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

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

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

**FOURTH REPORT UNDER THE VISA SUSPENSION MECHANISM**

{COM(2021) 602 final}

## Table of contents

<b>1. Republic of Albania</b> .....	<b>3</b>
1.1. Additional information regarding actions taken in the area of migration, asylum and cooperation on readmission.....	3
1.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	4
1.3. Additional information regarding actions taken in the areas of justice and security .....	4
<b>2. Bosnia and Herzegovina</b> .....	<b>7</b>
2.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission.....	7
2.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	8
2.3. Additional information regarding actions taken in the areas of justice and security .....	8
<b>3. Montenegro</b> .....	<b>9</b>
3.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission.....	9
3.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	11
3.3. Additional information regarding actions taken in the areas of justice and security .....	11
<b>4. Republic of North Macedonia</b> .....	<b>13</b>
4.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission.....	13
4.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	14
4.3. Additional information regarding actions taken in the areas of justice and security .....	15
<b>5. Republic of Serbia</b> .....	<b>18</b>
5.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission.....	18
5.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	21
5.3. Additional information regarding actions taken in the areas of justice and security .....	21
<b>6. Activities and projects at regional level – Western Balkans</b> .....	<b>24</b>
6.1. Integrated Border Management, Migration and Asylum .....	24
6.2. Public order and security .....	24

<b>7. Georgia .....</b>	<b>25</b>
7.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission.....	25
7.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	27
7.3. Additional information regarding actions taken in the areas of justice and security .....	28
<b>8. Republic of Moldova .....</b>	<b>30</b>
8.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission.....	30
8.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	33
8.3. Additional information regarding actions taken in the areas of justice and security .....	33
<b>9. Ukraine .....</b>	<b>36</b>
9.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission.....	36
9.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission .....	38
9.3. Additional information regarding actions taken in the areas of justice and security .....	39

## 1. Republic of Albania

### 1.1. Additional information regarding actions taken in the area of migration, asylum and cooperation on readmission

In order to strengthen capacity and ensure efficient equipment at the external border, the EU supported the acquisition of state of the art equipment to improve surveillance at the blue and green borders, including vans with surveillance radar, thermal and CCTV cameras, patrol vessels, speed boats and maritime surveillance radars.

Cooperation between the European Border and Coast Guard Agency (Frontex) and Albania has continued to expand since the first working arrangement between Frontex and the Ministry of Interior of the Republic of Albania in 2009. Areas of cooperation include strengthening border security, information exchange, preventing and fighting cross-border criminal activities (including the smuggling of people), identification of forged travel documents, identity fraud, identification of potential risks and threats, exchange of best practices in border surveillance and control, providing support in interviewing irregular immigrants, gathering information from interviews with irregular immigrants and trainings for Albanian staff.

Albania was also the first third country to conclude a Frontex status agreement on border management cooperation ('status agreement') with the EU. The agreement entered into force on 1 May 2019, enabling the launching of a Frontex joint operation at the border with Greece on 22 May 2019. The Frontex mandate has expanded significantly since then, most recently with the entry into force of the revised Regulation (EU) 2019/1896<sup>1</sup>, resulting in the updating of the existing working arrangement signed on 17 March 2021.

As regards asylum policy, on 1 February 2021, Albania adopted a new law on asylum in close cooperation with the Commission and the United Nations High Commissioner for Refugees (UNHCR), further aligning domestic legislation with the EU acquis and international standards. The last temporary reception centre to open was inaugurated in June 2020 in Erseka, aimed at lodging vulnerable migrants and with capacity to accommodate 30 persons.

As regards operational cooperation with Member States<sup>2</sup> in the field of border management, migration and asylum, in February 2020, Austria organised a training of the local border police on questioning techniques, pre-screening, debriefing and fingerprinting with focus on smuggling. Regular visits of border crossing points were also conducted in 2020. Croatia and Estonia provided support to Albania by participating in Frontex joint operations. France carried out several actions with Albanian authorities, in particular as regards the fight against irregular migration and the dismantling of irregular migration networks, including with the support of Frontex. France also deployed experts at air and land borders as part of the operations coordinated by Frontex.

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<sup>1</sup> Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

<sup>2</sup> 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.

Germany provided equipment to enhance border surveillance. Planned trainings could not be carried out due to the COVID-19 pandemic. Belgium and the Netherlands contributed to an information and awareness raising campaign to prevent irregular migration from Albania to the EU. The campaign is implemented by the International Organization for Migration (IOM) in cooperation with the Albanian authorities. Several new initiatives for Albania and the Netherlands to engage in bilateral activities regarding information and knowledge exchange are being discussed and some were initiated. However, due to the COVID-19 pandemic, a number of activities were deferred. Romania participated in activities coordinated by Frontex in Albania. Slovakia deployed eight police officers to Albania in the context of a Frontex joint operation.

## **1.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

The number of applications for international protection in Member States<sup>3</sup> in 2020 decreased for the fifth year in a row between 2019 and 2020. Similarly to 2019, France remained the most affected EU Member State, receiving 43% of the applications for international protection lodged by Albanian nationals, followed by Greece (19%) and Germany (17%).

As regards refusals of entry, Croatia (28%), Hungary (17%), Italy and Greece (14%) reported more than half of all refusals. Most of the refusals were issued to travellers due to lack of appropriate documentation to justify the purpose and conditions of stay (40%). An important share of entries were, furthermore, refused on the basis of alerts issued in the Schengen Information System (SIS) or national register for the purposes of refusing entry (20%) and of travellers posing a risk to public policy, internal security, public health or the relations of a Member State of the European Union (19%) – a reason that was consistently applied by Member States in 2020 in view of the COVID-19 pandemic.

The number of Albanian nationals found to be irregularly staying in Member States has been in the 30-40 thousand range in the last five years. Greece and Germany (26% each) remained the most affected EU Member States, similarly to 2019, followed by France (12%) and Hungary (10.5%).

As regards return decisions, Greece alone reported 32% of all return decisions at EU level. Other main reporting countries included France (29%), Italy (11%) and Germany (10%). The number of the effective returns of Albanian nationals has been decreasing since 2016 and the trend continued in 2020 (-37%). In 2020, Greece alone returned 37% of all returnees from Member States, followed by France 19% and Germany (14%).

## **1.3. Additional information regarding actions taken in the areas of justice and security**

As regards the fight against terrorism, despite a decrease in trainings due to the COVID-19 pandemic, the Terrorist Financing Investigation Unit participated in 2020 in seven training courses on terrorism financing investigation organised by the Organisation for

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<sup>3</sup> See footnote 2.

Security and Co-operation in Europe (OSCE) and the United Nations Office on Drugs and Crime (UNDOC).

As regards organised crime, the current action plan aims at strengthening the fight against organised crime through the detection, investigation and prosecution of individuals, groups and criminal organisations, also targeting illegal economic assets obtained from criminal activity. Joint operational meetings also took place with international partners in order to investigate the follow-up by the Narcotics and Trafficking Investigation Unit.

The law on preventive measures adopted in 2020 aimed at improving capacity building, the level of detection, tracking and prevention of organised crime, serious crime and terrorism, as well as prohibiting the use of property of illegal origin from criminal activity.

In order to improve exchanges of information between national agencies, access to the DeepSee database has been granted to more police officers. Links with the General Prosecutor Office and Border and Migration Police databases have been set up and are operational.

Albania made a high-level political commitment to implement the Financial Action Task Force (FATF) action plan, covering inter alia the identification of money-laundering risks, mutual legal assistance, transparency of beneficial ownership, prosecution and confiscation measures.

The General Prosecutor issued instructions on administrative and procedural measures to increase exchanges between national agencies, and thereby the effectiveness of investigations related to money laundering and terrorism financing, economic and financial crimes, and sequestration and confiscation of criminal assets.

The Second progress report on the implementation of the Joint action Plan on Counter Terrorism for the Western Balkans was submitted in February 2021. Albania made significant progress on the institutional and legal framework, the exchange of information with Europol and Member States and the management of returnees from conflict zones, both Foreign Terrorist Fighters (FTFs) and their families. The commitment has to continue also on preventing and countering radicalisation leading to violent extremism and terrorism. Albania is considered a reliable partner in counter-terrorism matters by Europol.

As regards cooperation with Europol, Albania participates in Europol's operational analysis projects (APs) for the prevention and combatting of crimes involving ethnic Albanian criminal groups and associated organised crime groups. Albania also cooperates on environmental crime, organised property crime, terrorism, migrant smuggling and trafficking of human beings, weapons and explosives. Albania participates in cybercrime related operational actions concerning DarkWeb and cyber-attacks on information systems but to a lesser extent in operational actions related to child sexual exploitation online and non-payment card frauds.

Albania has shared with Europol their list of FTFs, with permission to share it with other Member States, and updates have been received regularly. In 2020, Albania also participated in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) Action Day Trivium, an international operation with the focus on Mobile

Organised Crime Groups (MOCG). Finally, Albania is contributing to EU strategic reports. For the EU Serious and Organised Crime Threat Assessment (SOCTA 2021), Albania provided data on eighteen crime areas and twelve organised crime groups.

Regarding cooperation with Eurojust, in 2020, Albania was involved in a total of 30 cases at Eurojust, which is a slight increase in comparison to 2019 (27 cases). Albania participated in eight coordination meetings and for the first time in a coordination centre. Albania signed two new Joint Investigation Teams (JITs) and continued its participation in five JITs signed previously. These cases relate mainly to drug trafficking and organised crime

As regards cooperation with Member States in the field of security, Bulgaria exchanged information with Albania on persons involved in drug trafficking, smuggling and illegal production of cigarettes, schemes for transfer and legalisation of funds deriving from criminal activity and money laundering, and participated in a joint police-customs operation coordinated by Europol to counter the illegal trafficking of weapons, drugs migrants and the use of forged documents. Finland has an ongoing Twinning project (until Spring 2022) on strengthening the capacity and efficiency of the Albanian Security Academy. Germany provided a training course for precision shooters and on tactics in multiple attack situations.

The Netherlands has also funded a number of projects in 2020, including projects to assist in developing an organisational culture of integrity in the Albanian State police, to support the Albanian government in drafting their new national strategy on organised crime, and to raise awareness and strengthen accountability in Albania on the seizure and confiscation of illegal proceeds of crime. The Netherlands report good operational police and judicial cooperation with Albania. Cooperation with Member States also includes four JITs with Italian and German counterparts, with the support of the Instrument for Pre-Accession (IPA). Albania also carried out police operations in cooperation with law enforcement authorities of some Member States (e.g. Germany and Italy).

According to its annual report, in 2020, the Commissioner for Information and Data Protection carried out 550 inspections with public authorities, as well as 60 administrative inquiries (of which 15 involving public entities and 45 involving private entities). The situation created by the pandemic conditioned and restricted the on-site inspection activities compared to 2019. Additionally, in 2020, the Commissioner issued 20 Recommendations (2 for controllers in the public sector and 18 for controllers in the private sector) and 3 Orders to controllers in the private sector. Finally, the Commissioner's Office made 18 decisions, corresponding to 37 administrative sanctions.

Albania has not yet signed the 2018 Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data.

## **2. Bosnia and Herzegovina**

### **2.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission**

The geographical position of Bosnia and Herzegovina as a crossroad of various smuggling routes makes it a bottleneck. Many irregular migrants increasingly remain stranded in the country due to improved efforts of the authorities to prevent crossings into Croatia, as well as reinforced border controls on Croatian side. As regards cooperation in the area of integrated border management, Bosnia and Herzegovina participated in joint patrols with Serbia.

