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signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 10 July 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
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PARLIAMENT AND THE COUNCIL **THIRD REPORT UNDER THE VISA  
SUSPENSION MECHANISM**

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**COMMISSION STAFF WORKING DOCUMENT**  
*Accompanying the document*

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

**THIRD REPORT UNDER THE VISA SUSPENSION MECHANISM**

{COM(2020) 325 final}

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## I. INTRODUCTION

The Commission Staff Working Document (CSWD) accompanies the Third Report under the Visa Suspension Mechanism. This CSWD builds on the information and the assessment provided in the First and Second Report under the Visa Suspension Mechanism and provides a detailed analysis of the most relevant and recent developments relating to the implementation of the visa liberalisation benchmarks.

The statistical part of this report covers 26 EU Member States that apply Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 and the four Schengen Associated Countries (hereinafter referred to as "Schengen+ area")<sup>1</sup>. The assessment of specific areas is based primarily on the information provided to Eurostat<sup>2</sup> by countries in the Schengen+ area, information provided by EU Agencies (Europol, eu-LISA, the European Asylum Support Office (EASO) and the European Border Coast Guard Agency (Frontex)<sup>3</sup>, the exchange of information between the Commission, European External Action Service (EEAS) and authorities of the visa-free countries as well as 2019 country enlargement reports, where applicable. The report has also benefitted from information provided by some EU Member States in the Visa Working Party, including by taking into account the assessment by the Finnish Presidency on 16 October 2019<sup>4</sup>.

## II. ASSESSMENT OF SPECIFIC AREAS IN LINE WITH VISA LIBERALISATION BENCHMARKS

### II.1 WESTERN BALKANS

#### II.1.1 ALBANIA

Albania was the first country for which an EU Member State has sent a notification to the Commission in the context of the Visa Suspension Mechanism. The Netherlands on 2 June 2019 notified the Commission, in line with Regulation 2018/1806,<sup>5</sup> that it faced circumstances that could lead to triggering the Visa Suspension Mechanism for Albania. The concerns of the Netherlands were predominantly linked to public order and security, but also

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<sup>1</sup> Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden, as well as Switzerland, Norway, Liechtenstein and Iceland.

<sup>2</sup> Eurostat statistics are continuously updated, with the authorities of countries in the Schengen+ area providing more accurate data throughout time. Bearing this in mind, statistics for the previous years (including the period covered by the First and Second Report under the Visa Suspension Mechanism) have been retroactively updated with the most recent information available at the moment of writing.

<sup>3</sup> European Border and Coast Guard Agency (EBCG), commonly referred to as Frontex.

<sup>4</sup> Presidency report. The Visa Suspension Mechanism. Reference: 13174/19.

<sup>5</sup> Regulation 2018/1806 of 14 November 2018 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.

to irregular migration and unfounded asylum applications lodged by Albanian nationals. After careful examination of the content of the notification received from the Netherlands and based on the available information and the relevant data, the Commission responded to the Netherlands on 1 July 2019 and informed the European Parliament and the Finnish Presidency that it considered that the circumstances to trigger the Visa Suspension Mechanism for Albania were not met. At the same time, the Commission stressed that Albania should continue and intensify efforts to prevent and fight organised crime and address the issue of unfounded asylum applications.

### Irregular migration, asylum applications, readmission

**Detections of illegal border crossing:** According to Frontex data, the number of detections of illegal border crossings of Albanian nationals decreased by 55%, from 4,593 detections in 2018 to 2,055 detections in 2019. The number of detections of illegal border crossings of Albanian nationals continues to be the highest of all the countries analysed in this report.

<i>Detections of illegal border crossing by nationals of Albania</i>	
2019	2 055
2018	4 593
2017	7 401
2016	5 475
2015	9 459

Source: FRAN and JORA data (as of 06/02/20)

**Refusal of entry at the external borders:** The number of refusals of entry for Albanian nationals in the Schengen+ area decreased by 9% in 2019 (from 21,515 in 2018 to 19,670 in 2019). As in previous years, in 2019 the most-affected EU Member State in terms of total numbers was Greece. Despite the decrease, Albanian nationals were at the top of the list of Western Balkan visa-free nationals to be refused entry at the EU external borders in 2019.

<i>Refusals of entry for nationals of Albania</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Schengen+ area	2 195	15 990	12 495	12 260	13 240	15 835	30 305	34 310	21 515	19 670
Greece	1 015	9 000	7 415	4 845	3 800	4 440	15 930	17 045	11 075	5 145
Italy	575	4 930	2 920	3 105	3 375	3 760	5 280	6 495	:	4 795
Croatia	:	:	:	1 125	1 560	1 730	1 955	2 380	2 670	2 855
Hungary	50	210	180	840	1 400	1 795	1 855	1 955	2 345	2 090
Slovenia	250	805	1 065	1 260	1 410	1 410	1 310	1 125	975	1 150

Eurostat, last update 13/05/20

**Illegal stay:** The number of Albanian nationals found to be illegally staying in the Schengen+ area in 2019 increased by 6% compared to the year before (from 32,355 in 2018 to 34,410 in 2019) after having decreased in 2018 by 14% compared to 2017. The overall number is still

one of the highest among the countries monitored in this report. Greece and Germany remained the most affected EU Member States also in 2019.

<i>Illegal stay by nationals of Albania</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>52 280</b>	<b>16 660</b>	<b>17 795</b>	<b>25 815</b>	<b>29 895</b>	<b>47 775</b>	<b>33 480</b>	<b>37 475</b>	<b>32 355</b>	<b>34 410</b>
<b>Greece</b>	47 120	11 225	10 525	15 555	15 090	16 910	11 335	13 280	11 190	10 030
<b>Germany</b>	460	545	855	1 345	1 920	17 995	10 520	10 640	6 570	7 480
<b>France</b>	560	1 495	1 750	3 170	5 255	5 540	4 635	5 095	4 355	4 430
<b>Italy</b>	2 820	1 715	2 230	2 265	2 390	2 555	2 270	2 330	3 025	3 225
<b>Hungary</b>	135	55	65	285	575	670	440	780	1 070	2 220

Eurostat, last update 11/05/20

**Asylum applications:** The number of asylum applications (including repeat applications) in the Schengen+ area in 2019 decreased for the fourth year in a row. Between 2018 and 2019 it decreased by 5%, with 18,555 applications lodged in 2019 compared to 19,615 applications lodged in 2018. As in 2018, France remained the most affected EU Member State in 2019, with 9,235 asylum applications lodged by Albanian nationals (however, with a year-over-year decrease of 4%). Italy saw a 21% increase in asylum applications lodged compared to 2018, whereas Germany and Greece observed a 11% and 8% decrease, respectively. The asylum recognition rate<sup>6</sup> in the Schengen+ area decreased from 7.6% in 2018 to 5.6% in 2019.

While there was a downward trend, Albania remained at the top of all the Western Balkans visa-free countries in 2019 in terms of the number of asylum applications lodged by its nationals in the Schengen+ area.

<i>Yearly total number of asylum applications by nationals of Albania</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>1 720</b>	<b>2 685</b>	<b>6 670</b>	<b>9 685</b>	<b>15 185</b>	<b>66 715</b>	<b>30 840</b>	<b>24 070</b>	<b>19 615</b>	<b>18 555</b>
<b>France</b>	515	505	2 705	5 065	3 000	3 650	7 445	12 130	9 665	9 235
<b>Greece</b>	695	275	385	580	570	1 005	1 425	2 450	3 320	3 055
<b>Germany</b>	45	85	250	1 295	8 110	54 760	17 230	6 090	2 895	2 565
<b>Italy</b>	35	45	65	115	175	425	365	470	1 295	1 570
<b>Belgium</b>	245	1 290	1 075	775	730	825	815	880	670	680

Eurostat, last update 12/03/20

As regards first-time asylum applications lodged by Albanian nationals in the Schengen+ area, the situation is similar to that in the case of total asylum applications. In 2019, 15,825 first-time asylum applications were lodged by Albanian nationals, compared to 16,750

<sup>6</sup> For the purposes of this report, asylum recognition rate is calculated as the share of all positive decisions at first instance (refugee status, subsidiary protection, humanitarian protection under national law) in the total number of decisions at first instance.

applications lodged in 2018 (6% decrease). In 2019, France received the highest number of first-time asylum applications (8,010), followed by Greece (2,795).

<i>Yearly total number of first time asylum applications by nationals of Albania</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>880</b>	<b>2 475</b>	<b>6 050</b>	<b>9 085</b>	<b>14 385</b>	<b>64 895</b>	<b>27 545</b>	<b>20 595</b>	<b>16 750</b>	<b>15 825</b>
<b>France</b>	480	475	2 645	5 015	2 845	3 220	6 945	11 425	8 300	8 010
<b>Greece</b>	n/a	275	385	580	555	915	1 300	2 345	3 125	2 795
<b>Germany</b>	40	80	230	1 245	7 865	53 805	14 855	3 775	1 875	1 695
<b>Italy</b>	35	45	65	115	175	425	365	465	1 290	1 545
<b>Belgium</b>	200	1 180	605	475	495	610	650	670	505	540

Eurostat, last update 12/03/20

The number of asylum applications lodged by Albanian nationals continued to decrease in 2020, with 2,895 applications in the first quarter of 2020, 44% less than in the same period of 2019. France remained the main destination of Albanian asylum seekers, although the number of applications lodged in the country decreased by 57% year-on-year.

<i>Asylum applications by nationals of Albania</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
<b>Schengen+ area</b>	<b>1 750</b>	<b>1 635</b>	<b>1 745</b>	<b>1 610</b>	<b>1 625</b>	<b>1 435</b>	<b>1 655</b>	<b>1 300</b>	<b>1 435</b>	<b>1 755</b>	<b>1 375</b>	<b>1 195</b>	<b>1 135</b>	<b>1 135</b>	<b>625</b>
<b>France</b>	835	890	960	885	800	675	790	665	645	925	615	550	435	420	300
<b>Greece</b>	220	220	275	255	345	280	315	220	240	270	225	190	195	225	75
<b>Germany</b>	360	235	155	215	195	165	230	195	210	195	230	185	265	240	100
<b>Italy</b>	130	105	140	115	180	170	145	70	100	150	155	105	105	75	35
<b>Belgium</b>	70	45	45	40	35	30	60	50	85	85	65	70	65	60	35

Eurostat, last update 09/06/20

**Readmission and return**<sup>7</sup>: EU Member States praise the good implementation of the EU–Albania readmission agreement. Readmission is functioning well, with the country swiftly honouring readmission requests from EU Member States both of own and of third country nationals. The number of persons returned dropped from 18 765 in 2018 to 15,370 in 2019. While the return rate was above 100%<sup>8</sup> in 2017, it dropped to 66% in 2018 and 50% in 2019, with Greece and France returning more than half of all returnees from the Schengen+ area. Since EU Member States report good cooperation, this decrease may be due to the processing

<sup>7</sup> The Schengen+ area figures for readmission and return do not include the figures for Switzerland and Iceland, as no full data is available for both countries on the number of persons ordered to leave and the number of persons effectively returned to a third country.

<sup>8</sup> For the calculation of the return rate, the number of returnees in a given year is compared to the number of return orders in that same year. A return rate higher than 100% indicates that the country is effectively catching up on a backlog from previous years.

of large volumes of decisions or a backlog in previous years and possibly secondary movements.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	27 720	29 840	108%	28 570	18 765	66%	30 815	15 370	50%
<b>France</b>	6 360	3 235	51%	8 930	3 715	42%	10 900	3 375	31%
<b>Greece</b>	9 135	11 165	122%	8 740	6 505	74%	8 795	4 585	52%
<b>Italy</b>	2 330	1 230	53%	3 035	1 380	45%	3 225	1 530	47%
<b>Germany</b>	4 330	10 395	240%	2 435	3 720	153%	2 710	2 380	88%
<b>Belgium</b>	1 470	760	52%	1 040	630	61%	1 100	745	68%

Eurostat, last update 11/05/20

### Cooperation on migration and border management

In June 2019, the Albanian Government adopted a National Strategy on Migration and its Action Plan (2019-2022), in order to address the shortcomings in its migration policy as well as to establish a high-level co-ordination mechanism for the governance of migration. A new law on asylum is under preparation with a view to further aligning with the EU *acquis*. In December 2019, Albania adopted additional measures to prevent trafficking in human beings. The new draft of the national strategy for diaspora 2021-2025 and its related action plan was finalised in June 2019.

Albania has continued to strengthen its operational cooperation with the EU Member States most affected by irregular migration from Albania and asylum applications by Albanian nationals. A Belgian police liaison officer representing the Benelux countries has been posted at the Dutch Embassy in Albania and a Dutch police officer has been deployed in Albania since July 2018. Three Albanian police liaison officers are currently posted to France to support the French law enforcement authorities in investigating criminal cases where Albanian nationals are involved, including those involved in organising asylum seekers' journeys to France. A French liaison officer is located in Tirana to assist on exit checks. The bilateral action plan between Albania and France of July 2017 on addressing unfounded asylum applications lodged by Albanian nationals was reinforced in March 2019<sup>9</sup>.

The Albanian authorities have in particular worked on raising awareness among the population on the rights and obligations of the visa-free regime and launched information campaigns, as recommended in the Commission's previous Reports under the Visa Suspension Mechanism. Campaigns carried out by the Albanian authorities so far<sup>10</sup> include the production and distribution of leaflets and posters with information on the rights and obligations of Albanian citizens while traveling in the Schengen+ area, as well as penalties for violations of these obligations. Similar types of information are also published regularly on

<sup>9</sup> <https://www.interieur.gouv.fr/fr/Actualites/Communiqués/Rencontre-avec-M.-Sander-Lleshaj-ministre-de-l-Interieur-albanais>

<sup>10</sup> The Albanian National Strategy on Migration and its Action Plan for 2019-2022, includes among its key priorities the organisation of regular awareness-raising campaigns to inform Albanian citizens of the rules and conditions of visa-free travel in the EU.

the official Facebook account of the Albanian State Police. In 2017 and 2018, the project “Prevention of unsafe migration from Albania to EU countries” funded by Belgium and the Netherlands was implemented in co-operation with the International Organisation for Migration.<sup>11</sup> A similar campaign funded by the Netherlands is being implemented in 2020. Return operations are often covered in the national media, including interviews with returnees and Albanian authorities, with the purpose of acting as a deterrent. Rules on visa free travel and movement to and within the Schengen+ area and additional measures taken by the Albanian authorities are published on the website of the Ministry for Europe and Foreign Affairs,<sup>12</sup> Ministry of Interior<sup>13</sup> and of the Albanian State Police.<sup>14</sup>

The Albanian authorities have also introduced tighter border checks, including through more thorough exit interviews. Strengthened examination of minors travelling abroad and their accompanying persons has continued. As a result of the implementation of such measures, the number of Albanian nationals prevented from travelling abroad increased from 6,390 in 2016 to 12,400 in 2017 and finally to 20,268 in 2018. Data from 2019 show that the number of persons prevented from travelling abroad has declined by 30% in comparison to the same period in 2018 (from 20,268 to 14,224). This decline could be attributed to better awareness of travellers to meet all the requirements and present all necessary documents when travelling abroad. At the same time, according to Frontex, the detection of Albanian nationals using fraudulent documents, including EU passports, increased by 64% between 2018 and 2019.

Albania is the first country in the region to have signed a European Border and Coast Guard (Frontex) Status Agreement with the EU on 5 October 2018, which entered into force on 1 May 2019. The Status Agreement was followed on 21 May 2019 by a deployment of joint European Border and Coast Guard teams to Albania’s border with Greece. This operation has significantly contributed to the detection and interception of illegal crossings of the border. More irregular migrants are now apprehended at the border rather than in Tirana or other urban areas. Despite limitations related to the outbreak of COVID-19, the operation continues to yield good results. By June 2020, 20 EU Member States participated in this joint operation and over 12,000 irregular migrants were apprehended. Albania also has a working arrangement with Frontex to strengthen operational cooperation. The Agency’s second liaison officer to the Western Balkans with a regional mandate covering Albania, Kosovo\*, and North Macedonia is expected to be posted in Tirana in autumn 2020.

Albania’s visa policy is not yet fully aligned with the EU’s, including with the EU lists of countries whose nationals require a visa and those who are exempt from this requirement. Albania has a visa free regime with Kazakhstan, Kuwait, Turkey, and China, which are not on the EU’s visa-free list. Between April and October each year, Albania lifts its visa requirement for citizens from Bahrain, Belarus, Oman, Qatar, Russia, Saudi Arabia and Thailand, a practice, which is not in line with the EU *acquis*.

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<sup>11</sup> In the framework of this project, awareness-raising meetings and workshops were held in the regions of Durrës, Dibër, Kukës, Elbasan, Shkodra, Korça, Vlora, Fier, Gjirokastra, Tirana, Berat, Lezha with the participation of various government agencies and institutions.

<sup>12</sup> <https://puneteshqiptme.gov.al/levizja-e-lire-ne-vendet-e-hapesires-shengen>

<sup>13</sup> <https://mb.gov.al/wp-content/uploads/2018/01/16-07-26-03-38-58.pdf>

<sup>14</sup> <https://www.asp.gov.al/index.php/sherbime/2014-11-13-14-56-17>

\* 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.

As a consequence of the COVID-19 crisis, Albania closed its borders on 16 March 2020 and subsequently declared a state of emergency on 24 March. The latter was lifted on 23 June. As of 22 March all commercial flights were cancelled. On 1 June, Albania opened all land borders with its neighbours. During this period, Albanian authorities repatriated around 2,500 citizens from abroad (and primarily from the EU) through chartered repatriation flights. Some commercial flights (Vienna, Belgrade, and Athens) resumed on 15 June. The EU has provided EUR 50 million to Albania to fight COVID-19.

### **Public order and security**

Albanian-speaking organised crime groups are poly-criminal and are particularly active across a broad range of criminal activities in the EU, although they cannot be linked to Albania or to Albanian nationals alone. Albanian speaking organised crime groups are present in major European harbours that are the primary entry points for cocaine into the EU, such as Antwerp, Rotterdam, Hamburg, and Valencia. They are also among the key actors in the heroin trade in the EU. Albanian speaking organised crime groups active in France, Belgium and the Netherlands also facilitate illegal migration of Albanian irregular migrants and smuggle them, in particular to the United Kingdom. According to Europol, they are also frequently involved in the trade of illegal firearms and remain the most visible groups in domestic burglaries in several EU Member States.

According to Europol, Albanian nationals specifically are among the most frequently reported non-EU suspects for serious criminal offences. They are also among the most prevalent users of fraudulent documents on intra-Schengen air movements.

In 2018 and 2019, Albanian authorities intensified efforts to crack down on organised crime. A greater number of large police operations<sup>15</sup> targeting organised crime groups led to high-profile arrests and important indictments, also as a result of closer cooperation with EU Member States and Europol.

As regards the overall track-record in the fight against organised crime, the number of new cases related to criminal organisations referred to prosecution has increased from 34 in 2017 to 53 in 2018. In 2019, there were 50% referrals more, with 79 cases. In the first three months of 2020, five new cases related to criminal organisations and structured criminal groups were referred to prosecution. As regards indictments, there were seven in 2017, five in 2018 and 13 in 2019 for organised crime specifically, thus showing an increasing trend. Eight people were convicted at final instance in 2017, eight in 2018 and one in 2019. There is a considerable gap between the numbers of new referrals and final convictions. The justice reform currently underway is expected to lead to a more efficient follow-up in judicial proceedings and more final convictions. Moreover, in January 2020, the Albanian government adopted a special package introducing preventive measures to enhance its capacity to counter criminal organisations and step up its fight against corruption, organised crime and terrorism, focusing in particular on seizure and confiscation of criminal assets. This package provides a set of important new investigative tools put at disposal of the Special Prosecution Office (SPO) within the newly established Special Anti-Corruption and Organised Crime Structure. Since its establishment in December 2019 until mid-June 2020, the SPO has taken over from the

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<sup>15</sup> See the Commission's 2019 Albania enlargement report SWD(2019) 215 final, at p. 33-34.

Serious Crimes Prosecution office 215 criminal proceedings (167 are still under investigation while investigation in 48 proceedings has been concluded).

