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PO Box 1516, London N16 0EW, UK
tel: 0181 802 1882 (00 44 181 802 1882)
fax: 0181 880 1727 (00 44 181 880 1727)

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NOTE

from :	Presidency
to :	Article 36 Committee
Subject :	Conclusions of the Seminar on EU-Russia Judicial Cooperation held in Lappeenranta, Finland on 7 - 9 July 1999

Delegations will find enclosed the conclusions of the Seminar held in Lappeenranta, Finland on 7 – 9 July 1999 on EU-Russia Judicial Cooperation.

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Conclusions of the Seminar

EU-Russia Judicial Cooperation Lappeenranta, Finland 7 – 9 July 1999

The Presidency Seminar on EU-Russia Judicial Cooperation was held in Lappeenranta, Finland on 7 – 9 July 1999.

The seminar emphasised that judicial cooperation is an important tool in the promotion of the integration of the Russian Federation and the European Union. The rule of law and effective public institutions are necessary conditions for the development of a sound market economy.

The seminar came to the following conclusions:

A. Criminal matters

1. The participants at the seminar emphasized that the prevention and control of crime, and in particular organized crime, is a problem shared by all of the countries represented.
2. The participants underlined the importance of all states signing and ratifying the key conventions in the field of judicial cooperation in criminal matters, especially those of the Council of Europe (such as on extradition, mutual assistance in criminal matters, money laundering, and corruption). It was recognized that these conventions provided the cornerstone for international cooperation, clarifying and simplifying the process of practical international cooperation.

3. The participants noted that the conventions form a general framework for cooperation, which can be supplemented as necessary for example by bilateral agreements and memorandums of understanding, dealing with issues of particular concern to the States Parties in question.
4. It was acknowledged, however, that signature and ratification of the conventions and other international instruments should be followed by a commitment to implement them in practice. This requires, for example, the development of the necessary legislative and institutional framework, and the training of practitioners. The participants emphasized the importance of international assistance in the process, and raised the possibility of the use of common evaluation procedures to promote implementation. Particular attention could be devoted to such areas as expediting responses to requests, the protection of witnesses, and data protection.
5. Although conventions provide the framework for cooperation, they can and should be supplemented by practical forms of international cooperation. Even in the absence of conventions, moreover, many problems can be overcome by exploring the different opportunities for working together that are provided by existing arrangements, with full respect to internationally recognized human rights.
6. This practical cooperation should be designed to strengthen full trust and confidence of practitioners in one another's legal system, trust that rests on shared values and commitment to human rights and the principle of fair trial. A variety of possibilities for practical cooperation were suggested:
 - the identification of central contact points (and, on a bilateral or subregional basis, as appropriate, decentralized contact points),
 - the establishment of multidisciplinary teams,
 - the development of statements of good practice
 - the promotion of regular meetings and thematic seminars,
 - the strengthening of the work of the network of liaison officers in dealing with issues in this field as well as the consideration, where appropriate, of the posting of special liaison magistrates,

- the consideration of the association of Russian Federation judicial authorities with the European Judicial Network,
- the possibility of using modern technology for direct contacts, with, as necessary, interpretation.

The participants also noted that this practical cooperation should be expanded to involve, as appropriate and with the necessary element of coordination, civil society, such as various nongovernmental organisations active in the field.

1. The participants emphasized the importance of utilizing the potential of strengthening the institutional framework for international cooperation, ranging from the new possibilities provided by the Treaty of Amsterdam, the entry into force of the Europol Convention, the Common EU Strategy on Russia, and the Partnership and Cooperation Agreement. Efforts should be made to ensure that the importance of cooperation in Justice and Home Affairs is properly reflected in the work carried out on this basis. The Member States of the European Union should coordinate their Russian policy and mobilize the political will to find practical solutions to the problems in the execution of requests for international cooperation in criminal matters.
2. The specific initiatives of the Common Strategy include a proposal to develop a joint action plan to fight organised crime. This will among others cover assistance in training for the members of the judiciary and law enforcement authorities, and the development of the necessary legal, institutional and judicial framework for the effective prosecution of organised crime. A report must be submitted to the Council in the first half of 2000.
3. One proposal was to study the possibility of conventions to be made by the Council of the European Union on one hand, and the Russian Federation on the other.
4. The importance of the joint programs between the European Union and the Council of Europe in this field was underlined (OCTOPUS). Member States should also be encouraged to join the Council of Europe Group of States against Corruption (GRECO).