Following the increased influx of refugees and migrants in 2018 and in 2019, the authorities have increased efforts to control the border, but these are still not sufficient. The combined efforts of the Border Police with other agencies in fighting human smuggling resulted in higher detection rates. The Border Police has adequate expertise for detecting forged documents and access to relevant databases. However, it remains understaffed and there is further need for training. Information exchange between agencies also needs to be further improved.

Additionally, further improvements on infrastructure and equipment are needed at border crossing points. The supervision of the green border and risk analysis-led border surveillance also needs to be improved.

As regards migration management, in 2020, the Ministry of Security, in cooperation with other relevant authorities, continued updating the migration profile following EU standards, including relevant data on legal and irregular migration. The law on foreigners continued to be implemented in 2020, including as regards provisions on responsibilities and sanctions for carriers. In January 2021, the Council of Ministers adopted a plan of measures and activities for the effective management of migration to strengthen operational coordination mechanisms at all levels of government.

A roadmap for cooperation with the European Asylum Support Office (EASO) on asylum and reception is in place. In addition to the general information to the public regarding the visa-free regime, a separate campaign was launched to warn against lodging unfounded applications for international protection. The Ministry of Security webpage contains also a questions section, where citizens can ask for clarifications.

As regards cooperation with Member States in the field of migration in 2020, Bosnia and Herzegovina engaged in cooperation activities with Austria, Bulgaria, Croatia, Greece, Hungary, Romania and Slovenia. For example, Austria cooperated with Bosnia and Herzegovina and continued to provide support through a project on the deployment of document and visa advisors in third countries. Germany signalled that the bilateral agreement with Bosnia and Herzegovina on the acceptance of European travel documents for the return of irregularly staying third-country nationals was extended for one year until 30 June 2021. Germany also delivered significant material assistance to Bosnian border guards, including vehicles, night vision equipment and computers. Romania signalled exchange of information and cooperation with Bosnia and Herzegovina migration agencies.

Member States report good cooperation with Bosnia and Herzegovina in the area of migration, including as regards returns and readmission of nationals of Bosnia and Herzegovina, despite restrictions due to COVID-19. Bosnia and Herzegovina has concluded readmission agreements with the EU and Schengen associated countries, all the Western Balkans partners, Turkey, Russia and Moldova, as well as implementation protocols with 16 EU Member States. Their implementation is satisfactory. Negotiations on readmission agreements with most countries of high migratory risk have not started yet. Bosnia and Herzegovina signed a readmission agreement with Pakistan in November 2020 which entered into force in July 2021.

Croatia signalled that it is constantly facing increased migration pressure, due to the increased number of irregular migrants from Bosnia and Herzegovina. There are consistent reports of allegations of mistreatment of migrants at the EU's borders between Croatia and Bosnia and Herzegovina.

## **2.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

The number of applications for international protection has been declining since 2014. In 2020, France received 62% of applications lodged by nationals of Bosnia and Herzegovina, followed by Germany (26%), Sweden and Italy (3%).

As regards refusals of entry issued to nationals of Bosnia and Herzegovina, Croatia is the most affected country, covering nearly 80% of all reported refusals, followed by Slovenia (13%) and Hungary (6%). The majority of refusals were due to lack of appropriate documentation that justified the purpose and conditions of stay (71%). The rest of the refusals were issued to travellers posing a risk to public policy, internal security, public health or the relations of a Member State (16%) and on the basis of alerts issued in the SIS or national register (4%).

As regards the number of nationals from Bosnia and Herzegovina found to be irregularly staying in Member States<sup>4</sup>, in 2020, Germany (41%) and Slovenia (19%) continued to be the most affected countries, similarly to 2019, followed by Hungary (9%) and Austria (8%).

The number of return decisions issued by Member States decreased significantly in 2020 with Croatia (24%), Germany (18%) and France (17%) who ordered more than half of the returns. As regards effective returns of Bosnia and Herzegovina nationals, their number decreased (-38%). Austria (28%) and Croatia (27%) reported more than half of all returns of nationals of Bosnia and Herzegovina, followed by Germany (23%) and Sweden (6.5%).

## **2.3. Additional information regarding actions taken in the areas of justice and security**

As regards anti-corruption efforts, the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption initiates and coordinates the development

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<sup>4</sup> See footnote 2.

and implementation of a coordinated anti-corruption policy in Bosnia and Herzegovina by providing recommendations, guidelines, opinions and instructions. However, the control of State authorities is limited, as appointments to anti-corruption bodies and their mandates are under the jurisdiction of authorities of entities, cantons and the Brčko District.

As regards the fight against organised crime, the legal framework is only partially aligned with the EU *acquis*. The capacity to collect, record, report and analyse appropriate data on organised crime is not sufficient. The fight against transnational organised crime networks shows limited progress.

The legislation on trafficking in human beings, cybercrime, anti-money laundering, counter-terrorism financing, civil possession of weapons, explosives, transport of dangerous goods, etc. needs to be further aligned with the EU *acquis*, notably for sanctions.

The second progress report on the implementation of the Joint action Plan on Counter Terrorism for the Western Balkans was submitted in February 2021. The institutional and legal framework in the field of counter terrorism still presents significant gaps, most of the actions specifically agreed for Bosnia and Herzegovina are still partially implemented or not implemented. More efforts are needed also on preventing all forms of radicalisation leading to violent extremism and terrorism.

As regards the exchange of information, in 2020, the operations of the Joint Risk Analysis Centre improved through more efficient data exchange between participating agencies. The Police Academy's curriculum increased in 2020 the time dedicated to risk analysis. Additionally, in 2019-2020 the Joint Police Cooperation Centre (JPCC) in Trebinje improved its operations through a significant number of police information exchanged with local, regional and EU law enforcement agencies, including other JPCC centres.

As regards cooperation with Eurojust, in 2020, Bosnia and Herzegovina was involved in 14 cases (up from six in 2019), and participated in two coordination meetings and two joint investigation teams (one of them new). These cases related mainly to swindling and fraud, money laundering and organised property crime.

As regards cooperation with Member States in the field of security, Germany provided material assistance to Bosnia and Herzegovina law enforcement agencies (Police Capacity Building) in 2020, including police vehicles, IT equipment, and cameras for criminal investigations. The Netherlands and Romania signalled cooperation with Bosnia and Herzegovina police agencies.

In July 2020, Bosnia and Herzegovina signed the 2018 Protocol amending the Convention for the protection of individuals with regard to automatic processing of personal data; its ratification is pending.

### **3. Montenegro**

#### **3.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission**

The integrated border management strategy adopted in January 2020 aims to ensure European integrated management of external borders with the aim of effective management of respective borders, in line with fundamental rights and advancing the Union's return policy. In October 2020 the joint border crossing between Montenegro and Bosnia and Herzegovina became operational. In December 2020, Montenegro signed an Agreement with Bosnia and Herzegovina on Border Crossings for Border Traffic on conducting border checks at joint border crossings.

The legal framework on asylum continued to be consolidated with the adoption of two new by-laws to the asylum law. Montenegro now hosts 37 people under an international protection status and 18 of them are entitled to financial assistance. Training and capacity building activities for the staff of the Asylum Directorate continued.

Additionally, in August 2020, a temporary container settlement was opened close to the border with Albania, in cooperation with the OIM and with the financial support of the EU. The new centre created an additional reception capacity for 60 people. The availability of this new facility and the reduction in the overall number of asylum seekers allowed the authorities to close the centre in Konik, where hosting standards were not at the required level. The total reception capacity stands at 189 beds for asylum seekers. At the same time, the authorities continued to develop long-term projects aimed at further increasing the reception capacity.

As regards cooperation with Frontex, based on the status agreement, the Joint Operation Montenegro was launched with 13 experts from EU Member States. Operational activity started at sea on 16 October 2020, under aerial supervision of the operational area, with the National Coordination Centre (NCC) Podgorica as focal point. Montenegrin border police officers also attended training provided by Frontex.

Frontex in general reports good cooperation with Montenegro. In addition, cooperation with Frontex has been reinforced with three experts deployed at border Debeli Brijeg and a fourth one announced in April. As of 27 January, within the operational plan 2021, three observers-experts (France, Italy and Romania) were deployed to border crossing Sukobin-Murićani. The joint maritime control operation with Frontex started in January with a duration of one year including also the border crossing Luka Bar, a strategical point in the fight against cross-border crime. Surveillance is also supported by the Italian Guardia di Finanza in Bari.

As regards operational cooperation with Member States in the field of border management and migration, Montenegro has engaged in joint activities with Croatia, Estonia, France, Germany, Italy, and Romania. Croatia cooperates with Montenegro bilaterally as well as through the participation of the Croatian Police in the Frontex joint operation in Montenegro. During 2020, three Croatian Border Police officers participated in this operation. The Ministry of Interior of Croatia cooperates with the Ministry of Interior of Montenegro in the area of Prevlaka, the so-called "Zona", an area under

temporary special monitoring and sailing regime. Due to the COVID-19 pandemic, mixed patrols could not be conducted during 2020.

Estonia supported Montenegro by participating in Frontex joint operations. France provided operational support to the airport in Podgorica including expertise and training to strengthen the fight against irregular migration. Germany provided equipment for border surveillance and deployed a liaison officer of the German Federal Police to Montenegro. The planned training measures however could not take place due to the COVID-19 pandemic. Additionally, in November 2020, Italy signed a Memorandum of Understanding with Montenegro, aimed at strengthening police cooperation in the fight against irregular migration and smuggling, especially at sea. Romania participated in Frontex operational activities with one seconded expert at the Podgorica airport and three seconded experts in sea operational activities.

### **3.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

The number of applications for international protection by Montenegrin nationals in Member States<sup>5</sup> continued to decrease in 2020 and was the lowest on record. The most affected Member State was Germany (60%), followed by France (34%) and Belgium (2%).

As regards the number of refusals of entry, as in the previous years, Croatia (37%) and Hungary (27%) were the most affected countries in 2020, followed by Slovenia and Germany (10%). 35% of the refusals resulted from a lack of documents to justify the travellers' purpose and conditions of stay. These were followed by refusals issued on the basis that the travellers represented a risk to public policy, internal security or public health (23%), and the travellers had already stayed on the territory of a Member State for the permitted 90 days in the preceding 180-day period (12%).

As regards the number of Montenegrin nationals found to be irregularly staying in Member States, in 2020, Germany remained the most affected Member State (44% of the total), followed by Hungary (29%) and Slovenia (7%).

As regards return decisions, Germany (34%), France (20%) and Austria (13%) ordered most of the returns at EU level. The number of the effective returns continued to decrease following the trend in the last five years (-23%) with Germany (45.5%) and Austria (20%) who reported most effective returns of nationals of Montenegro in 2020, followed by Croatia, Netherlands and Sweden (7% each).

### **3.3. Additional information regarding actions taken in the areas of justice and security**

As regards the fight against trafficking in human beings, the track record continued to improve in 2020. Institutional capacities to combat trafficking in human beings have been strengthened under the leadership of a multidisciplinary body overseeing the

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<sup>5</sup> See footnote 2.

implementation of the Anti-Trafficking strategy. The Higher State Prosecutor's Office in Podgorica continues to oversee lower-level cases that may constitute elements of trafficking.

The Ministry of the Interior has established a department in charge of identifying and referring victims and has adopted standard operating procedures. In January 2020, Montenegrin police uncovered a trafficking network from Taiwan, leading to the arrest of 93 people, the largest human trafficking case in the Western Balkans. A public awareness campaign was launched, including a TV report on the risks of human trafficking, and a number of NGOs use State grants for prevention and protection activities.

