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- Reporting period: January 2007 to May 2008

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**Second progress report on the implementation of the "Strategy for the External
Dimension of JHA: Global Freedom, Security and Justice"**

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1. INTRODUCTION

Further to a Communication from the Commission¹, the Council adopted a Strategy for the External Dimension of the Area of Freedom, Security and Justice in December 2005 (hereafter "the Strategy")². The purpose of the Strategy is (1) to contribute to the successful **establishment** of the internal area of freedom, security and justice and (2) to advance the EU's external relations objectives by **promoting** the rule of law, respect for human rights and international obligations.

The present paper is the Commission's **contribution** to the request addressed in the Strategy to the Commission and Council Secretariat to monitor progress and report to Council every 18 months. Commission and Council Secretariat presented their first progress reports at the end of 2006³. At its meeting on 4/5 December 2006, the Justice and Home Affairs Council took note of a Presidency report welcoming the reports and highlighting, "*again, the complementarity of the action in the field of JHA with the External policy of the EU*"⁴. The European Parliament adopted on 21 June 2007 the report on the Strategy⁵. In its resolution, Parliament addresses a wide range of issues: improving the democratic accountability, balancing security and human rights, providing EU citizens with a high level of security, strengthening police and judicial cooperation and border management as well as international solidarity within the migration, readmission and asylum policies.

In line with Council's request expressed in the Strategy, the present second progress report focuses on **implementation** efforts in 2007 and the first half of 2008 as regards **thematic** and **geographical** priorities. The present report is not exhaustive but aims at giving an appropriate insight in current efforts and concrete initiatives undertaken by the Commission to apply and effectively implement the Strategy.

2. RECENT DEVELOPMENTS

2.1. Migration

Immigration is a challenge and an opportunity for the EU. In many surveys, migration consistently comes out as a top concern of European citizens. Many parts of Europe have become net recipients of immigration flows while demographic trends are posing a considerable challenge for the sustainability of public finances and the viability of social protection systems in many EU Member States. Immigration brings with it new demands on policy and the EU needs to step up its efforts to compete on the globalizing labour market. Addressing illegal immigration requires particular efforts from Member States and relevant third countries while integration of legal migrants needs to be stepped up.

¹ COM(2005)491 of 12.10.2005.

² Doc. 14366/3/05 JAI 417 RELEX 628.

³ SEC(2006)1498 of 16.11.2006, Doc. 15001/06 JAI 574 RELEX 773 and Doc. 15363/06 JAI 600 RELEX 807.

⁴ Doc. 15708/06 JAI 632 RELEX 836.

⁵ Doc. A6-0223/2007 Final and Resolution P6 TA(2007)0284.

In that perspective and responding to a call from the European Council in December 2006, the Commission presented in May 2007 a Communication on "**Applying the Global Approach to Migration to the Eastern and South-Eastern Regions neighbouring the European Union**"⁶. The Communication calls for an approach based on the concept of a 'migratory route' which comprises in a first step Turkey, the Western Balkans, the European Neighbourhood Policy (ENP) partner countries in Eastern Europe and the Southern Caucasus as well as Russia. Applying the Global Approach to these countries also requires consideration of countries of origin and transit further afield: Middle Eastern ENP partner countries, Iran, Iraq, Central Asia and Asian countries of origin such as China, India, Pakistan, Afghanistan, Bangladesh, Sri Lanka, Vietnam, the Philippines and Indonesia. The Commission made a number of recommendations for cooperation stretching from an intensified dialogue (including at regional level) to co-development initiatives, and from visa facilitation possibilities to readmission agreements.

Implementation of the initial Global Approach focusing on **Africa** and the **Mediterranean** intensified. The first ever Euro-Mediterranean Ministerial Meeting on Migration held on 18 and 19 November 2007 in Albufeira and the 8 and 9 December 2007 EU-Africa Summit in Lisbon, which adopted the EU-Africa Partnership on Migration, Mobility and Employment are the most prominent examples. At the same time, the EU continues to organise EU migration missions to explain the EU's Global Approach and listen to the concerns and expectations of our partners with a view to considering joint actions. During the reporting period such missions, co-chaired by the Presidency and the Commission, visited Cape Verde, Ghana, Mauritania, Senegal and Ethiopia. The Commission continued to establish migration profiles which now exist for almost all ACP countries and will support policy development in the field of migration and development. The Commission is setting up a network of regional observatories in Africa and the ACP countries which will promote the collection, processing and dissemination of information on migration movements in Africa and between Africa and other continents. The Commission is also assisting the Malian Government in setting up a Migration Information and Management Centre to provide concrete information to potential migrants on legal migration opportunities as well as on the risks of illegal migration.

In May 2007, the Commission put forward two new policy concepts, **mobility partnerships** and **circular migration**⁷. They are meant to organise the legal movement between the EU and third countries and to structure ways to facilitate temporary legal migration. Mobility partnerships aim at putting together specific packages that include initiatives relevant for the EU and interested third countries: the EU offer could include visa facilitation, access to the labour markets of the Member States willing to participate in the scheme, support for schemes on migration and development, and capacity building in the field of migration management; partner countries could intensify cooperation on fighting illegal migration, readmission and forced or voluntary return. If well managed, circular migration can bring positive results for all parties involved: for the EU Member States, by meeting the needs of their labour markets; for the source country, by supporting the linkages between migration and development, and for the migrant.

⁶ COM(2007)247 final of 16.5.2007.

⁷ Commission Communication COM(2007)248 final of 16.5.2007.

The JHA Council, meeting jointly with Employment Ministers, adopted on 6-7 December 2007 a set of conclusions on policy concepts and "invited the Commission, in close liaison with Member States and/or the Presidency, to open a dialogue with Cape Verde and Moldova, with a view to launching pilot mobility partnerships".

Both dialogues nearly concluded and revolve around three main areas: migration and development; legal movements of people and labour migration; border management and illegal migration. However, each Partnership will reflect the specific interests voiced and challenges faced by the respective countries, as well as the expectations of the EU. The pilot Mobility Partnerships will therefore be country-specific. Joint Declarations setting out these partnerships and politically binding on all sides are expected to be signed by June 2008.

The Commission has continued to provide **financial** and **technical assistance** to third countries to help them manage international migration in the framework of the external relations geographical financial instruments as well as through the AENEAS programme and its successor, the Thematic Programme for the cooperation with third countries in the areas of migration and asylum, which was established in December 2006 and has been allocated 384 M EUR for the 2007-2013 period to address the following five strands of activities: (1) fostering the links between migration and development, (2) promoting well-managed labour migration, (3) fighting illegal immigration and facilitating the readmission of illegal immigrants, (4) protecting migrants against exploitation and exclusion and (5) promoting asylum and international protection.

