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COMMISSION STAFF WORKING DOCUMENT
Accompanying the document

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

**Third report on progress by Kosovo* in fulfilling the requirements of the visa
liberalisation roadmap**

{COM(2015) 906 final}

1. INTRODUCTION

The European Commission launched a visa liberalisation dialogue with Kosovo* on 19 January 2012. On 14 June 2012, it handed over to the Kosovo government a roadmap on visa liberalisation. This document identified all the legislation and other measures that Kosovo needed to adopt and implement to advance towards visa liberalisation.

The Commission adopted two reports on progress by Kosovo in the visa dialogue: the first one on 8 February 2013;¹ the second, 24 July 2014.² These reports contained an assessment of progress made by Kosovo, recommendations to the Kosovo authorities and statistical data about the expected migratory and security impacts of the visa-free regime.

This is the Commission Staff Working Document accompanying the Commission's third report,³ setting out in greater detail the Commission's assessment of Kosovo's progress in fulfilling the requirements of the visa roadmap, as well as the expected security and migratory impacts of visa liberalisation.

This CSWD draws upon reports submitted by the Kosovo government, reports drafted by EU Member States' experts participating in an assessment mission in July 2015, information received from the EU Office in Kosovo, EULEX and EU Agencies, as well as statistical data compiled by Eurostat and submitted by Member States.

The visa dialogue is conducted without prejudice to EU Member States' position on status.

2. DETAILED ASSESSMENT OF KOSOVO'S PROGRESS IN FULFILLING THE REQUIREMENTS OF THE VISA LIBERALISATION ROADMAP

REQUIREMENTS RELATED TO READMISSION AND REINTEGRATION

Readmission

Kosovo fulfils **all seven requirements** in readmission.

1) **Continue implementing the domestic legislation on readmission: FULFILLED**

Kosovo's legal framework on readmission is in place. It has implemented and continues to apply its law on readmission.

2) **Continue implementing the existing readmission agreements and, where appropriate, conclude new readmission agreements: FULFILLED**

Kosovo has concluded readmission agreements with 17 EU Member States, 3 Schengen Associated States and 2 Western Balkan countries.⁴ It signed a readmission agreement with

* 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.

¹ COM(2013) 66

² COM(2014) 488

³ COM(2015) 906

⁴ Albania, Austria, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Liechtenstein, Malta, Montenegro, Norway, Slovenia, Sweden, Switzerland plus a single agreement covering Belgium, Luxembourg and the Netherlands.

Turkey on 15 December 2015 and launched negotiations with other states.

- 3) Ensure rapid and effective procedures for the identification and return of Kosovo citizens, third-country nationals and stateless persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of one of the Member States and facilitate the transit of persons in a spirit of co-operation: FULFILLED**

The readmission of Kosovo citizens functions well, including that of vulnerable persons.⁵ Kosovo has improved the processing of requests; pending cases are no longer a concern. There is no data about the readmission of third-country nationals and stateless persons.

- 4) Ensure that readmission procedures, conducted through the appropriate channels, function in relation to all Member States: FULFILLED**

Readmission functions in relations to all Member States and Schengen Associated States that express a wish to return Kosovo citizens to Kosovo.

- 5) Strengthen the capacity of the competent authority to process readmission applications and reduce the number of pending readmission requests: FULFILLED**

The Kosovo authority in charge of readmission has the relevant capacity to accept returns from EU Member States and Schengen Associated States. Pending requests are no longer a concern.

- 6) Ensure that applications for readmission are processed in compliance with domestic data protection requirements: FULFILLED**

Cooperation between the authority in charge of readmission and the data protection agency remains satisfactory.

- 7) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on readmission: FULFILLED**

Information sharing and exchange of statistics between Kosovo, the European Commission and EULEX remains instantaneous and satisfactory.

Reintegration

Kosovo fulfils **two of the three requirements** in reintegration.

- 8) Adopt and implement measures defining the roles and responsibilities of the competent authorities in charge of reintegration, the application and decision-making procedure and beneficiaries' rights and obligations under the reintegration programme: FULFILLED**

⁵ During the extraordinary migration crisis from Kosovo between September 2014 and April 2015, 87,495 Kosovo citizens sought asylum in EU Member States and Schengen Associated States. In the first ten months of 2015, Kosovo readmitted 9,182 of its citizens.

Kosovo's regulation on reintegration has been fully implemented, and the body dealing with reintegration has the necessary resources to carry out its tasks.

9) Implement the reintegration strategy and action plan, with a particular emphasis on reporting and monitoring; the disbursement and decentralisation of the Reintegration Fund; and enhancing the access of returnees, notably those from the Roma, Ashkali and Egyptian minorities, to employment, vocational training and education: PARTIALLY FULFILLED

Kosovo continues to implement its updated strategy on reintegration.

The Kosovo budget allocated EUR 3.2 million to the Reintegration Fund in 2015, including EUR 1 million for the constructions of accommodation for returnees. 20 % of this was spent in the first half of this year. A case management system has now been established, which facilitates returnees' access to reintegration services. The cut-off date for eligibility remains July 2010, but those who left Kosovo thereafter can also benefit upon return from a host of emergency services, such as transport, shelter and medical assistance. Vulnerable individuals benefit from the whole range of services financed by this fund regardless of their date of departure from Kosovo.

In the first half of 2015, 1,542 of the 2,744 returnees registered in the case management system (56 %) received, upon return to Kosovo, immediate assistance, such as transport, shelter, food and medical assistance; 256 persons of those registered in the system (9 %) benefited from 'sustainable' reintegration services, such as jobseekers' allowance and support for business plans. Training programmes for skilled returnees and the reintegration of children into the school system, notably through linguistic training, should be further developed.

To fully comply with requirements in the area of reintegration, the Reintegration Fund should be fully disbursed, with a focus on offering assistance with employment, the establishment of small businesses, vocational training and linguistic training for children.

10) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the reintegration of returnees: FULFILLED

The sharing of information and the exchange of statistics on reintegration between Kosovo, the Commission and EULEX remains satisfactory.

BLOCK 1: DOCUMENT SECURITY

Kosovo fulfils **eight of the nine requirements** in the area of document security.

11) Issue machine-readable biometric personal travel documents in compliance with International Civil Aviation Organisation (ICAO) standards and EU standards for security features and biometrics in travel documents and endeavour to explore possible avenues of cooperation, through the appropriate channels, with the ICAO Public Key Directory: FULFILLED

The security features of personal travel documents are satisfactory. These documents comply with International Civil Aviation Organisation and EU document security standards.

12) Adopt and implement measures ensuring the integrity and security of the civil status and civil registration process, including the integration and linking of the relevant databases and the verification of scanned data against the civil status database, paying particular attention to the amendment of individuals' basic personal data: PARTIALLY FULFILLED

Kosovo continues to implement its legal framework on document security, made up of the law on travel documents, law on identity, law on personal names and law on civil status.

Kosovo's civil status registration system (CSRS) has greatly improved. Ongoing work aims at creating a single central database that merges data from existing databases while verifying the integrity and quality of the underlying data. With appropriate training, a new version of the CSRS was launched in July 2015, which requires robust verification each time a new civil status certificate is issued.

Citizens are issued a unique Personal Identification Number, linked to their biometric data, when requesting a civil status document. This method has allowed the Civil Registration Agency to verify the personal data of 1,602,453 citizens, or 86 % of the population.

The changing of names and surnames is regulated by secondary legislation adopted in May 2015 and amended in November 2015. Subject to a criminal background check and establishing that the applicant is not under criminal investigation, requests must be approved by the police and the judiciary and can only be made once every five years. Amendments adopted in November 2015 established a special committee in the Civil Registration Agency to verify requests for name changes on the basis of extracts from the CSRS. In future, this committee is expected to advise local municipalities whether to approve requests.

To fully comply with requirements in the area of document security, Kosovo should show that it has implemented its amended secondary legislation on name changes.

13) Adopt and implement measures ensuring the integrity and security of the document application, issuing and distribution process, particularly as concerns personal travel documents and ID cards, including biometric ID cards: FULFILLED

The personalisation and distribution process underlying the issuing of personal travel documents, including biometric IDs, is satisfactory.

14) Adopt and implement measures ensuring the integrity and security of breeder documents, notably civil status certificates, and ID cards, including biometric ID cards; define and implement strict procedures for their issuance: FULFILLED

The security features of breeder documents, notably civil status certificates and biometric ID cards, are satisfactory. These documents comply with International Civil Aviation Organisation and EU document security standards.

15) Provide samples and specimens of all valid personal travel documents to the competent Member State authorities and EULEX, communicating any changes introduced to such documents: FULFILLED

Such samples have been provided to Kosovo's border-crossing points and the competent Member State authorities and verified by several EU assessment missions.

16) Report to the Interpol LASP database, through the appropriate channel, on stolen or lost personal travel documents: FULFILLED

Lost and stolen passports are being recorded and passed to Kosovo's International Law Enforcement Cooperation Unit (ILECU) for onward transmission. Without membership in Interpol, Kosovo has no access to the Lost and Stolen Interpol database.

17) Strengthen the capacity of the civil registration agency to carry out its tasks: FULFILLED

The civil registration agency has been greatly strengthened since the last assessment mission in July 2014, with a set of training courses undertaken in the past two years. This agency is fully capable of performing its tasks.

In 2014, the Civil Registration Agency concluded memoranda of understanding with the Kosovo Prosecutorial Council, the Kosovo Judicial Council, the Kosovo Police, the Financial Intelligence Unit, the Tax Administration and Kosovo Customs to ensure interoperability between their respective databases. Most of these databases have now been interlinked.

18) Conduct training programmes on anti-corruption and establish an ethical code for officials involved in the civil registration, document application and distribution process: FULFILLED

Such training programmes were carried out in both 2014 and 2015, with an impact on staff's ability to carry out their duties.

19) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the number of personal travel documents and ID cards, including biometric ID cards, issued: FULFILLED

The exchange of information concerning travel documents, including samples, and changes in legislation between Kosovo, Member States authorities, the Commission and EULEX remains satisfactory.

BLOCK 2: BORDER/BOUNDARY AND MIGRATION MANAGEMENT

Border/boundary management

Kosovo fulfils **fourteen of the fifteen requirements** in the area of border/boundary management, including carriers' responsibility.

20) Align with the EU *acquis* and implement legislation on integrated border/boundary management (IBM), including new legal provisions on inter-agency cooperation between the competent authorities involved in IBM: FULFILLED

Kosovo has implemented and continues to apply its law on the control and supervision of borders. Inter-agency cooperation between the relevant authorities has greatly improved in the course of the visa dialogue and is considered satisfactory.

Kosovo's legislation is largely in line with the Schengen *acquis*, and checks are performed in line with EU standards.

21) Implement the existing bilateral border/boundary management agreements and, where appropriate, conclude new border/boundary management agreements: FULFILLED

Kosovo has concluded a set of law enforcement cooperation with key regional partners and EU Member States, many of which regulate the fight against irregular migration and migrant smuggling. Cooperation with neighbouring countries has improved.

22) Implement in a co-ordinated manner with the other party the Technical Protocol for implementation of the IBM Agreed Conclusions of the Dialogue of 2 December 2011: FULFILLED

The establishment of common IBM crossing points has been completed, under EU facilitation, on the basis of the IBM Agreed Conclusions of the Dialogue of 2 December 2011. The interim crossing points are fully functional, controlling the flow of goods and persons. Good progress has been made in the establishment of permanent crossing points.

23) Endeavour to complete, in a co-ordinated manner with the other party, the delineation of the border/boundary with Montenegro: PARTIALLY FULFILLED

Kosovo signed a border/boundary delineation agreement with Montenegro in August 2015.

To fully comply with requirements in the area of border/boundary management, Kosovo should ratify this agreement with Montenegro before visa-free status is granted to Kosovo citizens.

24) Adopt and implement a new IBM strategy and action plan: FULFILLED

Kosovo continues to apply its updated IBM strategy and action plan.

25) Improve border/boundary control (checks and surveillance) at and between all border/ boundary crossing points, notably through enhanced risk analysis and criminal intelligence, to ensure a check on persons, vehicles and goods crossing the border/boundary and effective surveillance between all border/boundary crossing points: FULFILLED

Border/boundary-crossing points are sufficiently equipped to perform first and second-line checks, with the exception of Merdare/Merdarë, where a permanent IBM crossing point is currently being established.

The relevant authorities have adequate personnel to control traffic flows and passenger movements. All relevant authorities have situational awareness of border/boundary-related crimes, although the number of detected and investigated cases of facilitated irregular migration, trafficking in human beings and drug trafficking remains low.

In line with the recommendations of the expert mission in July 2015, Kosovo authorities reintroduced in mid-November 2015 exit checks at the main border/boundary-crossing point with Albania.

26) Where appropriate, establish joint border/boundary crossing points for co-ordinated checks and surveillance on persons, vehicles and goods crossing the

border/boundary, including through stationary and mobile units and co-ordinated monitoring and patrol operations: FULFILLED

The establishment of common IBM crossing points has been completed, under EU facilitation, on the basis of the IBM Agreed Conclusions of the Dialogue of 2 December 2011. The interim crossing points are fully functional, controlling the flow of goods and persons. Good progress has been made in the establishment of permanent crossing points.

27) Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, trafficking in drugs and precursors, trafficking in weapons and crimes committed by mobile itinerant criminal gangs, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and operational information and criminal intelligence: FULFILLED

The competent authorities are sufficiently equipped to perform border surveillance; risk analysis is used to monitor high-risk areas, but detections remain low. The Food and Veterinary Agency has obtained internet access.

The exchange of operational and strategic data between the relevant law enforcement authorities, under the control of the IBM coordinator, has greatly improved.

28) Strengthen the capacity of the domestic co-ordination centre to coordinate operational cooperation between all domestic authorities involved in IBM, including border surveillance: FULFILLED

The IBM coordination centre has greatly improved its ability, in the course of the visa dialogue, to coordinate the exchange of operational and strategic information and operational cooperation between the relevant law enforcement authorities.

Kosovo's IBM centre is fully operational. It is composed of staff from all relevant authorities and is responsible for strategic and operational risk analyses at central level, information exchange and data protection. At the local level, risk analysis is carried out at border-crossing points.

29) On the basis of new legal provisions, enhance inter-agency cooperation between all competent authorities involved in IBM and strengthen their capacity to discharge their duties in an effective and impartial manner: FULFILLED

Operational cooperation between the relevant law enforcement authorities, under the control of the IBM coordinator, has greatly improved in the course of the visa dialogue.

30) In line with domestic data protection requirements, improve the access of all competent authorities involved in IBM to the existing border/boundary management system and data processed by the domestic co-ordination centre: FULFILLED

Kosovo's border management system is accessible to all the relevant law enforcement authorities and operates in a satisfactory manner.

31) Conduct training programmes on anti-corruption and the fight against organised crime and establish an ethical code for officials involved in IBM: FULFILLED

This requirement had already been completed in 2014.

32) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on border/boundary control measures, including the number of co-ordinated monitoring and patrol operations: FULFILLED

Kosovo continues to exchange statistics with Member States, the Commission and EULEX on border patrol operations.

33) Explore modalities of cooperation with FRONTEX: FULFILLED

Kosovo's cooperation with FRONTEX has considerably improved. Staff-level exchanges took place between FRONTEX and Kosovo in 2014, and FRONTEX's Management Board has also considered upgrading cooperation with Kosovo.

Carriers' responsibility

34) Adopt and implement measures defining the liability of carriers, including financial penalties, to return third-country nationals who do not meet the conditions of entry to Kosovo: FULFILLED

Carriers' responsibility is appropriately regulated by the law on the control and supervision of borders. It has been fully implemented.

Migration management

Kosovo fulfils **all ten requirements** in the area of migration management.

35) Adopt and implement legislation on legal migration in accordance with the EU *acquis*: FULFILLED

Kosovo's legislation in migration management—the law on foreigners, the law on granting work permits, the law on family, the law on higher education, the law on labour, the law on adult education and the law on administrative procedures—is in line with the EU *acquis*. This complex legal framework is being implemented.

Kosovo's visa information system (KVIS) has been deployed at 15 of Kosovo's 30 diplomatic or consular missions abroad. The remaining 15 missions not linked to KVIS are typically located in EU Member States or Schengen Associated States where at least one consular post, typically the one in the capital, has already been linked to this system. Owing to Kosovo's

limited diplomatic representation worldwide, KVIS is only available in a few American, African or Asian capitals. To make this system available to all third-country nationals who require a visa to enter Kosovo,⁶ Kosovo authorities have begun outsourcing the handling of visa applications to external service providers while retaining control over visa decisions. This process should continue.

In line with the Schengen Borders Code, visas are only issued at Kosovo's borders in exceptional circumstances.⁷

36) Adopt and implement legislation on irregular migration in accordance with the EU *acquis*: FULFILLED

The law on foreigners stipulates that foreigners may enter and stay in the territory of Kosovo if they hold a valid travel document that includes a valid visa or temporary stay permit. It also regulates the return of irregular migrants and detention prior to removal. In 2013, Kosovo effected legal amendments that defined procedures for a fair and transparent return policy, including provisions on return decisions, removal, entry bans, absconding, voluntary departure and vulnerable persons. The return procedure is now regulated; procedural safeguards have been developed.

The law on foreigners stipulates that orders to leave should be accompanied by an entry ban. The amended rules on detention define competent authorities, detention conditions, contacts with legal representatives or family members and the treatment of vulnerable persons. The principle of *non-refoulement* is included in the law on foreigners. This legal framework is being applied.

In 2014, Kosovo delivered 77 residence permits to foreigners. As the integration of foreigners is still in its infancy, Kosovo should employ in this field the experience it has obtained in running its reintegration programme.

37) Implement a migration strategy and action plan; revise these documents, if necessary, to ensure effective action; and set clear indicators to measure performance in this field: FULFILLED

Kosovo continues to apply its updated strategy and action plan on migration management.

38) Develop a migration database and provide access thereto to all authorities involved in migration management, in accordance with domestic data protection requirements: FULFILLED

Kosovo has developed such a database on migration and asylum. The various databases in law enforcement and migration are currently being interlinked.⁸

⁶ The citizens of 88 countries require a visa to enter Kosovo. Citizens of EU Member States and Schengen Associated States are exempted from the visa requirement. Third-country nationals who require a visa to enter Kosovo can do so for fifteen days if they hold a valid multiple-entry Schengen visa. These provisions also apply to persons holding travel documents for refugees and stateless persons.

⁷ Between October 2014 and October 2015, only 8 visas were issued at Kosovo's border/boundary-crossing points.

39) Establish and apply a mechanism for monitoring migration flows; define a regularly-updated migration profile for Kosovo, with data on legal and irregular migration; and establish a public authority responsible for the collection and analysis of data on migration stocks and flows: FULFILLED

Kosovo's extended migration profile is well-developed. It could be further refined by incorporating information about Kosovo's diaspora.

40) Define and apply a methodology for inland detections and improve the competent authorities' capacity to prevent, detect and investigate trafficking in human beings and the facilitation of irregular migration: FULFILLED

Kosovo's extended migration profile addresses appropriately the issues of migrant smuggling, trafficking in human beings and the facilitation of irregular migration. The maturity of this document, and efforts to implement it, reflect Kosovo's readiness to address irregular migration through and from Kosovo.

41) Establish an appropriate procedure for the effective expulsion and removal from Kosovo of illegally residing third-country nationals: FULFILLED

Kosovo operates its detention facilities—a temporary one at Pristina airport and a permanent one in Vranidoll—in line with the EU Return Directive. Returnees have appropriate procedural safeguards and access to services, as required by the Return Directive. A leaflet describing procedural safeguards for returnees should be made available at both facilities.