The National Drug Observatory (NDO) is embedded in a newly created Directorate for the prevention of drug abuse in the Ministry of Health, with a strengthened team of three people. In 2020, it provided for the first time in five years a national drug report to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

Good technical and scientific capacity exists in the forensic laboratory and other institutions dealing with drug-related issues, but data collection on drugs is not compliant with EMCDDA standards. The national early warning system (NEWS) is not ready to be linked to the EU Early Warning System, as it has limited operational capacity, lacks defined procedures and sufficient involvement of law enforcement and health authorities. A multi-disciplinary Task Force for the Early Warning System on New Psychoactive Substances has been set up. The strategy for the prevention of drug abuse 2013-2020 came to an end last year.

The staff of the Special State Prosecutors office includes a Chief Special Prosecutor, 12 Special Prosecutors, two prosecutors who have been temporarily sent to work in the Special State Prosecutor's Office, one Special Prosecutor who has been seconded to the Centre for Training of Judges and Prosecutors, 34 civil servants and employees and four employees hired under a contract of employment.

As regards citizenship by investment, a total of 109 decisions on admission into Montenegrin citizenship were issued for 37 applicants and 72 family members (31 Russian Federation, 28 China, 12 Pakistan, 10 Lebanon, 9 Egypt, 5 Turkmenistan, 4 Kingdom of Saudi Arabia, 3 Belarus, 3 Hong Kong, 2 USA, 1 Iran, 1 Kazakhstan).

As regards the fight against terrorism, Montenegro continued to implement the measures set out in the EU-Montenegro Implementing Arrangements of the Joint Action Plan on Counter Terrorism for the Western Balkans, signed in November 2019, and submitted its second report in January 2021. In general, the threats of terrorism and violent extremism remained relatively low in the country.

As regards cooperation with Europol, in October 2020, the police participated in the joint action days on extremist propaganda on the Internet. In May 2020, the Police Directorate joined a project aimed at conducting checks related to financial crime, in order to exchange information and operational knowledge for strategic and operational purposes. In counter-terrorism matters, Montenegro is considered a reliable partner by Europol. Montenegro has shared its list of FTFs with Europol, giving permission to share it with other Member States. On 6 October, 2020 Montenegro participated in a referral action day targeting online jihadist propaganda produced in and/or addressed to the Western

Balkan region. Montenegro is contributing to the EU strategic reports. For the SOCTA 2021, Montenegro provided data on eight crime areas and six organised crime groups.

Montenegro has a well-established cooperation with Eurojust, including two Eurojust contact points in the country and a Liaison Prosecutor posted at Eurojust. In 2020, Montenegro was involved in 22 cases at Eurojust, a 57% increase compared to 2019 (14 cases) and participated in two coordination meetings. Montenegro was not involved in any coordination centre or JIT. These cases related mainly to organised crime, money laundering and drug trafficking.

As regards cooperation with Member States in the field of security, Bulgaria continued to exchange information on persons involved in drug trafficking, smuggling and illegal production of cigarettes, as well as money laundering and participated in a joint police-customs operation coordinated by Europol to counter the illegal trafficking of weapons, drugs migrants and the use of forged documents.

Germany provided capacity building assistance to the Montenegrin police in the form of vehicles, language courses, surveillance equipment, IT equipment, and analysis software. In addition, a bilateral agreement between Italy and Montenegro for the exchange and mutual protection of classified information (signed in Podgorica in 2015) entered into force in August 2020. The Netherlands cooperated with Montenegro on mutual legal assistance activities.

A number of activities were also carried out in the framework of the European Multidisciplinary Platform Against Criminal Threats (EMPACT), including joint action days coordinated by the agency for the fight against serious and organised crime, EMPACT and the Operational Action Plan 'Facilitation of Illegal Immigration' on the territory of Montenegro. This included operations that prevented the smuggling of 52 migrants from Turkey at sea, the seizure of 10 vehicles, the detection of three forged documents and 300.8 kg of cut tobacco and the prevention of 210 irregular border crossings.

On protection of personal data, major challenges remain in consolidating the legal and institutional frameworks, including internal control mechanisms and supervision of the processing of and access to personal information. Montenegro has not yet signed or ratified the 2018 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

## **4. Republic of North Macedonia**

### **4.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission**

As regards asylum procedures, the Republic of North Macedonia has taken actions to provide asylum seekers with interpretation during the interviews, using international organisations' databases. A new case management tool for processing asylum applications is also being developed, and is currently in its final testing phase. While North Macedonia currently has four operational reception centres and reports sufficient

reception capacity, the EU will support the construction of a new reception centre in accordance with EU standards. The construction started in April 2021 with IPA support.

Cooperation with Frontex takes place in several areas, including operational cooperation, situational awareness and monitoring, return, investigation and innovations, and other training activities. While the COVID-19 pandemic changed the manner of cooperation on joint operations, cooperation in the area of situational awareness (risk analysis, regular exchange of information and data) continued without difficulty, while training courses took place via videoconference.

Cooperation with EASO included training for inclusion, interviewing techniques for vulnerable categories, distance interviewing and information exchange. After the first roadmap for cooperation with North Macedonia ended in 2019, a new roadmap (2020-2022) was prepared and endorsed at the end of 2020 and EASO has recently started its implementation.

As regards operational cooperation with Member States, Austria engages in surveillance activities together with local police forces and international operational forces at North Macedonia's border with Greece in the course of control measures along the green border in the control area of the Regional Command. Austria contributes with up to 20 operational officers (two contingents), equipped with a thermal imaging vehicle, mobile thermal imaging devices, all-terrain vehicles, as well as analog optical means of operation. Other areas of cooperation include weekly and case-related reporting on situation and developments in the host country as well as transmission of border and migration-related information (for example as regards apprehensions, smuggling routes, and the implementation of the status agreement).

Croatia provides continuous bilateral support to North Macedonia in the area of migration. Within the frame of this bilateral support, eight contingents with 41 Croatian Border Police officers were deployed in North Macedonia during 2020. Germany provided equipment for border surveillance and deployed a liaison officer to North Macedonia. However, the planned training measures could not take place due to the COVID-19 pandemic. Hungary deployed 10 contingents with a total of 300 police officers to carry out border surveillance tasks with North Macedonia.

The Netherlands provided capacity-building support to prevent migrant smuggling, as well as to prevent and respond to challenges related to violent extremism and returnees from conflict zones, in the framework of IOM assistance. Romania participated in Frontex operational activities by providing two seconded national experts. Slovakia organised two deployments, each of nine police officers, based on bilateral agreements with North Macedonia.

#### **4.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

The number of applications for international protection by citizens of North Macedonia continued to decrease. In 2020, Germany continued to be the most affected Member State receiving the highest number of applications for international protection (59% of the total), followed by France (21%) and Belgium (6.5%).

Relating to the number of refusals of entry, Hungary (32%), Slovenia (17%) and Croatia (13%) reported most cases in 2020. Besides the lack of appropriate documents to justify the purpose and conditions of stay (28%), travellers from North Macedonia were mostly refused entry for posing a risk to public policy, internal security or public health (26%, stemming partly from the COVID-19 pandemic), for having already stayed on the national territory of Member States for the permitted 90-day stay (19%).

As regards the number of nationals of North Macedonia found to be irregularly staying, in 2020, similarly to 2019, Germany was the most affected Member State (41%), followed by Hungary (31%) and Slovenia (11%).

Germany (29% of the total), France (18.5%) and Austria (9%) reported most return decisions of nationals of North Macedonia in 2020. As regards effective returns, 2020 marked a substantial decrease in returns of nationals of North Macedonia (-53%). Germany reported most of the returns (44%), followed by Austria (14%) and Sweden (9%).

#### **4.3. Additional information regarding actions taken in the areas of justice and security**

As regards the fight against organised crime, most of the dismantled organised criminal groups were involved in drugs trafficking. Three criminal groups were also found to be involved in migrants smuggling, and three organised criminal groups were detected in the area of preventing corruption, with criminal charges filed against 14 natural persons and two legal entities.

North Macedonia developed a national interoperability platform with EU support (EUR 2.35 million for consultancy services, software, hardware and training). The system aims to improve the information technology infrastructure in the institutions in the area of justice and home affairs. It provides interconnection of the information systems of the institutions and automated and secured data exchange.

As regards the fight against corruption, in February 2020, the Public Prosecutor of North Macedonia adopted a rulebook on operational organisation and procedures in the investigation centres and a decision on the selection of 16 investigators in the four investigative centres.

During 2020, the Academy for Judges and Public Prosecutors, through the platform for electronic training, conducted training courses for judges and public prosecutors users of the platform, on topics of fight against organised crime and corruption.

In order to improve the monitoring of anti-corruption policy, North Macedonia acquired a new software to harmonise the collection of statistical data on prevention and fight against corruption. A memorandum was also signed on the use of the system for collection and processing of statistical data for prevention and repression of corruption and money laundering.

As regards citizenship by investment, North Macedonia reported that 103 persons have acquired citizenship on the basis of economic interest in accordance with Article 11 of the Law on Citizenship, out of a total of 141 decisions concerning special economic interest. Applications of 38 persons were rejected.

As regards the fight against terrorism, North Macedonia continued to make progress on the Implementing Arrangements between the European Commission and the authorities of North Macedonia in the framework of the Joint Action Plan for the Fight Against Terrorism in the Western Balkans. The Second progress report was submitted in December 2020. It is crucial that North Macedonia continues with the efforts on preventing radicalisation leading to violent extremism and terrorism (P-CVE), including on the management of returning FTFs and their family members.

With the amendment of the rulebook on systematisation of work posts in the Ministry of Interior and the Decree for the organisation and work of the Ministry of Interior of 22 October 2019, a new Sector for fight against terrorism, violent extremism and radicalism was established in the Ministry<sup>6</sup>, where an operational application for secure exchange of information (SIENA) was established and, according to the Ministry, has already given results.

With regard to the implementation of the identified priorities for preventing violent extremism and radicalisation, a National Plan for reintegration, resocialisation and rehabilitation of foreign fighters, returnees and members of their families (women and children) was adopted. Additionally, actions were taken in order to strengthen the local capacities for fighting national extremism. In 2020, several activities were also organised to strengthen the capacity of the penitentiary system to treat radicalised convicts, under a project implemented by the Office of the Council of Europe in Skopje.

Additionally, campaigns, public debates and training for the civil society sector were organised in order to raise awareness about the radicalisation risk, especially among young people. North Macedonia also participated in the Referral Action Day<sup>7</sup> organised by the Europol Internet Referral Unit, in cooperation with the German Federal Criminal Police Office.

As regards cooperation with Europol, North Macedonia actively contributes to the Europol Information System, in particular for crimes linked to terrorism. North Macedonia participates in Europol's Analysis Projects in the area of environmental crime and migrant smuggling as well as in two cybercrime areas, one related to cyber-attacks on information systems and one on non-payment card frauds. North Macedonia is not part of the Europol Analysis Project Dark web.

North Macedonia is considered a reliable partner on counter-terrorism matters by Europol. Authorities of North Macedonia shared with Europol their list of FTFs, granting permission to share it with other Member and the updates were received regularly. Moreover, in 2020 North Macedonia established a new counter-terrorism unit within the police and the SIENA connection was rolled out to this unit. Additionally, on 6 October 2020 North Macedonia participated in a referral action day targeting online jihadist propaganda produced in and/or addressing to the Western Balkan region and

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<sup>6</sup> The new sector is comprised of two task forces: Task force for investigations on terrorism, violent extremism and radicalism comprised of two units (Unit for investigations for terrorism and Unit for prevention of violent extremism and radicalism) and Task Force for detecting and dismantling of explosive means and devices.