Following the adoption of the package, the new “Power of Law Operation” Unit of the Albanian State Police seized over 174 criminal assets belonging to organised crime suspects by mid-June 2020. Since the entry into force of the temporary measures until mid-June, 84 organised crime cases have been reported that involved seizures of assets.

A coordinated approach between Albanian institutions, cooperation with EU Member States, and checks by the Albanian police to tackle the cultivation and trafficking of cannabis have brought positive results. Albania is the only country in the region that allows an intrusive monitoring mechanism by a third country in carrying out airborne monitoring of its territory. In 2018, there was a significant decline in the number of cannabis crops detected by the airborne surveillance campaign carried out by the Italian *Guardia di Finanza* and co-financed by the EU. In addition to airborne surveillance, the police carried out helicopter and drone monitoring of suspicious areas, and was active in inspecting greenhouses and warehouses. In 2019, the number of identified cannabis plantations and narcotic plants eradicated and destroyed has increased compared to 2018 (90,175 plants destroyed in 2019 compared to 35,985 in 2018), but remain at a low level in comparison to 2016 when 753,468 plants were destroyed. At the same time, there was a substantial increase in hashish seizures (from 363.5 kg in 2018 to more than one ton in 2019).

Albania is pursuing a thorough and comprehensive justice reform, which aims at strengthening the professionalism of the judiciary and rebuilding trust in this sector. This reform also includes the temporary re-evaluation of all judges and prosecutors (the vetting process), which has advanced steadily, producing tangible results. The process is expected to strengthen the effectiveness of the judiciary and the overall efforts to fight corruption and organised crime. The vetting process has continued despite the impact of COVID-19 pandemic. Although hearings were temporarily suspended due to lockdown, investigative activities on vetting dossiers have continued through remote exchanges. The vetting hearings resumed on 3 June 2020. To date, of the total 811 magistrates that have to undergo vetting, the vetting institutions have completed 250 vetting cases at first instance, including all priority dossiers. Overall, 64% of the vetting dossiers processed so far have resulted in dismissals or voluntary resignations by the assessee.

Albania is also carrying out the re-evaluation (vetting) of officers of the State Police, Republican Guard, and Service for Internal Affairs and Complaints at the Ministry of Interior. The evaluation is based on personal integrity, professional capacity and verification of officers' assets. Approximately 250 officers of all ranks had resigned before this vetting began. The vetting process and its results remain crucial to restore public trust in the judiciary and law enforcement bodies of the State.

A working arrangement between Albania and the European Monitoring Centre for Drugs and Drug Addiction was initialled in October 2018 and signed in March 2019. This arrangement will enable crucial expertise to be provided to the Albanian authorities in the field of data collection and on data itself, as well as open the possibility for enhanced exchange of expertise and data on new psychoactive substances, on experiences regarding health and social responses to drug problems. It will also support the further approximation of the

Albanian national legislation and policies with EU legislation and policies on drug related issues.

In February 2019, Albania adopted a new National Strategy on Small Arms and Light Weapons for the period 2019-2024. It also adopted a corresponding Action Plan for 2019-2021. Albania also participates the EU Policy Cycle to tackle serious and international organised crime / European multidisciplinary platform against criminal threats (EMPACT) on firearms. The Firearms Focal Point was established on 24 April 2019, comprised of representatives from all Police Departments and hosted within the Department of Criminal Police at the Directorate of Criminal Information Analysis. Albania is also involved or partnering up in several other EMPACT priorities, such as 'facilitation of illegal immigration', 'organised property crime', or 'drugs trafficking' and 'trafficking in human beings'.

In November 2018, a liaison agreement on the secondment of a Europol liaison officer in Albania was ratified and in June 2019, the Europol liaison officer was posted in Tirana, the first one in the Western Balkans. The liaison officer deployed has helped to further strengthen existing cooperation between Albania and the EU Member States' police forces in the fight against organised crime and to further enhance police capacity to assess main organised crime threats.

In November 2019, the Eurojust-Albania Cooperation Agreement entered into force. The Agreement aims to further facilitate judicial cooperation between EU and Albanian practitioners therefore enhancing the fight against transnational organised crime.

Between 2012 and 2015, 144 foreign terrorist fighters travelled from Albania to Syria. According to the authorities, there have been no new departures since 2015. An estimated number of 79 Albanian nationals remain in Syria. Some 45 individuals have returned so far. Albania was the first country in the Western Balkans, together with North Macedonia, to have signed the bilateral implementing arrangement on counter-terrorism with the Commission on 9 October 2019. This arrangement is a follow-up to the EU-Western Balkans Joint Counter-Terrorism Action Plan signed in October 2018. The priority actions to be taken by the Albanian authorities in 2019 and 2020 include strengthening local communities' capacity to prevent and counter violent extremism, tackling the possible return of foreign terrorist fighters and their families, better addressing radical content online, amending legislation on anti-money laundering and countering terrorism financing, increasing financial investigative capacities, and addressing illicit firearms trafficking. Albania submitted its first report on the implementation of the arrangement in June 2020.

In the area of anti-corruption in Albania, the policy framework depicted in the Inter-sectoral Strategy against Corruption 2015-2020 and its Action Plan(s) 2018-2020 and 2019-2023 present a set of key measures for prevention, repression and awareness-raising. The overall positive trend as regards the track-record of investigations, prosecutions and convictions in the fight against corruption continued, although it requires further structured and consistent actions. Final convictions for high level officials remain rare and this remains an important priority.

The Albanian Parliament in June 2019 adopted "Moneyval package" to address deficiencies in the Albanian system for tackling money-laundering and terrorist financing highlighted in

the Council of Europe’s Moneyval report of December 2018. On 21 February 2020, the Financial Action Task Force (FATF) listed Albania among the jurisdictions with strategic deficiencies in the area of Anti-Money Laundering (AML)/Combating the Financing of Terrorism (CFT) and proposed an action plan targeting the most serious deficiencies to be implemented by October 2021 to allow Albania to be removed from the FATF “grey list”. Albania has made a high-level political commitment to implement the FATF action plan and the implementation of the measures of the Plan has started despite the COVID-19 crisis, in particular by conducting a risk analysis regarding banking products and service and the misuse of legal entities. In April 2020, the Albanian government notified the European Commission its commitment to align with the body of acquis on anti-money laundering, notably by developing the legal basis for the establishment of a beneficial ownership registry and a centralised bank account register.

In 2019, Albania took steps to amend the Law on Citizenship, which would potentially establish an investor citizenship scheme. In October 2019, the Commission addressed a letter to the Albanian authorities asking for clarifications in this regard and alerting the Albanian authorities about the inherent risks and possible consequences of introducing such a scheme. The Commission underlined that Albania should refrain from any measure that could jeopardise attainment of the EU’s objectives, when using its prerogatives to award nationality. The Albanian Parliament is still expected to examine the draft law. As highlighted in its Report on Investor Citizenship and Residence Schemes in the European Union of 23 January 2019<sup>16</sup>, the Commission is closely monitoring whether any scheme put in place by countries with visa-free access to the EU could be used by investors from visa-required countries to bypass the regular Schengen visa procedures, posing a migratory and security risk.

## II.1.2 BOSNIA AND HERZEGOVINA

### Irregular migration, asylum applications, readmission

**Detections of illegal border crossing:** According to Frontex data, the number of detections for illegal border crossings has been decreasing since 2015. Only 23 people were detected in 2019, while 150 detections of illegal border crossings were recorded in 2015. With the exception of one, all detections were made by Croatia, mostly at the country’s land border with Bosnia and Herzegovina.

<i>Detections of illegal border crossing</i>	
<b>2019</b>	23
<b>2018</b>	26
<b>2017</b>	85
<b>2016</b>	89
<b>2015</b>	150

Source: FRAN and JORA data (as of 06/02/20)

<sup>16</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Investor Citizenship and Residence Schemes in the European Union, COM(2019) 12 final.

**Refusal of entry at the external borders:** Between 2018 and 2019, the number of refusals of entry decreased by 20% from 5,320 cases in 2018 to 4,270 in 2019. Croatia is the most affected country, followed by Slovenia, Hungary, Germany and Sweden.

<i>Refusals of entry for nationals of Bosnia and Herzegovina</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>865</b>	<b>1 695</b>	<b>1 610</b>	<b>6 045</b>	<b>4 910</b>	<b>5 185</b>	<b>5 150</b>	<b>5 145</b>	<b>5 320</b>	<b>4 270</b>
<b>Croatia</b>	:	:	:	4 515	3 540	3 525	3 525	3 520	3 985	3 030
<b>Slovenia</b>	630	1 230	1 215	1 145	865	865	720	745	670	685
<b>Hungary</b>	140	210	225	240	360	585	570	405	305	215
<b>Germany</b>	20	35	30	35	30	45	35	75	75	105
<b>Sweden</b>	0	10	5	10	25	50	80	105	105	90

Eurostat, last update 13/05/20

**Illegal stay:** In 2019, the number of nationals from Bosnia and Herzegovina found to be illegally staying in the Schengen+ area increased by 10%, with 4,290 illegal stays in 2019 compared to 3,915 in 2018. Nationals of Bosnia and Herzegovina accounted for 7% of the illegal stayers from Western Balkans visa-free countries detected last year, while Germany (22%) and Slovenia (35%) continued to be the most affected countries also in 2019.

<i>Illegal stay by nationals of Bosnia and Herzegovina</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>2 345</b>	<b>2 795</b>	<b>2 920</b>	<b>3 220</b>	<b>3 950</b>	<b>3 575</b>	<b>3 640</b>	<b>4 130</b>	<b>3 915</b>	<b>4 290</b>
<b>Germany</b>	650	790	1 095	1 330	1 640	1 715	1 440	1 450	1 285	1 500
<b>Slovenia</b>	400	555	140	115	175	175	495	900	735	955
<b>Austria</b>	180	175	245	275	255	70	180	260	290	370
<b>Croatia</b>	:	:	:	195	400	390	395	340	330	295
<b>Hungary</b>	60	95	110	175	250	290	280	330	310	265

Eurostat, last update 11/05/20

**Asylum applications:** The number of asylum applications (including repeat applications) has continued to follow a stable decreasing trend since 2014. More specifically, 1,895 asylum applications were submitted in 2019 against 2,280 in 2018 (17% decrease). In 2019, France received the highest number of asylum applications, followed by Germany, with both Member States recording a decrease compared to 2018. The asylum recognition rate in the Schengen+ area decreased from 10.6% in 2018 to 7.2% in 2019.

<i>Yearly total number of asylum applications by nationals of Bosnia and Herzegovina</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019

<b>Schengen+ area</b>	<b>2 295</b>	<b>2 965</b>	<b>6 395</b>	<b>7 320</b>	<b>10 895</b>	<b>9 100</b>	<b>4 495</b>	<b>2 790</b>	<b>2 280</b>	<b>1 895</b>
<b>France</b>	500	250	785	925	845	400	480	780	925	870
<b>Germany</b>	355	405	2 370	4 845	8 475	7 475	3 105	1 435	845	630
<b>Netherlands</b>	10	30	70	85	130	125	295	70	60	95
<b>Italy</b>	815	285	275	180	170	135	130	85	215	90
<b>Sweden</b>	120	970	1 555	520	495	540	155	160	100	85

Eurostat, last update 12/03/20

As regards first-time asylum applications lodged by nationals from Bosnia and Herzegovina in the Schengen+ area, figures for 2019 confirmed the decreasing trend observed since 2014, which is similar to that observed above for total asylum applications (including repeat applications). In 2019, 1,365 first-time asylum applications were lodged compared to 1,675 in 2018. France, Germany, the Netherlands, Italy and Sweden were the EU Member States recording the highest number of first-time asylum applications in 2019.

<i>Yearly total number of first time asylum applications by nationals of Bosnia and Herzegovina</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>2 040</b>	<b>2 620</b>	<b>5 695</b>	<b>5 475</b>	<b>7 945</b>	<b>6 070</b>	<b>3 170</b>	<b>1 845</b>	<b>1 675</b>	<b>1 365</b>
<b>France</b>	485	235	765	895	820	340	410	690	830	790
<b>Germany</b>	300	305	2 025	3 325	5 705	4 635	1 915	705	410	285
<b>Netherlands</b>	5	25	70	85	125	120	295	65	50	70
<b>Italy</b>	815	285	275	175	165	135	125	70	200	65
<b>Sweden</b>	120	970	1 555	480	460	495	155	125	80	65

Eurostat, last update 12/03/20

The number of asylum application lodged by nationals of Bosnia and Herzegovina continued to decrease in 2020, with 390 applications in the first quarter of 2020, 26% less than in the same period of 2019. France remained the main destination of asylum seekers from Bosnia and Herzegovina; the number of applications lodged in the country decreased by 12% year-on-year.

<i>Asylum applications by nationals of Bosnia and Herzegovina</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
<b>Schengen+ area</b>	<b>235</b>	<b>145</b>	<b>150</b>	<b>125</b>	<b>140</b>	<b>125</b>	<b>160</b>	<b>200</b>	<b>125</b>	<b>175</b>	<b>170</b>	<b>125</b>	<b>155</b>	<b>150</b>	<b>85</b>
<b>France</b>	70	65	75	55	50	70	55	100	85	80	95	70	55	85	45
<b>Germany</b>	100	60	45	35	55	30	70	55	25	70	50	35	75	40	30
<b>Italy</b>	25	5	5	20	10	5	0	5	0	5	10	0	10	5	0
<b>Sweden</b>	10	15	5	0	5	10	10	5	10	10	0	5	0	10	5
<b>Netherlands</b>	20	0	10	5	5	10	10	20	0	0	5	10	0	0	0

Eurostat, last update 09/06/20

**Readmission and return:** As regards the implementation of the readmission agreement with the EU, the level of cooperation reported by EU Member States was good. The return rate dropped from 54% in 2018 to 40% in 2019. The yearly number of return decisions issued to nationals of Bosnia and Herzegovina increased but the number of people effectively returned decreased in 2019 compared to 2018. Since EU Member States report good cooperation, this decrease may be due to the processing of large volumes of decisions or a backlog in previous years and possibly secondary movements.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	3 795	2 685	71%	3 220	1 725	54%	3 730	1 495	40%
<b>Croatia</b>	760	575	76%	705	445	63%	735	365	50%
<b>Slovenia</b>	465	35	8%	445	35	8%	685	50	7%
<b>Germany</b>	1 020	1 260	124%	615	465	76%	670	340	51%
<b>France</b>	310	130	42%	450	205	46%	545	160	29%
<b>Austria</b>	170	170	100%	190	235	124%	285	285	100%

Eurostat, last update 11/05/20

## Cooperation on migration and border management

The legislation on foreigners is broadly in line with the *acquis*; it needs to be further aligned as regards access to rights, notably for vulnerable migrants. A strategy and action plan on migration and asylum for 2016-2020 are in place. Bosnia and Herzegovina should develop a realistic contingency plan to cope with a potential additional influx.

The number of persons irregularly entering Bosnia and Herzegovina has increased significantly since 2018. In 2019 the authorities detected 29,302 migrants on the border or through in-land activities, compared to 23,977 in 2018. Overall the top three declared countries of origin were Pakistan, Afghanistan and Iraq. As of mid-June 2020, approximately 7,000 migrants and asylum seekers are present in the country. Some 5,500 are sheltered in seven EU-funded temporary reception centres. Facilities remain insufficient to ensure shelter and protection to those in need, despite a progressive increase in accommodation capacities. The competent bodies are significantly understaffed and underequipped. The coordination body on migration has not been able to allocate suitable accommodation facilities for reception centres across the country.

The response to increased migration remains inadequate and shows significant institutional and coordination weaknesses. Political inaction and negative rhetoric undermine the timely provision of protection and assistance, as regards access to the asylum procedure, to healthcare, to accommodation and basic services in line with international standards.

The authorities should take over full responsibility for the management of reception centres and identify publicly owned facilities for appropriate additional accommodation capacities across the whole territory of Bosnia and Herzegovina; entity, cantonal and local authorities should participate and cooperate in the process. Operational coordination mechanisms should be significantly strengthened.

The legal framework for border control, is implemented smoothly. The country adopted an integrated border management (IBM) Strategy and Action Plan for 2019-2023 with the aim of further aligning with the EU *Acquis* and best practice. Following the increased influx of refugees and migrants in 2018 and 2019, the authorities have redeployed available border guards, but the response remains inadequate. Combined efforts in fighting human smuggling resulted in higher detection rates.

Bosnia and Herzegovina initialled a European Border and Coast Guard (Frontex) Status Agreement with the EU in January 2019. Its ratification is pending. Following the entry into force of the new European Border and Coast Guard Regulation, the Commission is working with Bosnia and Herzegovina in view of the ratification and entry into force of the Status Agreement.

The country is a signatory to a number of agreements with neighbouring countries. The Border Police cooperates with Frontex and Interpol at a satisfactory level. Bosnia and Herzegovina participates in the Western Balkan risk analysis network (WB-RAN) under the aegis of Frontex.

The country has no agreement with the European Asylum Support Office (EASO). Cooperation currently takes place under an IPA-II regional project. A roadmap for this project for 2020-2022 is under discussion.

As a consequence of the COVID-19 crisis, Bosnia and Herzegovina declared the state of natural or other disasters on 18 March, restricting domestic and international movement of persons. The *Republika Srpska* entity declared a state of emergency from 28 March to 20 May. As of 30 March all commercial flights were cancelled until 1 June, when the flights resumed.

As part of the EU's global response to the COVID-19 pandemic Bosnia and Herzegovina country will benefit from EUR 80.2 million, of which EUR 7 million for urgent medical supplies and EUR 73.2 million for socioeconomic recovery.

### **Public order and security**

According to Europol, nationals of Bosnia and Herzegovina are among the most frequently reported nationalities for organised property crimes in the EU. Organised crime groups from the country are involved in home theft, violent burglaries and rip-deals as well as in human trafficking. The country is also a destination country for vehicles stolen in various Member States. Europol indicates that cases of corruption in sport have recently been detected in Bosnia and Herzegovina.

The country has several strategies in place, notably on organised crime, trafficking in human beings and IBM. However, the legal framework needs to be harmonised across the country and further aligned with the EU *acquis*. There are systemic shortcomings in the operational cooperation of law enforcement agencies, due to the lack of harmonisation of criminal legislation in the country, exacerbated by weak institutional coordination, and a very limited exchange of intelligence. Criminal organisations operating in the country take advantage of legal and administrative loopholes. The police is vulnerable to political interference. Financial investigations and asset seizures are largely ineffective. A proactive approach remains fundamental to countering criminal infiltration of the political, legal and economic systems.

The legal framework for the fight against drugs in Bosnia and Herzegovina needs to be partly aligned with the EU *acquis* notably on minimum rules on drug-related criminal offences and sanctions. Bosnia and Herzegovina does not have a National Drugs Observatory and a National Early Warning System on psychoactive substances. The country cooperates with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

Bosnia and Herzegovina's **counter-terrorism** legislation is largely aligned with the EU *acquis* and relevant international law. In November 2019, Bosnia and Herzegovina signed a bilateral implementing arrangement on counter-terrorism with the Commission. This arrangement is a follow-up to the Joint EU-Western Balkans Action Plan on Counter-Terrorism signed in October 2018. It sets out concrete steps for enhanced cooperation in countering terrorism and preventing violent extremism until the end of 2020. The capacities and effectiveness of the Counter Terrorism Task Force and the counter-terrorism department of the state-level Prosecutor's Office need significant strengthening. A contact point for cooperation with Eurojust on counter-terrorism cases needs to be appointed.

Bosnia and Herzegovina remains a country of origin, transit and destination for **trafficking in human beings** for labour exploitation, sexual exploitation, begging and forced marriages. The legislation on the issue needs to be further aligned with the EU *acquis*, notably for sanctions. A new Strategy and Action Plan 2020-2023 on trafficking in human beings was adopted in January 2020. Country-wide coordination operates smoothly, but its role should be strengthened. Bosnia and Herzegovina should improve its technical capacities for swift reaction to trends in trafficking in human beings on the basis of risk analysis and intelligence gathering. Decisive efforts are needed to ensure the effective implementation of the new strategy and improve the results in preventing and countering trafficking in human beings. Bosnia and Herzegovina lacks a national referral mechanism for identified potential victims of trafficking.

