

Road Map on the Common Space of Freedom, Security and Justice

Approved on May 10, 2005 in Moscow by President of Russia Vladimir Putin, Prime Minister of Luxembourg Jean-Claude Juncker, President of the European Commission Jose Manuel Durao Barroso and European Union High Representative for Foreign Policy and Security Javier Solana.

PREAMBLE

The St. Petersburg Summit of May 2003 agreed to intensify cooperation with a view to creating in the long-term a Common Space of Freedom, Security and Justice. The joint statement noted that enhanced cooperation in the field of Justice and Home affairs including on border management and migration issues, will serve the objective of building a new Europe without dividing lines, thus facilitating travel between all Europeans. In this context, it was also decided to examine the conditions for visa-free travel as a long-term perspective, to conclude timely the negotiations on a readmission agreement and to promote the better use of existing flexibilities under Schengen.

The St. Petersburg statement also reconfirmed commitment of the parties to further strengthen their strategic partnership on the basis of common values, which they pledged to respect. By strengthening their cooperation through the implementation of international commitments, through respect for the principle of non-discrimination including countering any form of intolerance and racism, through respect of rights of individuals in the EU Member States and Russia, including immigrants and persons belonging to minorities, and respect of fundamental rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms and the international Convention on the Elimination of All Forms of Racial Discrimination, the EU and Russia will reach the full potential of their cooperation.

Cooperation between the EU and Russia in the area of Freedom, Security and Justice is already advanced and has become a key component in developing a strategic partnership between the parties. For example, progress has been made through the creation of regular consultations on human rights, including the rights of minorities and fundamental freedoms. The EU and Russia have considerable interest in strengthening cooperation in the field of Freedom, Security and Justice to tackle the common threat of organised crime, terrorism and other illegal activities which are of cross-border nature. This cooperation, carried out on the basis of common values which underpin EU-Russia relations must reflect the necessary balance between security, on the one hand, and justice and freedom, on the other. To fight illegal activities, the EU and Russia will explore the possibilities to enhance their cooperation within relevant international fora. The Action Plan on Organised Crime will remain the basis for our cooperation in the fight against organised crime.

This roadmap sets out a number of agreed objectives and areas for co-operation for the short- and medium-term.

Overarching principles for the Common Space of Freedom, Security and Justice

The principles underlying EU-Russia cooperation in the field of freedom, security and justice are the following:

- equality between partners and mutual respect of interests

- adherence to common values, notably to democracy and the rule of law as well as to their transparent, and effective application by independent judicial systems

- respect of human rights, including the rights of persons belonging to minorities, adherence to and effective implementation, in particular of United Nations (UN) and Council of Europe Conventions as well as related protocols and OSCE (Organization for Security and Co-operation in Europe) commitments in this field
- respect for and implementation of generally recognized principles and norms of international law, including humanitarian provisions
- respect for fundamental freedoms, including free and independent media

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The following objectives and actions serve to create the Common Space of Freedom, Security and Justice.

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I. FREEDOM

Objective: To facilitate human contacts and travel between the EU and Russia, ensure smooth legal border crossings and lawful stays on their territories, as well as to work together to tackle illegal migration and illegal cross-border activities.

In order to pursue this overall objective, it will be necessary to develop EU/Russia cooperation in the following priority areas:

1.1 To facilitate the movement of persons / readmission

In accordance with the St.Petersburg Joint Statement:

- in the short-term, conclude parallel negotiations on an agreement on visa facilitation and an agreement on readmission
- continue and intensify the visa dialogue at expert and political level to examine the conditions for mutual visa-free travel regime as a long-term perspective

1.2 To cooperate on border issues

- demarcate borders between the EU Member States and Russia that are presently not demarcated, according to international standards, following signing and ratification of pending border agreements
- intensify discussions on border management, including border protection, and continue to support improvements of border crossing points, notably on the common border, and to improve cooperation between units on the common border
- discuss issues of common interest in relation to the strengthening of Russia's southern border
- explore the possibilities of cooperation at operational level, where appropriate, between the EU and Russia in the framework, principally of the EU's future border management agency

- develop cooperation projects to step up the efficiency of border management, by strengthening the institutional and administrative framework and the capacity to implement border controls as well as improving border surveillance

1.3 To support an efficient migration policy

- implement the Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the UN Convention against Transnational Organized Crime assess jointly the scale of illegal migration by exchanging information of migratory flows

- exchange information on migration management policies and best practices, and cooperate as appropriate in this field in relation to third countries

- develop an appropriate legislative framework related to migration management

- provide appropriate support to the Border Guards Service with the possibility to set up Joint Training Programmes and Training Centres for Customs Officers and Border Guards

