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**NOTE**

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from :	Presidency
to	Delegations
Subject :	ACTION ORIENTED PAPER ON IMPLEMENTING WITH RUSSIA THE COMMON SPACE OF FREEDOM, SECURITY AND JUSTICE

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Cooperation in justice and home affairs between the EU and Russia is based on the Road Map for the Common Space of Freedom, Security and Justice, adopted at the EU-Russia Summit in May 2005. The other Road Maps adopted between the EU and Russia are the Road Map for the Common Economic Space, Road Map for the Common Space of External Security and the Road Map for the Common Space on Research, Education and Culture.

Promoting EU-Russia cooperation is one of the priorities of the Finnish Presidency for the external dimension of justice and home affairs. One of the major tools for improving this cooperation so as to have far-reaching effects is to focus on drafting an action-oriented paper on justice and home affairs concerning Russia.

The Strategy for the External Dimension of JHA, adopted by the Council in December 2005, calls for a number of action-oriented papers covering specific priority countries, regions or themes. These papers should include: i) an analysis of the issue and the EU's objectives, drawing on relevant information from the EU's institutions; ii) a summary of current action being carried out by both the Commission and by Member States; and iii) identification of what needs to be done at the political, technical and operational levels in order to meet EU objectives. In addition, information on the situation in the Member States and relevant EU agencies, such as Europol, Eurojust and Frontex, for example, has been included in the action-oriented paper on justice and home affairs concerning Russia.

The Action-oriented paper on Russia aims to implement certain aspects of the EU-Russia Road Map in compliance with the Strategy for the External Dimension of JHA, without pretending to be exhaustive. Account has been taken of the experiences and results of bilateral cooperation between EU Member States and Russia. As agreed at the Informal Ministerial Meeting on Justice and Home Affairs in January, for example, the action-oriented paper is a tool to be used within the EU. Therefore, no separate negotiations have been held with Russia on the paper, and it has not been discussed at the EU-Russia JHA Permanent Partnership Council either. Account has also been taken of reforming the general legal framework for EU-Russia cooperation after the expiry of the current PCA Agreement in 2007, and of improving cooperation within the EU's Northern Dimension. In addition, EU-Russia cooperation will be dealt with at the JHA Council in December when assessing the Strategy for the External Dimension of JHA. The aim is to ensure that adequate financial instruments will be available to EU-Russia cooperation from the beginning of 2007 (ENPI Regulation).

The objectives and actions set out below serve to create the Common Space of Freedom, Security and Justice between the EU and Russia.

## **I. Background**

Russia is an important partner with which there is considerable interest to engage and build a strategic partnership. Russia is the EU's largest neighbour, brought even closer to the EU by the last round of enlargement. The 2003 European Security Strategy correctly situates Russia as a key player on geo-political and security issues at global and regional level. It is also a key actor in the UN Security Council and has significant influence in our common European neighbourhood and in Central Asia.

The EU's main objective is therefore to engage with Russia to build a genuine strategic partnership, founded on common interests and shared values to which both sides are committed in the relevant international organisations such as the UN, Council of Europe, and OSCE, as well as with each other in the bilateral Partnership and Cooperation Agreement. These interests and values include in particular democracy, human rights, and the rule of law.

The bilateral basis for EU relations with Russia is the Partnership and Cooperation Agreement (PCA) which came into force on 1 December 1997. It sets the principal common objectives, establishes the institutional framework for bilateral contacts, and calls for activities and dialogue in a number of areas.

Relations with Russia in the field of Justice and Home Affairs have intensified through specific instruments, such as the EU-Russia Action Plan on Combating Organised Crime of April 2000 and the EU Liaison Officers' Network in Moscow. The most essential elements of the Action Plan have been included in this action-oriented paper- The Commission has drafted an implementation table concerning EU - Russia Road map on the Common Space (12214/1/05 REV 1 LIMITE CRIMORG 90 NIS 130) which needs to be taken into account in this context as well. The Agreement between Europol and Russia of 2003 has also helped to launch cooperation on combating trans-national crime. Negotiations for a Visa Facilitation Agreement and a Readmission Agreement were concluded in October 2005 and both agreements were signed on 25 May 2006. The dialogue on visa matters will continue with the aim of defining the procedure for examination of the conditions for a mutual visa-free travel regime as a long-term perspective.

## **II. Cooperation between EU and Russia in the area of Freedom, Security and Justice**

Situation overview:

At the St. Petersburg Summit in May 2003, the EU and Russia agreed to reinforce their co-operation by creating in the long term four ‘common spaces’ in the framework of the Partnership and Cooperation Agreement. It was decided to create a common economic space; a common space of freedom, security and justice; a space of co-operation in the field of external security; as well as a space of research and education, including cultural aspects.

Work on the Common Space of Freedom, Security and Justice has already made a big step forward with the conclusion of negotiations on the Visa Facilitation and the Readmission Agreements. The agreements were signed at the EU-Russia Summit on May 25 2006 in Sochi, Russia. Both the EU and Russia are in the process of preparing the ratification of these agreements. The visa dialogue will continue with a view to define the procedure for examining the conditions for a mutual visa-free travel regime as a long-term perspective. Cooperation on combating terrorism, and other forms of trans-national illegal activities such as money laundering, fight against drugs, economic crime such as double invoicing and trafficking in human beings will continue as well as on document security through the introduction of biometric features in a range of identification documents. The EU support to border management and reform of the Russian judiciary system are among the highlights of this space. With a view to contributing to the concrete implementation of the road map, the Justice and Home Affairs Permanent Partnership Council (PPC) met on 13 October 2005 and on 22 March 2006 and agreed to organise clusters of conferences and seminars, bringing together experts and practitioners on counter-terrorism, cyber-crime, document security and judicial cooperation.

The Justice and Home Affairs Permanent Partnership Council (PPC) on 30 October 2006 emphasised the need to further improve the use of the EU-Russia liaison officers network and to strengthen operational cooperation in combating organised crime, including trafficking in human beings and money laundering, for example by arranging regular meetings between EU and Russian senior-level law enforcement officials such as meetings between EU Police Chiefs Task Force and representatives of Russia. The parties agreed to further develop cooperation between the Russian law enforcement authorities and Europol. The EU and Russia stressed that their aim was to bring the EU-Russia visa facilitation and readmission agreements signed May 2006 into force as soon as possible.