42) Conduct training programmes on anti-corruption and establish an ethical code for officials involved in migration policy: FULFILLED

Kosovo has conducted several training programmes for officials involved in migration management.

43) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on legal and irregular migration flows and stocks: FULFILLED

The sharing of information with Member States, the Commission and EULEX in migration management remains satisfactory. Kosovo's migration profile was developed with detailed input from EU actors and the International Organisation for Migration.

44) Explore avenues of cooperation with regional initiatives on migration, asylum and refugees: FULFILLED

Kosovo has sought to upgrade relations with the regional Migration, Asylum, Refugees Regional Initiative.

⁸ These systems include the following: the border management system (BMS), the Kosovo police information system (KPIS), the Kosovo visa information system (KVIS), the civil status registration system (CSRS) and case management system for returnees, as well as the database on asylum and migration.

Asylum

Kosovo fulfils **six of the seven requirements** in the area of asylum.

45) Align with the EU *acquis* and implement legislation on asylum: FULFILLED

Kosovo's law on asylum is in line with the EU *acquis*, after a set of amendments had been adopted in 2013 to comply with the Commission's recommendations. Kosovo has the necessary institutional structure and resources in place to offer international protection to asylum-seekers.

46) Strengthen the capacity of the competent authorities to discharge their duties, particularly as concerns reception conditions and asylum procedures: PARTIALLY FULFILLED

According to UNHCR, 62 and 98 persons sought asylum in Kosovo respectively in 2013 and 2014—four applicants received subsidiary protection in 2013; one in 2014. While the Western Balkan migration route has so far bypassed it, Kosovo should make use of its facilities to grant international protection to those who merit it.

To fully comply with requirements in the area of asylum, Kosovo should monitor the reasons for its low recognition rate for asylum-seekers.

47) Improve the existing material reception conditions, documentation and other public services available for asylum-seekers, including persons with special needs: FULFILLED

Reception conditions for asylum-seekers, including for vulnerable persons, have improved as a result of implementing since 2013 the new law on asylum.

Kosovo stepped up its cooperation with UNHCR in 2015, notably in the field of remote interpretation. It has drawn up its own list of interpreters and has concluded an agreement with UNHCR to make use of its remote interpretation resource for languages that Kosovo's pool does not cover.

48) Ensure the independence and enhance the capacity of the supervisory authority in charge of asylum: FULFILLED

The institutional structure in charge of registering asylum-seekers, providing material reception conditions and overseeing the application of Kosovo's asylum law remains satisfactory. However, as mentioned above, Kosovo monitor the reasons for its low recognition rate for asylum-seekers.

49) Conduct training programmes on anti-corruption and establish an ethical code for officials involved in asylum policy: FULFILLED

Such training programmes have been conducted since 2013, but further training programmes to familiarise Kosovo officials with the EU's Common European Asylum System would be useful.

50) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on asylum: FULFILLED

The sharing of information and statistics on asylum between Kosovo and the Member States, the Commission and EULEX remains satisfactory.

51) Explore modalities of cooperation with EASO: FULFILLED

Kosovo has sought to establish closer relations with EASO, with limited success beyond its control.

BLOCK 3: PUBLIC ORDER AND SECURITY

Preventing and combating organised crime, corruption and terrorism

Kosovo fulfils **twelve of the fifteen requirements** in the area of combating organised crime, corruption and terrorism.

52) Adopt and implement legislation on the prevention, investigation, prosecution and adjudication of organised crime and corruption, including money-laundering, economic and financial crime, asset confiscation and recovery, as well as terrorist financing, in accordance with the EU *acquis*, ensuring that amendments to this legislation are reflected in the criminal code: FULFILLED

Kosovo's new criminal code and code of criminal procedure entered into force in January 2013 and are being implemented in practice.

In June 2015, the Assembly adopted amendments to the four core laws⁹ that underpin Kosovo's criminal justice system. These amendments harmonised the criteria for appointing judges and dismissing judges and prosecutors, reinforcing their independence by granting them the power to propose their own budgets. Vacancies are currently being filled at both the Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC).¹⁰

Other central pieces of legislation in the field of combating organised crime, corruption and terrorism include the law on the special prosecution, the law on police, the law on prevention of money-laundering and terrorist financing, the law on managing sequestered and confiscated assets. These laws are being applied by the relevant institutions.

Kosovo's counter-terrorist effort remains functional. Foreign fighters remain a concern, with Kosovo authorities having collected ample information about Kosovan fighters in Syria. A March 2015 law on banning participation in armed conflicts abroad is being implemented. The government has considerably stepped up its efforts to counter violent extremism and radicalisation in Kosovo, notably by enlisting the support of Islamic leaders.

Kosovo is addressing arms trafficking, but the rate of destruction of small arms remains low. To enhance the effectiveness of its efforts against firearms trafficking, Kosovo should give

⁹ Law on courts, Law on Kosovo Judicial Council, Law on Kosovo Prosecutorial Council, Law on prosecutor

¹⁰ Of the 171 prosecutorial positions available, the KPC has filled 157 posts. A call to recruit 15 prosecutors from minorities is currently under way.

priority to implementing actions agreed in the Action Plan on illicit trafficking in firearms between the EU and the South East Europe region.

53) Adopt and implement legislation on the prevention, investigation and prosecution of trafficking in human beings, including the sexual exploitation of children, in accordance with the EU *acquis*; ensure proactive investigations and prosecutions of trafficking in human beings, including dissuasive sentences for individuals found guilty of this serious crime; enhance the effectiveness of victim identification: FULFILLED

In the context of the visa dialogue, Kosovo adopted in 2013 a law on preventing and combating trafficking in human beings and protecting victims of trafficking. It has been implemented since August 2013. Kosovo has stepped up its efforts to rehabilitate victims and prevent trafficking in human beings.

Kosovo's response to trafficking in human beings and migrant smuggling is acceptable. The police has a sufficient number of staff to investigate crimes related to trafficking in human beings and migrant smuggling. Following the extraordinary migration crisis from Kosovo in late 2014 and early 2015, Kosovo tightened control of bus companies that typically facilitated migrant smuggling. While the Western Balkan migration route has so far bypassed Kosovo, it has strengthened law enforcement cooperation with Serbia, Hungary and Austria.

54) Adopt and implement legislation on the prevention, investigation and prosecution of trafficking in drugs and precursors, in line with the EU *acquis*; ensure proactive investigations and prosecutions of this serious crime: FULFILLED

Apart from the general criminal framework described above, Kosovo's legislation in the fight against drugs and precursors includes the law on narcotic medicaments, psychotropic substances and precursors, as well as the law on medicinal products and medical devices. Both pieces of legislation are being implemented.

Kosovo has made some progress in combatting drug trafficking. It seized increasing amounts of marijuana, heroin and cocaine in 2013 and 2014. Kosovo has concluded a set of memoranda of understanding with core partners and participates, through its international law enforcement cooperation unit (ILECU), in the Europol-led "Western Balkan route" and "Joint Investigation Team Balkans" against drug trafficking. Most organised crime cases investigated by the police concern drug trafficking, even if final convictions in cases related to drug trafficking remain low.

55) Implement strategies and action plans in the fight against organised crime, corruption, trafficking in human beings, trafficking in drugs and precursors, counter-terrorism, crime prevention and trafficking in weapons; revise these documents, if necessary, to ensure effective action; and set clear indicators to measure performance in these fields: FULFILLED

Kosovo has been implementing a set of up-to-date strategies and action plans in the field of combating organised crime, corruption and terrorism, notably its security strategy, its strategy and action plan in the fight against organised crime, its strategy and action plan against terrorism, its strategy and action plan in combating money-laundering and terrorist financing, its strategy and action plan in combating trafficking in human beings, its anti-drugs strategy, its strategy on intelligence-led policing, its small arms and light weapons strategy and action plan and its crime prevention strategy and action plan.

56) Conduct proactive investigations of inexplicable wealth; establish a sound anti-money laundering system; and develop and implement a solid system of asset confiscation and management: PARTIALLY FULFILLED

Kosovo has made some progress in freezing and seizing illicitly obtained assets, but only a small fraction of such assets has been confiscated.¹¹ In the absence of a sufficient number of confiscation orders, the Agency for the Management of Sequestrated and Confiscated Assets (AMSCA) is compelled to manage indefinitely the assets seized by law enforcement. The 2013 law on extended powers for confiscation of assets should be fully utilised.

The government's 2014 strategy to prevent money laundering and terrorism financing has been implemented, but convictions for money-laundering remain low.

To fully comply with requirements in the area of combating organised crime, corruption and terrorism, Kosovo should build up a track record of investigations, final court rulings and confiscations in serious organised crime and corruption cases, notably by endowing the central coordinator for serious organised crime and corruption cases with the mandate and resources to lead multidisciplinary teams of financial investigations and to monitor the judicial follow-up of such cases.

57) Strengthen the capacity of the police and the unit responsible for financial intelligence to conduct in an effective and impartial manner complex investigations of organised crime and corruption, including money-laundering and economic and financial crime: FULFILLED

Please refer to the assessment under requirement 56.

58) Strengthen the capacity of the police to detect and investigate, prosecutors to prosecute and judges to adjudicate, in an impartial and effective manner, complex cases of organised crime, corruption, economic and financial crime and terrorism; establish a track record of investigations and final court rulings in cases concerning organised crime and corruption, including drug trafficking, trafficking in human beings and money laundering: PARTIALLY FULFILLED

Kosovo's track record in adjudicating serious organised crime and corruption cases remains weak, owing partly to capacity problems affecting the judiciary.¹² To rectify this, the chief prosecutor appointed in October 2015 the acting head of the special prosecution as the central coordinator to select and target high-profile serious organised crime and corruption cases. Kosovo should now consider endowing the central coordinator's office with the mandate and resources to lead multidisciplinary teams, made up of special prosecutors, police officers, customs and tax officials, to conduct financial investigations and monitor the judicial follow-up of high-profile organised crime and corruption cases, including asset freezing and seizure, the enforcement of confiscation orders and returning illicitly gained assets to society.

