



Brussels, 18.7.2018
COM(2018) 543 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**Update on the implementation of the remaining benchmarks of the visa liberalisation
roadmap by Kosovo^{*}, as outlined in the fourth report on progress of 4 May 2016**

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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Update on the implementation of the remaining benchmarks of the visa liberalisation roadmap by Kosovo*, as outlined in the fourth report on progress of 4 May 2016

I. INTRODUCTION

The European Commission launched a visa liberalisation dialogue with Kosovo on 19 January 2012, covering four main areas (Document Security; Border/Boundary and Migration Management; Public Order and Security; Fundamental Rights related to the Freedom of Movement). On 14 June 2012, the Commission presented to Kosovo a roadmap, which identified all the legislative and other measures which Kosovo needed to adopt and implement in the framework of the visa liberalisation dialogue. The Commission committed to propose visa-free travel for persons from Kosovo for short stays (i.e. up to 90 days in any 180-day period) in the European Union once Kosovo had met all the requirements and other measures set out in the visa liberalisation roadmap.

The Commission has adopted four reports on Kosovo's progress in the visa dialogue: the first one on 8 February 2013¹, the second on 24 July 2014²; the third on 18 December 2015³, complemented by the fourth and final one adopted on 4 May 2016⁴. These reports contained an assessment of progress by Kosovo in fulfilling the 95 benchmarks of the visa roadmap, recommendations addressed to Kosovo and an assessment of the potential migratory and security impacts of visa liberalisation.

On 4 May 2016, the European Commission proposed to the Council of the European Union and the European Parliament to lift the visa requirements for the people of Kosovo by transferring Kosovo to the visa-free list for short-stays in the Schengen area⁵. In the proposal, the Commission confirmed that Kosovo had met all the requirements of its visa liberalisation roadmap, on the understanding that by the day of adoption of the proposal by Parliament and Council, Kosovo would have ratified the border demarcation agreement with Montenegro and strengthened its track record in the fight against organised crime and corruption, the two final benchmarks.

After the ratification of the border demarcation agreement with Montenegro by the Kosovo Assembly on 21 March 2018, a technical mission took place from 3 to 4 May 2018 to Kosovo to assess progress on the benchmarks, including on the track record benchmark on high level organised crime and corruption cases. Meetings were held with the Prime Minister, Minister of Justice, Minister of European Integration and Minister of Internal Affairs, as well as the main actors in the field of rule of law, including the Prosecutorial Council, the Judicial Council and the Kosovo Police. The Commission also inquired on measures that Kosovo authorities are taking to mitigate migratory and security threats. The findings of the technical

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¹ COM (2013) 66 final.

² COM(2014) 488 final.

³ COM(2015) 906 final, accompanied by SWD(2015) 706 final.

⁴ COM(2016) 276 final.

⁵ COM (2016) 277 final.

mission, as well as detailed field work and follow-up exchanges with the Kosovo authorities, form the basis of this assessment.

Since the adoption of the Fourth progress report in May 2016, Kosovo has continuously worked to strengthen its commitments under the four areas of the Visa Liberalisation Roadmap on Document Security; Border/Boundary and Migration Management; Public Order and Security; Fundamental Rights related to the Freedom of Movement. By improving its legal framework, Kosovo has continued to ensure a high level of integrity and security of personal data. The Ministry of Internal Affairs continues to issue machine-readable biometric personal travel documents in line with International Civil Aviation Organisation standards and EU standards for security features and biometrics in travel documents. As already indicated in the 2018 Kosovo annual report⁶, Kosovo has aligned further its borders/boundary legislative framework with the EU *acquis*. The 2013-2018 Strategy and Action Plan on Integrated Border Management (IBM) are aligned with the 2006 EU concept on IBM. In July 2017, a revised and re-evaluated IBM action plan has been approved. The Joint Intelligence, Risk and Threat Analysis Unit in the National Center for Border Management drafts monthly risk-assessments which identify threats encountered in all operating regions as well as highlight the necessary actions to be undertaken in alleviating the threats. Kosovo has also aligned its asylum and migration legislation with the EU *acquis* and has made significant further progress in improving the cooperation with Member States on readmission and return. Law enforcement authorities continue their specialisation to address organised crime, trafficking in human beings, drugs and terrorism. Police forces are well trained and have the capacity for combating organised crime, including through specialised units. Kosovo's legal framework is in line with the EU *acquis* and international instruments on anti-terrorism, including as regards legislation criminalising the phenomenon of foreign terrorist fighters. Kosovo has stepped up its efforts to fight terrorism, including through measures to prevent violent extremism and domestic terrorist fighters joining conflicts abroad. A successful example in this regard can be seen through the arrest of several persons suspected of terrorism where Kosovo authorities cooperated with law enforcement authorities from Albania and the former Yugoslav Republic of Macedonia. Successful examples of law enforcement cooperation have also been carried out in the area of organised crime, including with several Member States and Europol. For example, law enforcement authorities worked together on 21 March 2018 to arrest migrant smugglers operating in the Western Balkans. Slovenia, Kosovo, the European Union Rule of Law Mission in Kosovo (EULEX) and Europol arrested the individuals as part of a cross-border operation to dismantle an organised crime group based in the area.