There was also agreement on developing greater cooperation between the European Border Agency (FRONTEX) and the Federal Border Security Service of Russia, as well as to explore the possibilities of an agreement between EUROJUST and Russia.

### **III. Summary of current action**

More than € 2.6 billion has been allocated to Russia under the Tacis programme since its start in 1991, to promote the transition to a market economy and to reinforce democracy and the rule of law.

The Tacis national programme for Russia focuses on support to institutional, legal, and administrative reform, as well as economic and social development in Russia, with considerable emphasis given to issues related to freedom, justice and security, including judicial, reform, fight against organised crime and terrorism, migration, and asylum. Support to the further integration of the EU and Russian economies is also an essential component of the programme, including the progressive approximation of relevant Russian legislation with the *acquis communautaire*. The programme also addresses the social consequences of transition in terms of health, labour, and education. Further details can be found in the current Indicative Programme (IP 2004-2006).

Overall planning for financial cooperation/assistance with Russia under the European Neighbourhood and Partnership Agreement (ENPI, replacing TACIS) will be finalised in 2006 covering the period of the new Financial Perspectives (2007 – 2013). This will include a Country Strategy Paper for the whole period, and a National Indicative Programme for 2007 – 2010.

## **1. Freedom**

### ***1.1. To facilitate the movement of persons/readmission***

The EU-Russia agreements on visa facilitation and readmission were signed during Austria's Presidency.

#### **Actions to be taken:**

- To conclude between some EU Member States (FR, PT and ES) and Russia of bilateral protocols on the implementation of the EU-Russia readmission agreement (France, Portugal and Spain need to agree separately by protocol, due to their national legislation, on the deadline for replying to a request for readmission. As regards other Member States, it should be made sure that they follow the provisions laid down of the EU-Russia agreement.)
- To intensify the visa dialogue at expert and political level aimed at defining the procedure for examining the conditions for a mutual visa-free travel regime as a long-term perspective, as set out in the Common Space.
- To discuss with Russia of the EU's serious concerns regarding the issue of other travel obstacles applied in a non-reciprocal manner, such as the Russian registration procedures and establishment of extensive border zones.

### ***1.2. To cooperate on border issues***

- To continue to foster bilateral and interregional cooperation with Russia in the area of border issues, also taking account of promoting operational cooperation between the authorities, which is one of the general objectives of the Finnish Presidency.

- To enhance cooperation and exchange of information between the EU Member States in the Baltic Sea Region and Russia.
- To promote cooperation between the External Borders Agency (Frontex) and Russia, for example by means of a project relating to best practices in border guard cooperation to be carried out at local and regional level at the land border between the EU and Russia ("Border Delegate Organization").

Actions to be taken:

*Frontex will coordinate the compilation of best practices in cooperation between the border guard authorities of EU Member States and Russia in the framework of its project on "Border Delegate Organization" (BDO). The best practices would serve as a model for organising external border cooperation in all countries in practice. It has been agreed with Frontex that it will coordinate and organise 22 November 2006 in Imatra an expert meeting on best practices between the Member States and the neighbours connected by a land border. Federal Border Service of Russians have been reserved a key role in the seminar*

- To take Russia into account in developing the integrated management of external borders, which is one of the objectives of the Finnish Presidency.
- To stress that legal certainty of the borders is required for a stable EU-Russia relationship and for improved cooperation at the common border. The Russian authorities should ratify the border agreement with Estonia and sign and ratify the border agreement with Latvia. Demarcation should immediately be undertaken with Lithuania, as well as with Latvia and Estonia.

### ***1.3. To develop cooperation in the field of migration and asylum policy***

Objectives include inter alia exchanging information on migration management policies and best practices and examining the possibilities of cooperation projects to improve the management of migration flows, including the assessment of statistics and measures to fight against illegal migration.

#### **Actions to be taken:**

*Furthering and intensifying contacts between EU/MS and Russian authorities, with the aim of creating an efficient network of contact points between the authorities responsible for migration and asylum issues, taking into account the experiences and best practices gained at bilateral level. Support for reinforcing the asylum system protecting refugees in line with the Geneva Convention and extending the system to include other persons in need of protection.*

*To implement the EU-Russia readmission agreement.*

## **2. Security**

### ***2.1 To intensify cooperation in the area of counter terrorism***

- To improve EU-Russia cooperation in the protection of critical infrastructure.

#### **Actions to be taken:**

*The Presidency will arrange an informal preparatory CIP expert meeting between the EU and Russia in December 2006. The expert meetings will be continued as necessary.*

- To improve prevention and preparedness of EU and Russia against terrorist attacks.



- To encourage Russia to accede to the 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.
- To encourage Russia to ratify the Council of Europe Conventions on Cyber Crime and Terrorist Financing as soon as possible.

Actions to be taken:

*The Commission intends to hold a seminar with Russia on terrorist financing in 2007 in order to strengthen common action related to the prevention of financing of terrorism. See also the section on money-laundering.*

*The future presidencies and the Commission will seek opportunities and ways to encourage Russia to accede to relevant conventions.*

- To invite Russia to share their knowledge on the security of explosives (including liquid explosives) with the EU.
- To explore the possibility of cooperation on training professionals, including joint training with European Police Academy (CEPOL).

Actions to be taken:

*The future presidencies will organise expert meetings to exchange best practises and share knowledge among other things about the security of explosives (including liquid explosives).*

*The network and meetings of EU Liaison officers stationed on Russia should be used, when appropriate, for information exchange on best practices and knowledge sharing in the area of counter terrorism.*

*CEPOL will explore possibilities concerning cooperation and training.*

## ***2.2 To improve the security of travel documents***

- To improve cooperation on the introduction of biometric features, based on ICAO standards, within the EU and Russia
- To promote cooperation to support Russia in the prevention and criminalisation of the malpractice of multiple identities and the use and possession of stolen/forged travel documents, as well as the need to ensure the integrity of the civil register.
- To continue the EU-Russia dialogue aiming at document security within the wider context of the travel regime.

