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NOTE

from : outgoing UK Presidency

to : K.4 Committee

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Subject : **Report on activities of UK Presidency as regards external relations in the field of Justice and Home Affairs**

1. INTRODUCTION

In this note the UK Presidency reports on its activities as regards external relations in the field of Justice and Home Affairs. A draft programme was presented to the K.4 Committee and discussed at its meeting of 16 January 1998; it was subsequently presented in an amended form (cf. document 13506/1/97 CK4 48 REV 1) to COREPER. In the light of the importance of enlargement a specific annex is devoted to this theme.

2. GENERAL APPROACH

2.1 It is to be recalled that key considerations of the approach of the Presidency were

- promotion of the fundamental values of respect for human rights and the rule of law
- tackling illegal immigration, control of migration flows, fighting organised crime and bringing criminals more swiftly and certainly to justice, fighting drug trafficking and associated phenomena and combating racism and terrorism.

2.2 The UK Presidency intended to maintain and develop existing forms of cooperation but in particular

- to implement the European Council conclusions in the context of enlargement [applications for membership of the European Union and Agenda 2000];
- to promote an effective dialogue and interaction with third countries such as through the Transatlantic dialogue, Russia and the Newly Independent States;
- to ensure effective coordination and complementarity between the efforts of the EU and other significant organisations such as the UN, the Council of Europe and the G8. The UK Presidency of the G8, during 1998, has encouraged the sharing of relevant ideas to avoid duplication of efforts.
- to promote the participation of third countries in seminars, in particular the Associated Central and Eastern European Countries, including the Baltic States.

ASSOCIATED CENTRAL AND EASTERN EUROPEAN COUNTRIES, INCLUDING BALTIC STATES

3. Relations with the aforementioned countries were determined by the decisions necessary to launch the overall enlargement process taken by the European Council at its session of 12/13 December 1997 in Luxembourg.

At that occasion it was decided

- to convene bilateral intergovernmental conferences in the spring of 1998
- to begin negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia on the conditions for their entry into the Union;
- to speed up at the same time as the above the preparation of negotiations with Romania, Slovakia, Latvia, Lithuania and Bulgaria;
- to set up a European Conference which would bring together the Member States of the European Union and the European States aspiring to accede to it and sharing its values and internal objectives.

At its meeting of 19 March 1998 (Justice and Home Affairs) the Council stressed that JHA Ministers had to be closely involved both in identifying the JHA acquis and in assessing the progress being made by the applicant states in taking on and implementing the acquis. As stated in the introduction the implementation of these commitments under the UK Presidency is described in the annex.

4.

4.1 In the relations with CCEE the JHA Troika played an important role. At regular intervals Third Pillar experts of CCEE were informed and/or consulted (notably on the preaccession pact on organised crime).

4.2 The following contacts with CCEE also took place that were not directly linked to enlargement :

- *Terrorism* : A second/third pillar Troika meeting took place with CCEE and Cyprus on 11 March 1998. The CCEE and Cyprus participated in seminars under the Third Pillar on arms trafficking and chemical and biological terrorism along with a workshop on bomb scene management.

- As regards *immigration issues*, cooperation was taken forward in the framework of CIREFI (a meeting was held on 18 May 1998). Major themes were exchange of experiences in relation to current immigration problems such as influx of migrants from Iraq and neighbouring regions, immigration from former Yugoslavia and immigration from the People's Republic of China.

- Cooperation in the Asylum field was taken forward in the framework of CIREA (a meeting was held on 10 June 1998). Discussion focused on CIREA's mandate and working practices, activities since last formal work reports and points arising from EU Action Plan on Iraq and neighbouring regions. The CCEE provided information on their main source countries for asylum applicants and their current and intended asylum legislation.

- *Visa* group : A meeting was held on 19 May 1998, specific themes were falsification of visas, coherence of practices, airport transit visa, common visa lists.

4.3 The following work was of importance for the CCEE :

- *Police cooperation* : On police training work was carried out on a European curriculum for police officers in the CCEE (7812/98 ENFOPOL 59). Discussion on the implementation of the curriculum was carried forward at the UK conference on policing and human rights held at Bramshill in May. Consideration has been given to the inventory of bilateral cooperation with the CCEE in order to coordinate the activities within the Union.