Many important steps have been taken in the area of **economic migration policy** in view of developing a **common European policy on immigration**, enhancing economic opportunities and integration measures, and based on solidarity and burden sharing. This common approach requires a European framework within which the national and EU levels complement each other⁸. In that perspective the adoption on 23 October 2007 of two legislative proposals⁹ constitute an important step forward. Further legislative proposals on seasonal workers, remunerated trainees and intra-corporate transferees will follow.

2.2. Asylum

The focus on the external dimension of asylum has increased considerably during the reporting period. Three major elements need to be mentioned in this respect: financial support to third countries, Regional Protection Programmes and resettlement.

The AENEAS programme and its successor, the **Thematic Programme for the cooperation with third countries in the areas of asylum and migration**, have contributed to the capacity of several third countries to provide asylum and international protection (25 projects during the reporting period).

⁸ See Commission Communication "Towards a Common Immigration Policy", COM(2007)780 final of 5.12.2007.

⁹ On basic socio-economic rights of all third-country workers (COM (2007) 638 final) and on admission of highly qualified immigrants (COM (2007) 637 final).

Regional Protection Programmes (RPPs) aim at strengthening refugee protection capacities in designated regions of origin or transit. As part of these Programmes, several pilot projects are currently being implemented in Tanzania, Ukraine, Belarus and Moldova. Protection oriented activities are carried out by UNHCR, NGO's and the governments of the beneficiary countries.

Resettlement (relocation of refugees through UNHCR from countries of first asylum to other countries which offer permanent asylum) is another important element of the external dimension of asylum. The Commission has taken several steps in 2007 and 2008 to increase resettlement capacity in the EU. Resettlement activities are supported by the European Refugee Fund (ERF III), which has become operational in 2008.

Finally, the Commission's **Green Paper** on the future of the **Common European Asylum System**, published on 6 June 2007, launched, inter alia, a debate on the future shaping of the external dimension of asylum policy. In response to the Green Paper, many contributions received from a wide range of stakeholders stressed the importance of the external dimension of asylum and the need to further develop EU policies in these areas (particularly RPPs and resettlement). The results of the consultation form the basis of a Policy Plan which the Commission will publish in June 2008. The external dimension will be an important component of it.

2.3. **Movement of persons and border management**

The issue of **visa facilitation** and **readmission agreements** featured high in relations between the EU and a series of neighbouring countries. In fact, the reporting period was a time of promises kept and results achieved: visa facilitation and readmission agreement were negotiated and concluded with all remaining countries in the Western Balkans, Russia, Ukraine and Moldova, and all have entered into force. The challenge lies now in fully implementing all these agreements and live up to the expectations they have created.

Negotiations on a readmission agreement with Pakistan came to a successful closing in 2007 while negotiations with Algeria, Turkey and China have not advanced. Despite some progress in readmission negotiations with Morocco, the agreement has not been concluded yet. All open negotiations will need strong political support and motivation to move again in a successful direction.

In the first half of 2008, it was decided to launch the **visa liberalisation** dialogue with the Western Balkan countries. Discussions on visa liberalisation as a long-term perspective have started during the reporting period with Russia. The first two **common visa application centres** were opened in Moldova and Montenegro during the reporting period. A further such centre is being set up in Dubai.

The Commission presented in February 2008 a series of Communications with a view to improving **border management**. The proposals that were included in the first Communication refer to (1) the creation of an entry/exit system based on an electronic register which includes a series of data and biometric identifiers and covering non-Schengen area nationals; (2) an automated border control system with a view to facilitating the border crossings for *bona fide* travellers and (3) an Electronic Travel Authorisation System, under which foreign passengers can be required to

provide all the information needed for domestic security reasons to decide whether entry can be authorised. A second Communication describes the idea of a creating a European Border Surveillance System (EUROSUR). A third Communication assesses the work of the FRONTEX Agency¹⁰ and presents ideas on how to further develop the work of this Agency¹¹.

2.4. Fundamental rights protection

The Commission continued to promote fundamental rights in the political dialogue with third countries and to use its policy instruments and cooperation programmes to address human rights worldwide.

In the context of the EU-Israel Action Plan, the 2nd European Commission - Israel Seminar on the fight against racism, xenophobia and anti-Semitism took place in January 2008. This was a very successful meeting allowing both sides to continue the exchange of views and sharing of experiences on these issues. The Commission participates actively in Human Rights consultations with Russia twice a year.

The EU **Agency for Fundamental Rights** started its operations in 2007. Its mandate focuses on fundamental rights protection in the EU, but to achieve its goals, the Agency joined OSCE Task Force on the Holocaust and entertains cooperation with Yad Vashem.

2.5. Protection of personal data

The protection of personal data is of horizontal importance as regards direct and operational cooperation between the EU, its Member States and agencies with third countries. Removing potential obstacles to cross-border flows of personal data while ensuring a high level of protection for such data is also important in the area of economic external relations.

The Commission has continued to monitor the level of the protection of personal data in third countries for the purposes of the so-called **adequacy decisions** (Article 25 of the Data Protection Directive 95/46/EC¹²). Currently the Commission is considering three applications for Commission adequacy decisions – those for Israel, Jersey and the Faroe Islands.

The protection of personal data was of particular importance as regards cooperation with the U.S. (see also section 3.4.). Next to the U.S., the Commission also engaged in negotiations with Australia during the reporting period with a view to concluding agreements governing the obtaining and subsequent use of personal data contained in the **passenger name records** of air carriers.

¹⁰ European Agency for the Management of Operational Cooperation at the External Borders.

¹¹ See also chapter 2.9. on EU agencies and bodies.

¹² Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995, OJ L 281 , 23/11/1995 p. 31 – 50.

2.6. Counter-terrorism

During the reporting period, the Commission has continued to support closer dialogue and cooperation with third countries in the fight against terrorism, and to promote the **implementation of international conventions** through targeted technical assistance and political dialogue as well as counter-terrorism clauses in agreements and co-operation in international and regional organisations. The Community is providing counterterrorism related assistance¹³ to around 80 countries in the world which contributes to help countries implement UNSCR 1373.

In the important field of critical infrastructure protection, the Commission had informal exchanges of views with a series of countries from e.g. Russia to Algeria and Israel to Central Asia. The six-monthly informal EU-US Troika meeting on terrorist financing will take place on 22 May 2008, the yearly Troika meeting with the Gulf Cooperation Council on the same topic took place on 14 and 15 April 2008, the respective Troika meetings with Turkey and Morocco in February and March 2008. The Commission finally provided 1 M€ assistance to the establishment and functioning of the African Union's counter-terrorism centre (CAERT) in Alger.

