

17 November 2006

Presidency Statement on the EU-Western Balkan Forum on Justice and Home Affairs

1. The Finnish EU Presidency, the incoming German EU Presidency, Portugal, the European Commission and the Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia) were delighted to hold the fourth meeting of the EU-Western Balkans Forum of JHA Ministers in Tirana, Albania on 16 and 17 November 2006, in accordance with the mandate of the Thessaloniki European Council Conclusions of June 2003. The meeting was held for the first time in the Western Balkan region to foster local ownership.
2. The meeting was divided into three major sessions. The first one, preceded by the presentation of the European Commission on the Stabilisation and Association Process and progress in this field, was devoted to the fight against organised crime and corruption. The European Commission presented its evaluation on general progress made by the countries of the Western Balkans, in particular as regards the Specific Action Oriented Measures for the fight against organised crime. The first session also included presentations given by the Western Balkan Ministers on recent operational successes in the region. The Finnish Minister of the Interior, Kari Rajamäki, informed about the Presidency's plans to strengthen cooperation between Europol and the SECI Centre by EU support to the negotiation process for the new Convention of Southeast European Law Enforcement Centre initiated by the SECI Centre Member States. The Finnish Presidency also reported about the 'lead' Liaison Officers meeting held in Europol, The Hague, on 16 October 2006.
3. The second session concentrated on the chosen aspects of priority topics such as witness protection and trafficking in human beings. They were presented by the Finnish Minister of Justice, Leena Luhtanen, and the Albanian Minister of Interior, Sokol Olldashi, and focused on recent developments, successful operations and planned future actions. These presentations were followed by the comments of the German Parliamentary State Secretary, Peter Altmaier, and the concluding remarks by the Presidency.

4. The last session dealt with the regional perspectives of integrated border management, which began with an introduction made by Croatia and was followed by the contributions of the Western Balkan countries as regards current activities and implementation of this concept in the region itself.
5. The meeting also allowed for the setting of specific objectives for the forthcoming year, drawing in particular on the European Commission's recent progress reports, European Partnerships and indications for priorities in the future. Finally, the Presidency summarised the main aspects of the EU's recent work in the fight against organised crime in the Western Balkans, and the incoming German and Portuguese Presidencies set out their plans for work on these issues during 2007 and the first half of 2008.

Progress and priorities

6. The meeting reviewed the progress made by the Western Balkans on JHA issues and set specific priorities for further work. It was underlined that ownership of problems and solutions clearly rested in the hands of the Western Balkan countries, with the European Union playing a supporting role. The continued importance of full cooperation with the ICTY was again clearly underlined.
7. The meeting welcomed the Progress Reports 2006 of the Commission. On the basis of the report and reflecting the discussions, the Presidency emphasises in particular:

(a) Albania

The high priority Albania has given to the fight against organised crime was welcomed, while the importance of achieving further concrete results was underlined. The need for improved cooperation between the police and the judiciary and greater efforts in combating high-level corruption was highlighted. The adoption of a national strategy against trafficking in human beings and the improvement of the implementing structures were welcomed, while the need for further progress was emphasised. Further resources and better domestic and international coordination are essential in the future. The need for strengthened witness protection was noted. Some progress in border management was welcomed, while the importance of putting an integrated border management strategy in place as well as improving border management infrastructure was emphasised.

(b) Bosnia and Herzegovina

Progress made in the fight against organised crime and trafficking in human beings was welcomed. It was noted that while the legal framework to fight organised crime is in place, it is now essential to make sustained efforts in implementation and to allocate more financial resources for the witness protection programme. Priorities for the future should also include tackling the inconsistencies between State- and Entity-level legislation that hinder prosecution. While progress in developing border management was recorded, better resourcing for the implementation of the National Integrated Border Strategy and the improvement of border controls was highlighted. The implementation of the October 2005 agreement on police restructuring remains a key problem. The role of the EUPM was also highlighted.

(c) Croatia

The Presidency welcomed the start of the implementation of the judicial reform strategy as well as the new anti-corruption programme and the strengthening of the Office for the Prevention of Corruption and Organised Crime. The Commission's "Croatia 2006 Progress Report" highlighted that a great deal remains to be done on JHA issues, especially in the judicial reform and the fight against corruption. Croatia has ratified an operational agreement with Europol and a working group for integrated border management has been established. The administrative and enforcement capacity particularly regarding multidisciplinary inter-agency cooperation needs continued and sustained efforts. Main challenges for the future include the full implementation of the judicial reform and increased efforts to fight corruption and organised crime.