  Participants of the International Law Enforcement Telecommunications Seminar (ILETS, Ottawa, 25/29 May 1998) were informed of the Council conclusions of 28 May on encryption and law enforcement (8116/1/98 ENFOPOL 69 REV 1)

- *Customs cooperation* : EU Member States participated in the strategic operation organised by the World Customs Organisations in spring 1998 to combat drug smuggling on the Balkan route (Operation Roadrunner, 9099/2/96 ENFOCUSTOM 20 REV 2 + COR 3). The CCEE and other key third countries participated in joint customs surveillance operations to combat drug trafficking and customs fraud.

5. CYPRUS

The Cypriot delegation has taken part in the enlargement process (cf annex) and has participated in the meetings and seminars mentioned under 4.1 and 4.2.

6. NORWAY, ICELAND

JHA relations with Norway and Iceland were largely pursued on the basis of the IGC outcome and subsequent examination of modalities of association of these countries with the Schengen acquis. Delegates from Norway and Iceland also attended the first meeting of the group of experts on drugs and organised crime, established under the European Conference which took place on 10 June.

7. THE TRANSATLANTIC DIALOGUE

The UK Presidency has carried forward, through the Transatlantic Dialogue, the Programme of EU/US cooperation in JHA matters begun in 1995 building on the conclusions of the EU/US Summit held in Washington on 5 December 1997 and taking into account the meeting of the Summit on 19 May 1998 in Birmingham.

a) Organised Crime

i) Europol

With a view to developing an effective operational relationship between US enforcement agencies and the future Europol, representatives of US agencies visited EDU headquarters from 26 to 29 January 1998 in The Hague. A reciprocal visit to US authorities of representatives from EDU staff, and the present and incoming Austrian Presidencies, took place in the second part of June 1998.

ii) Multidisciplinary group

In the framework of the Multidisciplinary group on Organised Crime the US delegation took part in an exchange of views on 6 April 1998 on efforts to combat corruption and money laundering, as well as a meeting of leading academic experts to discuss existing and potential research into organised crime which took place in Brussels in May, and a separate conference on emerging technologies for law enforcement into the next century which was organised in the UK in March.

b) Trafficking in women

Work has continued jointly with the US and in partnership with the Commission on the STOP-supported information project in countries of origin of victims of trafficking (Poland, Ukraine). A US representative attended the relevant Europol Seminar on this subject at Bramshill in January 1998.

c) Terrorism

European Union/US cooperation has proved very fruitful in the field of terrorism. A meeting of Second/Third Pillar Troika with the United States delegation took place on 7 May 1998. A statement on shared objectives and close cooperation in the field of counter terrorism was annexed to the conclusions of the 18 May 1998 EU/US Summit. US representatives were invited to attend Third Pillar seminars on arms trafficking and chemical and biological terrorism.

d) Drugs

Cooperation in the field of implementation of the Caribbean Drugs Initiative has been pursued.

e) In the context of a meeting of the Mutual Assistance working party on 12 June 1998 transatlantic partners discussed taking evidence by live video and telephone links, derogation from dual criminality and cross border methods of investigation.

f) Immigration/Asylum

On 11 June 1998 CIREA experts discussed with transatlantic experts current topics in the field of asylum. On 15 June 1998 experts of the European Union, USA and Canada met in the framework of CIREFI to discuss removal of third country nationals where a transit stop is necessary between the United States and Canada and Member States of the European Union, pre-entry controls and exchange of experiences on joint expulsions by charter flight. The US delegation attended a seminar on 11/12 June 1998 on illegal immigration and enforcement matters, together with the Canadian delegation.

8. CANADA

The main focus of work was related to the JHA content of the EU/Canada Summit of 18 May 1998. On 11 March 1998 a meeting between Presidency/Council Secretariat/Commission and Canadian delegation took place in London. The Canadian delegation participated in meetings, mentioned under 7, of CIREA/CIREFI, the Seminar on immigration matters, Mutual Legal Assistance and the Multidisciplinary group on Organised Crime, including the meeting of academic experts on organised crime.

