



**EUROPEAN UNION
THE COUNCIL**

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NOTE

from :	The Finnish Presidency
to :	The Art. 36 Committee
No. prev. doc.:	10053/99 COEST 19 COMAG 5 COWEB 84
Subject :	EU-Ukraine common strategy / Justice and Home Affairs

On 18 June 1999, the chair of COREPER delivered a letter to the chairs of all relevant committees – including the Article 36 Committee and the Strategic Committee – seeking contributions, within their specific fields of activity, to the development of the Ukraine common strategy. A basic outline draft of the strategy, as it then stood, was enclosed with the letter. Committees were requested to submit their intended contributions and proposed initiatives to COREPER by mid-September.

On 28 June 1999, the Commission in association with the German Presidency, organised a meeting to take stock of the current situation in Justice and Home Affairs in the Ukraine. Within this forum, a ‘brainstorming session’ was held in order to identify priorities and highlight the core ideas that would be central to the proposed common strategy.

The EU-Ukraine common strategy was further discussed during the Article 36 Committee meeting in Helsinki on 22-23 July 1999 and the meeting of the Strategic Committee 26 July 1999. The Presidency ‘non-paper’ on the EU-Ukraine common strategy/Justice and Home Affairs (19.7.1999) was submitted to the delegations for discussion, and a note from the Presidency on common

strategies (doc. 10053/99 COEST 19 COMAG 5 COWEB 84) was also made available.

A new version of the strategy was subsequently delivered to the Presidency on 24 August 1999. As part of this ongoing process, the Presidency has prepared the following draft contribution for the Article 36 Committee, taking into account both discussions held within the confines of the Helsinki meeting of 22-23 July, and written submissions from member states in its aftermath.

The Article 36 Committee believes that the EU-Russia common strategy document provides a model example for the drafting of the Ukraine strategy. Significant differences between the Ukraine and Russia do however exist in the Justice and Home Affairs field, a fact which should be taken into account when preparing the EU-Ukraine common strategy.

The Article 36 Committee welcomes the structure of the strategy in which Justice and Home Affairs have separate, clearly defined sections.

The Article 36 Committee supports the suggestions made at the brainstorming meeting of 28 June 1999, organised jointly by the Commission and the German Presidency.

During the meeting, several Member States suggested that the main areas of concern should be money laundering, border security, drugs, trafficking in human beings and illegal immigration. The importance of the rule of law was consistently emphasised, as was the need for legislation to help tackle serious crime, the political will to implement such legislation, and the necessity for a re-admission agreement between the two jurisdictions. Certain delegations also focused on the issues of corruption and data protection. In addition, concern was also shown with the Ukraine's geographical position as a transit country, providing a conduit for the cross-border flow of a wide range of non-legal activities.

The meeting of 28 June 1999 moreover took the view that the establishment of an informal network in Kiev would be useful. Such a network would consist of the representatives of the Member States' embassies in addition to a Commission delegation, and would be tasked to promote the analysis and exchange of information across the ambit of Justice and Home Affairs.

In addition, Europol was invited to submit a brief report detailing the structure and profile of organised crime in the Ukraine, including a list of measures it thought necessary to address the

current situation.

The Article 36 Committee therefore considers that the principal objectives and the specific initiatives of the developing 'Ukraine strategy' in JHA matters, should be as follows. The Committee's proposal is based on the second version of the strategy document, dated 23 August, 1999.

One of the main goals of the European Union's interaction with the Ukraine is the fostering and development of a system of stable open and pluralistic democracy, governed by the rule of law.

PRINCIPAL OBJECTIVES:

The consolidation of democracy, the rule of law, and public institutions in Ukraine.

- To support the Ukraine's efforts towards the consolidation of democracy and good governance, human rights, and the rule of law. The EU attaches great importance to close co-operation with the Ukraine in the framework of the Council of Europe and the OSCE, membership of which reflects the shared values of modern European democracies.
- To encourage the Ukraine's efforts to develop the efficiency, transparency and democratic character of its public institutions, including the development of free media. Such institutions are viewed as prerequisites for economic and social development, contributing as such to the building of a modern civil society.
- To support the Ukraine's efforts to reform its legal system. Encouraging the development and consolidation of a properly functioning independent judiciary, a professional police-force, and a meritocratic, well-trained and honest public administration system, all of which contribute key elements to the effective implementation of government decisions.

Meeting common challenges on the European continent

- To develop coordination in the area of border security and the fight against the common scourges of organized crime, money laundering, illegal immigration and the illegal traffic in weapons, drugs and human beings.
- To cooperate in the approximation and implementation of legislation, including the issue of data protection, and in the drawing up of a re-admission agreement.

SPECIFIC INITIATIVES

The consolidation of democracy, the rule of law and public institutions in the Ukraine.

The EU will undertake strenuous efforts to foster democracy and good governance in the Ukraine by:

- supporting the Ukraine's initiatives to promote good governance, undertaken by the Council of Europe and the OSCE.
- studying the means by which co-operation between the EU, the OSCE and the Council of Europe can be intensified in accordance with the conclusions of the Dublin European Council. The aim being to support the Ukraine's efforts to observe its international democratic and human rights obligations, in particular with regard to the abolition of the death penalty, and the promotion of good governance, an effective and transparent legal system, and democratic local government.
- establishing a regular dialogue between the judicial authorities of the European Union, its Member States and the Ukraine in civil and criminal matters.

The integration of the Ukraine into the wider European economic and social space

The EU will help the Ukraine to advance the process of economic and social reform by:

- promoting the progressive approximation of Ukrainian legislation with that of the EU, and by encouraging prompt implementation

Co-operation in the field of Justice and Home Affairs

Recalling that functioning borders are not an impediment to fruitful across border interaction, the EU will examine the possibility of:

- enhancing respect for human rights, including the abolishment of capital punishment, and the creation of humane conditions for prisoners.
- contributing to the creation of effective legislation to combat serious crime.
- enhancing the rule of law, and offering assistance in development of a new legal order, including the provision of encouragement to sign, ratify and implement key conventions, particularly in the field of judicial co-operation in civil and criminal matters.
- strengthening the fight against organised crime, in particular money laundering and corruption, illicit trafficking in weapons and drugs, including commercial piracy production, and other related drugs crime, in co-operation with Europol.
- establishing an informal network of Member States Embassy, Commission and relevant international

organisation representatives in Kiev, in order to improve the exchange and analysis of information in the field of Justice and Home Affairs.

Regional and cross-border co-operation with neighbouring countries

The EU will examine the possibility of:

- enhancing existing cross-border co-operation programmes and inter-state programmes, including the strengthening of border management programmes.
- putting increased emphasis on the development of Pan-European Networks linking the Ukraine to the candidate countries and the EU.

Twinning and exchange programmes

The EU will support the fostering of closer links between public institutions, civil society, and the NGOs of the Union and the Ukraine by:

- promoting among others, professional exchanges and twinning programmes between regional and local administrations.