There is no overall policy for carrying out financial investigations on a systematic basis, and the results of investigations so far have been insignificant. The system for collection and analysis of statistics on asset seizure and confiscation needs to be improved. The confiscation of criminal assets needs to become a strategic priority in the fight against organised crime, terrorism and high-level corruption. Freezing of assets needs to be used more systematically and the management of frozen assets needs to be strengthened. Financial investigations into a person's assets should continue after a criminal conviction in order to fully execute a previously issued confiscation order. A rigorous and credible system of checks of asset declarations of judicial office holders is needed.

Bosnia and Herzegovina has no comprehensive strategy on the fight against **firearms trafficking**. The legislation is not fully in line with the EU *acquis* and data collection should be improved. The country should establish a firearms focal point.

No progress has been made towards the establishment of **the National Contact Point** foreseen in the Operational Agreement in place since March 2017 between Bosnia and Herzegovina and **Europol**. As a result, Bosnia and Herzegovina's participation in Europol's analysis projects has been put on hold and the use of Europol products and services has been very limited. The absence also makes it impossible for the Bosnia and Herzegovina authorities to post a Liaison Officer at Europol's headquarters in The Hague. Bosnia and

Herzegovina must fully implement the agreement with Europol, including by establishing a national contact point.

The country has overall established an institutional, legal and strategic framework to combat corruption. However, there are still significant gaps and corruption is widespread. The lack of harmonisation of the criminal codes of the two entities seriously hamper anti-corruption efforts. The fragmentation of strategies and action plans across the different levels of government makes their implementation less effective. Enforcement capacity should be strengthened and there is a need for a robust criminal justice response to high-level corruption.

## II.1.3 MONTENEGRO

### Irregular migration, asylum applications, readmission

**Detections of illegal border crossing:** According to Frontex data, the number of detections of illegal border crossings by nationals of Montenegro remain low in absolute terms, with no detections recorded in 2019 (compared to two in 2018; four in both 2017 and 2016, and 15 in 2015).

<i>Detections of illegal border crossing</i>	
2019	0
2018	2
2017	4
2016	4
2015	15

Source: FRAN and JORA data (as of 06/02/20)

**Refusal of entry at the external borders:** Between 2018 and 2019, the number of refusals of entry for the nationals of Montenegro in the Schengen+ area decreased by 9% (from 515 in 2018 to 470 in 2019). As in the previous years, Croatia and Hungary were the most affected countries also in 2019.

<i>Refusals of entry for nationals of Montenegro</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Schengen+ area	315	300	250	435	400	385	335	545	515	470
Croatia	:	:	:	90	45	90	65	150	170	160
Hungary	115	115	95	170	195	145	140	175	140	135
Slovenia	110	85	75	70	60	60	40	60	40	55
Germany	25	35	20	25	15	10	10	10	30	25
Italy	20	15	15	25	10	10	0	10	:	20

Eurostat, last update 13/05/20

**Illegal stay:** The number of Montenegrin nationals found to be illegally staying in 2019 increased by 10% (885 in 2019 compared to 805 in 2018). Germany remained the most affected Member State.

<i>Illegal stay by nationals of Montenegro</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>375</b>	<b>390</b>	<b>500</b>	<b>610</b>	<b>810</b>	<b>770</b>	<b>565</b>	<b>810</b>	<b>805</b>	<b>885</b>
<b>Germany</b>	175	165	230	245	275	430	250	380	375	375
<b>Hungary</b>	20	25	45	40	105	75	85	175	175	185
<b>France</b>	70	80	85	140	200	120	95	80	75	75
<b>Slovenia</b>	30	35	5	5	5	5	40	50	40	65
<b>Switzerland</b>	0	0	25	35	25	40	35	30	25	40

Eurostat, last update 11/05/20

**Asylum applications:** The number of asylum applications (including repeat applications) in the Schengen+ area continued to decrease in 2019 and was the lowest in the last ten years. With 410 applications lodged in 2019 compared to 640 in 2018, the year-on-year decrease was 36%. The most affected Member State was Germany, followed by France. The asylum recognition rate in the Schengen+ area increased from 4.1% in 2018 to 4.9% in 2019.

<i>Yearly total number of asylum applications by nationals of Montenegro</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>435</b>	<b>670</b>	<b>1 305</b>	<b>975</b>	<b>1 870</b>	<b>4 115</b>	<b>1 830</b>	<b>970</b>	<b>640</b>	<b>410</b>
<b>Germany</b>	95	125	395	380	1 270	3 635	1 625	730	370	250
<b>France</b>	80	200	320	245	260	160	110	150	205	70
<b>Italy</b>	155	20	35	30	10	10	15	10	10	20
<b>Belgium</b>	25	50	105	20	20	15	15	5	10	20
<b>Netherlands</b>	0	0	0	10	5	10	25	5	5	20

Eurostat, last update 12/03/20

First-time asylum applications lodged by Montenegrin nationals in the Schengen+ area also continue to decrease. In 2019, a decrease of 40% was recorded in comparison to the previous year. The overall numbers are relatively low, with Germany and France remaining the most affected EU Member States in 2019.

<i>Yearly total number of first time asylum applications by nationals of Montenegro</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>370</b>	<b>555</b>	<b>1 140</b>	<b>790</b>	<b>1 485</b>	<b>3 635</b>	<b>1 545</b>	<b>520</b>	<b>375</b>	<b>225</b>

<b>Germany</b>	60	80	290	260	935	3 235	1 380	340	150	95
<b>France</b>	70	195	315	245	255	145	80	115	175	50
<b>Italy</b>	155	20	35	30	10	10	15	10	5	20
<b>Belgium</b>	10	45	90	5	20	10	5	5	5	20
<b>Netherlands</b>	0	0	0	10	5	10	25	5	5	20

Eurostat, last update 12/03/20

The number of asylum applications lodged by Montenegrin nationals continued to decrease in 2020, with 110 applications in the first quarter of 2020, 8% less than in the same period of 2019. Germany remained the main destination of Montenegrin asylum seekers and the number of applications lodged in the country increased by 6% year-on-year.

<i>Asylum applications by nationals of Montenegro</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
<b>Schengen+ area</b>	40	35	45	20	30	15	30	30	40	35	40	15	40	40	30
<b>Germany</b>	35	25	20	15	10	15	20	25	25	25	25	10	35	30	20
<b>France</b>	0	5	10	0	5	0	10	5	5	5	10	5	5	10	10
<b>Netherlands</b>	0	0	5	5	5	0	0	0	5	0	0	0	0	0	0
<b>Belgium</b>	0	0	5	0	0	0	0	0	5	5	0	0	0	0	0
<b>Italy</b>	0	0	5	0	10	0	0	0	0	0	0	0	0	0	0

Eurostat, last update 09/06/20

**Readmission and return:** As attested by EU Member States, Montenegro cooperates well on readmission and return. The return rate fell to 60% in 2019 compared to 73% recorded in 2018. Since EU Member States report good cooperation, this decrease may be due to the processing of large volumes of decisions or a backlog in previous years and possibly secondary movements.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	760	820	108%	720	525	73%	590	355	60%
<b>Germany</b>	410	655	160%	265	325	123%	180	135	75%
<b>France</b>	105	30	29%	180	30	17%	135	35	26%
<b>Austria</b>	25	25	100%	25	20	80%	60	60	100%
<b>Luxembourg</b>	30	35	117%	70	20	29%	35	15	43%
<b>Netherlands</b>	20	5	25%	20	15	75%	35	10	29%

Eurostat, last update 11/05/20

## Cooperation on migration and border management

Over the past years, Montenegro has consolidated and upgraded major pieces of legislation in the area of migration and asylum, including the Law on Foreigners, the Law on International and Temporary Protection of Foreigners, and the Law on border control. A list of safe countries of origin, which includes the Western Balkans partners and Turkey, was adopted in December 2019.

Montenegro has adopted an Action Plan in case of a mass influx of migrants and refugees. A cross-ministerial Coordination Committee and an Operational Team have been formed to coordinate the activities of the state authorities in the implementation of the Action Plan. Four different projects to increase the country's accommodation capacity for asylum seekers, which currently amounts to 329 beds, are being carried out in parallel, including the establishment of a centre with a 120-bed capacity close to the Albanian border. While most apprehended migrants express their intention to request asylum, the number of those actually lodging asylum claims declined by 38% in 2019 and most of them left before the end of the procedure.

The Ministry of Foreign Affairs has regular meetings with representatives of the EU Diplomatic and Consular Offices accredited to Montenegro to discuss statistics on the rights and obligations of the visa-free regime. The Ministry has developed an e-Consular application providing the necessary information for Montenegrin citizens travelling abroad. Given the decreasing trends and a low number of irregular movements and unfounded asylum applications, in 2019 there was no nation-wide communication campaign on the rights and obligations related to the visa free travel.

The European Border and Coast Guard (Frontex) Status Agreement was signed by the EU and Montenegro on 7 October 2019, ratified by both sides in the course of 2020 and entered into force on 1 July 2020, providing for deployments of joint operations. After Albania, Montenegro is now the second country in the region where such an Agreement has entered into force. A working arrangement with Frontex is also in place.

Montenegro's visa policy is not yet fully aligned with the EU's, including with the EU lists of countries whose nationals require a visa and those who are exempt from this requirement. In the framework of its tourism development policy, Montenegro still exempts nationals from Russia, Armenia, Kazakhstan, Azerbaijan, Belarus, Cuba, Ecuador, Kuwait, and Turkey from short-term visa requirements – either on a seasonal basis for tourism purposes or permanently. These countries are on the EU list of countries whose citizens require a visa for the EU and seasonal visa exemption measures are not in line with the EU *acquis*. No impact of these exemptions on irregular migratory flows into the country has been observed.

As a consequence of the COVID-19 crisis, Montenegro closed its borders on 15 March 2020, but did not declare a state of emergency. As of 16 March, all commercial flights were cancelled until 9 June. During this period, Montenegrin authorities repatriated around 17,000 citizens from abroad (and primarily from the EU) through the activities carried out by the competent authorities, including charter flights. The COVID-19 epidemic was declared officially over in Montenegro on 2 June. The borders were consequently opened for countries with less than 25 active COVID-19 cases per 100,000 citizens. The EU has provided EUR 53 million to Montenegro to fight COVID-19.

## **Public order and security**

According to the national Serious and Organised Crime Threat Assessment (SOCTA) since 2013 the number of organised criminal groups in Montenegro has been reduced from 20 to 11. However, Montenegrin organised crime groups operate largely outside the country, including in EU Member States. They are active in trafficking cannabis, heroin, cocaine and have direct links to crime groups in South America. Drug trafficking is the main and most profitable criminal activity of Montenegrin organised crime groups, and triggers many other criminal activities, such as homicides, gang-related murders and trafficking in firearms. Montenegro is also perceived as a regional platform for cigarette smuggling and as an entry point to the EU market.

Over the past years, Montenegro has enhanced international cooperation in the fight against organised crime groups, whose members live and operate outside of Montenegro. Out of 26 members of Montenegrin crime groups arrested in 2019, six were arrested abroad, based on Montenegro's international arrest warrants. Montenegro's criminal scene remains dominated by gang related murders (up to 44 gang-related murders occurred since 2012, including ten in 2019).

The authorities seized 2.4 tons of drugs in 2019, of which 2.2 tons of marijuana. Seizures of cocaine and heroin have surged by respectively 250% and 1300 % compared with last year, reflecting international trends. Montenegro participated in four multi-country police operations involving Austria, Slovenia, Croatia, Italy, Germany, France, the United States, Australia, Albania, and Serbia. In a major international police operation conducted in February 2020, 5.7 tons of cocaine were seized and seven crew members, including four Montenegrin nationals, were arrested on a ship navigating from Venezuela to Greece. The operation was a result of cooperation between the United Kingdom, Serbia, the Netherlands, amongst other partners, and was based on the intelligence provided by the Montenegrin police. The number of investigations into drug trafficking rose to 155 in 2019 and eleven investigations were conducted with international cooperation, a 175% surge compared to 2018.

Within the EU Policy Cycle/EMPACT (European Multidisciplinary Platform against Criminal Threats) in 2020, Montenegro is strongly involved in the priority on "illicit firearms trafficking", driven by Spain, notably by co-leading one of the operational actions. Montenegro is one of the first Western Balkan partners to co-lead an operational action in an EMPACT priority. Montenegro is also participating in several operational actions in other EMPACT priorities addressing drugs trafficking, child sexual exploitation, facilitation of illegal immigration and organised property crime.

As regards cigarette smuggling, cooperation has improved with EU Member States' customs and the European Antifraud Office (OLAF). After a Peer Review mission of the European Commission's Technical Assistance and Information Exchange Instrument (TAIEX) found that the work of the police on tobacco smuggling was not proactive enough, an inter-governmental operative group was set up to strengthen the activity of the law enforcement bodies in this area. Law enforcement agencies worked on three large-scale investigations into tobacco smuggling took place, however there were no court convictions in 2019. Despite increasing efforts in this area, the number of cases is still insufficient, considering the estimated scale of tobacco smuggling from, to, and across Montenegro.

Good cooperation with Europol and Interpol has been observed with more information exchanged through their channels. The amount of information exchanged through Europol

reached 4,488, a stable number compared to 2018. The number of communications (59,337) exchanged with foreign police services through Interpol rose by 40% compared with 2018.

Corruption is prevalent in many areas and remains an issue of concern. The capacity building of the Anti-Corruption Agency continued. However, challenges as regards its independence, credibility, impartiality and accountability remain. An initial track-record of investigations, prosecution and final convictions in high-level corruption cases has been established. Regional and international cooperation also in this area is of great importance. Nevertheless, the criminal justice system response against high-level corruption remains limited. A majority of cases of high-level corruption continue to be concluded with a plea bargain.

An asset recovery office was established in early 2019 within the department of the police responsible for international police cooperation. The tracing, freezing and recovery of assets remain led by the Prosecution. Despite some progress, the track-record in the freezing and confiscation of assets needs to be strengthened<sup>17</sup>. In 2019, the High Court in Podgorica ordered the temporary confiscation of assets with a total value of almost EUR 3,5m in three cases. One further residential unit was permanently confiscated in February 2020.

For the second year in a row, Montenegro amended in December 2019 its Law on prevention of money laundering and terrorism financing, in order to reflect the changes in the Financial Intelligence Unit's (FIU) institutional setting. The amendments aimed at ensuring compliance with FATF recommendations, in particular by ensuring the independence and operational autonomy of the FIU, despite the latter being now administratively a department of the Police. The law will need to be amended again, to address remaining shortcomings and to align it with the 5th EU Anti-Money Laundering Directive. In May 2020, Moneyval formally removed Montenegro from the fourth round follow-up process, considering that the country had taken sufficient steps to remedy deficiencies that had been identified in 2015. The Law on international restrictive measure has yet to be amended to comply with the EU *acquis*.

The initial track record on money laundering was further developed, reflecting a stronger focus and increasing capacities of law-enforcement agencies in this area. There were two final convictions for money laundering in 2019, both achieved through plea agreements. Two cases are pending before the court, including the prominent Atlas Bank case. 10 preliminary investigations and seven investigations are on-going, regarding 117 entities, including one case of a value of EUR 25 million. The number of final convictions and asset confiscations in money-laundering cases remain low. Systemic deficiencies in the criminal justice system, including the way courts handle money-laundering offences, remain to be addressed.

In the area of firearms, the Strategy for the control and reduction of small arms and light weapons and ammunition for 2019-2024 was adopted in December 2018. The Action Plan on illicit trafficking in firearms between the EU and the South East Europe region (2015-2019) continued to be implemented. A firearms focal point has been established and is operational. It consists of a team of police officers from different services, duly trained and equipped prior to formal appointment. The team is in charge of data collection, analysis and exchange within Europol projects and with the Southeast European Law Enforcement Centre.

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<sup>17</sup> See 2019 Montenegro country report, p.20. SWD(2019) 217 final.

On 19 November 2019, Montenegrin authorities signed a bilateral implementing arrangement with the Commission as a follow-up to the joint EU-Western Balkans Action Plan on Counter-Terrorism of October 2018. The priority actions to be taken by the Montenegrin authorities include ensuring that police, judiciary and prosecution services have access to the necessary training, expertise and peer-to-peer advice; improving institutional awareness on the prevention and countering of violent extremism, training local practitioners to detect and to address violent extremist tendencies, and taking a number of measures against money laundering and terrorist financing.

On 22 November 2018, Montenegro adopted legislation establishing a three-year investor citizenship scheme, which was launched in 2019. In December 2019, Parliament enacted amendments to the law on Montenegrin citizenship. These confirm the automatic eligibility for citizenship of the family members of successful applicants to the investors' citizenship scheme. So far, the authorities have received 24 applications. Five applications have been rejected after due diligence procedure, while another five received a positive decision. No passports have yet been issued to these applicants or their family members due to the COVID-19 outbreak and the respective travel ban. As highlighted in its Report on Investor Citizenship and Residence Schemes in the European Union of 23 January 2019<sup>18</sup>, countries enjoying a visa-free status to the EU must carry out security and background checks on applicants for investor citizenship schemes to the highest possible standards. The Commission is closely monitoring whether any scheme put in place by countries with visa-free access to the EU could be used by investors from visa-required countries to bypass the regular Schengen visa procedures, posing a migratory and security risk. As a candidate country, Montenegro should refrain from any measure that could jeopardise the attainment of the EU's objectives, when using its prerogatives to award nationality.

## II.1.4 REPUBLIC OF NORTH MACEDONIA

### Irregular migration, asylum applications, readmission

**Detections of illegal border crossing:** According to Frontex data, the number of detections of illegal border crossings by nationals of the Republic of North Macedonia confirmed the same decreasing trend observed in the previous report, with low figures in absolute terms recorded from 2016. In 2017, 27 people were detected, 14 in 2018 and 10 in 2019.

<i>Detections of illegal border crossing</i>	
<b>2019</b>	10
<b>2018</b>	14
<b>2017</b>	27
<b>2016</b>	19
<b>2015</b>	51

Source: FRAN and JORA data (as of 06/02/20)

<sup>18</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Investor Citizenship and Residence Schemes in the European Union, COM(2019) 12 final.

**Refusal of entry at the external borders:** Between 2018 and 2019, the number of refusals of entry decreased by 12%, with 2,815 refusals in 2019 compared to 3,185 in 2018. Countries close to North Macedonia, such as Hungary, Croatia, Bulgaria, Slovenia and Greece were the most affected.

<i>Refusals of entry for nationals of North Macedonia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>4 165</b>	<b>3 320</b>	<b>2 325</b>	<b>2 465</b>	<b>2 560</b>	<b>2 555</b>	<b>2 495</b>	<b>3 200</b>	<b>3 185</b>	<b>2 815</b>
<b>Hungary</b>	515	555	495	770	915	755	785	880	730	615
<b>Croatia</b>	:	:	:	165	275	285	200	355	510	370
<b>Bulgaria</b>	445	440	340	170	40	155	155	180	275	355
<b>Slovenia</b>	1 090	835	475	520	450	450	355	430	305	300
<b>Greece</b>	1 415	950	565	480	510	395	380	600	560	295

Eurostat, last update 13/05/20

**Illegal stay:** In 2019, the number of nationals of North Macedonia found to be illegally staying increased by 16%, with 7,000 illegal stays in 2019 compared to 6,010 in 2018. Germany was the most affected EU Member State, followed by Hungary.

<i>Illegal stay by nationals of North Macedonia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>3 625</b>	<b>3 815</b>	<b>3 920</b>	<b>3 835</b>	<b>4 505</b>	<b>5 260</b>	<b>4 590</b>	<b>6 555</b>	<b>6 010</b>	<b>7 000</b>
<b>Germany</b>	1 125	1 255	1 805	1 970	2 205	3 530	2 560	3 205	2 685	3 455
<b>Hungary</b>	160	275	535	395	505	370	365	1 430	1 090	1 210
<b>Slovenia</b>	420	685	45	35	40	40	365	660	765	855
<b>Switzerland</b>	430	530	430	285	330	420	480	370	415	390
<b>Austria</b>	195	175	200	215	180	95	140	200	290	345

Eurostat, last update 11/05/20

**Asylum applications:** The number of asylum applications (including repeat applications) continued to decrease in 2019, with 4,035 applications lodged in 2019 compared to 4,785 in 2018, a decrease of 16%. Germany continued to be the most affected EU Member State receiving the highest number of asylum applications, although in lower numbers (2,420 in 2018; 2,250 in 2019), followed by France which recorded a 45% decrease (1,670 in 2018; 920 in 2019). The asylum recognition rate in the Schengen+ area decreased from 2.3% in 2018 to 1.4% in 2019.