- examine the possibility of cooperation projects to improve the management of migration flows, including the assessment of statistics and measures to fight against illegal migration

1.4 To develop cooperation in the field of asylum policy

- implement the 1951 UN Convention relating to the status of refugees and i.a. its 1967 Protocol, including the right to seek asylum and respect for the principle of 'non-refoulement' by all countries in accordance with UNHCR recommendations

- implement standard procedures relating to treatment of asylum applications, in accordance with UNHCR recommendations

- protect individuals in the territory of EU Member States and Russia against possible threats to their life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group

- not to subject permanent residents in EU Member States and Russia to expulsion contrary to the principle of 'non-refoulement'

II. SECURITY

Objective: To improve cooperation to tackle terrorism and all forms of organized crime, as well as other illegal activities in order to increase security.

In order to pursue this overall objective, it will be necessary to develop EU/Russia cooperation in the following priority areas:

2.1 To intensify EU-Russia cooperation in the area of counter terrorism, and to identify ways to work together to prevent and combat terrorism in accordance with international law, in particular international human rights, refugee, and humanitarian law

Section 2 on the fight against terrorism of the Road map for the Common Space on External Security complements the provisions under this subheading

- implement the Joint Statement on the fight against terrorism adopted at the EU – Russia summit in November 2002, and regularly review its implementation in existing appropriate EU-Russia formats
- sign, ratify and implement all 12 UN counter-terrorism conventions and protocols; fully implement relevant UN Security Council resolutions, including UNSCR 1373, 1540, 1267 and 1566
- pursue efforts to seek the early finalisation of the draft UN Comprehensive Convention against international terrorism and to sign and ratify the International Convention Against Acts of Nuclear Terrorism
- continue to cooperate within the Council of Europe including by finalizing and implementing the draft European Convention on the Prevention of Terrorism
- develop cooperation including through exchange of know-how and typologies / models to strengthen the fight against the financing of terrorism, including by freezing of funds and other terrorist assets, in accordance with the relevant international instruments
- exchange legislation models in due course on the fight against the financing of terrorism, including on the abuse of non-profit/charitable sector and the confiscation of assets
- implement the agreement on cooperation between Europol and the Russian Federation signed in Rome on 6 November 2003, in order to enhance cooperation to fight terrorism
- enhance cooperation in all relevant international and regional fora to improve the capacity of third countries to fight terrorism
- cooperate fully in the fight against terrorism, in accordance with obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle to extradite or prosecute, any person who supports, facilitates, participates, or attempts to participate in the financing, planning, preparation, or commission of terrorist acts or provides safe havens (this point equally applies to asylum in 1.4)
- discuss within existing structures specific measures to fight against international terrorism in new areas, such as the use of internet for terrorist purposes and recommendations for self-regulation of mass media
- explore the possibility of an EU-Russia agreement on Mutual Legal Assistance, based on the experience gained from the implementation of the Second Additional Protocol to the 1959 European Convention
- consider the possibility of a Memorandum of Understanding on the fight against terrorism between EU and Russia, taking account of the Joint Statement of 2002 on the fight against terrorism

2.2 To improve the security of documents, and prevent the use of multiple identities, and falsified/stolen documents, which authorize the crossing of borders (travel documents)

- discuss at expert level how the security of travel documents can be improved
- promote cooperation, including through exchange of experience, on possible measures to stop the malpractice of multiple identities in regard to the production, control and storage of documents
- apply legislation and rules to support criminalisation of the use of multiple identities
- explore the possibility of using the Interpol database on lost and stolen blank and issued travel documents (ASF-STD) by national law enforcement agencies, in accordance with the Interpol Constitution, and to transfer data currently contained in national databases about lost and stolen, issued and blank travel documents to the Interpol database
- exchange information about the introduction of biometric features in travel documents, based on ICAO standards

2.3 To combat transnational organised crime, including through law enforcement cooperation (specific crime areas are covered in subsequent sections)

- implement the EU-Russia Action Plan on Organised Crime and agreed priorities
- implement the UN Convention against Transnational Organised Crime and the relevant Protocols that have entered into force
- expand and intensify the use of the EU-Russia Liaison Officers' network
- implement the agreement on cooperation between Europol and the Russian Federation signed in Rome on 6 November 2003, in order to enhance cooperation to fight organised crime
- prepare for the next Europol/Russia agreement to include data protection enabling the exchange of personal data (this point equally applies to fight against terrorism in 2.1)
- as an important step towards an Europol-Russia operational agreement, ratify and implement the Council of Europe Convention from 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data (this point equally applies to fight against terrorism in 2.1)
- increase the exchange of information related to terrorism and organised crime between EU Member States and Russian law enforcement agencies as well as Europol within the existing legal framework, e.g. by using the EU-Russia Liaison Officers' network as an intermediary step before the conclusion of an operational agreement between Europol and Russia.
- develop cooperation based on the contact points established in Eurojust and the General Prosecutor's Office of the Russian Federation
- establish reliable channels of information exchange between competent services of the Customs of the EU Member States and Russia coordinated by the European Anti-Fraud Office to improve coordination and increase effectiveness of joint efforts
- build up the capacity of law enforcement authorities by developing structures and procedures for improved information exchange in crime investigations through organising remote access to information resources using the Interpol network

