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OUTCOME OF PROCEEDINGS

from :	General Secretariat of the Council
to :	Delegations
Subject :	Outcome of the eleventh EU-Russia Permanent Partnership Council meeting on Justice and Home Affairs, 2 December 2009, Stockholm

Implementation of the road map for a Common Space for Freedom, Security and Justice

In the introductory statement, the Presidency expressed satisfaction with the work that had been conducted since the previous PPC in Kaliningrad. It noted that the recent political declarations by President Medvedev and at the recent Summit would lay the foundations for enhanced cooperation. The Commission representative looked forward to yet further increased cooperation under the future New Enhanced Agreement and with all the parties involved on EU side, i.a. once guarantees are given on the level of data protection.

The Russian side was also overall satisfied with the results obtained so far, e.g. on readmission, border cooperation and organised crime, except for a few areas, for instance on visa and cooperation with Europol, in which insufficient progress had been made. As far as the organisation of future PPCs is concerned, Russia suggested that they be held before the bi-annual EU-Russia Summits in order to fully exploit the political momentum

1. Freedom:

- *Visa facilitation and readmission agreements*
- *Visa dialogue*

The EU side expressed its intention to facilitate the smooth movement of people while striking the right balance with legitimate security requirements. The visa facilitation and readmission agreements, local border traffic agreements and the visa dialogue were useful tools in that context. The EU asked Russia to lift any restriction or cumbersome procedure for the registration of foreigners. In general, the EU side felt that it was more difficult for EU residents to travel to Russia than the other way around. The EU expressed its readiness to consider various solutions that would ease the movement of people around Kaliningrad and which would be discussed soon. The EU took note of the Russian suggestion for a migration dialogue, a proposal that should be further considered. It reaffirmed its hope to see Russia implementing the Geneva Convention on Refugees of 1951 and its 1967 Protocol.

Russia was of the opinion that the visa facilitation and readmissions agreements were on the whole well implemented and that the existing cooperation in the fight against illegal immigration would be reinforced by setting up a migration council or dialogue. However, Russia was dissatisfied with the alleged stand-still in the visa dialogue, where the prospect of a visa-free regime had not progressed since 2006. Russia suggested taking a step-by-step approach towards a visa-free regime by waiving the visa obligation as a first stage for categories such as airline staff, truck drivers, experts and scientists etc. Russia also insisted on having more people receiving 5-year visas. Russia agreed to discuss work permits for foreigners in the regular expert meetings.

- *Migration- related issues*

On readmission, Russia gave the following figures: 3000 applications for readmissions were made, of which 80 % were taken into consideration and 55 % were granted. 87 % of these could be completed within 25 days. A few technical difficulties were mentioned (forms, photos, signature etc). Russia also mentioned that some of the Baltic Member States had introduced applications for Russian citizens who had stayed more than five years in these countries.

- *Border issues*

The EU side emphasised the importance of legal certainty at the EU's borders and called for the ratification of the Treaty with Estonia. Russia stated that this issue was being addressed in the Foreign Ministers' PPC.

On practical cooperation, both sides shared the view that the cooperation between Frontex and the Russian Border Guard Service was fruitful, as it manifested itself in various joint operations, training efforts and conferences. One of the next steps would be to perform joint risk assessments. The involvement of former Soviet republics, such as Ukraine, Belarus, Armenia, Azerbaijan, Kazakhstan and Kyrgyzstan was mentioned in that context by the Russian side.

Regional problems were also addressed at Foreign Minister level, in particular between Russia, Poland and Lithuania, with the view to improving cooperation in the Kaliningrad area

2. Security:

- *Fight against transnational crime*
- *Fight against illicit drugs*

The Russian side noted that whilst cooperation is taking place in practice between police and judicial authorities, such as with recent operations and cooperation on trafficking in human beings, cybercrime, counterfeiting of the euro and synthetic drugs. Further enhanced cooperation was still hampered by the absence of an operational agreement with Europol. Russia asked what still prevented the EU from granting the mandate to Europol and more generally, what possible reasons there were that prevented better cooperation between our law enforcement authorities.

Russia, which had contributed to Europol's R-OCTA (Russian- speaking organised crime threat assessment) had now started a similar exercise on organised crime that originated from inside the EU and asked for the contribution of the EU to that threat assessment.