<i>Yearly total number of asylum applications by nationals of North Macedonia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>8 090</b>	<b>6 565</b>	<b>10 780</b>	<b>11 175</b>	<b>10 435</b>	<b>16 110</b>	<b>9 100</b>	<b>6 890</b>	<b>4 785</b>	<b>4 035</b>
<b>Germany</b>	3 545	1 755	6 890	9 415	8 905	14 130	7 010	4 760	2 420	2 250
<b>France</b>	595	745	855	345	235	340	430	1 115	1 670	920
<b>Netherlands</b>	390	265	60	100	120	110	435	120	105	325
<b>Belgium</b>	1 740	1 320	835	425	405	335	165	250	195	190
<b>Sweden</b>	900	875	615	455	425	465	185	195	85	190

Eurostat, last update 12/03/20

As regards first-time asylum applications lodged by nationals of North Macedonia in the Schengen+ area, there is a decreasing trend since 2015. In 2019, 2,695 first-time asylum applications were lodged compared to 3,380 in 2018 (20% decrease). The top five EU Member States recording the highest number of first-time asylum applications in 2019 are: Germany, France, the Netherlands, Sweden and Belgium. In 2019, both Germany and France recorded a decrease of 10% and 48%, respectively.

<i>Yearly total number of first time asylum applications by nationals of North Macedonia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>6 605</b>	<b>5 385</b>	<b>7 760</b>	<b>7 465</b>	<b>6 810</b>	<b>10 725</b>	<b>6 710</b>	<b>4 385</b>	<b>3 380</b>	<b>2 695</b>
<b>Germany</b>	2 465	1 130	4 545	6 210	5 615	9 085	4 835	2 465	1 245	1 115
<b>France</b>	590	740	845	340	225	315	375	1 050	1 605	835
<b>Netherlands</b>	390	265	55	95	110	110	430	110	90	295
<b>Sweden</b>	900	875	615	430	395	415	170	170	60	175
<b>Belgium</b>	1 635	1 085	410	165	170	200	115	185	125	135

Eurostat, last update 12/03/20

The number of asylum application lodged by nationals of North Macedonia continued to decrease in 2020, with 650 applications in the first quarter of 2020, 59% less than in the same period of 2019. Germany remained the main destination of asylum seekers from North Macedonia, although the number of applications lodged in the country decreased by 67% year-on-year.

<i>Asylum applications by nationals of North Macedonia</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
<b>Schengen+ area</b>	640	630	320	290	230	200	310	185	305	350	290	270	305	220	125
<b>Germany</b>	500	440	195	130	110	90	175	70	120	155	145	120	200	120	60
<b>France</b>	80	115	90	90	55	55	65	60	95	85	70	60	45	30	35
<b>Netherlands</b>	25	35	10	30	20	30	35	15	40	40	15	20	20	20	5
<b>Belgium</b>	5	20	10	25	10	5	20	10	20	20	20	25	20	20	5
<b>Sweden</b>	0	0	5	10	15	10	10	15	20	30	35	35	15	25	5

Eurostat, last update 09/06/20

**Readmission and return:** Readmission is functioning well, with the country swiftly honouring readmission requests from the countries in the Schengen+ area. The return rate decreased from 99% in 2018 to 78% in 2019 (3,005 persons were effectively returned and 3,850 ordered to leave). Austria, Germany, Greece, Luxembourg, Malta, Romania and Spain have a return rate in 2019 equal to or surpassing 100%. Since EU Member States report good cooperation, this decrease may be due to the processing of large volumes of decisions or a backlog in previous years and possibly secondary movements.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	4 460	5 580	125%	3 500	3 470	99%	3 850	3 005	78%
<b>Germany</b>	2 290	4 500	197%	1 245	2 285	184%	1 230	1 690	137%
<b>France</b>	275	150	55%	660	340	52%	890	375	42%
<b>Austria</b>	205	255	124%	210	240	114%	245	290	118%
<b>Belgium</b>	480	90	19%	280	105	38%	240	75	31%
<b>Netherlands</b>	170	85	50%	130	90	69%	205	95	46%

Eurostat, last update 11/05/20

## Cooperation on migration and border management

The national authorities continue implementing the Integrated Border Management Strategy for 2015-2019 and its Action Plan. Although the National Coordination Centre for Integrated Border Management prepares regular reports on risk analysis, its institutional and operational capacity still needs to be strengthened. Border guards, customs and other bodies still do not have mutual access to databases and there is no formalised and secure information exchange arrangement with the appropriate security services.

The national authorities continue to cooperate with the European Border and Coast Guard Agency (Frontex), including participating as observers in joint operations. Mixed police patrols are being deployed on the southern border involving members of the border police of Austria, Croatia, the Czech Republic, Hungary, Poland, Slovakia, Slovenia and Serbia deployed on bilateral basis, to manage migration flows.

North Macedonia initialled a European Border and Coast Guard (Frontex) Status Agreement with the EU in July 2018. Despite the challenges caused by the migration situation for both the EU and North Macedonia, Frontex Status Agreement, which provides *inter alia* executive powers to Frontex teams being deployed on the territory of North Macedonia, has not yet been signed. Once the Agreement is signed and ratified an operational plan will need to be adopted, after which border teams can be deployed in the country at its border with the EU.

The Ministry of the Interior is upgrading the existing database on foreigners by developing a new asylum module to provide a case-management tool for processing asylum claims. Progress was made in reducing the time it takes to process asylum applications and systemic access to asylum continued to be ensured. However, the quality of decision-making on asylum procedures should be improved, including at the appeal level. Difficulties persist in providing translation during interviews with asylum-seekers and free legal aid is not accessible under the law on free legal aid in practice due to a number of requirements which asylum seekers are not able to fulfil. Free legal aid is provided with the support of NGOs only.

North Macedonia continues to organise information campaigns to inform its nationals on the rights and obligations under the visa free regime. Information on visa free travel to the European Union can be found through the Ministry of Foreign Affairs and the Ministry of Internal Affairs.

In addition, the implementation of preventive actions in order to avoid the abuse of the visa free regime is incorporated into an annual action plan implemented by all regional centres for border affairs.

In December 2012, North Macedonia introduced a modification in the law which could allow the acquisition of citizenship for special economic interest. While this does not raise any immediate concerns, the Commission will continue monitoring this area, taking into account the security and migratory risks that fully fledged investor citizenship schemes may pose.

As a consequence of the COVID-19 crisis, North Macedonia closed its borders on 16 March and subsequently introduced a state of emergency for consecutive periods limited in time on 18 March. The latter was lifted on 22 June. The land borders were opened on 26 June. As of 18 March all commercial flights have been cancelled until further notice. During this period, North Macedonia authorities repatriated 3.032 citizens from abroad (and primarily from the EU) through chartered repatriation flights.

### **Public order and security**

Criminals from North Macedonia are active in the trafficking and distribution of drugs, notably heroin and marijuana. The country remains a source of archaeological objects, religious items and cultural goods trafficked to the EU. Returning foreign terrorist fighters also poses a risk.

In 2018, good progress was made in improving the country's track-record of seizing drugs and dismantling organised crime groups. There was an increase in the detection of drug-related criminal offences and in the number of perpetrators. The detection of crimes and perpetrators related to drug trafficking increased by 43%, as well as the seizure of the largest amount of drugs in the last 10 years.

In 2018, investigations resulted in the dismantling of eight organised criminal groups involving 46 people trafficking drugs. In 2019, six organised criminal groups have been suppressed. Cooperation with neighbouring countries is good, including ad-hoc cooperation. In 2018, one international drug shipment of liquid cocaine was intercepted. Five international criminal investigations were also conducted, confirming the good cooperation with third countries including under EMPACT.

The **National Coordination Centre for Suppression of Organized and Serious Crime**, operational since October 2018, has improved its operational capacity. All relevant institutions assigned their representatives and are connected to the Centre. All participating authorities have access to their respective databases. The Centre is focused on inter institutional exchange of information, and not inter institutional cooperation as such. Working in multi-disciplinary teams should be encouraged to make full use of the centre capabilities.

A **Police Development Strategy and a 2016-2020 Action Plan** were established and are being implemented. The country currently develops a threat assessment on organised crime at the regional level within the Southeast European Police Chiefs Association (SEPCA). A national assessment of threats of serious and organised crime in line with Europol's Serious Organised Crime Threats Assessment methodology needs to be developed and should inform decisions on operational priorities in addressing organised crime in the years ahead.

The National Coordination Centre for the Fight against Organised Crime has significantly improved its operational capacity. The exchange of data with/among relevant authorities has been improved. The centre has demonstrated its capacity to efficiently collect, exchange, and analyse information.

North Macedonia has further consolidated its track-record on investigating, prosecuting and trying high level corruption cases. The Commission for Prevention of Corruption has taken important steps to proactively fight against corruption, involving high-level officials across the political spectrum. The Special Prosecutor's Office has continued, however, controversy around the racket case – suspicion of corruption - caused concerns especially following the indictment of the chief Special Prosecutor. After expiry of the mandate of the special prosecutors, cases were transferred to the Public prosecutor's office against Organised Crime and Corruption. However, corruption remains an issue of concern. In March 2019, the Public Prosecutor's was designated as the national Asset Recovery Office (ARO).

Following the implementation of the **National Strategy for Combating Trafficking in Human Beings and Illegal Migration (2017-2020)**, a dedicated Task Force was set up, including representatives from the Ministry of the Interior and two prosecutors from the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption. This is a positive step towards a greater efficiency in fighting trafficking in human beings and irregular migration as it ensures real time communication between the relevant authorities.

In 2018, the authorities established a National Unit for the Suppression of Migrant Smuggling and Human Trafficking with the aim of building national capacities and increasing the efficiency of the police and prosecution in combating organised forms of migrant smuggling and trafficking in human beings. The interception of migrant smuggling in 2019 increased by 60.8% compared to 2018.

North Macedonia participated in operations of the Balkan Task Force that was established in 2018 with the aim to fight against organised crime groups involved in the smuggling of migrants via the Joint Operational Office and with the mediation of Frontex, Interpol and Europol, i.e. the European Migrant Smuggling Centre (EMSC).

Overall progress was made at the operational level by improving the effectiveness of the National Coordination Centre for the Fight against Organised Crime and participating in joint operations with EU Member States and neighbouring countries. However, more needs to be done on threat assessments and on prioritising the fight against money laundering and financial crimes. Coordination remains crucial for all stakeholders involved in fighting organised crime.

The National Strategy for Control of Small Arms and Light Weapons (SALW) and Action Plan 2017-2021 (revised) was developed in 2018 and adopted in February 2019. The establishment of the firearms focal point is under way, but it has not yet been put into operation due to the absence of an integrated database. Trafficking of firearms is only criminalised to the extent that it is included in the definition of “unauthorized manufacture, possession, mediation and trade in weapons or explosive materials”.

A national coordinator has been appointed to oversee efforts to **combat terrorism**. The Office of the National Coordinator and the National Committee have improved their capacities through various basic and specialised training and are more operational. Cooperation has increased between law enforcement agencies, intelligence services and relevant key state institutions (education, health, and social services).

The **2018-2022 National Counter Terrorism Strategy** and the **2018-2022 Strategy for Countering Violent Extremism**, and their relevant action plans, by which the government moved from a purely security based approach to a more integrated and preventive approach, are being implemented. Community action teams are local mechanisms for prevention and countering of violent extremism and have been set up in the most sensitive areas. They are involving various stakeholders at local level to support prevention and early identification of radicalisation in the communities. Training was organised for education personnel.

North Macedonia was the first country in the Western Balkans, together with Albania, to have signed the bilateral implementing arrangement on counter-terrorism with the Commission on 9 October 2019. This arrangement is a follow-up to the EU-Western Balkans Joint Counter-Terrorism Action Plan signed in October 2018. The priority actions to be taken by the authorities of North Macedonia in 2019 and 2020 include strengthening counter-terrorism structures and strategies, including with an improved threat assessment, stepping up efforts to prevent and counter violent extremism, including with a multi-agency approach at the local level, addressing the challenges posed by radicalisation in prisons, returning foreign terrorist fighters and their families, establishing a national threat assessment of money laundering risks and improving the link between financial intelligence and prosecution. The first report was submitted in June 2020.

## II.1.5 SERBIA

### Irregular migration, asylum applications, readmission

**Detections of illegal border crossing:** according to Frontex data, the number of detections of illegal border crossings of Serbian nationals remained low in absolute terms, with 29 people detected in 2019 compared to 73 in 2018.

<i>Detections of illegal border crossing</i>	
2019	29
2018	73
2017	84
2016	107
2015	200

Source: FRAN and JORA data (as of 06/02/20)

**Refusal of entry at the external borders:** The number of Serbian nationals refused entry was 8,300 in 2019, compared to 9,035 in 2018, a decrease of 8%. Hungary is the most affected country, with a total of 4,235 cases reported in 2019, followed by Croatia with 1,330 cases. 84% of the refusals of entry took place at the land borders and 16% at air borders.

<i>Refusals of entry for nationals of Serbia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Schengen+ area	6 500	6 620	5 590	9 170	9 520	7 850	7 910	8 070	9 035	8 300
Hungary	2 920	3 580	3 325	5 445	6 530	4 805	4 710	5 275	5 030	4 235
Croatia	:	:	:	1 235	730	740	765	30	1 215	1 330
Slovenia	1 575	1 245	1 050	865	700	700	605	680	595	655
Romania	455	450	245	715	600	575	510	350	490	625
Germany	245	240	170	170	145	100	110	140	210	290

Eurostat, last update 13/05/20

**Illegal stay:** In 2019, the number of Serbian nationals found to be illegally staying in the Schengen+ area increased by 4%, with 13,635 illegal stays in 2019 compared to 13,090 in 2018. In 2018, the number of illegal stays had decreased by 11% compared to 2017. Germany and Hungary were generally the most affected countries, followed by Austria in 2019.

<i>Illegal stay by nationals of Serbia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Schengen+ area	12 585	9 850	11 765	11 820	15 400	13 760	11 155	14 650	13 090	13 635
Germany	2 920	3 375	4 350	4 980	7 295	7 650	4 710	5 725	4 500	5 040
Hungary	1 045	1 585	2 425	2 275	3 350	2 580	2 455	4 570	3 705	3 715
Austria	855	940	1 015	1 090	815	460	660	855	1 280	1 415

<b>Slovenia</b>	355	610	115	90	110	110	440	675	720	895
<b>Switzerland</b>	0	0	745	715	665	810	850	675	725	605

Eurostat, last update 11/05/20

**Asylum applications:** The number of asylum applications (including repeat applications) by Serbian nationals continued to decrease in 2019, with 6,075 applications submitted compared to 6,425 in 2018, a decrease of 5% (between 2017 and 2018, the number fell by 23%). In 2019, Germany was the Member State with the highest number of applications lodged, which rose from 2,555 in 2018 to 2,710 (6% increase), whilst France recorded a 24% decrease from 2,640 in 2018 to 2,000 in 2019. The asylum recognition rate in the Schengen+ area decreased from 7.0% in 2018 to 4.8% in 2019.

<i>Yearly total number of asylum applications by nationals of Serbia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>18 845</b>	<b>15 630</b>	<b>21 065</b>	<b>22 725</b>	<b>31 170</b>	<b>30 325</b>	<b>13 515</b>	<b>8 325</b>	<b>6 425</b>	<b>6 075</b>
<b>Germany</b>	6 795	6 990	12 810	18 000	27 145	26 945	10 260	4 915	2 555	2 710
<b>France</b>	800	665	840	700	605	460	655	1 730	2 640	2 000
<b>Netherlands</b>	65	105	145	265	195	445	945	210	150	360
<b>Sweden</b>	6 255	2 645	2 670	1 670	1 510	1 055	460	310	220	240
<b>Belgium</b>	2 220	1 995	1 095	685	500	375	205	230	200	220

Eurostat, last update 12/03/20

As regards first-time asylum applications lodged by Serbian nationals in the Schengen+ area, figures for 2019 confirmed the decreasing trend observed since 2014. In 2019, 4,060 first time asylum applications were lodged compared to 4,570 in 2018 (11% decrease). In 2019, first time asylum applications decreased in France (by 28%), while they slightly increased in Germany (by 4%).

<i>Yearly total number of first time asylum applications by nationals of Serbia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>15 605</b>	<b>11 725</b>	<b>15 330</b>	<b>15 080</b>	<b>20 305</b>	<b>19 255</b>	<b>9 065</b>	<b>5 290</b>	<b>4 570</b>	<b>4 060</b>
<b>Germany</b>	4 980	4 580	8 475	11 460	17 170	16 700	6 400	2 330	1 100	1 140
<b>France</b>	685	570	755	665	565	400	570	1 630	2 510	1 810
<b>Netherlands</b>	55	95	135	245	190	440	940	175	125	325
<b>Sweden</b>	6 210	2 645	2 670	1 430	1 255	750	270	220	165	185
<b>Belgium</b>	1 890	1 410	440	215	175	160	110	125	140	165

Eurostat, last update 12/03/20

The number of asylum applications lodged by Serbian nationals continued to decrease in 2020, with 1,015 applications in the first quarter of 2020, 53% less than in the same period of

2019. Germany remained the main destination of Serbian asylum seekers, although the number of applications lodged in the country decreased by 55% year-on-year.

<i>Asylum applications by nationals of Serbia</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
Schengen+ area	885	740	540	510	410	370	450	395	475	515	420	330	405	400	210
Germany	570	360	250	235	175	115	140	145	185	225	185	120	230	205	100
France	125	215	215	170	145	140	185	175	160	185	165	120	90	100	50
Netherlands	50	60	20	40	20	40	30	10	40	25	10	15	15	25	15
Sweden	55	20	5	10	15	15	30	5	20	25	10	30	25	15	20
Belgium	5	10	20	15	20	20	20	20	15	30	20	25	20	20	15

Eurostat, last update 09/06/20

**Readmission and return:** Serbian nationals ordered to leave the EU are in general effectively returned from the EU Member States to Serbia. Overall, in the Schengen+ area the return rate in 2019 decreased to 60% compared to 77% in 2018. Since EU Member States report good cooperation, this decrease may be due to the processing of large volumes of decisions or a backlog in previous years and possibly secondary movements.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
Schengen+ area	8 720	8 115	93%	7 665	5 870	77%	8 740	5 250	60%
Germany	3 505	5 295	151%	1 980	2 605	132%	2 310	1 830	79%
France	545	155	28%	1 090	450	41%	1 770	485	27%
Austria	845	985	117%	1 100	1 260	115%	1 320	1 445	109%
Netherlands	295	165	56%	215	120	56%	440	215	49%
Croatia	255	170	67%	270	150	56%	375	195	52%

Eurostat, last update 11/05/20

### Cooperation on migration and border management

As regards border management, further progress was made in implementing the revised Integrated Border Management Strategy and its Action Plan 2017-2020. The government provided funding for additional 187 border police staff. An electronic information exchange platform to be used by all IBM agencies is being set up. The Inter-agency cooperation for border management is taking place, with the establishment of an IBM coordination mechanism. In preparation of the Schengen action plan relevant assessments and gaps analysis were carried out. Serbia still needs to create a single coordination centre for exchanging police information and start preparations for setting up a SIRENE (Supplementary Information Request at the National Entries) office. International border cooperation was further strengthened and joint patrols are operating along the borders with Montenegro, Bulgaria, North Macedonia, Hungary, Bosnia and Herzegovina and Romania. The start of joint patrols with Croatia is still pending.

Information campaigns directed at raising the level of awareness on rights and obligations of the visa-free regime for Serbian nationals are continuously being implemented.

Serbia signed a European Border and Coast Guard (Frontex) Status Agreement with the EU on 19 November 2019. As the EU has finalised its ratification procedure, the Agreement will enter into force once Serbia ratifies it. It should swiftly become operational by allowing for the deployment of Frontex teams with executive powers along its border with the EU. Joint preparations for the operationalisation of this agreement are ongoing. A working arrangement with Frontex is also in place. A Frontex regional liaison officer was posted to Belgrade in September 2017. Serbia started implementation of the new law on border control and its bylaws, in relation to planning, maintenance and construction of border crossing points.