(d) Former Yugoslav Republic of Macedonia

The fact that a constitutional and legal framework for an independent and efficient judiciary is now largely in place was welcomed. With the adoption of the Law on Aliens, the legislation in the field of visa policy is now largely in line with the acquis. The integrated border management action plan constitutes the legal framework for the implementation of the integrated border management strategy. The adoption of a national strategy and action plan to combat trafficking in human beings is an important step, while energetic efforts in further development of the witness protection programme to reach EU standards are needed in the future. Progress has been more limited in judicial cooperation, police cooperation, the fight against organised crime and drugs. The close cooperation with Europol, especially

concerning input to the European threat assessment and analysis should be ensured. Although a police reform has been adopted recently, further efforts are needed in this area. The implementation of the reforms, notably in the judiciary and the police, as well as the fight against corruption remain major challenges.

(e) Montenegro

The adoption of an action plan to implement the strategy for the fight against corruption and organised crime was welcomed. In this context, upgrading the implementation capacity of law enforcement bodies should be a priority for the future. Some progress in the fight against drugs and trafficking in human beings was noted, while the need for further efforts was emphasised. Progress was also recorded in the fields of border management, visa policy, asylum and migration and witness protection. In these sectors, priorities for the future should include putting in place the legal and institutional framework and secondary legislation required for effective implementation.

(f) Serbia

The adoption of an integrated border management strategy and implementing action plan was welcomed. The implementation of the new Law on Police should be emphasised in order to support the reform of the border police. Some progress was also recorded in the fight against trafficking in human beings. As organised crime remains a source of concern, the need to finalise the action plan to implement the National Strategy for the fight against organised crime and to reinforce specialised services within police was underlined. Priorities for the future should also include adopting appropriate legislation on seizure and freezing of assets, bank accounts and proceeds of crime. As regards witness protection, deficiencies revealed in the implementation of the Law on Witness Protection need to be tackled.

(g) UNMIK/Kosovo

The Presidency welcomed the update given by the UNMIK on the development of the various administrative capacities in Kosovo, in particular as regards the establishment of the Ministries of Justice and the Interior, as well as the Judicial Council and the Judicial Institute. However, it was noted that the institutional framework in the judicial sector needs to be improved to guarantee independence of judges and autonomy of prosecutors. The level of efficiency in courts and prosecution needs to be improved. The backlog of cases has increased and judgements are not always enforced. Progress achieved in improving border management was also welcomed. The need to intensify efforts in the fight against organised

crime was emphasised as organised crime remains a serious problem in Kosovo. Priorities for the future should also include improving the protection of witnesses. The fight against trafficking in human beings should be intensified. It was also noted that a possible EU mission to the region is currently under planning.

Regional dimension

8. The meeting underlined that the regional nature of the issues connected with the organised crime phenomenon in general, and trafficking in human beings in particular, demanded a regional response. The meeting emphasised the importance of countries adopting a cooperative, regional approach to the problems, including cooperation with neighbours such as Romania, Bulgaria and Turkey to disrupt the East-West trafficking route. It was considered important that the fight against organised crime be further reinforced through the continued development of bilateral and regional cooperation between police and judicial authorities and the proper implementation of existing bilateral and regional cooperation agreements, e.g. the Police Cooperation Convention for South Eastern Europe (SEE), as well as effective cooperation with other regional actors such as the Stability Pact and the South Eastern Europe Cooperative Process (SEECF). The experiences gained by other regions on fighting against organized crime, such as the Baltic Sea Region Task Force on Organised Crime and its task force on trafficking in human beings, should be studied when developing the regional cooperation in the Western Balkan region. Organised crime is an international phenomenon and organised crime in the Western Balkans is closely connected with the organised crime in EU Member States. Therefore, the meeting underlined that the involvement of Europol and Eurojust, and other EU support where appropriate, and strengthening of cooperation with these institutions and Western Balkan regional law enforcement institutions, such as the SECI Centre, are very important in order to improve investigation, prosecution and adjudication of organised crime cases. Furthermore, it was considered important that the completion and proper implementation of data protection legislation is a precondition to further deepen the cooperation between the Western Balkans and Europol. Increased regional cooperation between national units specialised in fighting corruption was also highlighted as important, as was the importance of the countries of the region sharing best practice on addressing the backlog of pending court cases that currently exists. It was agreed that the countries of the region should continue to work towards establishing increasingly robust judicial systems through which criminals receive

appropriate punishment and where populations see justice being done. The importance of completing and implementing witness protection legislation which respects human rights was also underlined. In this respect procedural rules across the region need to ensure a proper balance between witness protection and the right to defence.