<sup>7</sup> The action, organised on 2 July 2020, focused on the curriculum promoted or shared on the Internet among the networks supporting terrorism, including jihadists, right wing and left wing terrorist networks.

disseminated in the languages of the Western Balkan countries. North Macedonia is contributing to EU strategic reports. For the SOCTA 2021, North Macedonia provided data on thirty-one crime areas and nine organised crime groups.

North Macedonia continues to have good cooperation with Eurojust, through a liaison prosecutor posted to Eurojust and five contact points. In 2020, North Macedonia was involved in a total of 36 cases at Eurojust and participated in three coordination meetings. This represents a 38% increase compared to 2019, when the country was involved in 26 cases and one coordination meeting. These cases related mainly to swindling and fraud, money laundering and drug trafficking. In 2020, North Macedonia was not involved in any coordination centre or JIT supported by Eurojust.

As regards cooperation with Member States in the field of security, Bulgaria continued to exchange information on persons involved in drug trafficking, smuggling and illegal production of cigarettes and money laundering. It also participated in a joint police-customs operation coordinated by Europol to counter the illegal trafficking of weapons, drugs, migrants and the use of forged documents. France provided training courses for police officers in North Macedonia including on detection of false documents and on the Schengen acquis. Germany provided capacity building assistance to the police of North Macedonia in the form of vehicles, language training courses, surveillance equipment, IT equipment and analysis software. North Macedonia and Germany also ratified an agreement on the fight against organised crime.

Hungary participated in two trilateral conferences with North Macedonia and Serbia involving the law enforcement agencies of the respective countries and with the support of the Organisation for Security and Cooperation in Europe (OSCE). The Netherlands engaged in a number of operational activities with North Macedonia, including activities and training courses aimed at strengthening the resilience of local communities to violent extremism, anti-corruption trainings. The Netherlands also contributed to monitoring the work of the constitutional court in its evaluation of judges, monitoring public procurements etc. The Netherlands and North Macedonia also conducted mutual legal assistance activities.

North Macedonia reports that cooperation in the fight against organised crime during the COVID-19 pandemic focused mainly on information exchange. The highest numbers of information exchanges took place with Austria (50), followed by Switzerland (47), Germany (38), France 25, Sweden (20), Slovenia (17), Italy (16), Bulgaria (15), Croatia (14), Belgium (9), Netherlands (9), Greece (6), Slovakia (6), Malta (4), Spain (4), Norway (3), Romania (3), Poland (2) and one case with Latvia, Luxembourg, Portugal and San Marino.

To increase the efficiency of information exchange, contacts were established with the Swiss and Dutch police services with which joint actions were initiated. An online platform was also established to allow experts and civil society to share information in the area of prevention and countering violent extremism.

North Macedonia has made progress in the field of data protection. The Assembly adopted the new Law on Personal Data Protection, which entered into force on 24 February 2020. In 2020, the Agency for Personal Data Protection issued 14 opinions on

legislative proposals, 74 guidance notes, opinions and notifications to data controllers and processors<sup>8</sup>. In 2020, the Agency received 297 complaints, imposed three fines, and conducted 128 supervisions. North Macedonia has signed but not yet ratified the 2018 Protocol amending the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data of the Council of Europe.

## **5. Republic of Serbia**

### **5.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission**

The Republic of Serbia has continued to implement the 2017-2020 integrated border management strategy and the corresponding action plan. Trainings have taken place since May 2020 on standard operating procedures for the profiling and registration of irregular migrants.

Serbia has signed protocols with Hungary, Romania, Bulgaria, Croatia, North Macedonia, Montenegro and Bosnia and Herzegovina. Mixed/joint patrols have been established with most neighbouring countries. Patrol activities have been performed on the basis of agreed work orders in which specific tasks were determined, in accordance with the Agreement on Police Cooperation, and adjusted to the current security situation. The patrol activity was performed by two members of the border police of both contracting parties.

In 2020, a total of 338 joint patrols were carried out with police officers from neighbouring countries, of which 162 patrols on the territory of Serbia. However, due to the COVID-19 pandemic, the implementation of joint patrols with neighbouring countries has been suspended since March 2020. The continuation of cooperation through the implementation of joint patrols is expected immediately after the epidemiological situation stabilises.

Common Contact Centres have also been established with the following countries: Hungary, Croatia, Bulgaria, Romania, North Macedonia and Trilateral Centre with Montenegro and Bosnia and Herzegovina.

In order to provide assistance to Serbia in the context of the migration crisis towards the Republic of Bulgaria, the EU funded a programme managed by the IOM. The programme, which is implemented since 2016, includes capacity building activities relating to state border surveillance, prevention of migrant smuggling and cross-border crime with full respect for the rule of law and human rights. So far, a total of 147 international police contingents with a total of 1 472 police officers have been engaged and 11 210 patrols have been conducted.

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<sup>8</sup> Relating to the exchange and usage of data, anonymisation of personal data before publication, privacy policies and cookies, privacy impact assessments, external audits, preparation of procedures and policies for security of personal data according to the obligations of the new Law on the protection of personal data.

In addition, one contingent of the Austrian police with six police officers is currently engaged on the state border with North Macedonia, based on the Memorandum of Cooperation between the Ministry of Interior of Serbia and the Ministry of Interior of the Republic of Austria.

Serbia has also taken actions to develop a mechanism to monitor migration flows. The 2019 migration profile was adopted in 2020. Additionally, a monitoring matrix has been developed and will be published in the 2020 migration profile. Efforts were also made to increase the administrative capacities of the authority competent for migration, asylum and refugees.

Between May and December 2020, a total of 177 police officers completed a training course on integrated border management. Additionally, due to the increased migratory pressure on the Hungarian border, one workstation was installed in November 2020 at a border crossing point in order to better check and register migrants. The Border Police Directorate in 2020 engaged additional capacities for state border control in cooperation with neighbouring countries (Hungary, Montenegro, North Macedonia, Bulgaria, Bosnia and Herzegovina).

The Commissariat for Refugees and Migration is preparing a new rulebook on material reception conditions of asylum seekers following EASO guidelines. Serbia reports that the infrastructure for the reception of asylum seekers is being improved and that the accommodation capacities of asylum seekers are sufficient. Special attention is paid to the identification of vulnerable categories, for which the law provides special guarantees. The Commissariat is implementing the Asylum Integration Support Program with the support of UNHCR and is strengthening the capacity to implement assisted voluntary return programmes with IOM.

On 30 April 2020, Serbia adopted the 2020 response plan on reception conditions of asylum seekers. The plan envisages the provision of adequate assistance to migrants and asylum seekers (including housing, food, hygiene, health care, social protection and access to education), support to local communities affected by the large influx of migrants, as well as protection of the state border. It covers security, fight against trafficking of human beings, voluntary return and return programmes for irregular migrants and for persons who are not granted asylum. In September 2020, the Ministry of Interior adopted instructions on standard operating procedures for the treatment of irregular migrants and foreigners who express their intention to apply for asylum. Serbia reports that the application of these procedures has improved the registration of irregular migrants and the monitoring of trends, and has enabled more efficient return procedures.

A 2019-2020 training programme of the Commissariat for Refugees and Migration and a tool to facilitate the monitoring of conducted training have been developed. Training activities established and carried out in 2020 included introductory courses to all new staff, training for police officers on the implementation of the law on asylum and temporary protection, a workshop on new software for the monitoring of accommodation conditions and services provided in reception centres, and courses in cooperation with UNICEF and IOM.

In addition to the funds allocated by Serbia in 2020 for the reintegration of returnees, EU support has been provided through IPA funding. Activities to raise awareness and

promote tolerance and multiculturalism were also organised in migrant-receiving communities.

In accordance with the regulation on establishing the programme of assisted voluntary return for foreigners for the period 2019 - 2021, the law on budget finances the provision of regular information and identification of potential returnees, with the support of IOM and IPA II. The number of assisted voluntary returns (67) was however limited in 2020 due to travel restrictions linked to the COVID-19 pandemic.

As regards cooperation with Frontex, the 'status agreement' ratified in February 2021 provides the legal ground for return operations coordinated by Frontex, within which returns from one or more Member States to Serbia take place in accordance with the readmission agreement.

The 2020-2022 EASO roadmap for cooperation with Serbia was endorsed in October 2020 and EASO has started its implementation. The roadmap envisages training courses for police officers of the Asylum Office and the Commissariat for Refugees and Migration, as well as the development of an action plan that would serve for monitoring and evaluating the national asylum system. Joint projects have also been implemented to transfer asylum practice to the national asylum system. In this regard, various coordination mechanisms have been established at national level. For example, as part of an IPA regional project, asylum officers attended training courses for trainers organised by EASO on inclusion in the right to asylum and interview techniques, including as regards asylum seekers belonging to vulnerable categories.

Serbia has engaged in joint activities with Austria, the Czech Republic, France, Germany, Hungary, Lithuania, the Netherlands, Romania, Slovenia and Sweden. In the area of border management Austria provided assistance with both equipment and personnel to carry out border surveillance activities. The Czech Republic provides 'on site assistance' to Serbia, aimed at assisting asylum seekers in the asylum process in Serbia and supporting integration measures during the COVID-19 pandemic, specifically for non-accompanied minors.

France provided expertise to the Belgrade airport as regards the fight against irregular migration and the application of restrictive measures implemented in the context of the COVID-19 pandemic. Germany provided equipment for border surveillance and deployed a liaison officer to North Macedonia. Experience exchanges at management level also took place; however, the planned training measures could not take place due to the COVID-19 pandemic. Hungary deployed 100 police officers for activities addressing irregular migration. Romania carried out 97 missions and three joint investigations with Serbia in 2020 and engages in information exchanges with Serbia at both regional and local level.

Additionally, a Twinning Project to support the strengthening of migration and asylum management in Serbia is ongoing, in collaboration with Sweden, the Netherlands and Slovenia. The aim of the project is to strengthen Serbia's capacity to align and implement its asylum policy with international and EU standards. A twinning project also started in March 2020 to support Serbia's preparation to participate in the EUROSUR network and the EURODAC system. The project is being implemented by Sweden and Lithuania. Operational cooperation and exchange of information with neighbouring countries and EU Member States also takes place in the context of the Task Force Western Balkans.

Some planned activities had to be deferred or were of a lower volume compared to previous years, due to the COVID-19 pandemic.

Within the project “Support to the information management, communication and planning capacity in addressing the migration management challenges”, Serbia has developed a tool for the regular monitoring of accommodation and reception, as well as for the improvement of coordination mechanisms and management of reception facilities in accordance with the EASO guidance.

Additionally, in order to establish electronic data exchange via the Eurodac system, a twinning project was launched in March 2020, in the context of the second phase of harmonisation of national legislation with EU instruments in the field of asylum. It included activities related to the existing legislative national framework, a curriculum development plan to train officials working in the Eurodac system, as well as a proposal to amend the Law on Asylum and Temporary Protection.

## **5.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

The number of applications for international protection by Serbian nationals has been decreasing since 2014. Germany remained the Member State<sup>9</sup> with the highest number of applications lodged (45% of the total), followed by France (34%) and Belgium (5%).

