

Joint press statement EU – Western Balkans Ministerial forum on Justice and Home Affairs



The Minister of Justice of Germany and the State Secretary for Home Affairs, representing the Presidency of the Council of the EU, together with the European Commission, represented by the European Commissioner for Justice, Consumers and Gender Equality, the European Commissioner for Migration, Home Affairs and Citizenship and the European Commissioner for Neighbourhood and Enlargement, met via videoconference on 22 October 2020 with their counterparts from the Western Balkans at the annual EU-Western Balkans Ministerial Forum on Justice and Home Affairs. The meeting was also attended by representatives of the incoming Portuguese and Slovene Presidencies. The following matters were discussed:

HOME AFFAIRS

Increasing information exchange and cooperation for better migration management

The EU and the Western Balkans reaffirmed their common interest in increasing bilateral cooperation for more efficient migration management, involving also EU Member States and EU agencies. The ministers expressed support for increasing regional information exchange in the Western Balkans region on the subject of migration. In this context, the ministers exchanged views on the idea of developing interoperable domestic information systems, modelled on Eurodac standards, in the Western Balkans to record data on migrants. The Commission reiterated its readiness to provide technical support.

The ministers agreed that the Western Balkans region continues to be under considerable migratory pressure and discussed the current challenges for their migration systems, including in the context of the COVID-19 pandemic and its impact on the movement of people. They discussed in particular the gaps in the reception and asylum systems in the Western Balkans region, and committed to taking further steps to improve reception conditions before winter. On that matter, the EU called for immediate action to be taken to prevent the humanitarian situation from worsening any further. The ministers acknowledged the significant support for migration management that the EU provides to the region and agreed on the need to intensify cooperation, especially at operational level. In that context, they highlighted the growing cooperation with Frontex, including the need that the remaining Status Agreements should enter into force as soon as possible. The ministers also pointed to specific areas where further EU support would be beneficial, including the support for the proper implementation of bilateral readmission agreements, as well as EU support to Western Balkans partners for the return of irregular migrants who do not have the right to stay, to their countries of origin.

Terrorism and violent extremism: implementing the priority actions

The EU and the Western Balkans welcomed the progress made on achieving the objectives of the joint action plan on counter-terrorism for the Western Balkans and reaffirmed their commitment to implementing its objectives beyond 2020. The action plan remains a framework for joint work on common security objectives and for the protection of our citizens. The EU called on the Western Balkans partners to make progress on the outstanding actions, and in particular on the robust application and implementation of adopted legislation. The Western Balkans partners agreed to continue reporting on the implementation of the action plan. The EU and Western Balkans agreed that preventing radicalisation leading to violent extremism and terrorism is of key importance for the region's security as well as for the EU's internal security.

Enhancing operational cooperation to tackle organised crime

The EU highlighted the importance of enhancing the participation of the Western Balkans in EMPACT's operational actions to further collectively address organised and serious international crime, building on recent successful joint operations against illegal immigration, trafficking of firearms and drug trafficking. The EU also reiterated the crucial importance of the relevant EU JHA agencies such as Europol, CEPOL and Frontex in strengthening the operational cooperation framework with the Western Balkans. Broader efforts, including alignment of operational standards and capacities should be pursued to that end.

The ministers also underlined the importance of a strong international legal framework for tackling cybercrime. In that context, the EU reiterated the importance of finalising the current revision of the second additional protocol to the Budapest Convention and called on the Western Balkans partners to also engage in efforts to guarantee that the Budapest Convention remains the reference instrument for fighting cybercrime.

JUSTICE

The EU and the Western Balkans during the COVID-19 pandemic: impact on justice systems and fundamental rights

The ministers discussed the impact of the urgent measures taken to mitigate the COVID-19 pandemic on the functioning of the judiciary. They acknowledged the importance of balancing the need to ensure the continued functioning of the judiciary with the imperative to guarantee respect for fundamental rights.

Citizens are guaranteed civil liberties, fundamental rights and citizens' rights to ensure personal freedoms, to enable participation in social life, and to allow for political and democratic debates and democratic decision-making. The EU and the Western Balkans therefore concurred that the measures taken to mitigate the crisis should be necessary, proportionate and temporary and that they should be implemented in a non-discriminatory way, subject to judicial and democratic oversight and, overall, in line with European

standards. Every effort should be made to make the rule of law more crisis-resilient.

The ministers acknowledged that, even in times of crisis, fair trial rights and defence rights of suspects and accused persons should be respected. They pointed to the increase in domestic violence during the pandemic, and acknowledged that support for and protection of victims of domestic violence warrants particular attention and dedicated measures.

The Commission underlined that ensuring respect for fundamental rights is a key factor in encouraging people to accept the measures and do their part. Specific attention should be paid to the protection of personal data and the need to guarantee the exercise of freedom of expression while trying to prevent disinformation.

Access to justice in the digital age

The ministers acknowledged the importance of digitalisation to ensuring the quality, efficiency and accessibility of the judiciary, as well as its resilience. The EU and the Western Balkans reaffirmed that basic judicial rights and procedural principles, such as the right to a fair trial, must be ensured when employing digital solutions, and discussed the next steps to digitalise justice systems further. As part of this process, the ministers highlighted the importance of operationalising a number of tools such as online databases and computerised case management systems, with the objective of having the latter in place by the end of 2021. The EU expressed its continued financial and technical support for the Western Balkans partners in further developing digital tools for the justice system. The EU and the Western Balkans suggested enhancing cooperation on that point. The Commission reiterated the importance of having a sound strategic and legislative framework, and of allocating adequate resources.

The EU and the Western Balkans also discussed how digital solutions can safeguard rule of law principles and foster equal access to justice. Concrete solutions and examples were presented by both sides.

Rule of law and judicial reforms: key developments

The Commission provided an update on the first rule of law review cycle in the EU and underlined that it will continue to pursue a strong and consistent approach to its internal rule of law policies and the way the rule of law is embedded in the accession process.

The ministers took note of the Commission's presentation of key recent case law of the Court of Justice on judicial independence, which is an important element of EU *acquis* in this area.

The EU pointed out that the economic and investment plan for the Western Balkans, adopted on 6 October, refers to the need for Western Balkan partners to make more decisive progress on fundamental reforms and in particular on the rule of law. The EU also underlined the importance of creating a framework for fruitful cooperation with the European Public Prosecutor's

Office (EPP0), which is expected to become operational soon. The Commission invited the Western Balkan partners to work in the coming months to establish such a framework.