9. The meeting welcomed the negotiation process for the new Convention of Southeast European Law Enforcement Centre initiated by the SECI Centre Member States, underlined the need to strengthen the cooperation between EU bodies, such as Europol, and the SECI Centre and welcomed the Presidency's approach to the EU support to the negotiations. The meeting also underlined the need for cooperation, when appropriate, with the Western Balkan countries and the COSPOL projects launched by the EU Police Chief Task Force on fighting against organised crime, illegal immigration and trafficking in human beings.
10. Western Balkan countries, which all have a clear European perspective, have been issued specific Integrated Border Management (IBM) guidelines. Two of these countries have already been given a candidate status. The rapprochement of the Western Balkan countries towards the EU depends on their individual merits that are regularly evaluated. In this part of Europe, when improving border management, the approach should emphasise not only security but also proportionality. It is necessary to maintain the requirements of specialisation and professionalism, but the creation of excessive administrative capacity should be avoided. Another factor is that the EU is, and will be, giving support to these developments in all six countries. Regional flexibility measures should be introduced. Joint patrols and shared controls have already been introduced as an acceptable flexibility measure between two Candidate Countries and between two Member States not implementing the Schengen Acquis in full. Operational effectiveness and cost-effectiveness could also be improved by such measures as regional operations, regional risk analysis and common training. Naturally, no derogations can be made in relation to the binding acquis such as the Schengen Borders Code.

Progress in EU-level activity

11. The meeting stated that the EU strongly supports the Western Balkan countries' efforts in the area of JHA. The EU needs to bring the range of instruments at its disposal into play in a co-ordinated way focussing on priorities identified in the Accession Partnerships and European Partnerships. The meeting welcomed the progress made in implementing the 2004

Friends of the Presidency Report on Organised Crime in the Western Balkans and in particular in the increased co-ordination of the activity of the EU's operational liaison officers in the region. It was considered necessary that the meetings between EU Liaison Officers and the relevant law enforcement officers in respective Western Balkan countries should be arranged more regularly.

12. The meeting welcomed the fact that the Council adopted on 13 November the negotiation mandates for visa facilitation and readmission agreements with Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. The Council also adopted the negotiation mandate for a visa facilitation agreement with Albania, recalling that the EU already has a readmission agreement with Albania.
13. The meeting also welcomed the wider contribution that the EU's other instruments, and in particular the EU's crisis management missions, could bring to the fight against organised crime in the region.
14. The meeting recognised the value of the recommendations set out in the Action Oriented Paper on Improving Cooperation on Organised Crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU and the Western Balkans, which was agreed by the Council in June 2006. Continued progress in implementing these recommendations would help maximise the effectiveness of assistance to the region while also enhancing cooperation with the governments and institutions of the Western Balkans.

Conclusion/German, Portuguese and Slovenian Presidencies

15. It was considered important that continued progress be made by the Western Balkan countries in tackling JHA issues during 2007 and the first half of 2008 and beyond in the context of their European perspective.
16. Germany will support the further stabilisation in the region and the building of a police and justice system committed to democratic principles. For this reason, Germany - while holding the EU Presidency - will build on the work carried out by the Austrian and Finnish Presidencies. In continuing to further implement the Strategy for the External Dimension of

JHA, the focus will be on improving the Western Balkans' cooperation with the EU in terms of controlling organised crime, illegal immigration and terrorism.

17. The next meeting of the EU-Western Balkans Forum of JHA Ministers will take place in Slovenia in the second half of 2007 under the Portuguese Presidency.