¹¹ In 2014, assets worth EUR 30 million were frozen or seized, but only EUR 128,000 was confiscated. In the first half of 2015, EUR 27,000 was confiscated of assets worth EUR 16 million under freezing order or seizure.

¹² The prosecution filed organised crime-related charges in 2 cases in 2013; 8 cases in 2014; and 3 cases in the first half of 2015. They filed charges in 314 corruption cases in 2013; 444 cases in 2014; and 128 cases in the first half of 2015. There are no data about final convictions in these cases.

In October 2015, the KJC transferred three judges to the serious crime department of the Basic Court of Pristina, bringing the total number of judges to 14. This welcome development should be extended to all serious crime departments across courts in Kosovo. Further boosting the human resources of basic courts' serious crime departments, including qualified judges and support staff with an appropriate budget, should become a priority for Kosovo.

In 2014, the KJC adopted a strategy to reduce the backlog of court cases, which seeks to enforce, by the end of 2016, the majority of rulings in administrative disputes.¹³ The KJC should now prioritise scarce resources in such a way that judges in serious crime departments, with appropriate support staff, may focus on adjudicating serious organised crime and corruption cases.

To fully comply with requirements in the area of combating organised crime, corruption and terrorism, Kosovo should transfer a sufficient number of judges, with appropriate support staff, to serious crime departments across courts in Kosovo.

59) Improve coordination, cooperation and the exchange of information and criminal intelligence between law enforcement and judicial authorities, notably the police and the prosecutorial service, to improve Kosovo's track record in investigating and prosecuting cases of organised crime and corruption, economic and financial crime and terrorism: FULFILLED

Kosovo is working to develop an integrated case management system allowing the tracking of cases from the intelligence and investigative phase, through prosecution and final convictions to asset recovery. The central coordinator's office in charge of high-profile organised crime and corruption cases should take steps to reinforce the operational and IT links between law enforcement and the prosecution. Preparatory work is under way.

Kosovo's law on interception was adopted in May 2015. It makes a clear distinction, from a legal, procedural and technical point of view, between lawful interception for the purposes of criminal justice and protecting Kosovo's security. This piece of legislation also regulates data retention. The implementation of this core piece of legislation is under way.

60) Implement the existing legislation on witness protection and strengthen the capacity of the police to establish and operate a witness protection programme: FULFILLED

Witness protection is now functional in Kosovo. The witness protection directorate of the police is sufficiently staffed, with an appropriate budget. A number of relocation agreements have been concluded with third countries.

61) Establish a reliable criminal records database, including on the basis of mutual legal assistance in criminal matters: FULFILLED

Work to establish an electronic criminal records database is under way, but data still need to be entered into the system.

¹³ Of the 102,009 cases that constituted a backlog in December 2011, Kosovo's courts managed to enforce some 25,275 old cases (or nearly 25 % of the backlog) in 2014. Most of these required the enforcement of verdicts concerning the payment of utility bills. The KJC plans to further reduce its backlog of enforcement by 2016, notably through alternative dispute resolution.

62) Ensure the effective and efficient enforcement of court decisions: FULFILLED

Please see assessment under requirement 58.

63) Establish effective mechanisms for the prevention of corruption and for the identification and follow-up of corruption risks, including risk assessments in vulnerable sectors; ensure the transparency, integrity and accountability of public administration and elected officials, the detection and removal of conflicts of interests, the verification of public officials' wealth and the transparency of political party financing: PARTIALLY FULFILLED

Public procurement remains a major source of corruption in Kosovo.

The Assembly adopted an amended law on public procurement on 14 December 2015, which among other issues created a platform for electronic procurement and sought to regularise the status of members of the Public Procurement Regulatory Commission, which manages public procurement in Kosovo, and the Public Procurement Review Body (PPRB), which reviews decisions made by the commission. These amendments are due to enter into force in January 2016. With allegations of collusion between the PPRB and the judiciary, as well as corruption allegations against the head of the PPRB, it is key that Kosovo puts in place appropriate safeguards to guarantee the operational independence of the PPRB. Strict integrity plans should be implemented to protect the independence of both bodies.

Kosovo's law on financing of political parties was put to use in the 2014 electoral campaign. The Central Electoral Commission (CEC) is now appropriately staffed. During last year's campaign, all political parties submitted to CEC their financial reports, with some receiving fines for the late submission of their reports.

To fully comply with requirements in the area of combating organised crime, corruption and terrorism, Kosovo should ensure the operational independence of the Public Procurement Review Body. Strict integrity plans should be implemented to protect the independence of this body and the Public Procurement Regulatory Commission.

64) Enhance the effectiveness of the anti-corruption agency: FULFILLED

The Anti-Corruption Agency and National Anti-Corruption Council, led by the President of Kosovo, have stepped up their cooperation. The Anti-Corruption Agency is appropriately resourced and continues to review asset declarations and monitor conflicts of interest in the public sector. The capacity of the Anti-Corruption Agency is sufficient to ensure compliance with the law on declaration of assets by senior public officials and the law on prevention of conflicts of interest in discharging public functions.

65) Conduct training programmes on anti-corruption and organised crime and establish an ethical code for public officials involved in investigating, prosecuting and adjudicating cases of organised crime and corruption: FULFILLED

Kosovo has carried out a set of training programmes on anti-corruption for public officials active in law enforcement.

66) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the investigation, prosecution and adjudication of cases of organised crime, corruption and terrorism: FULFILLED

Kosovo has continued to exchange information and statistics with Member States and the Commission on ongoing investigation of serious crime cases. The exchange of operational information with EULEX in the fight against serious crime, notably through the special prosecution, continues to be satisfactory.

Law enforcement cooperation

Kosovo fulfils **all eleven requirements** in the area of law enforcement cooperation.

67) Implement the existing agreements on law enforcement cooperation and, where appropriate, conclude new agreements: FULFILLED

Kosovo has concluded 55 memoranda of understanding on law enforcement cooperation with 16 countries and EULEX.¹⁴

68) Where appropriate, deploy law enforcement liaison officers to Member States and third countries: FULFILLED

Kosovo has despatched 7 liaison officers to core partners, such as Turkey, Germany, Austria and France.

69) Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, trafficking in drugs and precursors, trafficking in weapons and crimes committed by mobile itinerant criminal gangs, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and operational information and criminal intelligence: FULFILLED

The exchange of strategic and operational information takes place through the web of Kosovo's law enforcement memoranda of understanding and liaison officer network.

70) Establish an arrangement with EULEX for the secure, reliable and efficient exchange of strategic and operational information and criminal intelligence necessary for the prevention, detection and investigation of serious crime; implement the existing arrangement with EULEX on the exchange of customs and tax data: FULFILLED

The exchange of strategic and operational data with EULEX, notably through the special prosecution, remains satisfactory.

¹⁴ Kosovo has signed general law enforcement cooperation agreements with Albania, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Bulgaria, France, Finland, Germany, Hungary, Sweden, Slovenia, the UK, Switzerland and Turkey. Kosovo's Financial Intelligence Unit has also signed agreements with Albania, the former Yugoslav Republic of Macedonia, Hungary, Poland, Switzerland and Ghana. Customs have concluded customs cooperation agreements with Austria and Croatia.

71) Ensure that law enforcement information exchange, conducted through the appropriate channels, functions in relation to all Member States: FULFILLED

Law enforcement cooperation takes place either on a bilateral basis, facilitated by the police's International Law Enforcement Cooperation Unit (ILECU), or in connection to Europol via EULEX, or in connection to Interpol through the contact point embedded in the United Nations Interim Administration Mission in Kosovo (UNMIK). The latter two also facilitate law enforcement information exchange with Serbia.

72) Enhance operational cooperation with the law enforcement authorities of Member States and third countries, notably by conducting joint investigations and operations: FULFILLED

In 2015, Kosovo carried out joint investigations with Austria, the Czech Republic, France, Germany, Hungary, Slovakia and Switzerland.

73) Improve the intelligence-led investigative capacity of law enforcement authorities to investigate serious cross-border/boundary crime: FULFILLED

Kosovo considerably strengthened intelligence-led policing in 2015, which should be sustained. The Kosovo police has access to a range of databases necessary for its work and exchanges information with regional and EU partners as set out above.

74) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on law enforcement information exchange, joint investigations and joint operations: FULFILLED

Kosovo continues to share statistics with Member States, the Commission and EULEX on law enforcement cooperation and joint investigations.

75) Explore modalities of cooperation with EUROPOL: FULFILLED

Relations with Europol through EULEX have considerably improved, and so has cooperation with Interpol through the contact point in UNMIK. In August 2015, Kosovo submitted its application to join Interpol.

The Kosovo police has access to seminars organised by the European Police College (CEPOL).

76) Explore avenues of cooperation with EMCDDA: FULFILLED

The EMCDDA has been implementing a technical coordination project with Kosovo since 2009.

77) Explore avenues of cooperation with regional initiatives on law enforcement cooperation: FULFILLED

Kosovo has reached out to regional law enforcement bodies, such as SELEC, but closer cooperation remains unlikely for the time being.

Judicial cooperation in criminal matters

Kosovo fulfils **all seven requirements** in the area of judicial cooperation in criminal matters.

78) Implement the existing legislation on international legal cooperation in criminal matters: FULFILLED

Judicial cooperation in criminal matters is guided, on the Kosovo side, by Kosovo's law on international legal cooperation. This law remains the bedrock of Kosovo's legal cooperation framework.

The appropriate authority is sufficiently staffed to handle incoming and outgoing requests for mutual legal assistance.

