

EU-Western Balkans Ministerial Forum on Justice and Home Affairs

6-7 November, Zagreb

Presidency Statement

The French EU Presidency, the incoming Czech and Swedish EU Presidencies, the European Commission and the Western Balkans: Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo under UNSCR 1244 were very pleased to hold the **sixth meeting of the EU-Western Balkans Forum of JHA Ministers in Zagreb**, Croatia on 6 and 7 November 2008, in accordance with the mandate of the Thessaloniki European Council Conclusions of June 2003. The meeting was also attended by the Secretary General of the Regional Cooperation Council and by representatives from EUROPOL, EUROJUST and FRONTEX, the SECI Centre and the Council of Europe.

The Forum started with a presentation by the European Commission on the JLS-related issues of the **Stabilisation and Association Process** and reported on the follow-up to the discussions held in Brdo last year. The Western Balkans have a clear European perspective: two Western Balkan countries (Croatia and the Former Yugoslav Republic of Macedonia) have already been given candidate status and negotiations are ongoing with Croatia. Croatia and the former Yugoslav Republic of Macedonia already have Stabilisation and Association Agreements in force. Stabilisation and Association Agreements have been signed over the past years with Albania, Bosnia and Herzegovina, Montenegro and Serbia.

The publication of the European Commission's annual progress reports was referred to as an important evaluation moment with clear indications for future priorities. It was underlined that ownership of problems and solutions clearly rested in the hands of the Western Balkans countries, with the European Union playing a supporting role, and reference was also made to the special focus on justice, freedom and security issues in the Instrument for Pre-accession.

Cooperation and reforms in the field of justice, freedom and security, notably in strengthening capacities of independent and accountable judiciary and law enforcement bodies, as well as developing further border management, were emphasised as core needs on the way to European integration. Fighting corruption and organised crime including money laundering as well as trafficking in human beings and drugs being major challenges, political commitment has to be followed by more vigorous action leading to concrete results. In particular the effective implementation of adopted legislation is often lagging behind. Recent positive developments regarding cooperation with the ICTY should be pursued. Full cooperation with the ICTY continues to be of high importance. The promotion of regional cooperation, which received new impetus through the creation of the Regional Cooperation Council, remains key in advancing towards the EU.

Subsequently, the Commission provided an overview of the state of play on visa and readmission issues. The entry into force of **Visa Facilitation and Readmission Agreements** with Albania, Bosnia and Herzegovina, Montenegro, Serbia and the Former Yugoslav Republic of Macedonia on 1 January 2008 was a very positive step¹. The first Joint Committees charged with the monitoring of the correct application of all the Agreements took place in the first semester of 2008. The Committees noted satisfactory application of the agreements by all the countries. The Commission expressed its satisfaction with the good progress of the dialogue on visa liberalisation and acknowledged the strong political commitment proven by countries engaged in the dialogue to fulfil the requirements of the road maps. The Commission briefly reported on the overall trends identified when analysing the readiness of countries with respect to the criteria set. More detailed results of this assessment will be shared with countries after 15 November and provide the basis for the next steps of the dialogue. To reach the final objective of visa liberalisation, the Commission underlined the need for persistent efforts from Western Balkans countries to improve document security and border management and to fight against illegal migration (including correct application of the respective readmission agreements with the EC), to combat crime and corruption and to ensure respect for democratic values and fundamental rights.

¹ The readmission agreement with Albania has been in force since May 2006.

The French Presidency presented the **European Pact on Immigration and Asylum**, which was adopted solemnly by the European Council on 16 October 2008. In a spirit of mutual responsibility and solidarity between Member States and of partnership with third countries, European Pact gives a new impetus to the definition of a common immigration and asylum policy and makes five basic commitments, which will continue to be transposed into concrete measures:

- To organise legal immigration to take into account the priorities, needs and reception capacities determined by each EU Member State, and to encourage integration.
- To control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit.
- To make border controls more effective.
- To construct a Europe of asylum.
- To create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

The final part of the discussion on Freedom issues dealt with the regional perspectives of **Integrated Border Management**. Albania and Bosnia and Herzegovina contributed case studies on their current activities and implementation of the concept of Integrated Border Management and document security in the region.