With this update to the fourth report on progress the Commission confirms that all benchmarks as set out in the Visa Liberalisation Roadmap are fulfilled.

II. STATE OF PLAY OF THE FINAL BENCHMARKS

1. Border demarcation agreement with Montenegro

On 21 March 2018, following more than two years of domestic political discussions, the Kosovo Assembly ratified the Border Demarcation Agreement (BDA) which had been signed with Montenegro in August 2015, thereby fulfilling one of the two outstanding benchmarks for visa liberalisation. **The ratification was an important breakthrough, as highlighted in the 2018 Kosovo report.**

⁶ SWD (2018) 156 final.

2. Progress on the track record benchmark in the fight against high level corruption and organised crime

The last remaining benchmark of the visa liberalisation roadmap calls on Kosovo to strengthen its track record of investigations and final court rulings in cases concerning organised crime and corruption. Kosovo has put in place a robust legal and operational framework to combat corruption and organised crime and tackle migratory and security risks. This has been confirmed across the Commission's annual reports – while outlining that challenges remain - most recently in the 2018 Kosovo report⁷. The progress on the targeted high-level cases in the track record offers a snapshot of the overall progress of the anti-corruption framework in Kosovo, and offers insights in how the authorities tackle high-level organised crime and corruption.

2.1 *Set-up and development of the track record*

The Kosovo authorities undertook substantial preparatory steps in order to meet the criteria of this benchmark.

First, a set of criteria has been developed to guide the selection of relevant cases to be included in the track record. These criteria, defined in the “Standard Operating Procedures (SOPs) on the selection of targets of serious crimes and interinstitutional Cooperation”, were adopted on 18 July 2014 by the Kosovo Prosecutorial Council. The SOPs specify criteria which a case has to meet to be added to the track record, such as: serious nature of the offence and the value of the damage caused, organisational level of a criminal group involved, need for coordination of investigative actions, need to manage resources during investigation, etc. (Art. 2 of the SOP). This enables the track record to focus only on those cases deemed most serious and relevant. Moreover, on the basis of the Kosovo Judicial Council (KJC) decision of 30 December 2015, the selected cases concerning corruption and organised crime shall also be given an absolute priority in courts. Court presidents were obliged to swiftly assign such cases to case judges, who should immediately act upon them. Court presidents were also obligated to report to the KJC on a monthly basis on the progress in these cases.

In addition, **a multidisciplinary team was established to effectively co-ordinate the handling of the selected targeted cases.** The team includes members from the prosecution, judiciary, police, customs, tax authorities, Financial Intelligence Unit, Agency for Administration of Sequestered and Confiscated Assets, correctional service. The Head of the Special Prosecution Office of Kosovo (SPRK) is the team coordinator.

For the purposes of measuring progress on this outstanding requirement, in 2015 **Kosovo established an advanced IT tracking mechanism**, which enables the co-ordination and monitoring of the selected corruption and organised crime cases at all stages of criminal proceedings. This sophisticated IT management system, to which all members of the multidisciplinary team have real time access, obliges all participants in the procedure, ranging from police to prosecutors and judges, to fill in information related to the stage of the proceedings they are involved in.

2.2 *Progress on the track record*

The assessment of the track record on high-level corruption and organised crime cases benchmark is focused on the selected targeted cases contained in the track record. Progress is

⁷ SWD (2018) 156 final.

measured in terms of numbers of cases advancing throughout the chain of criminal procedure (investigation – prosecution – first instance court – second instance court – final judgment). The progress is also evidenced by the value of assets preliminary and finally confiscated, further demonstrating Kosovo's determination in tackling the financial aspects of serious crime.

Initially, in **May 2016**, the multidisciplinary team targeted **31 cases**. Based on the SOPs as outlined above, additional cases have been added to come to a total of **42 as of 6 June 2018**. As such, the authorities have made progress on identifying, investigating and prosecuting additional cases of high-level corruption and organised crime within the clear boundaries as set-out by the multidisciplinary team.

