



Council of the
European Union

Brussels, 4 August 2021
(OR. en)

11156/21

VISA 175
COEST 190
COWEB 90
MIGR 155
FRONT 305
COMIX 410

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 4 August 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. prev. doc.: 9571/20

No. Cion doc.: COM(2021) 602 final

Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL **FOURTH REPORT UNDER THE VISA SUSPENSION MECHANISM**

Delegations will find attached document COM(2021) 602 final.

Encl.: COM(2021) 602 final



Brussels, 4.8.2021
COM(2021) 602 final

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

FOURTH REPORT UNDER THE VISA SUSPENSION MECHANISM

{SWD(2021) 206 final}

Table of Contents

I. Introduction	2
II. Republic of Albania	3
1. Migration, asylum and readmission	3
2. Judicial cooperation, public order and security	5
3. Recommendations for Albania.....	8
III. Bosnia and Herzegovina.....	8
1. Migration, asylum and readmission	8
2. Judicial cooperation, public order and security	10
3. Recommendations for Bosnia and Herzegovina	12
IV. Montenegro	12
1. Migration, asylum and readmission	12
2. Judicial cooperation, public order and security	13
3. Recommendations for Montenegro	14
V. Republic of North Macedonia	15
1. Migration, asylum and readmission	15
2. Judicial cooperation, public order and security	16
3. Recommendations for North Macedonia	18
VI. Republic of Serbia.....	19
1. Migration, asylum and readmission	19
2. Judicial cooperation, public order and security	20
3. Recommendations for Serbia	21
1. Migration, asylum and readmission	22
2. Judicial cooperation, public order and security	24
3. Recommendations for Georgia	25
VIII. Republic of Moldova	26

1. Migration, asylum and readmission	26
2. Judicial cooperation, public order and security	28
3. Recommendations for Moldova	30
IX. Ukraine	31
1. Migration, asylum and readmission	31
2. Judicial cooperation, public order and security	32
3. Recommendations for Ukraine	35
X. Conclusions	36

I. Introduction

Visa liberalisation has been a powerful tool to facilitate people-to-people contacts¹ and to support reforms in the Western Balkans and in the Eastern Partnership in the areas of justice, security and fundamental freedoms.

As part of the Commission’s responsibility to ensure an appropriate monitoring of the visa-free regime, the visa suspension mechanism requires the Commission to report annually to the European Parliament and to the Council on the continuous fulfilment of the visa exemption requirements by the countries, whose nationals obtained visa-free access less than seven years ago, following the successful completion of a visa liberalisation dialogue².

As regards visa-free partners in the Western Balkans³, whose nationals have been visa exempt for more than seven years⁴, this report focuses on the follow-up to previous Commission’s recommendations and no longer provides the full details on the continuous fulfilment of the benchmarks. Aspects related to the visa liberalisation benchmarks continue to be assessed in

¹ Visa liberalisation has been followed by an immediate increase in short term travel to the EU, including a significant increase in the number of visa-free tourists visiting the EU (European Migration Network (2019). “Impact of visa liberalisation on countries of destination – synthesis report”. European Migration Network, Brussels).

² In accordance with Article 8(4) of 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, OJ L 303, 28.11.2018, p. 39.

³ Republic of Albania, Bosnia and Herzegovina, Montenegro, Republic of North Macedonia, Republic of Serbia.

⁴ Since 2009-2010.

the context of the enlargement process, under Chapter 23, Judiciary and Fundamental Rights, and Chapter 24, Justice and Home Affairs, and are reported in the European Commission's annual Enlargement Package. As regards visa-free countries in the Eastern Partnership⁵, which are still within the first seven years of visa exemption, the report also assesses the continuous fulfilment of the visa liberalisation benchmarks.

On this basis, and taking into account the impact of the restrictions linked to the COVID-19 pandemic, the **Fourth Report under the Visa Suspension Mechanism** focuses on actions taken in 2020 by the countries covered, with updates for 2021 where necessary. It also reports on operational cooperation with the EU and with Member States⁶.

Beyond the visa liberalisation benchmarks, the report also includes an overview of migration trends⁷, reflecting Eurostat data for the full statistical year 2020, including the variation with respect to 2019. The assessment of the trends also takes into account the impact of the restrictions linked to the COVID-19 pandemic on migration trends, which have led to a significant reduction of irregular border crossings, refusals of entry, effective returns and applications for international protection.

The report is accompanied by a Commission Staff Working Document, which provides additional information on the actions taken by the partner countries in cooperation with the EU and with Member States bilaterally. The report has benefitted from contributions from all the countries covered, the European External Action Service, relevant EU Agencies⁸ and Member States.

II. Republic of Albania

1. Migration, asylum and readmission

1.1. Actions taken in the area of migration, asylum and cooperation in readmission

⁵ Georgia, Republic of Moldova, Ukraine.

⁶ For the purposes of this report, Member States refers to Member States applying Regulation (EU) 2018/1806 ("the Visa Regulation"), i.e., all current Member States except Ireland, as well as Schengen Associated Countries.

⁷ While the visa liberalisation benchmarks relating to migration are limited to the management of migration policies by the third countries concerned, the section on migration trends reflects irregular migration to Member States, refusals of entry issued by Member States and applications for international protection lodged in Member States by nationals of the countries covered in the report.

⁸ The European Asylum Support Office (EASO), the European Border and Coast Guard Agency (Frontex), the European Union Agency for Criminal Justice Cooperation (Eurojust), and the European Union Agency for Law Enforcement Cooperation (Europol). The contribution of Europol is based on input provided by Member States and partner countries to Europol's 2021 "European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe's economy and society by organised crime", Publications Office of the European Union, Luxembourg.

In 2020, the Republic of Albania continued to take action in the areas of border and migration management and asylum. Albania adopted an integrated border management strategy in December 2020 and a new law on asylum in February 2021, bringing Albanian legislation closer to the EU acquis and international standards. In addition, Albania opened a new temporary reception centre for vulnerable persons.

Member States in general report good cooperation with Albania in the field of migration and border management, as well as readmission. Albania also enjoys the most advanced level of collaboration with the European Border and Coast Guard Agency (Frontex). The first roadmap for cooperation with the European Asylum Support Office (EASO) has been agreed by Albania and the EU and will be implemented until the end of 2022.

Albania's visa policy is not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

The following recommendations were made in the Third Report under the Visa Suspension Mechanism:

a) Step up measures to address irregular migration and unfounded asylum applications of Albanian nationals, including through identifying and addressing the underlying reasons and organising further information campaigns on the rights and obligation of visa-free travel

Albania is taking action to address the issue of unfounded asylum applications lodged by Albanian nationals in the EU. As regards preventive measures, work is ongoing in order to strengthen controls of Albanian nationals crossing the state border, strengthen controls for minors travelling abroad, and increase cooperation and exchange of information (especially with Member States affected by the issue of unfounded asylum applications by Albanian nationals).

Apprehensions of Albanian nationals attempting irregular border crossings have decreased due to the COVID-19 pandemic and to the measures put in place by Albanian authorities, including awareness raising campaigns on the rights and obligations associated with visa-free travel to the EU.

Border control has also improved with increased patrols and cooperation with Frontex, as well as with the use of border surveillance equipment provided by Member States. Albania has also continued to exchange information with the counterpart authorities of its neighbours. This allows a more detailed verification of Albanian nationals traveling to the EU. Albanian authorities published return operations of Albanian nationals by EU Member States in the media and continued to warn against abuse of the EU visa-free regime, recalling applicable penalties. The rights and obligations relating to visa-free movement are published online and the International Organization for Migration (IOM) launched an awareness-raising campaign in January 2021, with Member States' support and EU funding.

b) Maintain and step up proactive operational cooperation with the EU Agencies and with the EU Member States facing migratory pressure originating from Albania

Albania continued to cooperate with Frontex and Member States on land border and maritime border surveillance as well as at border crossing points, in order to strengthen border management, information exchange, prevention and fight against cross-border criminal activities, identification of forged travel documents and identity fraud. Albania was also the first partner country to conclude a Frontex status agreement on border management cooperation ('status agreement') with the EU⁹, which allows the deployment of Frontex border guards in the territory of a third country with executive functions. The agreement entered into force on 1 May 2019, enabling the launch of a Frontex joint operation with Albanian border guards at the border with Greece on 22 May 2019.

Work is also ongoing on the implementation of Albania's action plans to address the issue of overstaying unaccompanied Albanian minors in Italy and of Albanian unfounded asylum applications lodged in France, which includes strengthening controls at the border. Albania also cooperates with other Member States to address these issues in terms of prevention, cooperation with the border police, as well as return and readmission.

1.2. Monitoring of trends in irregular migration, applications for international protection, returns and readmission

The number of applications for international protection lodged in EU Member States¹⁰ by Albanian nationals decreased by 65% between 2019 and 2020, with 6 970 applications lodged in 2020. The recognition rate¹¹ slightly decreased from 5.6% in 2019 to 5.3% in 2020.

In 2020, Member States reported 1 429 irregular border crossings, 30% less than in 2019, while the number of Albanian nationals found to be irregularly staying in Member States decreased by 8% compared to the year before (from 34 420 in 2019 to 31 630 in 2020). The number of refusals of entry for Albanian nationals in Member States decreased by 33% in 2020 (from 19 670 in 2019 to 13 265 in 2020),

The number of return decisions issued in 2019 (30 840) decreased by 25% in 2020 (23 235). In 2020, 9 755 effective returns of Albanian nationals were reported, compared to 15 370 in 2019 (decrease of 37%). The return rate dropped from 50% in 2019 to 42% in 2020 reflecting the overall trend over the past years.

