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NOTE

from: General Secretariat of the Council
to: Coreper/Council

Subject: Third Implementation Report of the "Strategy for the External Dimension of JHA: Global Freedom, Security and Justice" by the Council Secretariat
Period of Reference: July 2008 - December 2009

INTRODUCTION

In December 2005, the Council adopted a *Strategy for the External Dimension of JHA: Global Freedom, Security and Justice*¹ (hereafter referred to as "the JHA-Relex Strategy"), which can be seen as one of the practical expressions of the broader European Security Strategy (ESS) of 2003. The JHA-Relex Strategy sets thematic priorities, clarifies underlying principles, reviews mechanisms and tools, and presents EU structures and processes that are involved in the field of JHA-Relex policies.

The JHA-Relex Strategy holds that the Commission and Council Secretariat "will systematically monitor the progress of JHA external activity and report to the JHA Council and GAERC every 18 months". Both the early progress report issued in November 2006² and the second progress report

¹ Doc. 14366/3/05 REV 3 JAI 417 RELEX 628.

² SEC(2006)1498 of 16.11.2006, Doc. 15001/06 JAI 574 RELEX 773 and Doc. 15363/06 JAI 600 RELEX 807.

issued in May 2008³ provided a valuable assessment of the strategy's implementation to date. The report at hand presents the third evaluation of the implementation of the JHA-Relex Strategy.

In the following, the Council Secretariat will:

- § Highlight briefly some of the **important efforts** that have been undertaken by the Presidencies (CZ, FR, SE), in close cooperation with the Commission, over the last 18 months in some of the main geographical regions (United States, Russia, the Western Balkans, Ukraine, Asia and Latin America) and with regard to the Global Approach to Migration (Part I of the Report);
- § Direct attention to areas and regions for **future developments** and enhanced efforts, such as exchange of information on assistance programmes, cybercrime, data protection and information exchange, the role of JAIEX, the work of the liaison officers, West Africa, Latin America and the Euro-Mediterranean region (Part II of the Report).

While focusing on the aforementioned countries and areas, it is recognized that many important efforts have equally been made in other areas and countries, such as, for example, Afghanistan or Pakistan, Libya, Moldova, Georgia or China. However, it would go beyond the scope of this report to mention all of these important efforts in more detail.

In addition, the progress report focuses mainly on events that have taken place at Ministerial or senior level and between experts, rather than on the numerous committee and JLS-subcommittee meetings where the Commission was the main actor or on meetings with other organizations such as the Council of Europe or Europol. It should also be noted that the European Parliament has demonstrated a growing interest in JHA-Relex.

Finally, the report should be read in conjunction with the Stockholm Programme which was adopted at the European Council on 10 and 11 December 2009 and which provides the framework for the EU's work in the area of freedom, security and justice from 2010-2014.

³ SEC(2008)2409 of 10.09.2008, Doc. 9391/08 JAI 237 RELEX 305 and Doc. 9572/08 JAI 253 RELEX 325.

Table of Contents

NOTE	1
INTRODUCTION	1
PART I: REPORT OF ACTIVITIES	4
1. United States.....	4
1.1 Transatlantic Cooperation	4
1.2 Data Protection and Information Exchange	4
1.3 Law Enforcement and Judicial Cooperation in Criminal Law Matters.....	5
1.4 Visa Policy and Border Management.....	5
1.5 Counter-Terrorism.....	6
1.6 Judicial Cooperation in Civil Law Matters	6
2. Russian Federation	6
2.1 Visa Policy and Border Cooperation.....	6
2.2 Law Enforcement and Judicial Cooperation in Criminal Law Matters.....	7
2.3 Judicial Cooperation in Civil Law Matters	8
2.4 New EU-Russia Agreement	8
3. Western Balkans.....	8
3.1 Visa Policy and Border Management.....	9
3.2 Law Enforcement and Judicial Cooperation in Criminal Law Matters.....	9
3.3 Fight against Organised Crime and Corruption	10
4. Eastern Partnership (in particular Ukraine).....	11
4.1 Visa Policy and Border Management.....	11
4.2 Fight against Organised Crime and Corruption	12
4.3 Strengthening the Judiciary	12
4.4 Judicial Cooperation in Civil Law Matters	12
5. EU-LAC Cooperation in the Field of Drugs and Migration	13
6. Asia.....	13
7. The Global Approach to Migration.....	13
PART II: AREAS FOR ATTENTION	16
8. Accountability, Sustainability and Transparency of EU and bilateral assistance in the field of JHA.....	16
9. Cybercrime	17
10. Information Exchange/Data Protection	18
11. Future Role of JAIEX.....	19
12. Liaison Officers.....	19
13. Africa (in particular West Africa)	20
14. Latin America and the Caribbean.....	23
15. Euro-Mediterranean.....	24
CONCLUSION	24

PART I: REPORT OF ACTIVITIES

Even though the internal dimension constitutes the foremost manifestation of the area of freedom, security and justice (AFSJ), the importance of the external dimension of the EU's policy in this area cannot be emphasized enough. Some of the greatest challenges of the 21st century are transnational in nature and can only be addressed effectively through strong partnerships and in close cooperation with third countries. Therefore, the external dimension is crucial to the successful implementation of the main objectives in the AFSJ.