Out of 42 cases, indictments have been filed in 33 cases, investigations are ongoing in 5 cases and 4 cases have been dismissed at the pre-trial phase. Out of the 33 cases, **23 cases target corruption (with 145 accused persons)**, and **10 cases tackle organised crime (with 151 accused persons)**. Overall, the targeted cases involve high-profile defendants. Among the indictees there are for instance: two Ministers, the Head of the Procurement Review Body, three Secretary Generals of ministries, four mayors, a former President of the Constitutional Court, one Member of Parliament, one Court President and one Serious Crimes Department Prosecutor. **The total value of sequestered assets (i.e. assets that have been temporarily but not finally confiscated) is valued at €13,249,470.**

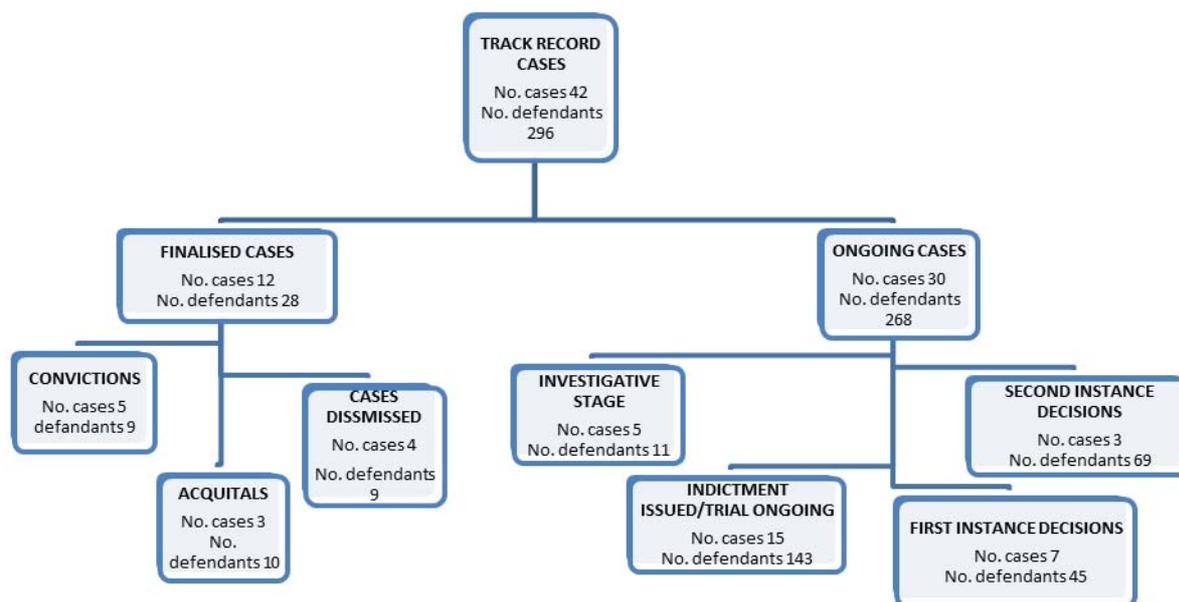
Out of the 42 cases, 12 have been finalised, all targeting corruption. As depicted in Figure 1, 4 cases have been dismissed during the pre-trial phase. **8 cases received a final court ruling, out of which 5 cases ended in convictions and 3 cases ended in acquittals.**

In the 5 cases with final convictions, 9 persons have been convicted after all appeal procedures have been exhausted. Among the convicted are a prosecutor, a mayor, a public defendant of a municipality and a former President of the Constitutional Court/University rector. So far there are no final confiscations to report.

At the moment 30 cases targeting 268 defendants are ongoing at different stages: 5 are at the investigative phase, 15 cases are ongoing in first instance, 7 cases have received a first instance decision and are awaiting appeal and 3 have received a second instance decision and are awaiting decisions by the Supreme Court.

Based on the data available, on average, the authorities issue indictments after 18.5 months of investigations for cases included in the track record. First instance verdicts are typically reached after 16 months, while second and third instance verdicts (where applicable) come after 7 and 10 months respectively. For closed cases, it takes on average 33.3 months to come to a final decision. **Without prejudice to the complex build-up of the investigations and the need to respect the judicial safeguards, and while each case has its own complex merits, steady progress can be observed in terms of cases moving through the "chain of justice"** (i.e. investigation – prosecution – adjudication – execution of sanctions), although the pace can be further improved.