79) Implement the existing agreements on judicial co-operation in criminal matters and, where appropriate, conclude new agreements: FULFILLED

Kosovo has concluded mutual legal assistance agreements with Belgium, Croatia, the former Yugoslav Republic of Macedonia, Germany, Italy, Switzerland and Turkey. Negotiations are under way with Montenegro, Slovenia and the United States. Cooperation with Serbia, through the European Union Special Representative (EUSR), has considerably improved.

80) Adopt and implement measures aiming to improve the effectiveness, efficiency and impartiality of judicial co-operation in criminal matters with Member States and third countries: FULFILLED

See assessment under requirement 79.

81) Implement the technical arrangement with EULEX on mutual legal assistance: FULFILLED

This has been fully implemented.

82) Ensure that judicial cooperation in criminal matters, conducted through the appropriate channels, functions in relation to all Member States: FULFILLED

Judicial cooperation in criminal matters functions with EU Member States either through bilateral arrangements or the EUSR.

83) Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on cases of judicial cooperation in criminal matters: FULFILLED

Kosovo continues to exchange statistics on mutual legal assistance requests with Member States, the Commission and EULEX.

84) Explore modalities of cooperation with EUROJUST: FULFILLED

Kosovo has explored modalities of cooperation with Eurojust.

Data protection

Kosovo fulfils **all three requirements** in the area of data protection.

85) Align with the EU *acquis* and implement legislation on the protection of personal data: FULFILLED

The law on protection of personal data is in line with the EU *acquis*, although upcoming amendments to the EU's data protection framework should be integrated into Kosovo's legal structure. The data protection agency has adopted secondary legislation on data security.

86) Ensure the independence and strengthen the capacity of the data protection authority: FULFILLED

The data protection agency is now systematically consulted on draft laws submitted to the Assembly—a power it has used to influence the content of several pieces of draft legislation.

87) Conduct training programmes on anti-corruption and establish an ethical code for officials of the data protection authority: FULFILLED

The agency has held a number of awareness-raising events, and data protection officers have now been appointed at the local level. The agency's budget should be maintained.

BLOCK 4: FUNDAMENTAL RIGHTS RELATED TO THE FREEDOM OF MOVEMENT

Kosovo fulfils **seven of the eight requirements** in the area of fundamental rights related to the freedom of movement.

Freedom of movement

88) Ensure that the freedom of movement of Kosovo citizens is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, belonging to a minority, property, birth, disability, age or sexual orientation: PARTIALLY FULFILLED

The fundamental rights framework remains sound and has been strengthened with the adoption in May 2015 of the law on protection from discrimination, the law on gender equality and the law on the ombudsperson. The laws were adopted as one legislative package (Human Rights Law Package) and entered into force in June 2015.

Implementation of the ombudsperson law in particular needs to increase the capacity and resources of the institution to deal with its broadened mandate. As the country's main equal treatment body and national preventive mechanism, it needs more staff, appropriate premises and the appropriate budget to fulfil its new role. Initial measures taken by the government go against the spirit of the new law. The government should provide appropriate premises for and ensure the full budgetary independence of the ombudsperson.

The regional ombudspersons' offices ensure that citizens have access to information on its mandate and tasks.

To fully comply with requirements in the area of fundamental rights related to the freedom of movement, Kosovo should provide appropriate premises for and ensure the full budgetary independence of the ombudsperson.

Conditions and procedures for issuing identity documents

- 89) Ensure that all Kosovo citizens, including women, children, people with disabilities, persons belonging to minorities and other vulnerable individuals, have full and effective access to personal travel and identity documents, including civil registration: FULFILLED**

The civil registration of all Kosovo citizens, including women, children, persons with disabilities and persons belonging to minorities, has greatly improved in the course of the visa dialogue and is now satisfactory.

- 90) Ensure full and effective access to personal travel and identity documents for internally displaced persons, refugees and returnees: FULFILLED**

The civil registration of refugees and returnees is fully satisfactory.

Human rights and respect for and protection of minorities

- 91) Ensure that all domestic provisions on human rights and the protection of minorities are fully respected: FULFILLED**

The human rights package entered into force in June 2015. Please see under requirement 89.

- 92) Adopt and implement legislation that provides effective protection against discrimination: FULFILLED**

The law on protection from discrimination includes provisions to prevent and combat discrimination, to promote effective equality and to put into effect the principle of equal treatment of all persons before the law. The law on gender equality enshrined full respect for women's rights in accordance with international standards. The new ombudsperson law improved legislation on the ombudsperson institution, extending its mandate and boosting provisions for its independence and impartiality. Implementation of these laws will require the adoption of eight bylaws by end of 2015.

- 93) Ensure that the relevant legislation defining the conditions and circumstances of acquiring Kosovo citizenship is adequately implemented: FULFILLED**

The acquisition of Kosovo citizenship is appropriately regulated by the amended law on citizenship adopted in 2013.

- 94) Ensure that ethnically-motivated incidents carried out in the area of free movement, including those targeting persons belonging to minorities, are fully investigated: FULFILLED**

A strict application of Article 147 of the criminal code would not cover all ethnically motivated incidents, as this article does not cover intentions behind a crime. The exclusive use of this article would mean that the registration of incidents may not take account of their potential ethnic motivation. This gap could be addressed by employing Article 74.2.12 of the criminal code, which takes account of whether a crime is ethnically motivated.

In 2014, Kosovo Police recorded 19 potentially ethnically-motivated cases. In the last quarter of 2014, 26 potentially ethnically-motivated cases were reported. A tracking mechanism has

been operational since 2014. However, the number of potentially ethnically motivated crimes remains unclear, as statistics are not collected in a harmonised way by the Kosovo police.

95) Adopt and implement measures that enhance the effective integration of persons belonging to the Kosovo Serb, Roma, Ashkali, Egyptian, Bosniak, Turkish and Gorani minorities: FULFILLED

The government has also continued implementing the strategy and action plan for integration of Roma, Ashkali and Egyptian communities. Further funding was allocated and spent at local level, to benefit different undertakings targeting the Roma, Ashkali and Egyptian minorities.

There are now regulations in place that make it possible to avoid overlaps between the mandates of municipal community safety councils and municipal assemblies. A manual for the councils was published in January 2015.

3. ASSESSMENT OF SECURITY AND MIGRATORY IMPACTS OF VISA LIBERALISATION

3.1. Security: Current situation and potential impact of visa liberalisation with Kosovo

Kosovo continues to face challenges in effectively preventing and combating organised crime and corruption. Criminal networks operating in Kosovo continue to pose a considerable threat to the internal security of the European Union.

3.1.1. Current situation

Geographical reach

Albanian-speaking organised crime groups are already present and engaged in criminal activities in 19 Member States and Schengen Associated States. Such groups can be composed of citizens not only of Kosovo, but also of Albania, the former Yugoslav Republic of Macedonia and Serbia. Some also hold EU citizenship. They often have interests in their region of origin and maintain contacts with diaspora communities.

Some members of these groups return to Kosovo to evade prosecution abroad, while others have been known to run operations in the EU from Kosovo.

Criminal sectors

These groups are active in a considerable range of crime areas, and there are indications that they pose a considerable threat in the following sectors:

- **Drug trafficking**, such as the production and trafficking of cannabis and trafficking of heroin and cocaine;
- Some groups may have become active in **facilitating the irregular migration of Kosovo citizens** and, to a lesser extent, third-country nationals to the EU;
- **Corruption, money-laundering** and fraud, including excise and benefit fraud;
- **Trafficking in human beings**, notably for sexual exploitation;

- The illicit **trafficking of small arms** and light weapons.

Counterfeit commodity smuggling undertaken by some of these groups remains a problem affecting the Western Balkans rather than the EU.

Drug trafficking

In the heroin and cocaine trade affecting the EU, the Western Balkan route, including Kosovo, continues to play an important role. Kosovo is still used as a storage location and distribution centre for trafficked heroin.

Despite a significant law enforcement effort in 2014-2015 to eradicate cannabis plantations, production continues in Kosovo on a smaller scale. Cannabis is produced for the regional market, and large seizures in 2014 indicate that most of the cannabis is trafficked from Albania through Kosovo to EU Member States.

Cannabis grown in Albania and Kosovo is distributed in some EU Member States and Schengen Associated States. Some competition in the cannabis trade with organised crime groups active in the EU has also been detected.

Kosovo is less exposed to the trafficking of synthetic drugs, although precursors have been detected in lorries.

Most of these groups also engage in serious crimes other than drug trafficking.

Facilitating irregular migration

Some criminal groups involved in facilitating irregular migration have focused on Kosovo citizens in particular. Some facilitators are members of the diaspora community; others are former migrants themselves.

These groups often employ EU nationals as drivers or local smugglers and cooperate with document forgers who facilitate their services. In the past, private cars were most often used; but the extraordinary migration crisis from Kosovo between September 2014 and March 2015 showed an increasing reliance on bus companies. Corrupt border officials have been known to be bribed to facilitate passenger movement.

False residence permits in some EU Member States and Schengen Associate States have been used to regularise migrants' stay in the Schengen area. Some travel agencies have offered fraudulent document packages to Kosovo citizens seeking to apply for Schengen visas. Another method of document fraud involves applications for Serbian biometric passports, in circumvention of the residence requirement that is necessary in Serbia to qualify for such travel documents. Bribery is sometimes used to facilitate this process.

Counterfeit documents have often been used by these groups to facilitate irregular migration.

Corruption, money-laundering and fraud

Kosovo has a legislative and institutional framework against corruption in place. However, implementation remains a challenge. Transparency International's 2014 Corruption Perceptions Index¹⁵ ranked Kosovo 110th of 174 countries surveyed globally, level with Albania. Kosovo (and Albania) had the worst ranking in the Western Balkans for a second consecutive year.

Despite recent progress in modernising the legislative framework and the enforcement of a centralised public procurement system, public procurement remains a major source of corruption in Kosovo.

The trafficking of counterfeit medicine and cigarettes remains a moderate problem in Kosovo. Fuel smuggling, particularly in the north of Kosovo, remains a problem.