Member States and Frontex report in general good cooperation on returns and readmission. Frontex continues to provide support to Albanian national authorities in return-related matters and in capacity building activities in the recent context of declining return rates.

⁹ 'Status Agreement' between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania, signed on 5 October 2018.

¹⁰ See footnote 3.

¹¹ For the purposes of this report, the recognition rate is calculated as the share of positive decisions at first instance (including Geneva protection, subsidiary protection, and humanitarian status) in the total number of decisions at first instance.

2. Judicial cooperation, public order and security

Actions taken in the area of judicial cooperation, public order and security

In 2020, efforts continued in the areas of judicial cooperation, public order and security. Member States report in general good cooperation with Albania in the field of security. Albania continued cooperating with Europol and Eurojust and engaged in joint activities with several Member States. Following the entry into force of the Cooperation Agreement with Eurojust in 2019, an Albanian liaison prosecutor to Eurojust took up duty in January 2021.

The Commission is monitoring the possible impact of the new Albanian Law on Citizenship on the visa-free regime. Although implementing measures have not been adopted to date, the law provides a possibility to establish an investor citizenship scheme, which may be used to bypass the EU short-stay visa procedure and the in-depth assessment of individual migratory and security risks it entails.

The following recommendations were made in the Third Report under the Visa Suspension Mechanism:

a) Maintain and step up proactive operational cooperation with EU agencies and Member States facing public order and security threats posed by the involvement of Albanian nationals in organised crime groups

Proactive cooperation continued with Member States and EU agencies, including the exchange of police information through Interpol, Europol and the Camden Asset Recovery Inter-agency Network (CARIN), mainly in the areas of investigation of criminal offences for narcotics, trafficking in human being and illegal trafficking of vehicles, money laundering, economic and financial crime and cybercrime. In 2020, cooperation in criminal proceedings and police operations continued in these areas.

b) Improve the effectiveness of prosecution and law enforcement efforts to combat high-level corruption and organised crime

Albania continued to make further efforts in the fight against corruption and organised crime, including towards establishing a solid track record of proactive investigations, prosecutions and convictions, which remains a long-term objective.

As regards the fight against organised crime, efforts continued on the basis of the 2017-2020 action plan. In December 2020, Albania approved the 2021-2025 strategy against organised crime and serious crimes and the related 2021-2025 action plan. In January 2020, Albania adopted the law on preventive measures in the fight against terrorism, organised crime and serious crime. The measures include targeting assets through seizure and confiscation, limiting the movements of suspected criminals and restricting their economic activities.

The 2015-2021 Inter-sectoral Strategy against Corruption was extended until 2023 in July 2020. The 2020-2023 action plan to implement the law on the fight against high-level corruption was also approved in July 2020.

In October 2020, the Integrity Plan of the State Police for 2020-2021 was approved, based on the implementation of the recommendations of the group of countries against corruption (GRECO).

The creation of a network of anti-corruption coordinators in 17 agencies also contributed to improving effectiveness in the fight against corruption. The Anti-Corruption Task Force, with responsibility for inter-institutional inspections has, in the past year, been less effective as regular meetings did not take place since 2020 and not many investigations have been conducted.

The concrete impact on investigating, prosecuting and trying high-level corruption of the recently established Anti-corruption Directorate, responsible for the coordination, monitoring of and reporting on the Anti-corruption Strategy, is still to be seen.

The Special Anti-corruption and Organised Crime Structure (SPAK) comprising the Special Prosecution Office (SPO), and the National Bureau of Investigation (NBI), as well as the First and Second Instance Anti-Corruption and Organised Crime Courts (SPAK Courts) are operational. Albania reported a 27% increase in 2020, compared to 2019, in police operations conducted by the central and local police structures of the Criminal Police Department in the field of organised crime and financial crime.

Final convictions of high-level officials have been limited for corruption and related offenses (e.g. money laundering, abuse of office, etc.). However, very recently a positive trend can be seen, due to the first results of the newly established SPAK.

c) Improve the track record of cases in respect of anti-money laundering and counter-terrorism financing and make full use of the support provided by the Commission to reinforce the capacity for combating money laundering and terrorist financing

In December 2020, the Albanian government adopted the National Cross Sector Counter Terrorism Strategy and the 2020-2025 action plan, which includes specific measures to prevent and counter terrorism financing.

Albania has made progress in the implementation of the 2018 Joint Action Plan on Counter Terrorism for the Western Balkans, on building capacity to combat money laundering and terrorism financing. In 2020, laws on establishing a beneficial ownership register and on establishing a centralised bank account register were adopted. Both registers are expected to become operational shortly.

Albania is on the Financial Action Task Force (FATF) list of jurisdictions under increased monitoring since February 2020. Albania made a high-level political commitment to implement the FATF action plan, which would enable Albania's removal from this list. Implementation is ongoing.

In July 2020, a memorandum of cooperation was signed among the General Prosecutor Office, the Ministry of Interior and the Ministry of Finance and Economy to increase the effectiveness of investigations related to money laundering, terrorist financing, financial crimes, seizure and confiscation of criminal assets. Joint analyses of criminal proceedings

conducted between June and September 2020 led to the advancement of investigations, trial, seizure and confiscation of a set of assets of the subjects in criminal proceedings.

Albania has appointed a Special Prosecutor and has created a Special Money Laundering Investigation Section in the Judicial District Prosecution Offices. Prosecutors and economic and financial crime investigation specialists were also appointed to the Local Police Directorates and Commissariats of Police in Judicial Districts to deal specifically with the investigation of criminal offences related to money laundering.

3. Recommendations for Albania

Albania has taken action to address the Commission recommendations. However, further action is needed in order to address the issue of unfounded asylum applications lodged by Albanian nationals in Member States as well as in the areas of anti-money laundering, counter-terrorism and in the fight against corruption and organised crime. In particular, the following areas need to be further addressed:

- Continue cooperating with the Member States most affected by unfounded asylum applications by Albanian nationals, including stepping-up Albania's participation in activities of the European Multidisciplinary Platform Against Criminal Threats (EMPACT) Operational Action Plan 'Facilitation of Illegal Immigration; tailor the information campaigns on the visa-free regime to relevant migrant profiles, including as regards vulnerable groups, overstays and unfounded asylum claims.
- Continue strengthening the prevention and fight against corruption and against organised crime, illicit trafficking, terrorist offences and money laundering by a) further progressing towards establishing a solid track record of corruption cases, seizure, confiscation and recovery of criminal assets resulting from corruption-related offences; b) continuing to develop the systematic use of parallel financial investigations and increasing participation in coordinated or joint investigations and prosecutions with countries in the region and Member States; c) continue progressing on implementation of the Joint Action Plan on Counter Terrorism for the Western Balkans
- Ensure further alignment of Albania's visa policy with the EU lists of visa-required third countries, in particular as regards those third countries, which present irregular migration or security risks for the EU.
- Refrain from adopting an investor citizenship scheme on the basis of the new Law on Citizenship.

III. Bosnia and Herzegovina

1. Migration, asylum and readmission

1.1. Actions taken in the area of migration, asylum and cooperation in readmission

In 2020, Bosnia and Herzegovina continued to face strong migratory pressure, with the presence of large numbers of asylum seekers and irregular migrants on its territory. Since the beginning of 2018, the EU has supported Bosnia and Herzegovina to improve migration and asylum management. The EU provided emergency assistance to help addressing the 2020 humanitarian crisis, during which hundreds of refugees and migrants were left unattended in harsh winter conditions, while available reception facilities were not fully used. The EU urged the authorities to set up a sustainable and long-term solution to accommodate migrants and refugees. As result, some steps were taken by the Ministry of Security, which will gradually take over responsibility for the management of reception facilities. In order to avoid a repetition of this situation next winter, adequate reception conditions for migrants and refugees need to be ensured.

Bosnia and Herzegovina has taken some action in the area of border management. It continued implementing the 2019-2023 integrated border management strategy and action plan. The laws on foreigners and on asylum are in force and broadly in line with the EU *acquis*, with the exception of an amendment adopted on 27 May 2021 on the Law on Foreigners regarding forced removal or return of foreigners having committed certain crimes. Further improvements are needed to ensure an effective migration and asylum management system. The visa policy of Bosnia and Herzegovina is also not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

Cooperation with Member States and Frontex continued in 2020, including on return and readmission of nationals of Bosnia and Herzegovina. The country is also implementing the 2020-2023 strategy for reintegration of returnees, despite limited resources.

The following recommendations were made in the Third Report under the Visa Suspension Mechanism:

a) Improve crisis response capacity and adequate contingency planning to ensure protection and sensitive management of migratory flows, as well as ensure the functioning of the asylum system. Full responsibility for the management of migration and operational coordination mechanisms at all levels needs to be strengthened significantly.

In 2020, and in particular towards the end of the year, the authorities of Bosnia and Herzegovina demonstrated very limited capacities on migration and asylum, including on crisis management. The authorities relied on EU and international financial and technical assistance to deal with the humanitarian crisis.

Bosnia and Herzegovina needs to make a greater effort in this field, including the adoption of a budget on migration and especially effectively using the available reception facilities. State institutions and regional authorities should also cooperate to ensure effective coordination of migration management capacity and the functioning of the asylum system.

b) Continue to organise information campaigns on the rights and obligations of visa-free travel

Bosnia and Herzegovina carried out additional activities to raise public awareness on the rules governing the EU visa-free regime, including the maximum length of stay. The authorities also launched a campaign to inform citizens about the accelerated procedures introduced in many Member States and discourage them from lodging unjustified asylum applications. This possibly contributed to the decreasing numbers of such applications in Member States by nationals of Bosnia and Herzegovina.

c) Strengthen border control, especially border surveillance, including identification and registration measures, in full respect of fundamental rights, ensuring effective operational cooperation with EU Member States and Frontex

In 2020, the Border Police continued to apply the May 2018 framework action plan, deploying mobile reserves of other security agencies as reinforcements on various sectors of the external borders. Common border patrols were also carried out with Serbia. Despite efforts in border surveillance, more efficient inter-agency cooperation and coordination mechanisms are necessary to improve border surveillance and the registration and identification of migrants.