2.7. Judicial cooperation in civil and criminal matters

On the civil side, in April 2007 the Community acceded as a member to the Hague Conference on Private International Law (68 Member States around the world). This reflects the Community's approach to deal with issues of judicial cooperation multilaterally at international level.

In relation to Norway, Switzerland and Iceland, the Commission led the negotiations on the Convention concerning jurisdiction, recognition and enforcement of judgments in civil and commercial matters (so called Lugano Convention), which were finalised successfully in November 2007.

Moreover, during the reporting period the Commission had informal and exploratory contacts with Russia and Ukraine with the aim of clarifying the potential of a bilateral agreement on judicial cooperation in civil and commercial law matters.

On the criminal side, the EU-US Agreement on mutual legal assistance, signed in 2003, has not entered into force yet. Two informal meetings took place with a view to exploring the possibilities of a Mutual Legal Assistance Agreement between the EU and Japan.

In general the Commission has continued to promote the implementation of international legal instruments such as Hague Conventions, UN or Council of Europe Conventions to enhance bilateral and regional judicial cooperation between the EU and third countries or among third countries.

¹³ Defined by the UN Counter Terrorism Committee as covering the drafting of counter-terrorism legislation; financial law and practice; customs law and practice; immigration law and practice; extradition law and practice; police and law enforcement work; illegal arms trafficking and "other", which covers notably capacity building for the judiciary.

2.8. Police cooperation and organised crime

Cross-border organised crime remains a threat to the economic and social fabric of democratic societies. The EU continues to promote exchange of information and operational cooperation among law enforcement and in particular police agencies within the EU, with and among third countries, in particular in the Western Balkans. Furthermore, the EU promotes public-private partnership that underpins the implementation of its policy on preventing and fighting organised crime.

The EU promotes the ratification and implementation of international instruments – with special attention to those on fighting trafficking in human beings, financial and economic crimes, cybercrime – which create internationally agreed standards and help countries prevent and fight against organised crime. During the reporting period, the Commission, within the framework of its competences, participated as full party to the Conferences of Parties of the United Nations Convention against Transnational **Organised Crime** (UNTOC) and of the United Nations Convention against **Corruption** (UNCAC).

2.9. Illicit Drugs

During the reporting period, the EU promoted dialogue with countries of origin and transit of illegal drugs, via regular Troika meetings with Russia, Pakistan, Afghanistan, the US, Iran, Turkey, Ukraine, ECOWAS and the Western Balkans.

As regards the Andean region and Latin America and the Caribbean (LAC), respectively, the High Level Dialogue on drugs between the Andean countries and the European Union and the EU-LAC Coordination and Cooperation Mechanism on Drugs remain the key structures for dialogue; the last High Level meeting of the latter took place on 4-5 March 2008 in Vienna.

Within the framework of the EU-LAC Coordination and Cooperation Mechanism, and following the review of the Panama Action Plan, new priorities in the field of demand and supply reduction, money laundering, customs, police and judicial cooperation were agreed by the EU and its LAC partners at Port of Spain in May 2007. These form now the basis for cooperation and are followed up through regular technical meetings of the Mechanism. In their Declaration adopted in Lima on 16 May 2008, the Heads of State and Government of the EU and LAC recognise that the Mechanism should be strengthened as a framework for a more efficient bi-regional dialogue.

The Commission continues to support **Afghanistan's** counternarcotics efforts and Afghanistan remains the main recipient of EU and Commission drug-related assistance covering e.g. rural and alternative development and rule of law efforts. With the emergence of **West Africa** as a major transit region for cocaine trafficking, the EU has multiplied its efforts during the reporting period with seven EU member states establishing MAOC N (Maritime Analysis Operation and Coordination Centre Narcotics) and an initiative financed by the Commission to promote anti-drug intelligence sharing between law enforcement agencies in both continents.

At multilateral level, the Commission has played a significant role in the annual UN Commission on Narcotic Drugs sessions (on March 2007 and 2008), the principal

policy-making body within the UN system on drug control issues, particularly in the discussion on chemical precursors and the preparation on the review of the successes and failures of the international community in implementing the recommendations of the 1998 UNGASS on Drugs. The Commission has also been particularly active in the work of the Dublin Group and of the Paris Pact on international coordination and cooperation along the heroin route.

The Commission promoted the EU model to tackle drugs based on the **balance** between prevention, education and treatment on one side, and law enforcement on the other. This approach has been especially useful in the case of candidate countries, which have all developed national drug strategies/action plans in accordance with the EU approach.

2.10. JLS articles in agreements with third countries

JLS provisions in cooperation or association agreements with third countries typically cover the areas of support for the rule of law, legal cooperation, protection of personal data, migration including readmission, combating organised crime, illicit drugs, money laundering and terrorist financing as well as combating terrorism. The detail of cooperation agreed under these agreements depends on the quality of overall relations with the third country in question and regional considerations (country with a European perspective, ENP country, strategic partner etc.) In line with the Action Plan 2007-2009 on consular protection, adopted on 5 December 2007, the Commission will start to negotiate consent clauses in agreements with third countries to ensure the protection of Union citizens by diplomatic and consular authorities. The first case of application is the new China agreement (in line with the negotiating directives).

During the reporting period, negotiations on **JLS provisions** could be finalised with Serbia and Montenegro. Negotiations with Ukraine are well advanced while those with China are in their initial phases. Negotiations with Russia are expected to start soon. Negotiations with ASEAN countries are at different stages: they could be finalised with Indonesia (not yet signed), with Singapore a few issues still have to be settled and those with Vietnam, Malaysia, the Philippines and Brunei have not really started yet. The start of negotiations with South Korea is imminent while negotiations with South Africa on updating the current cooperation agreement could be successfully concluded. Negotiations with the Andean Community and Central American Republics have made progress. The Commission has proposed negotiating directives as regards Libya. Negotiations with Iraq are in their initial phase.

2.11. EU agencies and bodies

FRONTEX, **EUROPOL** and **EUROJUST** have successfully continued to forge operational ties with priority third countries through agreements, contact points and operational activities (more detailed information on EUROPOL and EUROJUST in the country sections in chapter 3).