### Actions to be taken:

*The Commission will pursue contacts with Russia in matters relating to the security of documents and keep the Member States informed about the discussions.*

## ***2.3 To combat transnational organised crime***

- To reinforce the implementation of the relevant part of the EU-Russia Road Map for the Common Space of Freedom, Security and Justice and the Action Plan on Organised Crime through actions taken both at EU and regional level.
- The necessity of extensive and coherent measures against all kinds of criminal actions mentioned in the Action Plan on Organised Crime should be stressed when carrying out actions at all levels of cooperation.
- The strengthen operational cooperation in combating organised crime, including trafficking in human beings and money laundering, for example by arranging regular meetings between EU and Russian senior-level law enforcement officials.

Actions to be taken:

*The Presidency will prepare (at operational senior level), together with Russia and with the support of the Commission and Europol, joint priorities for operational cooperation between the law enforcement authorities of EU Member States and Russia based on the Road Map for the Common Space of Freedom, Security and Justice and the Action Plan on Organised Crime. The JHA Permanent Partnership Council will discuss the priorities in the first half of 2007. As from the beginning of 2007, the Member States will increase operational cooperation with Russian law enforcement authorities and report on the experiences at relevant Council Working Groups on a regular basis.*

*The Presidency will facilitate the operational cooperation in combating organised crime, for example by arranging regular meetings between EU and Russian senior-level law enforcement officials such as meetings between EU Police Chiefs Task Force and representatives of Russia.*

*The PCTF and Europol will evaluate the need for reviewing ongoing COSPOL projects and for launching new projects on the basis of the next OCTA and experiences gained from the present COSPOL projects.*

*The Member States, supported by Eurojust, will explore the practical and operational possibilities of establishing joint investigation teams with the competent Russian authorities, as appropriate.*

*Appropriate Council working group, such as MDG and PCTF will draw up a plan to expand and intensify the use of the EU-Russia Liaison Officers' network by examining and introducing best practices compiled on the liaison officer networks. Relevant experience acquired by the liaison officer network of the Nordic countries and Western Balkan countries will be taken into account as well.*

*The presidency will promote discussion in the appropriate Council working group, such as MDG and PCTF, and FRONTEX concerning a common view on actions to be taken to improve mutual exchange of information on cross-border crime and international crime groups.*

*The Member States and Europol will foster operational cooperation in fighting serious forms of organised crime in the form of double invoicing related to trade transactions between EU countries and Russia.*

*The Member States and Europol will foster operational cooperation in combating cyber crime, in particular child pornography, between the cyber crime investigation units of the Member States and Russia (24-Hour Contacts for International High-Tech Crime).*

Actions to be taken at regional level:

*In the cooperation with Russia to fight organised crime, the Member States will promote interregional cooperation in compliance with OCTA recommendations and Council conclusions.*

*The EU Member States which are members of the Baltic Sea Task Force (BSTF) will focus on further improving the operation of the Task Force. By carrying out operational cooperation within the Task Force, we will implement the EU-Russia Road Map for the Common Space of Freedom, Security and Justice, including its specific part on Organised Crime, in practice.*

*The Presidency will see to it, together with the Member States of the BSTF if necessary, that a joint threat assessment of organised crime is made for the north-eastern Member States of the EU and the north-western territories of Russia by the end of 2007. This model may be applied later when drawing up a more comprehensive threat assessment between the EU and Russia.*

*Member States should utilize more actively, in their bilateral co-operations with Russian law enforcement authorities, the single contact point set up by the Joint Declaration of the EU and the Russian Federation (7535/1/02 REV 1 CRIMORG 17 NIS 41) on the Appointment of a Central Authority in the Exchange of Information on Organised Crime adopted in Luxembourg on 25 April 2002. The Presidency together with Council Secretariat will see to it that the list will be updated as a matter of urgency.*

Actions to be taken by Europol:

*Europol will undertake further efforts to reinforce the implementation of the EU-Russia agreement on strategic cooperation, for example by inviting, when appropriate, Russian representatives to its conferences and seminars, as well as to special training for Russian experts in relevant issues (for example general Europol awareness and AWFs).*

*Europol will strive at concluding an operational cooperation agreement with Russia for the exchange of personal data. The content and implementation of the transposing legislation adopted by Russia on 27 July 2006 to enable the ratification of the 1981 Council of Europe Convention should be assessed by Europol before negotiating an operational agreement.*

*Europol will continue, if necessary, to explore the possibility to conclude with Russia an agreement on operational cooperation that is limited, for example, in terms of its scope of application, if Russian legislation or its implementation does not seem to meet the requirements for a full operative agreement in the next few years.*

Actions to be taken to enhance cooperation in joint education and training:

*To encourage cooperation between CEPOL and the Academy of the Ministry of the Interior of Russia. Discussions about this matter between representatives of the Presidency and Russian Ministry of the Interior took place in Moscow in September 2006. An initial agreement was reached between the parties that negotiations for a cooperation agreement between CEPOL and MVD Academy should be initiated as soon as possible. The Presidency will consult relevant Council working groups to prepare for an approval of the agreement by the JHA Council, as well as the appropriate follow-up.*

#### ***2.4. To promote a comprehensive anti-money laundering regime***

To foster cooperation in fighting money laundering through the interaction of Financial Intelligence Units (FIUs) of the EU Member States and Russia and the improvement of relevant legislation and its implementation.