The Canadian delegation was invited to seminars on chemical and biological terrorism, the challenge from serious crime in the European Union and Airline liaison officers and to the European Policing Conference.
The Presidency has contacted the Canadian Government in Ottawa concerning possible Canadian financial participation in law enforcement and money laundering actions agreed in Santo Domingo.

9. RUSSIA

Developing relations with Russia has been a priority for the UK Presidency concerning drugs and organised crime. For this purpose a meeting of liaison officers of the Member States was organised on 10 February 1998 in Moscow. Following this meeting elements for a strategy for cooperation with Russia were drawn up (cf. document 7771/98 CRIMORG 62).
Elements of this strategy were incorporated in the conclusions of EU/Russia Summit on 18 May 1998 in Birmingham. At the Summit it was agreed to establish, under the EU/Russia Cooperation Committee of the Partnership and Cooperation Agreement, a subcommittee whose remit will include prevention of illegal activities and cooperation against drugs and money laundering. Moreover, it was agreed to convene in the context of the 1998 PCA, a practitioners forum in the second half of this year to bring together senior managers of Russian and EU law enforcement agencies.

Pursuant to the entry into force of the Partnership and Cooperation Agreement a first meeting of the Cooperation Council was held on 27 January 1998. It was agreed to include the following passage in the joint work programme for 1998 : *"Both sides will seek to give new impacts to cooperation in tackling organised crime included drug trafficking. They will explore in particular the possibilities for enhancing practical law enforcement cooperation taking full account of the future role of Europol. "*

This commitment is now being implemented taking account notably of findings of the TACIS mission in 1997 and the UNDCP Drugs Conference in April 1997 in Moscow.

10. UKRAINE

The first meeting of the EU/Ukraine Cooperation Council was held on 7 June 1998 following the entry into force of the Partnership and Cooperation agreement in March 1998. In the work plan for 1998 it was foreseen that cooperation on Third Pillar matters would be developed. For the moment competent bodies are examining the implementation of this commitment with specific reference to drugs trafficking, money laundering, trafficking in human beings, illegal trade in highly taxed goods (especially cigarettes) and illegal immigration.

11. TURKEY

The influx of migrants from Iraq and the neighbouring region was the main area of common concern of EU/Turkey in their contacts under UK Presidency.
For this purpose the Presidency visited Turkish authorities in Ankara on three occasions. The Presidency accompanied by the chairman of Migration Working Group and representatives of the Commission and General Secretariat, visited Istanbul and Ankara on 9/10 March 1998 (cf. doc. 6938/98 REV 2 ASIM 78).

On 25 June 1998 the K.4 Committee had an exchange of views with a Turkish delegation on a wide range of Third Pillar issues of common concern.

12. EURO-MEDITERRANEAN DIALOGUE

As a follow-up to the Taormina seminar held under the Italian Presidency, Italy (with the assistance of France and Spain) organised a training seminar on police cooperation in the fight against organised crime, including drug trafficking. This took place in Rome in June 1998.

At the ad-hoc ministerial meeting in Palermo on 3/4 June 1998 the decision to hold an experts meeting on migration and human exchanges as a means of developing the dialogue was welcomed.

13. MALTA

The Association Council, at its meeting of 28 April 1998, discussed JHA matters. A declaration on cooperation in this field was adopted.

14. CARRIBEAN/LATIN AMERICA

Cooperation mechanism

A new impetus to the initiative launched by the European Council in December 1995 in Madrid, with regard to cooperation with Latin America/Caribbean was given on 23/24 March 1998. At a meeting on this date Member States of the European Union, the Commission and the States of Latin America and the Caribbean recommended the establishment of a co-ordination and cooperation mechanism, designed to deepen the political and technical dialogue between partners, to enhance existing cooperation and to develop new areas of cooperation.

Latin America

A major step was made in developing cooperation with Latin America in the meeting of the Horizontal Drugs Group on 5 March 1998, when the EU finalised its priorities for future drugs cooperation with Latin America.