FRONTEX has concluded working arrangements aiming at establishing cooperation at technical level with border guard authorities in Russia, Ukraine and Switzerland. Negotiations are well advanced with Croatia. Mandates have been given by the Management Board to negotiate further arrangements with FYROM, Turkey, Egypt,

Libya, Morocco, Mauritania, Senegal, Cape Verde, Republic of Moldova, Georgia and the US. The Agency foresees requesting mandates in the short/mid-term for the other Western Balkan states, countries of West Africa and Canada. Particular attention will be given to those working arrangements with third countries that currently negotiate a mobility partnership with the EU (Moldova, Cape Verde) or with those countries (FYROM, Bosnia and Herzegovina, Serbia, Montenegro and Albania) that are engaged or will enter shortly into a visa dialogue. EU Member States continue to work together in **joint operations** from the Mediterranean and the Atlantic up to the Baltic Sea under the coordination of the FRONTEX agency. This cooperation also includes some third countries in Western Africa based on bilateral agreements with relevant Member States. The FRONTEX budget has been increased up to 42.9 M€ in 2007 and was further reinforced in 2008 to 70 M€. A FRONTEX-led mission to Libya took place in May-June 2007, with the aim of evaluating the current migration situation in Libya, the capabilities of the Libyan authorities to control migration flows, and ways in which the EU could help Libya to manage migration flows to the EU more effectively.

The European Police College (**CEPOL**) continues to be active in assisting Mediterranean countries (financed under the regional MEDA JAI II programme) and also seeks to establish practical cooperation with relevant bodies in third countries e.g. the US or Russia.

The European Monitoring Centre for Drugs and Drug Coordination (**EMCDDA**) concluded a memorandum of understanding with the Russian Federal Drugs Control Service to exchange information in October 2007. Since December 2007, the EMCDDA provides technical assistance to Turkey and the Western Balkans via several regional capacity building projects.

2.12. Cooperation with international organisations

In line with the Strategy, the EU continued to engage with international organisations and structures to enhance the effectiveness of delivery. The EU is active in the United Nations' High Level Dialogue on Migration and Development and is now looking forward to the second Global Forum on Migration and Development to take place in Manila in October 2008 where the protection of migrants' rights and the link between migration, development and security will be centre stage. The exchange of letters from 2005 between UNODC and the Commission as well as the 2007 Memorandum of Understanding between the Council of Europe and the European Union is being implemented and has improved cooperation, including on civil justice, the exchange of information and best practice models in assisting third countries in combating drug trafficking, organised crime, terrorism and corruption. Next to The Hague Conference (see section 2.7.), the Commission also follows closely the work on civil and commercial matters (UNCITRAL¹⁴) and other organisations (UNIDROIT¹⁵). During the reporting period, the Commission continued its role as active participant in several meetings of the G8 Roma and Lyon Groups¹⁶ as well as in the G8 rule of law conference in November 2007. The

¹⁴ United Nations Commission on International Trade Law.

¹⁵ International Institute for the Unification of Private Law.

¹⁶ The Roma Group deals with counter-terrorism issues, the Lyon Group with organised crime.

Commission also has a role to play in other regional organisations active in the JLS area, such as the Baltic Sea Task Force or the OSCE. Developments and reflections on the protection of personal data were followed by the Commission in the OECD and in the Council of Europe Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

3. PRIORITY REGIONS AND COUNTRIES

3.1. Candidate countries – Croatia, Turkey and former Yugoslav Republic of Macedonia

For Croatia and Turkey, the accession process continued with work on the so-called "screening" exercise for chapters 23 Judiciary and Fundamental Rights and 24 Justice, Freedom and Security. For Croatia the screening reports for chapters 23 and 24 were adopted by the Council. For Chapter 24, Croatia met the relevant opening benchmarks and submitted its first Negotiating Position. Croatia still needs to meet requirements set out in the opening benchmarks for Chapter 23 before it can be opened for negotiations.

JLS relations with **Croatia** have intensified in the context of the Enlargement process and a number of contacts and meetings take place at all levels. The Croatian Personal Data Protection Agency was granted observer status with the Article 29 Working Party (Directive 95/46/EC) in June 2007. The third JLS sub-committee meeting took place on 18 September 2007 in Brussels and covered issues such as reform of the judiciary, corruption, fundamental rights, protection of personal data, border management, visa and document security, asylum, migration, organised crime, police cooperation and drugs. Another expert assessment mission on various JLS issues, with the participation of Member State experts, took place to Croatia in June 2007. A new mission is planned to take place in June 2008. The EU also continues to provide substantial financial assistance to Croatia and in the Instrument for Pre-accession Assistance (IPA) 2007 programme projects dealing with the fight against corruption, the protection of personal data, border management and strengthening the capacities to fight drug trafficking and drug abuse were included. In addition a number of seminars have been organised on JLS issues.

In order to implement the operational cooperation agreement with Europol Croatia is preparing to post a liaison officer at Europol. A cooperation agreement with Eurojust was signed in November 2007. Negotiations on a working arrangement with FRONTEX as well as negotiations on Croatia's participation in the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) progressed during the period.

Cooperation with **Turkey** has continued in the framework of the Enlargement process. The annual JLS sub-committee meeting took place on 3 December 2007 in Brussels. The judiciary, protection of personal data, visas and borders, asylum and migration, fight against organised crime, police cooperation and drugs have been discussed. The Commission monitors closely progress made via expert missions. Two expert missions; one covering judiciary and corruption and a second covering a range of JLS issues such as visas, borders, asylum, migration and organised crime took place in spring 2008. Financial assistance to Turkey is provided through the

Instrument for Pre-Accession (IPA). In 2007 funded projects include training of the judiciary, integrated border management, asylum and migration.

The agreement to allow Turkey's participation in the work of the European Monitoring Centre for Drugs and Drug addiction (EMCDDA) was signed on 30 October 2007 and will enter into force once ratified by Turkey.

Given the candidate status of the **former Yugoslav Republic of Macedonia**, JLS relations are followed closely. A substantial dialogue took place in the framework of the annual JLS subcommittee meeting in November 2007. On 1 January 2008, the visa facilitation and readmission agreement entered into force and in February 2008, a dialogue on visa liberalisation was opened. A peer based assessment mission examining seven different JLS areas and involving Member States experts was organised in March 2008. The Commission also discussed amendments to the law on the protection of personal data. The Directorate for Personal Data Protection was granted observer status with the Article 29 Working Party in June 2007.

A strategic cooperation agreement with EUROPOL has been signed and FRONTEX has received mandates from its Management Board to negotiate working arrangements with the country. Negotiations with EUROJUST on a cooperation agreement have started in April 2008.

3.2. Other Western Balkan countries (including Kosovo)

Relations with the Western Balkan countries in the area of JLS have taken place within the different regular meetings of the Stabilisation and Association Process. JLS short and medium term priorities are set out in the European Partnerships, and efforts made are assessed in the Progress Reports, both adopted annually for each country.

Some progress can be noted, in particular in the area of visa facilitation and readmission, where agreements are now in force with all countries. On the other hand, the overall results in the fight against organised crime and corruption, as well as administrative capacities in the judiciary and the police remain weak. In May 2007, EUROPOL developed a "Western Balkans Roadmap 2007-2008", setting out its strategic goals for the region.