##### Actions to be taken:

*The fostering of cooperation between EU and Russian experts on Money Laundering should be discussed in the framework of the EU FIU Platform and possibly at meeting(s) between the Platform and the Russian experts.*

*The Presidency will initiate a discussion on how Member State FIUs may share information and cooperate with the Russian FIU having regard to the existing connection to the EU FIU.NET platform. The discussions will provide a basis to evaluate what type of bilateral agreements that could be recommended to promote cooperation between MSs and Russian FIUs.*

*The Commission will continue to contribute to the prevention and control of money laundering and terrorist financing by enhancing the human capacities of key institutions of the Russian anti-money laundering system (ROSFINMONITORING, law enforcement and criminal justice agencies, financial sector regulators and supervisory authorities).*

#### ***2.5 To tackle the narcotic drug problem***

- To ensure the implementation of the document agreed at the JHA PPC on 13 October 2005 ("possible actions to take forward") by the Horizontal Working Party on Drugs (HDG) in order to achieve the objectives laid down in the Road Map for the Common Space on Freedom, Security and Justice.

Actions to be taken:

*The HDG will continue the implementation of the further stages of the agreed document.*

*Presidency will consider how the results of EU-Russia conference held in Warsaw on 13-14 November 2006 can be used as a basis of implementation of Stage 2 of the document "possible actions to take forward".*

*EMCDDA will develop cooperation with its Russian counterparts on data collection (Federal Drugs Control Service; Health Ministry), including the possibility of a Memorandum of Understanding;*

*Europol will promote cooperation with the Russian Ministry of the Interior i.a. on synthetic drugs and precursors.*

- To combat the drug threat originating from Afghanistan

Actions to be taken:

*The presidencies and Commission should assess and seek ways how EU could support strengthening the capacities of the states directly bordering Afghanistan and main states of transit and assist the Afghan law enforcement structures to fight the drug production and smuggling.*

*Europol will carry on with the operative project, which was initiated at the Police Chiefs Task Force in November 2006, take the drug threat from Afghanistan into deeper consideration in the OCTA 2007 process and change information with the Russian counterpart about the possible smuggling routes and means.*

*The Member States will foster bilateral and regional information exchange and operational cooperation with Russian law enforcement authorities in fighting drug smuggling from Afghanistan.*

- To promote cooperation between law enforcement and social and health authorities to reduce and combat the risks and threats of drug use.

Actions to be taken:

*The Member States will seek ways to implement the principles concerning cooperation between law enforcement and social authorities laid down at the EU Conference in Turku on 6 and 7 September 2006 in their relations with Russia.*

**2.6. To combat trafficking in human beings**

- To promote operational cooperation on combating trafficking in human beings, with the aim of finding appropriate channels for exchanging information.

- To promote the entry into force of the Council of Europe's Convention on Action Against Trafficking in Human Beings.

Actions to be taken:

*The Member States participating in COSPOL projects relating to trafficking in human beings will see to it that information concerning their bilateral operational cooperation with Russia on combating smuggling of and trafficking in human beings is made available to the COSPOL projects.*

*The Presidency will organise expert meetings between the EU Member States and Russia to combat smuggling of and trafficking in human beings.*



*The Commission and Europol will promote effectiveness of cooperation within the BSTF to fight trafficking in human beings. The actions taken will be disseminated as best practices.*

- To organise training in combating and investigating trafficking in human beings, as appropriate.

Actions to be taken:

*CEPOL will organise expert seminars and other training for law enforcement authorities in combating and investigating trafficking in human beings in order to compile and exchange best practices between the EU Member States and Russia.*

**2.7 To fight corruption**

- To encourage Russia to ratify the most important international conventions against corruption (Council of Europe and OECD Conventions) and to support Russia in the fulfilment of the requirements for acceding to the conventions. Russia will by 1 February 2007 become party to the Council of Europe Criminal Law Convention on Corruption, including GRECO . Russia has not signed or ratified the Council of Europe Civil Law Convention on Corruption.
- To provide Russia with support in the implementation of the UN Convention against Corruption and of the Council of Europe Criminal Law Convention on Corruption and in the improvement of national legislation.

Actions to be taken:

*EU Presidencies will organise expert meetings and seminars to foster cooperation in fighting corruption between the EU Member States and Russia as appropriate.*

Support will be provided to Russia in the effective and practical implementation of the Conventions against corruption. Finland will arrange a seminar on the implementation of the Conventions in Russia in 2007.

*Actions to be taken at regional level:*

*Finland will, in cooperation with Baltic and Nordic countries and the Nordic Council of Ministers, arrange a seminar on the implementation of the international Conventions in Moscow in 2007. The seminar will be part of the cooperation project including also exchange of best practices and study visits.*

### ***2.8 To fight trafficking in stolen vehicles***

- To encourage Member States to consider whether bilateral agreements between Member States and Russia could be a useful instrument in the fight against trafficking in stolen vehicles.
- To foster practical cooperation between the competent authorities of the EU Member States and Russia to fight trafficking in stolen vehicles.

Actions to be taken:

*EU Presidencies will organise expert meetings, for example, between the police units of EU Member States and Russia investigating vehicle crime to evaluate the existing agreements, identify best practices and consider, which elements the bilateral agreements should contain in order to be useful.*

### **3. Justice**

#### ***3.1 To contribute to the efficiency of the judicial system***

- To continue to support Russia in judicial reform to ensure the independence and effectiveness of the judiciary based on the rule of law and respect of human rights.

#### **Actions to be taken:**

*The implementation of this objective will be carried out by means of projects financed under the financial instruments of the EC, bilateral cooperation and projects under the Northern Dimension, for example, with particular emphasis on establishing administrative and juvenile courts and improving the legal aid system in Russia (at the moment there is a bilateral project between Finland and Russia).*

#### ***3.2 To enhance cooperation on criminal matters***

- Enhance the coordination of cross-border investigation and prosecution measures between Eurojust and Russia.

#### **Actions to be taken:**

The aim is to sign a cooperation agreement between Eurojust and Russia as soon as possible. The long-term goal is the functional system for cooperation between Eurojust and Russia on coordinating investigations and prosecution measures concerning relevant EU Member States and Russia.

