



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 November 2003

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**EU-Western Balkans Forum
JHA Ministerial Meeting
Brussels, 28 November 2003**

Joint Conclusions

We, the Ministers responsible for Justice and Home Affairs of the Member States of the European Union, the acceding and candidate states, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro and the European Commission met in Brussels on 28 November 2003 in the presence of the Deputy Special Representative of the UN Secretary General in Kosovo, the Senior Deputy High Representative for Bosnia and Herzegovina, the Special Co-ordinator of the Stability Pact for South-Eastern Europe, and the EU Special Representative in the former Yugoslav Republic of Macedonia, the Director of Europol and the President of Eurojust, to discuss JHA issues, in particular the situation related to organised crime in the Western Balkans and its impact on the European Union, to evaluate the necessary measures to cope with it, as well as to improve the co-operation on migration and border management. We agreed that further progress in the field of Justice and Home Affairs by the Western Balkans countries will bring their European perspective closer to fulfilment.

The “Thessaloniki Agenda for the Western Balkans: Moving towards European integration”, which was approved at the Thessaloniki Summit on 21 June 2003, reaffirmed that the Stabilisation and Association Process (SAP) provides the framework for co-operation between the EU and the Western Balkans countries, all the way to their future accession.

We welcomed the intensified debate over the last year on issues such as the fight against organised crime and border management in the Western Balkans. While the EU supported the measures taken by the countries in the region so far, it also urged the Western Balkans countries to take effective action on implementation in order to achieve practical results. It is the responsibility of the Western Balkans countries to make timely progress, and their efforts will be assessed by the next ministerial meeting as well as by the Commission through its monitoring mechanisms in the framework of the SAP. In order to benefit from synergies, the EU highlighted the importance of co-ordination between the various instruments deployed by the EU, between the Western Balkans countries as part of their regional co-operation and between all the different players in the region, at all levels.

In order to provide a clear focus for further work and an impetus for progress, the Ministerial meeting highlighted the following subjects which will also be taken into account in the preparation of the European Partnerships, requested by the European Council, which the Commission will present with the next SAP Annual Reports.

The fight against organised crime in the Western Balkans

Organised crime and corruption are obstacles to democratic stability, sound and accountable institutions, the rule of law, and economic development in the Western Balkans. Particular focus should be placed upon fighting all forms of trafficking, particularly of human beings, drugs and arms, as well as smuggling of goods.

At the London Conference on 25 November 2002 on fighting organised crime in South Eastern Europe, the countries in the region undertook to carry out a series of priority actions. The JHA Ministerial Troika of 22 April 2003 at Thessaloniki took stock of progress in implementing these actions. Similarly, the conclusions of the ministerial conference held on 21-22 May 2003, concerning the "drug routes from Central Asia to Europe" ("Paris Pact") as well as the Action Plan on Drugs between the EU and the Countries of the Western Balkans and the Candidate countries adopted on 6 June 2003 confirm the commitment of the international community in promoting co-ordinated strategies on the fight against drugs trafficking with the support of UNODC . When the Western Balkans countries submitted their records of achievements in fighting organised crime to the Thessaloniki Summit of 21 June 2003, they also agreed to implement further specific action oriented measures in the immediate future and in the longer term.

Against this background, the EU welcomed the presentation by each of the Western Balkans countries of these specific measures to fight against organised crime. It noted that the measures were accompanied by an implementation strategy including benchmarks, timetables, and the identification of resource requirements. It is the responsibility of each country in the Western Balkans to implement these measures effectively. The implementation strategy will guide them in their efforts, and at the same time help the EU and the international community target their assistance where it is needed. Regional initiatives could support the implementation of these measures.

The EU welcomed the fact that two of the measures adopted by all the Western Balkans countries are regional priorities concerning the conclusion of the Memoranda of Understanding as a basis for regional co-operation among Financial Intelligence Units in combating money laundering and the development of regional co-operation amongst prosecutors, based on EU standards and practices.

Credibility in the fight against organised crime will now depend on implementing these concrete actions within the set timetable. The Western Balkans countries are fully committed to this task. At our next meeting, we will take stock of the progress made. Meanwhile, the Commission will be ready to advise and monitor within the SAP framework.

Improving law enforcement and judicial co-operation

Closer co-ordination of the different components of the EU's activities (institution building, CFSP/ESDP and third pillar instruments) aiming at practical and operational results in the region is necessary to ensure continued cross-fertilisation between instruments as well as coherence in the fight against organised crime.

The EU considers that the first meeting of EU Member States' liaison officers in the Western Balkans, with the participation of Europol and the Commission, which took place in Rome on 6-7 November 2003 was an important contribution to improve police and law enforcement co-operation. The EU proposed that such meetings, where appropriate, should be continued during future Presidencies. The EU encouraged the Western Balkans countries to co-operate closely with the liaison officers stationed in their countries.