As regards refusals of entry of Serbian nationals, Hungary was the most affected country, reporting half of the total cases in 2020, followed by Croatia (21%) and Slovenia (9%). The main reasons for refusing entry related to lack of appropriate documentation justifying the purpose and conditions of stay (33%); the maximum stay of 90-days in a 180-day period in Member States had already been reached (22%) or a risk to public policy, internal security or public health (18%), partly due to the COVID-19 pandemic.

As regards the number of Serbian nationals found to be irregularly staying, Hungary (49%) and Germany (27%) were the most affected countries in 2020, followed by Austria (8%).

In 2020, Germany (24%), Austria (19%) and France (18%) ordered most returns of Serbian nationals. The number of the effective returns decreased considerably (-38%) with Austria (34.5%), Germany (29%) and France (7%) who returned to third countries most of the Serbian nationals.

## **5.3. Additional information regarding actions taken in the areas of justice and security**

Serbia continued implementing the 2017-2022 strategy for the prevention and the fight against trafficking in human beings, especially women and children, and the protection of victims. The Centre for Protection of the victims of human trafficking works in reduced capacity. The shelter segment of the centre is not functional since August 2020, lacking the necessary licence. Currently, only a shelter managed by civil society organisations

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<sup>9</sup> See footnote 2.

provides support to women and girls. Although legally possible, compensation to victims is rarely granted. In addition, there is not an official set of indicators to identify victims.

In March 2021, the Constitutional Court passed a landmark decision in a case of trafficking of human beings submitted by Astra, a non-governmental organisation. The court found that Serbia had violated its obligation to protect victims of trafficking by providing measures of prevention, registration and assistance to such persons; and to conduct a proper investigation and ensuring respect of the right to fair trial.

A working arrangement between the Serbian Office for Combatting Drugs and the EMCDDA was signed in December 2020. The Serbian National Drug Observatory, located in the Ministry of Health, is fully staffed and operational. There is good cooperation with the European Network of Forensic Science Institutes (ENFSI). The accreditation of the National Forensics Centre (NCKF) was confirmed during the supervisory visit of the Accreditation Body of Serbia in September 2020. A rulebook on the work of the national contact point for the transmission and analysis of samples of psychoactive controlled substances was adopted in December 2020, but the national contact point is not yet established.

An application for keeping records and statistics on seized drugs, designed by the Ministry of Interior, is operational since January 2021. The software application allows daily updates on quantities of seized drugs, ensures internal e-communication with National Forensic Centre so that data registered besides quantity have info on quality of seized drugs as well. The application is accompanied by the procedure that unifies actions of all the services of the Ministry of Interior dealing with drugs. Security bags were introduced in January 2021 to prevent tempering with collected evidence. The bag can be resealed only by expert witnesses working on the seized sample. Currently samples are stored in one of the five containers with regulated conditions; the aim is to no longer have seized drugs kept at different police stations or location.

On 1 September 2020, the new law on prevention of corruption entered into force and is currently being implemented.

An analysis for IT and statistical gaps and needs in the area of judicial cooperation criminal matters, covering also judicial cooperation in civil matters, was finalised. No progress was made in the revision of a set of different laws on judicial cooperation, including the existing law on judicial cooperation in criminal matters with EU countries. Additionally, during the reporting period, Serbia continued to both receive and send requests for judicial cooperation, which increased in the second half of 2020 compared to the first half.

As regards the fight against terrorism, Serbia has submitted its second progress report on the implementation of the Joint action Plan on Counter Terrorism with the Western Balkans. Serbia adopted laws on critical infrastructure and on the amendment of the criminal code. Further progress is needed on the actions agreed under the bilateral Implementing Arrangements signed in 2019 for the implementation of the Joint Action Plan. More efforts are needed on preventing radicalisation leading to all forms of violent extremism and terrorism. Serbia is part of the Western Balkan Counter Terrorism initiative and exchanges information with Europol and Member States.

Cooperation with Eurojust continued on the basis of the cooperation agreement signed in December 2019. Based on the agreement, a Serbian liaison prosecutor took office on 10 March 2020. In 2020, there was a 65% increase in the number of cases with the involvement of Serbia in Eurojust (66 cases compared to 40 cases in 2019). Serbia participated in 10 coordination meetings and two coordination centers, and continued to be involved in three JITs that had been signed in previous years. These cases related primarily to organised crime, money laundering, swindling and fraud.

As regards cooperation with Europol, Serbia, the exchange of information in the number of SIENA messages has increased during the past three years. The Ministry of Interior of Serbia continuously exchanges information related to investigations at national, regional and international level with all Western Balkan partners. Serbia is currently engaged on 16 analysis projects covering online sexual exploitation of children, migrant smuggling, trafficking in human beings, cyber-crime, drugs, fighting extremism, FTFs, counterfeiting, illicit firearms trafficking, environmental crime, property crime and pre-empting terrorist abuse of online tools.

Serbia shared with Europol its list of FTFs, giving permission to share it with other Member States and updates are received regularly. On 6 October 2020, Serbia participated in a referral action day targeting online jihadist propaganda produced in and/or addressed to the Western Balkan region. Finally, there is a very good cooperation between Europol and Serbia in the field of tackling organised crime groups, firearms trafficking and organised property crime. Serbia is also contributing to the EU strategic reports including SOCTA.

As regards operational cooperation with Member States in the field of security, Austria provided support in the preparation of legislation for fingerprinting and DNA collection as well as training for the Serbian police in the field of alpine training. Bulgaria continued to exchange information on persons involved in drug trafficking, smuggling and illegal production of cigarettes, schemes for transfer and legalisation of funds deriving from criminal activity and money laundering. Bulgaria also participated in a joint police-customs operation coordinated by Europol to counter the illegal trafficking of weapons, drugs migrants and the use of forged documents. France provided a two-day training course on detection of false documents in December 2020.

Germany provided capacity building assistance to the Serbian police in the form of vehicles, language training courses, surveillance equipment, IT equipment, analysis software and other equipment. Hungary participated in two trilateral conferences with North Macedonia and Serbia involving the law enforcement agencies of the respective countries and with the support of the Organisation for Security and Cooperation in Europe (OSCE). The Netherlands cooperated with Serbia on the strengthening of law enforcement, and mutual legal assistance activities were conducted. The Netherlands also placed a bilateral liaison officer in Serbia. Romania participated in operational meetings and exchanged information with Serbia on a number of areas including trafficking in human beings, drug trafficking, cybercrime, smuggling, and terrorism.

As regards data protection, in May 2020 Serbia ratified the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

## **6. Activities and projects at regional level – Western Balkans**

### **6.1. Integrated Border Management, Migration and Asylum**

At the regional level, in the Western Balkans, EASO has continued to implement the second phase of the IPA financed Action ‘Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey’. Within this project, EASO contributes to improve identification, registration and referral of mixed migration flows, pre-screening and screening of nationalities, as well as enhancing asylum procedures, in particular for vulnerable groups. In 2020, EASO organised, for instance, a regional workshop on age assessment, three regional Train-the-Trainer sessions on inclusion, interviewing techniques and interviewing vulnerable persons, and facilitated the participation of some Western Balkans partners in an on-line workshop on remote personal interviewing.

In March 2020, an informal permanent round table (videoconferences on a bi-monthly basis) has been set up between the Border Police of Italy, Austria, Bosnia and Herzegovina, Croatia, Hungary, Montenegro, North Macedonia, Serbia and Slovenia. The initiative mainly aimed at fostering the exchange of information on measures to counter the COVID-19 pandemic (border restrictions in particular), but it has additionally served as an informal forum of discussion on the regional migratory situation and on the impact of secondary migration flows on the Balkan route for each of the participating countries.

Regular videoconferences, set following the leaders’ meeting of October 2015, also continued to take place. The videoconferences are chaired by the Commission and attended by relevant EU Agencies, concerned Member States, Western Balkan partners and international actors who share data, information and insight on a particular topic specified in advance by the Secretariat-General of the Commission. To provide context, the Agencies (Frontex, Europol, EASO) present updates with the current developments in their respective field of competence. This format fosters the exchange of information with the EU and at the regional level. It brings added value to all participants by contributing to better situational awareness and preparedness.

### **6.2. Public order and security**

All Western Balkans partners have ratified operational agreements with Europol and have access to SIENA and to the Counter-terrorism SIENA (except for Bosnia and Herzegovina). Albania, North Macedonia, Serbia and Montenegro have posted liaison officers at Europol in The Hague. These officers take part in operational meetings, coordinate operations, provide advice and maintain regular contact with their national experts concerning specific investigations. However, the success of their deployment at Europol depends on the support they receive from their own law enforcement authorities. In 2020 and 2021, there was also a substantial increase in the number of Operational Action Plan/ actions the Western Balkan countries participated in.

In September 2020, in the framework of EMPACT, joint action days for the Western Balkans were conducted. 35 countries, including Western Balkan partners, participated in four days of operational activities, with the support of Europol. In accordance with the EMPACT priorities, the aim of the implementation of the action was combatting cross border crime, with highlight on firearms and ammunition trafficking, drugs trafficking and irregular migration. More than 390 000 persons and 44 000 vehicles were checked during the four joint action days. Approximately 14 million searches were made in the Interpol database, which resulted in more than 5 000 matches.

The IPA project “Countering Serious Crime in the Western Balkans” started in October 2020. The overall objective of the action is to enhance the capacities of authorities in the Western Balkans to fight organised crime and terrorism including preventing and countering violent extremism by enhancing cooperation within the region and with the EU agencies.

The Western Balkan Counter Terrorism initiative provides a platform for neighbouring countries and EU Member States to exchange information, which is used by Europol in its terrorist threat assessments. Bosnia and Herzegovina is implementing the joint EU-Western Balkans action plan on counter-terrorism.

## **7. Georgia**

### **7.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission**

The EU supported the development and implementation of the law on exit control via Frontex, TAIEX programmes and the following EU-funded projects: PROMETHEUS (implemented by the Ministry of Internal Affairs of France), ENIGMMA-2 (implemented by the International Centre for Migration Policy Development ICMPD) and SBMMG project (implemented by IOM).

Amendments to the Criminal Code were also introduced, imposing criminal responsibility for facilitation of irregular stay of nationals of Georgia in the foreign country and for the provision of false information when requesting asylum in a foreign country.

Additionally, 38 Georgian Patrol Police officers were deployed from June 2019 to April 2020 at key EU Member States airports to assist EU Member States in preventing the entry of Georgian nationals who do not meet the entry criteria as stipulated in the Schengen acquis. However, the activity was suspended due to the COVID-19 pandemic.

As regards reception facilities, in 2020, Georgia took measures to improve the quality of health-care at the temporary accommodation centre for irregular migrants, including hiring additional physicians. Authorities provided assistance to the returned migrants and beneficiaries of international protection through non-governmental organisations. On 1 July 2020, the implementation of these programmes became the responsibility of a specialised agency under the Ministry of Interior.

Georgia continues to organise information campaigns regarding the rights and obligations of Georgian nationals travelling to the EU. Relevant websites providing

information on visa-free travel to the EU have been brought up to date in the light of recent legal amendments regarding entry and exit from the territory. By June 2020, the authorities had distributed 861 000 copies of leaflets on visa free travel rules in EU (the campaign started in spring 2016). Information is also available via the Schengen/EU Mobile Application.

In 2020, Georgia started negotiations for readmission agreements with Kyrgyzstan, Uzbekistan and the United Kingdom (following Brexit). The readmission agreement with Montenegro is ready for signature.