A point of concern indicated in the First and Second Suspension Mechanism report was Serbia's decision to grant **visa free regime to countries posing a migratory and security risk** to EU Member States, including Iran (2017), Suriname (2018) and most recently Armenia (2019).

In 2019, the number of people intercepted at the Serbian border was 4,990, mainly from Afghanistan, Syria, Pakistan, Iraq, Iran and Bangladesh. Serbia continued to manage the effects of the increased mixed migratory flows towards the EU. Amendments to the Law on Foreigners and the Law on Employment of Foreigners were adopted in April 2019. These amendments foresee the creation of a single administrative place for submitting a consolidated request for the temporary residence and work permit for foreigners with a long-term visa. The provisions entered into force in January 2020. The rights of migrants in proceedings before state authorities as well as their rights pending repatriation have been defined, and the return mechanisms improved.

The institutional set up for fighting smuggling and trafficking in human beings, established in 2019 within the Criminal Police Directorate is led by the Deputy Prosecutor for Organised Crime and includes bodies such as the Security Intelligence Agency, which were previously not included. As part of organisational changes within the Border Police Directorate, a new department for fighting irregular migration within the Service for Foreigners was established. Suspects from Serbia were among the main nationalities of migrant smuggling suspects reported along the Western Balkan route.

Serbia's asylum legal framework is largely aligned with the EU *acquis*. Serbia still needs to further adapt its legislation notably as regards effective 'access to the procedure'. By the end of March 2020, there were 8 652 persons hosted in 17 official centres. Following the declaration of the state of emergency due to COVID-19, migrants, refugees and asylum seekers were prohibited from leaving the reception facilities in order to avoid uncontrolled movements within the country. The number of persons reached 9 000 in April 2020, and two new temporary facilities had to be opened while some facilities were at 325% of their capacity. The Serbian authorities reacted with a set of measures to prevent the spread of COVID-19 in the reception facilities and used a proactive communication policy in order to contain and mitigate rising tensions due to prolonged confinement and overcrowded spaces.

The Asylum Office increased its staff and recruitments are close to completed. Resources were allocated to the Commissariat for Refugees and Migration in the 2019 budget to facilitate access to various rights for persons under international protection. The Commissariat continued to allocate funds to civil society organisations for carrying out awareness-raising

activities in host communities and at local level, as well as for the reintegration of returnees under the readmission agreements.

As a consequence of the COVID-19 crisis, Serbia closed its borders on 15 March and subsequently introduced a state of emergency on the same day. The latter was lifted on 6 May. On 19 March all commercial flights were cancelled until 21 May. Until 22 May Serbian authorities repatriated 5,637 citizens from abroad (and primarily from the EU) through chartered repatriation flights.

### **Public order and security**

According to Europol, nationals of Serbia (along with those of Albania and Bosnia and Herzegovina) are also among the most frequently reported nationalities for organised property crimes in the EU. Serbian nationals also play a prominent role in trafficking and distribution of cocaine in the EU. Frontex reports that Western Balkan organised crime groups are mainly composed of Serbians (as well as Montenegrins and Croatians) who are involved in the infiltration and corruption at key European international ports, and use mostly containers and pleasure vessels to traffic the cocaine into the EU.

In November 2019, Serbia adopted legislation on the ratification of agreements with Europol: on the deployment of a Europol liaison officer in Serbia, and on amendments to the operational and strategic cooperation with Europol. A Serbian Police Liaison Officer has been posted at Europol since March 2017. The deployment of a Europol Liaison Officer to Serbia is still pending.

The Working Arrangement between the Serbian Office for Combatting Drugs and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) is expected to be signed in the foreseeable future. The working arrangement between the Serbian Ministry of Interior and the European Agency for Law Enforcement Training (CEPOL) entered into force in April 2018. It provides for a solid basis for mutual support in training activities for law enforcement officials and for the exchange of best practices in cooperation mechanisms, and should thus help enhancing the effectiveness of fighting cross-border crime in particular.

The implementation of the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Terrorism and Corruption is ongoing. The changes brought by this law produced some results in terms of convictions for corruption in the special departments for suppression of corruption in the Higher Prosecutors' offices and special court departments. However, Serbia still needs to show a convincing track record of confiscating assets in corruption cases.

In November 2019, Serbia signed with the European Commission an implementing arrangement for the implementation of the Joint Action Plan on Counter-Terrorism for the Western Balkans which was signed in October 2018 in Tirana. The priority actions to be taken by the authorities of Serbia in 2019 and 2020 include formalise the functions and duties of the new National Coordinator for Counter-Terrorism and for Preventing and Countering Violent Extremism of Serbia; step-up activities in the field of prevention of all forms of radicalism and violent extremism and fight money laundering and terrorist financing, in particular by further developing the track record of investigation, prosecution and convictions. Although Serbia appears to have progressed well in the implementation of the Action Plan,

more steps need to be undertaken in various areas and forms of radicalisation and violent extremism.

A cooperation agreement between Eurojust and Serbia entered into force in December 2019. The agreement is a positive step towards more efficient cooperation in the fight against organised crime through sharing of information including personal data between Serbia and Eurojust and enabling the appointment of a Liaison Prosecutor for Serbia at Eurojust, who took office on 10 March 2020. Meanwhile, regular cooperation with Eurojust continued through contact points in the Ministry of Justice and the Republic Public Prosecutor's Office.

The fight against firearms trafficking remains insufficient. Cases of diversion of exports of small arms and light weapons have been reported, which demonstrates inadequate export controls. In June 2019, Serbia adopted a Strategy for Small Arms and Light Weapons Control for the period 2019 – 2024 with its accompanying Action Plan, which are now being implemented. The strategy defines five strategic goals for improving the control of weapons. It also envisages the establishment of an expert advisory body (a 'Council') and so-called Firearms Focal Points. In December 2019, a team for monitoring and exchanging all operational data regarding weapons was formed. A national Coordinator for control of small arms and light weapons should be designated.

The **2017-2022 Strategy for the Prevention and Suppression of Human Trafficking** adopted in August 2017 is being implemented. An action plan for the period 2019-2020 was adopted in July 2019. Standard Operating Procedures for the Treatment of Victims of Trafficking in Human Beings were adopted in January 2019 and are currently under revision following their first phase of implementation. Cross-sectoral cooperation, coordination and a clear mutual understanding of roles and responsibilities need to be further strengthened.

The Centre for Protection of victims of human trafficking is functional with 16 out of 24 envisaged staff. There is a need to further enhance its capacities. A shelter for female victims was opened in February 2019. Although legally possible, compensation to victims is rarely granted. There is no scheme or fund for compensation. A significant fall in the numbers of formally identified victims was observed in 2019, though an official set of indicators to identify victims is still lacking. There were 12 individuals convicted (at first instance), for trafficking in human beings (with one of them convicted of having committed the offence within the context of organised crime).

Serbia has further strengthened its participation in the EU Policy Cycle for serious and international organised crime / European Multidisciplinary Platform Against Criminal Threats (EMPACT) for the period 2018-2021. In 2020, Serbia participates in 15 operational actions within EMPACT (out of 249 in total). This includes actions in EMPACT priorities including drugs, child exploitation and firearms trafficking, irregular migration, organised property crime. Serbia took part in the annual planning of operational actions. It committed to participate in four operational actions together with EU Member States to combat migrant smuggling in 2020.

## II.2 EASTERN PARTNERSHIP

### II.2.1 GEORGIA

#### Irregular migration, asylum applications, readmission

**Detections of illegal border crossing:** According to Frontex data, 328 illegal border crossings were recorded in 2019, compared to 189 detections in 2018. Cyprus was the top reporting country. All illegal border crossing detections were reported at external land borders.

<i>Detections of illegal border crossing</i>	
2019	328
2018	189
2017	85
2016	119
2015	239

Source: FRAN and JORA data (as of 06/02/20)

**Refusal of entry at the external borders:** In 2019, refusals of entry in the Schengen+ area further increased by 17% compared to 2018 (from 3,805 to 4,435). Poland, Germany and France recorded the highest shares of refusals of entry issued. To be noted that the number of refusals issued by Austria in 2019 increased by 1500% (240) compared to 2018 (15).

According to Frontex, the available data also shows a mixture between refusals of entry at the land and air borders, with refusals at air borders accounting for 78%, those at land borders 21% and those at sea borders only 1%. The refusals were largely issued on the basis of lack of proper documents that justified the purpose and conditions of stay (43%), the traveller being a person for whom an alert had been issued in the Schengen Information System (SIS) or the national register for the purposes of refusing entry (23%) and the lack of sufficient means of subsistence (17%).

<i>Refusals of entry for nationals of Georgia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>3 315</b>	<b>2 820</b>	<b>8 965</b>	<b>8 160</b>	<b>3 185</b>	<b>1 330</b>	<b>810</b>	<b>2 655</b>	<b>3 805</b>	<b>4 435</b>
<b>Poland</b>	2 885	2 340	8 245	7 250	1 345	505	200	335	590	755
<b>Germany</b>	25	20	20	20	25	25	40	130	440	545
<b>France</b>	15	30	20	30	5	25	105	235	460	440
<b>Italy</b>	15	20	35	60	70	30	30	225	:	380
<b>Greece</b>	75	75	95	160	210	135	130	885	630	370

Eurostat, last update 13/05/20

**Illegal stay:** In 2019, the number of Georgian nationals found to be illegally staying in the Schengen+ area increased by 26%, with 11,845 illegal stays in 2019 compared to 9,400 in 2018. The highest number of Georgian nationals in 2019 was registered in Germany, as in

2018; France saw an increase of 41% of illegal stays by Georgians in 2019 compared to 2018. The detection of illegal stayers was also significantly higher in Poland in 2019.

<i>Illegal stay by nationals of Georgia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>5 130</b>	<b>4 380</b>	<b>5 490</b>	<b>5 165</b>	<b>6 550</b>	<b>5 400</b>	<b>5 235</b>	<b>5 850</b>	<b>9 400</b>	<b>11 845</b>
<b>Germany</b>	710	585	1 085	1 380	1 580	1 495	1 810	2 030	3 625	3 945
<b>France</b>	400	285	390	400	905	830	615	910	1 440	2 030
<b>Poland</b>	75	95	210	215	210	135	150	180	690	1 585
<b>Greece</b>	1 340	850	795	590	820	1 055	865	800	900	1 115
<b>Spain</b>	440	355	290	245	390	455	495	345	490	570

Eurostat, last update 11/05/20

According to Frontex, the majority of Georgian irregular migrants travelling by air arrive at medium or small-sized airports in the Schengen area, using the services of low budget airlines, having departed from the regional airport of Kutaisi in Georgia. Return flights to Georgia from these EU airports are intermittent, which means that those refused entry are in theory subject to detention periods of up to one week. However, given that the detention facilities at these airports or in their vicinity are limited, as well as a lack of border guards, and limited access to qualified interpreters, this means that the refusal of persons who may not qualify for entry is often difficult in practice.

**Asylum applications:** The number of asylum applications (including repeated applications) increased by 9% in 2019 with 21,570 applications lodged in 2019 compared to 19,730 in 2018 (11,755 in 2017). In 2019, Georgia was the top country of all countries analysed in this report or the total number of asylum application lodged. France is the most affected EU Member State recording 8,280 asylum applications in 2019 compared to 7,000 in 2018 (18% increase). The asylum recognition rate in the Schengen+ area decreased from 4.7% in 2018 to 4.1% in 2019.

<i>Yearly total number of asylum applications by nationals of Georgia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>7 465</b>	<b>7 450</b>	<b>11 620</b>	<b>9 750</b>	<b>9 000</b>	<b>8 110</b>	<b>8 700</b>	<b>11 755</b>	<b>19 730</b>	<b>21 570</b>
<b>France</b>	1 435	1 740	2 680	2 695	1 610	1 325	1 165	2 100	7 000	8 280
<b>Germany</b>	750	525	1 430	2 485	3 180	3 195	3 770	3 460	4 160	3 875
<b>Spain</b>	50	10	10	10	20	55	70	350	1 020	1 810
<b>Cyprus</b>	40	15	10	0	10	15	20	85	395	1 620
<b>Greece</b>	1 160	1 120	895	535	350	385	690	1 105	1 460	1 605
<b>Italy</b>	80	30	65	105	90	135	195	540	1 165	975
<b>Sweden</b>	290	280	750	620	805	890	720	1 100	1 155	970
<b>Switzerland</b>	640	400	725	655	465	405	465	670	875	600
<b>Belgium</b>	365	400	505	370	430	300	240	470	695	565
<b>Netherlands</b>	610	235	250	215	335	265	595	505	375	380

Eurostat, last update 12/03/20

As regards the **first-time asylum applications** lodged by Georgian nationals, the trend is similar to the number of total asylum applications. In 2019, 19,605 first-time asylum applications were lodged by Georgian nationals, which represents an increase of 6% compared to 2018. Out of the total, 7,735 first-time asylum applications were lodged in France that recorded an increase of around 300% compared to 2017 (1,895).

<i>Yearly total number of first time asylum applications by nationals of Georgia</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>4 855</b>	<b>6 310</b>	<b>10 460</b>	<b>8 510</b>	<b>7 820</b>	<b>6 855</b>	<b>7 615</b>	<b>10 555</b>	<b>18 445</b>	<b>19 605</b>
<b>France</b>	1 355	1 650	2 540	2 455	1 370	1 085	870	1 895	6 755	7 735
<b>Germany</b>	665	470	1 300	2 335	2 875	2 780	3 450	3 080	3 765	3 330
<b>Spain</b>	45	10	5	10	20	50	70	245	910	1 625
<b>Cyprus</b>	40	15	5	0	5	15	20	80	385	1 490
<b>Greece</b>	n/a	1 120	895	515	300	295	585	985	1 340	1 460
<b>Italy</b>	80	30	65	105	90	130	195	540	1 155	970
<b>Sweden</b>	290	280	750	570	735	780	640	1 005	1 040	905
<b>Switzerland</b>	530	280	615	565	400	365	395	615	805	530
<b>Belgium</b>	310	330	390	210	280	195	185	415	640	500
<b>Netherlands</b>	585	190	225	185	320	255	580	485	350	325

Eurostat, last update 12/03/20

After years of increase, the number of asylum application lodged by Georgian nationals decreased in the first three months of 2020, with 3,795 applications in the first quarter of 2020, 42% less than in the same period of 2019. The number of applications lodged in France decreased by 61% year-on-year and, as a result, it was overtaken by Germany in the first quarter of 2020 as the main destination of Georgian asylum seekers.

A number of EU Member States reported frequent cases of Georgian nationals requesting asylum for medical reasons.

<i>Asylum applications by nationals of Georgia</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
<b>Schengen+ area</b>	<b>2 375</b>	<b>2 085</b>	<b>2 125</b>	<b>2 150</b>	<b>1 980</b>	<b>1 590</b>	<b>1 910</b>	<b>1 540</b>	<b>1 315</b>	<b>1 600</b>	<b>1 475</b>	<b>1 385</b>	<b>1 590</b>	<b>1 410</b>	<b>795</b>
<b>France</b>	920	855	815	1 105	925	685	685	535	355	490	425	485	500	290	215
<b>Germany</b>	555	395	365	320	295	185	300	265	270	290	320	315	470	405	255
<b>Spain</b>	215	200	245	160	150	130	155	165	55	160	95	90	60	110	35
<b>Greece</b>	95	130	125	100	140	115	175	145	145	155	155	120	125	125	40
<b>Cyprus</b>	135	115	185	155	175	150	200	130	125	105	90	55	65	135	35

Eurostat, last update 09/06/20

**Readmission and return:** Georgia's cooperation on readmission and return is functioning well and is deemed efficient by the EU Member States. The vast majority of readmission requests filed in 2019 was approved by the Georgian authorities. The number of Georgian

nationals ordered to leave increased from 9,675 in 2018 to 16,280 in 2019, mirroring the increase of unfounded asylum applications. At the same time, despite the general increase of return operations and number of persons effectively returned, the return rate decreased from 65% in 2018 to 52% in 2019. However, the obstacles to return can also be attributed to the administrative procedures on the part of some of those Member States that account for the majority of irregular migrants to be returned.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	7 285	4 575	63%	9 675	6 330	65%	16 280	8 520	52%
<b>France</b>	1 280	330	26%	2 015	580	29%	7 195	1 515	21%
<b>Germany</b>	2 280	1 705	75%	2 285	2 145	94%	1 900	2 245	118%
<b>Poland</b>	120	90	75%	625	445	71%	1 430	1 140	80%
<b>Greece</b>	840	645	77%	925	660	71%	1 260	955	76%
<b>Sweden</b>	745	330	44%	900	490	54%	1 200	705	59%

Eurostat, last update 11/05/20

According to Frontex, in 2019 Georgia ranked first among visa free Eastern Partnership countries for returns with 1,108 nationals returned in the course of 29 return operations by charter flights coordinated by the Agency. For many years, Georgia has been the only country in the region allowing returns by all types of return operations by charter flights.

With EU support, Georgia has developed an Electronic Readmission Case Management System (RCMS) currently used by 17 EU Member States who have continually expressed satisfaction with its use. EU Member States especially appreciate the timely manner in which Georgia handles the applications (more than 90% readmission applications are handled within the limits as stipulated by the EU-Georgia readmission agreement), the very high rate (98% in 2018) of positive replies to readmission requests and the fact that since October 2018 they are able to print electronic emergency travel documents directly from the platform. 1961 travel documents have been issued in this way so far. The system is often used as an example of good practice of technology in use for other third countries.

### Cooperation on migration and border management

The first and second Visa Suspension Mechanism reports already identified the ongoing increase of asylum applications, warranting immediate action. Georgia continued to proactively address this challenge. As a result, the EU Member States and the Georgian authorities worked together on a set of operational measures to decrease irregular migration challenges. This led to a number of concrete operational actions to decrease the irregular migration and crime-related challenges that are implemented by the Georgian authorities, the Commission and the Justice and Home Affairs Agencies.

To tackle the misuse of the visa-free regime, the Georgian authorities **amended the Criminal Code** in April 2019, to introduce criminal responsibility and punishment for those facilitating/organising irregular migration of Georgian citizens. Consequently, facilitating/organising the conditions for illegal stay of Georgian citizens to receive financial

or other material benefit in foreign countries or facilitating/organising the provision of false information about the violation of rights and freedoms of Georgian citizens in Georgia in order to receive asylum in a foreign country, is a punishable action.

As part of the legislative changes, the Ministry of Foreign Affairs tightened the procedures for issuing temporary travel documents by reducing their period of validity and restricting the conditions for issuing this document.

The Ministry of Justice adopted in November 2019, legal amendments to the “Law of Georgia on the Procedure for Enforcing Non-Custodial Sentences and Probation”. The law aims to introduce stricter regulations and clearer criteria to decide whether a convict may leave the country, to extend staying abroad term or terminate the permit.

Further steps were taken to improve the cooperation with Interpol on prompt and systematic reporting on lost and stolen passports. The **agreement signed with Interpol** on 28 May 2019 granted Georgia direct access to Interpol's database.

Georgia has a long track record of structured cooperation with the **European Border and Coast Guard Agency** (Frontex). The European Commission approved in June 2020 an upgraded Working Arrangement between Frontex and the competent Georgian authorities. The new arrangement will allow for enhanced cooperation in areas such as information exchange, training, joint risk analysis, joint operations and return.

To mitigate the flow of irregular Georgian migrants arriving at EU airports, Frontex, together with the Georgian authorities and EU Member States, launched an ongoing Joint Activity in the framework of Joint Operation Coordination Points 2019 Air and Joint Operation Focal Points 2019 Air in the spring of 2019. In this context, Frontex experts have been deployed to support the Georgian Patrol Police at Kutaisi international airport, with the purpose of advising Georgian Patrol Police officials on the admissibility of departing Georgian passengers to the Schengen area. Addressing the risk of document and identity fraud within the irregular migration flow towards the Schengen+ area, the dedicated awareness sessions were organised for the Patrol Police officers operating at Kutaisi International Airport. Since the start of the Joint Activity at Kutaisi airport, over 7100 passengers not fulfilling Schengen entry conditions were denied boarding by Wizzair on its flights to the EU over the period of March 2019 – March 2020.

In parallel, four Georgian Patrol police officers were deployed monthly to the selected EU Member States' airports to assist local border authorities as observers in second-line activities in 2019 and at the beginning of 2020. The aim was to provide specialist advice and to gain and exchange relevant experience.