Operational cooperation with Member States and Frontex continued to be satisfactory, despite the fact that Bosnia and Herzegovina's signature of the European Border and Coast Guard (Frontex) 'status agreement' with the EU on border management cooperation ('status agreement') is pending.

d) Continue efforts in view of concluding the 'status agreement' with Frontex

The EU has continued working with Bosnia and Herzegovina in view of the signature and ratification of the 'status agreement'. Cooperation with Member States and Frontex continues nevertheless, in particular as regards returns of nationals of Bosnia and Herzegovina.

1.2. Monitoring of trends in irregular migration, applications for international protection, returns and readmission

In 2020, 1 545 applications for international protection were submitted by nationals of Bosnia and Herzegovina in Member States¹², 29% less than in 2019 (2 180). The recognition rate¹³ decreased from 7.2% in 2019 to 5.1% in 2020.

In 2020, Member States reported only 12 irregular border crossings by nationals of Bosnia and Herzegovina at the EU's external borders, a diminution of 48% compared to 2019. In 2020, the number of nationals from Bosnia and Herzegovina found to be irregularly staying in Member States decreased by 14%, with 3 670 irregular stays in 2020 compared to 4 290 in 2019. The number of refusals of entry increased by 91%, from 4 270 cases in 2019 to 8 150 in 2020.

¹² See footnote 3.

¹³ See footnote 9.

Both the number of return decisions issued to nationals of Bosnia and Herzegovina (2 785 in 2020 compared to 3 730 in 2019, a 25% decrease) and the number of people effectively returned (920 in 2020 compared to 1 495 in 2019, a 38% decrease) diminished in 2020 compared to 2019. The return rate dropped from 40% in 2019 to 33% in 2020.

Member States and Frontex report good cooperation in readmission with Bosnia and Herzegovina and an adequate implementation of the EU readmission agreement.

2. Judicial cooperation, public order and security

Actions taken in the area of judicial cooperation, public order and security

In 2020, Bosnia and Herzegovina adopted strategies against trafficking in human beings, and against trafficking in small arms, light weapons and drugs. Bosnia and Herzegovina has a contact point for Eurojust.

Member States report in general good cooperation with Bosnia and Herzegovina in the field of security. Bosnia and Herzegovina continued cooperating with Europol and Eurojust and engaged in joint activities with several Member States. The EU continuously called on Bosnia and Herzegovina to strengthen operational cooperation with EU Justice and Home Affairs Agencies, most recently at the Stabilisation and Association Council of 13 July.

The following recommendations were made in the Third Report under the Visa Suspension Mechanism:

a) Appoint a National Contact Point for Europol

In January 2021, the Ministry of Security issued an instruction to establish a contact point for cooperation with Europol; however, the contact point is not yet fully operational.

b) Strengthen the prevention and fight against corruption and organised crime, including money laundering and terrorism notably by adopting and implementing legislation on conflict of interest and whistle-blowers' protection; ensuring the effective functioning and coordination of anti-corruption bodies; and demonstrating progress towards establishing a track record of proactive investigations, confirmed indictments, prosecutions and final convictions against organised crime and corruption, including at high-level.

Bosnia and Herzegovina adopted new strategies against trafficking in human beings (for 2020-2023, adopted in January 2020), against trafficking in small arms and light weapons (for 2021-2024, adopted in February 2021) and against trafficking in drugs (for 2018-2023). Legislation on conflict of interest has not yet been adopted. The work of anti-corruption bodies and of investigative and judicial authorities needs to be stepped-up, as the track record on indictments, prosecutions and convictions remains weak. The implementation of the Joint Action Plan on Counter Terrorism for the Western Balkans has continued.

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. Financial investigations

and asset seizures are largely ineffective. A rigorous and credible system of checks of asset declarations of judicial office holders is lacking. The fight against money laundering needs to be stepped-up. Final convictions in high-level corruption cases are very rare and sanctions do not act as a sufficient deterrent.

c) Step-up efforts to strengthen the asset recovery framework by adopting and implementing a more comprehensive legal framework for the confiscation of proceeds of crime and improving the capacity of the competent authorities to impose effective and deterrent sanctions

Asset management offices are in place in the two entities but not at the state level. This poses a serious problem for assets seized at state-level, as there is no asset recovery office responsible for facilitating the tracing and identification of proceeds of crime and other crime-related property. There was no progress on strengthening the asset recovery framework in 2020.

3. Recommendations for Bosnia and Herzegovina

Bosnia and Herzegovina has taken action to address the Commission recommendations. However, further efforts are needed in the areas of border and migration management, anti-money laundering and the fight against corruption and organised crime. In particular, the following areas need to be further addressed:

- Improve coordination, at all levels, of border management and migration management capacity, notably by ensuring the functioning of the asylum system, and providing adequate reception capacity for migrants; take the necessary steps for the signature of the ‘status agreement’ with Frontex.
- Continue the progress in the fight against corruption, including at high level, by adopting and implementing efficient legislation on conflict of interests, public procurement and whistle-blowers’ protection, and ensuring the effective functioning and coordination of anti-corruption bodies.
- Strengthen efforts against organised crime notably by ensuring effective cooperation among law enforcement bodies and with prosecutors’ offices as well as establishing a track record of proactive investigations, confirmed indictments, prosecutions and final convictions against organised crime.
- Establish a Europol contact point and continue progressing on the implementation of the Joint Action Plan on Counter Terrorism for the Western Balkans.
- Ensure further alignment of Bosnia and Herzegovina’s visa policy with the EU lists of visa-required third countries, in particular as regards those third countries, which present irregular migration or security risks for the EU.

IV. Montenegro

1. Migration, asylum and readmission

1.1 Actions taken in the area of migration, asylum and cooperation in readmission

In 2020, Montenegro continued taking action in the areas of border and migration management and asylum. In January 2020, Montenegro adopted the 2020-2024 integrated border management strategy and its accompanying action plans.

The ‘status agreement’ with Frontex entered into force in July 2020 and since then there have been two joint operations. Frontex and Member States report good cooperation on returns and readmission, Member States also report good cooperation with Montenegro in the field of migration and border management.

As regards the recommendation to increase awareness on the rights and obligations of visa-free travel, which was included in the Third Report under the Visa Suspension Mechanism, Montenegro reports that in 2020, information campaigns were not organised due to the travel restrictions linked to the COVID-19 pandemic.

Montenegro’s visa policy is not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

1.2. Monitoring of trends in irregular migration, applications for international protections, returns and readmission

The number of applications for international protection lodged in EU Member States¹⁴ by Montenegrin nationals decreased by 44% between 2019 and 2020, with 250 applications lodged in 2020 compared to 445 in 2019. The recognition rate¹⁵ decreased from 4.9% in 2019 to 3.4% in 2020.

EU Member States reported no irregular border crossings in 2020 by nationals of Montenegro. The number of Montenegrin nationals found to be irregularly staying in 2020 increased by 7% (from 885 in 2019 to 945 in 2020). In 2020, the number of refusals of entry for nationals of Montenegro in Member States was 485, 3% more than in 2019 (470).

Both the number of return decisions issued to nationals of Montenegro (475 in 2020 compared to 590 in 2019) and the number of people effectively returned (275 in 2020 compared to 355 in 2019) decreased in 2020 compared to 2019, by 19% and 23% respectively. The return rate fell slightly, from 60% in 2019 to 58% in 2020.

2. Judicial cooperation, public order and security

Actions taken in the area of judicial cooperation, public order and security

In 2020, Montenegro continued taking action against organised crime, including as regards the fight against trafficking in human beings, cooperation in the field of drugs and the fight

¹⁴ See footnote 3.

¹⁵ See footnote 9.

against terrorism. Member States report in general good cooperation with Montenegro in the field of security. Montenegro also continued cooperating with Europol and Eurojust.

In March 2021, the government decided to phase out by the end of 2021 the investor citizenship scheme, which has been implemented since January 2019. The Commission will continue monitoring the scheme as long as applications continue being processed, since investor citizenship schemes may be used to bypass the EU short-stay visa procedure and the in-depth assessment of individual migratory and security risks it entails.

Montenegro also addressed the following recommendations included in the Third Report under the Visa Suspension Mechanism:

a) Prevent and fight organised crime and high-level corruption, including through the confiscation of proceeds of crime and freezing of assets and taking measures to limit the use of plea bargains to exceptional cases

The track record of arrests, drug seizures and investigations into organised crime was further consolidated in 2020, thanks to a stronger police capacity and ever-growing international police cooperation. For the first time, the number of court judgements and convictions also increased in 2020, as a bigger number of investigations from previous years had reached the courts. There was an upward trend in detection and seizures of criminal assets, but final confiscations remained rare.

b) Strengthen the capacity of the police, the prosecution and the Courts to investigate, prosecute and adjudicate money-laundering cases in accordance with EU best practices

In October 2020, the government of Montenegro adopted a National Risk Assessment on money laundering and terrorist financing with the accompanying action plan. In November 2020, Montenegro's FIU became a member of the EGMONT Group of Financial Intelligence Units. Montenegro is also the first country in the region to link its Financial Intelligence Unit (FIU) with Europol's secure information exchange channel, SIENA.