Figure 1: Overview of the cases in the track record in their various stages along the chain of justice



2.3 Assessment of the track record

Based on the work undertaken by the Kosovo authorities, both regarding the institutional and administrative set-up of the IT tracking mechanism and the multidisciplinary coordinating team, as well as regarding the progress of the various cases along the chain of justice, a steady progress can be observed. The authorities have set-up a sophisticated IT system together with clear procedures and practices. The targeted cases have progressed forward with respect for judicial independence and due process, leading to a number of final convictions and an increased amount of indictments and persons prosecuted. The amount of assets preliminary confiscated has continued to increase throughout the process.

While there remains room for continuous improvement, to which Kosovo has committed itself, **the Commission can now confirm that the authorities have established and strengthened the track record of investigations and final court rulings in cases concerning organised crime and corruption, thus meeting the benchmark.**

III. BROADER RULE OF LAW CONTEXT

While Kosovo has delivered results under the track record, it is important to place these in a broader context. Kosovo has established a robust legal, institutional and judicial framework in the fight against organised crime and corruption, even if challenges remain. Moreover, Kosovo is equally undergoing a complex legislative reform process which will facilitate the work of authorities engaged in fighting against organised crime and corruption and lead to improved results.

Besides the cases included in the track record system, many other corruption and organised crime cases are dealt with by the Kosovo authorities. These include cases formerly prosecuted and adjudicated by EULEX. Due to the withdrawal of the mission from its executive

functions, cases which could not have been completed within the current mandate are gradually in the process of being transferred to the local judiciary. This process is still ongoing. There are 45 transferred cases in the areas of corruption and organised crime. The new mandate of EULEX includes monitoring cases transferred to the local authorities. The EU will thus have mandate and resources to closely and robustly monitor the progress, alongside regular updates by the local authorities.

Legislative developments

Kosovo has already adopted several important laws and several other laws are under preparation. These aim at further reinforcement of the legal framework to fight corruption and organized crime. In this regard, on 30 March 2018, two crucial laws were adopted by the Assembly:

- **Law on Prevention of Conflict of Interest in the Discharge of a Public Function**, which clearly defines the roles and permitted activities of public officials in order to avoid abuse of office and conflict of interest. It aims at ensuring transparency and regularity of processes in public administration which were highly vulnerable to corruption in the past, and
- **The Law on State Prosecutor**, which allows for additional and merit-based recruitment of new prosecutors to the Special Prosecution Office of Kosovo, responsible for prosecuting the most high-level cases of organised crime and corruption. Increasing the number of highly motivated prosecutors shall significantly improve the work of this institution, which has so far been under-staffed. Vacancies for the first round of additional prosecutors to be recruited, have been published.

Some key pieces of legislation are currently at an advanced stage of preparation in the government or already under discussion at the Assembly. They include primarily:

- The revised **Criminal Code (CC)**, which was approved by the government in April 2018 and is now being discussed in the Assembly, and the revised **Criminal Procedure Code (CPC)**, which is under preparation. Both revised codes will contain important changes, including extended time limits of investigations and expanded provisions on confiscation and provisions to respectively suspend (CPC) and remove (CC) public officials indicted and convicted of corruption. The latter is a key requirement of the European Reform Agenda, a list of priority reforms that Kosovo committed to undertake to advance the implementation of its Stabilisation and Association Agreement with the EU;
- The Kosovo government has also taken forward a further package of laws on anti-corruption, which consists of four key pieces of draft legislation: the Draft Law on Anti-Corruption Agency, the Draft Law on Declaration of Assets. The Draft Law on Extended Powers of Confiscation will be fully based on the applicable EU Directive and will aim at giving to prosecutors a robust and effective tool to deprive criminals of illicit wealth. The Draft Law on Whistle-blowers puts in place concrete mechanisms designed to protect whistle-blowers both in the public and private sector, thereby supporting the fight against corruption. Both the Draft Law on Whistle-blowers and the Draft Law on Extended Powers of Confiscation were approved by the government and sent to the Assembly on 12 June 2018. The work on the two remaining draft laws is ongoing.

In March 2018, the government adopted the **new comprehensive Strategy and Action Plan on Anti-Corruption 2018-2020**.

In the course of 2017, **Kosovo Serb judges, prosecutors and their support staff** across Kosovo were integrated under the unified Kosovo Judicial system, as per the EU-facilitated 2015 Justice Agreement. This achievement will allow for a positive impact on the consistent application of the law throughout Kosovo.

IV. ASSESSMENT OF BROADER MIGRATORY AND SECURITY RISKS

An underlying condition of the visa liberalisation process is ensuring a well-managed and stable migration and security environment.