1. United States

In the last 18 months, three EU-US Justice and Home Affairs Ministerial Troika Meetings took place in Washington, D.C. (December 2008), Prague (April 2009), and Washington, D.C. (October 2009).

1.1 Transatlantic Cooperation

At the EU-US ministerial meeting in October 2009, a **Joint Statement on "Enhancing transatlantic cooperation in the area of Justice, Freedom and Security"** was adopted. This joint statement greatly enhances the EU's partnership with the United States under the new US administration and lays out common objectives regarding mobility in a secure environment, strengthened law enforcement and judicial cooperation, fostering preparedness and resilience, and human rights and fundamental freedoms for the next five years. The document has been made public under reference number 15184/09.

1.2 Data Protection and Information Exchange

The High Level Contact Group (HLCG) on information sharing and privacy and personal data protection has successfully concluded its work with the United States regarding **twelve data protection principles**. The results of the work of the HLCG have been made public under reference number 15851/09. Steps toward the negotiation of a binding international agreement in accordance with Article 218 TFUE can now be initiated.

A joint review of the second **EU-US Passenger Name Record (PNR) Agreement** to ensure effective operation and adequate privacy and personal data protection remains to be undertaken.

1.3 Law Enforcement and Judicial Cooperation in Criminal Law Matters

All 27 EU member states have now formally ratified the **EU-US Mutual Legal Assistance (MLA) and Extradition Agreements**. The instruments of ratification were exchanged for agreements between the EU and the US at the ministerial meeting in October 2009. The agreements will enter into force on 1 February 2010. A seminar held in 2008 provided a basic introduction to the new possibilities offered by the agreements for practitioners. A follow-up seminar will take place in 2010 and a practitioner's handbook will also be issued.

The operational partnership between the EU and the US has been reinforced through international agreements and working arrangements between the US and **EUROPOL** and **EUROJUST** respectively, and through the posting of **liaison officers** at each other's diplomatic representations and at **EUROPOL** and **EUROJUST**.

An **EU-US Expert Meeting on Cross-Border Cooperation against Cybercrime** took place on 5 and 6 November 2009.

1.4 Visa Policy and Border Management

In 2008, the **US Visa-Waiver Program (VWP)** was extended to include the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, and the Slovak Republic. However, five EU Member States still have not been granted visa-free travel.

Moreover, since January 2009, international travellers who are seeking to travel to the United States under the VWP are subject to enhanced security requirements and must submit an application to the **Electronic System for Travel Authorization (ESTA)** prior to departure. A proposal to raise a fee for the authorization is currently being considered in the US Congress.

A Working Arrangement on the establishment of operational cooperation between **FRONTEX** and the US Department of Homeland Security was signed in April 2009. This Arrangement will lead to transatlantic cooperation in areas related to border security management including exchange of strategic information, training, capacity building and collaboration on relevant technologies.

1.5 Counter-Terrorism

Cooperation between the EU and the US regarding the prevention of **radicalisation and recruitment** of terrorist and violent extremists continues. Here, the abuse of the internet for terrorist purposes, also with regard to the **financing of terrorism**, and **cybercrime** are primary concerns. A conference on these topics was held in Brussels in February 2009.

In June 2009, the EU and the US issued a **joint statement on the closure of the Guantanamo Bay detention facility** which sets the framework for EU cooperation with the US on this matter. Some Member States have received former detainees or offered to take them. The possibility of developing a Set of Principles as a common reference point in the fight against terrorism will be explored by the EU and the US in the future.

1.6 Judicial Cooperation in Civil Law Matters

Efforts to enhance cooperation between the EU and the US in civil law matters should be strengthened within the framework of the Hague Conference. Contacts have been established at the level of practitioners to that effect.

2. Russian Federation

Three meetings of the EU-Russia Permanent Partnership Council on Justice and Home Affairs were held in Paris (October 2008), Kaliningrad (May 2009) and Stockholm (December 2009). At these meetings, an assessment was made of the state of the implementation of the **Russia-EU Road Map for the Common Space of Freedom, Security and Justice**.

2.1 Visa Policy and Border Cooperation

The EU and Russia are committed to continuing their **visa dialogue**, which was launched in April 2007, in order to examine the conditions for a **mutual visa-free travel regime** as a long-term perspective. However, Russia would like to see this as a medium- rather than a long-term perspective and has asked for more concrete steps to move the perspective forward. Overall satisfaction has been expressed by both Russia and the EU with the work of the experts on the thematic blocks within the visa dialogue.

Progress has been made regarding the implementation of both the **visa facilitation and readmission** agreements. Still, further efforts are needed in order to ensure their full, correct and harmonised implementation. Some technical difficulties remain with regard to the application of the agreements (delays and organisation of interviews for readmission), but constructive discussions on these issues continue within the Joint Committees on Visa Facilitation and Readmission respectively. All necessary implementing protocols for the Readmission Agreement should be concluded swiftly between Russia and individual Member States.