In March 2021, the government adopted amendments to the law on the prevention of money laundering and terrorism financing to increase the FIU's operational independence and autonomy by having the Head of the FIU reporting directly to the Minister of Interior and not to the Head of Police, in line with FATF standards. The Moneyval Strategy was adopted in April 2020. As of 18 May 2020, Montenegro is no longer officially in the procedure of regular reporting to Moneyval¹⁶ on the progress made after the fourth round of evaluation.

Despite the above progress, Montenegro has only partially implemented the objective of the Joint Action Plan on Counter-Terrorism for the Western Balkans related to building capacity to combat money laundering and terrorism financing. Further concrete steps are necessary to reinforce financial investigations and to ensure the effectiveness of the legal framework, including on access to information in the central bank register.

¹⁶ Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism.

3. Recommendations for Montenegro

Montenegro has taken action to address the Commission recommendations. However, further efforts are needed in the areas of anti-money laundering, counter terrorism and in the fight against corruption and organised crime. Montenegro should also continue its ongoing information campaigns on the rights and obligations of visa-free travel. In particular, the following areas need to be further addressed :

- Tailor the information campaigns on the visa-free regime to relevant migrant profiles, including as regards vulnerable groups, overstays and unfounded asylum applications.
- Continue making progress in the prevention and fight against organised crime, corruption and terrorism by a) consolidating the track record of final convictions and confiscation of assets; b) strengthening the capacity to prosecute and adjudicate money laundering cases; c) achieving better results in response to organised crime, including by addressing the frequent use of plea bargains, d) continuing progress on implementation of the Joint Action Plan on Counter Terrorism for the Western Balkans.
- Ensure further alignment of Montenegro's visa policy with the EU lists of visa-required third countries, in particular as regards those third countries, which present irregular migration or security risks for the EU.
- Effectively phase-out the investor citizenship scheme completely as soon as possible.

V. Republic of North Macedonia

1. Migration, asylum and readmission

1.1. Actions taken in the area of migration, asylum and cooperation in readmission

In 2020 and early 2021, the Republic of North Macedonia continued taking action on border and migration management and asylum, including to improve reception conditions for asylum applicants.

Member States reported good cooperation in the field of border management, migration and asylum, as well as readmission. Cooperation with EASO continued, under the agreed roadmap to strengthen capacity in the areas of asylum and reception. Cooperation with Frontex also continued, although the 'status agreement' has not yet been signed.

The visa policy of North Macedonia is not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

The following recommendations were made in the Third Report under the Visa Suspension Mechanism:

a) Strengthening border controls, in full respect of fundamental rights

North Macedonia continues to cooperate and exchange information with Member States, Europol and Frontex (including with liaison officers), as well as with Interpol. A joint operation with Member States and EU support is ongoing.

In February 2021, North Macedonia signed agreements with Serbia on cooperation in combatting migrant smuggling and trafficking of human beings.

North Macedonia reports that, during 2020, it prevented 3 200 attempts of irregular border crossings, refused entry to 1 520 foreign nationals, while 207 foreign nationals were not allowed to exit, mainly due to previous overstays, use of forged documents, absence of residence document or valid visa, or damaged or expired passports. They are mainly hosted in reception facilities.

b) Continue to organise information campaigns on the rights and obligations of visa-free travel

During 2020, leaflets entitled “Stop misusing the visa liberalisation”, informing about the rights and obligations of visa-free travel, were distributed in the airports in North Macedonia to persons travelling outside the country.

1.2. Monitoring of trends in irregular migration, applications for international protections, returns and readmission

In 2020, the number of applications for international protection in EU Member States¹⁷ by nationals of North Macedonia decreased by 67% compared to 2019, with 1 390 applications lodged in 2020. The recognition rate¹⁸ increased from 1.4% in 2019 to 1.8% in 2020.

In 2020, a total of 18 irregular border crossings by nationals of North Macedonia were reported at EU level, compared to 10 in 2019. In 2020, the number of nationals of North Macedonia found to be irregularly staying decreased by 6%, with 6 545 irregular stays in 2020 compared to 7 000 in 2019. The number of refusals of entry decreased by 13%, from 2 815 refusals in 2019 to 2 455 in 2020. .

In 2020, the return rate decreased from 78% in 2019 to 57% in 2020. The trend is due to a decrease in the number of return decisions issued to nationals of North Macedonia (2 515 in 2020 compared to 3 855 in 2019, representing a 35% decrease) and the decrease in the number of people effectively returned (1 425 in 2020 compared to 3 005 in 2019, representing a by 53% decrease). The decreasing trend in the number of return operations by charter flights to North Macedonia observed in recent years continued in 2020. Member States nevertheless report good cooperation on return and readmission.

2. Judicial cooperation, public order and security

Actions taken in the area of judicial cooperation, public order and security

¹⁷ See footnote 3.

¹⁸ See footnote 9.

North Macedonia continued to take actions in the fight against organised crime, including against drug trafficking and trafficking in human beings, in the areas of anti-corruption and anti-money laundering, in the fight against terrorism and financing of terrorism, and in the prevention of radicalisation, following-up on the implementation of the Joint Action Plan on Counter Terrorism with Western Balkans.

Member States, Europol and Eurojust report in general good cooperation with North Macedonia in the field of security.

The Law on Citizenship of North Macedonia allows for the acquisition of citizenship for special economic interest without any previous residence requirements. The European Commission has brought to the attention of North Macedonia the risks posed by enabling citizenship by investment, which can have an impact on the visa-free regime, as they may be used to bypass the short-stay visa procedure and the in-depth assessment of individual migratory and security risks it entails.

North Macedonia addressed the following recommendations made in the Third Report under the Visa Suspension Mechanism:

a) Continue to improve the effectiveness of law enforcement efforts to combat organised criminal networks especially involved in drug trafficking. Continue to provide a credible track record of investigations, prosecutions and convictions. Step up investigations and prosecution of organised crime groups, including those engaged in migrant smuggling, money laundering and financial crimes.

North Macedonia continued its efforts to improve its track record in the area of fight against organised crime. The National Coordination Centre for the Fight against Organised Crime has improved its operational capacity. Relevant institutions have assigned their representatives and are connected to the Centre. The country cooperates in operations in the fight against trafficking of human beings, weapons and drugs, both at bilateral and multilateral level.

In accordance with the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA), a working group was established in 2020. In 2020, North Macedonia was involved in several organised crime cases at Eurojust, regarding drug trafficking and money laundering.

North Macedonia has made progress on harmonisation of its law to align it with the fourth anti-money laundering directive¹⁹. The register of beneficial owners was launched on 27 January 2021 and is operational since 27 May 2021.

¹⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141 5.6.2015, p. 73)

Progress has also been made in ensuring that results from the FIU are used by the prosecution services, in accordance with the Implementing arrangement for North Macedonia of the Joint Action Plan on Counter Terrorism with the Western Balkans. The new module for monitoring and feedback of cases of suspicious transactions submitted by the FIU to the competent authorities is established and tested. However, the module is not in use yet. Further efforts are needed to fully implement the new module on suspicious transactions reported by the FIU to the competent authorities and establish a track record about its use by the prosecution offices.

b) Further strengthen the fight against corruption

North Macedonia continued implementing reforms in the fight against corruption. The country has made progress in consolidating its track record on investigations, prosecutions and final convictions in corruption cases, including at a high level.

Within the restrictive measures applied during the state of emergency due to the COVID-19 pandemic, the government put in place measures for the suspension of the procedural deadlines in judicial procedures, as well as for urgent acts by the courts regarding cases of organised crime and corruption.

A new Law on the Public Prosecutor's Office, adopted in February 2020, entered into force in June 2020. The law aims to provide a professional and impartial prosecutorial system, in particular ensuring sustainability of the cases under the jurisdiction of the Special Public Prosecutor's Office. Efforts have continued to move forward with the cases of the former Special Prosecutor's Office including with important verdicts.

The State Commission for Prevention of Corruption (SCPC)²⁰ has been proactive in fulfilling its mandate of verifying declaration of assets and conflict of interests. The budget and staff has increased. In January 2020, the SCPC adopted a new National strategy for Prevention of Corruption and Conflict of Interests, with an action plan for 2020-2024.

North Macedonia is also taking action to implement GRECO recommendations. A working group within the Ministry of Interior was tasked to prepare amendments to the Law of Internal Affairs and the Law on the Police.

3. Recommendations for North Macedonia

North Macedonia has taken action to address the Commission recommendations. However, further efforts are needed in the areas of migration management, anti-money laundering, counter-terrorism and the fight against corruption and organised crime, as well as regarding the acquisition of citizenship for special economic interest. In particular, the following areas need to be further addressed:

²⁰ Appointed in 2019 in accordance with the revised Law on Prevention of corruption and conflict of interest.

- Further improve the registration of migrants in a more systematic manner; tailor the information campaigns on the visa-free regime to relevant migrant profiles, including as regards vulnerable groups, overstays and unfounded asylum applications.
- Continue efforts in relation to areas related to the prevention and fight against corruption and organised crime as well as counter-terrorism by a) increasing the track record of final convictions in high-level corruption cases, including by further confiscating criminal assets; b) further strengthening the track record of investigations, prosecutions and convictions for organised crime and money laundering; c) increasing participation in coordinated or joint investigations and prosecutions with countries in the region and with Member States; d) making full use of the National Coordination Centre for the Fight against Organised Crime; e) continue progressing on the implementation of the Joint Action Plan on Counter Terrorism for the Western Balkans; f) fully implementing the new module on suspicious transactions reported by FIU and establishing a track record about its use by the prosecution offices.
- Ensure further alignment of the visa policy of North Macedonia with the EU lists of visa-required third countries, in particular as regards those third countries, which present irregular migration or security risks for the EU.
- Refrain from enabling systematic acquisition of citizenship for special economic interest.