Russia suggested that the international fight against drugs trafficking be addressed in a trilateral format together with the EU and the United States, not least because of US involvement in Afghanistan.

The EU reaffirmed its willingness to step up the cooperation between Europol and the Russian law enforcement authorities, but emphasised too that this objective would only be reached once Russia complied with all data protection requirements. Up to now, no evidence of this has proven convincing, i.a. the fact that the Russian ratification of the CoE 1981 Convention had not been deposited in Strasbourg. In order to take matters forward, it was agreed to organise in 2010 a conference to clarify what the data protection rules are in Russia (and in the EU). This conference should include legislators, law enforcement practitioners and the data protection supervisory authorities.

Europol/Russia activities could also be financed by the EU, as had been the case in the past under TAIEX. There is an ambitious plan of activities for Europol with Russia in 2010, including training and joint meetings on a variety of issues such as synthetic drugs, trafficking in human beings, sexual exploitation of children on the internet, intellectual property, new forms of terrorism, counterfeiting of money and credit card fraud. Europol would welcome controlled deliveries of precursors that could take place outside the EU.

The EU also supports financially regional programmes in relation to drugs, Afghanistan and the Central Asian Regional Information and Co-ordination Centre (CARICC).

Both sides welcomed the start of negotiations on a bilateral agreement on drug precursors.

- *Fight against corruption*

The Russian side outlined its efforts to step up the fight against corruption by narrowing the gap between the citizens and their authorities, either at local centres, the General Prosecutor's office or directly on the Presidents' web blog. These measures should be supplemented by improving the confiscation of assets. The UNCAC Convention is considered a useful tool in the fight against corruption. The EU asked for Russia's support when setting up a thorough evaluation mechanism under UNCAC.

The EU side emphasised the importance of CoE instruments, such as the Civil Law Convention on corruption and the GRECO recommendations. It also expressed its readiness to organise an expert meeting on EU-Russia cooperation against cooperation

- *Fight against cybercrime*

A discussion was held on the necessary balance between individual rights and freedom of speech, on the one hand, and the need for public safety, the impact of the apology of terrorism and attacks on data systems on the other.

The EU promoted in that context the framework of the Council of Europe Convention on Cybercrime and highlighted the concrete cooperation with Europol's 24-hour contact points. In November 2009, an EU-Russia conference on safer internet for children had been held.

Russia called for an international legal network to be created, that would allow rapid reactions. As a starting point, a common list of crimes should be adopted. Russia also reiterated its concerns over the Kavkaz Centre, a Caucasian website that was managed from Sweden.

- *Fight against trafficking in human beings*

Russia expressed its full support for the efforts deployed by the EU in 2009 to fight trafficking in human beings, Russian citizens themselves were often misused as commodities in these markets. Multifaceted efforts were needed, incl. towards victims, such as prevention strategies, educational programmes, public awareness etc. Russia suggested setting up a dedicated working party on these issues together with Europol and/or Eurojust; to that end, a decision on this would then be taken at the next PPC.

The EU side referred to the recent efforts regarding THB and in particular to the important October 2009 conference in Brussels and the adoption of a dedicated Action- Oriented Paper. It encouraged Russia to sign and implement the CoE Convention on trafficking in human beings and to cooperate closely with NGO's that might play a useful role in this context.

3. Justice

- *Judicial cooperation in criminal matters*

The Russian side declared its willingness to cooperate more closely with the EU in criminal matters, i.a. by expanding the cooperation with Eurojust. Too often, investigations do not progress at all, or at least not fast enough. In many cases, extraditions could not be completed. One of the difficulties is that Russia cannot provide information to a third country if there is no intention or possibility of extradition.

Eurojust confirmed its readiness to start concrete negotiations as soon as sufficient indications are given on data protection, the fact that Russia had not deposited its instrument of ratification of the 1981 Convention being an obvious obstacle. Nevertheless, cooperation on concrete cases happens more and more often; a recent and spectacular example had to do with the disappearance of the Russian vessel "Arctic Sea". The most common cooperation cases concern public fraud and money laundering. Eurojust noted that these items differ somewhat from the crime priorities, which the PPC had just agreed, namely trafficking in human beings and money laundering.