Albania

Under IPA, the renewal end 2007 of both PAMECA (police mission) and Euralius (justice mission) are a cornerstone of the continued support to institution building in the country.

Bosnia and Herzegovina

The Stabilisation and Association Agreement with Bosnia and Herzegovina has been initialled on 4 December 2007. With the adoption of the police laws by the Parliament of Bosnia and Herzegovina, the main obstacle to the signature of the Agreements has been removed. The signature is now expected in June 2008. Substantial support under the CARDS programme was devoted to capacity building in the High Judicial and Prosecutorial Council, and to the provision of equipment for

courts and prosecutors offices as well as to issues related to policing, visa, migration, asylum and border management.

Montenegro

In Montenegro, based on the Constitution adopted on 19 October 2007, a necessary judicial reform process is under close monitoring. Financial support to the country included a comprehensive project covering justice, prison system and police reform. The Commission discussed the draft law on the protection of personal data. On 21 February 2008, the Commission has announced the launching of a visa free dialogue with Montenegro.

Kosovo

Following the declaration of independence by Kosovo on 17 February 2008, the deployment of the ESDP rule of law mission is under way and should be completed by the end of June 2008. The mission will implement its mandate in the area of the judiciary and police through monitoring, mentoring and advising the Kosovan institutions, while retaining certain executive responsibilities. It will work in full consideration of EU assistance projects, where appropriate, and of the Commission's role in ensuring alignment of the Kosovo legal framework with the EU *acquis*. The Commission pays particular attention to the questions of new travel documents for Kosovo, visa issues and the strengthening of the weak judiciary. Since December 2007, the Commission has deployed two TAIEX assessment missions, to increase the knowledge base on the rule of law sector in Kosovo, with a focus on the judiciary.

Completed technical assistance projects include supporting the establishment of a Kosovo Special Prosecutor's office, targeting corruption, fraud, money-laundering and financial crime, the introduction of a case management system for courts and development of different aspects of Integrated Border Management, including the provision of training and equipment for Border Police.

Assistance under IPA 2007 currently under implementation is providing EUR 7 Mio. for targeting the further development of Integrated Border Management, strengthening the fight against corruption, establishing adequate reception and maintenance system for migrants, asylum seekers and refugees, and preparatory studies for a the construction of a high security prison.

Serbia

The Stabilisation and Association Agreement with Serbia has been signed on 29 April 2008. Implementation of the agreement remains subject to full cooperation with ICTY.

The last annual JLS Sector meeting of the Enhanced Permanent Dialogue took place in Belgrade on the 13 September 2007. The judiciary, fight against corruption, visas and borders, money laundering, police, fight against organized crime and data protection issues have been discussed. Serbia started negotiations on signing a strategic cooperation agreement with Europol. A peer based assessment mission to Serbia covering the areas of border management, organized crime, asylum and migration, police, corruption and the judicial system took place between 10-14 March 2008.

3.3. Russia

Guided by the JHA Permanent Partnership Council (PPC), the implementation of the EU-Russia Common Space of Freedom, Security and Justice has made further progress.

The EC-Russia visa facilitation and readmission agreements¹⁷ entered into force on 1 June 2007, and the respective joint monitoring committees discuss questions related to their implementation. The EU-Russia JHA PPC of April 2007 adopted the procedure for an EU-Russia visa dialogue to examine the conditions for visa-free travel as a long term perspective¹⁸. A year on, the PPC took stock of the initial results of the expert meetings held on document security, illegal migration, and public order and security. Experts have also examined registration procedures for foreigners and will reflect on relevant aspects of external relations.

FRONTEX and the State Border Guards Service of Russia have organised joint events and operations and agreed on a cooperation plan until 2010 to further enhance border management activities. The entry into force of the border treaty between Latvia and Russia is another positive step forward. Russia has been presented with a possibility of bilateral traffic agreements with neighbouring EU countries. Several projects continue to develop migration management and asylum systems in Russia.

On drugs, several actions have been implemented at the operational level based also on regular Troika meetings, a memorandum of understanding was signed on 26 October 2007 between the EMCDDA and the Russian Federal Drugs Control Service to provide for a more systematic exchange of information on drugs, and the technical meetings on drug precursors in April 2008 further boosted cooperation in this area.

The fight against trafficking in human beings was discussed at the very first seminar organised with Russia in March 2007 under the TAIEX instrument. Russia joined the Group of States against Corruption in February 2007.

While EUROPOL is examining the application of adequate standards of data protection in Russia for possibly entering into negotiations on operational agreement, common training schemes have been organised and Russia contributed to EUROPOL's Organised Crime Threat Assessment 2007. The Commission has financed Russia's ongoing efforts to introduce biometric passports. CEPOL and relevant Russian authorities are close to concluding a cooperation agreement to enhance training activities for law enforcement agencies. Biannual meetings of the EU-Russia liaison officers reinforce operational cooperation, and the regular counter-terrorism dialogue has focused on the critical infrastructure protection. A major TACIS project has contributed to the prevention of terrorist financing in Russia.

A possibility of a bilateral agreement is being considered with Russia in the field of judicial cooperation in civil and commercial matters. For its part, EUROJUST has been discussing a cooperation agreement with the Russian side but data protection remains an obstacle for conclusion. The TACIS programme has supported the arbitration court system in Russia, and a large project on installation of a data

¹⁷ OJ L 129/17.5.2007.

¹⁸ Doc. 9063/07.

exchange system in the Interpol National Central Bureau in Moscow will enhance cooperation in criminal investigations.

3.4. U.S. and Canada

The EU-US strategic partnership is pursued in a well-established dialogue addressing the broad range of topics of common interest, including the fight against terrorism and organised crime, police and judicial cooperation, border security, information exchange, data protection and anti-drugs efforts.

Citizens of 12 Member States still require a **visa** for short-term travel to the U.S. despite frequent contacts and persistent representations by the EU to all levels and branches of the U.S. Government. This has become a very thorny issue in EU-U.S. relations. The Commission's Third report on visa reciprocity of September 2007 welcomed the adoption of revised Visa Waiver Program (VWP) legislation in August 2007 which should pave the way for visa free travel for all EU citizens to the U.S. The U.S. proposed the signature of bilateral Memoranda of Understanding to Member States in early 2008 which have been signed by 7 Member States. Subsequently, Member States agreed on a twin track approach, i.e. that discussion on matters falling under national competence would be pursued bilaterally by Member States while the Community would discuss issues pertaining to Community competence. A mandate for the negotiation of an EC-U.S. agreement was adopted on 18 April 2008 and negotiations have started. The Commission together with Member States will pursue work to achieving full visa-waiver reciprocity for all Member States.

Issues concerning the **exchange of information** for law enforcement purposes and **personal data protection** were particularly prominent over the reporting period with substantial discussions and negotiations with the US.