Migration situation

As regards the migration situation, Kosovo has remained so far outside of the main migratory flows along the Western Balkan route. It has been observed that a small number of migrants from the former Yugoslav Republic of Macedonia and Albania continue their journey via Kosovo, followed by entry to Serbia in the area of Novi Pazar. Additionally, Iranian citizens have entered in the Western Balkans in noticeable numbers, generally coming visa free from Serbia where they arrive by air.

The **number of asylum seekers which come to Kosovo remains stable and low**, although it increased slightly between January and May 2018 (with 86 cases registered, which include 36 cases of Turkish citizens with regular permits who have requested asylum in Kosovo). Most migrants use Kosovo for short stopovers before embarking further on their journeys, possibly with the help of smuggling networks.

The number of asylum requests in Kosovo fell from 307 in 2016 to 147 in 2017. Most of the asylum requests are suspended as the asylum applicants disappear without completing the procedure. In 2017, 2 applicants received subsidiary protection. Based on nationality: the biggest number of asylum seekers is from Afghanistan (44 persons or 35.8%); followed by Syria (23 persons or 18.7%), Libya (16 persons or 13%), Algeria (14 persons or 11.4%), Pakistan (11 persons or 8.9%) and other countries of origin (15 persons or 12.2%).

In the area of migration management, **the legal framework in Kosovo is generally in line with the EU legislation**. The legal framework in this area include the Law on Readmission, Law on Citizenship, Law on Foreigners, Law on Preventing and Combating Human Trafficking and Protecting the Victims of Trafficking, and Law on Asylum, and the secondary legislation deriving from these laws (*see Annex 1 for further information*). In order to address migratory risks, Kosovo should further align its visa policy with the EU acquis.

Kosovo has also established the Government Authority on Migration, as an inter-institutional cooperation body that is responsible for monitoring of migration flows and provides evidence based policy recommendations to relevant institutions and decision makers on migration management. This body has so far drafted 5 migration profiles, and is currently drafting Migration Profile Light with data from 2017 as well as the Extended Migration Profile that will additionally serve as a key document for drafting the Strategy on Migration 2019-2024.

The 2018 Kosovo Report acknowledges that progress was made in managing regular and irregular migration. In 2018, Kosovo has amended and adopted its legal framework on migration, such as the Law on Asylum, Law on Foreigners, and the Law on amending the Law on State Border Control and Surveillance, in line with recently amended EU Directives

in the field of Asylum, Migration and the Schengen Borders Code. Taken together, the three laws ensure further EU *acquis* alignment, and strengthen migration management in Kosovo. (*see Annex 1 for further information*).

Moreover, Kosovo institutions have undertaken necessary preparations in case migration routes would change. As a result, a Contingency Plan for the Management of Potential Refugee and Migrant Influx was drafted in 2015 and updated in 2017, the Coordinator for the management of this influx was nominated, and the group for managing the situation was established. The purpose of this Plan is to manage the potential flow of refugees and migrants: it lays out the relevant stakeholders, including institutions and organisations, describes the current migratory situation, clarifies the registration procedures, and takes into account issues such as basic needs, shelter, security, health and education for refugees and migrants. Kosovo institutions have developed this Plan in close consultation with local and international organisations.

Migration cooperation

With regards to cooperation in migration issues, Kosovo has continued to negotiate readmission agreements with EU Member States, main transit countries, and countries of origin of irregular migrants. Thus far, Kosovo has signed 22 agreements (with 24 countries, including 18 Member States, 2 Associated States, 3 Western Balkans countries - Albania, the former Yugoslav Republic of Macedonia and Montenegro - and Turkey). Additionally, Kosovo proposed to launch negotiations of a readmission agreement to an additional six EU Member States: the United Kingdom, Ireland, Lithuania, Latvia, Poland, and Portugal. Requests were sent also to Afghanistan, Cote d'Ivoire, and Pakistan (*see Annex 2*). **Overall, readmission agreements in place are being implemented smoothly. Readmission procedures pose no serious complications, and Kosovo authorities carry out readmission requests promptly and effectively in close co-operation with the agreement signing parties.**

Kosovo signed a working arrangement with the European Border and Coast Guard Agency (EBCG Agency) on 25 May 2016. The working arrangement allows for exchange of information, joint operations, training and research and development. The Kosovo Border Police regularly shares data on weekly, monthly, bi-annual and annual basis with the EBCG Agency.

Measures in place to prevent potential abuse of the visa-free scheme

Following a large flux of people leaving Kosovo through irregular routes during the second half of 2014 and early 2015, Kosovo institutions, including the Presidency, the Assembly, the government and local authorities joined their efforts in preventing irregular migration.