- *Judicial cooperation in civil and commercial matters*

During a recent visit to Eurojust, the Russian side had clearly stated its objective to conclude agreements in criminal and in civil matters with the EU. Work was in progress with respect to the list of possible Conventions under the Hague Conference that Russia might join. In particular, work on the possibility to join the 1980 Convention on Child abduction was well underway. Those efforts were conducted in parallel with a growing number of bilateral agreements that Russia was concluding with EU Member States.

The EU reiterated its preference for improving cooperation under the multilateral instruments and the existing bilateral agreements. In particular, the EU mentioned the 1980 Hague Convention on Child Abduction and the 1996 Hague Child Protection Convention.

4. Presentation by Spain of its future EU Presidency priorities in the area of freedom, security and justice

The incoming Spanish Presidency sketched the main priorities for the next six months that will be marked by the implementation of the Lisbon Treaty and the Stockholm programme. A wide range of issues will be addressed, including the rights of citizens, information technology, counter-terrorism, organised crime and crime in general. The Presidency will also focus on child (sexual) abuse, procedural guarantees, assistance to victims and the European Protection Order. In civil matters, Spain attaches importance to family and to commercial matters. In the external field, Russia will be one of the top priorities of the Presidency, which will include discussions on visa facilitation, readmission and visa-free as well as migratory flows in general. In the cooperation with Russia, the Spanish Presidency will also make more use of the liaison officers, and will focus in particular on counter-terrorism, civil protection and on the implementation of R-OCTA.

5. Any other business

The PPC agreed to the suggestion of the Russian side to hold the next PPC a few weeks before the Russia-EU Summit, which is scheduled for the end of May or early June in Rostov.

6. Approval of the joint statement

The joint Statement was adopted as set out in document 17465/09.

ELEVENTH EU-RUSSIA PERMANENT PARTNERSHIP COUNCIL
(Freedom, Security and Justice)
2 December 2009
List of Participants

EU Presidency

Ms Beatrice Ask, Minister for Justice

Mr Tobias Billström, Minister for Migration and Asylum Policy

Mr Anders Hall, Chief of Staff

Ms Kristina Lindahl von Sydow, Political Adviser

Mr Lars Werkström, Director-General for International Affairs, Ministry of Justice

Mr Ola Henrikson, Director-General for Migration and Asylum Policy, Ministry of Justice

Mr Hans G Nilsson, Minister, Permanent Representation of Sweden to the EU

Mr Håkan Friman, Deputy Director-General, Division for Judicial Cooperation

Ms Carin Bratt, Director, Division for Asylum and Migration Policy

Ms Eva Åkerman-Börje, Director, Division for Asylum and Migration Policy

Ms Tora Wigstrand, Director, Division for European Union Affairs, Ministry of Justice

Mr Michael Carlin, JHA Counsellor, Permanent Representation of Sweden to the EU

Ms Elisabet Svenningsson, Desk Officer, Division for Asylum and Migration Policy

Ms Sofia Hjertonsen, Desk Officer, Division for Asylum and Migration Policy

Mr Emanuel Allroth, Desk Officer, Division for European Union Affairs, Ministry of Justice

Mr Mårten Ehnberg, Desk Officer, Ministry for Foreign Affairs

European Commission

Ms Monique Pariat, Director, DG JLS

Mr Luigi Soreca, Head of Unit, DG JLS

Mr Petteri Vuorimäki, European Commission Official, DG RELEX

Mr Jani Taivalanti, International Relations Officer, DG JLS

Ms Yolanda Gallego-Casilda Grau, International Relations Officer, DG JLS

European Commission Delegation to the Russian Federation

Mr Christof Stock, Head of the Thematic Section Legal reform

EU Council Secretariat

Mr Rafael Fernández-Pita y González, Deputy Director-General

Mr Wouter van de Rijt, Principal Administrator

Europol

Mr Tom Driessen, Deputy Director, Head of the Serious Crime Department

Eurojust

Mr Ola Laurell, National Member for Sweden

Frontex

Mr Gil Arias Fernandez, Deputy Executive Director

Ms Lourdes Fernandez San Julian, Aide-de-Camp to Deputy Executive Director

Spain

Ministry of Justice

Mr Juan Carlos Campo Moreno, Secretary of State, Ministry of Justice

Ms Aurora Mejia Errasquin, Director-General for International Cooperation, Ministry of Justice