- cooperate in new crime areas, e.g. Information and Communication Technology related crime, in particular child pornography
- invite each other to participate in bilateral law enforcement operations organised by individual EU Member States or Russia
- foster cross-border cooperation with neighbouring Member States, by promoting national inter-service cooperation between different ministries and law enforcement agencies, starting with regions with intensive border traffic
- explore the possibility of using the working practices of the Baltic Sea Task force to improve in particular operational law enforcement cooperation between the EU and Russia
- explore the possibility to sign, ratify and implement the UN Protocol against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the UN Convention against Transnational Organised Crime
- improve the legal framework regulating the acquisition and possession of firearms
- exchange information, through Europol, to prevent activities of organisations, groups and/or individuals involved in international terrorist and organised crime activities

2.4 To promote a comprehensive anti-money laundering regime

- improve relevant legislation and regulations as well as their effective implementation, taking into account recommendations from specialised and regional organisations
- continue to provide support for the training of judges, prosecutors, customs officers, law enforcement staff and other concerned professionals
- promote the effective functioning and interaction of Financial Intelligence Units (FIU) of the EU Member States and the Russian Federation, including on the basis of bilateral interagency agreements, in line with relevant FATF and Egmont Group standards
- explore possibilities for enhanced exchange information about suspicious transactions between the FIUs of the EU Member States and the Russian Federation taking into account the necessary requirements on confidentiality and data protection
- support a FATF style Euroasian group to assist in tackling criminal money laundering and financing of terrorism in conformity with international standards
- exchange legislation models on money laundering to improve legislation to ensure effective identification, freezing, seizure and confiscation of proceeds of crime, property, equipment or other instrumentalities used in or destined for use in offences as well as to promote effective cooperation in this field, and exchange experience on investigation, – prosecution and other relevant legal proceedings
- cooperate within FATF and between relevant EU Member States and Russian authorities to fight money laundering through off-shore zones
- explore possibilities to develop a best practice paper on mechanisms for cooperation within the FATF and FATF Style Regional Bodies, such as Moneyval, that would promote co-operation

between supervisory authorities to prevent the use of the financial sector for laundering of profits received from crime through the exchange of information on structures of beneficial ownership, the owners of credit and financial institutions, and violations by the credit and/or financial institutions of anti money laundering and related legislation

2.5 To tackle the narcotic drug problem (including the supply and trafficking of drugs, the prevention of diversion of precursors and drug demand prevention and harm reduction)

- cooperate within international and regional fora, as regards production and transit countries, paying particular attention to trafficking routes

- promote international and internal efforts, and coordinate activities within existing fora and particularly the UN framework, to combat the global drug threat and drug trafficking, inter alia through the signature and ratification of relevant international agreements

- increase cooperation in the field of combating illegal drug trafficking based on the agreement between Europol and the Russian Federation, notably through the exchange of – experience, as well as statistical and other information.

- develop cooperation to fight drug trafficking, including the production and traffic of synthetic drugs and precursor's diversion, in particular within the Paris Pact Process and the framework of the Europol-Russia agreement, and in accordance with the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances 1988

- work together in existing formats, as well as in and through international fora to combat the drug threat originating from Afghanistan, through strengthening the capacities of the states directly bordering with Afghanistan and main states of transit, in cutting short smuggled supply of Afghan drugs abroad and precursors for their production. Pay attention to the tasks of revealing and cutting short activities of transnational criminal groupings involved in illegal trafficking of Afghan drugs, as well as of providing assistance to the Afghan law enforcement structures

- conduct exchange of experiences on reduction of demand for drugs, including the prevention, treatment and rehabilitation of drug addiction, paying particular attention to high-risk groups so as to prevent the spread of HIV/AIDS and other diseases

- promote the work of relevant NGOs to tackle social aspects of the drug problem, including prevention and rehabilitation of the victims of drugs addiction

- exchange information on data collection and drug information systems between the Federal Service on the Control over Traffic in Narcotic Drugs of the Russian Federation, the Ministry of Public Health and Social Development of the Russian Federation and the European Monitoring Centre on Drugs and Drug Addiction

