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Meeting on Justice, Freedom and Security between the Troika of the European Union and Ukraine

Conclusions

Luxembourg 3 June 2009

The Ministers of Justice and Home Affairs of Ukraine and the EU Troika met for the seventh time on 3 June 2009 in Luxembourg to discuss ways of further strengthening Ukraine-EU cooperation in the field of Justice, Freedom and Security.

Recalling that cooperation between Ukraine and the EU is at an advanced stage and well-established, both Parties expressed their strong commitment to continue to strengthen the Ukraine-EU partnership in the field of Justice, Freedom and Security (JFS), a partnership which is based on shared values such as democracy, human rights, fundamental freedoms and the rule of law. The revised Ukraine-EU Action Plan on Freedom, Security and Justice, accompanied by the Scoreboard, continues to provide the framework for JFS cooperation between the EU and Ukraine.

Since the last meeting in May 2008, significant progress has been made in Ukraine-EU cooperation. Both Parties welcomed the opening in October 2008 of the EU-Ukraine visa dialogue to develop the relevant conditions for visa-free travel for Ukrainian citizens to the EU as a long term perspective.

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A first series of expert meetings on 4 thematic blocks of relevant issues (document security; illegal migration and borders; public order and security; external relations) has taken place since, providing a useful opportunity to discuss legislation and administrative practice of Ukraine, EU Member States and the EU as a whole in these areas. The Parties endorsed the Senior Officials' report on the visa dialogue and agreed to continue work at an operational level through on site visits by experts conducting a detailed analysis and evaluation. This would lead to a clear assessment of the situation in each Block, allowing for recommendations to be made, in view of setting up the methodology for developing the relevant conditions for establishing visa free travel for Ukrainian citizens to the EU.

Both Parties also welcomed the progress in implementation of the Ukraine-EC visa facilitation and readmission agreements. These agreements promote people-to-people contacts and assist the Parties in combating illegal migration.

The parties welcomed the Joint Declaration agreed within the framework of the Ministerial Conference on "Building Migration Partnerships" held on 27 – 28 April 2009 in Prague and encouraged further implementation of agreed principles and elements for close partnership in migration management.

The parties underlined that EU and Ukraine share a common border and, as direct neighbours, face common challenges in the fight against organised crime, including trafficking in human beings, illegal immigration and other illegal activities which are of cross-border nature. Ukraine informed the EU side on the progress made in fighting these challenges. The EU encouraged Ukraine to put in place an appropriate legislative framework for migration management, stressing the need to create a civilian central authority as a State Migration Service with responsibility for dealing with all migration and asylum issues.

The EU Troika noted the need to take further measures to combat corruption and to reform the judicial system. In particular, it was stressed that a process of extensive constitutional reforms is urgently required in order to develop a balanced and operational system of public administration that provides clear checks and balances between the state power authorities.

The Parties discussed priorities for future common work in line with the revised Ukraine-EU Action Plan on Freedom, Security and Justice, and stressed that it would be important for the Parties to:

- Continue the EU-Ukraine visa dialogue to develop the relevant conditions for visa-free travel for Ukrainian citizens to EU as a long term perspective;

- Ensure full implementation of the EC-Ukraine visa facilitation and readmission agreements;
- Discuss, in the framework of the Joint Committee set up by both parties for management of the EC-Ukraine visa facilitation agreement, possibilities of amending the said agreement in view of providing further facilitations to Ukrainian citizens and adapting the agreement to new EC legislation in the area of visas;
- Ensure the adoption by Ukraine of personal data protection legislation in accordance with European and international standards, and establish, with EU support, the administrative capacity necessary for implementation;
- Enact further necessary legislative and administrative measures in order to ensure an effective anti-corruption policy in accordance with the UN Convention against Corruption and the Council of Europe Criminal Law Convention against Corruption and its Additional Protocol;
- Ratify and fully implement the Council of Europe Convention on Action against Trafficking in Human Beings;
- Reinforce cooperation in the sphere of combating organized crime;
- Continue efforts to fight racism, xenophobia and anti-semitism in all their forms, including by fostering a climate of respect towards persons belonging to minorities and ensuring the thorough investigation of all racist incidents and the prosecution of their perpetrators;
- Proceed with the implementation of the working arrangement and continue the operational cooperation between FRONTEX and the State Border Guard Service of Ukraine;
- Cooperate in setting up adequate procedures and facilities for irregular migrants and asylum seekers;
- Follow up on further cooperation in combating drugs trafficking and developing a balanced national drugs strategy that covers the reduction of supply of and demand for drugs and sign the Memorandum of Understanding between the Ministry of Health of Ukraine and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA);
- Enhance bilateral and international cooperation in the sphere of combating money laundering and terrorism financing;

- Ensure the implementation of the relevant bilateral and multilateral instruments in the sphere of judicial cooperation in criminal matters;
- Ensure the implementation of the relevant international standards in the sphere of combating money laundering and terrorism financing, particularly FATF standards;
- Sign a strategic cooperation agreement between Ukraine and Europol and, when all preconditions will be met, launch negotiation process on bilateral operational agreement;
- Continue negotiations between Ukraine and Eurojust on a cooperation agreement; and
- Explore different possibilities of further development of Ukraine - EU cooperation in civil matters, *inter alia* by enhancing it in the framework of the Hague Conference and continue exploratory discussions on the possibility of a bilateral agreement.

In order to achieve these objectives, both Parties *inter alia* pledged to use the financial instruments available, including intensified use of TAIEX events and TWINNING arrangements, in line with overall assistance priorities.

The Parties looked forward to the next meeting on Justice, Freedom and Security between Ukraine and the Troika of the European Union, which will take stock of developments and update priorities for cooperation.