- To create a functioning system in order to improve judicial cooperation in criminal matters between Russia and the Member States with the help of the European Judicial Network (EJN)

Actions to be taken:

*To promote quality reply to letters Rogatory sent by EU Member States on a non-discriminatory basis.*

- To promote the creation of a system of liaison magistrates for the EU and Russia

Actions to be taken:

*The Member States should consider the possibility of bilateral agreements with Russia on the exchange of liaison magistrates (8.6.2006 first Memorandum of Understanding between Finland and Russia).*

3.3 To develop cooperation on civil matters

- To support Russia in the application and implementation of the agreements to which it has acceded. To encourage Russia to apply multilateral agreements.

Actions to be taken:

***The 1970 Hague Convention on Taking of Evidence:*** *Russia acceded to the 1970 Convention on the Taking of Evidence Abroad in Civil or Commercial Matters in 2001, but has not yet nominated a central authority. After Russia has appointed a central authority, the Member States should provide it with assistance in organising training in the effective implementation of the Convention in Russia.*

***The 1965 Hague Convention on Service of Documents:*** *Russia acceded to the 1965 Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in 2001, and it has designated a central authority. The Member States could provide Russia with assistance in the effective implementation of the Convention in Russia and in strengthening cooperation between the central authorities.*

*Finland will, in cooperation with the Hague Conference and Canada, arrange a follow-up seminar on the service of documents in St. Petersburg in 2007. The previous seminar was organised in Moscow in 2005.*

*The Presidency in cooperation with the Commission and Member States consider if in 2007 a further EU-Russia conference on judicial cooperation in civil matters and, in particular, on the service of documents will be of added value taking into account the results of the seminar organized by Finland.*

- To encourage Russia to accede to the following multilateral conventions: the 1973 Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, the United Nations Convention on the Recovery Abroad of Maintenance, 1956, the future new Hague Convention on maintenance obligations; the 1980 Hague Child Abduction Convention.

Actions to be taken:

*EU-Russia expert meeting was organised on 18 September 2006 to start discussions about the possibility of Russia acceding to the Hague civil conventions including those concerning children. The experts agreed to meet again in December 2006.*

- To explore the possibility of an EC-Russia agreement on judicial cooperation in civil matters as set out in the Common Space.

Actions to be taken:

*A report outlining the areas of judicial cooperation in civil matters which are not covered or which are not covered sufficiently by multilateral agreements and where a bilateral EC agreement with Russia could be desirable. This report should be drawn up in close cooperation with the CEPEJ committee of the Council of Europe.*

*Contacts at expert level will be continued with Russia in judicial cooperation matters. At the expert meeting on 18 September 2006, Russia undertook to prepare a list of matters in the area of civil and commercial law on which Russia would like to strengthen bilateral cooperation with the European Community.*

*As the long-term objective: judicial cooperation in commercial matters, taking into account also the requirements for the recognition and international implementation of court decisions.*

#### **IV. Follow-up**

The Commission and the Council Secretariat will systematically monitor the process of this Action Oriented Paper and report to the Justice and Home Affairs Council and the General Affairs and External Relations Council every 18 month, with the next report due by July 2008. This report will take place in the framework of the procedure described in the JHA External Relations Strategy <sup>1</sup>.

Whenever needed, the Presidency, the Council Secretariat, the Commission and interested Member States should meet at a regular basis to monitor the process in implementing this Action Oriented Paper. These meetings should contribute to a coherent approach in developing the EU Strategy for the External Dimension of Justice and Home Affairs.

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<sup>1</sup> Doc. 15446/05  
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## **Bilateral agreements between Member States and Russia<sup>1</sup>**

### **Only bilateral agreements with Russia or multilateral agreements including Russia:**

#### **Austria**

Following legislation is in force:

- European Convention on Extradition of 13 Dec. 1957 (version of the 2<sup>nd</sup> Additional Protocol of 17 March 1978), and
- European Convention on Mutual legal Assistance in Criminal Matters of 20 April 1959 (version of the 2<sup>nd</sup> Additional Protocol of 17 March 1978)
- Memorandum concerning prevention against natural disaster and accidents as well as the abolishment of its consequences (signed 18.05.2006)
- Protocol on the cooperation in 2006/07 between Ministry of Home Affairs in Austria and Russia (signed 02.09.2005)
- Joint Declaration of the Security Agency of Austria and the Moscow University of the Ministry of Home Affairs (given 20.10.2005)

#### **Belgium**

Bilateral Agreement with Russia. Signature 20/12/2000. Ratification going on. Fields of the co-operation: terrorism, drugs, immigration, traffic human beings, organized crime, corruption and money laundering.

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<sup>1</sup> Based on answers to Questionnaire on Russian and Russian-speaking organised crime (10226/05 CRIMORG 59)

## **Czech Republic**

Bilateral agreements exist. Czech Republic has The Agreement on Cooperation between the Ministry of Interior of the Czech Republic and the Ministry of Interior of the Russian Federation signed in Prague, April 21, 1997 (A new agreement is planned).

## **Cyprus**

Co-operation agreement between the Ministry of Interior of Cyprus and the Ministry of Interior of USSR for combating Crime – 25/7/1990. Please note, in force in accordance with the protocol between Cyprus and the Russian Federation on the inventory of bilateral agreements, Nicosia 2000.

## **Denmark**

Danish Police is involved in the operative cooperation within the framework of the Task Force on Organised Crime in the Baltic Sea Region. The objective of this cooperation is to combat organised crime originating from or affecting the Baltic Sea Region. The Task Force generates specific projects and exchange of information between the participating countries, including Russia.

## **Estonia**

Different conventions and co-operation agreements have been concluded. The most important of them are the following:

- Cooperative agreement between the Ministries of Interior of Estonia, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tadjikistan, Turkmenistan, Uzbekistan and Ukraine on criminal-technical and operative-service information issues - were signed and entered into force on 13<sup>th</sup> May 1993. The parties co-operate in criminal-technical and operative-service related information.
- Cooperative agreement between the Ministries of Interior of Estonia, Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia Federation, Tadjikistan, Uzbekistan and Ukraine on fight against drugs - were signed and entered into force on 21<sup>st</sup> October 1992. The parties co-operate in combat against handling of narcotic drugs and psychotropic substances.