Caribbean

Implementation of drugs projects in the Caribbean has been actively pursued in full coordination and cooperation with partners following the high level political meeting on 8/9 December 1997 in Santo Domingo. A Project Management Office for maritime cooperation and related law enforcement programmes was established in Bridgetown in January 1998. Progress has also been made in the areas of countering money laundering, law enforcement training and demand reduction.

15. CENTRAL ASIA

Drugs initiative

Pursuant to the mandate given by the Luxembourg European Council, detailed design of projects to combat the transit and production of drugs in Central Asia has started during the UK Presidency. Projects will cover approximation of legislation, enhancing technical capabilities of the police, strengthening border, port and airport controls (including work to tackle the trans-Caspian route) and the development of a regional sniffer dog centre in Tashkent. The Commission has also drawn up an activity schedule for the initiative which is being discussed with Member States.

16. ASIA

The Second Asia-Europe meeting was held in London on 3/4 April 1998. It was agreed to enhance cooperation in combating illicit drugs, in particular to prevent the diversion of precursor chemicals and to support and encourage action against synthetic drugs. Moreover, a specific commitment was made to enhance the fight against money laundering.

17. RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

The UK Presidency has attached great importance to developing relations with other international organizations in its concern to avoid duplication and also with a view to encouraging cross-fertilization of ideas. Where appropriate the positions of Member States in the various fora have been coordinated.

a) Council of Europe

The Third meeting between the K.4 Troika and the Council of Europe took place on 6 March 1998. It provided the opportunity for a valuable exchange of information between the Union and the Council of Europe on matters of common concern, such as crime (mutual legal assistance, corruption, high tech crime, sexual exploitation of children, comparison of work programmes), enlargement (contribution of Council of Europe on rule of law, coordination of assistance programmes) and racism/ xenophobia. Council of Europe representatives took part in the meeting of the Multidisciplinary Group on Organized Crime of 6/7 April 1998. They presented the work of the Council of Europe in the fields of corruption and money laundering. Positions were coordinated at Third Pillar related meetings of the Council of Europe in Strasbourg. Representatives of the Council of Europe attended a meeting of leading academics to discuss existing and potential research into organised crime and explain the Council of Europe own programmes (7 a) ii)).

b) Visby

The Visby grouping dealing with organised crime in the Baltic Sea region continued and stepped up its activities pursuant to the conclusions of the Summit in January 1998 in Riga. The Presidency was represented at regular meetings of the Task Force of personal representatives and of the recently established operative committee.

c) Interpol

On the basis of orientations agreed by the K.4 Committee contacts have been established between the Presidency and Interpol. Interpol attended meetings of the EU expert group on action to tackle counterfeiting the euro and will continue to contribute own experience to the development of an EU action plan on this subject.

United Nations

Cooperation with the Union Nations has been a major UK Presidency commitment. Successful coordination took place at meetings of the Commission on Crime Prevention and Justice (Vienna, April 1998), the Commission on Narcotic Drugs (Vienna, March 1998) and most significantly at preparatory meetings for the UN General Assembly Session on Drugs (New York, June 1998). The views of the European Union were fully reflected in the documents adopted in New York.

d) The Hague Conference on Prevention International Law

Contacts took place between the EU Troika representatives at the Conference in accordance with the pattern established by previous presidencies.

e) OECD

The Presidency has coordinated the EU response to the recently concluded OECD corruption convention. Moreover representatives of OECD attended the meeting of the Multidisciplinary Group on Organised Crime (6/7 April 1998).

f) G8

At regular intervals third pillar bodies, especially the Multidisciplinary Group on Organised Crime, were informed by the Presidency on ongoing work in G7/P8. The UK Presidency has endeavoured to ensure convergence between work of the 15 and activities of the G8. Specific achievements in this regard have included the adoption of practical guidance on project based law enforcement action developed in G8 and EU endorsement of the approach set out in the G8's 40 recommendations on organised crime and principles on high-tech crime.

Enlargement Issues

I.

The approach of the U.K. Presidency on enlargement as regards Justice and Home Affairs is set out in doc. 6485/98 JAI 8 ELARG 14 which was presented to the session of the Council of 19 March 1998. This note sets out the follow-up to orientations of the Council of 19 March 1998, complemented by an account of implementation of the conclusions of the European Conference held on 12 March 1998 in London.