- exchange information on relevant legal instruments in the field of control over the traffic in narcotic drugs and their use

- consider cooperation to train personnel of relevant law enforcement authorities of Russia and the EU, including study programmes and joint seminars

- encourage, where appropriate, operational projects between national law enforcement agencies to fight illegal drug trafficking across state borders including through the use of the control

delivery techniques, to suppress illegal transportation channels and to disrupt criminal activities in this field

2.6 To combat trafficking in human beings

- promote cooperation in international and regional law enforcement operations to combat trafficking in human beings, especially in women and children
- promote information exchange between Europol, interested Member States and Russia as regards trafficking of human beings
- implement the UN Protocol against trafficking in persons, especially women and children, including adoption of further legislation to support the fight against trafficking in human beings
- provide potential victims of human trafficking with reliable and easily available information to raise their awareness on risks and threats of illegal migration, and possibilities of – legal migration, as well as mechanisms of assistance to victims
- cooperate with relevant NGOs, other relevant organisations and other elements of civil society in prevention of trafficking in persons and, in appropriate cases, in assistance to and protection of victims of trafficking in persons
- provide necessary professional skills to relevant authorities via specialized training, aiming at appropriate assistance to victims of trafficking
- exchange regularly statistical data to assess the scope of the problem

2.7 To fight corruption

- sign, ratify and implement UN and Council of Europe conventions on corruption, including ratification and implementation of the UN Convention against Corruption
- participate in anti-corruption work, and to cooperate on the fight against corruption within the Council of Europe, including through participation in work in GRECO once the Council of Europe Criminal Law Convention on Corruption has been ratified
- cooperate with relevant elements of civil society to fight corruption
- exchange experience in the field of the fight against corruption, and take additional measures through further incorporation of anti-corruption elements in national legislation and practices

2.8 To fight trafficking in stolen vehicles and items of cultural and historic value

- improve measures to detect vehicles with altered VIN or forged vehicle registration documents, i.a. by using the Interpol Automatic Finding System, to prevent the possibility of registration and customs clearance of vehicles which are stolen, misappropriated or lost
- develop cooperation with a view to improve procedures of return of seized stolen vehicles to legal owners
- develop cooperation in combating illicit trafficking in items of cultural and historic value

- promote exchange of information on legislation on combating illicit trafficking in items of cultural and historic values and the exchange of experience to counter this crime as specifically mentioned in the Europol-Russia agreement on cooperation

III. JUSTICE

Objective: To contribute to the efficiency of the judicial system in EU Member States and Russia and to the independence of the judiciary, and to develop judicial cooperation between EU and Russia

In order to pursue this overall objective, it will be necessary to develop EU/Russia cooperation in the following priority areas:

3.1 To contribute to the efficiency of the judicial system

- cooperate, including through exchange of experience, on judicial reform in order to ensure the independence and the effectiveness of judiciary in the EU Member States and Russia based on the rule of law
- organize professional training for contact points, judges, prosecutors and law enforcement officials, as appropriate
- make efforts to invite each another to workshops on justice organized by EU and Russian structures
- examine the possibility of cooperation projects aiming at strengthening the judiciary

3.2 To enhance cooperation on criminal matters

- develop cooperation based on the contact points established in Eurojust and the Russian General Prosecutor's Office, and explore the possibility to establish a wider network of contact points on mutual legal assistance and judicial co-operation, in order to co-ordinate proceedings related to cross-border offences
- explore the possibility to conclude an agreement between Eurojust and Russia
- promote the early entry into force of international instruments of particular importance in combating organised crime
- cooperate with a view of bringing the legislation of the EU Member States and Russia in compliance with the provisions of the Rome Statute of the International Criminal Court

3.3 To develop cooperation on civil matters

- promote nomination of central authorities, and exchange experience between them, as regards legal assistance in civil matters according to the Hague Convention on Taking of evidence (1970) and implement the Hague Convention on Service of documents (1965)

- promote cooperation in protection of rights of children, including by exploring the possibility to accede to international conventions and protocols on i.a. inheritances, enforcement of maintenance decisions, as well as abductions and parental responsibility
- explore the possibility of an EC-Russia agreement on judicial cooperation in civil matters

IV. MONITORING MECHANISM

The monitoring of this road map will, as far as possible, take place within existing mechanisms, notably the Permanent Partnership Council or other ministerial meetings in the format of ministers responsible for freedom, security and justice, and in other formats that the parties may decide to create or designate for this purpose. In addition, these structures can be complemented by the informal dialogue between the Member of the Commission in charge of justice, freedom and security and the Russian coordinator on justice and home affairs as well as by informal expert meetings.