VI. Republic of Serbia

1. Migration, asylum and readmission

1.1 Actions taken in the area of migration, asylum and cooperation in readmission

In 2020, the Republic of Serbia continued taking action in the area of border and migration management and asylum, including reception conditions, and to support the reintegration of returnees.

As regards cooperation with Frontex, the ‘status agreement’, ratified in February 2021, entered into force on 1 May, with operations starting in June 2021. Frontex and Member States report good cooperation with Serbia on returns and readmission.

Member States also report in general good cooperation with Serbia in the field of border management, irregular migration and asylum. In 2020, EASO started implementing the new roadmap for cooperation with Serbia.

The Third Report under the Visa Suspension Mechanism included the following recommendations for Serbia:

a) Alignment with EU visa policy, which is an underlying condition for the continuous fulfilment of the migration management benchmark

The visa policy of Serbia is not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

b) Continue to organise information campaigns on the rights and obligations of visa-free travel

Serbia disseminated information on the rights and obligations of Serbian nationals under the EU visa-free regime on the Internet and in the EU Info Centres in Belgrade, Novi Sad and Nis.

c) Further strengthen the border control process, especially border surveillance, including identification and registration measures, in full respect of fundamental rights

On the basis of the law on border control and other regulations, border surveillance was carried out through patrol activities and other operational-tactical and operational-technical measures and actions along the borders. Analyses of the effects of border surveillance are ongoing at the local, regional and central levels.

Based on the Convention on Police Cooperation in Southeast Europe, the Ministry of the Interior established direct cooperation with all neighbouring countries. Cooperation is ongoing on joint patrols at the borders. Information exchange takes place through joint contact centres. Serbia also receives assistance for border management and capacity building activities from Member States. An EU-funded border management project is currently being managed by the IOM.

1.2 Monitoring of trends in irregular migration, applications for international protection, returns and readmission

In 2020, 2 835 applications for international protection were submitted by Serbian nationals in Member States²¹, a decrease of 57% compared to 2019. The recognition rate²² slightly decreased from 4.8% in 2019 to 4.6% in 2020.

In 2020, irregular border crossings of the EU external borders by nationals of Serbia fell by 28% to 21%. However, the number of Serbian nationals found to be irregularly staying in Member States increased by 23%, with 16 775 persons in 2020 compared to 13 635 in 2019. Refusals of entry issued to Serbians are on a downward path, evidenced by yearly decreases registered since 2018. The number of Serbian nationals refused entry was 7 315 in 2020, compared to 8 300 in 2019, a decrease of 12%.

Both the number of return decisions issued to Serbian nationals (6 545 in 2020 compared to 8 745 in 2019) and the number of people effectively returned (3 230 in 2020 compared to 5 250 in 2019) decreased respectively by 25% and 38% in 2020 compared to 2019. The return rate dropped from 60% in 2019 to 49% in 2020. Return operations by charter flights resumed as of mid-June 2020. Frontex reports an overall good operational experience in return-related activities carried out in Serbia.

2. Judicial cooperation, public order and security

²¹ See footnote 3.

²² See footnote 9.

Actions taken in the area of judicial cooperation, public order and security

Serbia continued implementing actions in the area of the fight against organised crime, including trafficking in drugs and in human beings, the fight against terrorism, the prevention of corruption and judicial cooperation in criminal matters.

Member States report in general good cooperation with Serbia in the field of security. Serbia continued cooperating with Europol and Eurojust and engaged in joint activities with several Member States. Progress is still needed in the implementation of the Joint Action Plan on Counter Terrorism with the Western Balkans, as most of the actions contained in the bilateral arrangement are still not completed. More efforts are needed to prevent all forms of radicalisation leading to violent extremism and terrorism.

The following recommendations were included in the Third Report under the Visa Suspension Mechanism:

a) Ensure the Europol liaison officer's timely accreditation and deployment

In December 2020, further to an evaluation of the project by Member States and supported by Europol, the Management Board of Europol decided to end the EU Pilot project to deploy a Europol liaison officer to the Republic of Serbia. The deployment could not take place within the timespan of the project due to difficulties in finalising the accreditation procedure.

b) Establish a convincing track record of investigation, prosecution, and convictions in organised crime cases, including drugs and money laundering, based on proactive investigations (including systematic tracking of money flows and their confiscation as well as the efficient use of special investigative measure to collect relevant evidence).

The data provided by Serbia show an increase in the number of indictments in organised crime cases, but a decrease in the number of convictions and new investigations into organised criminal groups. Part of the decrease could be explained by the COVID-19 pandemic, but there is also concern that the very low level of convictions and asset recovery are linked to the functioning of the criminal judicial system, especially the weaknesses in pre-investigations, investigations and courts proceedings.

3. Recommendations for Serbia

Serbia has taken action to address the Commission recommendations. However, further efforts are needed in the areas of integrated border management, anti-money laundering, counter-terrorism and in the prevention and fight against corruption and organised crime. In particular, the following areas need to be further addressed:

- Adopt the Schengen Action Plan, a programme launched in Belgrade with EU support in February 2019, and ensure a sufficient involvement of all relevant institutions at the government level; develop and adopt a new integrated border management (IBM) strategy and action plan in line with new IBM concepts; tailor the information campaigns on the

visa-free regime to relevant migrant profiles, including as regards vulnerable groups, overstays and unfounded asylum applications.

- Increase efforts in the prevention and fight against organised crime, corruption and terrorism by a) improving the track record on investigations, indictments and final convictions in high-level corruption cases, including the seizure and confiscation of criminal assets; b) adopting a new anti-corruption strategy underpinned by a credible and realistic action plan as well as an effective coordination mechanism; c) continuing progress on the implementation of the Joint Action Plan on Counter Terrorism for the Western Balkans; d) increase efforts in the prevention of all forms of radicalisation leading to violent extremism and terrorism, including violent right-wing extremism.

Ensure further alignment of Serbia's visa policy with the EU lists of visa-required third countries, in particular as regards those third countries which present irregular migration or security risks for the EU.

VII. Georgia

1. Migration, asylum and readmission

1.1. Actions taken to ensure the continuous fulfilment of the visa liberalisation benchmarks

Georgia is increasing its technical resources for border management with EU support, including under the Security, Accountability and Fight against Crime (SAFE) programme, and support by Member States such as Latvia. A renewed working arrangement with Frontex was signed on 11 February 2021.

In view of strengthening pre-departure checks, the Parliament of Georgia adopted amendments to the law regulating entry to and exit from the territory of Georgia, which entered into force on 1 January 2021. The new provisions establish criteria that mirror the entry conditions for third-country nationals, as stipulated in the Schengen Borders Code. On 21 December 2020, the Ministry of Internal Affairs issued an order on practical application of those amendments.

The 2021-2030 migration strategy and the correspondent 2021 action plan were adopted in December 2020. In July 2020, the State Commission on Migration Issues (SCMI) adopted a methodology for a unified migration risk analysis system. The development of the risk

analysis system is planned to be finalised by 2023. In March 2021, Georgia became an observer at the European Migration Network (EMN).

Asylum procedures were partially suspended in Georgia between 2 April and 22 May 2020 due to the state of emergency linked to the COVID-19 pandemic, except as regards applications for international protection and the issuance of asylum seekers' certificates. The legislative framework on the issuance of international protection was updated including changes in the identification procedure for asylum-seekers at the border and the processing of personal data.

Member States confirmed continued good cooperation on return and readmission with Georgian authorities. The well-established Readmission Case Management System proved particularly useful during the pandemic.

As regards document security, Georgia reported it is exchanging information with Interpol on lost and stolen passports. Non-biometric passports will be fully phased out by 1 January 2025, when all non-biometric documents will expire.

The visa policy of Georgia is not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

1.2. Actions taken to address the recommendations of the Third Report under the Visa suspension Mechanism in the area of migration

Georgia addressed the following recommendations made in the Third Report under the Visa Suspension Mechanism:

a) Strengthen operational cooperation to achieve and maintain a swift decrease in the number of unfounded applications for international protection lodged by Georgian nationals.

Georgia is taking action to address the issue of unfounded applications for international protection lodged by Georgian nationals in the EU, including by strengthening pre-departure checks.

In the context of joint operations, Frontex has increased the number of officers advising national authorities in Tbilisi and Kutaisi international airports. Frontex officers participated in 2019-2020 in some of the preliminary checks and profiling of the passengers flying to EU destinations. Four Georgian police officers were deployed monthly to concerned EU Member States' airports. The Ministry of Internal Affairs proactively exchanges information with the police attachés on the ground in order to prevent irregular migration.

b) Continue organising information campaigns on the rights and obligations of visa-free travel

In 2020, awareness raising campaigns continued to provide information regarding the rights and obligations of Georgian nationals under the EU visa-free regime, the travel conditions and the consequences of the abuse of the visa-free regime, including via video clips and a social media campaign, launched at the end of 2020.

1.3. Monitoring of trends in irregular migration, applications for international protection, returns and readmission

In 2020, the number of applications for international protection in Member States²³ decreased by 60% compared to 2019, with 8 860 applications lodged in 2020. The recognition rate²⁴ increased from 4.1% in 2019 to 4.6% in 2020

In 2020 there were 30 irregular border crossings of Member States by Georgians, 10 times less than in 2019 (328 irregular border crossings). In 2020, the number of Georgian nationals found to be irregularly staying in Member States decreased by 13%, with 10 360 persons in 2020 compared to 11 870 in 2019.

The number of refusals of entry issued to Georgian nationals decreased by 53%, from 4 435 in 2019 to 2 065 in 2020. Since the overall trends was previously on the rise, this indicator is likely to pick up again once the COVID-19 pandemic subsides.