The authorities organized awareness raising campaigns aiming at preventing irregular migration and adopted new legislation aiming at preventing irregular migration by alleviating financial and economic problems citizens face, given that the most significant factor for this large flux of migrants was the economic hardship, and **increased efforts against migrant smuggling** (21 operations were carried out, resulting in 86 arrested persons). In addition to those measures, the Kosovo Police also increased the number of systematic border checks at all exits in border crossing points, in line with fundamental rights, using profiling of passengers based on risk analysis and threat assessment reports. Kosovo intensified cooperation with Serbian and Hungarian authorities and other EU Member States in order to prevent irregular migration of Kosovo citizens, as well as third country nationals.

Kosovo Police will continue to conduct systematic checks at exit in all border crossing points (in order to justify the means of travel), and increase its cooperation with EU law enforcement agencies in exchanging information (on abuse of visa-free travel and combating smuggling of migrants).

As a result of these efforts, the number of asylum applications from Kosovo citizens coming to the EU decreased significantly, by 36% from 11,675 in 2016 to 7,410 in 2017 and by 90% if we compare 2015 to 2017 data (72,480 in 2015). The data available between January – March 2018 continues the previous decreasing tendency with 1,580 asylum seekers. The return rate has been continually increasing, from 38.1% in 2014 to 96.3% in 2016. In 2017 the return rate slightly decreased to 85.9%.

In addition, in anticipation of visa liberalisation, **Kosovo authorities (Ministry of European Integration, Ministry of Internal Affairs and Kosovo Police) are currently implementing further comprehensive awareness raising campaigns across all Kosovo municipalities aiming at informing citizens about the rights and obligations deriving from visa-free travel.**

Security situation

The security situation was extensively analysed as part of the 2018 Kosovo Report. Regarding organised crime, developments were discussed above.

On **trafficking in human beings**, the 2015-2019 Strategy and Action Plan are in place, with the priority on preventing trafficking in persons, protecting and supporting victims and witnesses, investigating and prosecuting trafficking crimes and protecting children. Legislation is broadly aligned with the EU Directive on preventing and combating trafficking in human beings and victim protection, although implementation could be improved. Kosovo is a place of origin, transit and destination of victims of trafficking in human beings, notably for sexual exploitation. In 2017, 32 victims of trafficking were identified, 25 of them are assisted in respective shelters for reintegration and rehab and 7 potential victims have been treated.

On **police cooperation**, with regards to cooperation agreements signed in the field border management, Kosovo has 30 agreements in place with Albania, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia, including agreements on the establishment of joint police cooperation centres with Albania and the former Yugoslav Republic of Macedonia respectively, as well as the Protocol for the Establishment of the Police Trilateral Centre in Plava between Kosovo, Albania and Montenegro. The Border Police has appointed its focal points in charge of international cooperation. Joint patrolling agreements with Albania, the former Yugoslav Republic of Macedonia and Montenegro are in force, and such activities are conducted regularly. Lastly, on 25 May 2016, the Ministry of Internal Affairs signed a working arrangement with the European Border and Coast Guard Agency for the establishment of operational cooperation between the Agency and the Ministry.

In total, the Ministry of Internal Affairs (MIA) has 30 agreements on police cooperation and 9 agreements on operational cooperation with 18 countries in place, of which 3 are multilateral. In addition MIA has signed 10 cooperation agreements with EULEX. (*See Annex 3 for an overview of all international agreements on police and border cooperation*).

Kosovo has a comprehensive legal framework that covers all criminal aspects related to **terrorism**. Kosovo's legal framework is in line with the EU *acquis* and international

instruments on anti-terrorism. There is a range of articles in the Criminal Code of Kosovo dealing with terrorism and a special law on prohibition of joining the armed conflicts outside its territory is in force (approved in 2015). Kosovo is also a member of the Global Coalition to Defeat ISIS.