The importance of operational cooperation between **FRONTEX** and the Russian Border Guard Service has been reaffirmed, *inter alia*, by the establishment of a two-year cooperation plan between the two parties which covers the organisation of activities in fields such as risk analysis, information exchange, joint operations and training of border guards.

Over the last 18 months, Russia has also improved **document security** and has introduced more passports equipped with biometrics.

2.2 Law Enforcement and Judicial Cooperation in Criminal Law Matters

The competent Russian authorities are cooperating with **EUROPOL**, **EUROJUST** and **CEPOL**, as well as with the liaison officer network, to address transnational crime. Negotiations of an operational cooperation agreement between Russia and EUROPOL have been prepared. Similarly, Russia and EUROJUST are envisaging a cooperation agreement. Before concluding the respective agreements, however, adequate standards of **data protection** must be ensured by Russia, including ratification and full implementation of the 1981 Council of Europe Convention on Personal Data Protection, and protocol 181 to that Convention. In furtherance of this objective, it might be useful to organize a conference for both legislators and practitioners of data protection from the EU, its Member States and Russia where the present level of data protection could be assessed.

A **EUROJUST seminar on judicial cooperation** between the EU and the Russian Federation was held in The Hague in October 2009 with a view towards exchanging views and encouraging discussions on issues related to extradition, transfer of criminals, transfer of criminal proceedings and mutual legal assistance. However, Member States are still experiencing some obstacles in judicial cooperation on criminal matters and thus practical cooperation should be improved.

Several other instruments of the Council of Europe *acquis*, including the Second Additional Protocol to the 1959 European Convention on Mutual Assistance in Criminal Matters and the Convention on Cybercrime have not yet been signed by Russia.

2.3 Judicial Cooperation in Civil Law Matters

Judicial cooperation in civil law matters should be strengthened within the framework of the Hague Conference. Implementation of existing Hague and international conventions should be enhanced. The Commission has been engaged in exploratory talks with Russia over a possible bilateral agreement in the field of judicial cooperation in civil matters. On 10 November 2009 a meeting with experts from the Member States was held to discuss possibilities for improving cooperation with Russia.

2.4 New EU-Russia Agreement

Negotiations on a new EU-Russia partnership agreement were launched following the 22nd EU-Russia Summit in Nice in November 2008. The new agreement seeks not only to strengthen the so-called "Common Spaces" of economics; freedom, security and justice; external security; and research, education and culture, but also to ensure that long-term relations between the EU and Russia are based on shared values and, in particular, the respect for democracy, the rule of law and fundamental rights.

3. Western Balkans

The **Stabilisation and Association Process** with the countries of the region is generally progressing well. Albania (on 28 April 2009) and Montenegro (on 15 December 2008) have recently applied for EU membership and at the request of the Council the Commission is now preparing its Opinion on the applications of both countries. Two EU-Western Balkans Justice and Home Affairs Ministerial meetings were held in Zagreb (November 2008) and in Brussels (November 2009). In addition, JLS Subcommittees or equivalent meetings were held with all countries of the region in the course of 2009.

3.1 Visa Policy and Border Management

In 2008, **visa dialogues** were launched with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. In the meantime, the former Yugoslav Republic of Macedonia, Serbia and Montenegro have met the conditions for **visa liberalisation** outlined in the visa roadmaps and their citizens will enjoy visa-free travel from 19 December 2009. The visa dialogues with Albania and Bosnia and Herzegovina continue.

The **Readmission Agreements** concluded with all the above-mentioned countries have been in force since 1 January 2008 and are closely monitored by the Joint Readmission Committee that is convened regularly. Their practical application has so far been satisfactory.

Regarding implementation of the concept of **Integrated Border Management**, arrangements are in place between **FRONTEX** and several of the Western Balkan countries. In the coming months, the next steps will be to intensify practical cooperation between FRONTEX, the EU, the Western Balkans and third country partners. FRONTEX has also become involved in the **ILECU project** for enhancement of cross-border support in the fight against crime.

3.2 Law Enforcement and Judicial Cooperation in Criminal Law Matters

Cooperation with **EUROPOL**, **EUROJUST** and **CEPOL** is progressing as well. In addition, the great value of the work done by the **Southeast European Cooperative Initiative (SECI) Center**, which delivers important support for information sharing, joint planning and common action in the field of trans-border crime, must be noted. In November 2008, a draft roadmap for the development of relations between EUROPOL and the SECI Center was agreed. The **SELEC Convention** was approved by the SECI Joint Cooperation Council (JCC) on 10 September 2009 and was signed in Bucharest on 10 December 2009. As a result, EUROPOL can start providing analytical support to the Centre and establishing a liaison office in the Center.

Regional cooperation has been encouraged through the Common Threat Assessment on Organised Crime for the South East European region (OCTA-SEE) which is prepared by the SECI Center.

An initiative aiming to exchange best practices in the field of **counter-terrorism** with six Western Balkan countries was started in 2008. This initiative aims to provide recommendations concerning national counter-terrorism arrangements to the six participating countries on the basis of a questionnaire and onsite visits. Preliminary visits took place during the French and the Czech Presidencies and reports were drafted and presented by the Working Party on Terrorism (TWG) afterwards with a view toward preparing evaluation missions. However, only three of the six countries have so far given their formal agreement to participate in the exercise.

