



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on cooperation in the area of justice and home affairs within the eastern partnership

*3135th JUSTICE and HOME AFFAIRS Council meeting
Brussels, 13 and 14 December 2011*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION

RECALLING that the Stockholm Programme confirms the strategic importance for the European Union of promoting stability, good governance and economic development in its Eastern neighbourhood, as well as of taking cooperation with the Eastern Partnership countries forward in the area of Freedom, Security and Justice;

REAFFIRMING the general objectives of the Neighbourhood Policy of the EU to create both at its Southern and at its Eastern borders a coherent approach that ensures that the whole of the EU is committed to deeper relations with all our neighbours;

BEARING IN MIND that the Eastern Partnership is built on the shared principles of democracy, fundamental rights and the rule of law, the upholding of which is essential to take the process forward;

P R E S S

BEARING IN MIND the decisions contained in the Joint Declaration of the Warsaw Eastern Partnership Summit (29-30 September 2011) on the strengthening of cooperation in areas related to freedom, security and justice, and the intention of the High Representative and the European Commission to propose a comprehensive roadmap that would list the objectives, instruments and actions, and guide and monitor their implementation with a view to the next Eastern Partnership Summit in the second half of 2013, which was also repeated in the European Council Conclusions of 23 October 2011, as well as regular monitoring process within the framework of the European Neighbourhood Policy;

ACKNOWLEDGING the importance for the dynamics of the process of cooperation to be maintained so that further tangible results and mutually agreed goals can be achieved;

ACKNOWLEDGING the importance of the Action Plan of the Prague Process approved at the second Ministerial Conference held on 4th November 2011 in Poznań;

The Council welcomes the Commission's Communication on cooperation in the Area of Justice and Home Affairs within the Eastern Partnership¹. The Council agrees to strengthen cooperation in areas related to Freedom, Security and Justice, and the coordination of the relevant frameworks, at the EU, bilateral and regional levels as stated in the Joint Declaration following the Eastern Partnership Summit in Warsaw on 30 September 2011.

The Council likewise underlines the importance of basing further cooperation with the Eastern Partnership countries on the principles of differentiation, conditionality, policy coherence and regional cooperation. The “more for more” approach should be fully exercised, acknowledging progress on the necessary reforms made by each of the partner countries individually and matching it with a concrete cooperation agenda. Particular attention should be paid to those partners willing to take on EU acquis in the Justice, Freedom and Security area, which should also be reflected in the distribution of financial support. Strengthening the role of civil society in the area of JHA in these countries as well as enhancing regional cooperation between the Eastern Partners should be pursued. The necessary coherence should be ensured between the actions undertaken under bilateral cooperation and the Eastern Partnership multilateral track.

The Council fully supports the aim of consolidating, streamlining and complementing the existing structures and initiatives. For the sake of coherence any overlapping should be avoided.

The Council believes that the political dimension of cooperation within the Eastern Partnership should be strengthened and that convening regular meetings at Ministerial level on JHA issues as appropriate in the interest of the cooperation will help to ensure relevant political guidance and coordination, in order to achieve progress in particular areas of work (as presently arranged e.g. with Western Balkans). The Council looks forward to the swift implementation of all concrete projects and activities presented in the Communication.

¹ Doc. 14864/11

The Council reaffirms its commitment to support the prevention of and the fight against corruption in the Eastern Partnership countries. The successful implementation of anti-corruption measures would have a positive spill-over effect on non-JHA related areas of cooperation and will remain a priority.

The Council stresses that cooperation between EU agencies and the Eastern Partnership countries and their relevant authorities should be further developed, notably by promoting common training and the sharing of expertise, best practices and operational cooperation. The EU agencies should play an important role in these processes, in particular by entering into cooperation agreements on a case-by-case basis with all Eastern Partnership countries on the basis of progress achieved, and in line with the respective mandates of these agencies. Where appropriate, EU agencies should allow for participation in their activities, in line with the Warsaw declaration.

MIGRATION

The Council underlines the importance of continuing and intensifying wide-ranging structured cooperation on migration, mobility and international protection beneficial for both the European Union and the Eastern Partnership countries, based on existing and future orientations of the EU Global Approach to Migration. The balance within the GAM among actions aimed at promoting legal migration and mobility, fighting irregular migration, and promoting a link between migration and development should be ensured. The Council also underlines the need to strengthen the practical dimension of cooperation in the field of international protection within the Eastern Partnership, in particular by promoting best practices and effective capacity building in this field.

Mobility Partnerships should be considered as the most relevant and operational partnership frameworks also with the Eastern Partnership countries in the area of migration and mobility. This tailor-made tool should, in conformity with the renewed Global Approach to Migration and Mobility and taking into account lessons learnt of existing Mobility Partnerships, be further strengthened, bearing in mind a differentiated and targeted approach which addresses partner countries' individual aspirations and merits.

The Council welcomes the incorporation of the results and experiences of the Söderköping Process into the new Panel on Migration and Asylum. This will strengthen practical cooperation on migration and asylum issues within the Eastern Partnership.