Due to the COVID-19 pandemic, Frontex's operation in Georgia has been suspended since 17 March until further notice. The Georgian counterparts are ready to further cooperate with the Agency in the framework of the resumed Joint Activity.

When it comes to return operations Georgia was one of the countries of return which continued to cooperate with EU Member States and Frontex by allowing return operations to take place during the COVID-19 pandemic. On 26 May 2020, 107 Georgian nationals were voluntarily returned from Cyprus to Tbilisi on a scheduled flight operated by Georgian

Airways supported by Frontex. Furthermore, two national return operations and one joint return operation by charter flight took place.

The Georgian Migration Department also actively cooperates with Frontex in the field of return operations. In 2019, 37 return operations by charter flights to Georgia were organised by Frontex, involving the return of 1415 Georgian nationals. Frontex also supported Member States to implement return operations by scheduled flights. More specifically 382 flights by 20 Member States with 646 returnees in total.

Frontex has been supporting the facilitation of cooperation with border and coast guard training institutions, the creation of common educational standards and the modernisation of education and training systems in the field of border and coast guarding in the region through the Partnership Academies Network. The Academy of the Ministry of Internal Affairs in Tbilisi, Georgia has joined the network of Frontex Partnership Academies. Only three such associated training institutions operate in non-EU countries.

In 2019 and 2020, the EU experts were deployed through the European Commission's Technical Assistance and Information Exchange Instrument (TAIEX) to advise Georgian authorities on necessary legislative framework improvements to conduct pre-departure checks at borders.

Georgia is in the process of elaborating a new Integrated Border Management (IBM) Strategy indicatively for 2020-2024 and a related Action Plan.

Georgia continued to implement its Migration Strategy and Action Plan and started discussions on the strategy and action plan beyond 2020. It finalised its migration profile for 2019 and made further progress on its Unified Migration Analytical System, which is partly operational. The aim of setting up a Unified Migration Analytical System was to create a unified migration data base and analytical system, which is necessary for the proper management of migratory processes. The system is able to collect migration-related data kept in databases of various administrative bodies, and conduct corresponding analysis for improving and proper planning of migration management and policy.

Georgia continues to conduct **information campaigns** on the rights and obligations under the visa-free regime, with a particular focus on preventing the misuse of EU Member States' asylum procedures. The third wave of such information campaigns started in March 2018 and specifically targets potential asylum seekers.

In the framework of **bilateral cooperation with EU Member States**, France and Germany deployed migration liaison officers to Georgia in 2019. Strengthened cooperation with EU Member States is also demonstrated by the signature of an administrative arrangement between Georgia and France, whereby three Georgian police officers (one in the area of migration and two in the field of organised crime) were deployed to France in September 2019. The main tasks of the deployed officers are to assist their counterparts and prevent illegal activities of citizens of Georgia in France.

Several EU Member States and Switzerland are facing a high number of asylum applications from Georgian nationals who see this as a possibility to get treatment for their serious illnesses for either the lack of treatment in Georgia or their inability to afford the otherwise

available treatment. The most affected EU Member States established direct channels with the competent authorities in order to receive information on the availability of medical treatments in Georgia.

Georgia closed its borders on 18 March 2020 as a result of the COVID-19 pandemic and subsequently introduced a state of emergency on 21 March. The latter measure was lifted on 22 May. As of 21 March, all commercial flights were cancelled; this measure was prolonged until 31 July. During this period, the Georgian Foreign Ministry repatriated over 13000 Georgian citizens from abroad (and primarily from the EU) through chartered repatriation flights.

As part of the EU's global response to the COVID-19 pandemic Georgia will benefit from more than EUR 183 million and from upcoming projects that will help overcome the socio-economic impact of pandemic on community-level.

### **Public order and security**

Organised crime groups from Georgia continue to be reported as highly active in the Schengen+ area. Georgian organised groups have changed their activities in several EU Member States from domestic burglaries to organised shoplifting. Some of them have also moved to other countries for their operations. This is probably at least to some extent the result of increased efforts undertaken by many EU Member States in recent years to tackle organised crime. Furthermore, since the entry into force of the visa-free regime, several EU Member States reported an increase of Georgian asylum seekers amongst criminals arrested.

According to Europol, Georgian (together with Moldovan) cybercriminals were involved in the international *GozNym* criminal network dismantled in May 2019 by an international law enforcement operation supported by Europol.<sup>19</sup> In September 2019, law enforcement and judicial authorities from Australia, Georgia and the USA dismantled an organised criminal network involved in the production and distribution of child sexual exploitation material.

Georgia is committed to continue the process of domestic criminal police reform. The primary goal of the reform, launched at the beginning of 2018, was to increase the capacity of investigation, criminal intelligence and crime prevention. The reform started in Tbilisi and is planned to be implemented in other parts of the country. As Georgian law enforcement practice demonstrates, successful investigation of crimes committed by so-called thieves-in-law, as well as racketeers, drug traffickers and other criminals, is achieved through efficient employment of criminal intelligence activities, including covert surveillance, test purchasing and controlled deliveries among others.

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<sup>19</sup> The criminal network used *GozNym* malware in an attempt to steal an estimated USD 100 million from more than 41 000 victims, primarily businesses and their financial institutions. The leader of the network came from Tbilisi in Georgia and leased access to the malware from a Russian developer. He subsequently recruited accomplices with specialised technical skills and services on underground, Russian-speaking online criminal forums. So-called 'crypters' (including one in Balti in Moldova) were used to crypt the malware so antivirus software would not detect it.

As regards the prevention of organised crime, Georgia continues to further improve crime prevention tools, including the expansion of community-oriented and intelligence-led policing.

With the EU's support for the "Fight against Organized Crime" project, Georgia carried out several training courses, including on SIENA, and a trainer manual on community policing was delivered in 2019. Two visits to Europol were organised in 2019 for the Ministry of Internal Affairs and the State Security Service staff respectively in order to enhance their cooperation and the information flow. In terms of institution building, the project also analysed the processes and put forward a number of recommendations on the most suitable model to fight organised crime; specific attention was paid to enhancing the capacities of Ministry of Internal Affairs to fight cybercrime.

A specially deployed team of experts under the EU-ACT (previously Heroin Route) project continued supporting the Georgian authorities, notably in fighting (organised) drug crimes through expert advice, training courses or supported visits to EU Member States or the Commission on Narcotic Drugs (CND) sessions; also, specific e-seals were procured and delivered in December 2019, and GPS trackers in June 2020.

In 2020, the EU signed a regional project for the Eastern Partnership countries with UNICRI (on asset recovery from organised crime proceeds), with CEPOL and with Europol. The latter also foresees joint investigations, operations and task forces with the EU and EU Member State agencies.

Through its criminal justice project the EU also supported several activities linked to the operationalisation of the Eurojust agreement with the Ministry of Justice and Prosecutor's Office, as far as it is focused on cross-border judicial cooperation in fighting organised crime.

Georgia continues the prevention and fight against organised crime within the framework of its National Strategy and Action Plan. On 26 November 2018, a Decree of the Government of Georgia was issued to update the composition and the statute of the Interagency Coordination Council for Combating Organised Crime. The interagency working group developed the **Action Plan (2019-2020) of the National Strategy for Combating Organised Crime (2017-2020)** centred around three components: thieves-in-law, drug trafficking, and cybercrime. Through its projects, the EU engaged to revitalise the activities of the Council and the implementation of the strategy.

A new prison reform project starting in September 2020 shall be primarily focused on managing medium and high risk prisoners, including thieves-in-law.

**The National Anti-Drug Action Plan for 2019-2020** was approved by the Anti-Drug Council in May 2019. The Action Plan is based on four pillars and aims at developing national responses to preventing crime, providing adequate treatment and rehabilitation programmes for addicts and the reduction of demand, supply and harm. Georgia continues its close cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The Ministry of Justice is designated as the focal point for the EMCDDA European information network on drugs and drug addiction (Reitox) and is actively participating in the EU4MD project (EU for Monitoring Drugs). In the framework of the project, in March 2020 EMCDDA launched a study to describe and evaluate changes in drug

markets, the availability of drug related health services and drug-use behaviour among regular users of illicit drugs, in Georgia and Ukraine, following the introduction of measures to contain the COVID-19 pandemic.

The National Drug Monitoring Centre was recently established within the Ministry of Justice. The Centre will operate under the Anti-Drug Coordination Council. The Centre will have two divisions – Survey Division and Consulting Division.

As regards law enforcement cooperation, Georgia continued its efforts to reinforce bilateral cooperation in the field of combating crime and police cooperation. Georgia has advanced its cooperation with partner countries and expanded the network of police attachés (deployment of police attachés to 16 partner states<sup>20</sup>, including 11 EU Member States).

The network of police attachés was reinforced and this contributes significantly to the fight against organised crime. With their support and close cooperation with the law enforcement bodies of the EU Member States, 12 joint operations were conducted between January 2018 and June 2019 in France, Greece, Spain, the Czech Republic and Sweden. As a result of the operations, 178 citizens of Georgia (being members of various Organised Crime Groups) were arrested, including eight so-called “thieves-in-law”.

**Cooperation with Europol** is based on the Agreement on Operational and Strategic Cooperation. Since 1 September 2018, Georgia has deployed a Liaison Officer to Europol Headquarters. The negotiations on the conclusion of a **bilateral Agreement between Georgia and Eurojust** were finalised on 29 March 2019. The Agreement entered into force on 27 July 2019.

Georgia continues to implement anti-corruption reforms, though some concerns of high-level corruption persist. To strengthen the national anti-corruption policy framework Georgia adopted an **Anti-Corruption Strategy and Action Plan 2019-2020** reflecting the anticorruption priorities in different sectors.

In 2018, the Anticorruption Agency of the State Security Service of Georgia launched investigations into 71 criminal cases and 133 persons have been brought to criminal justice. During the first half of 2019, investigations into 48 criminal cases were launched and 52 individuals have been brought to criminal justice.

## II.2.2 REPUBLIC OF MOLDOVA<sup>21</sup>

### **Irregular migration, asylum applications, readmission**

**Detections of illegal border crossing:** according to Frontex data, the number of detections of illegal border crossings has been decreasing since 2015. In 2019, there were 17 illegal border crossings. In comparison, 25 detections of illegal border crossings were recorded in 2018.

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<sup>20</sup> Armenia, Austria, Azerbaijan, Belarus (currently vacant), Belgium, Czech Republic, France, Germany, Italy, Greece, Netherlands, Poland, Spain, Sweden, Turkey (currently vacant) and Ukraine.

<sup>21</sup> Hereinafter referred to as Moldova.

<i>Detections of illegal border crossing</i>	
2019	17
2018	25
2017	38
2016	25
2015	60

Source: FRAN and JORA data (as of 06/02/20)

**Refusal of entry at the external borders:** After years of increase, the number of Moldovan nationals being refused entry at the external Schengen borders decreased from 8,170 in 2018 to 7,940 in 2019. Like in previous years, the main countries issuing a refusal of entry were Romania, Hungary and Poland. Compared to 2018, the number of cases decreased in all three countries.

<i>Refusals of entry for nationals of Moldova</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Schengen+ area	2 050	2 320	1 540	1 150	1 845	2 725	4 660	7 270	8 170	7 940
Romania	1 445	1 200	875	655	640	725	1 410	1 310	3 145	3 005
Hungary	285	790	280	160	460	605	835	1 180	1 595	1 515
Poland	85	130	110	100	115	165	740	2 465	1 860	1 375
Italy	40	40	40	30	225	510	790	700	:	620
France	15	10	15	5	30	70	185	485	350	295

Eurostat, last update 13/05/20

**Illegal stay:** The increasing trend of Moldovan nationals found to be illegally staying observed in 2018 continued in 2019. In 2019, 16,540 Moldovans were found illegally staying in the Schengen+ area compared to 11,280 in 2018 (a 47% increase). Hungary and Germany were the most affected countries also in 2019, with Hungary in particular registering an increase of 161% in 2019 compared to 2018.

<i>Illegal stay by nationals of Moldova</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Schengen+ area	4 335	3 535	3 390	2 505	2 245	4 055	7 660	8 785	11 280	16 540
Hungary	370	385	310	305	425	2 040	3 015	2 735	2 510	6 540
Germany	275	325	265	260	205	285	2 050	2 235	3 490	3 870
France	205	260	865	435	575	435	410	605	960	1 090
Slovenia	25	20	0	0	5	5	60	360	645	1 020
Poland	70	60	75	50	80	160	870	1 280	1 245	1 000

Eurostat, last update 11/05/20

**Asylum applications:** At the start of the visa-free regime for Moldova, there was a sharp increase in asylum applications (including repeated applications) by Moldovan nationals in the Schengen+ area: from 475 (in 2014) to 1,850 (in 2015) and 3,675 in 2016. After a

significant decrease by more than 50% in 2017 (1,610 applications), the number of asylum applications increased again to 3,830 in 2018 and 5,685 in 2019. These numbers can be mainly attributed to the increase in Germany, where the number of asylum applications rose from 270 in 2014 to 2,835 in 2019. The asylum recognition rate in the Schengen+ area decreased from 1.4% in 2018 to 0.8% in 2019.

<i>Yearly total number of asylum applications by nationals of Moldova</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>695</b>	<b>615</b>	<b>435</b>	<b>315</b>	<b>475</b>	<b>1 850</b>	<b>3 675</b>	<b>1 610</b>	<b>3 830</b>	<b>5 685</b>
<b>Germany</b>	45	25	35	70	270	1 565	3 405	1 060	2 375	2 835
<b>France</b>	185	240	135	55	30	30	35	15	315	1 320
<b>Netherlands</b>	10	5	10	5	5	10	15	340	850	1 220
<b>Italy</b>	15	15	10	5	20	35	35	45	70	55
<b>Switzerland</b>	25	40	20	15	10	20	25	15	5	55

Eurostat, last update 12/03/20

As regards first time asylum applications lodged by Moldovan nationals, in 2019 the picture is the same as described above for total asylum applications (including repeated applications). 4,565 first time asylum applications were lodged in the Schengen+ area, compared to 3,180 in 2018 (an increase of 44%).

<i>Yearly total number of first time asylum applications by nationals of Moldova</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>360</b>	<b>465</b>	<b>340</b>	<b>255</b>	<b>450</b>	<b>1 810</b>	<b>3 590</b>	<b>1 430</b>	<b>3 180</b>	<b>4 565</b>
<b>Germany</b>	40	20	30	70	255	1 560	3 345	890	1 780	1 770
<b>France</b>	180	235	120	55	25	30	35	15	310	1 300
<b>Netherlands</b>	10	0	10	5	5	10	15	340	830	1 205
<b>Italy</b>	15	15	10	5	20	35	35	45	70	55
<b>Switzerland</b>	20	25	20	15	10	20	20	15	5	55

Eurostat, last update 12/03/20

After years of increase, the number of asylum application lodged by Moldovan nationals decreased so far in 2020, with 1,345 applications in the first quarter of 2020, 7% less than in the same period of 2019. Germany remained the main destination of Moldovan asylum seekers, in spite of the sharp year-on-year increase of applications lodged in France (+183%).

<i>Asylum applications by nationals of Moldova</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
Schengen+ area	665	410	370	245	255	230	420	470	480	670	900	545	670	480	195
Germany	510	270	120	105	100	80	125	155	220	295	430	420	505	265	65
France	55	45	45	55	75	95	265	220	185	150	50	80	120	170	120
Netherlands	80	70	180	70	60	25	15	80	65	205	365	5	0	5	0
Switzerland	0	0	0	0	0	5	0	0	0	0	25	20	15	20	5
Italy	5	5	5	5	5	5	10	5	5	10	0	0	10	5	0

Eurostat, last update 09/06/20

**Readmission and return:** The number of return decisions issued to Moldovan nationals in 2019 increased compared to 2018, as a consequence of the increasing number of asylum applications. There has been a decrease in the return rate from 86% in 2018 to 63% in 2019. However, since EU Member States report good cooperation on readmission of own and third country nationals, this decrease in the return rates should not be attributed to underperformance or changes in the cooperation. Germany and Poland account for the majority of returnees and have a return rate of about 90% while in Czech Republic, the country with the highest number of return orders, the return rate is only 7%. Difficulties in the readmission of third-country national spouses of Moldovan citizens persist for Sweden, with Moldova conditioning their readmission by visa application, which goes against the spirit of the Readmission Agreement.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
Schengen+ area	4 605	3 840	83%	5 435	4 665	86%	7 525	4 720	63%
Czechia	740	75	10%	590	90	15%	1 385	100	7%
Germany	825	1 140	138%	1 150	1 130	98%	1 260	1 145	91%
France	440	530	120%	745	1 040	140%	1 125	475	42%
Poland	1 260	1 235	98%	1 235	1 125	91%	995	885	89%
Romania	205	185	90%	275	265	96%	675	645	96%

Eurostat, last update 11/05/20

Moldova exchanges information on migratory flows and cross-border crime with Frontex in the framework of their cooperation plan 2018-2020, which also facilitates technical assistance to the Moldovan authorities and allows Moldovan observers to be included in Joint Operations.

### Cooperation on migration and border management

Border controls have been reinforced along the Moldovan-Ukrainian border with joint patrolling (partially covering the Transnistrian border between the two countries), including 1,088 joint operations in 2019. As of 5 June 2019, the joint patrolling at the Moldovan-Romanian border is being carried out according to the bilateral Protocol on the establishment and activities of joint patrol teams at the common state border, signed in November 2018. 307

joint operations have been carried out. In 2019, 78 border police officers participated in 15 capacity building courses on human rights and assistance to vulnerable migrants.

Moldova has continued to organise targeted information campaigns to clarify the rights and obligations of its citizens related to the visa-free regime. The revised edition of the 'Guide on free movement in the European space' (launched in 2018) continues to be the main information tool of the Ministry of Foreign Affairs and European Integration. This was complemented with a communication campaign on the occasion of the fifth anniversary of the visa-free regime with the EU on 26 April 2019.

In order to strengthen cooperation to address the increase of unfounded asylum applications, the Moldovan authorities have undertaken a number of actions to dissuade vulnerable communities from leaving the country with the purpose of applying for asylum. These included meetings with community mediators at local and regional level to address root causes of illegal migration. In June 2019, the Agency for Interethnic Relations organised a meeting with the participation of 32 community mediators representing 32 districts of the Republic of Moldova. This event aimed at informing the audience about the conditions and obligations related to visa-free travel and possible opportunities for employment in Moldova.

As a consequence of the COVID-19 crisis, Moldova declared the state of emergency and closed its borders on 17 March. Travel restrictions were in force until 30 June 2020, and were subsequently extended until 15 July 2020. The repatriation of Moldovan citizens was organised since March 2020 with charter flights, which also allowed in their return the repatriation of EU Member States' citizens from Moldova to their EU countries. Efforts were made to repatriate or inform of the correct procedures to the diaspora, as well as seasonal and vulnerable migrants facing loss of jobs or lack of medical insurance. Based on official governmental sources, the number of those who had returned in the beginning of April 2020 amounted to 200.000-250.000. These returns may represent a burden for the social system, aggravated by a drop in revenues from remittances. The National Bank of Moldova (NBM) statistics indicate that in March 2020 remittances dropped by 12% compared to 2019 (-7% compared to February 2020). As part of the EU's global response to the COVID-19 pandemic the Republic of Moldova will specifically benefit from EUR 87 million of bilateral funding in grant support, utilising resources from existing projects and from upcoming projects that will help overcome the socio-economic impact of COVID-19 on community-level (inter alia supplying medical devices, testing kits, and other equipment).

### **Public order and security**

According to Europol, Moldovan organised crime groups continued to represent a substantial crime threat during the reporting period. Their involvement in excise fraud (mainly tobacco) increased in 2019 and organised crime groups from Moldova continue to be involved in corruption in sports, particularly match-fixing, including cases with an impact on the EU. Moldova is an important source country for counterfeit alcoholic beverages smuggled to the EU and a major source of contraband and counterfeit cigarettes, as well as skilled tobacco technicians working in illicit cigarette factories operated by organised crime groups within the EU. Moldovan offenders are more and more active in physical ATM attacks. The Moldovan authorities took some steps to dismantle criminal schemes in 2019, including the alignment of legislation regarding Duty Free Shops operations, with EU standards.