As regards returns of Georgian nationals, the return rate decreased from 52% in 2019 to 47% in 2020. The trend is due to the decrease in the number of return decisions issued to nationals of Georgia by 27% (11 985 in 2020 compared to 16 310 in 2019) and the decrease by 33% in the number of people effectively returned (5 685 in 2020 compared to 8 520 in 2019), however

Frontex reports a satisfactory implementation of the EU Readmission Agreement in 2020. Several Member States report good cooperation with Georgia, in particular as regards the use of return flights.

2. Judicial cooperation, public order and security

2.1. Actions taken to ensure the continuous fulfilment of the benchmarks

Member States report in general good cooperation with Georgia in the field of security. Georgia continued cooperating with Europol and Eurojust and engaged in joint activities with several Member States.

Georgia continued to fight against organised crime within the framework of the national strategy on combating organised crime and the corresponding action plans. On 19 December 2020, the Parliament of Georgia adopted legislative amendments regarding operative search activities aiming at enhancing the fight against organised crime, drug crime, trafficking in human beings, cybercrime and other serious crimes. In December 2020, the Trafficking in Human Beings Council approved the anti-trafficking national action plan, taking into account EU recommendations. The function of the Anti-Corruption Council Secretariat has been transferred from the Ministry of Justice to the Administration of Government on 16 March 2021. By 2021, GRECO considered that most of its recommendations had been partly or fully

²³ See footnote 3.

²⁴ See footnote 9.

implemented. The mechanism of verification of declaration of assets introduced in 2017 continues to function.

The 2021-2022 action plan on the fight against drugs and the 2021-2026 national strategy for the prevention of drug abuse were adopted in February 2021. The National Drug Observatory was established in January 2020 to collect and analyse information on drug-related issues.

Georgia is implementing a national strategy on the fight against terrorism and its action plan. The country is involved in international efforts to fight against terrorism and is an active member of the Global Coalition against Daesh. Georgia has a comprehensive legal framework in place to criminalise terrorism financing and has adopted a Law on Facilitating the Suppression of Money Laundering and Terrorism Financing. However, Georgia continues to be considered as partly compliant with the FATF recommendation relating to an independent FIU.

Amendments relating to the fourth wave of judicial reform entered into force in 2020, covering disciplinary violations, the regulation of the functioning of the High Council of Justice (HCoJ) and the HCoJ reform. The publication of judicial decisions was put on hold following the July 2020 ruling of the Constitutional Court.

On 30 September 2020 and on 1 April 2021 the Georgian Parliament adopted amendments concerning the nomination process of Supreme Court judges. Following EU recommendations, Georgia requested an ex-post assessment to the Venice Commission. On 12 July 2021, the Georgian Parliament appointed 6 Supreme Court judges according to the previous appointment system, going against the advice of the EU and the recommendations of the Venice Commission.

As regards cooperation with Eurojust, in June 2020, a Georgian liaison prosecutor was deployed to Eurojust. Operational cooperation with Europol continued, including via Georgian Liaison Office at the agency.

2.2. Actions taken to address the recommendations of the Third Report under the Visa Suspension Mechanism

a) Strengthen cross-border law enforcement cooperation to fight against Georgian organised crime groups and as part of this process, finalise the reform on intelligence-led policing as a matter of priority

In 2020, Georgia concluded agreements on law enforcement cooperation with France and Spain. The previously signed agreement with Greece entered into force on 13 March 2020. The Georgian Liaison Office at Europol participated in the work of the European Serious Organised Crime Centre (ESOCC). Georgia cooperates with numerous Member States (including Austria, Belgium, Finland, Spain, and Sweden) by exchanging information via police liaison officers, through trainings and joint analysis teams, among other activities. Georgia also deploys police attachés in 11 EU Member States. Efforts continue to enhance the unified system of crime analysis.

3. Recommendations for Georgia

Overall, Georgia continues to fulfil the visa liberalisation benchmarks and has taken action to address the Commission recommendations. However, further efforts are needed to address the issue of unfounded asylum applications in Member States as well as in the areas of anti-money laundering, the prevention and fight against corruption and against organised crime. In particular, the following areas need to be further addressed :

- Continue to proactively address the issue of unfounded asylum applications in Member States; tailor the information campaigns on the visa-free regime to relevant migrant profiles, including as regards vulnerable groups, overstays and unfounded asylum applications.
- Improve the efficiency of anti-corruption institutions and law enforcement agencies in order to better address the cases of high corruption; ensure that all such cases are investigated.
- Finalise the reform of the Supreme Court by bringing the selection procedure for judges fully in line with Venice Commission recommendations and with European standards; finalise the reform of prosecution, including by the separation of functions between investigators and prosecutors; finalise the operational development of the FIU by ensuring that (a) it is able to obtain necessary information from reporting entities and (b) has full access on a timely basis to the necessary financial, administrative and law enforcement information to undertake its functions properly; continue the efforts in the prevention and fight against organised crime, in particular against the laundering of profits from illegal activities; continue efforts to fully align national legislation with the EU acquis on Anti-Money Laundering and Counter Terrorist Financing.
- Ensure further alignment of Georgia's visa policy with the EU lists of visa-required third countries, in particular as regards those third countries which present irregular migration or security risks for the EU.

VIII. Republic of Moldova

1. Migration, asylum and readmission

1.1. Actions taken to ensure the continuous fulfilment of the visa liberalisation benchmarks

The Republic of Moldova developed the 2021-2023 action plan on integrated border management, including most of the proposals provided in May 2020 by the EU Border Assistance Mission to Moldova and Ukraine (EUBAM).

In 2020, Moldovan border police and custom services continued addressing the recommendations of the Joint Assistance Exercise ‘DEMETRA’²⁵.

Border controls have been reinforced along the Moldovan-Ukrainian border with joint patrolling.

Under the Frontex-Moldova working arrangement, Frontex has initiated consultations with Moldova on a 2021-2023 cooperation plan. EUBAM continued supporting the modernisation of border facilities in cooperation with the Moldovan and Ukrainian border and customs agencies. Frontex and Member States report good cooperation on return and readmission.

As regards document security, due to the fact that non-biometric passports have not been issued since 1 January 2011, all non-biometric passports expired by 1 January 2021, completing the phasing out of non-ICAO (International Civil Aviation Organisation) compliant passports. Moldova reported continuous efforts to improve the capacity of detection of false or falsified documents, both at the state borders and inside the country. The national database of false documents is regularly updated and Moldova exchanged information with third countries and Frontex.

The visa policy of Moldova is not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

1.2. Actions taken to address the recommendations of the Third Report under the Visa suspension Mechanism in the area of migration

a) Strengthen operational cooperation to achieve a swift decrease in the number of unfounded applications for international protection lodged by Moldovan nationals in the Member States

Moldovan authorities are conducting bilateral dialogues on unfounded asylum applications by Moldovan nationals with Germany and the Netherlands and have expressed willingness to proceed in a similar way with France.

The Moldovan Ministry of Internal Affairs has established a working group with representatives of the General Inspectorate of Border Police, the General Police Inspectorate and the Bureau of Migration and Asylum. The working group tackles issues related to migration, readmission, cooperation in the field of criminal prosecution, as well as possible risks related to the visa free regime with the EU.

Moldovan authorities have also strengthened efforts towards the integration of vulnerable communities, informing them also about the rules of travel to the EU.

²⁵ Conducted in 2018 by EUBAM with the General Inspectorate of Border Police and the Moldovan Customs Services with the aim of assessing, inter alia, compliance with EU standards of aspects of border control applied on travellers at selected border crossing points.

b) Continue to organise information campaigns on the rights and obligations of visa-free travel

Moldova continued to carry out information campaigns addressed to the general public and members of vulnerable communities. According to Moldovan authorities, the revised edition of the Guide on free movement in the EU, clarifying rights and obligations of the visa-free regime, continues to be the key tool for information activities of the Ministry of Foreign Affairs and European Integration.

1.3. Monitoring of trends in irregular migration, applications for international protection, returns and readmission

The number of applications for international protection by Moldovan nationals in Member States²⁶ decreased by 24% between 2019 and 2020, with 6 865 applications lodged in 2020. The recognition rate²⁷ slightly increased from 0.8% in 2019 to 1.0% in 2020.

In 2020, attempts by Moldovan nationals to cross the EU external borders irregularly remained very low (34). The number of Moldovan nationals found to be irregularly staying rose from 16 540 in 2019 to 24 685 in 2020 (an increase of 49%). In 2020, the number of Moldovan nationals being refused entry in Member States continued to rise, reaching the highest number on record for this nationality (increased by 28%, from 7 940 in 2019 to 10 140 in 2020).

In 2020, the number of return orders issued to Moldovan nationals decreased by 10% (6 755 in 2020 compared to 7 540 in 2019). The number of effective returns was 44% less than in 2019 (2 620 in 2020 compared to 4 720 in 2019). The return rate decreased from 63% in 2019 to 39% in 2020. Member States report however good cooperation on readmission of own nationals and Frontex reports a smooth implementation of return operations.

2. Judicial cooperation, public order and security

2.1. Actions taken to ensure the continuous fulfilment of the benchmarks

In 2020, Moldova continued cooperating with Europol and Eurojust and engaged in joint activities with several Member States, which report good cooperation with Moldova in the field of security.

Moldova has invested substantially in policy reforms to combat the nexus of corruption, organised crime and illicit financial flows. However, there is still room to strengthen and streamline capacity and results in the seizure and confiscation of assets linked to illicit activity. The law on prosecutors was amended in July 2020, providing for the appointment of prosecutors by transfers instead of competitions. In 2020, a new Chief Prosecutor for the Office of Combatting Organised Crime was selected without competition.

²⁶ See footnote 3.

²⁷ See footnote 9.