- Cooperative agreement between Estonia and Russian Federation (signed on 4<sup>th</sup> December 1997) and the following adjustable co-operation protocols.
- At present there also exists an agreement between the Estonian Republic and the Russian Federation on legal relations and legal aid in civil, family and criminal law matters from 1993. This agreement has raised discussions on the implementation of the provisions on jurisdiction, recognition and enforcement of decisions.

## **Finland**

Agreement between the Republic of Finland and the Union of Soviet Socialist Republics on Legal Protection and Legal Assistance in Civil, Family and Criminal Matters (SopS 47-48/1980).

Finland has agreement on co-operation in crime prevention (1994) and an agreement regarding cooperation and mutual assistance in customs matters (1994) with Russia.

The Ministry of the Interior, National Bureau of Investigation, National Board of Customs and the Frontier Guard have made bilateral agreements on co-operation with the Russian national law enforcement authorities and with the law enforcement authorities of northwest Russia (incl. St. Petersburg). The Provincial Police Commands of Lapland, Oulu, East Finland and South Finland have made similar agreements on co-operation with the regional frontier authorities of the Russian northeast border area.

The Finnish and Russian money laundering units signed a mutual Memorandum of Understanding in 2004.

Regarding multilateral agreements, Finland and Russia are parties e.g. in the European Convention on Mutual Assistance in Criminal Matters (1959, SopS 30/1981), Convention on Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990, SopS 53/1994) and the United Nations Convention against Transnational Organized Crime i.e. the so-called Palermo Convention (2000, SopS 20/2004 - Belarus is also a party in this Convention).

## **France**

On 10 February 2003 the French Republic signed intergovernmental agreements on internal security with the Russian Federation. These agreements cover a broader field than the fight against organised crime (they also include the fight against terrorism, illegal immigration, the exchange of law enforcement specialists, training, etc.). Furthermore, two internal security attachés are stationed at the French Embassy in Moscow (assisted by a liaison officer specialising in immigration and criminal investigation). Exchanges of specialists and training activities are organised, as well as more general exchanges of operational information and of experience between specialised departments.

Furthermore, all contacts between the National Directorate for Customs Intelligence and Investigations and departments in the former CIS countries take place via the customs attaché in Moscow. The post was created in the second half of 2004 and there is a steady increase in the group's relations with him.

## **Germany**

### **Bilateral agreements**

- Bilateral intergovernmental agreements on cooperation in combating organised crime and terrorism have been concluded with several States in Eastern Europe (the Russian Federation, Bulgaria and Romania). Cooperation covers primarily the exchange of personal data, secondment of experts to exchange information, the implementation of requested measures, cooperation in coordinated police measures and the exchange of research findings and samples.
- In application of the joint action plan for combating international organised crime, signed on 9 June 1988 by the German Federal Ministry of the Interior and the Ministry of Internal Affairs of the Russian Federation, a German-Russian Working Party was set up as a permanent body linking the Federal Criminal Police Office and the competent Russian authorities under the Ministry of Internal Affairs.

The task of the German-Russian Working Party is to deal with questions of principle in combating organised crime and with questions of operational cooperation for the purposes of improving cooperation in the fight against organised crime and implementing joint operational and tactical measures in investigating specific cases of organised crime involving one particular type or multiple types of offence.

- 1991 joint declaration on police cooperation between the Ministry of the Interior of the *Land* of North Rhine-Westphalia and the Ministry of Internal Affairs of the Russian Soviet Federative Socialist Republic, continued in 2003 with the joint declaration on police cooperation by the Ministry of the Interior of the *Land* of North Rhine-Westphalia and the Ministry of Internal Affairs of the Russian Federation.

Cooperation covers

- secondment of instructors and specialists for basic and further training in security and combating crime;
  - exchange of experience concerning organisation, content and methodology of basic and further training, from a perspective of quality management in training systems, including training monitoring;
  - exchange of information and experience concerning police operating methods, resources and technology;
  - regular exchange of legislation, teaching literature and other police-related publications;
  - promotion of contacts between the two countries' police authorities and institutions;
  - mutual provision of information on the structure and organisation of authorities and institutions, as well as police operation and management;
  - promotion of mutual awareness of sense of nationality and socio-cultural environment;
  - improvement of the language skills of those involved in cooperation;
  - secondment of specialists for basic and further training in security and in law-enforcement;
  - application of scientific knowledge;
  - exchange of information.
- For more than ten years, Rhineland-Palatinate has had agreements with Russia and Ukraine on the improvement of cooperation, particularly in combating organised and drug-related crime. Over that time there has been an annual exchange of specialists for attendance at courses or for traineeships.

- 1999 memorandum of understanding on cooperation in combating crime between the Ministry of the Interior of the *Land* of Schleswig-Holstein, the General Administration for Internal Affairs of St. Petersburg and of Leningrad oblast and the North-Western Internal Administration for Transport of the Ministry of the Interior of the Russian Federation.
- 1997 memorandum of understanding between the Ministry of the Interior of the *Land* of Schleswig-Holstein and the Department for Internal Affairs of the Kaliningrad region on areas for joint action to combat crime, including organised crime.
- The *Land* of Lower Saxony will in future be giving police cooperation with the Russian region of Tumen, engaged in since 1999 under a joint declaration on the subject, a more practical slant (also in combating organised crime). Preliminary talks have been held with Lower Saxony's partner region, Perm, on police cooperation, which should in particular cover areas of organised crime.

### **Greece**

The Greek Ministry of Public Order has concluded agreements on police cooperation with Russia, which provide inter alia for the development of cooperation and the provision of mutual assistance in combating terrorism, organised crime, illegal trafficking in arms, nuclear and radioactive materials and explosives, the illegal preparation of and trafficking in narcotics, economic crime, illegal trafficking in human beings, procuring, trade in human organs, crimes relating to illegal immigration etc. Over the last five years, training seminars have been held on combating organised crime, in which police officers from the aforementioned countries have taken part. In addition, meetings of experts from both countries (Greece and Russia) have taken place on subjects of mutual interest, including organised crime.