The Kosovo authorities have made a clear distinction between counterterrorism (CT) and prevention and countering of violent extremism (P/CVE) activities. The authorities are implementing two separate strategies and action plans. The P/CVE strategy was adopted in 2015 and will be in force until 2020. The CT strategy is in line with the EU's counterterrorism strategy and will be valid from 2018-2022. **Kosovo has stepped up its efforts to fight terrorism, including measures to prevent violent extremism and domestic terrorist fighters joining conflicts abroad.**

The number of citizens from Kosovo who have engaged in the conflicts in Syria/Iraq has been steadily decreasing (between 2012-2016, an estimated 359 Kosovo citizens - 255 men, 49 women and 55 children left for conflict zones in the Middle East as foreign terrorist fighters with additional 41 children born in the conflict zone), and in 2017 there were no new reported cases. 133 Kosovo citizens have returned, 74 died and 195 remained in the conflict zone (59 men, 41 women and 95 children). **Kosovo law enforcement and judicial institutions continue to respond robustly to terrorist threats.** The police have arrested a substantial number of people who joined terrorist groups involved in conflicts abroad or who intended to do so. A successful example of regional cooperation led in November 2016, to the arrest of 18 persons suspected of terrorism by the Kosovo Police. They were allegedly planning to conduct coordinated terrorist attacks in Albania, the former Yugoslav Republic of Macedonia and Kosovo.

The authorities have drafted a **Strategic Plan for Countering Violent Extremism in Prisons** adopted in February 2018. Despite these efforts, the authorities continue to be faced with the challenge of violent extremism and radicalisation. This is assisted in part by funding from foreign organisations that preach extremist ideologies. Nevertheless, since 2016, authorities have built up a clear track record in cases related to terrorism (*See annex 4 for a full description of the most important cases and events*).

V. CONCLUSION

With the ratification of the border demarcation agreement with Montenegro on 21 March 2018 and the establishment and continuous strengthening of the track record, the **Commission confirms that Kosovo has met the two outstanding benchmarks. The Commission also confirms that all benchmarks as set out in the Visa Liberalisation Roadmap, considered fulfilled in 2016, continue to be met.** It therefore recommends the Council and European Parliament to move forward with the Commission proposal of 4 May 2016.⁸

The ongoing implementation by Kosovo of all requirements set out in the four blocks of the visa liberalisation roadmap, will be monitored, once the visa-liberalisation is adopted, through the **visa suspension mechanism monitoring** and reporting framework, through the **Stabilisation and Association process** and, if necessary, through ad hoc follow-up mechanisms. Kosovo should ensure that effective measures remain in place to prevent potential abuse of the visa-free scheme. Kosovo should continue to organise **targeted information campaigns** on the rights and obligations of visa-free travel to the Schengen area and the rules regulating access to the EU labour market.

⁸ COM (2016) 277.

The Commission will continue to actively monitor the development of the track record in the fight against organised crime and corruption as well as the continuous fulfilment of all benchmarks.



Brussels, 18.7.2018
COM(2018) 543 final

ANNEXES 1 to 4

ANNEXES

to the

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ANNEXES

Annex 1

Background on the laws on asylum, foreigners, state border control & surveillance

The Law amending and supplementing the Law no. 04/L-219 on Foreigners:

Overview in brief: this law is crucial for the proper governance of migration in Kosovo. The amendments aim at alignment with the latest EU directives on the conditions of entry, residence and employment of third country nationals, as well as alignment with the Visa Information System Regulation (VIS Regulation) on exchange of data on short-stay visas. The new law on Foreigners ensures further alignment with the EU acquis.

The Law amending and supplementing the Law No. 04/L-073 on Asylum

Overview in brief: this law is crucial for migration governance and in particular to guarantee effective asylum procedure in line with the EU acquis. The amendments aims to further align the law on asylum with the *acquis* on asylum procedures and reception conditions. The new draft Law on Asylum transposes partially the following EU acts: Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, and Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection and was also checked against the EU Directive 2011/95 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (13 December 2011). The law also incorporates lessons from past experience, such as 72 hour process short term transitory.

The Assembly also adopted amendments to the Law on State Border Control and Surveillance to further align the legal framework with the EU *acquis*, in particular Regulation 2016/399 and the Schengen Borders Code (Regulation (EU) 2016/399). The National Centre for Border Management has a joint intelligence risk and threat analysis unit in charge of collecting data and information from the Integrated Border Management (IBM) agencies (police, customs and the food and veterinary agency). The IBM 2013-2018 strategy and action plan are aligned with the 2006 EU concept on IBM. In July 2017, a revised and re-evaluated IBM action plan was approved.

