, in the framework of the external relations instruments for cooperation with third countries such as MEDA and TACIS, as well as through the AENAS programme. Work continues, and the Commission will report on progress at the European Council in December 2006.

## 2.2. Movement of persons

The issue of **visa facilitation** has risen to the top of the agenda for many neighbouring countries as public opinion demanded to see tangible benefits from their relations with the EU. To meet these concerns in a coherent manner, the EU agreed a common approach in December 2005 based on the premise that readmission is a priority for the EU and that there should be a link between visa facilitation and **readmission agreements**.

As a strategic partner, Russia was the first to conclude both agreements in May 2006. Next, the Commission proposed an overall strategy for the countries with a European perspective, starting with visa facilitation and readmission negotiating mandates for FYROM and followed by mandates for Albania<sup>10</sup>, Bosnia and Herzegovina, Montenegro and Serbia which were adopted by the Commission as a package in July 2006. An important component of the strategy is improving document security, notably the introduction of biometric data, and the protection of personal data. With Ukraine, agreements on visa facilitation and readmission were initialled on 27 October 2006. In November 2006, the Commission adopted draft mandates to negotiate such agreements with Moldova.

Meanwhile, negotiations continue on separate **readmission agreements** with Morocco, Pakistan and Turkey. Negotiations with Algeria are expected to be initiated in early December 2006. Negotiations with China have not yet started.

Following its communication in May, the Commission is examining proposals for pilot-projects to establish **common visa application centres** in third countries.

## 2.3. Fundamental rights protection

The June European Council called for the EU **Agency for Fundamental Rights** to start operations on 1 January 2007. While the Agency will have a clear focus on fundamental rights protection in the EU, discussions in Council point at a role for candidate countries as observers in the management board.

The Commission flagged the effective protection of **children's rights** as one of its priorities in 2005 and issued a Communication to that effect in July 2006.<sup>11</sup> The Commission undertook to promote relevant international human rights instruments in the political dialogue with third countries and use its policy instruments and cooperation programmes to address children's rights worldwide.

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<sup>10</sup> The readmission agreement with Albania entered into force on 1 May 2006.

<sup>11</sup> COM (2006) 367 of 4.7.2006.

## 2.4. Counter-terrorism

In 2006 the Commission continued to support closer dialogue and cooperation with third countries in the fight against terrorism, and to promote the implementation of international rules and legal instruments through targeted technical assistance and political dialogue, counter-terrorism clauses in agreements and co-operation in international and regional organisations. The Community is providing counter-terrorism related assistance<sup>12</sup>, worth about 400 M€ to around 80 countries in the world which contributes to help countries implement UNSCR 1373.

## 2.5. Organised crime

Organised and serious crime remains a threat to the economic and social fabric of democratic societies. The EU continues to promote cooperation between law enforcement and judicial agencies both within the EU and with third countries, e.g. in the Western Balkans, as well as exchange of information and implementation of international instruments to help countries prevent and fight against organised crime.

Following the conclusion of the UNTOC<sup>13</sup> Protocol and UNTOC Trafficking Protocol on behalf of the European Community, the European Community became party to both Protocols on 6 September 2006 and participated as a full Party to the 3<sup>rd</sup> Conference of Parties of UNTOC, its Smuggling and Trafficking Protocols, from 9-18 October 2006.

## 2.6. Drugs

Cooperation with countries of origin and transit is an important tenet of the EU's anti-drugs policy. The Action Oriented Paper on drugs from **Afghanistan**<sup>14</sup> provided a consolidated framework for support to Afghanistan and the countries along the heroin trafficking routes to combat drug production and trafficking. Highlighting the EU's role as one of the largest donors, it includes measures to strengthen the criminal justice system in Afghanistan, to enhance border control and intelligence gathering and sharing along the heroin trafficking route. A further initiative financed by the Commission will strengthen Afghanistan's and the surrounding countries' capabilities to stem the flow of precursors.

The IV EU-**Latin American & Caribbean** (LAC) Summit of 12 May 2006 reiterated the commitment for both regions to cooperate, under the principle of shared responsibility, to combat the problem of illicit **drugs** and endorsed a full review of the current framework for EU-LAC anti-drugs cooperation. In addition to ongoing support to alternative development and against precursors, an important development was the first meeting of the EU-LAC intelligence sharing working group in April 2006, which resulted in a list of actions to improve the exchange of drugs trafficking intelligence in the EU/LAC region. The Commission has now

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<sup>12</sup> Defined by the UN Counter Terrorism Committee as covering the drafting of counter-terrorism legislation; financial law and practice; customs law and practice; immigration law and practice; extradition law and practice; police and law enforcement work; illegal arms trafficking and "other", which covers notably capacity building for the judiciary.

