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European Union

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#### COVER NOTE

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| From:    | European Commission  |
| To:      | Council  |
| Subject: | Information from the Commission pursuant to Article 8(2) of Regulation (EU) 2018/1806 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement |

Delegations will find attached a letter from Ms Paraskevi Michou, the Director-General of the Directorate-General for Migration and Home Affairs of the European Commission to Ms Luminița Teodora Odobescu, Chair of the Committee of Permanent Representatives regarding the notification by the Netherlands with regard to Albania pursuant to Article 8(2) of Regulation (EU) 2018/1806.



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,  
HOME/B2

Dear Ambassador,

Pursuant to Article 8(2) of Regulation (EU) 2018/1806 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, I hereby inform you that on 31 May 2019 the Netherlands notified the European Commission that it is confronted with the circumstances mentioned in Article 8(2)(a), (b), (d) of Regulation (EU) 2018/1806 with regards to Albania. You can find attached the full text of the notification.

In accordance with Article 8(5) of Regulation (EU) 2018/1806, the Commission will proceed now to the examination of the notification and will inform the European Parliament and the Council of the results of its examination. On the basis of this examination, the Commission will decide whether action is needed on the basis of Article 8(6) of the above-mentioned Regulation.

Yours faithfully,

Paraskevi MICHOU  
*[E-signed]*

Enclosure: Letter to Commissioner Avramopoulos 31 May 2019.

c.c.: Ms Christine ROGER, Council of the European Union,  
Director-General for Justice and Home Affairs

**Ms Luminița Teodora ODOBESCU**  
Permanent Representative of Romania to the European Union  
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Electronically signed on 04/06/2019 17:58 (UTC-02) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/561



Ministerie van Buitenlandse Zaken

Mr Dimitris Avramopoulos  
Commissioner Migration, Home Affairs and Citizenship  
European Commission

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Date 31 May 2019

Dear Commissioner Avramopoulos,

Over the last years issues with Albanian nationals have received much public attention in the Netherlands. Albanian nationals play a significant role in organized crime in cities such as Amsterdam and Rotterdam and other regions in the country. Another development is the increasing number of illegal migrants from Albania, mostly young men wishing to start a new life in the United Kingdom. The number of asylum applications from Albanian nationals is also steadily high. These circumstances are undermining public support in the Netherlands for visa liberalization in general and visa liberalization for Albanian nationals in particular.

These circumstances have subsequently been picked up by the Dutch parliament. A parliamentary debate on Albanian organized crime in the Netherlands took place on the 11<sup>th</sup> of April. It resulted in a motion requesting the government of the Netherlands to notify the Commission pursuant to Article 8(2) of Regulation (EU) 2018/1806 (hereafter: the regulation) of the increased activity of Albanian criminal networks in the Netherlands.

The Netherlands herewith notifies the European Commission that it is confronted with the following circumstances mentioned in Article 8(2) of the regulation:

(d) an increased risk or imminent threat to the public policy or internal security of Member States, in particular a substantial increase in serious criminal offences, linked to the nationals of that third country, substantiated by objective, concrete and relevant information and data provided by the competent authorities;

(a) a substantial increase in the number of nationals of that third country refused entry or found to be staying in the Member State's territory without a right to do so; and

(b) a substantial increase in the number of asylum applications from the nationals of that third country for which the recognition rate is low.

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**(d) an increased risk or imminent threat to the public policy or internal security of Member States**

Since 2015, the Netherlands has experienced a substantial increase in serious criminal offences linked to Albanian nationals and Albanian crime gangs. Albanian criminals are involved in drug trafficking (mostly cocaine), money laundering and trafficking of human beings. Their presence in the criminal scene is becoming more prominent, not only because they effectively operate under the radar but also because they increasingly cooperate with other foreign criminal groups. It goes without saying that their activities are an imminent threat to internal security.

Date  
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After an increase to 710 Albanian suspects registered by the police in 2016, the number of registered suspects fell to 499 in 2017. In 2018 476 suspects were registered. Apart from these absolute figures, the main concern is the quality of their activities. The share of serious organized crime within this group is relatively high. Despite the decrease in the number of suspects, the number of Albanian-speaking criminals in organized crime seems to be increasing. Albanian-speaking suspects rank number two in the top five of alerts registered by the Netherlands in the Schengen Information System (SIS). Those SIS alerts provide information on individuals who do not have the right to enter or stay in the Schengen Area, or on those who are sought in relation to criminal activities.