3.3 Fight against Organised Crime and Corruption

In the fight against organised crime, substantial, albeit uneven, progress has been made among the Western Balkan countries. Trafficking in human beings and trafficking in weapons remain high on the agenda. A **two-day ministerial conference on trafficking in human beings** was organized by the Swedish Presidency in Brussels in October 2009, and was also attended by the Western Balkan countries. One of the outcomes of the successful conference was a declaration on trafficking in human beings which contains a 17 point list of key objectives.

Regarding the **fight against explosives and weapons trafficking**, which is also highly important in the fight against terrorism, two expert seminars were organized by the Swedish Presidency in July 2009. In addition, a seminar on the implementation of the EU Action Plan on Enhancing the Security of Explosives was held in Stockholm on 29 and 30 October 2009. A **Joint Declaration on Enhancing the Security of Explosives** was adopted between the countries of the region at the EU-Western Balkans Ministerial in Brussels in November 2009.

Attention should also be drawn to the importance of the **fight against corruption**. In this area, the countries of the region have demonstrated a strong political will over the last couple of months. Now, this needs to be backed by consistent implementation of anti-corruption legislation and tangible results. A lot also remains to be done regarding, for example, the independence and accountability of judiciaries and law enforcement bodies and the reinforcement of the rule of law and fundamental rights.

4. Eastern Partnership (in particular Ukraine)

On 7 May 2009, the Heads of State or Government and representatives of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, Georgia, the Republic of Moldova and Ukraine, the representatives of the European Union and the Heads of State or Government and representatives of its Member States adopted a **Joint Declaration of the Prague Eastern Partnership Summit**.

This Partnership seeks to develop a specific eastern dimension of the **European Neighbourhood Policy (ENP)** and to create the necessary conditions for accelerating political association and further economic integration between the EU and the eastern partner countries. This is done by providing a forum for addressing various policy aspects based on a differentiated approach with each partner that is founded on mutual interests and commitments as well as on the idea of shared ownership and responsibility, and is based on the principles of international law and the respect for human rights and fundamental freedoms.

In the following, some of the efforts undertaken by Ukraine over the last 18 months under the framework of the Eastern Partnership will be highlighted.

4.1 Visa Policy and Border Management

With regard to the **visa dialogue**, which was opened in October 2008, two rounds of expert meetings were held covering the four blocks of the dialogue and identifying various areas of priority; including document security, undocumented migration and borders, public order and security and external relations. At the EU-Ukraine Summit on 4 December 2009, a proposal to move to a structured visa dialogue focused on sequenced priorities of action and recommendations to the Ukrainian authorities was endorsed. Regarding the implementation of the Ukraine-EC **visa facilitation and readmission agreements**, progress has overall been satisfactory.

Some progress has equally been made by Ukraine in the **detention conditions of undocumented migrants**. In addition, Ukraine has established two modern custody centres for the **reception of refugees**; and the number is to be increased to five at a later date.

Moreover, Ukraine has adopted a Presidential Decree programming border management activities until 2015 according to the principles of **Integrated Border Management**. A legislative change designed to adapt Ukrainian border controls to the **Schengen Border Code** is currently being prepared. Cooperation with **FRONTEX** has been intensified.

4.2 Fight against Organised Crime and Corruption

A strategic agreement between Ukraine and **EUROPOL** was signed on 16 December 2009. Joint actions in combating international terrorism, trafficking in drugs and human beings, and financial crimes can now be started.

In the **fight against human trafficking**, Ukraine continues its efforts to close a remaining gap between existing legislation and its implementation. Ukraine is also working to improve its efforts concerning risk analysis, including assessments of international routes and a particular focus on the chain of recruitment of victims.

Likewise, **anti-corruption** activities are planned at all levels of public administration, within the judiciary, and among law enforcement authorities. An Ombudsman has been appointed to lead the anti-corruption body.

4.3 Strengthening the Judiciary

Ukraine has undertaken numerous efforts to strengthen its judiciary in order to bring its system into compliance with European standards. These efforts include, for example, a reform of the Constitutional Court, the functioning of judicial institutions, and the selection of judges. Ukraine has also set up a central registry of all court decisions in order to raise standards and to avoid local or individual discrepancies.

Overall, however, recent political instability has proven to hinder implementation of the necessary reforms.

4.4 Judicial Cooperation in Civil Law Matters

Judicial cooperation in civil law matters should be strengthened within the framework of the Hague Conference. Existing international conventions and protocols should be signed and ratified.

5. EU-LAC Cooperation in the Field of Drugs and Migration

EU and Latin America/Caribbean cooperation in both the **fight against illicit drug production and trafficking** as well as the support of the victims of that trade takes place within a well defined framework based on the wider EU international policy on drugs. The **bi-regional dialogue on drugs** takes place through the EU-LAC Cooperation and Coordination Mechanism on Drugs (first met in 1999) and through the EU-CAN High Level Specialised Dialogue in Drugs (first met in 1995).

