

Background Paper for Expert Meeting of SEECP Participating States and Observer Partners to Prepare for Ministerial JHA Meeting on 18 May 2004-05-03

Campaigning against organized crime & corruption in SEE

The SEECP JHA campaign against organized crime and corruption needs to be seen against the following background:

- 1) European integration: existing integration processes and neighbourhood policies do provide a basis for addressing organized crime in SEECP countries, but for addressing actual trafficking routes and transborder criminal networks enhanced regional cooperation on a uniform and consistent basis is needed among law enforcement agencies and judicial authorities. Consistent policies and similar measures in accordance with European standards need to be developed and implemented throughout the region. To achieve joint implementation of such measures and policies with the support of international partners should be the objective of the campaign.
- 2) Existing mechanisms: existing mechanisms provide valuable tools to enhance the (regional) combat against organized crime. Their potential should be used more intensely and more effectively.
- 3) Added value & complementarity: In June 2003, the 'Thessaloniki-process' has agreed on various action-oriented measures. The SEECP campaign should boost implementation of these measures. In addition, the campaign should concentrate on other measures which are in line with and support the 'Thessaloniki-process'. The Stability Pact for SEE is offering a forum for dialogue between SEE governments and international partners on regional needs and the provision of implementing expertise.

The **London Statement** from November 2002 called inter alia for increased regional cooperation, better international coordination, early legislative reforms and joint investigation concerning organized crime & corruption in the Western Balkans. 'London' also identified a number of practical measures (i.a. measures against money laundering, confiscation of proceeds of crime etc.) . The governments of the Western Balkans undertook to carry out a series of priority actions to fight organized crime.

At the EU-Western Balkan Summit in July 2003 in Thessaloniki SEE governments have agreed to submit records of achievements and to present action-oriented measures. A first set of records of achievements was presented before the Summit. Sap countries committed themselves to define and to implement the measures foreseen in the follow-up process of the London Conference, with the SEECP gradually becoming the voice of the region. 'Thessaloniki' established the EU - Western Balkan **Forum** with annual meetings and a high-level multilateral political forum on JHA issues (Troika). *In concreto*, the Thessaloniki **Agenda** calls for defining and implementing a number of specific measures in the immediate future (cooperation with immigration liaison officers (ILO) of the EU MSs, action against traffickers of human beings, specified timeframe to implement necessary legislation in order to negotiate agreements with Europol¹)

¹ The current obstacle seems to be data-protection. As for the SAP-countries there are no agreements with EUROPOL in place yet. EUROPOL was mandated by the EU Council to negotiate bilateral co-operation agreements with all countries in the Western Balkans. Operational agreements with Croatia and BiH and the exchange of liaison officers with Europol are expected by the end of 2004. Due to insufficient data legislation no agreements are expected in the early future with Alb, S&M and fyoM (which, according to EUROPOL, seems to show stronger

At the first EU-Western Balkan Forum event (**JHA Ministerial**) in **November 2003** Ministers from SaP- and other SEE countries reported on specific measures and their implementation strategy (incl. benchmarks, timetables, identification of resource requirements). Two actions were agreed upon:

- 1) To draft an MoU regarding cooperation between financial intelligence units in combating money laundering, and
- 2) To strengthen cooperation amongst public prosecutors.

Other measures discussed relate to regional co-operation among immigration liaison officers, improving law-enforcement & judicial cooperation, acceleration of negotiations with Europol concerning the exchange of liaison officers possibly followed by joint investigation teams, and exchange of information with EU field missions.

The **CARDS Regional Programme** for JHA is designed to strengthen national JHA institutions and to develop regional cooperation structures between law enforcement bodies and institutions, based upon EU commonly shared standards, practices and principles. Two CARDS projects are specifically relevant to the Thessaloniki agenda, with a more pronounced SEECF role and SCSP added value:

- 1) Establishment of independent, reliable and functioning judicial systems in civil, commercial, administrative and criminal matters and enhancing of international judicial co-operation, and
- 2) Policing & the fight against main criminal phenomena

Bearing this in mind, the SEECF campaign might focus on the following priorities:

- 1) Making full use of, and where necessary, strengthening of mechanisms for regional cooperation,
- 2) Encouraging political decision-makers to sign and ratify relevant international agreements and to put in place sound legal and law enforcement institutions to fight organized crime and corruption
- 3) Identifying action-oriented measures and ensuring their implementation.

The **Palermo TOC** and the Merida Convention provide a framework for implementing international JHA obligations. in both parts of the Balkans. Within the Palermo TOC, a good point of departure for the campaign would seem to concentrate on cooperational aspects like **extradition, mutual legal assistance** and **law enforcement** (which are all related to Europol and Eurojust and to establishing a network of **liaison officers** in the region).

The Thessaloniki Forum and its Agenda require regular reporting on progress and provide a review mechanism. The additional structures to be established under the campaign – strengthened coordination mechanisms both at the national and regional level – should serve to support the Thessaloniki process and assist SEE governments to achieve the objectives of that process.

political will). The prior requirement is to meet the standards of the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. None of the SAP Countries ratified the Convention yet (but it was signed by BiH & Croatia).