<sup>13</sup> United Nations Convention against Transnational Organised Crime.

<sup>14</sup> Cf. footnote 3.

launched projects to support an EU-LAC drugs intelligence sharing mechanism for the next three years. Initiatives to reduce drug use (via cooperation through a network of EU-LAC cities) and cocaine trafficking from Latin America and the Caribbean to West Africa are underway.

## **2.7. Operational cooperation**

EUROPOL, EUROJUST, and the FRONTEX agency have made great strides in forging operational ties with priority countries through agreements, contact points and operational activities. As regards the European Police College (CEPOL), accession and candidate countries can participate in certain seminars and while some administrative arrangements have been agreed, there is further scope for extending contacts with other third countries.

## **2.8. Cooperation with international organisations**

In line with the Strategy, the EU continued to engage with **international organisations** to enhance the effectiveness of delivery. The **United Nations'** High Level Dialogue on Migration and Development in September 2006 was particularly important, and the Commission and EU Member States contributed actively to the Dialogue with sharing their experience on building migration partnerships, managing economic migration, integration of third country nations and combating illegal migration and human trafficking.<sup>15</sup> The exchange of letters from 2005 between the UNODC and the Commission is under implementation and has improved cooperation, the exchange of information and best practice models in assisting third countries in combating drug trafficking, organised crime, terrorism and corruption.

## **3. PRIORITY REGIONS AND COUNTRIES**

### **3.1. Acceding countries – Romania and Bulgaria**

Throughout the negotiation process the Commission has actively been involved in supporting Romania's and Bulgaria's reform process in the field of justice, freedom and security. Since the closure of the accession negotiations in late 2004 a very intensive monitoring process in the JLS area has taken place mainly on the basis of targeted peer-review missions, reflecting the shortcomings on issues such as the judiciary, the fight against corruption and organised crime, and law enforcement.

On 26 September 2006, the Commission recommended that Romania and Bulgaria should be welcomed as EU Member States on 1 January 2007. However, despite good progress in the field of justice, freedom and security, remaining shortcomings need to be addressed until and beyond accession. In order to monitor the required progress and based on Article 38 of the Treaty of Accession, the Commission will put in place a mechanism to oversee progress on judiciary, anti-corruption and for Bulgaria also fight against organised crime.

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<sup>15</sup> Communication: Contribution to the Community position for the United Nations' High Level Dialogue on Migration and Development, COM(2006) 409.

### 3.2. Candidate countries – Croatia, Turkey and FYROM

On 3 October 2005 the European Council decided to open accession negotiations with **Turkey** and **Croatia**. In 2006, the main activity was the “screening” exercise covering for the first time two chapters in this area, namely the new chapter 23 which covers judiciary and fundamental rights and the traditional chapter 24 dealing with other JLS sectors.

In parallel, pre-accession measures continue, such as targeted projects or twinnings designed to overcome shortcomings and help implement the *acquis*. In order to have an up to date overview of the situation, expert missions covering a range of JLS sectors such as borders, migration and asylum as well as organised crime and judiciary took place to Turkey and Croatia in July and will be repeated regularly to ensure accurate programming of assistance and to review progress.

In January, an operational cooperation agreement<sup>16</sup> between EUROPOL and Croatia was signed. In July the Council adopted a mandate for the negotiation of an agreement that will allow Croatia's participation in the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

The **Former Yugoslav Republic of Macedonia** was granted status of candidate country in December 2005. This has led to intensified relations in all areas, including JLS.

### 3.3. Other Western Balkan countries

**Kosovo** is a priority for the EU in the area of rule of law. While the Council is preparing for a possible ESDP mission on rule of law, there is also a need for comprehensive flanking measures concentrated on institution and capacity building in the long term. In this context, the Commission is working on the Communities' engagement in the wider area of rule of law, notably in the judicial sector. The Commission organised a TAIEX assessment mission to Kosovo, with experts from Member States, to prepare a broader strategy for assistance to Kosovo. This will build on work already undertaken by the Commission, e.g. assistance for the Ministries of Justice and Interior focusing initially on reforms to the criminal justice system as well as a project on the appointment of judges and prosecutors. Under the CARDS programme, projects on rule of law amounting to 6 M € are under way and a further 15 M € for additional projects on rule of law are in the pipeline.