As regards document security, Georgia issues biometric documents since April 2010. As of 5 March 2021, the total number of active Georgian biometric passports and ID cards amounted respectively to 1 524 852 and 3 067 888. By 1 January 2021, the number of remaining valid non-biometric passports totalled 19 493. Georgia provides Interpol with information on annulled passports, travel documents of permanent residents in Georgia, service passports and travel documents of refugee or humanitarian status holders, including those lost, expired, changed, etc. Non-biometric passports will be fully phased out by 1 January 2025, when all non-biometric documents will expire.

As regards cooperation with Member States in the field of migration and border management, Georgia cooperates with Austria, Belgium, the Czech Republic and France. Austria carried out dialogues with Georgia including on entry requirements, irregular medical migration, preparation of Frontex charter returns, clarifications regarding validity/authenticity of documents. Belgium, in February 2020, carried out training courses and organised information meetings on migration and prevention activities in Georgia. In September, IOM finalised a concept note on a Belgian-Georgian Skills Mobility Partnership. The Belgian Immigration Office is willing to co-finance the project. Additionally, a Georgian Police Liaison is accredited in Belgium and the Belgian Police Liaison Officer in Istanbul is also responsible for Georgia.

The Czech Republic reported development aid to Georgia in the healthcare sector, which is mentioned as one of the reasons to leave the country by asylum seekers. France continues to cooperate with Georgia in order to reduce the number of unfounded applications for international protection by nationals of this country. A French immigration officer is attached to Georgia State Security to help control the departures to France. French experts are also deployed in Georgia to train border control and immigration staff. Also, three Georgian immigration officers are deployed in France to assist in immigration controls. Germany provided training to Georgian border guards.

Frontex and Member States report in general good cooperation on returns and readmission. For example, Austria reported that, even during COVID-19 crisis, charters were organised regularly, under adequate sanitary conditions. Several Member States welcomed the good cooperation with Georgia as regards the use of return flights. In 2020, Frontex did not receive any requests of support from Member States in the identification and acquisition of travel documents for Georgian nationals affected by a return decision. According to Frontex, this indicates a satisfactory implementation of the EU readmission Agreement in place.

## **7.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

After four years of increase, the number of applications for international protection decreased by 60% in 2020. France was the most affected EU Member State recording 29% of the applications for international protection lodged by Georgian nationals, closely followed by Germany (28%) and Greece (10%).

The decrease in refusals of entry of Georgian nationals is a likely result of travel restrictions, resulting from COVID-19 pandemic. In 2020, Poland (20%), Germany (13%) and Bulgaria (12%) reported most of the cases. The refusals were largely issued on the basis of lack of proper documents that justified the purpose and conditions of stay (31%), to the traveller being a person for whom an alert had been issued in the SIS or in the national register for the purposes of refusing entry (26%) or to travellers posing a risk to public policy, internal security or public health (23%).

As regards irregular stayers from this country, despite the decrease in relation to 2019 figures, 2020 marked the second year on record with the highest number of detections of irregular stayers in the Schengen Area. Germany reported 37% of the irregular stays of Georgian nationals, followed by France (19%) and Greece (11%).

The number of return decisions in 2020 was the second highest ever reported by EU Member States<sup>10</sup>, indicating an overall upward trend for this indicator. In 2020, France (38%), Germany (15%) and Greece (10%) had the highest share of decision orders at EU level.

Despite the decrease in effective returns (-33%) brought about partly by the effects of the COVID-19 pandemic, an assessment of the evaluation of effective returns of Georgian nationals over a longer timeframe suggests that the trend may continue to rise over the next few years. As regards effective returns, in 2020, Germany reported most of the returns of Georgian nationals (25%), followed by France (18%) and Greece (12.5%).

## **7.3. Additional information regarding actions taken in the areas of justice and security**

As regards the fight against organised crime, on 19 December 2020, the Parliament of Georgia adopted a legislative package amending the law on operative-search activities and related legislation. The amendment provides the law enforcement agencies with the authority to replace (partially or entirely) possible evidence with pre-marked and/or fake (simulated) item, document, substance or object during the process of controlled delivery. Additionally, the definition of controlled delivery was based on the definition in the UN Convention on Transnational Organised Crime. Per the amendment, the law enforcement agencies will be able to carry out purchase or simulation of services during controlled delivery. In addition, the law enforcement agencies will be able to simulate purchase of human beings, or any unlawful transactions in relation to them.

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<sup>10</sup> See footnote 2.

On 1 January 2020, an integrated Public Safety Command Center “112” became operational, as a result of the merging of separate command and communication centers. The new center coordinates crime prevention, emergency response and road safety.

With the support of the EU Technical Assistance Project - Promoting the Fight against Organised Crime, the Academy of Georgia’s Ministry of Interior received accreditation by the international standardization organization (ISO). Training modules and curricula were upgraded and modernised with the support of the programme EU Action against Drugs and Organised Crime. Community-oriented policing was supported by the EU-funded programme Technical Assistance to Support the Fight against Organised Crime.

By 2020, Georgia had deployed police attachés in 16 partner countries (including 11 EU Member States) covering 24 countries (including 19 EU and Schengen Associated States): Austria (also covering Hungary), Armenia, Azerbaijan, Belarus, Belgium (liaison officer to NATO, also covering Luxemburg), Czech Republic, France, Greece, Germany, Italy, Netherlands (liaison officer to Europol), Poland (also covering Estonia, Latvia and Lithuania), Spain, Sweden (also covering Denmark, Norway and Finland), Turkey (currently vacant) and Ukraine. Police attachés/liaison officers are deployed in Georgia from Austria, Azerbaijan, France, Germany, Greece, Italy, Spain, Turkey and the US.

Georgia has concluded international agreements or memoranda of understanding on cooperation in the field of combatting crime and police cooperation with the following countries: Armenia, Austria, Azerbaijan, Belarus, Bulgaria, China, Czech Republic, Egypt, Estonia, Fiji, France, Germany, Greece, Hungary, Israel, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Moldova, Poland, Qatar, Romania, Slovakia, Spain, Sweden, Turkey, Ukraine, UK, USA and Uzbekistan.

As regards the fight against corruption, the State Security Service of Georgia received in 2020 the support of the EU and the Council of Europe for a project on “Enhancing the systems of prevention and combatting corruption, money laundering and terrorist financing in Georgia”.

Upon the adoption of the law on facilitating the suppression of money laundering and terrorism financing in October 2019, the Interagency Commission on the Implementation of the United Nations Security Council resolutions has become the main contact point for United Nations structures when undertaking measures for the purpose of prevention, detection and suppression of the financing of terrorism.

As regards the verification of asset declarations, since 2017, when the monitoring system was first established, the share of public officials fined for the existence of a violation in asset and interest declaration almost halved in 2019 and there was a slight increase in 2020. As regards asset recovery, in 2020, the Prosecution Service of Georgia received two requests from the EU asset recovery office and sent nine.

Georgia also cooperates regularly with EMCDDA to limit the domestic demand for drugs. In May 2021 the EU funded SAFE programme should be launched to support the local authorities to further improve national responses to health and security risks posed by drugs. In May 2020 Georgia became member of the Pompidou Group, the Council of Europe’s drug policy cooperation platform. Its membership will further enhance the already existing cooperation with the Pompidou Group. As regards cooperation with

Member States in the field of security, Georgia has engaged in activities with Finland, France, Germany Greece, Spain and Sweden.

As regards the fight against terrorism, the State Security Service (SSSG) is the lead agency. The other Georgian state entities including the Ministry of Internal Affairs, the Ministry of Justice, the General Prosecutor's Office, the Ministry of Defence) are also engaged, within their scope of competences, in the fight against terrorism. The SSSG coordinates the fight against terrorism through its Counterterrorism Centre. Georgia is a party to the 14 UN anti-terrorism conventions. Relevant databases of Interpol are integrated into the national databases. Georgia continues its cooperation with Europol and Europol's secure communication channel SIENA is regularly used by Georgia law enforcement agencies.

As regards cooperation with Eurojust, in 2020, Georgia was involved in 32 cases at Eurojust (out of which 16 new), 30 as requested country (14 new) and two new cases as requesting country. Georgia also participated in two coordination meetings organised at Eurojust. These cases related mainly to organised crime, money laundering, migrant smuggling and cybercrime.

Finland has increased police cooperation with Georgia over the years – for example, training police in the country. Georgian police liaison officer located Sweden is also accredited to Finland. Operational cooperation takes place regularly including information exchange. Cooperation has been more concrete and intense lately concerning mobile organised crime. A Twinning project “Supporting the Accession of Georgia to the Conventions on Transit Area and Launching of the New Computerised Transit System (NCTS)” was executed in the years 2018-2020. The project was led by the Finnish Customs authorities.

Germany reported training courses offered to Georgian Police and Sweden signalled good cooperation with Georgia on the fight against organised crime. Additionally, in cooperation with Member States' law enforcement authorities, four joint operations were conducted in 2020 in Greece (two operations), Spain and France, resulting into the arrest of 11 Georgian nationals, members of various organised crime groups.

As regards the implementation of the legislation on the protection of personal data, in 2020, the State Inspector Service launched an investigation into 270 cases in which five persons were charged. A 24-hour hotline has been introduced through which the Service receives notifications.

In 2020, at the initiative of the Office of the State Minister of Georgia for Reconciliation and Civic Equality a training course aimed at raising awareness on disinformation and anti-western propaganda was offered to young people from the regions populated by ethnic minorities.

As regards measures taken to counter discrimination, a new strategy and action plan for civic equality and integration is expected to be adopted by mid-2021, including measures on the inclusion of ethnic minority representatives, special support to youth and women and promotion of intercultural relations. Georgia reports that ethnic minorities fully participated in the 2020 parliamentary elections and that the representation of ethnic minorities in local self-government is proportional to their percentage of the population.

For the purposes of raising awareness of ethnic minorities in Georgia on anti-discrimination law, the Training Centre of Justice has been conducting training since 2016.

In the process of issuing ID cards and passports, the Public Service Development Agency under the Ministry of Justice continued assisting socially vulnerable persons, including veterans, stateless persons, internally displaced persons and minors. An effort was made to facilitate the procedure for persons with vision and hearing impairments.

## **8. Republic of Moldova**

### **8.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission**

As regards integrated border management, Moldova's 2021-2023 action plan has been developed and relevant Moldovan agencies with competencies and responsibilities in border control and security have been consulted. In December 2020, the Government drafted the related decision, although its adoption has been delayed. The system for coordination of border security, based on the national operational centre and regional and local centres of the Border Police, which provides a situational picture at national and local levels, continued to ensure compatibility with the European border surveillance system.

The National Council for Integrated State Border Management conducted the annual assessment of the implementation of the integrated border management strategy and its action plan. The border police concluded that 80% of actions within its competences were fulfilled.

Border police officers in border crossing points have permanent access to Digital Handbooks, containing updated information on genuine and false passports and ID documents; open sources and the Advanced Document Examination System (video spectral comparator including infrared and ultraviolet light, filters, white overhead light, transmitted light). USB microscopes or more advanced examination devices are also accessible at most border crossing points.

In cooperation with Ukrainian border agencies, Moldovan border agencies prepare quarterly and annually the Common Border Security Assessment Report (CBSAR) with the support of the EU Border Assistance Mission to Moldova and Ukraine (EUBAM). The report includes analytical and statistical data on the control and security of the common border between Moldova and Ukraine.