List of participants:

EUROPEAN COMMISSION

Mr Franco Frattini, Vice President

Mr Carlo Presenti, Head of Cabinet of Vice President

Mr Helmuth Lohan, Head of Commission Delegation in Tirana

Mr Frisco Roscam Abbing, Spokesperson for Vice President

Ms Karolina Kottová, Member of Cabinet

Ms Sarah Nelen, Desk Officer

GENERAL SECRETARIAT OF THE COUNCIL OF THE EUROPEAN UNION

Mr Ivan Bizjak, Director General

Mr Piotr Rakowski

FINLAND

Delegation of the Ministry of Justice:

Ms Leena Luhtanen, Minister of Justice

Mr Sebastian Sass, EU-coordinator

Mr Asko Välimaa, Counsellor of Legislation

Delegation of the Ministry of the Interior:

Mr Kari Rajamäki, Minister of the Interior

Mr Kari Salmi, State Secretary

Mr Vesa Blomqvist, Border Security Expert, Lieutenant Colonel

Mr Erkki Hämäläinen, The National Bureau of Investigation, Counsellor

Mr Kalle Kekomäki, Counsellor

Ms Kaija Uusisilta, Head of Press and Communications Services

GERMANY

Delegation of the Federal Ministry of the Interior:

Mr Peter Altmaier, Parliamentary State Secretary

Dr. Christian Klos, Senior Principal

Dr. Ceylanoglu Sena, Counselor

PORTUGAL

Delegation of the Ministry of Internal Administration:

Mr José Magalhães, Secretary of State Assistant and for Internal Administration

Ms Leonor Rodrigues Cruz, Deputy Director

Mr Paulo Cunha-Alves, Ministry for Foreign Affairs / Permanent Representation to the EU, Justice and Home Affairs Counsellor

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Mr Eduard Halimi, Deputy Minister

Mr V adimir Kristo, Deputy Minister

Mr Eugen Pepa, Director of Cabinet

Ms Migena Demirxhi, Spokesman

Delegation of the Ministry of the Interior:

Mr Sokol Olldashi, Minister of the Interior

Mr Haxhimihali Enio, Director of the Minister's Cabinet

Mr Gentiana Bektashi, Director of the Directorate for European Integration

Ms Iris Halili, Adviser for International Relations, cabinet of minister

Ms Iva Zajmi, Vice Minister

Mr Gjergj Lezhja, Vice Minister

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Delegation of the Ministry of Justice:

Mr Slobodan Kovać, Minister

Delegation of the Ministry of Security:

Mr Bariša Čolak, Minister

Mr Samir Rizvo, Assistant Minister

FORMER YUGOSLAV REPUBLIC MACEDONIA

Delegation of the Ministry of Justice:

Mr Mihajlo Manevski, Minister of Justice

Ms Gorica Atanasova, Head of Delegation, Cabinet of the Minister

Mr Vladimir Kovacevski, Macedonian Embassy in Albania, First Secretary

Delegation of the Ministry of the Interior:

Ms Gordana Jankuloska, Minister of the Interior

Mr Tipe Stojahovski, Assistant Minister

Ms Gordana Kirovska, Senior Advisor on European Countries

MONTENEGRO

Delegation of the Ministry of the Interior:

Mr Miraš Radović, Minister

Mr Vuksah Vuksanovic, International Cooperation Officer

Delegation of the Ministry of the Interior:

Mr Jusuf Kalamperovic, Minister

Mr Ivan Milic, Advisor of the Minister

Mr Sabri Buzukovic, Chief of Police

CROATIA

Delegation of the Ministry of Justice:

Ms Ana Lovrin, Minister

Ms Ljiljana Vodopija Čengić, Assistant Minister

Ms Natalija Hmelina, Cabinet Secretary

Delegation of the Ministry of the Interior:

Mr Ivica Kirin, Minister

Mr Filip Dragović, Assistant Minister

Mr Berislav Mance, Head of the International Relations Department

Mr Marijan Benko, General Police Director

Mr Ognjen Krajačić, Secretary of the Minister's Cabinet

UNMIK / KOSOVO

UNMIK

Mr Steven Schook, Principal Deputy Special Representative of the Secretary-General

Mr Nicholas Booth, Senior Advisor

Mr Albert Moskowitz, Director, Department of Justice

Delegation of the Ministry of Justice:

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Mr Gani Demaj, Chief of Cabinet

Mr Kajtim Kerveshi, Principal Political Advisor

Mr Sokol Haziri, Political Advisor to the Minister of Justice

Ms Liridonë Kozmaqi, Media and Information Officer in the Minister's office

Delegation of the Ministry of Internal Affairs:

Mr Blerim Kuci, Deputy Minister

Mr Bejtush Gashi, Director, Internal Security Policy Department

Mr Aridian Spahiu, Prime Minister's Office of Public Safety, Advisor

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Mr Emmanuel Kakavelakis, Embassy of Greece

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