### **Hungary**

In the area of cooperation in the fight against international terrorism, illicit trafficking of narcotic drugs and organised crime our country is bilateral agreement on international cooperation with the Russian Federation – since 1997: promulgated in Government Decree No. 181/1997 (X.17).

Amendment of the existing Bilateral Treaty is under preparation with the Russian Federation, for this task expert groups were established within the Ministry of Justice and Law Enforcement.

## **Ireland**

The Irish Government has two bilateral Agreements with the Government of the Russian Federation. These agreements were signed by the Taoiseach (Prime Minister) on behalf of the Government of Ireland on 15 September, 1999 and entered into force on 22 July, 2000. They are:

(i) Co-operation in combating illicit trafficking and abuse of narcotic drugs and psychotropic substances

This Agreement provides for co-operation in the areas of drug abuse prevention, treatment and rehabilitation and in combating illicit traffic in drugs and in substances listed in Table 1 and Table II Annexed to the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

(ii) Co-operation in fighting crime

This Agreement provides for co-operation in fighting crime, especially in its organised form, in cases when prevention, identification, suppression and investigation of crime require the competent authorities of both States to work together. It also provides for co-operation in fighting international terrorism, unlawful drug trafficking, laundering the proceeds of crime and other forms of serious crime. It also provides for the exchange of information, and the provision of assistance in connection with inquiries.

A formal MOU between An Garda Síochána and the Ministry of the Interior of the Russian Federation was in place until mid-2002 when the terms of the MOU were suspended, at the request of the Russian Federation, due to ongoing political changes. Discussions are ongoing at present with a view to initiating a new MOU. This anticipates cooperation in Criminal Investigations, Public Order Policing; Economic and Tax Crime; Transnational Crime; Forensic Research and Language Training and reciprocal visits.

## **Italy**

The relations mainly established through the information exchange on criminal groups and on the illicit circuits used by them are based on numerous bilateral agreements entered into starting from the late '80ies. Starting since 1997, the Drug Expert's Office in Moscow has been operational. Co-operation relations are regulated by the co-operation agreement on the fight against crime signed in Rome on 5 November 2003, thereby integrating the previous agreement signed in Moscow on 11 September 1993.

In addition, it is worth mentioning the "Co-operation Memorandum" on the fight against organised crime between the Antimafia National Directorate and the General Public Prosecutor's Office of the Russian Federation, signed on 14 May 2002.

Italy has With Russian Federation:

- A Co-operation Agreement on the fight against organised crime and traffic in narcotic drugs and psychotropic substances (Moscow, 11/09/1993).
- Bilateral Agreement on co-operation in the fight against crime (Rome, 05/11/2003).

## **Latvia**

- There are agreements between
- the Ministry of the Interior of the Republic of Latvia and the Ministry of the Interior of Russian Federation on co-operation in fight against organised crime (concluded on 24 April 1996);
- between Republic of Latvia and Russian Federation on mutual legal assistance and legal relations in civil, family and criminal cases (concluded - 03.02.1993; in force since 28.03.1995)
- on mutual cooperation between the Ministry of Interior of the Republic of Latvia and the Ministry of Interior of the Russian Federation (in force since 28.08.1992)
- Memorandum of Understanding between the Ministry of Interior of the Republic of Latvia and the Ministry of Interior of Russia in the field of migration control (in force since 20.08.2002).

## **Lithuania**

There are a number of bilateral agreements signed by Ministry of Interior of Lithuania and Lithuanian Police department with their counterparts in CIS countries including Russia and its Kaliningrad District. Cooperation in the field of fight against organised crime is mentioned in those agreements among other measures.

## **Netherland**

We have had quite regular contacts with various counterparts in the region.

The Netherlands has signed a bilateral 'Common Action Programme 2006-2007' with the Russian Federation which includes a wide range of fields of cooperation. It was signed on 2 November 2006. Important fields of cooperation concerning justice and law enforcement within the framework of the Common Action Programme are:

- Fight against organised crime;
- Fight against human trafficking;
- Fight against terrorism;
- Dialogue on human rights and minorities;
- Exchange of experiences in the field of law enforcement;
- Strengthening the Rule of Law and efficiency of the judiciary system.

## **Poland**

**Title:** Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on Co-operation in Combating Crime

**Date of signature:** 2003-12-08

**Entered into force:** 2005-03-05 4.

**Title:** Agreement between the Government of the Republic of Poland and the Government of Ukraine on Co-operation in Combating Organized Crime

**Date of signature:** 1999-03-03 3

**Entered into force:** 2003-08-24

**Title:** Agreement between the Government of the Republic of Poland and the Government of the Republic of Tajikistan on Co-operation in Combating Organized Crime

**Date of signature:** 2003-05-27

**Entered into force:** 2004-04-02 4.

**Title:** Agreement between the Government of the Republic of Poland and the Government of the Republic of Uzbekistan on Co-operation in Combating Organized Crime

**Date of signature:** 2002-10-21

**Entered into force:** 2003-11-22

**Title:** Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on Co-operation in Combating Organized Crime and the other crimes

**Date of signature:** 2002-05-24

**Entered into force:** 2005-03-30 4.

**Title:** Agreement between the Government of the Republic of Poland and the Government of the Armenia on Co-operation in Combating Crime **Date of signature:** 2004-09-06

**Entered into force:** 2005-04-07

**Co-operation with Russian Federation** runs in accordance with following bilateral agreements in force:

Two Agreements on Co-operation between the Ministry of Interior of the Republic of Poland and the Ministry of Security of the Russian Federation (signed: 1992-11-19 and 1992-11-20)

Protocol No 1 to the Agreement on Co-operation between the Ministry of Interior of the Republic of Poland and the Ministry of Security of Russian Federation (signed 1993-12-01)

Protocol concerning Exchange of Representatives (liaison officers) between Ministry of Interior of the Republic of Poland and Ministry of Interior of the Russian Federation (1995-02-21)

Declaration on co-operation between the Ministry of Interior and Administration of the Republic of Poland and the Ministry of Interior of Russian Federation (1998-09-15)



The following project is under negotiation since 1998 (Polish proposal): Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Co-operation in Combating Crime, especially in the Organized forms.