Border controls have been strengthened along the Moldovan-Ukrainian border with joint patrolling (partially covering the Transnistrian segment of the border), including 1 088 joint operations in 2019. As of 5 June 2019, the joint patrolling at the Moldovan-Romanian border is carried out under the bilateral Protocol on the establishment and activities of joint patrol teams at the common state border, signed in November 2018. By March 2021, 307 joint operations had been carried out. In accordance with the anticorruption plan in the field of public order for 2018-20, Border Police has an anticorruption education programme and carries out regular training.

In 2020, Moldovan border agencies signed a new cooperation plan between the agencies' Mobile Teams, developed with the support of EUBAM. The document implements, with a novelty aspect, the intelligence-led mechanism of planning the inter-agency mobile units' operational activities at central and regional level. The cooperation plan was signed in January 2020.

In the area of migration management, risk analysis and threat assessment products are developed and updated periodically at central and regional level and are disseminated also at local level. These tools are developed both by each law enforcement agency individually and jointly within the joint risk analysis working group framework. Border police officers are regularly updated on the main risks at the crossing points and the green border. Updates are delivered mainly before the shift, but also during training activities. In addition, the Moldovan border police uses the PASAGER ('Passenger') registration system, modelled after the applications used by Austria, Hungary and Romania. The purpose of the system is to collect data on persons to be stopped at the border for arrest warrants, interrogation, risk for security, etc. The information is collected on a permanent basis and the database is updated every 24 hours by regional and local risk analysis officers.

In the framework of the 2018 Joint Assistance Exercise DEMETRA<sup>11</sup>, observations were made regarding the two additional facilities for asylum seekers at the Chisinau International Airport. Despite some recommended improvement, it was considered that the two facilities were sufficient, taking into account the quantity of asylum seekers and the fact that the task of the border police regarding applications for international protection, is limited to the preparation of essential documents of applications for international protection, immediately handing them over to the Bureau for Migration and Asylum.

The National joint risk analysis group, as well as regional joint risk analysis groups on fight against cross border crime, trafficking in human beings and irregular migration continued to function. All border surveillance systems (15 stationary systems of surveillance and nine mobile surveillance and detection systems equipped with thermal vision) continued to function. Border Police continued to use 30 sensors for detection and alert. TETRA communication system of the Border Police covered via radio 80% of the territory of Moldova. In 2020, Border Police carried out 110 joint patrols with Romania and 354 joint patrols with Ukraine, including 53 at the Transnistrian segment of the Moldovan – Ukrainian state border.

In 2020 the Bureau for Migration and Asylum of the Ministry of Internal Affairs identified 2 014 cases of violation of the rules of stay and employment by foreigners (1670 cases of irregular stay, 344 cases of undeclared employment). 337 decisions on withdrawal of the right to stay in Moldova were issued by the Bureau for Migration and Asylum of the Ministry of Internal Affairs.

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<sup>11</sup> The Joint Assistance Exercise DEMETRA was conducted in 2018 by EUBAM with the General Inspectorate of Border Police and the Moldovan Customs Services, with the aim of assessing the compliance with EU standards of aspects of border control at selected border crossing points.

Currently only Denmark, France and Czech Republic (excluding Transnistria) recognise Moldova as a safe country of origin. Moldovan authorities continued bilateral dialogue with main countries where Moldova nationals apply for asylum, namely Germany (since 2017) and the Netherlands (since 2019). Moldova expressed willingness to proceed in a similar way with France.

To tackle issues related to migration, readmission and risks connected to the visa free regime with the EU, the Ministry of Interior created a working group, consisting of representatives of the Border Police, Police and Bureau of Migration and Asylum. The main purpose of this group is to analyse migration data of Moldovan nationals belonging to vulnerable groups, including exchange of entry/exit records, means of transport, results of criminal investigations readmission data. Five meetings of the working group were held during 2020.

As regards document security, issuance of biometric passports continued to be subject to the provisions of the 9 November 1994 law on identity documents and 2011 on personal data protection. Biometric passports continued to be issued in 2020 according to the principle "one person – one document" (meaning that children cannot be included in their parents passports). The phasing out of non-ICAO compliant passports was completed. Moldova reported continuous efforts to improve its capability to detect false 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.

As regards cooperation with Member States, Austria carried out discussions on numerous border and migration issues with Moldovan Border Police, Police and Carabinieri. Moldova participated also in a Virtual Human Trafficking Conference (14-15.10.2020) organised by Austria. Austria signalled very good cooperation in the area of return travel certificates, low case numbers and compliance with deadlines. Good cooperation also in extradition is reported. Moldova is one of priority countries of the Austrian Development Cooperation Framework Strategy (with Armenia and Georgia).

Estonia, Finland and France also report good cooperation with the Moldovan Border Guard. Finland sent two experts, based in Chisinau, to EUBAM. Poland signalled training offered to Moldovan border guard. Romania has a particularly developed cooperation with Moldovan immigration and border protection services; common border patrols were frequent, but had to be interrupted in March 2020 because of COVID-19 pandemics. They are expected to resume as soon as sanitary situation allows.

## **8.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

As regards applications for international protection, Germany (46% of the total) and France (44%) received the majority of the applications in 2020, followed by Belgium (3.5%). In case of France, there was a slight (4%) year-on-year increase.

As regards the number of Moldovan nationals being refused entry, Romania was the most affected country accounting for 57% of all refusals of entry, followed by Hungary (27.5%) and Poland (7%). 57% of refusal were due to the lack of appropriate documentation to justify the purpose and conditions of stay. 14% were motivated by a

risk to public policy, internal security, public health or the relations of one or more Member States and 12% were related to alerts issued in the SIS or in the national register.

As regards the number of nationals of Moldova found to be irregularly staying in the EU Member States in 2020, Hungary was the most affected country, accounting for 60% of the total, followed by Germany (18%) and France (5%).

In 2020, France reported most of the return decisions of Moldovan nationals (27% of the total), followed by Germany (23%) and Czechia (18%). The decrease in effective returns (-44%), contrasting with the trend observed in past years, was very likely the consequence of COVID-19 pandemics. Germany carried out 41% of effective returns, followed by France (11.5%) and Netherlands (11%).

### **8.3. Additional information regarding actions taken in the areas of justice and security**

The 2021 report of the UN Interregional Crime and Justice Research on illicit financial flows and asset recovery recommended to Moldova to bolster transparent mechanisms for the seizure, confiscation, management and distribution of illicitly obtained assets. The Criminal Assets Recovery Agency and other law enforcement bodies implement the asset recovery strategy to recover funds fraudulently obtained from three banks and state budget between 2010 and 2015.

The National Integrity and Anti-Corruption strategy 2017-2020 was extended for two years to ensure continuity and sustainability of activities initiated and not fully implemented due to COVID-19. The proposed amendment is pending approval of the Parliament. In May 2020, Moldova joined the peer review programme of the OECD anti-corruption network for Eastern Europe and Central Asia (ACN) – the Istanbul Anti-corruption action plan (IAP).

The draft law on the new Customs Code approved by the cabinet of ministers on 8 July aims at merging into a single normative act three laws: the current customs code, the law on the customs tariff and the law on the way of importing and exporting of goods from Moldova's territory by private people.

Moldova ran an investor citizenship scheme between 2018 and 2020. The scheme was abolished on 1 September 2020. Applications submitted until that date continue to be examined according to the same rules applicable before termination of the scheme, including due diligence checks. 38 applications were submitted for 98 people and 20 applications concerning 52 people were successful.

As regards cooperation in the fight against crime, Moldova reports that 4 875 documents were exchanged in 2020 between Moldovan and Member States law enforcement authorities through SIENA in the area of drug trafficking, trafficking in human beings, irregular migration, illicit trade in tobacco (excise fraud), payment card fraud and money laundering, cybercrime, property crime, counterfeit currency and forgery of official documents.

In 2020, Moldova participated in the operational action plans (OAPs) and joint action days of EMPACT (the European Multidisciplinary Platform Against Criminal Threats). Moldova also continued to benefit from the EU-funded 'Fighting organised crime in the Eastern Partnership region 2020-2024' project, implemented by Europol, and from the bilateral police sector reform contract (including a budget support component).

Judicial cooperation in criminal matters continued through the implementation of the 2014 Eurojust-Moldova's cooperation agreement. In 2020, Moldova was involved in 21 cases at Eurojust. Moldova also participated in six coordination meetings and eight JITs (three of which were newly signed, while five continued from previous years).

On 28 May 2020, under the auspices of Eurojust, a JIT agreement was concluded between Moldova, French and Romanian law enforcement agencies on a trafficking in human beings case. The joint operation took place simultaneously in France, Romania and Moldova on 25 February 2021.

By March 2021 a JIT agreement with French authorities was in the process of being signed for another criminal case regarding trafficking in human beings for sexual exploitation. In March 2020, under the auspices of Europol and Eurojust, the Regional Operation "NOMAD 2020" was carried out with the objective of combatting smuggling of people and irregular migration, in connection with other criminal activities, including terrorism.

Moldova exchanged data and information with the Czech authorities, in the framework of a criminal case filed in March 2020, on the organisation of irregular migration of Moldovan nationals holding two or more biometric passports. The special investigative measures and criminal investigation actions resulted in the authorisation and conduction of several searches in houses, vehicles and premises of international passenger and freight transport companies.

The Moldovan police exchanged information with the French Central Office for the Fight against Itinerant Delinquency regarding a criminal organisation specialised in the extortion of money and providing passenger transportation services from Moldova to France. Moldovan specialised police services also provided support to Romanian authorities, with a simultaneous search conducted in both countries.

Austria supported the deployment of the first Carabinieri Mission of Moldova abroad, under the auspices of the United Nations, as a closed unit of military policemen. It participated in the mid-term evaluation of EU Budget Support Programme Police Reform for Moldova and provided material help for Moldova civil protection, destined to fight the COVID-19 outbreak. Germany provided material assistance and training to Moldova law enforcement authorities. Italy provided training to Moldovan police. The Netherlands and Poland also signalled cooperation with Moldovan police. Romania regularly cooperates with Moldovan police and in 2020 delivered assistance to Moldovan law enforcement agencies (training and IT equipment).

A National Human Rights Action Plan 2018-2022 is in place and its implementation is monitored by the National Human Rights Council, which commenced its operation in September 2020. Its objectives include freedom of expression, access to information, protection against discrimination, prevention and combatting of violence against women, elimination of discrimination against women, removal of obstacles to access to quality education for all children. Moldova actively engages with the international human rights monitoring mechanisms and is up to date in its reporting to them. Moldova has adopted and ratified the main United Nations and Council of Europe instruments on the fight against discrimination.

The 2016-2020 action plan to support the vulnerable minority populations is being implemented, with local action plans in Chişinău and Bălţi. The 2020-2022 budget allocations for 54 mediator positions could enlarge the current network of 39 community

mediators that operate to facilitate communication between those in vulnerable minority communities and public authorities. However, the administrative and financial capacities of the National Council for the Prevention of Discrimination and Ensuring Equality remained limited. Latvia reported cooperation with Moldova in the field of support to vulnerable minorities and sustainable development of local communities.

The Bureau for Migration and Asylum of the Ministry of Internal Affairs is the single point of contact for foreigners and stateless persons, including on labour migration issues. Registration and de-registration of foreigners continued to be managed by means of the Automated information system "Public registry of population". Vulnerable persons (i.a. orphaned/abandoned minors, people with disabilities, victims of human trafficking, ) receive identity documents free of charge.