On 7 March 2018, the Government established the National Commission for the Monitoring of Small Arms and Light Weapons. Moldova is currently developing a Small Arms and Light Weapons Strategy.

Moldova is also a transit country for illegal drugs, especially heroin, trafficked to the EU from Afghanistan, Pakistan and Iran via the Southern Caucasus route. Large quantities of heroin are regularly shipped from Black Sea ports in Georgia to Moldova and other countries. After the heroin crosses the Black Sea, it is then further trafficked to the EU.

Moldova remains a source for trafficking in human beings for sexual and labour exploitation. The Moldovan authorities have put in place the **National Strategy for Preventing and Combating Trafficking in Human Beings for the period 2018-2023 and the Action Plan 2018-2020.**

Regarding cybercrime, Moldovan organised crime groups are reported to be heavily involved in financially motivated malware and ransomware distribution. On the other hand, their involvement in payment card fraud has decreased in 2019. Moldovan (together with Georgian) cybercriminals played key roles in the international *GozNym* criminal network dismantled in May 2019 by an international law enforcement operation supported by Europol. The criminal network used *GozNym* malware to steal from more than 41 000 victims, primarily businesses and financial institutions. So-called ‘crypters’ (including one in Moldova) were used to crypt the malware, so antivirus software would not detect it.

In June-November 2019 the coalition Government of former Prime Minister Maia Sandu carried out a number of justice reform initiatives, such as amending the law on the Prosecutor’s Office and the law on the Superior Council of the Magistracy. To ensure coordination of all anticorruption efforts, her Government approved and set up on 16 September 2019 the Coordination Council for Anticorruption Policies and Justice Reform (and also created the Advisory Bureau on Anticorruption Policies and Justice Reform which was then closed due to lack of funding). It also approved the Activity Programme ‘Partnership for the de-politization of the State’ and the Action Plan of the Government for 2019-2020, which provided the framework for the investigation of corruption, including significant steps in the field of search and seizure of stolen assets from the banking fraud and focused the activity of the Anticorruption Prosecution Office on high-level cases. In November 2019 and following a vote of no-confidence on questions concerning the recruitment process of the Prosecutor General, a new Government led by Prime Minister Iion Chicu was appointed in Moldova, which presented a programme (until autumn 2020) including the fight against criminality, justice reform and investigation of the banking fraud as areas of action. On 11 December 2019 this Government approved an Action Plan for 2020-2023. On 28 May 2020 Moldova officially joined the Istanbul Anti-Corruption Action Plan of the Anti-Corruption Network of the OECD. The National Anticorruption Centre will serve as a national coordinator and a contact point.

Under the justice reform initiative, the new Government proposed amendments to the law on the Superior Council of Magistracy (SCM).<sup>22</sup> The amendments were adopted and promulgated in December 2019. Meanwhile, an urgent opinion by the Venice Commission on the draft law was pending and expressed regret regarding the amendments that were perceived to have been rushed through.<sup>23</sup> Under the amendments, four lay members were appointed to

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<sup>22</sup> Law No. 193 of 20 December 2019 on amending the SCM Law.

<sup>23</sup> Venice Commission Opinion CDL-PI(2020)001-e.

the SCM in March 2020 despite calls to suspend the selection process. Draft constitutional amendments for the reform of the judiciary, in particular the SCM, were submitted to the Venice Commission. While several proposals were regarded as positive, the Venice Commission criticised the March 2020 appointments and called on the Government to address this issue in the constitutional reform process, which is underway.<sup>24</sup> The draft Justice Reform Strategy and Action Plan 2020-2023 were submitted to the Council of Europe for consultation. The newly appointed General Prosecutor in December 2019 initiated an internal control procedure for the two specialised prosecutors' offices for anti-corruption and organised crime.

The Asset Recovery Strategy related to the 2014 banking fraud was published on 13 June 2018 and envisages activities for three years of the Anticorruption Prosecution Office and the National Anticorruption Center, including the Criminal Assets Recovery Agency and covering both criminal investigation and asset recovery. The second Kroll report that investigates the 2014 banking fraud was published by the Parliament in July 2019. While there has been no breakthrough in the investigation and no substantial recovery of assets, in early June 2019 the Parliament set up a new commission to investigate all circumstances. In August 2019, the commission published a request to launch a criminal investigation against some former high-level officials. On 17 October 2019, the Parliament approved a decision based on the investigative report of the commission, requesting urgent actions from public institutions, including a report of the General Prosecutor's Office.

The National Integrity Authority continues to experience delays and shortcomings in the selection of integrity inspectors, which is hampering its effectiveness. The Authority has launched several calls for application in order to cover the remaining posts. Despite these difficulties, it should also be noted that the GRECO Compliance Report (4<sup>th</sup> evaluation round on 'Corruption prevention in respect of members of Parliament, judges and prosecutors), published on 24 July 2019 recognised that the National Integrity Authority is developing positively, despite the limited administrative capacities.

The National Integrity Authority is in charge of the online declaration of assets and personal interests (automated information system e-Integrity), which makes declarations publicly available after their submission. There has been an important backlog in the treatment of these e-declarations, which are available for 15 years, except for some clearly defined cases. Assets and conflict of interest declarations of all judges (approximately 400) were submitted for 2018 and verified by the National Integrity Authority.

**The Law on the Prevention of Money Laundering and Counter Terrorism Financing (AML/CTF)** came into force after publication in the Official Gazette of 22 December 2017. Under this new law, the new Financial Investigation Unit (FIU) Office will continue to conduct the same functions as before and, additionally, will have the right to apply sanctions for AML/CFT violations. The practical implementation of this function by the FIU required adopting the new law on sanctions for AML/CFT violations, which was adopted on 21 May 2020. The Guidelines on Parallel Financial Investigation were approved by the General Prosecutor on 9 April 2019. These Guidelines are aimed at implementing the requirements of the EU Anti-Money Laundering Standards and improving the capacities of the law enforcement agencies in investigating money laundering, terrorism financing and other serious crimes. The legislation designed to minimise the risks of money laundering and

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<sup>24</sup> Venice Commission Opinion CDL-AD(2020)001.

establish voluntary declarations and a fiscal stimulation program was approved by the Parliament on 15 August 2019.

Following criticism from the EU and other international partners on the package on fiscal reform that entered into force on 17 August 2018, Moldova amended the law on voluntary declaration and fiscal stimulation<sup>25</sup> on 30 November 2018, including a number of safeguards such as a fee increase from 3% to 6% of the declared amount and exclusion of certain categories and family members, in particular government officials. A stronger anti-money laundering regulation of the National Bank of Moldova entered into force on 1 February 2019. Moldova extended on 12 December 2018 the period for voluntary declaration until 15 February 2019 for money and until 1 February 2019 for real estate, vehicles, securities and shares in companies. On 6 September 2019 all fiscal check restrictions introduced by the Law on voluntary declaration and fiscal stimulation were terminated.

In November 2018, Moldova launched an investor citizenship scheme, which was temporarily suspended by the Moldovan Government on 19 July 2019 for four months (further extended for two more months in December 2019). Since the launch of the programme and until the establishment of the moratorium, eight persons acquired the citizenship of Moldova and 34 applications (introduced before the establishment of the first moratorium) continued to be processed. On 26 February 2020 the Government adopted a new law that introduced a new moratorium until 1 September 2020. The law was voted on 28 February 2020 in two readings and the new moratorium entered into force on 20 March 2020. On 18 June 2020, the Parliament adopted the law to abolish the Citizenship for Investment Programme as of 1 September 2020 (end of the existing moratorium). Until the programme is cancelled only existing applications will continue to be processed. The Commission is closely monitoring that robust security and background checks are in place for the applications received prior to the entry into force of the moratorium and which will continue to be processed until the cancellation of the programme on 1 September 2020.

## II.2.3 UKRAINE

### Irregular migration, asylum applications, readmission

**Detections of illegal border crossing:** according to Frontex data, the number of detections of illegal border crossings of Ukrainian nationals continued to decrease in the period between 2018 and 2019. In 2019, there were 93 illegal border crossings. In comparison, 113 detections of illegal border crossings were recorded in 2018.

<i>Detections of illegal border crossing</i>	
<b>2019</b>	93
<b>2018</b>	113
<b>2017</b>	169

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<sup>25</sup> Law no 180/2018.

2016	208
2015	159

Source: FRAN and JORA data (as of 06/02/20)

**Refusal of entry at the external borders:** Between 2018 and 2019, refusals of entry in the Schengen+ area for Ukrainian nationals increased by 25% (with 53,185 refusals in 2018 and 66,390 in 2019). The most affected EU Member State is Poland, which continued to experience the highest migratory pressure from Ukraine and issued 82% of the total refusals of entry issued in the Schengen+ area, followed by Hungary and Romania. Among the top five countries, Lithuania saw an increase of 66% in 2019 compared to 2018.

According to Frontex, 94% of the refusals took place at the external land borders, whereas the remainder were split between air (6%) and sea (<1%) borders. Refusals were issued on various grounds, particularly on the basis of lack of appropriate documents justifying the purpose and conditions of stay (53%), insufficient means of subsistence in relation to the period of stay (21%), having stayed in the Schengen+ area for more than the 90 day period allowed (10%), an alert having been issued in the Schengen Information System (SIS) or national register (9%) and lack of valid visa or residence permit (6%).

<i>Refusals of entry for nationals of Ukraine</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>18 725</b>	<b>16 115</b>	<b>18 345</b>	<b>16 775</b>	<b>15 585</b>	<b>23 795</b>	<b>22 495</b>	<b>33 105</b>	<b>53 185</b>	<b>66 390</b>
<b>Poland</b>	11 095	9 115	12 555	12 060	11 185	19 020	18 775	25 255	42 500	54 480
<b>Hungary</b>	4 780	4 560	2 985	2 190	2 040	1 825	0	2 980	3 840	3 910
<b>Romania</b>	1 190	1 125	1 320	1 000	855	1 090	1 490	1 715	1 550	1 445
<b>Slovakia</b>	790	550	530	395	410	440	705	925	1 525	1 150
<b>Lithuania</b>	100	60	55	60	70	330	345	365	610	1 010

Eurostat, last update 13/05/20

**Illegal stay:** In 2019, the number of Ukrainian nationals found to be illegally staying increased by 11% (from 37,410 in 2018 to 41,705 in 2019), thus confirming the upward trend observed since 2013. The most affected EU Member States are Poland, Hungary and Germany.

<i>Illegal stay by nationals of Ukraine</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>10 750</b>	<b>12 240</b>	<b>12 440</b>	<b>12 265</b>	<b>16 520</b>	<b>23 510</b>	<b>29 595</b>	<b>33 485</b>	<b>37 410</b>	<b>41 705</b>
<b>Poland</b>	1 885	3 995	4 800	5 210	7 455	11 885	17 445	19 815	22 260	22 070
<b>Hungary</b>	1 940	1 965	1 680	1 905	1 695	2 820	3 620	3 955	4 580	7 075
<b>Germany</b>	1 070	1 095	1 280	1 265	1 455	2 550	2 270	2 405	2 955	4 690
<b>Czechia</b>	955	1 125	1 065	890	1 020	1 225	1 550	1 510	1 470	1 455
<b>Slovakia</b>	365	370	335	355	500	785	1 165	1 740	1 870	1 385

Eurostat, last update 11/05/20

**Asylum applications:** The total number of Ukrainian asylum seekers in the Schengen+ area slightly decreased with 9,505 asylum applications lodged in 2019 against 10,035 in 2018 (5% decrease). The most affected EU Member States were Spain (25% of all applications), Italy, Germany, France, Sweden and Poland. The asylum recognition rate in the Schengen+ area decreased from 17.3% in 2018 to 10.2% in 2019.

<i>Yearly total number of asylum applications by nationals of Ukraine</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>805</b>	<b>920</b>	<b>1 090</b>	<b>1 020</b>	<b>14 090</b>	<b>22 100</b>	<b>12 460</b>	<b>10 075</b>	<b>10 035</b>	<b>9 505</b>
<b>Spain</b>	5	10	20	15	895	3 345	2 570	2 260	2 005	2 375
<b>Italy</b>	20	20	35	35	2 080	4 665	2 570	2 745	3 070	1 840
<b>Germany</b>	70	55	135	150	2 705	4 660	2 490	1 325	1 380	1 485
<b>France</b>	90	100	145	135	1 425	1 645	660	685	810	1 120
<b>Sweden</b>	120	190	130	170	1 320	1 415	615	495	540	870
<b>Poland</b>	45	65	70	45	2 275	2 295	1 300	670	465	430

Eurostat, last update 12/03/20

As regards first-time asylum applications, the figures show a decrease: 8,430 applications were lodged by Ukrainian nationals in 2019 compared to 8,850 in 2018. In 2019, Spain received the highest number of first-time asylum applications (2,240) that increased by 19% compared to 2018, overtaking Italy (1,775) where there was a 41% decrease.

<i>Yearly total number of first time asylum applications by nationals of Ukraine</i>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Schengen+ area</b>	<b>500</b>	<b>715</b>	<b>850</b>	<b>785</b>	<b>13 560</b>	<b>20 860</b>	<b>11 080</b>	<b>8 845</b>	<b>8 850</b>	<b>8 430</b>
<b>Spain</b>	5	10	20	15	890	3 340	2 550	2 175	1 880	2 240
<b>Italy</b>	20	20	35	35	2 075	4 665	2 555	2 720	3 015	1 775
<b>Germany</b>	60	45	125	140	2 655	4 570	2 390	1 090	1 060	1 180
<b>France</b>	85	90	125	120	1 395	1 625	525	530	735	1 055
<b>Sweden</b>	120	185	130	155	1 280	1 335	545	460	500	835
<b>Poland</b>	30	40	60	35	2 150	1 575	595	300	225	215

Eurostat, last update 12/03/20

The number of asylum application lodged by Ukrainian nationals continued to decrease in 2020 so far, with 1,570 applications in the first quarter of 2020, 41% less than in the same period of 2019. Spain remained the main destination of Ukrainian asylum seekers in the first quarter of 2020 although it was closely followed by France where the number of applications increased by 67% year-on-year.

<i>Asylum applications by nationals of Ukraine</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020
<b>Schengen+ area</b>	875	915	860	835	865	790	825	705	715	815	695	570	520	625	425
<b>Spain</b>	185	300	225	220	225	210	210	155	145	175	190	140	145	135	85
<b>Italy</b>	200	240	215	205	180	215	135	70	95	125	105	55	60	55	15
<b>Germany</b>	135	110	85	90	125	95	175	140	165	170	115	80	80	90	70
<b>France</b>	85	70	60	125	95	75	95	145	85	120	75	90	75	140	145
<b>Sweden</b>	55	65	110	60	85	60	70	50	95	80	85	60	55	65	50

Eurostat, last update 09/06/20

**Readmission and return:** Cooperation with Ukraine on readmission remains very good and stable despite an increase in the return decisions issued in the Schengen+ area in the last years to Ukrainian nationals (37,095 in 2019 compared to 32,340 in 2018). The return rate increased to 85% in 2018 but fell to 73% in 2019. A large proportion is processed without a readmission application or under accelerated procedure. Cooperation concerning the readmission of third-country nationals by the Ukrainian authorities is also deemed positive. In 2019, similarly to 2017 and 2018, most return decisions were issued by Poland. An EU-funded project “IMMIS”, geared towards a comprehensive improvement of Ukraine’s migration management capacity will deliver a Readmission Case Management System which should further streamline and improve the cooperation on readmission.

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	32 080	25 355	79%	32 340	27 420	85%	37 095	27 200	73%
<b>Poland</b>	18 805	17 735	94%	21 835	20 440	94%	22 000	20 310	92%
<b>Czechia</b>	3 905	435	11%	1 425	455	32%	5 405	315	6%
<b>Germany</b>	1 515	1 460	96%	1 300	910	70%	1 740	985	57%
<b>Slovakia</b>	1 730	1 420	82%	1 800	1 720	96%	1 355	1 285	95%
<b>France</b>	820	250	30%	745	205	28%	840	290	35%

Eurostat, last update 11/05/20

## Cooperation on migration and border management

Regarding integrated border management progress has been made after establishment of an Inter-Agency Working Group in January 2019. A new **comprehensive IBM strategy 2020-2025** was adopted in July 2019 and an accompanying action plan was adopted in November 2019. All IBM stakeholders participated in the drafting process in a sign of improved inter-agency cooperation that had previously been insufficient. The EU has been advocating for the necessity of criminalizing smuggling of all goods as a key element of IBM. The discussions with the Government are ongoing. In the context of Ukraine's efforts to enhance cooperation with the EU in the framework of the Association Agreement, Ukraine has also developed a number of proposals in the area of justice, freedom and security, including on shared border management with neighbouring EU Member States.

Cooperation with the **European Border and Coast Guard Agency** (Frontex) in the framework of the existing working arrangement continues to be excellent. This cooperation involves information exchange, joint risk analysis, participation in joint operations and trainings. Frontex has been supporting the facilitation of cooperation with border and coast guard training institutions, the creation of common educational standards and the modernisation of education and training systems in the field of border and coast guarding in the region through the Partnership Academies Network. The National Academy of the State Border Guard Service in Khmelnytsky in Ukraine joined the network of Partnership Academies. Only three such associated training institutions operate in non-EU countries (including Ukraine and Georgia). In addition, in 2019, Frontex (together with other EU actors) supported the relevant Ukrainian agencies to develop a new national IBM Strategy and Action Plan as mentioned above.

The Commission issued a positive opinion on 8 April 2020 for the deployment by Frontex of a liaison officer in Kyiv, who should have a regional mandate covering the other countries of the **Eastern Partnership**.

Ukraine continued with information campaigns informing Ukrainian citizens about their rights and obligations when travelling to the EU visa free. From December 2018 until February 2019, the State Migration Service conducted a new stage of the information campaign "Safe\_Migration", during which more than 500 information events were organised in all regions of Ukraine. Similar campaigns are regularly conducted on the eve of national and international holidays, when many Ukrainian citizens travel abroad. Information on EU visa-free travel rules is also available on the state authorities' websites.

As regards document security, Ukraine has gradually introduced new, biometrics-based ID and resident permit cards that correspond to general document security standards. Investigations into a scandal on the sale of Ukrainian passports that led to the resignation of the Deputy Head of the State Migration Service have progressed and an EU-funded project ("IMMIS", improving Ukraine's migration management capacity) has done a business process analysis allowing for changes of the process to make sure a similar incident does not happen again.

Ukraine put in place series of measures in response to the outbreak of the COVID-19 pandemic, including a general ban on the entry of foreign citizens, with exceptions, and the suspension of all regular commercial international flights, train and bus traffic in and out of Ukraine as of 17 March 2020. Member States sharing a border with Ukraine (PL, RO, SK, and HU) also introduced a series of restrictions as of mid-March, including the closure of most border-crossing points. The Ukrainian authorities called on citizens abroad to return to Ukraine for the period of quarantine restrictions and organised several hundred special flights to facilitate this repatriation. The authorities also implemented a broad prohibition on Ukrainian citizens leaving the country, with exceptions including for example those with residence permits in EU Member States, upon request from the EU and individual diplomatic missions.

"Emergency situation" provisions were introduced nationwide as of 25 March, which included reinforced public order measures, obligatory medical examination of persons with COVID-19 symptoms and enforced hospitalisation or quarantine of these persons, as well as enhanced communication with citizens and sanitary measures including disinfection of public

facilities. These measures have been extended until 31 July 2020, allowing for the easing of restrictions region-by-region depending on development of the epidemiological situation.

During this period, Ukraine repatriated several thousand citizens notably through hundreds of flights sporadically organised for the purpose. The government ordered the resumption of border crossing services at Ukraine's international airports as of 15 June 2020 and allowed Ukrainian citizens to depart again without prior justification as of this date. Ukraine also allows entry as of 15 June 2020 to citizens from countries less affected by COVID-19, based on a list to be updated on a regular basis. Commercial flight services have resumed gradually as of this date, based also on the epidemiological situations, bilateral agreements with and outstanding measures in force among third countries, including EU Member States.