II.

A. Justice and Home Affairs Acquis

Identification of the JHA acquis is important for accession negotiations. Draft lists of acquis were examined by JAI counsellors, K.4 Committee and COREPER. At its meeting of 27 May, COREPER agreed on the acquis set out in doc. 6473/3/98 JAI 7 REV 3. This document is being made available to applicant countries.

The Schengen acquis will be determined in accordance with the Schengen protocol to the Amsterdam Treaty. The decisions determining and distributing the acquis will be adopted by the Council on the date of entry into force of the Amsterdam Treaty. The Presidency has, however, with the assistance of the Schengen Presidency, is being made available to the candidate countries a provisional list and the documents, subject to confidentiality, on the basis of the work done in Schengen.

B. Accession-partnership

Accession partnerships are the key feature of the enhanced preaccession strategy for the applicants. They provide single frameworks within which all forms of assistance to the applicants can be mobilized in support of their accession programmes. They cover for each applicant the priorities to be observed in adopting the acquis and the financial resources available for that purpose.

In the accession partnerships short and medium term objectives have been defined for a range of sectors including Justice and Home Affairs. The accession partnerships for all applicant countries were agreed on 29 March 1998 by the Council. Their implementation will be monitored in the framework of the European Agreements with applicant countries.

C. Preaccession pact on organised crime

An important element of Third Pillar strategy towards accession has been the Preaccession Pact on Organised Crime. This is a political commitment agreed by Member States of the European Union and the CCEE and Cyprus on 29 May 1998.

The text of the pact has been prepared by the Multidisciplinary group on Organised Crime, K.4 and COREPER. Representatives of applicant countries were consulted on the text on various occasions. The pact will enable existing cooperation to be intensified during the preaccession period.
As for the implementation of this pact, principle 15 states that

" We will entrust the implementation of this Pact, as set out in the principles established above, to a group comprising experts from all the States participating in this Pact. Implementation will be based on the following main elements:

- *taking as its starting point the EU action plan on organized crime, work to identify and counter the threat posed by international organized crime,*

- *regular monitoring and evaluation of developments in the field of combating organized crime in each of our countries and the definition, as appropriate, of priorities applicable to each country. This monitoring and evaluation will draw on collective evaluations undertaken by the experts from Member States and the Commission in the wider framework of the Justice and Home Affairs aspects of the enlargement process,*

- *the planning, execution and joint evaluation of projects, with the involvement of Europol as appropriate, against organized crime with a view, inter alia, to identifying areas where technical and financial assistance would help prepare the CCEE and Cyprus for membership of the Union. "*

D. Monitoring of progress (evaluation)

The task for the applicants is not simply one of enacting the JHA acquis; even more crucial is the implementation of the acquis. For this purpose political agreement was reached by the Council on 28/29 May 1998 to establish a mechanism for collective evaluation (ref doc. 9586/98 JAI 21).

Article 2 provides that a group of experts should be established in accordance with the Council's rules of procedure under the supervision of the Committee of Permanent Representatives of the Member States (COREPER) and should have the task of preparing and keeping up to date collective evaluations of the situation in the candidate countries on the enactment, application and effective implementation of the JHA acquis. COREPER has agreed to establish such a group.

E. European Conference

On 12 March 1998 the inaugural meeting of the European Conference was held. It concluded inter alia that the Presidency would urgently convoke experts from countries of the European Conference who would with the European Commission quickly consider the problems associated with organised crime and the trafficking of drugs. Recommendations of this group will be submitted to the Conference within 12 months.

A first meeting of the European Conference experts group on Organised Crime and Drugs Trafficking was held on 10 June 1998. Switzerland, Norway and Iceland were invited to this meeting.

Agreement was reached on a number of early action points (contact points, seminars, good practice and networks) as well as on issues for further consideration (joint law enforcement operations, money laundering, information on organised crime, Europol, coordination of efforts between existing fora, EU Third Pillar spending programmes). Moreover broad agreement was reached on possible chapters of a report to the European Conference meeting in March 1999.