The illicit proceeds of serious crime are increasingly invested in legitimate businesses in EU Member States and Schengen Associated States. The most common form of money-laundering include investing in real estate, use of tax havens and investing in businesses, such as restaurants, bars, casinos, travel companies and construction companies in the Western Balkans and some EU Member States.

Trafficking in human beings

Kosovo continues to be affected by trafficking in human beings. Earlier, citizens of other countries were trafficked to Kosovo for sexual exploitation; today, Kosovo citizens are increasingly becoming the victims of this serious crime.

Workers from Kosovo have also been trafficked to EU Member States for labour exploitation, using fraudulent documents.

Trafficking of small arms and light weapons

Reactivated small weapons are sometimes converted in Kosovo before being trafficked to the EU. Nevertheless, weapon tracing and law enforcement controls of arms have improved in Kosovo.

Criminal methods

Some groups have also been known to set up legal businesses, such as shops, restaurants, casinos and workshops, across the Western Balkan to facilitate their criminal enterprises.

Corruption and bribery of public officials both in the Western Balkans and sometimes also in the EU are used when necessary to facilitate criminal enterprises.

Some of these groups have also established criminal partnerships in the Western Balkans and Member States. In the EU, such partnerships have been observed with Italian organised crime groups and Nigerian and Moroccan groups active in Member States. In the Western

¹⁵ <https://www.transparency.org/cpi2014/results>

Balkans, Kosovo-based groups have set up partnerships with Turkish, Romanian and Bulgarian organised crime groups.

Violence is sometimes used to maintain discipline; several members possess firearms.

Many of these groups are financially well off and are capable of laundering the proceeds of crime in other sectors or legitimate businesses. Poorer groups have sometimes resorted to extortion and loan sharking to boost profits.

3.1.2. Potential impact of visa liberalisation with Kosovo

Albanian-speaking organised crime groups are already able to manage movements between the EU and Kosovo and are often connected to organised crime groups in their diaspora. It is therefore uncertain whether visa liberalisation would have a strong impact on the scope of operations and *modi operandi* of many Albanian-speaking organised-crime groups.

3.1.3. Recommendations

To address these threats and fully comply with the visa liberalisation roadmap's requirements in the area of combating organised crime and corruption, Kosovo should do the following:

- Transfer a sufficient number of judges, with appropriate support staff, to serious crime departments across courts in Kosovo;
- Build up a track record of investigations, final court rulings and confiscations in serious organised crime and corruption cases, notably by endowing the central coordinator for serious organised crime and corruption cases with the mandate and resources to lead multidisciplinary teams of financial investigations and to monitor the judicial follow-up of such cases;
- Ensure the operational independence of the Public Procurement Review Body. Strict integrity plans should be implemented to protect the independence of this body and the Public Procurement Regulatory Commission.

3.2. Migration: current situation and potential impact of visa liberalisation with Kosovo

3.2.1. Current situation

Irregular migration numbers from Kosovo to the EU have fluctuated over the past years and have varied across Member States. While late 2014 and early 2015 saw an unprecedented rise in irregular migration and a corresponding increase in asylum applications from Kosovo citizens to the EU, these numbers have declined since May 2015.

Extraordinary migration crisis from Kosovo, September 2014-April 2015

Kosovo witnessed an **extraordinary migration crisis** between September 2014 and March 2015, involving the large-scale movement of its citizens, via Serbia and Hungary, mainly to Germany and Austria. According to Eurostat, 87,495 Kosovo citizens sought asylum in the EU and Schengen Associated States between September 2014 and April 2015.

The July 2011 agreement on freedom of movement between Belgrade and Pristina enabled, as of December 2011, the crossing of the Kosovo-Serbia border/boundary with an ID and entry/exit form. Since November 2014, new Serbian border-crossing points have also been opened along Serbia's borders with its neighbours that facilitated movements.

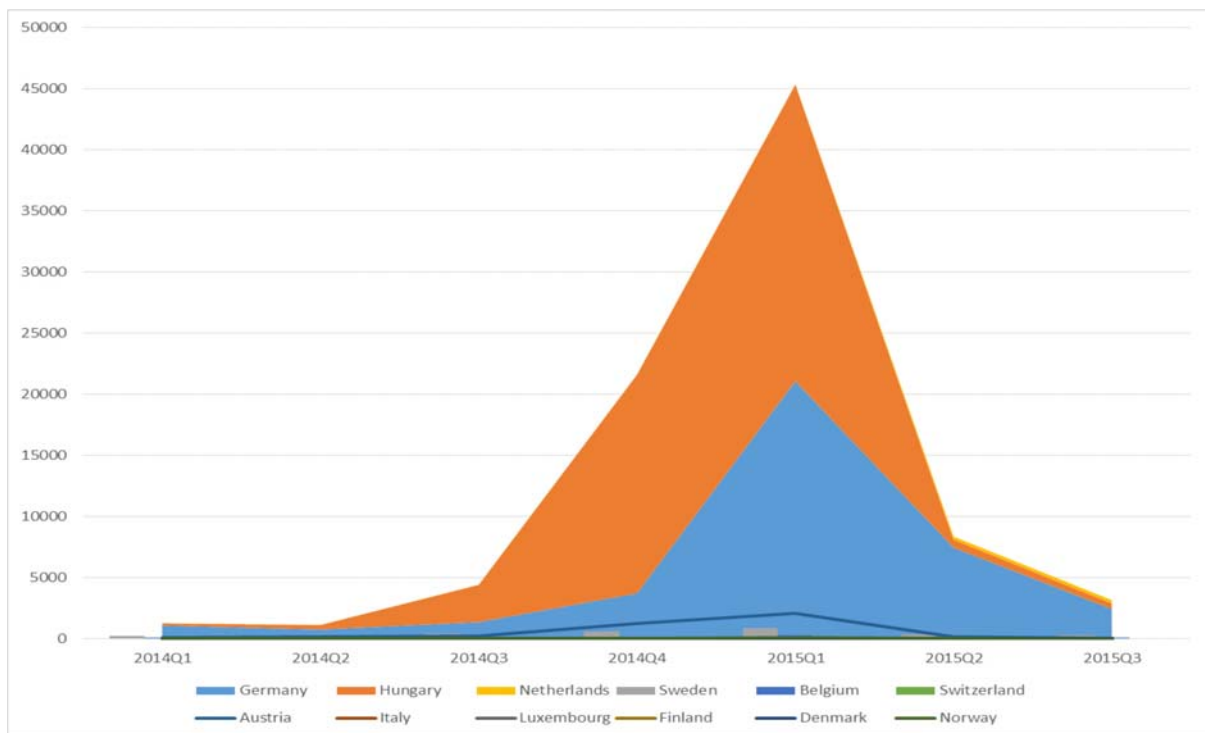
Decisions by German administrative courts to halt Dublin transfers to Hungary, as of mid-2014, may have acted as a pull factor. France's decision in October 2014 to take Kosovo off its safe country of origin list may also have acted as another pull factor. Kosovo has a large diaspora community mainly in Germany, Switzerland and Sweden, which makes it relatively easy for migrants to find a support network in the destination countries.

This migration crisis typically involved young ethnic Albanian men, some travelling with their families. In the past, members of minority community were more likely to migrate.

The migrants' travel from Kosovo to Serbia was facilitated by bus companies. These companies used the local media to advertise their services. When these buses crossed the border/boundary-crossing point with Serbia, border guards would check travellers' identity, but not other conditions of the Schengen Borders Code. FRONTEX estimated that Kosovo border guards dissuaded more than 5,000 travellers from entering Serbia in 2014.

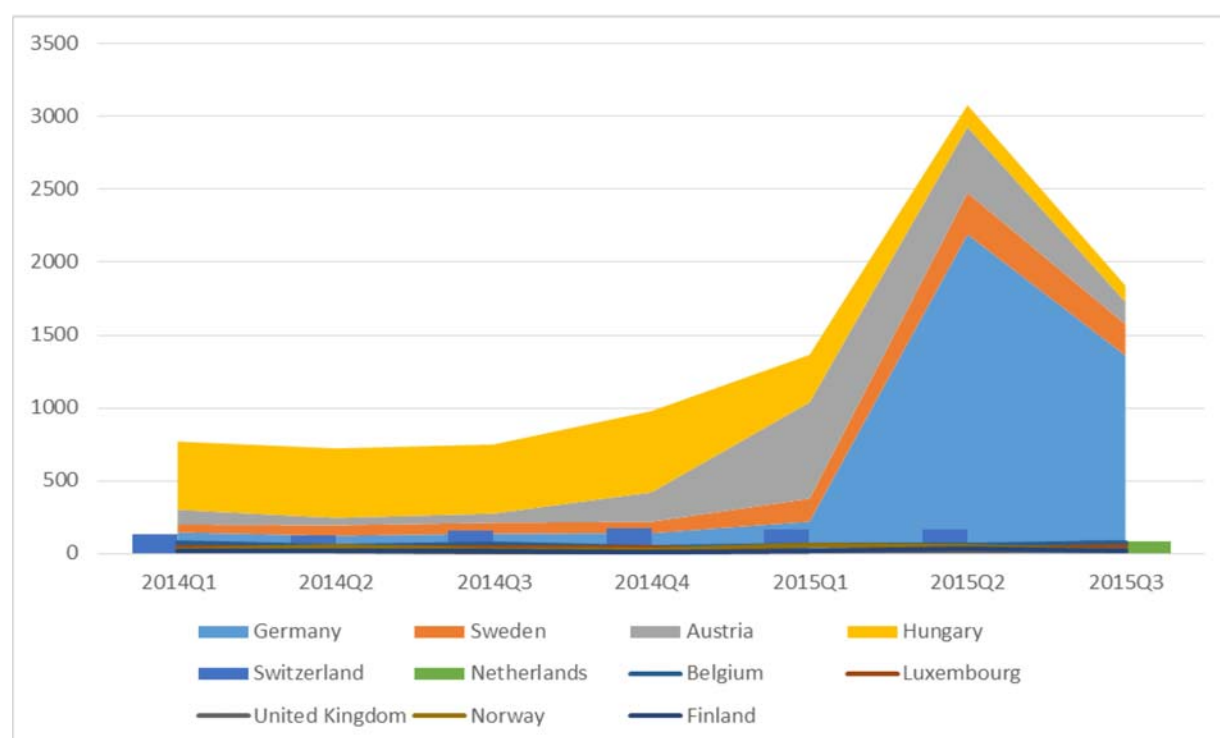
Kosovo citizens then made their way from Belgrade to Subotica and typically crossed the Serbian-Hungarian green border. Having irregularly crossed into the Schengen area, migrants would most often be apprehended by Hungarian police and submit an asylum application. The average Kosovo citizen stayed in Hungary for 2-5 days before absconding, continuing their journeys to Germany, Austria and other Member States.

