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NOTE

From: Presidency
To: Delegations

Subject: EU-Western Balkans Justice and Home Affairs Ministerial videoconference
on 22 October 2020 - summary of discussions

Delegations will find in annex the Presidency's summary of the discussions at the above-mentioned videoconference.

EU-Western Balkans Justice and Home Affairs Ministerial

Videoconference on 22 October 2020

Summary of discussions

The annual Ministerial meeting between the EU and the Western Balkan partners took place as a videoconference given the restrictions linked to the COVID-19 pandemic. The meeting was an opportunity to maintain the European Union's regular exchanges with the partners on a number of priority areas in the field of justice and home affairs, as well as to discuss and exchanges views on measures taken to mitigate the impact of the pandemic as well as lessons learned.

The meeting was chaired by the German Federal Minister of Justice and Consumer Protection Ms Christine Lambrecht and the German State Secretary for Home Affairs, Community and Building Mr Günter Krings, representing the Presidency of the Council of the EU. The EU was also represented by the European Commissioner for Justice, Consumers and Gender Equality Mr. Didier Reynders, the European Commissioner for Migration, Home Affairs and Citizenship Ms. Ylva Johansson and the European Commissioner for Neighbourhood and Enlargement Mr Olivér Várhelyi. The EU Counterterrorism Coordinator, the EEAS and EU JHA agencies also attended the videoconference.

This is a summary of the main issues raised during the videoconference.

HOME AFFAIRS

Increasing information exchange and cooperation for better migration management

The EU and the Western Balkan partners concurred that a strong partnership is key to improve migration management. The Western Balkan partners expressed support to enhance information exchange with the EU, and in the region through the development of interoperable domestic information systems, modelled on Eurodac standards, to record data on migrants. The EU expressed readiness to provide technical support.

The EU and the Western Balkan partners acknowledged the challenges for the partners in managing migration. Several partners highlighted the challenges posed by the fact that they are on a transit route and have limited capacities and resources. While the whole region faces challenges when it comes to migration and asylum management, the EU called in particular on Bosnia and Herzegovina to urgently improve its reception capacities before winter to prevent the humanitarian situation from worsening further. The EU and the Western Balkan partners concurred that increased cooperation with the agencies was needed, and in this context the EU expressed their wish for the remaining Frontex Status Agreements to enter into force as soon as possible. Specific areas where further EU support would be beneficial were also mentioned by the partners, including support for the proper implementation of bilateral readmission agreements and for the return of irregular migrants to their countries of origin.

Terrorism and violent extremism: implementing the priority actions

The EU and the Western Balkan partners reaffirmed their commitment to implement the objectives of the Joint Action Plan on Counter-terrorism beyond 2020. The partners highlighted their priority actions on the basis of the objectives of the Joint Action Plan, such as improving data collection, better evaluating the risks and developing an effective response. Preventing radicalisation leading to violent extremism and terrorism was also highlighted as a key priority for both the Western Balkans region and the EU. The Commission will keep monitoring the progress achieved.

Following a presentation by EUROPOL, the EU and Western Balkan partners also discussed the challenge posed by foreign terrorist fighters, in a context where several partners have nationals which should be repatriated from Syria or Iraq.

The Commission and the Counterterrorism Coordinator drew attention to the threat posed by right-wing violent extremism, which significantly increased during the COVID-19 crisis. The role of technology in driving radicalisation, linked to disinformation campaigns and extremist contents, represents a policy challenge.

Enhancing operational cooperation to tackle organised crime

Due to time constraints, this item was a short information point with no discussion foreseen.

The EU passed a strong message for all Western Balkans partners to align with the EU's position and support the Budapest Convention as the main legal framework for international cooperation in the fight against cybercrime.

The EU called to enhance Western Balkans participation with EMPACT in priority areas, especially on drug trafficking. The recent success against the Balkan Cartel, a large Balkan criminal network trafficking drugs from source countries to Europe, was highlighted.

The Commission presented the new EU Action Plan on firearms trafficking 2020 - 2025.

JUSTICE

The EU and the Western Balkans during the COVID-19 pandemic: impact on the justice systems and fundamental rights

The EU and Western Balkans partners exchanged on the impact of the urgent measures taken to mitigate the COVID-19 pandemic on the functioning of the judiciary. The EU recalled that the rule of law, fundamental rights and judicial rights should be upheld at all times. The EU and the Western Balkans therefore concurred that the measures taken to mitigate the crisis have to be necessary, proportionate and temporary. The Western Balkans presented the measures taken by them to maintain access to justice. The main challenges highlighted by the partners included the conduct of remote hearings in criminal proceedings, extradition as cases were postponed, ensuring legal aid, and providing secure communication channels. The ministers acknowledged that, even in times of crisis, fair trial rights and defence rights of suspects and accused persons should be respected.

The EU and the Western Balkan partners specifically noted the increase in cases of domestic violence during the pandemic, and some partners presented the measures put in place to provide support to the victims.

The EU also stressed the importance of data protection and the Commission recalled its guidance on tracing apps, in order to help designing solutions which respect fundamental rights. The Fundamental Rights Agency presented concrete issues which arose in the EU given the rush to digitalisation of Courts' services. Eurojust highlighted that despite the pandemic, successful joint operations were conducted to dismantle criminal groups, but the restrictions render the transfers of criminals and physical evidence difficult.

Access to justice in the digital age

The EU recalled the potential of digitalization to ensure the efficiency and accessibility of the judiciary and the resilience of justice systems. It also allows to enhance cross-border cooperation, which still takes place mainly via physical means. The Presidency outlined several avenues to improve cross-border cooperation in criminal cases: secure digital communication means, interoperable systems, cross-border checks and adequate data protection principles. The Western Balkan partners presented the progress made in developing information and communications technology policies, equipping courts with videoconferencing facilities and operationalizing case management systems.

Rule of law and judicial reforms: key developments

Due to time constraints, this item was a short information point with no discussion foreseen. It allowed to touch upon important issues.

The Commission presented recent key developments (annual rule of law review cycle, case-law of the ECJ on judicial independence, new accession methodology) and the EU called on the Western Balkan partners to make more decisive progress on fundamental reforms and in particular on the rule of law.

The EU also encouraged close cooperation between the Western Balkans partners and the European Public Prosecutor's Office (EPPO), which is expected to become operational soon.