Recent Russian proposal concerning the negotiation– September 2006

### **Portugal**

Portugal has celebrated with the Russian Federation the following relevant agreements:

- Co-operation Agreement on the Fight Against Criminality, approved by Decree 36/2001, of 14 September 2001;
- Treaty of Friendship and Co-operation, approved by Decree 74/95, of 14 October 1995.

A draft co-operation agreement to combat the traffic and the illicit consumption of drugs, psychotropic substances and precursors is also under negotiation.

### **Slovakia**

Cooperation with following countries runs in accordance with bilateral agreements in force with Russia

- Agreement on Cooperation between the Ministry of the Interior of the Slovak Republic and the Ministry of the Interior of Russian Federation (Moscow, 29.5.1994),
- Agreement between the Government of the Slovak Republic and Federal Tax Police Service of Russian Federation on Cooperation and Information Exchange in Combating Tax Evasion, Illegal Financial Operations and other Economical Crime (Bratislava, 22.2.2001).

The information exchange, related especially to financial and economic crime is on a very good level and without problems.

## **Spain**

With regard to multilateral agreements, on 3 December 2000 Spain ratified the UN Palermo Convention against Transnational Organised Crime, adopted in New York on 15 November 2000 and in force since 29 September 2003. It should be pointed out that this Convention has been signed by most Eastern European countries, although some entered reservations and made statements on specific points in its provisions. Spain has also ratified the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the above-mentioned Convention.

This Convention covers exchange of information, meetings of experts, provision of assistance, exchange of experience and of specialised knowledge for the training of specialists and exchange of legal material and of data on trends in crime, tracing and identification of persons, taking of evidence, holding of seminars, language teaching and exchange of experts and experience.

The Convention has been built upon in biennial programmes, agreed on by the relevant Interior Ministries.

Spain has organised training courses – on illegal trafficking in vehicles, money laundering, etc. – in various Eastern European countries. Delegations from those countries quite often travel to Spain, or vice versa, for joint meetings on investigations under way or involving some criminal group from that area.

## **Sweden**

The Swedish government or authorities has concluded the following agreements with countries in non-Member States in Eastern Europe:

### *Russian Federation*

Agreement between the government of the Kingdom of Sweden and the government of the Russian Federation regarding mutual assistance in customs matters (1993)

Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation on co-operation as regards measures to combat crime (19 April 1995)

Agreement between the National Police Board of Sweden and the Security Service of the Russian Federation (2 May 1996)

Agreement between the National Police Board of Sweden and the Ministry of Interior of the Russian Federation (2 May 1996)

Additional protocol to Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation on co-operation as regards measures to combat crime of 19 April 1995 (30 October 1996)

Additional protocol to Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation on co-operation as regards measures to combat crime of 19 April 1995 (2 December 1997)

Agreement between the National Police Board of Sweden and the Tax police of the Russian Federation (2 December 1997)

Agreement between the National Police Board of Sweden and the Exchange and Export Control Agency as regards measures to combat economic and financial crime ( 23 April 1998)

Agreement between the National Police Board of Sweden and the Financial Monitoring Federal Service (The Russian Federation) concerning cooperation in the sphere of counteracting legalisation (laundering of proceeds from crime (6July 2004) *In effect substituting agreements from 2 December 1997 and 23 April 1998.*

New additional protocol to governmental agreement is being negotiated with aim of updating list of competent authorities on both sides.

Protocol on cooperation between the Coast Guard in the Kingdom of Sweden and the Federal Border guard in the Russian Federation (later the Border Guard Service of the Federal Security Service), signed May 2, 1996 in Stockholm.

Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation regarding mutual assistance in combating certain fiscal offences (2 December 1997).

Agreement Between the National Police Board and the Russian Federal Authority for Financial Control on co-operation to fight money-laundering (7 July 2004)

Agreements between the Russian federal authority for control of narcotics on co-operation in the fight against illegal handling of narcotics, psychotropic substances and precursors, and the National Police Board and the Customs respectively (12 October and 29 November 2005)

The agreement between the Swedish National Police Board and the Russian fiscal police from 1997 is obsolete and can be deleted.

### **United Kingdom**

The UK has signed

- 1) a Memorandum of Understanding between HMRC and Russian Customs in January 1994 on co-operation and mutual assistance,
- 2) an agreement between the Russian Federation and the UK government on co-operation in fighting crime in October 1997
- 3) an MOU between MVD and UK law enforcement re co-operation in fighting organised crime, illicit drug trafficking and in other matters of mutual interest

UK is looking to update this to include signing a new MOU between the Russian drug agency (FDCS) and the new SOCA. UK is intending to sign an MOU with Belarussian LE and an agreement with the KGB.

## LIAISON OFFICERS STATIONED IN/COVERING RUSSIA

Country	Place (Mo=Moscow, St.P = St. Petersburg, Mu= Murmansk, P =Petrozavodsk)				
	Mo	St.P	Mu	P	Tot.
<b>1. Police LOs</b>					
Austria	1				1
Belgium	1				1
Czech Republic	1				1
Denmark		1			1
Estonia		1			1
Finland	2	2	1	1	6
France	3				3
Germany	3				3
Greece	1				1
Hungary	1				1
Italy	1				1
Latvia	1				1
Netherlands	1				1
Norway	1		1		2
Poland	2				2
Slovakia	1				1
Spain	1				1
Sweden	1	1			2
United Kingdom	2				2
	<b>24</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>32</b>
<b>2. Custom LOs</b>					
Estonia	1				1
Finland	1				1
France	1				1
Germany	1				1
Sweden	1				1
	<b>5</b>				<b>5</b>

### 3. Immigration

LOs	Mo	St.P	Mu	P	Tot.
Germany	1				1
Finland	1		1	1	3
France	1				1
Netherlands	1				1
United Kingdom	2				1
	<b>6</b>				<b>8</b>

Total 8

### 4. Judicial LOs

(e.g. prosecutor, LO  
magistrate)

	Mo	St.P	Mu	P	Tot.
Finland		1 (prosecutor)			1

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