Albania and the Netherlands are working together to counter the issue of organized crime by Albanian nationals in the Netherlands. On 23 May 2018 the Minister of Justice and the Minister for Migration of the Netherlands signed a Letter of Intent with the Minister of Interior and the Minister of Justice of Albania. On 13 and 14 February 2019 the first expert meeting on migration crime was held in the Netherlands. Although the cooperation between police, judicial and immigration authorities has improved, there is still room for further improvement and the cooperation has so far not resulted in concrete successes on the ground.

On various occasions the Netherlands police and judicial authorities have raised the need to improve the exchange criminal intelligence information with Albanian authorities. For example by the Dutch Minister of Justice and Security during his meeting with the Minister of the Interior of the Republic of Albania in Tirana on 28 March 2019. On 23 May 2019 the Netherlands police received information about subjects and organized crime groups in Albania. This information will be the basis for an expert meeting this summer between the law enforcement authorities of Albania and the Netherlands.

The Netherlands remains committed to supporting Albania in its fight against organized crime and implementing the Letter of Intent to this effect.

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**(a) a substantial increase in the number of nationals of that third country refused entry or found to be staying in the Member State's territory without a right to do so**

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31 May 2019

*Number of Albanian nationals found to be illegally present in the Netherlands\**

| Year   | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|------|------|------|------|------|------|------|------|------|------|
| Number | 75   | 75   | 65   | 100  | 100  | 130  | 155  | 370  | 395  | 945  |

Source: Eurostat "Third country nationals found to be illegally present", May 9, 2019.

\* NL is currently improving the quality of the Eurostat "Found to be illegally present" statistics. The 2018 figure is already improved and delivered to Eurostat. We expect to deliver corrections to the years 2015, 2016 and 2017 soon. This will not significantly affect the number of Albanian nationals mentioned in this table, except for the year 2017, which will be slightly higher. After this correction, these numbers will only include persons issued a return decision as result of a control/checks by the Royal Netherlands Marechaussee or police.

*Number of Albanian nationals refused entry*

| Year   | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|------|------|------|------|------|------|------|------|------|------|
| Number | 15   | 15   | 25   | 50   | 40   | 105  | 185  | 200  | 285  | 245  |

Source: Eurostat "Third country nationals refused entry at the external borders" May 9, 2019.

A clear increase in the numbers of Albanian nationals illegally present in the Netherlands can be seen since 2009. In recent years Dutch migration and law enforcement authorities encountered considerable challenges to combat this illegal migration. These challenges especially concern Albanian stowaways who try to cross irregularly to the United Kingdom by climbing into trucks in/around ports, docklands of Rotterdam and parking places in the interior. This causes considerable damage and problems for drivers, the transport sector, municipalities and law enforcement authorities.

In order to combat illegal migration from Albania, the Dutch government has initiated several measures. The Royal Netherlands Marechaussee and the Dutch National Police have intensified surveillance at the maritime borders and in/around the port of Rotterdam. Furthermore, cooperation with the Albanian authorities has been intensified including by initiating awareness campaigns together with the Belgian authorities and IOM in Albania. Experts meetings between the authorities of the United Kingdom, the Netherlands and Albania are regularly organized. The former minister for Migration recently visited Albania to discuss measures to combat irregular migration, especially concerning those who are found to be illegally present in the docklands of Rotterdam. The Netherlands is in close and good cooperation with the government of Albania on readmission.

**(b) a substantial increase in the number of asylum applications from the nationals of that third country for which the recognition rate is low;**

*Number of first asylum applications of Albanian nationals*

| Year   | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|------|------|------|------|------|------|------|------|------|------|
| Number | 15   | 15   | 20   | 15   | 30   | 85   | 1005 | 1665 | 365  | 550  |

Source: Eurostat, "Asylum Applications" May 9, 2019.

The numbers of first asylum applications have increased steadily since 2010. After a drop in the number of applications in 2017, numbers have started rising again and the 550 applications in 2018 constitute a considerable number. The recognition rate has remained low, namely less than 1 per cent. Since November 2015, Albania is on the Dutch list of safe countries of origin. Asylum applications of Albanian nationals are processed in a fast track procedure.

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## Conclusion

The Netherlands requests the Commission to examine the provided information and, in consultation with the Member States, to decide on the need to take action on the basis of Article 8(6a) in order to effectively combat problems faced in relation to Albanian nationals.

Date  
31 May 2019

Yours sincerely,

Mr Robert de Groot

Permanent Representative of the Kingdom of the Netherlands to the European Union

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