The functioning and the added value of the EU-LAC dialogue on drugs were recognised at the latest EU-LAC Summit in Lima in May 2009, where it was called for the strengthening of the EU-LAC Cooperation and Coordination Mechanism on Drugs.

Concerning migration, the Lima Summit called for the further development of a **Structured and Comprehensive Dialogue on Migration**, which was launched on 30 June 2009. The Dialogue addresses issues related to regular and irregular migration, as well as migration and development.

6. Asia

There is now a significant record of engagement on JHA matters with countries of Asia, including regular policy dialogue and the ongoing negotiation of new **Partnership and Cooperation Agreements** (PCAs) that contain provisions on migration and readmission. Also, on 26 October 2009 an **EU-Pakistan Readmission Agreement** was signed.

In addition, the EU has an increasing focus on **counter-terrorism** cooperation with Pakistan and several programs have been launched under the Instrument of Stability to strengthen capacities for **law enforcement and judicial cooperation** in the country.

7. The Global Approach to Migration

Migration remains one of the major challenges of globalization and the EU has taken several important measures to manage migration in a way that it can be beneficial to all stakeholders, including countries of origin and transit and the migrants themselves. In reaching this objective, the EU has put great emphasis on the external dimension of migration policy and on the need to work together in close partnership with third countries.

The **Global Approach to Migration**, which was adopted by the European Council in 2005, in particular has proven its relevance as the strategic framework for this purpose. The approach is based on the principles of solidarity and shared responsibility and aims to formulate coherent policies and actions that address a wide-range of migration-related issues, including the facilitation and promotion of legal migration, the preventing and reduction of irregular migration as well as migration and development. In doing so, the approach brings together different policy areas, such as development, employment, external relations and justice and home affairs in an attempt to strike the right balance between labour market needs, economic impacts, social consequences, integration policies and external policy objectives. It initially focused on Africa and the Mediterranean region but has recently been applied also to the Eastern and South-Eastern regions neighbouring the EU.

Implementation of this Global Approach has been high on the agenda for the rotating Presidencies over the last 18 months. **Council Conclusions** on enhancing the Global Approach to Migration were adopted by the European Council on 19 and 20 June 2008, which highlighted, inter alia, the importance of a consistent use of the various tools provided by the Global Approach, enhanced synergies between migration and development, support for administrative capacity-building in third countries and regional organisations, and coordination with the external dimension of the European policy on asylum.

Special attention has also been given to **mobility partnerships**, which are an essential element of the way in which the Global Approach is applied to a country. One year after the launching of the first pilot mobility partnerships with the Republic of Moldova and Cap Verde, and on the basis of a preliminary assessment carried out by the Commission services, the Council adopted conclusions, stressing the potential of the mobility partnerships as a tool for concretising the global approach to migration.

A **Presidential Conference on labour migration and its development potential** was organized in Malmö on 15 and 16 October 2009.

In addition, the importance of the external dimension of the EU's migration policy was highlighted through the adoption of the **European Pact on Immigration and Asylum** on 15 and 16 October 2008. Since the adoption, the focus has likewise been on implementation of the measures laid out in the Pact.

The important regional process that was launched at the Euro-Africa Ministerial Conference on Migration and Development in **Rabat** in July 2006 was followed by concrete initiatives, workshops and a second ministerial Conference in Paris in November 2008.

Implementation of the roadmap to take forward the **Tripoli Declaration**, which was endorsed by the EU-Africa Ministerial Troika in October 2007, also continues. In addition, the dialogue on migration has been intensified with African partners within the frameworks of the **EU-Africa Partnership on Mobility, Migration and Employment** (MME), which inter alia builds on the Tripoli Political Declaration, and the EU Global Approach to Migration. Dialogue on the basis of Article 13 of the **Cotonou Agreement** has gone on with Sub-Saharan countries via EU missions in Cape Verde, Ghana, Mauritania, Senegal and Ethiopia. A revision of Article 13 is foreseen in line with the Global Approach to Migration.

A **Joint Declaration on "Building Migration Partnerships"** was signed at the Ministerial Conference held in Prague in April 2009. This Declaration will enable the participating states (EU Member States, Russia, Turkey, Republic of Moldova, Belarus, Southern Caucasus, Western Balkans, and Central Asia) to qualitatively improve joint relations towards genuine migration partnerships within the framework of the EU Global Approach to Migration.

Migration missions were also undertaken to Georgia and Belarus.

In the coming months, implementation and integration of the Global Approach to Migration and the European Pact on Immigration and Asylum should be accelerated in accordance with the conclusions adopted by the European Council on 29 and 30 October 2009. Moreover, efforts to build and strengthen dialogue and partnership between the EU and third countries, regions and organisations should continue. The main focus of the global approach to migration should remain on cooperation with the most relevant countries in Africa, Eastern and South-Eastern Europe, while a comprehensive dialogue and practical cooperation should be developed with other regions, such as Latin America, the Caribbean and Asia, within their respective relevant frameworks.