Figure 3.2.1. Asylum applications lodged by Kosovo citizens in EU Member States and Schengen Associated States, 2014-2015



Source: FRONTEX Risk Analysis Network data, 2015

Figure 3.2.2. Effective returns to Kosovo from Member States & Schengen Associated States



Source: FRONTEX Risk Analysis Network data, 2015

Kosovo's steps to contain the extraordinary migration crisis, February-April 2015

Under EU facilitation and in close cooperation with Serbia, Kosovo took a number of immediate operational steps that contributed to reducing migration flows as of March 2015. Since May 2015, the number of asylum applications have continuously decreased from 2,850 applications in May to 1,155 in September 2015.

Among others, Kosovo took the following steps to reduce the migration flows:

- 1) **Organised a targeted information campaign**, including at its border/ boundary-crossing points with Serbia. This included the distribution of leaflets in the official languages of Kosovo and senior politicians, including the President, informing citizens in the public media of the consequences of irregular entry to the Schengen area, overstay in the Schengen area and receiving a five-year Schengen entry ban;
- 2) **Enhanced border controls**, including first and second-line checks and surveillance, along its border/boundary-crossing points with Serbia, by thoroughly checking ID cards, the administrative licences of buses and explaining the conditions of entry to the Schengen area. Kosovo was reminded that its practice of “dissuading” citizens from leaving Kosovo must be in line with travellers’ fundamental rights;
- 3) **Stepped up investigations of travel companies** facilitating transfers to Serbia, with a focus on newly established companies. This included revoking the licences of bus companies that did not meet the conditions of transport and domestic legislation;

- 4) **Ensured the reception of returnees** to Kosovo from all EU Member States, finding practical arrangements for their identification, registering them in the reintegration database, providing comprehensive information on the benefits they might be eligible for and ensuring their transfer from the border to home municipalities;
- 5) **Took steps to enhance information exchange**, via EULEX, with Europol on the criminal aspects of irregular migration, with FRONTEX on migration-related risk analysis and with EASO on asylum trends.

3.2.2. Potential impact of visa liberalisation with Kosovo

As of May 2015, the Kosovo authorities introduced several mitigating measures that have contributed to reducing irregular migration flows and informing Kosovo citizens about their rights and obligations to enter the Schengen area.

The measures taken by the Kosovo authorities to prevent a new migration crisis should remain in place.

3.2.3. Recommendations

To prevent a similar migration crisis in the future, Kosovo is encouraged to deploy the above instruments should the need arise. Kosovo should continue to organise targeted information campaigns aiming to clarify the rights and obligations of visa-free travel to the Schengen area and the rules regulating access to the EU labour market.

Kosovo is also encouraged to consider the following recommendation contained in the third Commission report to mitigate the potential migratory impact on the EU of a visa-free regime:

- To fully comply with requirements in the area of reintegration, the Reintegration Fund should be fully disbursed, with a focus on offering assistance with employment, the establishment of small businesses, vocational training and linguistic training for children.

3.3. Migratory performance indicators

The Commission has continued to monitor the five performance indicators set out in the visa roadmap.¹⁶ **A substantial decrease in these performance indicators**, over the course of the visa dialogue, will be used as an indicative reference in the Commission's assessments of the expected migratory impact of the liberalisation of the visa regime with Kosovo.

Last year, the following trends could be observed:

- the visa refusal rate for Kosovo citizens, calculated as an average for 13 EU Member States and Schengen Associated States, **rose by 1%** from 20.1% to 21.1% between 2013 and 2014 (see Figure 2.1);

¹⁶ They are as follows: the visa refusal rate for applicants from Kosovo; the rate of refused entry into the Schengen area for Kosovo citizens; the number of Kosovo citizens found to be illegally staying in the territory of one of the Member States; the total number of asylum applications from Kosovo citizens; and the number of rejected readmission application submitted by a Member State to Kosovo for Kosovo citizens.

- the number of Kosovo citizens refused entry at Schengen external borders **fell by 11%** from 1,465 to 1,315 between 2013 and 2014. With 560 refusals of entry, Croatia remains the most affected (see Figure 2.2);
- the number of Kosovo citizens found to be illegally staying in EU Member States or Schengen Associated States **rose by 38%** from 9,785 to 13,545 between 2013 and 2014. With 4,110 detections of illegal stay, Germany remains the most affected Member State (see Figure 2.3);
- the number of asylum applications lodged by Kosovo citizens in EU Member States or Schengen Associates States **rose by 82%** from 21,175 to 38,450 between 2013 and 2014. As a result of the extraordinary migration flows from Kosovo in late 2014 and early 2015, the total number of asylum applications lodged by Kosovo citizens **increased to 67,975** in the first nine months of 2015. The majority of these applications were lodged from January to April 2015 (57,460), whereas from May to September 2015 the numbers decreased (10,355). With 34,195 applications in the first three quarters of 2015, Germany remains the most affected Member State (see Figure 2.4). The recognition rate at first instance increased from 4.5% to 7.3% between 2013 and 2014 (see Figure 2.5). However, it notably decreased to 1.9% in the first half of 2015 to 2.0% in the first three quarters of 2015. This rate could fall further in the future should the co-legislators adopt the Commission's proposal to place Kosovo on an EU common list of safe countries of origin;¹⁷
- The number of rejected readmission applications by Kosovo **fell by 49%** from 404 to 208 and fell further to 188 in the first 10 months of 2015. In 2015, Kosovo rejected just 188 of 10,144 of readmission requests—or less than 2%—submitted by EU Member States and Schengen Associated States, indicating that readmission works in practice.

Conclusion

An overview of the migratory performance indicators that the Commission uses to monitor the potential migratory impact of visa liberalisation suggests the following:

- **The number of refusals of entry and the number of rejected readmission applications fell in the reporting period, as required by the visa liberalisation roadmap;**
- **The number of asylum applications, however, rose substantially as a result of the extraordinary migration crisis in late 2014-early 2015;**
- **The number of Kosovo citizens found to be illegally staying in the Schengen area and the visa refusal rate also increased in the reporting period.**

¹⁷ COM(2015)0452

These performance indicators are adversely affected by the unprecedented spike in irregular migration from late 2014 to April 2015. Since then, a number of measures have been taken by the Kosovo authorities to prevent a new migration crisis.

The data and information available give prospective main trends in the migration and security areas, showing that the EU remains an attractive destination for migrants from Kosovo with potential migratory and also security challenges to be monitored.

2. STATISTICS

Figure 2.1. Applications for short-term Schengen visas in Prishtinë/Prishtina, Kosovo, 2012-2014

Year	Visa category	Belgium/Netherlands/ Luxembourg	Germany	Greece	Finland	Hungary	Slovenia	Switzerland/Austria/ France/Liechtenstein	Norway	Total
2014	Total A, C visa applications	2.967	28.924	6.937	1.360	2.468	3.734	22.531	1.549	70.470
	Total A, C visas delivered	1.943	23.531	5.995	1.181	1.788	2.798	16.709	1.419	55.364
	Total A, C visas refused	868	5.393	942	172	641	936	5.822	130	14.904
	Refusal rate for A, C visas	29,3%	18,6%	13,6%	12,6%	26,0%	25,1%	25,8%	8,4%	21,1%
2013	Total A, C visa applications	2.823	26.071	4.556	1.314	2.819	4.415	23.917	1.496	67.411
	Total A, C visas delivered	1.915	21.849	4.275	1.144	2.067	3.281	17.993	1.279	53.803
	Total A, C visas refused	869	4.222	281	170	753	1.134	5.924	217	13.570
	Refusal rate for A, C visas	30,8%	16,2%	6,2%	12,9%	26,7%	25,7%	24,8%	14,5%	20,1%
2012	Total A, C visa applications	2.774	25.733	485	1.282	2.289	4.631	22.131	759	60.084
	Total A, C visas delivered	1.829	16.600	441	989	1.618	3.295	17.553	532	42.857
	Total A, C visas refused	926	5.404	44	293	671	1.336	4.578	227	13.479
	Refusal rate for A, C visas	33,4%	21,0%	9,1%	22,9%	29,3%	28,8%	20,7%	29,9%	22,4%

Source: EU Office, Local Schengen Cooperation group data (These figures could not be verified by the Commission)

Figure 2.2. Kosovo citizens refused entry at Schengen external borders, 2012-2014

Member State/Schengen Associated State	2012	2013	2014
Belgium	35	25	15
Bulgaria	65	60	160
Czech Republic	0	0	0
Denmark	0	0	0
Germany	85	90	55
Estonia	0	0	0
Ireland	5	10	5
Greece	40	15	40
Spain	0	0	0
France	235	110	65
Croatia	0	720	560
Italy	30	50	35
Cyprus	0	0	0
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Hungary	80	140	150
Malta	0	0	0
Netherlands	0	0	0
Austria	10	5	5
Poland	0	0	0
Portugal	0	0	0
Romania	0	0	5
Slovenia	0	150	115
Slovakia	0	0	0
Finland	0	0	0
Sweden	0	0	5
United Kingdom	40	40	55
Iceland	0	0	0
Liechtenstein	0	5	0
Norway	0	0	0
Switzerland	45	45	45
Total (EU + SAC)	670	1.465	1.315