Another practical step forward is the Council's adoption in June of an **Action-Oriented paper** on improving cooperation between the EU and the Western Balkans on the fight against organised crime, corruption, illegal immigration and terrorism, which focuses on law enforcement, prosecutors and judiciary as well as the exchange and sharing of criminal intelligence. It will largely be up to Member States, EUROPOL, EUROJUST, the European Judicial Network, FRONTEX and the European Union Joint Situation Centre (SitCen) to ensure the effective implementation of a range of practical measures. Work is also underway to establish

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<sup>16</sup> A Europol operational agreement describes an agreement that provides for the exchange of personal data. A Europol strategic agreement does not include such provisions.

closer cooperation between EUROPOL and the SECI<sup>17</sup> to improve regional cooperation to combat organised crime.

Recognising the importance of visa facilitation in terms of public perception in countries with a European perspective; the Commission adopted negotiating mandates in July to allow parallel negotiations on visa facilitation and readmission agreements with Bosnia Herzegovina, Montenegro and Serbia, and visa facilitation with Albania.<sup>18</sup>

Negotiations continued on a Stabilisation and Association Agreement with **Bosnia Herzegovina** and **Montenegro**. Negotiations with **Serbia** will resume once satisfactory cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) will have been established. These agreements will cover a range of JLS issues and will provide further impetus to cooperation.

Under the **CARDS** programme, the Commission continued to support institution-building: in Bosnia Herzegovina, assistance has been provided in the sector of forensics by providing equipment to laboratories in areas like biology/DNA, ballistics, photography, chemical analysis, document inspection and information technology; in Serbia a project was designed to enable access to an electronic database as a tool to speed up judicial process and reduce the backlog of cases, thus helping to achieve unified judicial decision-making, while in Montenegro the EU has helped the new Judicial Training Centre to achieve positive results even before the relevant framework legislation and adequate premises were in place. For **Albania**, Pameca (police mission) and Euralius (justice mission) remain the cornerstone. At a regional level, a first TAIEX seminar was held on document security, including biometrics, and others will follow on corruption, witness protection and Balkans drugs coordinators.

As about 80 % of the opiates and heroin seized in Europe are illegally trafficked via the Balkan route, several new initiatives were aimed at improving cooperation and coordination on **drugs** in the region and within the EU, such as a seminar to take stock of actions underway in the Balkans region to tackle drugs trafficking and an expert workshop in Vienna which concluded with operational recommendations to strengthen cooperation between law enforcement authorities.

### 3.4. **Russia**

Efforts have been concentrated on the implementation of the EU-Russia **Common Space of Freedom, Security and Justice**, based on the priorities identified by the JHA Permanent Partnership Council which closely monitors progress.

As part of the Common Space, agreements on visa **facilitation and readmission** were signed at the EU-Russia Summit on 25 May 2006. The next step will be to conclude the ratification process and to ensure the parallel entry into force in early 2007 and subsequent implementation. As foreseen by the Common Space, technical consultations are taking place to establish a possible framework and a method for

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<sup>17</sup> Southeast European Cooperative Initiative Centre in Bucharest

<sup>18</sup> Cf. chapter 2.2.

intensifying the **dialogue** to examine the conditions for a **visa-free** regime as a long term perspective.

Significant steps have been taken in strengthening cooperation concerning common challenges, both on the **fight against organised crime and terrorism**. On the one hand, cooperation has been based on the strategic agreement with **EUROPOL** from 2003 although Russia has not yet fully exploited its potential. On the other hand, Russia has made progress toward the ratification of the Council of Europe Convention on Data Protection by adopting recently a law incorporating the key elements of the Convention which could pave the way for a second operational agreement with **EUROPOL**. The dialogue on the fight against terrorism continues at different level. A meeting is expected to take place in December on critical infrastructure protection, and a seminar on terrorist financing is planned for early 2007.

In addition, Russia and **EUROJUST** opened formal negotiations on 26 June for a cooperation agreement. The six-monthly meetings of the EU-Russia JHA Liaison Officers in Moscow promote operational cooperation and will be developed further through law enforcement cooperation at senior level. On **corruption**, policy advice supported by the Commission has directly contributed to the ratification by Russia of the UN Convention against Corruption on 17 February 2006.

**FRONTEX** signed the first working arrangement ever with Russia on 30 January 2006, enabling practical and operational cooperation on the common border. Document security has been high on the agenda, including the preparation of a TACIS cooperation project on biometrics, worth €2 million. On **drugs**, EMCDDA is exploring options to formalise cooperation with Russia. Cooperation with **EUROPOL** on countering synthetic drugs has started, and a major EU-Russia conference on drugs was held in Warsaw on 13-14 November 2006.