PART II: AREAS FOR ATTENTION

In Part I of this progress report, the Council Secretariat highlighted some of the important activities that have taken place over the last 18 months with regard to the external dimension of the AFSJ. In Part II of the report, the Council Secretariat now draws attention to lessons learned from the aforementioned activities and based on these makes a several comments and suggestions, which are listed below. As mentioned in the beginning of this report, these comments and suggestions should be read in conjunction with the Stockholm Programme, which sets the framework for the next five years.

8. Accountability, Sustainability and Transparency of EU and bilateral assistance in the field of JHA

Transparency and accountability are two key topics when it comes to EU policy-making in general. They are also topics that should receive more attention in the area of justice and home affairs, in particular with regard to financial assistance for projects related to the establishment of the AFSJ.

Even the best-intended policy is of little use, if it is not implemented fully, does not address efficiently needs that have been identified or lead to tangible results. **Accountability** for adequate allocation of resources and proper implementation of policies is therefore crucial. In light of this, it is important to ensure that needs in the field of justice and home affairs are identified properly and that projects which are undertaken are actually relevant to these identified needs. In addition, it should regularly be assessed, whether adequate resources were allocated to the various projects and whether expected results have been achieved vis-à-vis policy objectives.

Enhancing the **sustainability** of the projects is also an important aspect of EU funding for the external dimension of JHA. One example is the EU funding which flows to accession countries. This funding should be assessed not only for its effectiveness in reaching the desired short-term goal of preparing the candidate and potential candidate countries for accession, but also with regard to the sustainability of funded projects after the country has joined the EU and the effect of an eventual reduction in the flow of money on the country's political and economic stability.

Increased **transparency** could, for example, be achieved by publishing data about recipients of EU external aid and the results of the aforementioned assessments.

The current financial framework will expire in 2013 and new financial perspectives have to be set up taking into account the objectives set out in the Stockholm Programme. Accountability, sustainability and transparency are key concepts in this regard, and they should be used as evaluation tools for such future financial planning and value-for-money investment. The financial perspective for the years 2013-2019 should be carefully prepared, if we want to come closer to reaching JHA-Relex objectives.

9. Cybercrime

Another topic which should receive increased attention as a priority area that the EU tackles in close cooperation with third countries is the maintenance of a **safe information society**, i.e. the protection of users and the control of potentially harmful activities on the Internet.

Our society's increasing dependability on modern electronic infrastructure brings with it not only many benefits, but also certain **vulnerabilities and risks**. Unauthorized access to information systems, the execution of malicious software that modifies or destroys financial or other data, the dissemination of child abuse material on the Internet, or cyber-attacks against critical infrastructures, such as terrestrial or airborne traffic, energy generation and distribution, and the highly automated financial systems, are only some of these many potential risks.

Over the last 18 months, the rotating Presidencies have already taken steps in addressing the issue of cybercrime, inter alia, through the organization of a **Ministerial Conference on "Safer Internet for Children"** (April 2009), at the end of which the so-called **Prague Declaration** was adopted, and an **EU-US Expert Meeting on Cross-Border Cooperation against Cybercrime** (November 2009). It is also noteworthy that an **alert platform** for reporting offences detected on the Internet has been set up at EUROPOL.

However, cybercrime is very complex, diverse and, above all, transnational in nature, as is illustrated by the broad range of risks noted above. Thus, still more needs to be done in order to address cybercrime, especially in terms of formulating a coherent **international approach** that can lead to successful joint action. Here, the development of a comprehensive and flexible framework in close partnership with third countries would certainly be useful.

Additionally, **public-private cooperation** should be promoted and information sharing between law enforcement authorities and private companies be enhanced, while ensuring that policing of cybercrime does not turn into disproportionate cyber-surveillance. The issue of **jurisdiction**, which is one of the major constraints that affect the results of cybercrime prosecution, should also be addressed. Finally, **resilience** should be fostered in order to prevent the disruption of critical infrastructure functions and to ensure that our people and economies recover as quickly as possible from any cyber-attacks.

In order to avoid duplication, any efforts should be coordinated with the two lead bodies in the fight against cybercrime, the Council of Europe and the G8.

In the interest of our citizens and our businesses, it is therefore suggested that cybercrime be given a more prominent place in JHA external relations.

10. Information Exchange/Data Protection

Another key issue that the increased usage of modern communication technology in everyday life has raised is the protection of personal data. As the previous section already highlighted, cross-border cooperation is crucial with regard to many of today's challenges. This includes also the collection of personal data and the sharing of information between law enforcement authorities in the EU and in partner countries. Here, it is especially important to make sure that the increased **exchange of personal data** and the **protection of fundamental rights**, such as the right to privacy and personal data protection go hand in hand.

In this regard, the establishment of a **comprehensive data protection scheme** that addresses key concerns like purpose, proportionality, limits on storage time, security and confidentiality should be considered. Furthermore, in exchanges with third countries, it is particularly important that the high data protection standards of the EU data protection regime are upheld and secure information flows are ensured. To this end, the drafting of a **model framework agreement** for personal data transfers with third countries might be useful. Likewise, it might be valuable to organize conferences, such as has been suggested for Russia, for both legislators, practitioners and supervisory authorities of data protection from the EU, its Member States and the respective countries of interest at which the level of data protection in the third countries could be assessed.