In June 2007, discussions with the U.S. authorities on the operation of the Terrorist Finance Tracking Program resulted in an exchange of letters and representations by the US Department of Treasury regarding the processing and protection of personal data subpoenaed from **SWIFT**¹⁹ within the U.S.²⁰. These, together with other measures, have contributed to ensure compliance with EU data protection law.

In July 2007, the EU and U.S. concluded a long-term agreement on the processing and transfer of passenger name records (**PNR**)²¹. It offers important assurances by the US Department of Homeland Security for the protection of personal data transferred from the EU concerning passenger flights to or from the U.S.

EU-U.S. co-operation with regard to privacy issues falling within the scope of Directive 95/46/EC led to the organisation of the Conference on "Cross Border Data Flows & Privacy" on 15-16 October 2007 which provided an excellent opportunity for discussions among data protection stakeholders on both sides of the Atlantic.

¹⁹ Society for Worldwide Interbank Financial Telecommunication.

²⁰ OJ C 166 of 20 July 2007, p.17 – 27.

²¹ Council Decision 2007/551/CFSP/JHA of 23 July 2007, OJ L 204 of 4 August 2007, p.16; EU-US PNR Agreement, OJ L 204 of 4 August 2007, p.18.

Discussions on the exchange of information and data protection for law enforcement purposes were launched in the framework of the **High Level Contact Group** established following the EU-US JHA Troika Ministerial in November 2006. The ultimate goal of this initiative is to enable closer EU-US cooperation by exchanging targeted information for law enforcement purposes while ensuring that the protection of personal data and privacy are guaranteed.

At operational level, U.S. cooperation with **EUROPOL** and **EUROJUST** was stepped up but there is still room for improvement. EUROPOL's cooperation with some US law enforcement agencies is good but it is not satisfactory with the U.S. Federal Bureau for Investigation's regarding counter-terrorism cooperation. Regrettably the EU-U.S. Mutual Legal Assistance and Extradition Agreements have not yet entered into force but this is expected by end 2008.

Canada continues to be a strategic partner also in the area of justice, freedom and security. An exchange of letters between the Commission and the Canadian authorities set up the Joint Consultations on immigration and asylum which convened twice since May 2007 to address reciprocal visa-free travel and wider issues related to international migration.

Progress regarding visa-free travel was greatly achieved in October 2007 when Canada exempted Czech and Latvian citizens from the visa obligation, and in February 2008, when the Canadian government decided to lift the short term visa requirements for citizens of Poland, Hungary, Lithuania and Slovakia from 1 March 2008.

3.5. European Neighbourhood Policy (ENP)

In 2007 work continued on the implementation of the **ENP Actions Plans** already agreed in 2005 and 2006 and two new Action Plans -with Egypt and Lebanon- were agreed. In general, all Actions Plans contain a substantial JLS component.

Until 2007, the implementation of the Action Plans was supported by financial assistance from MEDA and TACIS. As from 2007, MEDA and TACIS have been replaced by a European Neighbourhood and Partnership Instrument (ENPI) with an approach similar to the Structural Funds, based on multi-annual programming, partnership and co-financing. Targeted expert assistance through TAIEX and long-term twinning arrangements are also available.

The possibilities for the participation of ENP partner countries in Community agencies and Community programmes were presented in a Communication issued by the Commission in December 2006²². Some ENP partners have already expressed an interest in such participation.

Finally, in the JLS area, the promotion of mobility in a secure environment is one of the key areas for EU action in 2008 identified in the Commission's Communication on "A Strong European Neighbourhood Policy"²³. As announced in this

²² COM(2006)724 final

²³ COM(2007) 774 final

Communication, the Commission has just issued an overall Communication²⁴ and a sectoral report²⁵, accompanied by country-specific progress reports, which analyse progress made and where further action is needed by ENP partner countries.

3.5.1. *Mediterranean countries*

Regarding **cooperation at regional level**, the first phase of the regional "MEDA/JAI programme" has ended with a positive result. The Euromed Migration project presented various research publications, organized training sessions bringing together experts from the Euromed countries and set up a website which has attracted many visitors. As regards the justice component, around thirty activities were organized for the benefit of 500 legal professionals on subjects such as international mutual assistance in criminal matters, terrorism, financial crime and judicial assistance in civil matters.

Moreover Euromed Police provided targeted training to around 300 officials in fifteen seminars covering issues such as terrorism, financial crime, cyber-crime, trafficking in human beings and drugs.

The new MEDA/JAI II programme, which provides €15m for assistance in the same three sectors (migration, judiciary and police), has been launched during the reporting period.

The fight against **terrorism** continues to be an important topic in the cooperation with Maghreb countries through the "priority countries initiative" undertaken with Member States. Ad hoc meetings of EUROMED high officials, to put into practice the Code of conduct on terrorism adopted at the Barcelona Summit in November 2005, together with a 5-year action plan including JLS matters were also held.

Cooperation with the Mediterranean countries in the area of **migration** has been strengthened. The First Euro Mediterranean Ministerial Meeting on Migration took place in Albufeira on 18-19 November 2007. Conclusions were approved containing several priority actions to be swiftly implemented.

MEDA and **AENEAS** programmes have funded projects in the region to improve the capacity to manage labour migration, to promote cooperation in matching labour supply and demand and to carry out information campaigns as well as to prevent and reduce illegal migration.

Bilateral relations continue to be focused on the implementation of the JLS provisions of the ENP Action Plans with Morocco, Tunisia, Jordan, Israel and the Palestinian Authority supported by MEDA national programmes. With Lebanon and Egypt ENP action plans were agreed in 2007, including an important JLS section.

Cooperation with **Morocco** is quite developed, in particular on migration related issues. An *accord de siège* has been signed with the UNHCR. The anti-money laundering law was adopted in 2007 and its implementation is being supported by a twinning. Europol has a mandate to negotiate a cooperation agreement with Morocco

²⁴ COM (2008) 164 final of 3.04.08

²⁵ SEC (2008) 403 of 3.04.08

and negotiations on a readmission agreement are still ongoing. A troika meeting on terrorism took place on 7 March 2008 and the forth meeting of the Sub-Committee on Justice and Security was held on 8th April.

As for **Tunisia**, an important project on the modernisation of the judiciary (22M€) was launched in 2007. The first meeting of the Sub-Committee on Freedom, Security and Justice was held on 22 April 2008, allowing for discussion of all relevant areas of JLS cooperation under the ENP Action Plan.

With **Algeria**, two informal JLS working groups have met in 2006 and 2007 and preparations are taking place in order to create the sub-Committee on justice and home affairs. Algeria continues to refuse engaging in formal negotiations on readmission.