There are also prospects for strengthening cooperation on **civil and criminal justice cooperation**. Bilateral discussions are expected to take place to promote judicial cooperation in civil matters, including the possibility of an agreement on judicial cooperation. On judicial reform, Russian judges and court administrators are trained in the framework of the TACIS programme. The Commission together with the Council of Europe will implement a three-year project aiming at training legal professionals in Russia.

### 3.5. U.S. and Canada

The **strategic nature of our security partnership with the U.S.** is based on a well-established dialogue, built on common values and trust and largely focused on the fight against terrorism and border security.

The EU had to denounce the 2004 EU-U.S. **passenger name records (PNR)** agreement following the European Court of Justice ruling of 30 May 2006. The EU and U.S. recently concluded a new agreement, thereby providing legal certainty to economic operators and ensuring an adequate level of data protection.

Despite frequent contacts and persistent representations by the EU to all levels and branches of the U.S. Government, there has been scant progress on **visa-free travel**

for citizens of all EU Member States to the U.S. The Commission reported twice to the Council on visa reciprocity<sup>19</sup> noting progress, including full visa waiver reciprocity, with some countries. For countries with unsatisfactory progress, notably the U.S., the Commission could envisage proposing measures in relation to diplomatic and service passport holders. Meanwhile the Commission will pursue work to achieving full visa-waiver reciprocity for all Member States; another progress report is due in March 2007.

The Commission and the Member States continued to cooperate with the U.S., other countries and ICAO on the introduction of **biometric passports** to enhance scrutiny of identity documents at borders while not disrupting legitimate travel, including to the U.S. in the framework of the Visa Waiver Program. The studies launched by the Commission on the implementation of a '**Trusted Traveller Programme**' to make it easier for *bone fide* travellers to cross the border are likely to be of interest to the U.S.

As regards **counter-terrorism**, radicalisation and recruitment, and terrorist financing were particularly topical issues, the latter focusing on asset freezing, financial investigations and the non-profit sector.

At operational level, **EUROJUST and the U.S.** finalised a **co-operation agreement** on judicial cooperation on criminal matters. It goes further than the **EU-US Mutual Legal Assistance Agreement** which, together with the extradition agreement, is expected to enter into force in late 2006. **EUROPOL-U.S. cooperation** increased qualitatively and quantitatively but has not yet reached its full potential. For the first time, however, the U.S. contributed to EUROPOL's Organised Crime Threat Assessment.

The strategic alliance with **Canada** also includes a justice, freedom and security component. The Commission's contacts with Canada regarding reciprocal visa-free travel revealed a wider interest in cooperation on international migration. As a consequence, a framework was established which provides for a regular dialogue on visa, immigration and asylum policies including a working group to inform the review of visa requirements. Progress has been made with Canada which exempted Estonian citizens from the visa obligation.

### 3.6. European Neighbourhood Policy (ENP)

Since 2006 new forms of technical assistance are available to ENP countries including in the JLS area, e.g. targeted expert assistance for legislative approximation and institution-building as well as long-term **twinning** arrangements.

#### 3.6.1. Mediterranean countries

**Cooperation at regional level** has improved substantially during the last year through the 'Regional MEDA/JAI programme' with its three main components, **migration, justice and police**. The EuroMed Migration project has presented various research publications, organized training sessions bringing together experts from the EUROMED

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<sup>19</sup> COM(2006) 3 of 10.1.2006; COM(2006) 568 of 3.10.2006.

countries and set up a website which has attracted many visitors. Under the justice component, fourteen seminars and five preparatory meetings with participants from all MEDA partners have been organised, covering subjects such as international judicial mutual assistance in criminal matters, terrorism and interconnection of criminal networks, financial crime and judicial assistance in civil matters.

Moreover the CEPOL-led police project provided targeted training to high-level officers from the entire MEDA region on issues such as terrorism, financial crime, cyber-crime, trafficking in human beings and drugs. The new MEDA/JAI II programme provides €15m for assistance in the same three sectors (migration, judiciary and police). Finally, progress was made, through ad hoc meetings of EUROMED high officials, to put into practice the Code of conduct on terrorism, adopted at the Barcelona Summit in November 2005 together with a 5-year action plan including JLS matters.