Source: Eurostat, DG HOME calculations

Figure 2.3. Kosovo citizens found to be illegally present in EU Member States and Schengen Associated States, 2012-2014

Member State/Schengen Associated State	2012	2013	2014
Belgium	250	290	295
Bulgaria	5	5	5
Czech Republic	15	45	185
Denmark	10	0	10
Germany	2.645	3.070	4.110
Estonia	0	0	0
Ireland	25	5	0
Greece	95	60	35
Spain	0	0	0
France	610	845	1.270
Croatia	0	275	230
Italy	180	180	130
Cyprus	0	0	0
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	20	25	35
Hungary	190	965	2.075
Malta	0	0	0
Netherlands	0	0	0
Austria	495	1.175	1.780
Poland	10	10	5
Portugal	0	0	0
Romania	0	0	0
Slovenia	0	100	100
Slovakia	5	15	75
Finland	50	40	40
Sweden	525	725	1.370
United Kingdom	70	100	90
Iceland	0	0	0
Liechtenstein	0	0	0
Norway	45	65	90
Switzerland	1.280	1.790	1.615
Total (EU + SAC)	6.525	9.785	13.545

Source: Eurostat, DG HOME calculations

2.4. Asylum applications lodged by Kosovo citizens in EU Member States and Schengen Associated States, 2012-2015

Member State/Schengen Associated State	2012	2013	2014	2015 first 3Q
Belgium	1.740	1.270	840	655
Bulgaria	0	0	0	0
Czech Republic	10	10	15	5
Denmark	130	80	80	75
Germany	2.535	4.425	8.920	34.195
Estonia	0	0	0	0
Ireland	5	5	5	10
Greece	0	0	0	0
Spain	0	0	0	0
France	3.715	5.550	2.770	3.230
Croatia	0	5	5	0
Italy	100	100	105	180
Cyprus	0	0	0	0
Latvia	0	0	0	0
Lithuania	0	0	0	0
Luxembourg	210	160	140	180
Hungary	225	6.210	21.455	24.215
Malta	0	0	0	0
Netherlands	40	50	60	495
Austria	310	935	1.905	2.355
Poland	0	0	0	0
Portugal	0	0	0	5
Romania	0	0	0	0
Slovenia	20	35	20	10
Slovakia	0	0	0	0
Finland	80	70	65	130
Sweden	1.045	1.270	1.480	1.590
United Kingdom	40	40	30	15
Iceland	0	0	0	0
Liechtenstein	0	5	5	5
Norway	130	255	145	160
Switzerland	585	700	405	465
Total (EU + SAC)	10.920	21.175	38.450	67.975

Source: Eurostat, DG HOME calculations

2.5. Recognition rate at first instance of asylum applications lodged by Kosovo citizens in Member States and Schengen Associated States

Total Decisions	Positive Decisions				Recognition rate						
	2012	2013	2014	2014	2012	2013	2014	2014			
Belgium	1.240	535	550	55	95	30	55	Belgium	7,7%	5,6%	10,0%
Bulgaria	0	0	0	0	0	0	0	Bulgaria	0,0%	0,0%	0,0%
Czech Republic	10	15	10	0	0	0	0	Czech Republic	0,0%	0,0%	0,0%
Denmark	135	80	100	15	10	0	15	Denmark	7,4%	0,0%	15,0%
Germany	2.655	2.860	2.320	40	55	35	40	Germany	2,1%	1,2%	1,7%
Estonia	0	0	5	5	0	0	5	Estonia	0,0%	0,0%	100,0%
Ireland	5	0	5	0	0	0	0	Ireland	0,0%	0,0%	0,0%
Greece	0	5	0	0	0	0	0	Greece	0,0%	0,0%	0,0%
Spain	0	0	0	0	0	0	0	Spain	0,0%	0,0%	0,0%
France	2.500	4.415	5.510	530	210	205	530	France	8,4%	4,6%	9,6%
Croatia	0	0	5	0	0	0	0	Croatia	0,0%	0,0%	0,0%
Italy	85	110	110	55	45	60	55	Italy	52,9%	54,5%	50,0%
Cyprus	0	0	0	0	0	0	0	Cyprus	0,0%	0,0%	0,0%
Latvia	0	0	0	0	0	0	0	Latvia	0,0%	0,0%	0,0%
Lithuania	0	0	0	0	0	0	0	Lithuania	0,0%	0,0%	0,0%
Luxembourg	175	230	100	5	0	5	5	Luxembourg	0,0%	2,2%	5,0%
Hungary	45	1.010	3.575	10	5	0	10	Hungary	11,1%	0,0%	0,3%
Malta	0	0	0	0	0	0	0	Malta	0,0%	0,0%	0,0%
Netherlands	25	45	40	0	0	0	0	Netherlands	0,0%	0,0%	0,0%
Austria	265	775	:	30	35	30	:	Austria	13,2%	3,9%	0,0%
Poland	0	0	0	0	0	0	0	Poland	0,0%	0,0%	0,0%
Portugal	0	0	0	0	0	0	0	Portugal	0,0%	0,0%	0,0%
Romania	0	0	0	0	0	0	0	Romania	0,0%	0,0%	0,0%
Slovenia	20	15	5	0	0	0	0	Slovenia	0,0%	0,0%	0,0%
Slovakia	0	0	0	0	0	0	0	Slovakia	0,0%	0,0%	0,0%
Finland	75	85	105	45	10	35	45	Finland	13,3%	41,2%	42,9%
Sweden	725	1.050	655	65	40	30	65	Sweden	5,5%	2,9%	9,9%
United Kingdom	15	20	55	5	5	5	5	United Kingdom	33,3%	25,0%	9,1%
Iceland	0	0	0	0	0	0	0	Iceland	0,0%	0,0%	0,0%
Liechtenstein	0	5	0	0	0	0	0	Liechtenstein	0,0%	0,0%	0,0%
Norway	125	220	100	0	5	10	0	Norway	4,0%	4,5%	0,0%
Switzerland	355	435	405	165	50	85	165	Switzerland	14,1%	19,5%	40,7%
Total (EU + SAC)	8.455	11.905	13.655	995	565	530	995	Total (EU + SAC)	6,7%	4,5%	7,3%

Source: Eurostat, DG Home calculations

2.6. Readmission applications processed by Kosovo

Category/Year	2013	2014	2015 (Jan-Oct)
Readmission requests from EU MS + SAC	3.778	2.535	10.144
Request accepted by Kosovo	3.095	2.164	9.182
Rejected requests by Kosovo	404	208	188
Pending requests	279	163	417
Effective returns to Kosovo	2.279	2.164	9.182

Source: Government of Kosovo (These figures could not be verified by the Commission)

2.7. Return rate for Kosovo citizens in Member States

Orders to leave	2012	2013	2014	Effective returns	2012	2013	2014	Return rate	2012	2013	2014
Belgium	2.345	2.070	1.035	Belgium	445	420	250	Belgium	19,0%	20,3%	24,2%
Bulgaria	5	5	5	Bulgaria	5	5	5	Bulgaria	100,0%	100,0%	100,0%
Czech Republic	10	10	30	Czech Republic	0	5	10	Czech Republic	0,0%	50,0%	33,3%
Denmark	180	100	50	Denmark	45	75	70	Denmark	25,0%	75,0%	140,0%
Germany	1.180	1.275	1.505	Germany	855	1.005	1.095	Germany	72,5%	78,8%	72,8%
Estonia	0	0	0	Estonia	0	0	0	Estonia			
Ireland	10	20	5	Ireland	5	5	0	Ireland	50,0%	25,0%	0,0%
Greece	0	0	35	Greece	0	0	0	Greece			0,0%
Spain	0	0	0	Spain	0	0	0	Spain			
France	2.070	2.205	2.700	France	465	390	490	France	22,5%	17,7%	18,1%
Croatia	n/a	285	270	Croatia	n/a	275	245	Croatia	n/a	96,5%	90,7%
Italy	180	180	130	Italy	65	50	35	Italy	36,1%	27,8%	26,9%
Cyprus	0	0	0	Cyprus	0	0	0	Cyprus			
Latvia	0	0	0	Latvia	0	0	0	Latvia			
Lithuania	0	0	0	Lithuania	0	0	0	Lithuania			
Luxembourg	260	200	85	Luxembourg	45	100	170	Luxembourg	17,3%	50,0%	200,0%
Hungary	1.610	1.785	1.910	Hungary	1.300	1.440	1.270	Hungary	80,7%	80,7%	66,5%
Malta	0	0	0	Malta	0	0	0	Malta			
Netherlands	35	105	125	Netherlands	30	45	35	Netherlands	85,7%	42,9%	28,0%
Austria	330	720	n/a	Austria	365	790	n/a	Austria	110,6%	109,7%	n/a
Poland	0	5	5	Poland	0	5	5	Poland	100,0%	100,0%	100,0%
Portugal	0	0	0	Portugal	0	0	0	Portugal			
Romania	0	0	0	Romania	0	0	0	Romania			
Slovenia	0	100	100	Slovenia	0	90	90	Slovenia	90,0%	90,0%	90,0%
Slovakia	5	0	20	Slovakia	5	0	15	Slovakia	100,0%		75,0%
Finland	110	90	n/a	Finland	80	80	n/a	Finland	72,7%	88,9%	n/a
Sweden	865	665	755	Sweden	795	920	390	Sweden	91,9%	138,3%	51,7%
United Kingdom	70	100	90	United Kingdom	85	100	95	United Kingdom	121,4%	100,0%	105,6%
EU-28	9.265	9.915	8.855	EU-28	4.595	5.795	4.265	EU-28	49,6%	58,4%	48,2%

Source: Eurostat, DG Home calculations