Cooperation with **Israel** on JLS issues, including on implementing the relevant parts of the ENP Action Plan, has developed well during the reporting period. Seminars and other contacts between experts from both sides have allowed for constructive discussions on issues as diverse as combating trafficking in human beings, preventing money laundering and the financing of terrorism, protection of critical infrastructure, legal cooperation and protection of personal data. Europol paid a data protection audit visit to Israel in early spring 2008 which advanced well the negotiations on an operational agreement Europol-Israel. Finally the first twinning project with Israel is starting on the issue of data protection aiming at advising relevant Israeli bodies in this field.

The adoption of the ENP Action Plan by **Egypt** in autumn 2007 allowed for a first successful justice and security subcommittee to be held in October 2007. A variety of cooperation possibilities were raised, from supporting the efforts of the relevant Egyptian bodies in combating corruption or trafficking in human beings to the rehabilitation of drug addicts. The second subcommittee meeting is planned to take place in June 2008 and will allow taking stock.

In **Jordan**, justice and penitentiary reform assistance projects are successfully being implemented. Justice reform and capacity building in the judiciary as well as in the prison system will remain an important field of future JLS cooperation. As regards **Lebanon**, the political situation made cooperation on JLS issues difficult to impossible for most of the time. Lebanon has adopted the ENP Action Plan in 2007.

The *ad hoc* dialogue on migration issues with **Libya** has continued during the reporting period.

3.5.2. *Eastern Europe*

The EU-**Ukraine** JLS partnership continues to produce tangible results. The EU and Ukraine negotiated and concluded visa facilitation and readmission agreements, which entered into force on 1 January 2008. A new JLS Action Plan was endorsed in June 2007 and constitutes the basis for EU-Ukraine cooperation in this area. In order to ensure progress, the Action Plan is accompanied by a Scoreboard, which is used to monitor implementation of objectives set out in the Action Plan.

FRONTEX and Ukraine concluded a working arrangement in 2007 as a step towards their operational cooperation on border management issues. Concluding a strategic cooperation agreement between Ukraine and EUROPOL remains a priority, which would enhance the common efforts to fight organised crime. To that effect, it is necessary for Ukraine to ratify the Council of Europe 1981 Convention on Personal Data Protection. This step would also help enhance the contacts between Ukraine and EUROJUST. Ukraine has expressed interest in participating in the work of the EMCDDA and preliminary discussions on this will start in 2008.

Ukraine ratified the 2nd Optional Protocol to the International Covenant on Civil and Political Rights, which provides for the abolition of the death penalty. The EU and Ukraine have continued their dialogue on migration and mobility issues. Ukraine has taken steps to continue the process of legal approximation to the EU standards in the field of asylum and international protection.

Whereas Ukraine has achieved considerable progress in many JLS fields, further efforts are required to tackle corruption and to reform the judiciary. There is an urgent need for an inclusive reform in Ukraine to ensure the independence, impartiality and effectiveness of the judiciary as a corner stone of reform policies in Ukraine.

The EU Border Assistance Mission has promoted a transparent trading system and harmonised border management standards and procedures as well as combating smuggling and other illegal activities, particularly from Transnistria. Ukraine and Moldova are cooperating with the EUBAM and, as a result, a new common customs regime has been established along this 1222 km borderline.

The implementation of the JHA section of the ENP Action Plan with **Moldova** gathered additional momentum in 2007. The EC-Moldova Agreements on Visa Facilitation and Readmission entered into force on 1 January 2008. In April 2007 the Common Visa Application Centre was opened in Chisinau. The Centre is working well and enhances people-to-people contacts between Moldova and the EU.

The EU agreed in December 2007 to start negotiations with Moldova with a view of establishing a mobility partnership. Moldova is actively implementing the Regional protection programme promoted by the European Commission in Eastern Europe.

Trafficking in human beings remains an issue of concern, as Moldova is one of the major countries of origin. The laws that have been put in place will need to be followed by effective implementation. The Europol-Moldova strategic agreement concluded in 2007 is a very significant step towards enhancing our common fight against organised crime and increasing security both within the EU and Moldova.

As regards the **Caucasus**, relations are intensifying in the framework of the ENP action plans that have been agreed with **Georgia**, **Armenia** and **Azerbaijan**. They include substantive JLS elements, i.e. border management, migration issues, fight against organised crime, reform of the judiciary, fight against corruption and police and judicial cooperation. Cooperation at the regional level has improved substantially during the last year. The major JLS regional programme is the **Southern Caucasus Anti-Drug programme**. A new **Southern Caucasus Integrated Border Management programme** (total amount, € 6 Mio) was formally agreed at a

Ministerial conference between the EU and the three beneficiary countries, in October 2007 in Brussels.

Bilateral cooperation has advanced with **Georgia**. A first EU-Georgia informal meeting on JLS matters was held in Brussels on 19 March 2007. Georgia is the only country in the South Caucasus for which the ENP Action Plan provides for a **JLS sub-committee**. The first meeting of the Sub-Committee on Freedom, Security and Justice was held on 30 April 2008, allowing the discussion of all relevant areas of JLS cooperation under the ENP. A TAIEX **seminar** on mobility, visa and migration policies will take place in June 2008.

There substantial perspectives of cooperation with **Armenia**. At Armenian request, three TAIEX **seminars** on JLS issues are already under consideration for 2008 (study visit on biometric passports and experts missions on migration. Seminars concerning these topics are also foreseen for **Georgia** and **Azerbaijan**.

3.6. Africa²⁶

The **Joint EU-Africa Strategy** was adopted at the Second EU-Africa Summit held on 8-9 December in Lisbon. The Joint Strategy will enable both partners to work increasingly together on global issues. An Action Plan for the period 2008-2010 was also adopted at the Summit to progress in eight Africa-EU Partnerships. One of the Partnerships covers migration and mobility. Other JLS aspects such as the cooperation in the prevention of, and fight against terrorism, drugs trafficking and organised crime are also covered in the Action Plan. The AU and the EU met in Addis Ababa on 4 February 2008 for a first exchange of views on the way forward regarding the implementation of the Joint Strategy and the Action Plan adopted at the Africa-EU Summit in Lisbon in December 2007.

On **migration** issues, the EU continues to develop a broad dialogue with Africa including topics such as the fight against illegal immigration and human trafficking, migrants and refugees rights, how to maximize the positive linkages between migration and development, how to mitigate the impact of brain drain or how to help African countries build up their capacity to manage migration flows. This dialogue is being developed at the **bilateral** level with a number of priority countries and at the **regional** level (ECOWAS) on the occasion of the conference on migration and development between EU Member States and Commission and the North and West Africa counterparts held in Rabat on July 2006. As a follow-up to this conference, a Second Ministerial EU-Africa Conference on migration and development is scheduled for 20-21 October 2008 in Paris. At the **continental** level, a partnership with the African Union resulted in an EU-Africa Ministerial Conference on Migration and Development which took place on 22-23 November 2006 in Libya. At this meeting, a road map was agreed to ensure the implementation of the so called "Tripoli Conclusions". Furthermore, following the Conclusions of the JHA Council of 6-7 December 2007, preliminary talks have taken place with Cape Verde with a view to launching a pilot project for a mobility partnership with this country.