The EU should promote its clear set of standards for data protection and make known its essential requirements for the exchange of personal data.

11. Future Role of JAIEX

A decision to create a JHA-RELEX (JAIEX) Ad Hoc Support Group in the Council was made by Coreper in 2008 under specific conditions relating to the mandate and term of this group. One of the main tasks of JAIEX will be to ensure the regular flow of information between JHA-Relex working bodies on various issues, including events, initiatives and projects. This will help to avoid overlap in the work carried out by the different bodies. The use of JAIEX when preparing various meetings involving third country partners should be continued and optimized. Likewise, JAIEX should continue to assist in defining directions for the future, priority regions and themes and in evaluating the implementation of policies.

Moreover, in the coming months, JAIEX should continue to improve coordination between all stakeholders, including the Commission, the Council, the new European External Action Service (EEAS), the Member States, and the different Council working parties in the JHA field and in the Relex-fora, in order to achieve such greater coherence between external and internal cooperation in the area of freedom, security and justice. Similarly, JAIEX should strengthen its cooperation with the relevant EU agencies, such as EUROPOL, EUROJUST, FRONTEX, CEPOL and others.

There is a need for the increased integration of JLS policies into the general EU policy framework in external relations, so as to ensure overall coherency and consistency. In light of this, the role of JAIEX as a coordinating body should be strengthened.

12. Liaison Officers

Over the last 18 months, several EU liaison officer meetings took place in Moscow, Kiev, Dakar, Chisinau, and in the Balkans, at which discussions focused inter alia on possibilities for enhancing further the beneficial work of these officers. Here, several suggestions were made, such as, for example, the sharing of experts, the pooling of operational capabilities, and the prior consultation of liaison officers posted in third countries during the programming of bilateral actions concerning technical cooperation. This latter point in particular could help to avoid duplications and to work towards implementing actions of a much larger magnitude and impact.

There was also agreement that the practice of organizing liaison officer meetings should be maintained in the future. However, it was suggested that meetings be organized more regularly as well as more flexibly around an agenda that focuses on common thematical priorities of the Member States present in the area or even purely on operational questions. Observers of those Member States that do not themselves have officers in the region under consideration should be invited to the meetings.

Furthermore, in order to improve the coordination of information exchange and the sharing of best practices, it was suggested to consider the possibility of pooling information. This could be done by creating and setting up common templates which all liaison officers would then have to fill out and which could be shared not only among Member States, but also more widely. A first outline of best practices on the common use of liaison officers and the role of the lead nations was included in the recent **Compendium on law enforcement liaison officers** which is available under reference number 10504/09.

In addition, a permanent information exchange with agencies, such as EUROPOL, INTERPOL and FRONTEX, should be encouraged. The setting-up of an evaluation mechanism of action ex post facto was likewise raised as an issue to consider in the future.

Finally, it should be noted that the Chiefs of Police Task Force (PCTF) agreed on a document on the optimization of liaison officer networks in third countries on 23 November 2009 which inter alia proposes that the incoming and future Presidencies organize, once per semester, an informal meeting of the National Contact Points for Liaison Officers that could provide a forum for discussing improved sharing of responsibilities, subjects of interest and synergies. This document can be found under reference number 16007/09.

The role of the Liaison Officers should be maximized. Liaison Officers should enhance their cooperation by making use of several of the tools suggested here.

13. Africa (in particular West Africa)

Important efforts to strengthen and enhance the strategic partnership between the EU and Africa should continue regarding important JLS matters, such as drugs trafficking, trafficking in human beings, corruption, terrorism or migration management.

Due to the strategically significant position in the logistical chain between South America and the EU, West and North West Africa as well as other parts of the continent have emerged as major transit regions for the **trafficking of cocaine**, either feeding into South West criminal hubs or, increasingly, directly to important markets and distribution centres in Europe. In the future, this international drug business will likely increase, expand and deepen.

Moreover, the fragility of many States in the region as well as a combination between a **weak economy** and an **inadequate judicial system**, plagued by high-level **corruption**, allow for criminal organizations to become firmly established and to exert political and economic influence on society.

In addition, there is an alarming trend in the **trafficking of human beings** in the West African region, in particular with regard to the trafficking of children destined for illegal labour or sexual exploitation. In connection with this, **irregular migration** is regarded as a significant problem for two reasons: For one, countries in the region are not only points of departure, but also areas of transit for destinations in Europe. And secondly, some countries in Western Africa are also becoming destinations and, therefore, need to improve their capacity to deal in effective and humane ways with large populations of migrants. However, significant progress has already been made over the last years which can be attributed notably to a strengthened dialogue, both at national and regional levels with the Rabat and Paris conferences on migration and development, and to cooperation with the countries along the Western African migratory routes under the framework of the Global Approach.

Particular attention should also be paid to **terrorism**, especially within the Sahel region, and to its connections with organised crime networks, as well as to the growing threat of **trafficking in counterfeited products**, notably pharmaceuticals.