**Bilateral relations** have or will largely focus on the implementation of the JLS provisions of the ENP Action Plans with Morocco, Tunisia, Jordan and Israel (and the Palestinian Authority), supported by MEDA national programmes. With Lebanon and Egypt ENP action plans have been finalised, including an important JLS section.

Cooperation has advanced with **Israel** through the ENP. The first justice and legal matters subcommittee led to new activities such as an expert-level meeting on the financing of terrorism in April; a contact point for Eurojust has been appointed in Israel, and the negotiation of an operational agreement with Europol is a possibility. Informal talks on data protection have been held. Seminars on respectively the fight against racism and xenophobia, and the fight against trafficking in human beings are under preparation.

Similarly, cooperation with **Morocco** is substantial, in particular on migration related issues. Actions include extensive projects on border control (a project under MEDA for a total amount of € 67 million being the latest and most prominent involvement of EC technical assistance in this field) and illegal immigration, cooperation with other African countries under the Aeneas programme, as well as ongoing readmission negotiations. There are twinnings on money laundering and illegal immigration, and Europol has a mandate to negotiate an agreement with Morocco. A dialogue on judicial cooperation in civil matters, notably family law issues, has also started.

With **Algeria**, the first JLS working group is scheduled to take place in early December 2006. The fight against **terrorism** is another important topic in the cooperation with Maghreb countries through the "priority countries initiative" undertaken with Member States.

With **Jordan**, the first sub-committee is leading to a possible twinning arrangement covering advice in the areas of combating money laundering and the financing of terrorism. In **Egypt** a twinning on money laundering is also in the pipeline.

More generally, cooperation with the Mediterranean countries in the area of **migration** is based on a broad dialogue that, besides tackling illegal migration and readmission, covers the facilitation of legal migration and of the movement of people, integration and treatment of nationals from the partner countries in the EU, international protection and asylum matters. All 35 Euromed partners have started exchanging their experiences and projects dealing with migration and related

subjects will be undertaken with a view to preparing a Euro-Mediterranean Conference on migration in 2007. Although no formal framework for cooperation exists, there is also an ad hoc dialogue on migration issues with **Libya**.

Cooperation with the Mediterranean countries in the JLS area is increasing and will be deepened in the future.

### 3.6.2. *Eastern Europe*

The EU-**Ukraine** JLS partnership continues to produce tangible results. A striking example is the EU Border Assistance Mission (EUBAM) which since its deployment in November 2005 has contributed significantly to the fight against organised crime, including smuggling of persons and goods, by increasing cross-border cooperation between Ukrainian and Moldovan border guards and other law enforcement officials. In April 2006 e.g., Ukrainian and Moldovan border guards, supported by EUBAM, apprehended 322 persons having crossed the border illegally and prevented another 876 from crossing the border illegally. The same operation also allowed for the seizure of 11.3 kg of narcotics. The mission was reinforced in June 2006 with the opening of two additional offices.

Another visible development is the initialling of parallel agreements on visa facilitation and readmission at the EU-Ukraine Summit on 27 October 2006. This approach forms part of the EU-Ukraine ENP action plan which has a strong JLS component in the form of a specific **EU-Ukraine JLS action plan** which was updated in 2006 and discussed by the JHA Troika ministerial on 4 October. This revision was based on the findings of the two JLS expert missions, the first of their kind to Ukraine.

Ukraine has also held the first talks with Eurojust on a possible agreement and with FRONTEX on a practical working arrangement. Negotiations on a strategic agreement with Europol have been finalised. More generally, the EU-Ukraine JLS sub-committee in February 2006 highlighted Ukraine's excellent progress in anti-money laundering and emphasised the importance of continuing judicial reform. To take the latter forward, the Commission prepared major TACIS projects to improve the judicial system and to fight corruption. As part of implementation of the pilot **Regional Protection Programmes**, which covers i.a. Ukraine and Moldova, an asylum project aiming at assisting the Ukrainian authorities and NGOs has been selected for funding under the Aeneas programme.

The implementation of the JHA section of the ENP Action Plan with **Moldova** gathered additional momentum in 2006. In addition to cooperating actively with the EUBAM, Moldova has for instance ratified the Council of Europe Conventions on Trafficking in Human Beings as well as on Data Protection. Europol and Moldova are preparing to conclude a **strategic agreement with EUROPOL**.

Despite administrative efforts by Moldova, such as the launching of a Centre against Trafficking in Human Beings, implementation of ENP commitments requires further impetus as noted at the sub-committee in September, e.g. reform of the judiciary. To support these efforts, the Commission has launched a new TACIS project on the fight against money laundering, terrorist financing and corruption. Finally, the

Commission is preparing to adopt mandates for negotiations on **visa facilitation and readmission** agreements with Moldova.