FRONTEX gave an overview on the progress of the operational cooperation between the Agency and competent authorities on border security management matters in the Western Balkans. This cooperation appears already effective with Croatia, imminent for the Former Yugoslav Republic of Macedonia, Albania and Serbia, when preparations with Bosnia and Montenegro are in an advanced stage.

The Secretary General of the **Regional Cooperation Council** presented the progress made since the official launch on 27 February 2008. As the successor of the Stability Pact for South Eastern Europe, the RCC is intended to sustain focused regional cooperation in South Eastern Europe through a regionally owned and led framework.

The session on reinforcing the fight against transborder crime opened with a general introduction by the French Presidency. Subsequently, three themes were elaborated upon.

First, the cooperation in the **fight against arms trafficking** was discussed and illustrated by three concrete case studies of recent operational successes presented by the authorities of Croatia, Montenegro Kosovo under UNSCR 1244. In this field, the liaison officers' meeting that took place in Skopje on 9 and 10 October 2008 underlined on one hand links between Albanian and Italian criminal networks and on the other hand links between Serbian and Bosnian criminal organisations in connection with West European organised crime. It was agreed to deepen and reinforce cooperation, involving both EUROPOL and the SECI Centre in order to strengthen the fight against arms trafficking.

Secondly, there was a discussion on **trafficking in human beings**. The Commission underlined the need for effective implementation of international conventions, including the Council of Europe Convention on Action against Trafficking in Human Beings, especially concerning the establishment of an effective mechanism for victims' support, and the strengthening of investigation and prosecution. The Former Yugoslav Republic of Macedonia and Serbia each presented a case study on their fight against trafficking in human beings.

Finally, the **Southeast European Cooperative Initiative (SECI)** and the Common Threat Assessment on Organised Crime for the South East European region were discussed. An introduction by the European Union (Presidency and Commission) highlighted the importance of a common threat assessment in the region and called for stronger focus on building assessment capacities in relevant police services. Stronger institutional and operational links between Europol and the SECI Center should be established. Work on the draft SELEC Convention should also be finalised accordingly. The SECI Centre made a presentation about the progress made with the common threat assessment and its priorities for the future in this field.

The session on Justice issues concentrated firstly on strengthening **the fight against corruption**. The European Union drew attention to the crucial importance of the fight against corruption in the EU integration process and requested countries of the region to demonstrate strong political will paired with tangible results in the fight against corruption. Given the imminent ratification of the UN Convention against corruption (UNCAC) on behalf of the EC, more attention should be given to implementing adequate review mechanisms to assess in detail the progress made in the field. Participants reaffirmed their commitment to pursuing the fight against corruption vigorously.

Emphasis was then put on the issue of **financial investigations and confiscation of proceeds of crime**. The Council of Europe Conventions on confiscation of the proceeds of crime of 1990 and 2005, which were ratified by Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia, are an important tool in the fight against organised crime. The EU stressed the importance of effective implementation of the conventions. The Presidency summarised the next steps to be taken in the enforcement of related international legal instruments. The Council of Europe then presented the PROSECO network and its activities on confiscation of proceeds of crime.

Each delegation presented case studies on work that is already being done in the area of financial investigations and confiscation and elaborated on their intended follow-up. The participants recognized the importance of having appropriate criminal offences, such as money laundering and “illegal enrichment”, and developing specific instruments in the field of financial investigations, tracking down, seizing and confiscation of proceeds of crime, such as the creation of specialised multi-disciplinary services and criminal proceeds management agencies. They also agreed on the need to develop training plans and to reinforce cross-border cooperation, especially in the fields of joint investigation teams, direct cooperation between judicial authorities, use and sharing of proceeds.

The incoming **Czech and Swedish Presidencies** stated their commitment to carry on the work on these issues during 2009, following the priorities as set out in the Trio Presidency Work Programme.



The next meeting of the EU-Western Balkans Forum of JHA Ministers will take place in the second half of 2009 under the Swedish Presidency.