Ms Ana Peyró Llopis, Counsellor to the Secretary of State, Ministry of Justice

Ministry of Interior

Mr Arturo Avello Diez Del Corral, Director-General for International Relations, Ministry of the Interior

Mr Diego Nuño Garcia, Counsellor for the EU Presidency

Ministry for Foreign Affairs

Mr Fernando Alvargonzález, Ambassador-at-large for Justice and Home Affairs, Ministry for Foreign Affairs and Cooperation,

Ms Maria Victoria Scola Pliego, Ambassador at Large for the Relations with Russia, Ministry for Foreign Affairs and Cooperation

Russian Federation

Ministry of Justice

Mr Aleksandr Konovalov, Minister of Justice of the Russian Federation

Mr Andrei Chumakov, Counsellor of the Minister of Justice of the Russian Federation

Mr Pavel Ivliev, Deputy Director of the Department of International Law and Cooperation, Ministry of Justice

Ms Elizaveta Ivanova, Consultant of the Department of International Law and Cooperation, Ministry of Justice

Mr Yuri Anufriev, Chief Specialist of the Department of International Law and Cooperation, Ministry of Justice

Mr Natalia Klimenko, Leading Specialist of the Division of Public Relations, Ministry of Justice

Supreme Court

Mr Vladimir N. Soloviev, Vice Chairman of the Supreme Court

Office of the Prosecutor-General

Mr Andrey Nekrasov, Head of the General Department for Supervision over investigation,
Prosecutor-General's office of the Russian Federation

Ms Irina Putova, Senior Prosecutor of the General Department of International Legal Co-operation,
Prosecutor-General's office of the Russian Federation

Ms Olga Tumbrukaki, Interpreter, Prosecutor-General's office of the Russian Federation

Ministry of Interior

Mr Rashid Nurgaliev, Minister of Internal Affairs of the Russian Federation

Mr Yevgeny Volkov, Deputy Head of Office, Ministry of Internal Affairs of the Russian Federation

Mr Andrey Melnik, Representative of the Ministry in Finland, Ministry of Internal Affairs of the
Russian Federation

Ms Daria Kukhareenko, Interpreter, Ministry of Internal Affairs of Russia

Mr Andrey Grankin, Security Officer, Ministry of Internal Affairs of the Russian Federation

Mr Andrey Kurnosenko, Security Officer, Ministry of Internal Affairs of the Russian Federation

Federal Migration Service

Mr Konstantin Romodanovskiy, Director of Federal Migration Service

Ministry for Foreign Affairs

Mr Vladimir Chizhov, Permanent Representative of the Russian Federation to the European
Community

Mr Nikolay Revenko, Deputy Permanent Representative of the Russian Federation to the European
Community

Mr Andrey Karlov, Director of the Consular Department, Ministry for Foreign Affairs of the
Russian Federation

Mr Mikhail Evdokimov, Deputy Director of the Department of the European Cooperation, Ministry
for Foreign Affairs of the Russian Federation

Mr Georgy Mihno, Head of the EU Section of the Department of the European Cooperation,
Ministry for Foreign Affairs of the Russian Federation

Mr Alexandr Skorukov, Head of Section, Department of the New Threats and Challenges, Ministry
for Foreign Affairs of the Russian Federation

Ms Elena Safronova, Third Secretary, Ministry for Foreign Affairs of the Russian Federation

Mr Oleg Gavrilov, Third Secretary, Russian Embassy in Stockholm

Mr Sergey Cherkalin, Attaché of the Consular Department, Ministry for Foreign Affairs of the
Russian Federation

Ms Anna Kochurova, Attaché, Legal Department, Ministry for Foreign Affairs of the Russian
Federation

Federal Drugs Control Service

Mr Vladimir Kalanda, First Deputy Director, Federal Drugs Control Service of the Russian
Federation

Mr Igor Voblikov, Chief of Section, International Cooperation Directorate, Federal Drugs Control
Service of the Russian Federation

Federal Security Service

Mr Mikhail Strekha, Major-General, Federal Security Service of the Russian Federation

Mr Andrey Shabunin, Colonel, Federal Security Service of the Russian Federation

Mr Vladimir Gridasov, Colonel, Federal Security Service of the Russian Federation / Russian
Embassy in Stockholm