Annex 2

Bilateral agreements for readmission of persons signed by the government of Kosovo with other countries

Kosovo has signed readmission agreements with the following countries:

1. Albania – signed on 03.10.2009;
2. France – signed on 02.12.2009;
3. Switzerland – signed on 03.02.2010;
4. Germany – signed on 14.04.2010;
5. Denmark – signed on 08.06.2010;
6. Austria – signed on 30.09.2010;
7. Norway – signed on 15.10.2010;
8. Slovenia – signed on 10.05.2011;
9. Benelux countries (Belgium, Netherlands, Luxembourg) – signed on 12.05.2011;
10. Czech Republic – signed on 24.06.2011;
11. Montenegro – signed on 30.06.2011;
12. Sweden – signed on 04.10.2011;
13. Finland – signed on 29.11.2011;
14. Hungary – signed on 15.05.2012;
15. Bulgaria – signed on 19.06.2012;
16. Malta – signed on 21.11.2012;
17. Estonia – signed on 17.05.2013;
18. Liechtenstein – signed on 17.06.2013;
19. Croatia – signed on 23.07.2013;
20. Italy – signed on 15.04.2014;
21. Turkey – signed on 15.12.2015;
22. The former Yugoslav Republic of Macedonia – signed on 04.12.2017.

Annex 3

Police cooperation agreements

- **79** Cooperation Agreements;
- **18** Countries (*see below*)

From which:

- **30** agreements are in the field of Police Cooperation (9 of these agreements refer to the field of witness protection too);
- **9** agreements are in Operation agreements;
- **10** agreements with EULEX; and
- **30** agreements in the field of border cooperation.

Finalised agreements pending signature:

1. Turkey
2. Estonia.

Initiated or re-initiated agreements:

1. Denmark
2. Italy
3. Belgium

Cooperation agreements signed with

1	Austria	11	Montenegro
2	Bulgaria	12	Sweden
3	United Kingdom	13	Serbia
4	France	14	Slovenia
5	Finland	15	Albania
6	Germany	16	USA
7	Hungary	17	Turkey
8	Croatia	18	Switzerland
9	Lithuania		
10	The former Yugoslav Republic of Macedonia		

Agreements with International Organizations

1. European Border and Coast Guard Agency (FRONTEX)
2. Multilateral Agreement establishing a group of experts to fight illicit trafficking of firearms in south-eastern Europe and regulation on the manner of mutual cooperation
3. OLAF
4. Terrorist Screening Center
5. CEPOL

Annex 4

Recent developments in the fight against terrorism

In May 2016 Zekerija Qazimi, an imam from Ferizaj, suspected of recruiting many young Kosovars for ISIS and inciting hatred, was found guilty and jailed for 10 years by the Basic Court.

In September 2016, the Special Prosecution of Kosovo filed an indictment against 4 Imams and Fuad Ramiqi, the leader of the first Islamic political party in Kosovo, on terror, hate speech and call for resistance charges

In November 2016 Kosovo Police arrested 18 persons suspected of terrorism, allegedly planning to conduct coordinated terrorist attacks in Kosovo, the former Yugoslav Republic of Macedonia and Albania, including an attack against the Israeli football team during an Albania-Israel match. The accused, are believed to belong to a wider Balkan terrorist network, and in addition to Kosovo citizens, persons from the former Yugoslav Republic of Macedonia and Albania were also part of this group.

In May 2017 Kosovo Police carried out a police operation in five different locations, including the Pristina, Gjilan and Ferizaj regions and arrested four persons, suspected of preparing terrorist acts or offenses against the constitutional order and security of Kosovo;

In May 2017 the Secretariat of National Security Council issued the decision on the establishment of a Committee for reviewing Literature considered to contain radical/extremist content.

In response to Women and Children returnees from Syria, at the beginning of 2018, the Ministry of Internal Affairs, together with KP's Anti-Terrorism Directorate, and Kosovo Intelligence Agency have drafted a multi-stakeholder contingency plan for the in processing and management of these women and children returnees from Syria;

At the beginning of 2018, the law on critical infrastructure was approved.

In February 2018, the Strategic Plan for Countering Violent Extremism in Prisons was adopted by Ministry of Justice. The strategy envisages establishment of a unit for the management of extremists in prison (staff trained), the establishment of the Unit for Assessment and Classification of Prisoners (staff trained) and the establishment of the Intelligence Unit in Prisons.

During March and April 2018, Secretariat of National Security Council met with 15 Mayors throughout Kosovo in the context of implementation of activities at local level of the Strategy on CVE.

In May 2018 the Basic court in Pristina sentenced 8 defendants to a total of 35 years and six months to prison in the Israeli case;

In May 2018, the Ministry of Justice, Kosovo Correctional Service and Kosovo Islamic Council signed a Memorandum of Understanding on a de-radicalisation program for prisoners

who are either charged or convicted of terrorism. Twenty imams proposed by the Islamic Community of Kosovo and cleared by the Kosovo Intelligence Agency (KIA) are expected to help radicalised Muslims who have been arrested or convicted for terrorism during their de-radicalisation process.