5. Also professional organisations, such as the International Association of Prosecutors, should be mobilized in the work to promote international cooperation.
6. A number of priority areas for work were identified. The main issues include the strengthening of the arrangements for extradition and mutual assistance, the prevention and control of money laundering, cooperation in the freezing, seizing, confiscation and return of assets, the counterfeiting of the euro, trafficking in persons, trafficking in drugs, trafficking in stolen property, computer crime, high technology crime, corruption, and economic fraud.
7. The possibility was raised of regular meetings between representatives of the Russian General Prosecutor's Office and the chairperson of the Article 36 Committee. Such meetings could also take place within the margins of the Multidisciplinary Group on Organised Crime.

B. Civil Matters

1. It was stressed that international judicial cooperation is based on a network of conventions. It is of the utmost importance that all states become Parties to and implement the key conventions in the field of judicial cooperation in civil matters, especially those of the Hague Conference on Private International Law and the Council of Europe. This procedure is one of the first steps in the integration of Russia into a wider area of cooperation in Europe. It was noted that in particular the effective service of documents such as summons and other documents instituting legal proceedings as well as the effective service of other judicial documents is a necessary condition for legal protection.
The possibility of organising a meeting of a Special Commission of the Hague Conference on
2. Private International Law on the practical operation of the Hague conventions was suggested. This meeting would study the operation of the Hague conventions on the service of documents and on the taking of evidence. In order to facilitate future accession of the Russian Federation to these conventions, a workshop could be organised.

- The importance of the rule of law was affirmed. The European Union, its Member States and the
3. Russian Federation will work closely together in order to support institutional reforms, with a goal of creating a modern and effective administration within the Russian Federation Executive, Legislature and Judiciary.
 4. The Common Strategy emphasises increased coordination of action in respect of the Russian Federation. The Tacis Programme (including the joint Programme on legal reform and human rights with the Council of Europe) remains the principal instrument of European Union activities in the Russian Federation. The Tacis Programme will place increasing emphasis on supporting democracy and the rule of law, including support for justice and home affairs activities (foreseen under the new ex-Tacis Regulation). The Russian Federation judicial authorities were encouraged to provide input to the Tacis programming exercise currently underway, through the drafting of orientation papers in the PCA subcommittee on justice and home affairs, and via the Russian National Coordinator.
 5. The EU and the Member States undertake to assist the Russian Federation in strengthening the rule of law and the public institutions by providing support for institutional reforms, increasing the cooperation and the exchange of experts, and by developing training programmes for judges and lawyers.
 6. The deepening of a continuous dialogue between the European Union and the Russian Federation in justice and home affairs through the organisation of regular meetings in PCA Subcommittee 6 or through the creation of a special procedure for effective mutual exchange of information was proposed.
 7. The seminar recommends that the PCA Subcommittee 6 examine legal developments in the Russian Federation with a view to promoting the strengthening of the principles of the rule of law and democratic reform.

8. Consideration should be given to organising regular meetings between representatives of the Russian Ministry of Justice, the chairperson of the Committee on Civil Law and representatives of the Commission in order to inform each other of the ongoing development and to identify e.g. further needs of intensified cooperation.
9. The seminar recommends that contacts be maintained with the Russian general and arbitration courts in order to create a network for information exchange and simplification of judicial assistance procedures in civil and criminal matters.
10. In the future, as a result of the entry into force of the Treaty of Amsterdam, agreements relating to judicial cooperation in civil matters may become possible between the European Community and the Russian Federation.

The participants expressed their willingness to submit the conclusions of the seminar to the competent bodies.