The EU urged Europol and the Western Balkans countries to negotiate and conclude individual co-operation agreements as soon as possible. This requires the swift adoption by the Western Balkans countries of adequate data protection legislations. On the basis of these agreements, Europol will be able to support Member States' efforts in the region. Europol should develop the threat assessments on organised crime in the Balkans, already prepared in the context of its Crime Situation Report. Those threat assessments should be based, amongst other information sources, on information provided by Member States' liaison officers and, possibly, followed by joint investigation teams. Europol should also be authorised to exchange information with the EU Police Missions established or launched by the European Union in the region.

The EU is fully committed to assisting the countries of the region in strengthening the rule of law and security for their citizens.

Following the successful start of the EU Police Mission to Bosnia and Herzegovina in January of this year, the EU will engage in a further police mission in the former Yugoslav Republic of Macedonia later this year ("Proxima"). Furthermore these missions complement the actions undertaken in the framework of the Stabilisation and Association Process. The PAMECA Police Mission, financed under the CARDS programme, is providing valuable assistance to the restructuring of law enforcement services in Albania. The EU noted with satisfaction that Member States, drawing upon CEPOL expertise and with the Association of the European Police Colleges (AEPC), are developing proposals to train the police forces in the Western Balkans, and encourages the active contribution from the countries of the region. We welcome the related Organised Crime Training Network (OCTN) Initiative as a concrete follow up to the London Conference.

We agreed that judicial co-operation should play an increasingly important role in the general framework of the relations between the European Union and the Western Balkans.

The operational capacity of judicial authorities should be developed along with the capacity of the law enforcement authorities. Regional co-operation between law enforcement and judicial authorities should be strengthened through a variety of operational formats and ad hoc initiatives, and existing funding mechanisms should be used to enhance the professionalism of judges and prosecutors. Eurojust is invited to consider the gradual development of its co-operation with the countries of the region, taking full account of individual capacities and achievements.

The EU should continue to explore the possibility of targeting its assistance more directly towards the strengthening of the operational capacity of the law enforcement and judicial authorities to combat organised crime, including where necessary the establishment of specialised units, centralised bureaus of investigation and central authorities for judicial co-operation. Centralised law enforcement units focusing on organised crime should also have responsibility for international intelligence and contacts, for example with Europol and Eurojust. The experience of EUPM and Proxima should be utilised in determining the EU priorities in this respect.

We took note of the Sarajevo Declaration of 27 October 2003 of the Ministers of Justice and State Representatives from South Eastern Europe concerning the implementation of the UN Convention Against Transnational Organised Crime.

We reiterated that full co-operation with the ICTY, in particular with regard to the transfer to The Hague of all indictees and full access to documents and witnesses remains vital for further movement towards the EU

Co-operation on immigration and border management

Sound and efficient border management is essential. It contributes, among other things, to the fight against organised crime and illegal immigration as well as to the high level of internal security that citizens are entitled to. The goal is to establish professional border services which co-operate well at national, regional and European level, while at the same time ensuring international protection for asylum seekers.

The Thessaloniki Summit welcomed the results of the Ohrid Regional Conference on Border Security and Management of 22 May 2003 and especially the common platform for integrated border management under the auspices of civil authorities, in line with the European standards. At the Conference, each country in the region established a list of short-term objectives to be implemented, if possible, before the end of 2004. NATO, OSCE, the EU and the Stability Pact agreed to support this implementation process. On 5 November 2003, the first meeting to review the progress made by the concerned countries took place in Belgrade and revealed that further efforts needed to be made, notably by some countries in the region. For this reason, the EU welcomed the concrete measures and the detailed implementation strategies containing benchmarks and deadlines, presented by the individual countries of the Western Balkans in order to produce results. It encouraged regional initiatives to enhance co-operation in fighting illegal migration.

The EU underlined the importance of a co-ordinated approach to improve border management and security in the Western Balkans region which must take place within the Stabilisation and Association Process. The next Ministerial meeting will assess the progress achieved in implementing the measures agreed by each country.

A programme of measures to combat illegal migration across the maritime borders of the EU Member States is expected to be adopted by the end of 2003. The programme advocates operational coastline and control measures of interest to the Western Balkans countries.

The need for the Western Balkans countries to implement the necessary measures in order to improve security of airports has also been recalled.

The EU recalled that a political agreement has been reached within the Council on a regulation creating an immigration liaison officers network and setting out its legal and organisational framework. The network should in due course co-operate with the wider framework of law enforcement liaison officers posted in the region and with the authorities of the region.

It is recalled that the EU Member States and the SAP Countries upon request and without further formalities are obliged to readmit any of its nationals illegally present on the territory of an EU Member State or of the SAP Countries.

The EU welcomed the finalisation of the negotiation of a readmission agreement between the European Community and Albania. The EU further encouraged the SAP countries to conclude readmission agreements amongst themselves and with third countries.

We took note of the work achieved so far as a follow-up to the Sarajevo declaration of 28 March 2001 and the senior civil servants meeting of 30 November 2001 in Belgrade regarding co-operation in the area of asylum and immigration.

Mindful of irregular refugee and migration flows that ensue from discrepancies in entry policies, we agreed to work closely together within the framework of relevant programmes on asylum and migration, that inter alia would promote regional co-operation in the field foreseen in the SAP.