Moldova has increased the annual budget of anti-corruption institutions including the National Integrity Authority (NIA), the Criminal Asset Recovery Agency and the FIU. A parliamentary commission on improving the legal framework governing NIA's activity was established in March 2021.

In April 2019, the General Prosecutor approved guidelines on parallel financial investigation, aimed at implementing EU standards. In August 2019, the Parliament approved legislation designed to minimise the risks of money laundering, to establish voluntary declarations and a fiscal stimulation program. The law on anti-money laundering sanctions entered into force in December 2020.

Additionally, in order to comply with the recommendations of the Moneyval Committee, the Parliament approved the 2020-2025 national strategy and action plan on anti-money laundering and counter-terrorism financing, developed by the Office for Prevention and Fight against Money Laundering (OPFML). The OPFML also approved the regulation on the control procedures for reporting entities, the individualisation and application of the sanctions for violations of the legislation on money laundering and terrorist financing.

Moldovan authorities have put in place a 2018-2023 national strategy for preventing and combating trafficking in human beings and the accompanying 2018-2020 action plan. Moldova continued to benefit from the EU4Monitoring Drugs programme implemented by the European Monitoring Centre for Drugs and Drug Addiction.

Judicial cooperation in criminal matters continued through the implementation of the 2014 Eurojust-Moldova cooperation agreement.

Moldovan law enforcement authorities actively participated in joint targeted operations organised by EUBAM in cooperation with Europol, Frontex and OLAF as well as in cross-border exercises (also organised by EUBAM) aiming at developing and strengthening inter-agency and cross-border cooperation between Ukraine and Moldova, in thematic working groups and cross-border cooperation platforms on preventing and combating cross-border crime, as well as on the evaluation and improvement of the alert mechanism and the exchange of information on cross-border crime-related cases.

Moldova ran an investor citizenship scheme between 2018 and 2020. The scheme was abolished on 1 September 2020, although applications submitted until that date continue to be examined.

2.2. Actions taken to address the recommendations of the Third Report under the Visa Suspension Mechanism

a) Continue effective consultations to adopt a strategic concept and action plan for justice reform based on a comprehensive diagnostic, ensuring wide consensus from stakeholders and in strict adherence with the Constitution and EU recommendations

Work continued on the strategy for ensuring independence and integrity of the justice sector for 2021 - 2024 and on the action plan for its implementation. The final version of the draft strategy and action plan was adopted by the government on 28 October 2020 and by the

Parliament on 26 November 2020. On 17 February 2021, the President of Moldova returned the strategy and action plan to the Parliament asking for a modification of mechanisms of evaluation of judges and prosecutors and requesting the suppression of Article 307 of the Criminal Code which allows the criminal prosecution of judges issuing decisions contrary to the law. The work on amendments is ongoing.

b) Ensure progress with regard to the adoption of constitutional amendments related to the judiciary in line with the Venice Commission's recommendations

On 1 July 2020, following consultations with the Venice Commission, the Council of Europe and the European Commission, the draft constitutional amendments were submitted for consultation by the government to the Constitutional Court. After additional consultations and readjustments, the Constitutional Court issued a positive opinion on the modified draft amendments, which were subsequently presented to the Parliament on 10 December 2020. Proposed amendments will need to be adopted not before six months and not later than twelve months upon registration with the Parliament.

c) Significantly reduce the existing backlog of e-declarations by the National Integrity Authority (NIA) and ensure the effective implementation of the Asset Recovery Strategy and the asset declaration system with regard to all high-level actors

Since 2016, the Automated Information System "e-Integrity" makes public the declarations of assets and personal interests (with the exception of personal data), immediately after being digitally signed. The number of declarations is high (in 2019 it was nearly 65 000). The NIA checks only a selected number of those declarations, with priority given to members of Parliament, judges, prosecutors and high-level civil servants (e.g. heads of districts, etc.). In 2020, 45% of all verifications concerned those priority declarations (1332 in all), which were all processed.

d) Strengthen efforts in order to perform and finalise an impartial and comprehensive investigation and prosecution of the 2014 banking fraud, with a view to bringing all those responsible to justice without further delay and to recovering the misappropriated funds.

In June 2020, an agreement was signed with the Prosecutor General's Office of Latvia on the creation of a Joint Investigation Team to examine the 2014 banking fraud case, in line with the conditions for the disbursement of the second tranche of the regular programme of macro-financial assistance. By 2020, trials had been repeatedly postponed, charges had been dropped against shareholders in the affected banks and convicted perpetrators had been released from prison early.

e) Ensure the effective implementation of the Asset Recovery strategy and the asset declaration system with regard to all high-level actors

The Criminal Assets Recovery Agency and other law enforcement bodies execute since June 2018 the asset recovery strategy, to recover funds fraudulently obtained from three banks and state budget between 2010 and 2015. The target is to trace and obtain return of 10 700 000 000 Moldovan lei (546 000 000 Euro) of assets by the end of 2021.

3. Recommendations for Moldova

Overall, Moldova continues to fulfil the visa liberalisation benchmarks. However, further efforts are needed to address the issue of unfounded asylum applications as well as in the areas of financial fraud, anti-money laundering, the prevention and fight against corruption and organised crime. In particular, the following areas need to be further addressed: :

- Continue tailoring the information campaigns on the visa-free regime to relevant migrant profiles, including as regards vulnerable groups, overstays and unfounded asylum applications.
- Adopt a strategy and action plan for justice reforms, adopt constitutional amendments related to the judiciary in line with the Venice Commission's recommendations and ensure that judicial appointments are carried out in a merit-based and transparent selection process, including well-reasoned justifications for appointments and rejections with reference to competence and integrity criteria.
- Continue efforts against corruption especially by ensuring the effective implementation of the asset declaration system by high-level actors, imposing effective division of the competences of the anti-corruption agencies and ensuring that the Anti-Corruption Prosecution Office focuses on high-level corruption cases. Increase efforts against money laundering by adopting secondary legislation implementing the law on anti-money laundering sanctions, progressing in the investigation and prosecution of major money-laundering schemes and align national legislation with the EU acquis on Anti-Money Laundering and Counter Terrorist Financing. Strengthen the efforts against bank fraud by updating criminal asset recovery strategy and setting up a new asset recovery mechanism and finalising the investigation of the 2014 banking fraud with the purpose of bringing all responsible to justice and recovering the misappropriated funds.
- Ensure further alignment of Moldova's visa policy with the EU lists of visa-required third countries, in particular as regards those third countries, which present irregular migration or security risks for the EU.

IX. Ukraine

1. Migration, asylum and readmission

1.1 Actions taken to ensure the continuous fulfilment of the visa liberalisation benchmarks

In 2020, Ukraine continued implementing the 2019-2025 integrated border management strategy and the correspondent action plan, but only a limited number of objectives with deliverables have been completed. Cooperation with Frontex continued; a Frontex Liaison Officer with regional mandate for the **Eastern Partnership** is soon to be deployed in Kyiv.

Ukraine continued implementing the 2018 - 2021 migration policy strategy and its action plan. Ukraine also regularly raises awareness on the rights of asylum seekers in state bodies and local communities, via information campaigns and meetings with local authorities.

Poland identified Ukrainian nationals holding more than one legally issued passport, sometimes with modified personal data, which could allow them to stay in the EU beyond the limit of 90 days in any 180-day period.

Concerning document security, Ukraine issues biometric passports since 2015. The last non-biometric passports were issued in 2016 and their complete phasing-out is planned for 2026, when they will expire.

The visa policy of Ukraine is not fully aligned with the list of third countries whose nationals are subject to a visa for short stays in the EU.

1.2 Actions taken to address the recommendations of the Third Report under the Visa suspension Mechanism in the area of migration

a) Strengthen operational cooperation with Member States to decrease irregular migration by Ukrainian nationals to the Member States

EU Member States signalled a general good cooperation with Ukraine in the area of return of irregular stayers. Some Member States signalled issues mostly relating to the unclear delimitation of competences of various state agencies. Germany reported issues with the slow treatment of readmission requests. Ukraine made an effort to accelerate the readmission dialogue and the drafting of implementation protocols and has also increased efforts to dismantle networks involved in human smuggling of both nationals and foreigners to the territory of EU.

b) Continue to organise information campaigns on the rights and obligations of visa-free travel

Ukraine carried out information campaigns on the prevention of irregular migration and on the associated risks. They included information seminars and webinars held in employment centres and through interactive online information tools.

1.3. Monitoring of trends in irregular migration, applications for international protection, returns and readmission

In 2020, the number of Ukrainian applicants for international protection in Member States²⁸ was 6 020, 37% less than in 2019. The recognition rate²⁹ slightly increased from 10.2% in 2019 to 11.0% in 2020.

The number of Ukrainian nationals illegally crossing the EU border is marginal (93 in 2019, 87 in 2020). 50 570 Ukrainian nationals were found to be irregularly staying in EU (41 705 in

²⁸ See footnote 3.

²⁹ See footnote 9.

2019, an increase of 21%). The number of refusals of entry to Ukrainian nationals decreased by 15%, from 66 390 in 2019 to 56 450 in 2020. .

In 2020, the number of return orders issued to Ukrainian nationals decreased by 42% (21 630 in 2020 compared to 37 095 in 2019). The number of effective returns was 79% less than in 2019 (5 585 in 2020 compared to 27 200 in 2019) and the return rate decreased from 73% in 2019 to 26% in 2020.

2. Judicial cooperation, public order and security

2.1. Actions taken to ensure the continuous fulfilment of the benchmarks

Member States report in general good cooperation with Ukraine in the field of security. Ukraine continued cooperating with Europol and Eurojust and engaged in joint activities with several Member States.