After a first EUR 80 million COVID-19 response package for Ukraine combining bilateral and regional actions funded from the European Neighbourhood Instrument (ENI) for immediate health response and socioeconomic relief, the EU has prepared a second set of measures. In order to ensure continued support to the Ukrainian reform agenda and to face challenges which predate the COVID-19 crisis, major actions under the planned programmes for 2020 at an advanced stage of planning are being reoriented to respond to the mid- and long-term impact of the pandemic at all levels (health system/society/economy). Together with technical assistance to the Ministry of Health and a budget support payment this brings the overall COVID-19 response for Ukraine under regional and bilateral ENI budgets to EUR 190 million.

### **Public order and security**

According to Europol, Ukrainian cybercriminals continue to be involved in various types of cybercrime, including attacks on EU citizens. Several EU countries reported logistical attacks on ATM's (Black Box) committed by Ukrainian criminals.

Ukrainian organised crime groups are increasingly involved in motor vehicle crime in the EU. They are particularly active in the fencing of stolen passenger cars, trucks and vehicle parts. Ukraine itself is emerging as a hub for the fencing of goods stolen in the EU. In addition, Ukraine is one of the major source countries of contraband and counterfeit cigarettes smuggled into the EU, as well as of skilled technicians working in illicit cigarette factories operated by organised crime groups within the EU. Over the last years, more and more organised crime groups are setting up and operating their own illegal cigarette factories. The EU is advocating for the necessity to criminalise smuggling of all goods, including tobacco smuggling.

Ukrainian organised crime groups continue to be involved in financially motivated malware, and ransomware distribution as well in facilitating irregular migrants into jobs, usually in construction or agriculture businesses. After arriving in the EU legally, they are registered for work purposes. In many cases, they are being employed under exploitative labour conditions.

Russian speaking organised crime groups are also involved in corruption in sports, particularly match-fixing, investment fraud schemes, but as well in drug trafficking.

Ukrainians are among the most reported non-EU victims of trafficking in human beings. In many cases, they are exploited by criminals from the same country. To combat this

phenomenon, the Ukrainian authorities are organising awareness events in close cooperation with international organisations (e.g. OSCE). Ukraine is also reinforcing international law enforcement cooperation and participation in joint operations. Ukraine continues to implement the State Social Program Against Human Trafficking for the period up to 2020. Ukraine has widened its inter-agency responsibilities and legal framework to combating trafficking in human beings.

Ukrainian nationals are increasingly involved in the purchasing and conversion into lethal *Flobert* firearms (small-calibre firearms with low energy designed for “living-room shootings”) and gas/alarm pistols. The weapons originate in the EU and are believed to be distributed again in the EU after they are converted into live-firing weapons. Moreover, the conflict in Ukraine continues to pose a risk for the diversion of **firearms** from the region to the EU, as recognised by the 2018 EU Strategy on Small Arms and Light Weapons. The EU contributes to the funding of an OSCE-managed project to fight trafficking of small arms and light weapons (Council Decision CFSP 2019/2009 of 2 December 2019) over the next three years with a view to supporting the State Border Guard Service (SBGS), the Ministry of Internal Affairs (MiA), the National Police and the State Customs Service with a view to increasing their capacity to address arms trafficking. Besides, the European Multidisciplinary Platform Against Criminal Threats (EMPACT) – Firearms is developing activities, the aim of which are to study European best practices in control of firearms, determine common threats for Ukraine and the EU, discuss ways of improvement of interaction and information exchange, and improve cooperation with the EU law enforcement authorities, Interpol and Europol.

In order to implement the policy on the prevention of drug distribution, Ukraine approved the **Plan of Measures for 2019-2020 on the implementation of the State Drug Policy Strategy**. The process of signing the updated Memorandum of Understanding between Ukraine and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) is progressing. Ukraine is participating in the EU-financed project “EU-Act: Against Drugs and Organized Crime” as well as in the EU4MD project (EU for Monitoring Drugs). In the framework of the project in March 2020 EMCDDA launched a study to describe and evaluate changes in drug markets, availability of drug related health services and drug-use behaviour among regular users of illicit drugs, in Georgia and Ukraine, following introduction of measures to contain the COVID-19 pandemic.

The Ukrainian legislative framework in the area of combatting organised crime should be revised and improved. The national authority responsible for coordinating activities in the area of combatting organised crime is not yet clearly defined and the legal amendments that will define the system of agencies that will counteract organised crime are not yet in place. The Strategy for Combating Organised Crime (Ukrainian SOCTA) has been drafted but still needs to be approved and a National Action Plan would need to be developed. Both documents will steer coordination among law enforcement agencies in responding to organised crime, focus legislation and policy on this matter and help strengthen the agencies' capacities to implement Europol's SOCTA for Ukraine.

The European Union Agency for Law Enforcement Training (CEPOL) has concluded a Working Arrangement with Ukraine on 5 February 2020. The Agreement aims to strengthen cooperation of the Agency with respective law enforcement training institutions in that country, provide both parties training opportunities and exchange of good practices.

Ukraine has also intensified its cooperation with **Europol** to fight against all types of crimes in the framework of the existing strategic and operational cooperation agreement that includes the possibility to exchange personal data and crime related content. Law enforcement agencies of Ukraine take an active part in different projects and operations conducted by Europol. Ukraine also involved or partnering up in several priorities of EU Policy Cycle/European multidisciplinary platform against criminal threats (EMPACT), and is involved in 2020 Operational Actions in the priorities such as “Excise Fraud” and ‘Organised Property Crime’ Ukraine has also expressed interest in participating in EMPACT Trafficking in Human Beings activities, but as well Environmental Crime, Firearms trafficking and Facilitation of Illegal Immigration.

The National Police continues to develop **Criminal Analysis** in its activity. Criminal Analysis units were also established in the regions. Monitoring of media resources is conducted in order to detect criminogenic factors, to search for persons and detect criminal offenses with priority to build a **Unified Analytical System for Criminal Analysis**.

Since becoming fully operational in November 2018, by February 2020, the **State Bureau of Investigations** (SBI) had nearly 16.000 proceedings under investigation. In May 2019, the areas of responsibility of the SBI were further enlarged. Investigation on human rights violations is one of the priority areas in SBI’s work. In order to properly investigate such type of crimes, the SBI provides appropriate training for investigators, for their professional development. The EU supports the SBI in its capacity building in the area of Human Resources Management and IT development. In December 2019, the President dismissed the Director of the SBI following a leakage of wiretapped conversations on alleged instructions from the Presidential Office on specific cases, and appointed an Acting Director. Despite strict timelines foreseen in the law, as of June 2020, a permanent Director of SBI remains to be appointed. The law on the SBI was amended to change the management structure, increase the staffing table and make the SBI a law enforcement agency.

Following the adoption in June 2018 of a framework **Law on National Security** (LNS) that was welcomed by the international community, the EU advocated the adoption of new reform legislation on **the Security Service of Ukraine** (SSU). The re-focusing of activities of SSU on core areas – and the relinquishing of investigative activities – is one of the goals of the Law on National Security. It includes provisions on parliamentary oversight over law enforcement agencies and contains an exhaustive list of SSU competencies that are limited to counter-intelligence, counter-terrorism and protection of state secrets. Full implementation will require changes to the Law on SSU and on effective parliamentary oversight that are still pending.

Reform of the **National Police of Ukraine** (NPU) continued in 2019. From September 2019, a restructuring of the Strategic Investigations Department (SID) was announced and by end of 2019, the current SID should be replaced by an organisationally new SID. It will be staffed by officers from the previous Economic Protection Department, Internal Security Department and the current SID. It cannot currently be assessed to what extent this restructuring creates a new approach in the fight against organised crime. The straight chain of command of SID units from regions up to national level remains. During 2018, 258 organised groups and criminal organisations were uncovered. In the first half of 2019, 32 indictments were sent to the court in criminal proceedings against the participants of organised groups or criminal

organisations. Overall capacities of the specialised police departments remain limited and a more comprehensive approach to combatting organised crime is needed, including by a clear delineation of tasks among various law enforcement agencies that necessitates the adoption of respective strategies and action plans. It is regrettable that Ukraine has so far not agreed to setting up a comprehensive, overarching strategy to restructure its law enforcement bodies.

A **witness protection unit** was created with access to the online Europol platform for witness protection to allow for the exchange of information and consultation in the training and institutional development of the department. Capacities and internal operational instructions need to be further developed to make this unit fully operational.

The EU has maintained support for rule of law reforms in Ukraine in an integrated approach through the EU Advisory Mission for Civilian Security Sector Reform (EUAM) and EU-funded support programmes.

Developments in recent years have been characterised by important institutional and legislative steps taken in the fight against corruption, even if resistance had to be overcome in some cases. Following presidential and parliamentary elections, the new President and Government have reaffirmed Ukraine's commitment to fight corruption, which was also reflected in the adoption of some initial laws. Nevertheless, an increased politicisation of the work of anti-corruption institutions should be avoided, in order to not endanger the credibility of the newly created anti-corruption structure.

The law on the **High Anti-Corruption Court (HACC)** was adopted in July 2018 and the budget for the function of the Court was approved in September 2018. The judges were selected in February 2019 following a transparent procedure with the involvement of the Public Council of International Experts. 39 judges were formally appointed in April 2019. The HACC was officially launched on 5 September 2019 and started considering its first high-level cases. The HACC started working in temporary premises and is awaiting the allocation of permanent premises, which is essential for the independence and sustainability of operation of the Court.

By September 2019, the **National Agency for Corruption Prevention of (NACP)** had more than 4 million electronic documents (declarations, corrected declarations, reports on significant changes in property status) submitted and publicly available. Since September 2018, the NACP is operating an automatic verification software which attributes a risk-rating to all asset declarations. With this system, more than 2.8 million electronic declarations have been ranked according to their corruption risks. NACP has access to all relevant 16 registers. As of June 2019, the NACP forwarded 322 substantiated verification decisions to law-enforcement authorities, in particular 69 decisions to the National Anticorruption Bureau of Ukraine 74 decisions to Prosecutors General's Office, three decisions to the Specialized Anti-Corruption Prosecutor Office, 2 to the State Bureau Investigation, and 174 to the National Police of Ukraine.

In October 2019, a Law was adopted that foresees a full reboot of the NACP, in particular changing its management structure from a collegiate body to a single head and foresees the participation of international experts in the selection of the new Head. As a result of a transparent selection process with the participation of international experts, a new Head of NACP was appointed in January 2020. The new law on whistle-blowers protection in

corruption cases came into force as of 1 January 2020. Due to the COVID-19 pandemic, the deadline for the submission of electronic asset declarations was postponed until end of May 2020 and an initial verification of the declarations is underway.

Concerning the repeal of the legal obligation for representatives of NGOs to submit e-declarations of assets, in June 2019, the Constitutional Court of Ukraine declared that the provisions of the Law on Corruption Prevention providing for verification of declarations of NGO representatives ("anticorruption activists") do not comply with the Ukrainian Constitution. In October 2019, the same obligation for foreign members of supervisory boards of State Owned Enterprises was removed by the Rada.

By 31 May 2020, the **National Anticorruption Bureau of Ukraine (NABU)** had opened 895 pre-trial investigations and 269 investigations were sent to the courts. However, the conviction rate in these cases remains very low at 33, as the vast majority of cases were blocked in Ukraine's ordinary courts.

NABU's leadership has come under renewed pressure in early February 2020 when a Parliamentary petition to terminate the Head's office was supported by more than 200 deputies although none of the grounds for dismissal under the law are fulfilled. Draft legislation to extend the list of grounds are pending in the Rada.

Following the controversial and heavily politicised 2018 appointment of auditors for the external audit of NABU, the previous appointments have been cancelled by the new leadership without new appointments made. A negative audit conclusion is a ground for the dismissal of the head of NABU.

Despite the tensions caused by these allegations, NABU and the **Specialised Anti-Corruption Prosecutor's Office (SAPO)** continued to cooperate actively in 2019 and during last six months of 2019 more persons were exposed on corruption than during the whole of 2018.

According to the results of pre-trial investigations, conducted by the SAPO, 67 criminal proceedings were sent to the court during 2019, including six plea bargaining agreements. As of 31 May 2020, 12 criminal proceedings were sent to the court, including on plea bargaining agreement.

In early June, the Office of the Prosecutor General initiated the selection of a new Head of SAPO, by nominating four members of the selection commission. Seven remaining members remain nominated by the Parliament with the selection to be finalised by September 2020.

In February 2019, the Constitutional Court found unconstitutional the Criminal Code article on illicit enrichment, which resulted in the closure of 65 NABU cases into illicit enrichment and the weakening of the electronic asset declaration system. In June 2019, the Constitutional Court declared unconstitutional NABU's right to challenge corruption-related commercial agreements in court, noting that such right should rest with the prosecutors. These developments have weakened NABU's ability to conduct effective investigations into high-level corruption cases and have caused financial damage to the state. A law reinstating illicit enrichment and introducing non-conviction based confiscation was adopted in November 2019.

The **National Agency of Ukraine for finding, tracing and management of assets derived from corruption and other crimes (ARMA)** established six Interregional Territorial Departments in 2019 to ensure a more efficient functioning of ARMA. The agency has established direct access to the necessary national registers and databases to carry out its mandate and has close cooperation with law enforcement authorities, all Ukrainian authorities that could be potentially involved and international partners (CARIN, StAR, Interpol and Europol). In 2019, ARMA received 1,685 asset tracking requests from Ukrainian law enforcement and 19 requests from foreign authorities. Until May 2020, the agency received a further 989 and 15 requests respectively. All these request were addressed. The inclusion of ARMA by Europol into the list of competent authorities in 2019 has allowed ARMA to significantly expand the format of cooperation with Europol, facilitate the exchange of operational information in criminal proceedings and participate in joint investigations of a much wider range of crimes. In November 2019, the Head of ARMA was dismissed and a new Acting Head was appointed. Going forward, it will be important to ensure a transparent process for the selection of the permanent head of ARMA as well as the sustainability of the agency's development.

### III. ANNEX – STATISTICS

#### III.1 IRREGULAR MIGRATION

<i>Detections of illegal border crossings</i>	Schengen+ area			
	2016	2017	2018	2019
Albania	5 475	7 401	4 593	2 055
Bosnia and Herzegovina	89	85	26	23
Georgia	119	85	189	328
Moldova	25	38	25	17
Montenegro	4	4	2	0
Serbia	107	84	73	29
North Macedonia	19	27	14	10
Ukraine	208	169	113	93
<b>Total</b>	<b>6 046</b>	<b>7 893</b>	<b>5 035</b>	<b>2 555</b>

Source: FRAN and JORA data (as of 06/02/20)

<i>Third country nationals refused entry at the external borders</i>	Schengen+ area		
	2018	2019	Change
Ukraine	53 185	66 390	25%
Albania	21 515	19 670	-9%
Serbia	9 035	8 300	-8%
Moldova	8 170	7 940	-3%
Georgia	3 805	4 435	17%
Bosnia and Herzegovina	5 320	4 270	-20%
North Macedonia	3 185	2 815	-12%
Montenegro	515	470	-9%
<b>Total</b>	<b>104 730</b>	<b>114 290</b>	<b>9%</b>

Eurostat, last update 13/05/20

<i>Third country nationals found to be illegally staying</i>	Schengen+ area		
	2018	2019	Change
Ukraine	37 410	41 705	11%
Albania	32 355	34 410	6%
Moldova	11 280	16 540	47%
Serbia	13 090	13 635	4%
Georgia	9 400	11 845	26%
North Macedonia	6 010	7 000	16%
Bosnia and Herzegovina	3 915	4 290	10%
Montenegro	805	885	10%
<b>Total</b>	<b>114 265</b>	<b>130 310</b>	<b>14%</b>

Eurostat, last update 11/05/20

### III.2 ASYLUM

<i>Total number of asylum applications</i>	Schengen+ area		
	2018	2019	Change
Georgia	19 730	21 570	9%
Albania	19 615	18 555	-5%
Ukraine	10 035	9 505	-5%
Serbia	6 425	6 075	-5%
Moldova	3 830	5 685	48%
North Macedonia	4 785	4 035	-16%
Bosnia and Herzegovina	2 280	1 895	-17%
Montenegro	640	410	-36%
<b>Total</b>	<b>67 340</b>	<b>67 730</b>	<b>1%</b>

Eurostat, last update 12/03/20

<i>Total number of first time asylum applications</i>	Schengen+ area		
	2018	2019	Change
Georgia	18 445	19 605	6%
Albania	16 750	15 825	-6%
Ukraine	8 850	8 430	-5%
Serbia	4 570	4 060	-11%
Moldova	3 180	4 565	44%
North Macedonia	3 380	2 695	-20%
Bosnia and Herzegovina	1 675	1 365	-19%
Montenegro	375	225	-40%
<b>Total</b>	<b>57 225</b>	<b>56 770</b>	<b>-1%</b>

Eurostat, last update 12/03/20

<i>Total number of monthly asylum applications</i>	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020

<b>Georgia</b>	2 375	2 085	2 125	2 150	1 980	1 590	1 910	1 540	1 315	1 600	1 475	1 385	1 590	1 410	795
<b>Albania</b>	1 750	1 635	1 745	1 610	1 625	1 435	1 655	1 300	1 435	1 755	1 375	1 195	1 135	1 135	625
<b>Ukraine</b>	875	915	860	835	865	790	825	705	715	815	695	570	520	625	425
<b>Serbia</b>	885	740	540	510	410	370	450	395	475	515	420	330	405	400	210
<b>Moldova</b>	665	410	370	245	255	230	420	470	480	670	900	545	670	480	195
<b>North Macedonia</b>	640	630	320	290	230	200	310	185	305	350	290	270	305	220	125
<b>Bosnia and Herzegovina</b>	235	145	150	125	140	125	160	200	125	175	170	125	155	150	85
<b>Montenegro</b>	40	35	45	20	30	15	30	30	40	35	40	15	40	40	30
<b>Total</b>	<b>7 465</b>	<b>6 595</b>	<b>6 155</b>	<b>5 785</b>	<b>5 535</b>	<b>4 755</b>	<b>5 760</b>	<b>4 825</b>	<b>4 890</b>	<b>5 915</b>	<b>5 365</b>	<b>4 435</b>	<b>4 820</b>	<b>4 460</b>	<b>2 490</b>

Eurostat, last update: 09/06/20

<i>First instance decisions on asylum applications</i>	Schengen+ area					
	2018			2019		
	Total decisions	Total positive decisions	Recognition rate	Total decisions	Total positive decisions	Recognition rate
<b>Georgia</b>	14 285	665	4.7%	18 745	760	4.1%
<b>Albania</b>	17 130	1 295	7.6%	18 625	1 040	5.6%
<b>Ukraine</b>	9 345	1 620	17.3%	9 280	950	10.2%
<b>Serbia</b>	6 295	440	7.0%	5 315	255	4.8%
<b>North Macedonia</b>	4 335	100	2.3%	3 640	50	1.4%
<b>Moldova</b>	2 525	35	1.4%	3 535	30	0.8%
<b>Bosnia and Herzegovina</b>	2 070	220	10.6%	1 670	120	7.2%
<b>Montenegro</b>	610	25	4.1%	405	20	4.9%
<b>Total</b>	<b>56 595</b>	<b>4 400</b>	<b>7.8%</b>	<b>61 215</b>	<b>3 225</b>	<b>5.3%</b>

Eurostat, last update: 05/03/2020

### III.3 RETURN AND READMISSION

	2017			2018			2019		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Montenegro</b>	760	820	108%	720	525	73%	590	355	60%
<b>North Macedonia</b>	4 460	5 580	125%	3 500	3 470	99%	3 850	3 005	78%
<b>Albania</b>	27 720	29 840	108%	28 570	18 765	66%	30 815	15 370	50%
<b>Serbia</b>	8 720	8 115	93%	7 665	5 870	77%	8 740	5 250	60%
<b>Bosnia and Herzegovina</b>	3 795	2 685	71%	3 220	1 725	54%	3 730	1 495	40%
<b>Moldova</b>	4 605	3 840	83%	5 435	4 665	86%	7 525	4 720	63%
<b>Ukraine</b>	32 080	25 355	79%	32 340	27 420	85%	37 095	27 200	73%
<b>Georgia</b>	7 285	4 575	63%	9 675	6 330	65%	16 280	8 520	52%
<b>Total</b>	<b>89 425</b>	<b>80 810</b>	<b>90%</b>	<b>91 125</b>	<b>68 770</b>	<b>75%</b>	<b>108 625</b>	<b>65 915</b>	<b>61%</b>

Eurostat, last update 11/05/20