The Visa Code and Visa Facilitation Agreements allow the European Union and its Member States to enhance mobility and people-to-people contacts. Furthermore, visa dialogues can provide for a concrete framework under which the 'more-for-more' principle can be fully exercised. The existing Visa Liberalisation Action Plans can serve as models for taking further the cooperation with other partner countries in line with the Warsaw declaration, and bearing in mind the specificity and progress made by each of them and can be important instruments for driving forward reforms.

The Council reiterates the importance of concluding and effectively implementing the readmission agreements with all Eastern Partnership countries in order to more effectively fight against irregular migration.

The Council reaffirms the need to promote integrated border management and assist relevant authorities in partners' countries in the implementation of its key elements, *inter alia* within the Eastern Partnership Flagship Initiative on Integrated Border Management.

SECURITY

The Council stresses the importance of enhancing cooperation within the Eastern Partnership aimed at strengthening security. To this end, strategic and operational cooperation should be intensified. The latter should consist in particular of exchanges of information, experience and best practices in the field of combating crime and the specialised training programmes such as future EuroEast Police project, which should be implemented by mid-2012 at the latest.

The Council believes that in this area special attention should be given to the fight against organised crime, taking into account the EU priorities agreed within the EU Policy Cycle for organised and serious international crime. Measures should be taken in order to combat financial crime, in particular corruption, money laundering and financing of terrorism as well as smuggling channels. The fast ratification and full implementation of relevant multilateral conventions on fighting cross border crime is a prerequisite for effective regional law enforcement cooperation.

The Council reaffirms its commitment to support Eastern Partnership countries in strengthening the capacities of the law enforcement authorities of Eastern Partnership countries to co-operate effectively against cybercrime.

The Council reaffirms its support for the Eastern Partnership countries in developing and implementing integrated national drug strategies, combating production and trafficking of narcotic drugs and psychoactive substances as well as the precursors used for manufacturing them. Reducing the gaps in the area of prevention, harm reduction and treatment in the region remains a priority. Specialised training for law enforcement services should also be promoted.

The Council underlines the need to enhance the effectiveness of addressing trafficking in human beings by encouraging the Eastern Partners to ratify and fully implement the United Nations and Council of Europe international agreements in this area and increasing capacities for investigation and prosecution of trafficking cases and providing protection and assistance to victims.

The Council promotes bringing the Eastern Partnership countries closer in the field of civil protection and disaster management within the framework of Flagship Initiative on prevention, preparedness and response to man-made and natural disaster in the Eastern Partnership region.

JUSTICE

The Council emphasises that rule of law principles, including respect for fundamental rights and an independent, impartial and effective judiciary guaranteeing access to justice, are instrumental for the success of the Eastern Partnership countries' democratic reforms and their progress towards closer association with the European Union.

The Council reaffirms the need to promote the protection of personal data within the entire area of cooperation, by assisting partner countries in the adoption of appropriate legislation and in establishing effective institutional mechanisms.

The Council calls for faster ratification and full implementation by the Eastern Partnership countries of relevant multilateral conventions on civil and criminal law, encourages them to introduce EU acquis-inspired tools into their regional cooperation. The Council is ready to consider ways of simplifying judicial cooperation and making it more efficient between the Eastern Partnership countries and EU Member States, as soon as sufficient legal framework is in place in the respective Eastern Partnership countries.

The Council supports the efforts made by the Eastern Partnership countries in building up their capacities and the efficiency of their judicial systems and strongly encourages further demonstrable efforts in this area.

The Council calls upon the Eastern Partnership countries to ensure that tools and mechanisms related to the fight against corruption function in a robust manner. Corruption undermines genuine competition in the economy and affects the legitimacy of key democratic institutions. There is a real need to take firm action in this field.

HORIZONTAL ISSUES

The Council encourages the Commission to propose a light monitoring mechanism for collecting and consolidating relevant information. This mechanism should enhance the transparency and visibility of the Eastern Partnership as well as to provide for a more coherent and comprehensive flow of information. It should be based on information provided regularly by the EU, its Member States and the Eastern Partnership countries. Information and data gathered in fora such as Eastern Partnership platforms, JHA Subcommittees and multilateral as well as bilateral meetings should also feed into this process. The mechanism will be complemented by the JHA-related part of the comprehensive roadmap envisaged in the Warsaw declaration and prepared by the High Representative and the Commission, essential for the monitoring undertaken under European Neighborhood Policy.

In this context, information gathered in preparation of progress report on the implementation of the Global Approach to Migration and Mobility proposed by the Commission in the Communication adopted on 18 November 2011² could contribute to the monitoring of the Eastern Partnership. All relevant information collected will be evaluated and presented by the Commission in the form of an overview report in view of the regular JHA Ministerial meetings, which should provide a strategic guidance on future developments and priorities.

Bearing in mind the benefits of cooperation in the area of JHA within the Eastern Partnership, the Council underlines the importance of enabling continuous financial resources for further development of this cooperation. The Council encourages all stakeholders concerned to provide adequate financial resources for the implementation of prioritized activities, while at the same time increasing donor coordination."

² Doc. 17254/11