## **9. Ukraine**

### **9.1. Additional information regarding the actions taken in the area of migration, asylum and cooperation on readmission**

As regards integrated border management (IBM), a new strategy entered into force in September 2019 and will be implemented until 2025. The 2020-2022 action plan was approved in November 2019 and entered into force in December 2019. For the coordination of the strategy implementation, an interagency working group was created under the chairmanship of the Vice Prime Minister of Ukraine.

Progress is reported as regards the following measures: the completion of the inspection of the railway border crossing points, the preparation of regulatory acts for the Common Transit Regime and for Authorised Operator status; the organisational restructuring of the State Border Guard Service (SBGS), the strengthening of technical surveillance systems; the organisation of joint training courses with the National Police and joint activities with the participation of different IBM actors; the adoption of instructions for the organisation of mutual exchange of information on the air situation between the Armed Forces of Ukraine, the SBGS and the National Guard; and the strengthening of the risk management system at customs.

The action plan on the implementation of the 2018-2021 migration strategy for the period 2018-2021 continued to be carried out. Work was underway to prepare an updated plan for 2022-2025. In 2020, Ukraine signed an updated partnership agreement with the network of Frontex Partnership Academies. A Common Core Curriculum Program is being implemented for basic training of border guards in EU countries.

The State Migration Service (SMS) collects information on migration and publishes the "Migration Profile of Ukraine" on its official website. In January 2020, the SMS established the Unit of Statistical Work and Monitoring of Migration Processes. The human resources management of the SMS continued to be improved, in particular the training programme with the establishment of a fully staffed Training Unit. On 16 June 2020, the Parliament adopted the legislation on recognition and protection of stateless people.

Implementation protocols to the EU readmission agreement are operational with Austria, Czech Republic, Estonia, Poland and Lithuania. Ukraine has readmission agreements in force with Belarus, Georgia, Iceland, Moldova, Norway, Russia, Vietnam, Turkey, Turkmenistan and Uzbekistan.

In 2020, Ukraine continued the implementation of the EU-funded project ‘Support for Migration and Asylum Management in Ukraine’, implemented by IOM, which includes the improvement of IT systems, modernisation of National System of Biometric Verification and Identification of Persons etc. The project was extended until March 2021.

As regards document security, drafts of new laws on passports and on fight against forgery of ID documents are being examined in the Parliament. Non-biometric passports, valid for 10 years, are not issued any more since 1 January 2015; they are progressively replaced with biometric passports as they expire. The electronic system “Invalid Documents” was created, containing information on invalidated documents.

Ukraine exchanges information with Interpol on stolen and lost documents. Territorial authorities and the State Migration Service (SMS) units provide information to the Interpol National Central Bureau (NCB) for Ukraine of the main police (NPU) Departments in the regions, Kyiv and the Ukrainian State Border Guard Service (SBGS). Electronic archives are being translated and digitised. Almost 50 million applications for passports issued in 1994 and more than 20 million applications for passports issued in 1974 have been translated and digitised into electronic format.

Austria conducted surveys concerning trafficking in human beings, migration governance, statistics and technology of border management. Austria signalled a good cooperation in return preparation and extradition. Voluntary returns are well accepted. Belgium reported that Ukraine participated in the pilot phase of the rollout of the automated readmission system (RCMS). Estonia and Finland signalled regular and good cooperation with the Ukrainian border guard. On 7 February 2020, a Memorandum of understanding between Ukraine and Finland on migration, asylum and citizenship was signed.

Poland reported that Ukrainian authorities were issuing simultaneously two or three biometric passports to some of their nationals, which in practice could result in the Ukrainian nationals concerned staying more than 90 days in a 180-day period. In other cases, Poland reported that Ukrainian authorities issued passports with ‘modified’ personal data (i.a. by changing the name or correcting the surname), allowing individuals who previously violated the law to enter the territory of the Member States. Poland provided expert support to Ukraine border guard in service dogs training, risk analysis, criminal analysis and detection of transport/trafficking of explosives across borders.

## **9.2. Additional information regarding the monitoring of trends in irregular migration, applications for international protection, returns and readmission**

As regards applications for international protection, the most affected Member States<sup>12</sup> were France (36% of the total), followed by Spain (19%) and Germany (11%).

Similarly to 2019, in 2020 more than half of all refusals of entry issued to nationals of the monitored countries were to Ukrainian nationals. Hungary (45% of the total) and Poland (40%) issued the majority of refusals, followed by Romania (7.5%). More than half of the refusals were issued on the basis of lack of appropriate documentation to justify the purpose and conditions of stay (57%) and 20% were motivated by a risk to public policy, internal security, external relations or public health, partly due to the COVID-19 pandemic.

In 2020, the number of irregular stays continues on an upward trend, notwithstanding the travel limitations in time of COVID-19 pandemics. As regards the number of Ukrainian nationals found to be irregularly staying in 2020, Hungary was the most affected Member State (54% of the total), followed by Poland (16%) and Germany (13%).

In 2020, Poland issued most of the return decisions to Ukrainian nationals (36%) in the EU, followed by Czechia (22%) and Germany (9%). The number of the effective returns marked the highest decrease in 2020, (-79%) with five countries reporting about half of all returns of Ukrainian nationals: Lithuania, Germany, Poland (11% each), Czechia (10%) and Estonia (9%). The overall fall in effective returns is largely associated with COVID-19.

## **9.3. Additional information regarding actions taken in the areas of justice and security**

In order to increase the capacities of the prosecution, on 16 October 2020, the Prosecutor General adopted a new development strategy for 2021-2023. The reform of prosecution, launched in 2019, continued. The Office of the Prosecutor General (GPO) became operational on 2 January 2020. Vacancies in GPO were filled by the end of 2020. Reorganised regional prosecutor's offices began functioning on 11 September 2020. The newly created Training Centre of Prosecutors also began to function in 2020.

The Interregional Territorial Department of the Police, created in 2019 with purpose of coordination of fight against organised crime, achieved in 2020 the operational deployment in all regions of the country.

Representatives of the Police participated in drafting the Serious and Organised Crime Threat Assessment Methodology in Ukraine based on Europol SOCTA Methodology. With the support of the European Union Advisory Mission (EUAM), the interagency working group has developed a strategy for the implementation of the SOCTA Methodology, the registration cards, as well as areas of criminal activity on the basis of indicators inherent in Ukraine.

Within the PRAVO Police project, the relevant IT information collection, processing and analysing system for domestic model "SOCTA-Ukraine" was introduced in Police HQs.

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<sup>12</sup> See footnote 2.

Ukraine reported that in 2020, Police (NPU) neutralised 353 organised criminal groups, including 19 considered as criminal organisations (22% more than in 2019), involving 1 401 people; 500 people were held in pre-trial detention. The State Security (SSU) neutralised further 12 organised criminal groups. Both agencies considered as a priority the organised crime groups linked to public administration and local government or with transnational connections. Organised crime groups were mostly involved in drug trade; trafficking in human beings, smuggling of firearms and cigarettes. International cooperation in fight against organised crime continued, including via joint investigation teams like the one created in January 2020 with Czech Republic.

Ukraine also reported that the High Anti-Corruption Court (HACC) issued more than 60 sentences, in some cases leading to lengthy prison sentences. In August 2020, the Head of Specialised Anti-Corruption Prosecutor's Office (SAPO) resigned and a process for the selection of his successor was launched by the GPO with the support of international partners, including the EU.

On 16 September 2020, the Government approved the draft law on anti-corruption policy for 2020-24, which by April 2021 was pending adoption by the Parliament. Numerous law enforcement agencies are involved in the fight against corruption: the Specialised Anti-Corruption Prosecutor's Office (SAPO), State Bureau of Investigation (SBI), Specialised Prosecutor's Office in the Military and Defence Spheres, State Customs Services (SCS) and the Asset Recovery and Management Agency (ARMA).

In August 2020, the President issued a decree on the National Coordinator in the sphere of combatting of trafficking in human beings. In October 2020, Ukraine opened access to the online educational quest on safe employment, mainly targeting unemployed persons, where users learn how to recognise risky offers that can lead to a situation of human trafficking.

As regards the fight against international terrorism, in 2020, the State Security continued actions against Ukraine-based activists and supporters of extremist organisations from Middle East, Central Asia and North Africa, including Islamic State, Al Qaeda, and Hezbollah.

Examples of cooperation with Eurojust and Europol in 2020 included the identification of bank accounts fraudulently opened in Member States, the dismantling of criminal groups smuggling drugs and/or cigarettes with connections in Member States, the fight against irregular use of sanitary waste and against the illicit trafficking of medical items during the COVID-19 pandemic (such as medical masks and medicines), their counterfeiting and other types of fraud associated with the pandemic, neutralisation of a criminal group involved in vehicles leasing fraud in Czech Republic, Poland and Netherlands and the localisation and dismantling of a large factory producing illegal cigarettes and other tobacco products in the Netherlands (operation 'SALO'); organisers and workers were nationals of Ukraine and Moldova.

Cooperation with Eurojust continued via the Ukraine representative at the EU agency. In 2020, Ukraine was involved in 192 cases at Eurojust (out of which 93 were newly opened) and 19 coordination meetings. These cases related mainly to swindling and fraud, money laundering and organised crime. With the assistance of the Liaison Prosecutor to Eurojust, the establishment of five new JITs and continuation of eight joint

investigation teams between the competent authorities of Ukraine and EU countries has been ensured.

The Czech Republic provided assistance in order to introduce new procedures and methods for conducting interrogations particularly with vulnerable victims, including equipment for training interrogation room. Estonia signalled close cooperation with Ukraine in the field of cyber security and investigation of cybercrimes and investment frauds. Latvia signalled training offered to specialists in audit and financial investigations. Netherlands had numerous training courses planned for Ukraine law enforcement agencies, but they all had to be postponed because of COVID-19 pandemics.

The inter-agency working group for personal data protection was set up on November 12, 2019 in the Parliament. The Group drafted the law on personal data protection, which aims at meeting the requirements of the Association Agreement.

In June 2020, the Parliament adopted a law providing for the creation of a procedure for recognition of stateless persons, which allows issuance of a temporary residence permit for legal stays and stateless person certificates for travel abroad. The State Migration Service continued working on the registration of internally displaced persons, in particular from the occupied territories of Donetsk and Lugansk region and Crimea, and the issuance of identity documents.

In 2020, Ukraine supported with UAH 3,042.6 million (EUR 92.2 million) in the support of internally displaced persons. An effort was made to guarantee the right to education in the context of COVID-19 pandemics. Children living in territories currently not controlled by the Ukrainian government can use online learning to receive Ukrainian certificates and diplomas. Students from the areas of Luhansk and Donetsk can study in Ukrainian universities free of charge through a State order within the quotas.

Ukraine developed a number of legal and practical mechanisms to provide school, vocational education (including higher education) and professional training for internally displaced persons or those living in non-government controlled (NGC) areas. They included the possibility to enrol in schools via online applications and developing distance learning.

As regards efforts against discrimination, Ukraine continued to implement the strategy on protection and integration of vulnerable communities, including campaigns of information and awareness raising, targeting the general public. Efforts continued to encourage enrolment of children from vulnerable minorities in schools, to carry out vaccinations against tuberculosis and to raise awareness about HIV infections. The State Migration Service also assists members of vulnerable communities legally residing in Ukraine in the process of obtaining identity documents and confirming citizenship. Efforts were made to support the education in regional or native languages.

Police procedures concerning hate crimes were reviewed in June 2019 by the order relating to additional measures to prevent and respond to illegal actions committed on the grounds of racial, national, religious hatred or discord or on the grounds of gender.