As regards the **Caucasus**, relations are intensifying in the framework of the new ENP action plans that have been agreed with **Georgia, Armenia and Azerbaijan**, representing an important advance in JLS matters.

### 3.7. Africa<sup>20</sup>

Based on a Commission Communication<sup>21</sup>, the EU Strategy for Africa<sup>22</sup> offers a comprehensive framework for EU relations with the African continent, building on **good governance, peace and security** as prerequisites for development. It includes an important JLS component, notably an EU commitment to support the fight against corruption, human trafficking, illegal drugs and organised crime. The progress report on the implementation of the Africa Strategy takes stock of developments since December 2005. Governance is part of the dialogue between the EU and African, Caribbean and Pacific countries signatories of the Cotonou Partnership Agreement and will have a major importance in the preparation of cooperation strategies under the 10<sup>th</sup> European Development Fund. The governance situation and trends as well as the quality of partner government commitments for reform will be taken into consideration when deciding on the country financial allocation. In this context, the efforts to combat corruption, money laundering and terrorism financing will be duly taken into account.

EU-Africa relations in the area of **migration** are intensifying and there is growing interest of a number of African countries and institutions in migration-related issues. Dialogue on the basis of Article 13 of the Cotonou Agreement has been initiated with certain key Sub-Saharan African states. Meetings with the authorities in Mauritania, Senegal and Mali were both positive and productive, and discussion on migration is now continuing on a regular basis as part of the political dialogue.

The EU is developing a broad dialogue with Africa on migration issues including on topics such as the fight against illegal immigration and human trafficking, migrants and refugees rights, how to maximize the positive linkages between migration and development, how to mitigate the impact of brain drain or how to help African countries build up their capacity to manage migration flows. This dialogue is being developed at the **bilateral** level with a number of priority countries, at the **regional** level (ECOWAS) and at the **continental** level through a partnership with the African Union that will result in an EU-Africa Ministerial Conference on Migration and Development in Libya on 22-23 November 2006.

### 3.8. Asia (including Central Asia), Latin America and the Caribbean

Combating the flow of drugs from Central and Southern Asia as well as further developing border management have been at the centre of the Commission's action in **Central Asia**. Migration issues represented an important part of the dialogue with **China** and **India**. Migration related issues are also discussed in the context of the

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<sup>20</sup> See also point 2.1.

<sup>21</sup> COM(2005) 489 of 12.10.2005

<sup>22</sup> CEU 15961/05.

negotiations of Cooperation Agreements with countries of **South-East Asia**. At regional level, the Commission is also active in the ASEAN context on issues such as combating trafficking in human beings, fight against transnational crime and illegal immigration. An **EU-Latin American & Caribbean** expert meeting on migration took place in Cartagena de Indias in March 2006. The conclusions of this meeting were endorsed at the IV EU-LAC Summit in May 2006 in Vienna.

#### 4. CONCLUSIONS

The European Council of June 2006 called "for further swift implementation of the Strategy for the external dimension of JHA, with a view to enhancing the coordination and coherence between JHA policies and external policies". Although the above overview is not exhaustive, it highlights current efforts and concrete initiatives undertaken by the Commission to apply and implement the Strategy effectively.

The direction provided by the thematic and geographical priorities set out in the strategy remains valid also for the immediate future. There is no need at this stage to renew or update priorities. The underlying principles and delivery mechanisms in the Strategy have also proved adequate to develop further the external dimension of justice, freedom and security.

Further consolidation is now required to tackle the challenges outlined in the Strategy. Making practical progress in relations with third countries takes time, notably in the area of institution and capacity building; sustainability and continuity are essential to produce results. Efforts should focus on delivery of results and implementation with a particular emphasis on operational cooperation, where the Member States' expertise and added value is critical. In terms of coherence and coordination, the Action Oriented Papers are part of an integrated approach; the EU-Russia Common Space on Freedom, Security and Justice has given new impetus to relations; future work on Kosovo has led to close Commission and Council cooperation; visa facilitation has acquired a new significance in relations with partners, and the European Neighbourhood Policy has helped to launch a range of new activities in Eastern Europe and the Mediterranean.

The focus on implementation is in line with the European Council conclusions of June 2006 which emphasise that citizens expect the Union to provide its added value by taking action to ensure peace and enhance security.