For all these reasons, West Africa is considered to be highly influential in relation to the security situation in the EU and some good efforts have already been undertaken to address these issues, especially with regard to the fight against drug trafficking. The implementation of the **Joint EU-Africa Strategy** and the **Action Plan** for the period 2008-2010 should be noted here, as well as the launch of the **Dakar and Accra platforms**. These platforms, which meet regularly to discuss, exchange, and share operational and strategic intelligence and cooperate with regard to capacity-building in the respective host states, have proven to be extremely important EU tools for fighting organized crime. The Accra platform in particular has already yielded a number of positive results

since its activities began in May 2009. **Council Conclusions on the strengthening of the fight against drug trafficking in West Africa** were adopted on 30 November 2009.

In addition, the EU is lending support to the region's efforts to deal with drugs and organised crime which are laid out in the Action Plan adopted in Praia in December 2008 via the 10th EDF regional indicative for Western Africa. Complementary support will also be provided under the framework of the Instrument for Stability, in particular through strengthening detection capacities in major airports in the region and stepping up the fight against maritime trafficking under the first phase of its programme for supporting the fight against organised crime on the cocaine route. Nevertheless, the urgent need for coordinated and improved cooperation within the EU and with the region to resolve some of these issues persists, and broader measures should be taken. To this end, several suggestions, such as the establishment of an information and intelligence sharing system or the development of operational tools for police and customs authorities, were made at the **EU Liaison Officers Meeting** which took place in Dakar on 23 and 24 September 2009. In the coming months, these suggestions should be reviewed and followed-up.

In addition, the dialogue on migration should be deepened and intensified with African partners within the frameworks of the **EU-Africa Partnership on Mobility, Migration and Employment (MME)**, which inter alia builds on the Tripoli Political Declaration, and the **EU Global Approach to Migration**. Continued implementation of both of these frameworks is likewise very important.

Lastly, dialogue on the basis of Article 13 of the **Cotonou Agreement** should continue with Sub-Saharan countries, following up on the EU missions that were already organised in Cape Verde, Ghana, Mauritania, Senegal, Nigeria, Tanzania, South Africa, Kenya and Ethiopia. A revision of Article 13 that seeks to update the article following the evolutions that have taken place since 2000 and along the three themes of the Global Approach will render the readmission clause more operational.

Efforts with regard to the development of an integrated and holistic approach towards West Africa should be strengthened.

14. Latin America and the Caribbean

In the Latin American & Caribbean (LAC) region several challenges continue to be important, including the fight against organized crime, trafficking of drugs and human beings, terrorism and the management of migration.

In the LAC region, the **drugs problem** in particular remains a concern. In this area, it is important that cooperation between the EU and LAC region continues within the frameworks of the EU-LAC Coordination and Cooperation Mechanism on Drugs, following the Xth High level meeting which took place in Quito in May 2009, and the EU's broader Drugs Strategy (2005-2012), as well as based on a mutual understanding of shared responsibility, a balanced and evidence-based approach and in compliance with international law, including respect for human rights. The dialogue and the coordination of strategies should be intensified in a number of key areas that are closely related to global challenges, including such issues as migration and the world drug problem.

Trafficking of illicit drugs and human beings, organized crime and violence are on the rise and are disrupting the stability, security, governance and development of the countries and regions affected. What is more, Latin American organized crime groups will likely maintain their dominant role in using West Africa as a transit zone for the trafficking of cocaine in the medium term. Strong and enhanced cooperation among all countries along the major trafficking routes is therefore also very important.

Concerning migration, **the ongoing Structured and Comprehensive bi-regional Dialogue on Migration** that was launched in June 2009 should be pursued in an open and constructive way and in line with the **Global Approach to Migration**. This Dialogue will provide a platform for exchanging views and reaching a mutual understanding of each other's realities, challenges and needs. Hence, the Dialogue marks an important step towards fulfilling the commitments of the V. EU-LAC Summit of Heads of State and Government that was held in Lima, Peru in May 2008.

Due to the persistence of several important challenges in the LAC region, consistent attention should be given to all areas of JHA.

15. Euro-Mediterranean

Finally, efforts should be intensified concerning the EU's partnership with the Mediterranean region. Here, it is important to continue and enhance the work started in the context of the **Barcelona process** and the **Euro-Mediterranean Partnership**. Only some progress has been made regarding the implementation of existing JHA action plans under the **European Neighbourhood Policy**. In the coming months, more concrete steps and actions are therefore needed in several of the key areas of JHA-RELEX, such as **migration** and **border management**, the fight against **drugs**, and **law enforcement and judicial cooperation. Counter-terrorism**, which is crucial to the Mediterranean dimension of the EU's internal security, likewise remains a high priority on the agenda.

CONCLUSION

In this progress report, the Council Secretariat has reflected on the many activities that have taken place with regard to the external dimension of JHA over the last 18 months, and it has highlighted a few areas that should receive closer attention in the months to come. This complies with the task foreseen for the Council Secretariat in the JHA-Relex Strategy.

This progress report and the suggestions contained herein are submitted to the incoming presidencies who are invited to take them into consideration when translating the aims and priorities of the Stockholm programme into concrete actions in the coming months.

Coreper/Council is invited to take note of the report and of the proposals made by the Council Secretariat. The next report is scheduled for June 2011, a time when the EEAS will be in full operation.