²⁶ See also sections 2.1. and 2.9.

Concerning **drugs**, the EU is developing a coordinated response to address the emergence of West Africa as a major transit region for the trafficking of cocaine. The EC has launched a first-ever project to support law enforcement and intelligence cooperation against cocaine trafficking from Latin America to West Africa, which is implemented by the UNODC. The EU drugs liaison officers' network in West Africa is being reinforced and there are plans to fund a larger transregional law enforcement and cooperation programme. A special partnership with Cape Verde is emerging and ad hoc bilateral efforts have been devoted to cooperation with Guinea-Bissau in this field (following in particular the donors conference which took place in Lisbon in December).

On the occasion of the EU-Africa Summit the Commission signed the country strategy papers of the 10th **European Development Fund (EDF)** with 31 countries of sub-Saharan Africa with a €8 billion envelope covering the period 2008-2013. One of the novelties of the 10th EDF is the importance attached to governance, which is allocated €2.7 billion. The strategy papers with the other sub-Saharan countries are still being signed.

3.7. **China and India**

Issues relating to migration as well as terrorism are regularly discussed in meetings at different levels with both China and India. The EU-India Joint Working Group on Consular Affairs continued to meet twice per year at local level in Delhi.

High-level consultations on migration with China and a meeting to review progress on the implementation of the Approved Destination Status Memorandum of Understanding (ADS MoU) are expected to be held later this year.

3.8. **Central and South East Asia, Latin America and the Caribbean**

As Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are confronted with the problem of new borders, combating the flow of drugs as well as further developing border management have continued to be at the centre of the Commission's action in **Central Asia**. EC assistance has provided substantial support, in particular under regional programmes. The Commission has allocated significant funds to Border Management Programme for Central Asia (**BOMCA**). The Indicative Programme for 2007-2010 foresees an allocation of 16 million EUR. The Fourth phase of the EU/Central Asia Drugs Action Plan (**CADAP**) was launched in 2007 with a strong focus on demand reduction as well as drug abuse and drug trafficking monitoring. CADAP has until now accumulated 16 million EUR. Concerning migration, a new AENEAS-funded project will support dialogue and cooperation between Kyrgyzstan, Kazakhstan and Tajikistan on managing labour migration.

Cooperation with **South East Asia** continued within the framework of ASEM (the Asia-Europe Meeting) as well as in the dialogue with ARF (ASEAN Regional Forum). The annual ASEM meeting for Directors General on Management of Migratory Flows between Europe and Asia was held in Seoul in November 2007 and the annual ASEM conference on terrorism was held in April 2008. Migration issues continued to be discussed in the context of negotiations of Cooperation Agreements with countries of South East Asia.

Concerning the **Latin American & Caribbean (LAC)** region, the efforts against **illicit drugs** remain a prominent issue. Cooperation is based on common views as expressed in May 2007's Port-of-Spain Declaration of the EU-LAC Coordination and Cooperation Mechanism on Drugs. These basic principles have been embodied into common areas of cooperation, demand reduction; alternative development and supply reduction. Moreover, with a stock of more than € 230 million, the EU is the main donor in the LAC region as regards international efforts against drugs, with the European Commission accounting for about 63% of all the financial resources committed by the EU. The third EU-LAC expert meeting on **migration** was held in Brussels on 10-11 March 2008 and the fifth EU-LAC Summit in May 2008 in Lima also addressed migration issues.

4. CONCLUSIONS AND OUTLOOK

The last 18 months saw a **steady increase** in size, quality and importance of external relations in the Area of Freedom, Security and Justice. This progress is certainly linked to the **continuous development** of EU internal policies in these fields²⁷, while third countries are increasingly recognising the role the EU plays in furthering relations on JHA matters, in full collaboration with its Member States and in accordance with their respective institutional responsibilities. Moreover, JHA topics have developed by now into a widely used foreign policy tool of the EU, such as the visa policy.

Certain developments during the reporting period have certainly grabbed much **public attention** such as, in particular, the conclusion of EU-US agreements for the exchange of Passenger Name Records (**PNR**) or the conclusion of the **visa facilitation** and **readmission** agreements with the Western Balkan countries. Overall, progress has remained positive across **topics** and **regions** despite the fact that cooperation with third countries on Freedom, Security and Justice issues is to be considered as a longer-term effort based on **institution** and **capacity building**, where sustainability and continuity are essential to produce results.

On the other hand, no further **Action Oriented Papers (AOPs)**, either suggested in the Strategy or to be newly conceived, have been approved by Council during the reporting period²⁸. It is desirable that the AOPs be better used as implementing tool focussing on delivery of results, with a particular emphasis on operational cooperation, in which the Member States' commitment, expertise and added value is critical.

²⁷ EU JHA policies continue to have an "impact on international relationships and play a vital role in the EU's external influences. Conversely, many of Europe's internal policy goals depend on the effective use of external policies" (Commission Communication of June 2006, "Europe in the World" COM (2006) 278)).

²⁸ So far adopted: Action Oriented Paper on improving cooperation on organised crime, corruption, illegal immigration and counter-terrorism between the EU and Western Balkans, Doc. 9306/06 JAI 248; Action Oriented Paper on increasing EU support for combating drug production in and trafficking from Afghanistan, including transit routes, Doc. 9305/06 JAI 244, both adopted by the JAI Council on 1-2 June 2006; Action Oriented Paper on implementing with Russia the common space of freedom, security and justice, Doc. 15534/1/06 REV 1 adopted by the JAI Council on 4-5 December 2006.

With the perspective of the Lisbon Treaty entering into force, the adoption of a new multiannual programme in 2009 defining priority actions in the Area of Freedom, Security and Justice, and a renewed European Security Strategy to be adopted in 2008, the Strategy for the External Dimension of JHA may require **from 2009 onwards** more than just further consolidation in order to **tackle the challenges** facing the EU in the Area of Freedom, Security and Justice. The Strategy, adopted in December 2005, would need to be further developed after taking fully into account the future institutional framework in the areas of JHA and external relations, so as to continue to provide an **integrated, result-oriented approach** to efforts (both internal and external) in the area of Freedom, Security and Justice. The Commission will address these challenges in its **third progress report** on the implementation of the Strategy to be presented in second half of 2009.