In June 2020, the Parliament adopted a new law on the repression of organised crime. In order to clarify the competences of law enforcement agencies, another law adopted in January 2021 limited the responsibilities of State Security to counter-terrorism, counter-intelligence, and national security, among other areas. Law enforcement competence formerly belonging to State Security was attributed to the State Bureau of Investigation (SBI). In January 2021, the Parliament also adopted the law on the State Bureau of Economic Security, establishing the State Fiscal Service, a new agency that will replace the tax police.

Ukraine gives access to most of its databases to Europol. Cooperation with Eurojust continued via the Ukraine representative at the EU agency.

In August 2020, the President issued a decree on the National Coordinator in the area of combating trafficking in human beings. An interdepartmental working group on the development of the State drug policy strategy for the period up to 2030 was created.

As regards the fight against terrorism, priority has been given to address incidents related to the armed conflict in Donetsk and Luhansk areas. In 2020, the State Security continued actions against Ukraine-based activists and supporters of extremist organisations from the Middle East, Central Asia and North Africa. Ukraine is considered as compliant with the FATF recommendation on FIU independence.

The High Anti-Corruption Court (HACC) began to operate in September 2019; permanent premises were finally provided. The National Anti-Corruption Bureau of Ukraine (NABU) has continued building its track record of high-level corruption investigations based on improvements to its powers and capacities.

The cooperation between the NABU and the Specialised Anti-Corruption Prosecutor's Office (SAPO) improved. However, in August 2020, the Constitutional Court of Ukraine (CCU) declared unconstitutional the 2015 presidential decree appointing the NABU Director. In September 2020, the CCU also declared unconstitutional certain provisions of the NABU law,

including those empowering the President to establish the NABU, which left the NABU in a situation of legal uncertainty.

In October 2019, a law was adopted in order to reboot the National Agency for Corruption Prevention (NACP), ensuring the verification of the annual declarations of income and property of public officials. The 2020-2024 anti-corruption strategy was approved by the Cabinet of Ministers in September 2020, but its adoption by the Parliament was delayed.

In October 2020, the Constitutional Court declared unconstitutional the asset declaration system, the criminal liability for false declarations and key corruption prevention powers of the NACP. Although on 4 December 2020 the relevant legislation was partially reinstated, the deterrent sanctions for the false asset declarations are still missing. Ukraine still needs to bring its legislation in compliance with the Venice Commission Opinion of 6 May 2021, which called for a strong asset declaration system with a proportionate but deterring sanction regime.

The Asset Recovery and Management Agency (ARMA) is in charge of tracing and managing assets acquired by criminal proceedings and/or corruption, as recommended by GRECO. However, since the end of 2019, the Agency is managed by an Acting Head, while the selection of its permanent head is delayed. The Agency also suffers from a deficient legal framework on the management of seized assets and from the absence of a strategic framework on asset recovery.

Notwithstanding all the efforts described above, progress in the area of fight against corruption is not sufficient, especially as regards the cases of high corruption and state capture, which are rarely efficiently investigated and prosecuted, with few condemnations.

The anti-money laundering (AML) legislation was enacted in April 2020, yet it is not fully operational due to the lack of secondary legislation.

2.2 Actions taken to address the recommendations of the Third Report under the Visa Suspension Mechanism.

a) Ensure the independence, effectiveness and sustainability of the anti-corruption institutional framework and avoid politicisation of the work of all law enforcement agencies. Ensure that the appointment and dismissal of the all law enforcement agencies leadership takes place in strict accordance with the law. Ensure that the relaunched National Agency for the Prevention of Corruption credibly fulfils its mandate.

As stated above, the Constitutional Court has issued a number of decisions that had negative impact on the anti-corruption institutional framework, in particular as regards NABU, NACP and the asset declaration system. The reform of anti-corruption framework progresses slowly, existing institutions face many obstacles in their functioning, public trust in their efficiency is low and the number of convictions resulting from grand corruption is small.

In October 2020, the Prosecutor General approved the 2021-2023 strategy for the development of the Prosecutor's Office. The ongoing attestation of prosecutors is set to continue but the attestation period needs to be extended beyond September 2021. The interim

rules for the selection of management-level prosecutors made the selection more transparent, but they still need to be improved for the permanent period starting in September 2021.

In December 2020, the Parliament revised the law on recruitment to SAPO. There is an ongoing open competition for vacant administrative positions in SAPO, including the position of Deputy Prosecutor General - Head of SAPO. The selection process for a new Head of the SBI started in 2020 but suffers from delays. The appointment of the leadership of law enforcement agencies usually takes a long time and its transparency is not sufficient.

d) Reinforce the capacities of the National Police and improve the cooperation and delineation between law enforcement agencies to better tackle organised crime.

Ukraine continued its efforts to upgrade the training and modernise the equipment of law enforcement agencies. The question of competences of law enforcement agencies started being addressed. The State Security Service was refocused to areas such as counter-terrorism, counter-intelligence and national security. The law enforcement competence formerly belonging to the State Security Service (SSU) was attributed to the State Bureau of Investigation (SBI). However, the current legislation still does not clearly delineate organised crime functions between all the law enforcement agencies.

3. Recommendations for Ukraine

Overall, Ukraine continues to fulfil the visa liberalisation benchmarks. However, further efforts are needed to address the issue of unfounded asylum applications as well as in the areas of the fight against corruption, money laundering and the prevention and fight against organised crime. In particular, the following areas need to be further addressed: :

- Continue efforts to reduce the number of nationals of Ukraine irregularly staying in EU Member States and lodging unjustified asylum applications;
- Eliminate the possibility for nationals of Ukraine to hold more than one valid passport at a time; stop the issuance of such ‘additional’ passports and cancel the validity of those which have been issued;
- Tailor the information campaigns on the visa-free regime to relevant migrant profiles, including as regards vulnerable groups, overstays and unfounded asylum applications.
- Improve the efficiency of anti-corruption institutions and law enforcement agencies by focusing the main efforts in the area of anti-corruption on cases of grand corruption and state capture;
- Adopt the necessary legislation on NABU that would remove the legal uncertainty of its status;
- Carry out a transparent, depoliticised and merit-based selection of the heads of NABU, SAPO, ARMA and law enforcement agencies, as well as management-level prosecutors, using adequate procedures and selection criteria, including a credible integrity check;
- Improve ARMA legislation related to the management of seized assets and adopt a relevant national strategy on asset recovery;
- Create conditions for NABU and other eligible agencies to carry out autonomous wiretapping of communication;
- Improve the effectiveness of the fight against organised crime and money laundering by a) fully introducing the intelligence-led policing into the national strategy on the fight against organised crime; b) clarifying and delineating competences of all law enforcement agencies and taking measures to ensure that exclusive competence to investigate, prosecute and adjudicate high-level corruption cases is ensured for NABU, SAPO and HACC; c) continuing efforts to fully align national legislation with the EU acquis on Anti-Money Laundering and Counter Terrorist Financing and reinforce its implementation;
- Ensure further alignment of Ukraine’s visa policy with the EU lists of visa-required third countries, in particular as regards those third countries which present irregular migration or security risks for the EU.

X. Conclusions

The European Commission considers that all the assessed countries have taken actions to address the Commission recommendations made in the Third Report under the Visa Suspension Mechanism. As regards the countries whose nationals obtained the visa exemption less than seven years ago, for which the assessment of the fulfilment of the visa liberalisation benchmarks is still relevant, the Commission considers that the visa liberalisation requirements continue to be fulfilled. However, further actions need to be taken in specific areas in order to ensure continuous fulfilment of the benchmarks and to continue addressing the Commission recommendations.

The COVID-19 pandemic and the related travel restrictions had a major impact on migration flows, leading to a significant reduction of many migration-related indicators. Asylum applications suffered a sharp temporary decrease in the spring of 2020, followed by a quick recovery. Although, in general, the number of applications remained well below pre-pandemic levels, several countries need to continue addressing the issue of unfounded asylum applications, including by strengthening participation in EMPACT and by continuing organising targeted information campaigns.

The pandemic also had a profound impact on returns of nationals of the countries covered. The travel restrictions and the limited availability of flights made it difficult to carry out return operations in 2020. Although the return rate decreased for nationals of all eight countries, Frontex and Member States continue to report, in general, good cooperation in return and readmission.

Improvements in the areas of border and migration management are still needed and the reception capacity in some Western Balkan partners (especially Bosnia and Herzegovina) continues to raise concerns. North Macedonia and Bosnia and Herzegovina should also conclude and implement the Frontex ‘status agreements’.

In order to ensure a well-managed migration and security environment, as an underlying condition for the continuous fulfilment of the benchmarks, all the countries covered should ensure their alignment with the EU’s visa policy, in particular as regards the countries whose nationals require a visa for entry and short-stays in the EU. In addition, in order to prevent possible circumventions of the EU short-stay visa procedure and the in-depth assessment of individual migratory and security risks it entails, the Commission urges visa-free countries running investor citizenship schemes to effectively phase them out.

The countries reported on continued to take measures to prevent and fight against organised crime. However, further efforts are needed, in particular as regards delineation of competences and coordination among law enforcement agencies and the effectiveness of the fight against organised crime, financial fraud and money laundering. High-level corruption remains an issue in all countries covered by this report. In particular in Moldova and Ukraine, the efforts against corruption are hampered by the legal status of anti-corruption agencies, the

limited real operational capacity of those bodies and the small number of convictions in those corruption cases which go to trial.

The implementation of the visa liberalisation benchmarks and the follow-up to the Commission recommendations are continuous and ongoing processes. Close monitoring will therefore continue, including through senior officials meetings as well as through the regular Justice, Liberty and Security subcommittee meetings and dialogues between the EU and the countries covered in the report. As regards the Western Balkans, the monitoring of aspects related to the visa liberalisation benchmarks is also included in the European Commission's annual Enlargement Package.