III. Visits by Presidency accompanied by Commission and Council Secretariat to the Czech Republic, Poland, Hungary, Estonia, Latvia and Lithuania

A. In the light of discussions in relevant Third Pillar bodies and especially at the informal meeting of Justice and Interior Ministers held in January 1998 in Birmingham, and taking account of orientations given by the meetings of the Council on 19 March 1998, the Presidency formed the view that involvement of Third Pillar specialists in the enlargement process could be deepened by a series of visits by the Presidency of the Council/K.4 to applicant countries.

The objective of the visits was threefold:

- to demonstrate to the authorities of host countries the importance of the JHA acquis in efforts of applicant states to reach European Union standards in Justice and Home Affairs;
- to identify possible problems in meeting the acquis;
- to explore possibilities for solutions to various concerns, especially through better pooling and coordination of resources and information.

The Presidency considered it essential to avoid a scenario in which lack of progress on Third Pillar related problems such as border controls could block accession negotiations.

B. **Organisation of visits**

The Presidency of the Council (Joyce Quin), accompanied by officials of the U.K. Presidency, Commission and Council Secretariat, visited the Czech Republic (8/9 April), Poland (16/17 April) and Hungary (30 April). The Chairman of the K.4 Committee (Timothy Walker) accompanied by officials of the UK Presidency, the Commission and Council Secretariat, visited Estonia (19 May), Latvia (20 May) and Lithuania (21 May). Reports of these visits will be made available shortly to members of the K.4 Committee, as well as to the new evaluation working group (see section D above). Meanwhile, some conclusions drawn from the visits are set out below :

In all capitals discussions took place with Ministers and/or top officials of the Ministries of the Interior and Justice. On several occasions visits were paid to persons in charge of accession negotiations. Visits were also paid to specific departments and services, notably those responsible for migration and border controls.

Meetings took also place with EU missions and delegations of the Commission in the six capitals. Contacts were also sought with Commission experts when they happened to be present (Riga, Budapest).

The UK embassies organised the visits on the spot and provided all necessary facilities and assistance.

C. Conclusions of visits

1) Drawing of general conclusions may be inappropriate because problems could not always be discussed in depth and visited countries were far from homogeneous. Moreover, statements and declarations made to the visiting team could not always be checked. Nevertheless, some preliminary general conclusions can be drawn.

2) There is a general awareness in the CCEE visited of the importance of JHA matters in the enlargement process. In most countries appropriate internal procedures have been established in specific areas :

- Border control is probably the most important issue for Member States visited. New borders may have to be established (Latvian/Estonian border). Delimitation of borders is needed (e.g. Belarus/Lithuania). The relevant applicant countries seem to have taken appropriate initiatives.

- For the moment asylum/migration is not a major issue in most of the countries, although there is a potential for uncontrolled movement (500 000 Russians said to be situated in or around Moscow).

- There are many problems in regard to customs control. Salaries are low. Corruption is a serious problem.

- Organized crime was not considered as a key concern. Appropriate organizational measures seem to have been taken. Adherence to and implementation of pertinent international Conventions is needed (e.g. 1988 UN Convention on Drugs). There is no prevailing form of organized crime although fight against illegal trafficking of people looks to be a primary concern in many countries.

- In most countries legal measures have been taken to reform the judiciary, notably with a view to guaranteeing its independence. The establishment of appropriate structures is, however, often hampered by insufficient salaries. This applies even more for police forces. Training of police forces and the judiciary is a priority.

- Data protection is an issue that has hardly been addressed in applicant countries.

- Representations of the European Union / Commission on the spot could be more involved in the evaluation process. They could be tasked with the drawing up of reports on specific matters as is happening in Tallinn.

- Improvement of PHARE procedures is a necessity : they should provide for faster implementation and more involvement of host countries.

- In regard to the JHA acquis, it can be said that legislation is more and more in place. Appropriate implementation is the main problem.

- Better pooling of information is needed among Member States / Commission.

- Communication between the European Union and applicants can be improved, especially through posting of Third Pillar specialists in Brussels.

3) As follow-up to the very useful visits it can be recommended that

- information derived from the visits and possible additional information of the Commission (PHARE) be made available, for study, to the new working group dealing with enlargement.

- visits as in the Quin / Walker model be paid regularly by incoming presidencies.